STATE OF NEW YORK

7658

2025-2026 Regular Sessions

IN SENATE

April 25, 2025

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

AN ACT to amend the labor law, in relation to requiring employers to develop and implement effective programs to prevent workplace violence

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

Section 1. Section 27-b of the labor law, as added by chapter 82 of the laws of 2006, and paragraph a of subdivision 2 as amended by chapter 351 of the laws of 2023, is amended to read as follows:

§ 27-b. Duty of public employers to develop and implement programs to prevent workplace violence. 1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees.

2. Definitions. For the purposes of this section:

a. "Employer" means: (1) the state; (2) a political subdivision of the state; (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof; and (4) an authorized agency as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law that accepts children adjudicated delinquent under article three of the family court act.

b. "Employee" means a public employee working for an employer.

c. "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of [~~his or her~~] **such employee's** employment by an employer.

d. "Supervisor" means any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.

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

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e. "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

3. Risk evaluation and determination. Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

a. working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers);

b. working late night or early morning hours;

c. exchanging money with the public;

d. working alone or in small numbers;

e. uncontrolled access to the workplace; [~~and~~]

f. areas of previous security problems**;**

g. guarding or maintaining property or possessions (e.g., maintenance operations, security personnel);

h. abusive conduct or bullying in the workplace;

i. working with dangerous individuals;

j. working in private homes; and

k. working in high crime areas.

4. Written workplace violence prevention program. Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

a. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;

b. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:

(1) making high-risk areas more visible to more people;

(2) installing good external lighting;

(3) using drop safes or other methods to minimize cash on hand;

(4) posting signs stating that limited cash is on hand;

(5) providing training in conflict resolution and nonviolent self-defense responses; [~~and~~]

(6) establishing and implementing reporting systems for incidents of aggressive behavior**, bullying, abusive conduct, occupational safety, and health matters;**

(7) increasing the number of staff on duty;

(8) providing body scanners;

(9) providing bullet-proof barriers or enclosures and metal detectors; and

(10) providing personal alarm and general alarm systems with location tracking abilities.

5. Employee information and training. a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention program available, upon request, to its employees, their designated representatives and the department.

b. Every employer shall provide its employees with the following information and training on **preventing and reporting workplace bullying and abusive conduct and** the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

(1) employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section; [~~and~~]

(2) employee training shall include at least: (a) the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices, [~~and~~] (b) the details of the written workplace violence prevention program developed by the employer**, (c) how employees' concerns will be investigated and reported back to the employee as part of the employers' responsibility, (d) how employees can obtain help from staff assigned to respond to workplace emergencies, (e) provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of retaliation, and (f) how to identify and report incidents of workplace bullying and abusive conduct; and**

(3) employers shall train all employees when the training program is first established, all new employees, and train employees whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard, and whenever the employer receives a notification of a new or previously unrecognized hazard.

6. [~~**Application.**~~] **Incident log. The employer shall record information in a violent incident log for every workplace violence incident. Such incident log shall include but not be limited to:**

a. the date, time, and location of the incident;

b. a detailed description of the incident;

c. a classification of who committed the violence;

d. consequences of the incident; and

e. information of the person completing the log, including such person's name, title, and the date completed.

7. Record keeping. Records of each incident log shall be maintained for a minimum of five years following the end of the calendar year.

8. Employee rights for records. All records required shall be made available to employees and their representatives, as well as upon request and without cost, for examination and copying within seven calendar days of a request.

9. Employer record keeping requirements. Nothing contained herein relieves an employer of the recordkeeping requirements pursuant to section 801 of title twelve of the New York codes, rules and regulations, as amended from time to time.

