STATE OF NEW YORK

1720

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

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 developing and implementing programs to prevent workplace violence in public schools

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

Section 1. Paragraph a of subdivision 2 of section 27-b of the labor law, as amended by chapter 504 of the laws of 2011, is amended to read as follows:

a. "Employer" means: (1) the state; (2) a political subdivision of the state[, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law]; (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.

§ 2. The provisions of this act shall not diminish the rights of employees pursuant to any law, rule, regulation or collective bargaining agreement.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted. LBD07729-01-9
NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER:  S1720

SPONSOR:  RAMOS

TITLE OF BILL:  An act to amend the labor law, in relation to developing and implementing programs to prevent workplace violence in public schools

PURPOSE:
This bill amends section 27-b of the Labor Law to include public schools within the provisions of current law designed to require public employers to develop and implement programs to prevent workplace violence.

SUMMARY OF PROVISIONS:
An amendment is made within section 27-b of the Labor law.

EXISTING LAW:
In 2006, public schools were excluded as an 'employer' based on an established amendment within the Labor law. Since public schools are excluded as an employer, they do not have to develop and implement workplace violence protection programs.

JUSTIFICATION:
Workplace violence is an increasingly visible element in today's workplaces. This bill would assist both employers and employees in ensuring a safe work environment.

Workplace violence is now one of the leading causes of death on the job in the United States and the leading cause of workplace fatalities for women. Enactment of this bill would require school districts, with at least 20 full-time permanent employees, to develop and implement programs to prevent workplace violence, must evaluate the potential risks of workplace violence that exist within their workplaces, and then develop and implement a written workplace violence prevention program to prevent and minimize the hazard of workplace violence to their employees.

Violence is a substantial contributor to occupational injury and death, and homicide has become the second leading cause of occupational injury death. Each week, an average of 20 workers are murdered and 18,000 are assaulted while at work or on duty. Nonfatal assaults result in millions of lost workdays and cost workers millions of dollars in lost wages.

Workplace violence is clustered in certain occupational settings, for example, the retail trade and service industries account for more than half of workplace homicides and 85% of nonfatal workplace assaults.
Taxicab drivers have the highest risk of workplace homicides of any occupational group. Workers in health care, community services, and retail settings are at increased risk of nonfatal assaults. Risk factors for workplace violence include dealing with the public, the exchange of money, and the delivery of services or goods, prevention strategies for minimizing the risk of workplace violence include (but are not limited to) cash-handling policies, physical separation of workers from customers, good lighting, security devices, escort services, and employee training.

A workplace violence prevention program should include a system for documenting incidents, procedures to be taken in the event of incidents, and open communication between employers and workers.

**LEGISLATIVE HISTORY:**

2017-2018: S.5350 Passed Labor Committee; Committed to Finance
2013-2014: S.1936 Referred to Labor Committee
2011-2012: S .1257-A Referred to Labor Committee
2009-2010: S.2124 Passed Labor Committee; Committed to Finance
2008-2009: S.2124 - Passed Labor Committee; Committed to Finance
2007-2008: S.6007 - Committed to Rules

**FISCAL IMPLICATIONS:**

Fiscal implications of $287,000 for the Department of Labor and the hiring of three new inspectors.

**EFFECTIVE DATE:**

This act shall take effect on the one hundred twentieth day after it shall have become a law, with provisions.