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

a. "Employer" means any person, entity, business, corporation, partnership, limited liability company, or an association employing at least ten retail employees. The term shall not include the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

b. "Retail employee" means an employee working at a retail store 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 their employment by an employer.

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

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

a. Such model retail workplace violence prevention policy shall:

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

(A) working late night or early morning hours;

(B) exchanging money with the public;

(C) working alone or in small numbers; and

(D) uncontrolled access to the workplace;

(ii) outline methods that employers may use to prevent incidents of

workplace violence, including but not limited to establishing and implementing reporting systems for incidents of workplace violence;

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

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

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

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

(i) information on the requirements of this section;

(ii) examples of measures retail employees can use to protect themselves when faced with workplace violence from customers or other coworkers;

(iii) de-escalation tactics;

(iv) active shooter drills;

(v) emergency procedures; and

(vi) instruction on the use of security alarms or buttons, and other

related emergency devices.

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

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

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

b. The commissioner shall prepare templates of the model retail workplace violence prevention policy created and published pursuant to subdivision two of this section and the model workplace violence prevention training program produced pursuant to subdivision three of this section. The commissioner shall determine, in their discretion, which languages to provide in addition to English, based on the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau and published online by the New York state office of language access.

c. When an employee identifies as their primary language a language

for which a template is not available from the commissioner, the employer shall comply with this subdivision by providing that employee an English-language notice.

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

* 5. Retail worker requests for assistance. a. Every employer of five hundred or more retail employees statewide shall provide every retail employee with a silent response button to request immediate assistance from a security officer, manager, or supervisor while the employee is working at the employee's location in case of an emergency. Such silent response button may be a device that is installed in an easily accessible location in the workplace, or a wearable or mobile phone-based button.

b. Mobile phone-based silent response buttons may only be installed on employer-provided equipment, and wearable and mobile phone-based silent response buttons shall not be used to track employee locations except when the silent response button is triggered.

* NB Effective January 1, 2027

6. Rules and regulations. The commissioner may adopt rules and regulations necessary to implement the provisions of this section.

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