

**ST. LAWRENCE COUNTY**  
**WORKFORCE DEVELOPMENT BOARD**

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**WORKFORCE INNOVATION AND  
OPPORTUNITY ACT**

**DISRUPTIVE CUSTOMER POLICY**

Adopted by the St. Lawrence County Workforce Development Board: September 9, 2015

September 9, 2015  
ST. LAWRENCE COUNTY WORKFORCE DEVELOPMENT BOARD  
Resolution No. 15-I09-15

**AUTHORIZING THE ACCEPTANCE AND ADOPTION OF BYLAWS, POLICIES AND PROCEDURES, CONTRACTS AND LEASES/SUBLEASES, ADOPTED BUDGETS AND OTHER FINANCIAL RESPONSIBILITIES, TOGETHER WITH ALL OTHER CONTINUING RESPONSIBILITIES AND POWERS, FROM THE ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD**

**WHEREAS**, coming into compliance with the Workforce Innovation and Opportunity Act of 2014 (WIOA) requires that Workforce Investment Boards become Workforce Development Boards; and

**WHEREAS**, WIOA has mandated several other changes in the organization of Workforce Investment Boards; and

**WHEREAS**, the St. Lawrence County Workforce Investment Board took actions at its June 10, 2015 meeting to initiate all these changes and to transfer its WIOA-compliant operations to the St. Lawrence County Workforce Development Board (WDB); and

**WHEREAS**, at its August 3, 2015 meeting the St. Lawrence County Board of Legislators (BOL) took official action to replace the temporary WDB it had appointed at its July 7, 2015 meeting with membership that was fully compliant with WIOA requirements; and

**WHEREAS**, both the County BOL and the WDB recognize that the WDB is and should be the successor in due course to the WIB;

**WHEREAS**, now that a WIOA-compliant WDB is in place, it is appropriate and prudent for the WDB to officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the WIB ; and

**NOW, THEREFORE, BE IT RESOLVED** that the St. Lawrence County Workforce Development Board does hereby officially accept and adopt the bylaws and all the policies and procedures, contracts and leases/subleases, and adopted budgets and other financial responsibilities, together with all other continuing responsibilities and powers, from the St. Lawrence County Workforce Investment Board effective on July 1, 2015 and authorizes, empowers, and directs its staff to continue to operate the workforce development system in St. Lawrence County according to the precedents established prior to July 1, 2015 when and as appropriate and consistent with WIOA.

I, Jennifer R. Free, Assistant to the Executive Director of the St. Lawrence County Workforce Development Board, DO HEREBY CERTIFY, that I have compared this copy of this Resolution, adopted September 9, 2015; with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.



Jennifer R. Free, Assistant to the Executive Director  
St. Lawrence County Workforce Development Board  
September 9, 2015



David A. Paterson, Governor

Colleen C. Gardner, Commissioner

## NEW YORK STATE WORKFORCE DEVELOPMENT SYSTEM TECHNICAL ADVISORY

### Workforce Development System Technical Advisory #10-17

**TO:** Workforce Development Community  
**DATE:** October 18, 2010  
**SUBJECT:** New York State Workforce System Disruptive Customer Policy

***Purpose:***

To communicate policy and procedure for dealing with threatening or disruptive customers in New York's One-Stop system.

***Action:***

LWIBs should review the Disruptive Customer Policy Framework (**Attachment A**) with their One-Stop Operators, NYSDOL Managers/Location Supervisors, and One-Stop Center Managers and:

- \* develop a code of conduct;
- \* develop center rules; and
- \* complete the attached Disruptive Customer Policy registration form (**Attachment B**) for each work site location and email it along with a copy of the center rules and code of conduct to: [dews.security@labor.ny.gov](mailto:dews.security@labor.ny.gov) by **11/22/10**.

A sample code of conduct and rules for computer use in a resource room is included in Appendix D to the Disruptive Customer Policy Framework.

