



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

November 25, 2009

Re: Request for Opinion
Workplace Violence
Penalties
RO-09-0134

Dear [REDACTED]:

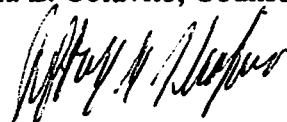
This letter is written in response to your email of September 29, 2009 in which you inquire as to whether there are any penalties for the violation of the New York State Workplace Violence Prevention Law. Section 27-b of the Labor Law, the New York State Workplace Violence Prevention Law, was enacted 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." Regulation 12 NYCRR §800.6, which was adopted pursuant to Sections 27-a and 27-b of the Labor Law, contains workplace violence prevention regulations for public employers. Since violations of Section 27-b of the Labor Law are cited as violations of regulation 12 NYCRR §800.6, the applicable penalties are contained in 12 NYCRR Part 830, which is applicable for violation of Labor Law Section 27-a, or a safety and health standard or regulation promulgated under Labor Law section 27-a. (See, 12 NYCRR §830.1.) Accordingly, rather than reciting the contents of Part 830, please refer to the provisions contained therein for the applicable penalties for violations of the Workplace Violence Prevention Law.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

By:


Jeffrey G. Shapiro
Associate Attorney

JGS:mp

cc: Maureen Cox
[REDACTED]

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