



New York Workplace Violence Prevention Plan

Last Updated: Jun 6, 2025

1. Purpose & Scope

Marchese Ford of Mechanicville (Dealership) is committed to creating a positive and safe working environment. In an effort to fulfill this initiative, we have created this Workplace Violence Prevention Policy (Policy) that operates along with other Dealership policies relating to workplace safety including our Emergency Action Plan. The Policy aims to prevent violent incidents in the workplace and protect employees, customers, visitors, and other workers by establishing policies and procedures for reporting and responding to incidents of violence. The Dealership's Policy includes the following:

- General procedures for active involvement of employees in identifying, evaluating, and correcting workplace violence hazards.
- Procedures for active involvement of employees in reporting and investigating incidents of workplace violence.
- Procedures for the employer to accept and respond to reports of workplace violence, all while preventing retaliation against an employee who makes such a report.
- Response procedures for actual or potential workplace violence emergencies, including, but not limited to, all of the following: (i) Effective means to alert employees of the presence, location, and nature of workplace violence emergencies. (ii) Evacuation or sheltering plans that are appropriate and feasible for the worksite. (iii) How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel, if any, and law enforcement.
- Steps to revise this Policy on a regular basis as required by state law.
- Enrolling employees in training courses related to the Workplace Violence Prevention Policy.

All employees (both supervisory and nonsupervisory) of the following locations are expected to comply with this Policy:

- Marchese Ford of Mechanicville, Inc.

Failure to comply with the policies and procedures outlined in the Policy may result in disciplinary action, up to and including, termination. Investigation procedures following a violent incident will attempt to identify whether the event occurred due to an employee's failure to adhere to this Policy, in which case disciplinary action would follow.

2. Important Definitions

"Emergency" means unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

"Threat of Violence" means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts or any behavioral or physical conduct, that conveys an intent, or that is reasonable perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

"Violent Incident Log" means an entry or documentation by the employer that records pertinent information for every workplace violence incident. This information includes investigating findings, and information solicited from employees and/or witnesses to the workplace violence. The log must omit any elements of personal identifying information that would allow identification of any person involved in the violent incident, such as the person's name, address, e-mail address, telephone number, and other information that would reveal the person's identity.

"Workplace violence" means any act of violence or threat of violence that occurs in a place of employment. "Workplace violence" includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury;
- Workplace violence does not include lawful acts of self-defense or defense of others; and
- The following workplace violence types:
 - Type 1 Violence: Workplace violence committed by a person who has no legitimate business as the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
 - Type 2 Violence: Workplace violence directed at employees by customers, clients, or visitors.
 - Type 3 Violence: Workplace violence against an employee by a present or former employee, supervisor, or manager.
 - Type 4 Violence: Workplace violence committed in the workplace by a person who does not work there, but has or is known to have had a personal relationship with an employee.

3. Accountability and Responsibility for Policy Implementation

The Health and Safety Coordinator(s) shall be responsible for implementing this Workplace Violence Prevention Policy at the workplace. Our workplace's Health and Safety Coordinator is/are:

- John Byrne; Comptroller; Office

4. Employee Compliance with the Policy

Managers and supervisors are responsible for ensuring that all safety and health policies and procedures related to workplace violence prevention are clearly communicated and understood by all employees. All employees are responsible for using safe work practices, for following all directives, policies, and procedures for assisting in maintaining a safe work environment, and to promote safety whenever and wherever possible.

Managers and supervisors are trained, and retrained as appropriate, on the Policy. Managers and supervisors are expected to enforce the rules and expectations fairly and uniformly and without any retaliation. The following is our system of ensuring that all workers comply with the work practices designed to prevent against workplace violence incidents, ensure they are properly addressed when they occur, and maintain a safe work environment:

- Inform employees, supervisors and managers of the Policy;
- Train employees, supervisors, and managers of the Policy when it is first established, and annually thereafter;
- Train all new employees and all employees given a new job assignment of the Policy when they are hired;
- Provide training to instruct employees on general safe and healthy work practices and providing specific instruction with respect to hazards specific to each employee's job assignment;
- Evaluate the performance of all employees in complying with our workplace security measures;
- Identify and evaluate workplace hazards, including scheduling periodic inspections to identify unsafe conditions and work practices and promptly correcting any unsafe or unhealthy conditions or work practices;
- Recognize employees who perform safe and healthful work practices;
- Provide retraining to employees who do not meet the Policy's expectations;
- Provide a system for communicating with employees about occupational health and safety matters, including a means that employees can use to inform the employer of hazards at the worksite without fear of reprisal;
- Provide special precautions for employees exposed to external workplace violence; and
- Discipline employees for failure to adhere to the Policy.

