

STATE OF NEW YORK

740

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to requiring retail worker employers to develop and implement programs to prevent workplace violence; and to amend a chapter of the laws of 2024 amending the labor law relating to requiring retail worker employers to develop and implement programs to prevent workplace violence, as proposed in legislative bills numbers S. 8358-C and A. 8947-C, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 27-e of the labor law, as added by a chapter of the
2 laws of 2024 amending the labor law relating to requiring retail worker
3 employers to develop and implement programs to prevent workplace
4 violence, as proposed in legislative bills numbers S. 8358-C and A.
5 8947-C, is amended to read as follows:

6 § 27-e. Prevention of retail workplace violence. 1. Definitions. For
7 the purposes of this section:

8 a. "Employer" means any person, entity, business, corporation, part-
9 nership, limited liability company, or an association employing at least
10 ten retail employees. The term shall not include the state, any poli-
11 tical subdivision of the state, a public authority, or any other govern-
12 mental agency or instrumentality.

13 b. "Retail employee" means an employee working at a retail store for
14 an employer.

15 c. "Workplace" means any location away from an employee's domicile,
16 permanent or temporary, where an employee performs any work-related duty
17 in the course of their employment by an employer.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 d. "Retail store" means a store that sells consumer commodities at
2 retail and which is not primarily engaged in the sale of food for
3 consumption on the premises.

4 [~~e. "Panic button" means a physical button that when pressed imme-~~
5 ~~diately contacts the local 9-1-1 public safety answering point ("PSAP"),~~
6 ~~provides that PSAP with employee location information, and dispatches~~
7 ~~local law enforcement to the workplace. A panic button may be a button~~
8 ~~that is installed in an easily accessible location in the workplace, or~~
9 ~~a wearable or mobile phone-based button.]~~

10 2. Written workplace violence prevention policy. The department shall
11 create and publish a model retail workplace violence prevention guidance
12 document and retail workplace violence prevention policy that employers
13 may utilize in their adoption of a retail workplace violence prevention
14 policy required by this section. Such model retail workplace violence
15 prevention policy shall be publicly available and posted on the website
16 of the department.

17 a. Such model retail workplace violence prevention policy shall:

18 (i) outline a list of factors or situations in the workplace that
19 might place retail employees at risk of workplace violence, including
20 but not limited to:

21 (A) working late night or early morning hours;

22 (B) exchanging money with the public;

23 (C) working alone or in small numbers; and

24 (D) uncontrolled access to the workplace~~[-]~~;

25 (ii) outline methods that employers may use to prevent incidents of
26 workplace violence, including but not limited to establishing and imple-
27 menting reporting systems for incidents of workplace violence;

28 (iii) include information concerning the federal and state statutory
29 provisions concerning violence against retail workers and remedies
30 available to victims of violence in the workplace and a statement that
31 there may be applicable local laws; and

32 (iv) clearly state that retaliation against individuals who complain
33 of workplace violence or the presence of factors or situations in the
34 workplace that might place retail employees at risk of workplace
35 violence, or who testify or assist in any proceeding under the law is
36 unlawful.

37 b. Every employer shall adopt the model retail workplace violence
38 prevention policy promulgated pursuant to this subdivision, or establish
39 a workplace violence prevention policy that equals or exceeds the mini-
40 mum standards provided by such model retail workplace violence
41 prevention policy. Such retail workplace violence prevention policy
42 shall be provided to all employees in writing upon hire and annually
43 thereafter pursuant to paragraph a of subdivision four of this section.

44 3. Employee information and training. a. The department, in consulta-
45 tion with relevant groups as deemed necessary by the department, shall
46 produce a model workplace violence prevention training program. Every
47 employer shall utilize the model workplace violence prevention training
48 program pursuant to this subdivision or establish a workplace violence
49 prevention training program that equals or exceeds the minimum standards
50 provided by such model training program. The department's model training
51 program shall be interactive and shall include, but not be limited to:

52 (i) information on the requirements of this section;

53 (ii) examples of measures retail employees can use to protect them-
54 selves when faced with workplace violence from customers or other
55 coworkers;

56 (iii) de-escalation tactics;

1 (iv) active shooter drills;
2 (v) emergency procedures; and
3 (vi) instruction on the use of security alarms[~~, panic~~] or buttons,
4 and other related emergency devices.

5 b. The department shall include information in such model workplace
6 violence prevention training program addressing conduct by supervisors
7 and any additional responsibilities for such supervisors, including
8 ways to address workplace specific emergency procedures, and training on
9 areas of previous security problems.