Management at each worksite shall:

1) Communicate Disruptive Customer Policy Guidelines:

Each location should establish and communicate appropriate standards for customer behavior and define the actions that will be taken should any customer violate those standards within the parameters outlined in NYSDOL's disruptive customer policy framework. Standards for appropriate conduct may be communicated in a variety of ways:

- Posters
- Handouts
- Instructions during the One-Stop system orientation

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After providing NYSDOL with a copy of the center rules and the code of conduct

that has been established, LWIBs must notify NYSDOL if any changes are made to these policies, and any revisions must be provided to NYSDOL using the same mailbox.

2) Ensure staff take appropriate action:

Any behavior that threatens or presents a risk to the safety of workers or customers or that disrupts the proper functioning of any System operations will not be tolerated. Corrective action should be immediately taken. Actions can include:

- Attempting to quiet the individual
- Notifying the Center management
- Removing the offender from the premises
- Documenting the incident
- Suspending the offender from the use of the One-Stop system

3) Document disruptive incidents:

a) Responsibilities of Staff Members:

It is important to carefully and thoroughly document all incidents of disruptive behavior by customers, and the actions taken by staff in order to support the administrative response to the incident. Staff should describe the event in writing, noting the specific behavior and conduct of the customer, the date and time of the incident, and action(s) taken by staff. If there are multiple witnesses to the occurrence, each witness should individually and independently record what he or she witnessed. Verbal warnings issued to customers should also be recorded.

b) Responsibilities of the NYSDOL Manager/Location Supervisor include:

- Establish and maintain confidential files regarding incidents of disruptive behavior by customers in a locked filing cabinet or a secure office (all documents to, from or about customers should be filed);
  - Where appropriate, prepare Form GA-51, Unusual Incident Report. This form can be found in A-Info on the NYSDOL Intranet from a networked computer;
  - Ensure that the customer's OSOS record is flagged for a "service suspension" as necessary, under the *L1 State Specific -Other Services* section. A note should be made on the customer's record of the date and description of the incident. See "Instructions for Recording Service Suspension in OSOS" (Appendix E to the Disruptive Customer Policy Framework);
  - Note the date when the suspension ends on his/her personal calendar and ensure that the 'service suspension' on OSOS is removed;
  - Alert local office staff to the actions taken; and
  - Notify local worker representatives when an incident of workplace violence has occurred. See "Policy Statement on Workplace Violence" (Appendix B to the Disruptive Customer Policy Framework).
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Before any administrative action is formalized (i.e. notice sent to the customer), approval must be given by the next higher level of authority. For example, in a center where a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the Manager would seek review from the BEWO Chief. Also, if a GA-51 needs to be completed, the appropriate One-Stop Center Manager should be copied under "Additional Email Notifications" when the form is e-mailed.

***Background:***

On June 7<sup>th</sup>, 2006 New York State enacted legislation that requires public employers with 20 or more full-time employees to develop and implement programs to prevent and minimize violence in the workplace due to assaults and homicides. The purpose of the law is to ensure that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees.

In response to this legislative requirement, the New York State Department of Labor (NYSDOL) established policy and procedures for its employees to deal with disruptive or threatening customers. Because a substantial number of NYSDOL employees are employed in work sites throughout the One-Stop system, it is imperative that a uniform disruptive customer policy be implemented across the system for a workplace violence protection program to be effective.

Adopting a uniform disruptive customer policy will:

- ensure NYSDOL and partner staff at each location across the state are covered by the protective and safety measures provided;
- deter disruptive customers from moving from one office to another, as any suspensions or penalties imposed on them will be applied system-wide; and,
- enable NYSDOL to monitor workplace violation incidents across the One-Stop system.