5. Violent Incident Reporting Procedures

Employees can report incidents or concerns related to workplace violence to their employer through the following channels:

- By contacting their direct supervisor/manager
- By contacting the Human Resources (HR) department or staff at (518) 664-9841 and JBYRNE@MARCHESEFORD.COM
- By contacting Marchese Ford of Mechanicville's Health and Safety Coordinator(s)

The above channels are not meant to limit employees' ability to report violent incidents directly to law enforcement authorities. Employees have the option to make anonymous reports to any of the contacts listed above. Anonymous reports will be taken seriously and investigated to the best extent possible.

Non-Retaliation for Reporting: The Dealership strictly prohibits any form of retaliation against employees who exercise their rights under the New York Retail Worker Safety Act. These rights include, but are not limited to, complaining 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. Retaliation includes, but is not limited to, actions such as termination, demotion, harassment, or discrimination. Employees who believe they have experienced retaliation for reporting workplace violence concerns should report it immediately using the same reporting mechanisms outlined above.

6. Employer Responsibility to Implement Silent Response Button

Every employer of five hundred or more retail employees statewide must provide every retail employee with a silent response button (SRB) 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. The SRB may be a device that is installed in an easily accessible location in the workplace, or a wearable or mobile phone-based button.

7. Procedures for Investigating Actual or Perceived Incidents of Workplace Violence

Workplace violence investigations aim to determine the facts surrounding alleged or reported incidents of violence, harassment, or threatening behavior in the workplace. Investigating workplace violence incidents is a crucial step in maintaining a safe and secure work environment. These procedures outline the steps for conducting a fair and thorough investigation:

- **Designated Investigator:** A designated investigator or investigation team should be appointed. This individual/team should be impartial, trained in workplace investigations, and have no direct involvement in the incident being investigated.

- **Initial Assessment:** The investigator/team should conduct an initial assessment to determine the nature and severity of the alleged incident. This may involve reviewing the initial report and assessing immediate safety concerns.
- **Notification:** The affected parties, including the complainant and the alleged perpetrator, should be informed of the investigation, its purpose, and the expected timeline. The notification should emphasize the confidentiality of the process and the prohibition of retaliation.
- **Gathering Information:** The investigator/team should gather information through the following means: interviews with the complainant, alleged perpetrator, and any witnesses; review of relevant documents, emails, or electronic communications; collection of physical evidence, if applicable.
- **Confidentiality:** Parties involved in the investigation shall maintain confidentiality to the extent allowed by law.
- **Interviews:** Conduct interviews in a private, confidential setting. Document interviews with detailed notes or transcripts, and allow interviewees to provide statements and identify witnesses or evidence.
- **Review of Documentation:** Examine relevant documents such as security footage, emails, text messages, or incident reports to corroborate or refute statements made during interviews.
- **Analyzing Findings:** Based on gathered information, analyze the facts objectively to determine if the reported incident constitutes workplace violence, harassment, or a threat.
- **Recommendations:** If applicable, provide recommendations for appropriate actions, such as disciplinary measures, training, or changes to workplace policies to prevent future incidents.
- **Complete the Required Violent Incident Log:** State law requires that every employer document each incident of workplace violence in their Violent Incident Log. The Violent Incident Log will be maintained for at least five years.
- **Documentation:** Keep thorough records of the investigation, including all interviews, evidence, findings, recommendations, and actions taken, in a secure and confidential manner. Records related to workplace violence hazard identification, evaluation, correction, and investigations shall be maintained for at least five years.
- **Communication:** Communicate any results of the investigation and mitigation procedures that were implemented to prevent further similar instances of workplace violence to staff. This may be done via email, telephone, company meeting, etc. This reassures employees and emphasizes that Marchese Ford of Mechanicville prioritizes their health and safety in the workplace.