10 c. As part of this training, every employer shall communicate to each
11 employee a site-specific list of emergency exits and meeting places in
12 case of emergency. Such workplace violence prevention training shall be
13 provided to all retail employees upon hire and on an annual basis ther-
14 eafter. Employers covered under this section employing fewer than fifty
15 retail employees shall provide such workplace violence prevention train-
16 ing upon hire and once every two years thereafter.

17 4. Notice of policy. a. Every employer shall provide their retail
18 employees, in writing in English and in the language identified by each
19 employee as the primary language of such employee, at the time of hiring
20 and at every annual workplace violence prevention training provided
21 pursuant to subdivision three of this section, a notice containing such
22 employer's retail workplace violence prevention policy and the informa-
23 tion presented at such employer's workplace violence prevention training
24 program.

25 b. The commissioner shall prepare templates of the model retail work-
26 place violence prevention policy created and published pursuant to
27 subdivision two of this section and the model workplace violence
28 prevention training program produced pursuant to subdivision three of
29 this section. The commissioner shall determine, in their discretion,
30 which languages to provide in addition to English, based on the [~~size of~~
31 ~~the New York state population that speaks each language and any other~~
32 ~~factor that the commissioner shall deem relevant. All such templates~~
33 ~~shall be made available to employers in such manner as determined by the~~
34 ~~commissioner] twelve most common non-English languages spoken by limit-
35 ed-English proficient individuals in the state, based on the data in the
36 most recent American Community Survey published by the United States
37 Census Bureau and published online by the New York state office of
38 language access.~~

39 c. When an employee identifies as their primary language a language
40 for which a template is not available from the commissioner, the employ-
41 er shall comply with this subdivision by providing that employee an
42 English-language notice.

43 d. An employer shall not be penalized for errors or omissions in the
44 non-English portions of any notice provided by the commissioner.

45 5. [~~Panic buttons~~] Retail worker requests for assistance. a. Every
46 employer of five hundred or more retail employees [~~nationwide~~] statewide
47 shall provide [~~access to panic buttons throughout the workplace or work-~~
48 ~~places, provided, however, if an employer chooses to utilize wearable or~~
49 ~~mobile phone-based panic buttons, such employer shall be required to~~
50 ~~provide such panic buttons to each of such employer's retail employees]
51 every retail employee with a silent response button to request immediate
52 assistance from a security officer, manager, or supervisor while the
53 employee is working at the employee's location in case of an emergency.
54 Such silent response button may be a device that is installed in an
55 easily accessible location in the workplace, or a wearable or mobile
56 phone-based button.~~

1 b. Mobile phone-based [~~panic~~] silent response buttons may only be
2 installed on employer-provided equipment, and wearable and mobile phone-
3 based [~~panic~~] silent response buttons shall not be used to track employ-
4 ee locations except when the [~~panic~~] silent response button is trig-
5 gered.

6 6. Rules and regulations. The commissioner [~~shall~~] may adopt rules and
7 regulations necessary to implement the provisions of this section.

8 7. Evaluation of policy. Beginning in the year two thousand twenty-
9 seven and every succeeding four years thereafter, the department shall
10 evaluate, using the criteria within this section, the impact of the
11 current model retail workplace violence prevention guidance document and
12 retail workplace violence prevention policy. Upon the completion of each
13 evaluation the department shall update the model retail workplace
14 violence prevention guidance document and retail workplace violence
15 prevention policy as needed.

16 § 2. Section 3 of a chapter of the laws of 2024 amending the labor law
17 relating to requiring retail worker employers to develop and implement
18 programs to prevent workplace violence, as proposed in legislative bills
19 numbers S. 8358-C and A. 8947-C, is amended to read as follows:

20 § 3. This act shall take effect on the [~~one hundred eightieth~~] two
21 hundred seventieth day after it shall have become a law; provided that
22 subdivision 5 of section 27-e of the labor law, as added by section two
23 this act, shall take effect January 1, 2027. Effective immediately, the
24 addition, amendment and/or repeal of any rule or regulation necessary
25 for the implementation of this act on its effective date are authorized
26 to be made and completed on or before such effective date.

27 § 3. This act shall take effect immediately; provided, however, that
28 section one of this act shall take effect on the same date and in the
29 same manner as a chapter of the laws of 2024 amending the labor law
30 relating to requiring retail worker employers to develop and implement
31 programs to prevent workplace violence, as proposed in legislative bills
32 numbers S. 8358-C and A. 8947-C, takes effect.