***Policy:***

NYSDOL supports the concept of universal access for all customers seeking employment and training services through the One-Stop system. However, any behavior that poses a safety risk to workers or customers, or that disrupts the proper functioning of the One-Stop office or center, will not be tolerated. Protective and safety measures must be provided for workers, members of the public, and property in or about all One-Stop system worksites.

To make certain that these protective and safety measures are provided, a Disruptive Customer Policy Framework (**Attachment A**) has been developed. This framework contains guidance and procedures for handling disruptive customers that come into the One-Stop System. The procedure for handling disruptive customers addresses three categories of behavior:

- physical, violent or harmful behavior;
- disruptive behavior; and
- violation of facility rules.

There are mandatory actions that must be taken in response to each of these behaviors. The behaviors and required actions are described in detail in Attachment A. NYSDOL Managers will work in cooperation with LWIB Directors, One-Stop Operators and One-Stop Center Managers to develop local codes of conduct and center rules and to carry out this policy.

NYSDOL Managers/Location Supervisors will be responsible for the notification process, maintenance of records, and communication with NYSDOL authorities associated with the disruptive customer policy, whether or not the reportable incident involved NYSDOL employees. NYSDOL Managers/Location Supervisors will also be responsible for ensuring the completion and submittal of the Unusual Incident Report, or Form GA-51, which can be located in the A-Info system through the NYSDOL Intranet on a networked computer. The appropriate One-Stop Center Manager should be copied under "Additional Email Notifications" when the form is e-mailed. NYSDOL central office staff will process all hearing requests that may result from actions taken as a result of policy implementation.

***Inquiries:***

Please direct all questions regarding this Technical Advisory to:  
[dews.security@labor.ny.gov](mailto:dews.security@labor.ny.gov)

***References:***

New York State Labor Law Section 27-b, Article 2  
Public Employer Workplace Violence Prevention Programs, 12 NYCRR Part 800.6

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***Attachments:***

- A. **Disruptive Customer Policy Framework**
- B. **Disruptive Customer Policy Registration Form**

Attachment B

## Disruptive Customer Policy Registration

This is a locked fillable form. Please tab to type in the shaded areas. To specify if the Rules or Code of Conduct are for the Center or the entire LWIA, please click on the check boxes to select.

<b>LWIA:</b>	
<b>Center Name:</b>	
<b>Center Location:</b>	
<b>Center Supervisor/Director:</b>	
<b>Phone:</b>	
<b>E-Mail Address:</b>	
<b>NYSDOL On-Site Manager:</b>	
<b>Phone:</b>	
<b>E-Mail Address:</b>	
<b>Please describe how customers are notified of the Center Rules and the Customer Code of Conduct:</b>	
<b>Center Rules (Attach Copy)</b>	<b>Customer Code of Conduct (Attach Copy)</b>
<input type="checkbox"/> LWIA <input type="checkbox"/> Center	<input type="checkbox"/> LWIA <input type="checkbox"/> Center
<b>Identify On-Site Security Staff :</b>	

# Disruptive Customer Policy Framework

10/1/2010

New York State Department of Labor



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## **Disruptive Customer Policy**

The procedure for handling disruptive customers addresses three categories of behavior: physical, violent or harmful behavior; disruptive behavior; and violation of facility rules. There are mandatory actions that must be taken in response to each of these behaviors.

**Physical, Violent, or Harmful Behavior:** Violent behavior occurs when any customer commits or threatens to commit a physical assault, brandishes or wields a weapon, or exhibits any violent behavior (e.g. kicking furniture, hitting head on wall, damaging property, etc.) that causes or threatens physical injury or the fear of physical injury to staff or customers. Aggressive behavior, engaging in loud or boisterous speech suggesting retribution or violence, or engaging in unwanted physical touching or contact with staff or customers will also be treated as violent behavior. Violent behavior may also include threats of violence or bodily harm received by telephone or in writing. See Appendix A (GA Manual 0504) and Appendix B (Policy Statement on Workplace Violence) for additional details.