8. Procedures to Respond to Actual or Potential Workplace Violence Emergencies

It is an unfortunate reality that workplace violence may occur at any moment and employees need to be prepared when these emergency situations arise. Though the procedures below will provide employees with useful knowledge, it does not substitute for any employee training requirements. The Health and Safety Coordinator(s) is responsible for developing procedures for responding to actual or potential workplace violence emergencies. This includes, but is not limited to, the following:

- **Alerting Employees:** Effective means to alert employees of the presence, location, and nature of workplace violence emergencies.

- Evacuation or Sheltering: Evacuation or sheltering plans that are appropriate and feasible for the worksite.
- Obtaining Help: How to obtain help from staff assigned to respond to workplace violence emergencies, if any, security personnel (at (911) ___-____), if any, and law enforcement. If there is immediate danger, call emergency assistance by dialing 9-1-1 and notify the Health and Safety Coordinator(s).

The Dealership's procedures when responding to a violent act where one or more persons are injured include:

- The Dealership will contact emergency services if anyone involved in a violent attack or who witnesses an attack resulting in an injury that requires more than first aid.
- The injured party(ies) will be transported to medical care facilities.
- The incident will be reported to police and other authorities as required by law.
- The area where the violent actions occurred will be secured to protect evidence and minimize any disturbance during the post-incident response process.
- A Violent Incident Log will be created and documented.
- Injured persons, witnesses to the incident, and other affected employees will be offered psychological assistance and counseling to reduce trauma and stress.

9. Procedures for Workplace Violence Hazard Identification, Evaluation, and Correction

The following policies and procedures are established and required to be conducted by Marchese Ford of Mechanicville to ensure that workplace violence hazards are identified, evaluated, and corrected. We will facilitate active involvement by all employees through their participation in identifying, evaluating, and correcting workplace violence hazards, in designing and implementing training, and in reporting and investigating workplace violence incidents.

Inspections shall be conducted when the Policy is first established, after each workplace violence incident, and whenever the employer is made aware of a new or previously unrecognized hazard. Additionally, periodic inspections of workplace violence hazards as they will identify unsafe conditions and work practices.

Examples of factors or situations in the workplace that may place retail employees at risk of workplace violence may include:

- Working late night or early morning hours.
- Exchanging money with the public.
- Working alone or in small numbers.
- Uncontrolled access to the workplace.

Examples of what staff should review during these periodic inspections and the corrective measures they should make may include:

- The exterior and interior of the workplace and making it not attractive to robbers.
- The need for surveillance measures, such as mirrors, security personnel, and cameras, to provide more information on the activity inside and outside of the workplace.
- Procedures for employee response during a robbery or other criminal act, including our policy prohibiting employees, who are not security personnel, from confronting violent persons or persons committing a criminal act.
- Procedures for reporting suspicious persons or activities to designated individuals.
- Effective location and functioning of emergency buttons and alarms.
- Posting of emergency telephone numbers for law enforcement, fire, and medical services.
- Post signs at the cash register stating that registers only contain minimal cash.
- Limit cash on hand and using a drop safe or regular deliveries to banks using armed security services.
- Provide employees with access to a telephone with an outside line.
- Properly train employees on effective escape routes from the workplace and a designated safe area(s) where they can go in an emergency.
- Adequacy of workplace security systems, such as door locks, entry codes or badge readers, security windows, physical barriers, and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients.
- Increase police presence in the area.
- Address adequate lighting issues throughout the workplace.
- Procedures for a "buddy system" when applicable in emergency situations or environments (i.e. traveling in outdoors areas that have poor lighting or are remotely populated)
- Post laws against assault, stalking, or other violent acts

Employees are protected by both federal and state statutes that protect persons from bodily harm or injury by another person. New York State has statutes that place specifically for retail workers in New York Penal Law § 120.19, which defines assault on a retail worker as a "Class E" felony that carries a prison sentence of up to 4 years. Employees are encouraged to contact their local authorities to determine if there are additional applicable local laws and remedies available to them.

