

JUNE 2, 2025 | OSHA RULEMAKINGS & STANDARDS

New York DOL Releases Guidance on the Retail Worker Safety Act

BY ANDREA O. CHAVEZ & RACHEL L. CONN

By [Rachel Conn](#) and [Andrea Chavez](#)

On May 29, 2025, the New York State Department of Labor (NYDOL) published [Frequently Asked Questions \(FAQs\)](#), a [template retail workplace violence prevention policy](#), and model [training materials](#) regarding the Retail Worker Safety Act, offering critical guidance for retail employers ahead of the law's June 2, 2025 effective date.

The Act applies to employers with 10 or more retail employees in New York State. A "retail employee" is defined as an employee working at a retail store for an employer. A "retail store" refers to an establishment that sells consumer commodities at retail and is not primarily engaged in selling food for consumption on the premises.

FAQs Key Takeaways

1. Threshold for Applicability

The Act applies to employers with 10 or more retail employees *statewide*, even if those employees are distributed across multiple store locations.

2. Clarity on Who Is Considered a "Retail Employee"

The FAQs clarify that:

- A "retail employee" includes workers physically located in a retail store, even if they are not engaged in retail sales.
- The FAQs provide the following example. A cleaning service whose employees primarily work at a retail store are considered "retail employees" under the law—even if their employer is not a retail chain and they are not involved in selling of goods at retail.

3. Definition of "Workplace Violence"

The FAQs define workplace violence as any act or threat of physical violence or aggressive behavior that occurs at the workplace or during a worker's regular duties. It could include, but is not limited to:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

- Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- Intentional and wrongful physical contact with a person without his or her consent that inflicts injury; or
- Stalking an employee with the interest in causing fear of physical harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Workplace violence can be perpetuated by:

- strangers with no relationship to the business;
- customers served by the business;
- current or past employees;
- people who have a personal relationship with someone associated with the business.

4. Interactive Training Can Be Digital

Training does not need to be in person. A training qualifies as “interactive” if:

- It requires the employee to provide input; and
- The employee receives a response to that input.

Digital training formats may meet this requirement.

5. NYDOL Training Recommendations

The NYDOL suggests that training includes the following site-specific information:

- A list or floor map of emergency exits;
- Designated meeting locations during emergencies; and
- Additional store-specific emergency procedures and emergency device procedures.

6. Training Requirements for Non-English Speakers

Employers must provide employees who do not speak English as their primary language with a translated version of the employer’s plan in the employee’s primary language and a written template outlining the information in the training in the employee’s primary language.

7. Recordkeeping and Reporting Best Practices

While not mandatory, NYDOL recommends employers:

- Maintain records of workplace violence incident reports;
- Establish a reporting system that enables employees to confidentially submit reports of workplace violence.

Takeaways

NYDOL’s updated guidance provides much-needed clarity on employer obligations under the Retail Worker Safety Act. However, some open questions remain.

One key issue is the silent response button requirement. The amended version of the law specifies that the silent

response button must request immediate assistance from a security officer, manager, or supervisor. This marks a shift from the initial version, which required panic buttons to immediately contact the local 911 public safety answering point.

Are employers who have already installed panic alarms that contact 911 still compliant under this new standard? We await further clarification from NYDOL.

In addition, the FAQs do not address the training requirement related to active shooter drills. It is assumed that the NYDOL-provided training complies with the Act's requirements, suggesting that instruction on how to respond to an active shooter may be sufficient, rather than conducting an actual drill. However, this interpretation is not explicitly confirmed in the guidance.

Employers should closely monitor ongoing guidance and begin refining their programs and training based on the current guidance.

For more information on the Act, check out our prior blog posts [here](#) and [here](#). For more information on developing and implementing workplace violence prevention plans, please contact [Rachel Conn](#) and [Andrea Chavez](#).