10. Inspections. a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists [~~**or**~~]**,** that an imminent danger exists**, or a violation of a safety or health standard exists** shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. **The employer shall reply to an employee's report of workplace violence within three weeks of the report.** This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

b. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation

of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.

c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety **and health** in the workplace.

d. The authority of the commissioner to inspect a premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises [~~in which he or she~~] **if such commissioner** has reason to believe that a serious violation of this section exists. **No employee who accompanies the commissioner on an inspection shall suffer any reduction in wages.**

e. No employer shall take retaliatory action against any employee because the employee does any of the following:

(1) makes an application pursuant to paragraph a of this subdivision;

(2) requests an inspection as authorized in paragraph b of this subdivision;

(3) accompanies the commissioner as authorized in paragraph c of this subdivision;

(4) participates in any required program area;

f. The commissioner may, upon [~~his or her~~] **such commissioner's** own initiative, conduct an inspection of any premises occupied by an employer if [~~he or she~~] **such commissioner** has reason to believe that a violation of this section has occurred or if [~~he or she~~] **such commissioner** has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within [~~one hundred twenty~~] **ninety days** days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.

g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.

h. When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting [~~himself or herself~~] **such employee** to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

11. Enforcement procedures. a. If the commissioner determines that an employer has violated a provision of this section, or a safety or health standard or regulation promulgated pursuant to this section, such commissioner shall with reasonable promptness issue to the employer an order to comply which shall describe particularly the nature of the violation including a reference to the provision of this section, stand-

ard, regulation or order alleged to have been violated, shall fix a reasonable time for compliance and may establish the penalty to be assessed for failure to correct the violation by the time fixed for compliance. An employer who fails to correct a non-serious violation by the time fixed for compliance may be assessed a civil penalty of up to fifty dollars per day until the violation is corrected. An employer who fails to correct a serious violation by the time fixed for compliance may be assessed a civil penalty of up to two hundred dollars per day until the violation is corrected. The commissioner shall not assess a penalty against an employer for failure to correct a violation of a standard which is the subject of an application for a temporary order granting a variance or a violation which is the subject of a petition to modify an order to comply, provided however, that upon issuance by the commissioner of a determination denying such variance or petition to modify , or upon expiration of a temporary variance or modified compliance period, the time fixed for compliance shall recommence and the employer become liable for the penalties provided in this subdivision. For the purposes of this subdivision, the terms "serious violation" shall have the same meaning as such term is defined in subsection (k) of section 666 of title 29 of the United States Code and "non-serious violation" shall mean any violation that does not fall under the definition of a serious violation.

b. Where the commissioner issues to an employer an order to comply, the employer shall post such order or a copy thereof in a conspicuous place at or near each place of violation cited in the order, where it is clearly visible to affected employees. The commissioner shall make such order available to employee representatives.

c. Any employer, or other party affected by a determination of the commissioner issued pursuant to this section may petition the industrial board of appeals for review of such determination in accordance with section one hundred one of this chapter. Judicial review of the decision of the industrial board of appeals may be obtained by any party affected by such decision by commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules within sixty days after such decision is issued.

d. If the time for compliance with an order of the commissioner issued pursuant to this section has elapsed, and the employer has not complied with the provisions of the order, the commissioner shall seek judicial enforcement of such order. Where an employer has complied with an order in all respects other than the payment of a penalty imposed pursuant to this subdivision, the commissioner may file with the county clerk of the county where the employer has its place of business the order of the commissioner continuing the amount of civil penalty found to be due. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order or decision may be enforced by and in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

12. Injunction proceedings. a. The supreme court of the state shall have jurisdiction, upon petition of the commissioner, pursuant to the civil practice law and rules to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the abatement procedures otherwise provided for by this section. Such proceeding shall be brought in the county in which the violation is

alleged to exist. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. The employer may contest such order pursuant to the civil practice law and rules.

b. Whenever and as soon as an inspector concludes that conditions or practices described in paragraph a of this subdivision exist in any place of employment, such inspector shall inform the affected employees and employers of the danger and that such inspector is recommending to the commissioner that relief be sought.

c. If the commissioner fails to seek relief under this section within forty-eight hours of being notified of such condition, any employee who may be injured by reason of such failure, or the authorized employee representative of such employees, may seek injunctive relief as provided in paragraph a of this subdivision.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.