Upon identification and evaluation of a workplace violence hazard, Marchese Ford of Mechanicville shall work swiftly to correct the hazard in a manner appropriate based on the identified hazard without endangering employee(s) and/or property.

10. Coordination with Other Employers

The Dealership will coordinate implementation of the Policy with any other employers whose employees work in the workplace to ensure that those employers and employees understand their respective roles under this Policy. Should a workplace violence incident occur at Dealership's site,

the other employer or employers whose employees experienced the workplace violence incident will be provided a copy of the violent incident log.

11. Program Revisions

Marchese Ford of Mechanicville will periodically review this Workplace Violence Prevention Policy on a consistent basis and encourage the active involvement of employees and authorized employee representatives in developing and implementing the Policy. In reviewing the Policy, the dealership shall form a diverse team with employees, authorized representatives, management, and safety personnel. As part of this process, the dealership shall solicit input from employees to determine how the Policy can be best revised. To participate in this group, please contact the Health and Safety Coordinator(s) identified above.

The Policy shall be reviewed at least annually, whenever a deficiency in the Policy is observed or becomes apparent, and after a workplace violence incident. Changes may also be made due to information or guidance received from the Department of Labor of the State of New York. Additionally, the dealership shall analyze the Violent Incident Log to spot trends and assess the Policy's effectiveness. Finally, Marchese Ford of Mechanicville will continuously monitor the Policy's effectiveness, adjusting as necessary, and encourage ongoing involvement from employees and authorized representatives to ensure a safer workplace.

12. Employee Training and Program Availability

Marchese Ford of Mechanicville employees shall be trained regarding Workplace Violence Prevention Policy. Recurring training shall occur on an annual basis, when a new or previously unrecognized workplace violence hazard has been identified, or when changes are made to the written Policy, whichever occurs first. Employee training shall include, but is not limited to, the following:

- The Policy and how to participate in its development and implementation;
- Definitions and requirements under the Policy;
- Instructions on reporting violent incidents or concerns to the Dealership or law enforcement without fear of reprisal;
- Workplace violence hazards specific to the employee's job function, corrective measures the Dealership has implemented, instructions on seeking assistance to prevent or respond to violence, and strategies to avoid physical harm.
- Violent Incident Log and how to obtain copies of workplace violence hazard identification, evaluation, and correction records, training records, and violent incident logs.
- An opportunity for interactive questions and answers with the Health and Safety Coordinator(s).

Additional training and instruction will be provided to all personnel whenever the Dealership is made aware of new or previously unrecognized security hazards. This training may be limited to addressing the new workplace violence hazard or changes to the Policy.

Marchese Ford of Mechanicville has made this Policy readily accessible to all employees and copies can be distributed at no cost by contacting the dealership's Health and Safety Coordinator(s). This Policy has also been included as part of Marchese Ford of Mechanicville's New York Workplace Violence Prevention training. By ensuring that all staff have access to the Policy, all employees are expected to be on notice of their roles and responsibilities in relation to the Policy in the event of a violent incident at the workplace.

13. Recordkeeping

The Dealership maintains records as follows:

- Policy training records shall be created and maintained for a minimum of one year and include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.
- Records of workplace violence hazard identification, evaluation, and correction must be created and maintained for a minimum of five years.
- Every incident, post-incident response, and workplace violence injury investigation shall be recorded in a Violent Incident Log. The Violent Incident Log will be reviewed annually in conjunction with the review of the Policy. It must be maintained for a minimum of five years.
- Workplace violence training records shall be created and maintained for a minimum of one year and include training dates, contents or a summary of the training sessions, names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.
- Records of workplace violence incident investigations must be maintained for a minimum of five years.

All records required by this subdivision will be made available to the Department of Labor of the State of New York upon request for examination and copying.

The following records will be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request:

- Records of Workplace Violence Hazard Identification, Evaluation, and Corrections;
- Training records; and
- Violent Incident Logs