**Disruptive Behavior:** Behavior is classified as disruptive if it interferes with the normal operation of the One-Stop system facility, making it difficult for staff to deliver, or customers to benefit from, the services that are available. Examples of disruptive behavior would include individuals who are loud or argumentative or who make harassing or derogatory comments to other customers or to staff. Repeated disruptive or disorderly conduct, exhibiting indecent behavior, violating an order of protection, or hacking into or introducing a virus into One-Stop system computers may elevate the behavior to the level of violent or harmful behavior resulting in more serious penalties.

**Violation of Center Rules:** Individuals who ignore or disobey the reasonable rules or guidelines that have been established to ensure effective and cost efficient operations at the local One-Stop system site are also guilty of disruptive behavior. Examples of behavior that fall under this category are individuals who repeatedly spend too much time on computers while others are waiting; individuals who visit pornographic sites, chat rooms or other non-business related sites, individuals who overstay their time-limits on the telephone or the computer (in offices that have such restrictions), individuals who conduct personal business on Resource Room computers, etc.

### **Procedures:**

#### **A. Physical, Violent or Harmful Behavior:**

- 1) Required Action: All physical assaults or threats of bodily harm to One-Stop center workers or customers are serious matters which should be reported to the police immediately. In any situation where there is a risk of bodily harm, building security (if available) should be immediately notified, and the police should be immediately called for assistance in removing the violent individual from the premises. Threats of violence or bodily harm received by telephone or in writing should be reported to the

police. In the case of a telephone threat, any identifying information, including Caller ID, should be documented. In the event of threats made in writing, the documents received should be preserved as evidence. Refer to the procedures in Appendix A and Appendix B for additional details.

2) Notification to the Offender: Customers removed for violent behavior must be suspended from returning to any One-Stop system location for a period of not less than six months. The time frame for the suspension may vary according to the severity of the incident. The NYSDOL Manager/Location Supervisor must consult with the One-Stop Center Manager and the chief of the Bureau of Employment and Workforce Opportunities (BEWO) to determine the period of suspension to be imposed. The Bureau Chief will consult with the DEWS Director, Counsel's Office, and the Office of Special Investigations, as necessary, to determine the appropriate sanction and to establish conditions for the customer's return. In cases where criminal charges are justified, the period of suspension and right to résumé services must be determined in consultation with the NYSDOL Manager/Location Supervisor, Chief of BEWO, One-Stop Center Manager, DEWS Director, Office of Special Investigations, and Counsel's Office. In most cases, if the police are called to intervene or investigate an incident, they will assist staff in determining whether criminal charges may be brought against the offender. Consistent with the guidance provided in Appendix A, criminal charges may be justified when the following behavior occurs or at any time when decisive action is deemed necessary to prevent such acts:

- the incident involves a threat to the safety of staff or the public, such as flourishing knives or other weapons; or physical attacks upon staff or members of the public;
  - the incident involves indecent or offensive behavior;
  - there are repeated incidents that disturb the operation of the office; or
  - the incident involves a failure to obey a Court Order requiring that the individual remain away from the office.
- a. The NYSDOL Manager/Location Supervisor (in some situations, it may be determined that the BEWO Chief should send the letter) shall notify the customer of this suspension in writing. **All suspension letters must be approved by Counsel's Office before mailing.** The notice must be sent by both regular mail and a second means by which delivery can be confirmed. When sending this letter out, the NYSDOL Manager/Location Supervisor should copy the One-Stop Center Manager, BEWO Chief, DEWS Director, Counsel's Office and the Office of Special Investigations. The wording for this letter may vary depending on the particular circumstances of the incident, but shall contain a statement advising that the customer may request a hearing if he or she disagrees with the decision. (See Appendix C, Letter Template #1).
- b. If the customer fails to request a hearing within the 15 days, or fails to appear for the hearing, the suspension remains in effect for the specified time.

- c. If the customer requests a hearing within the prescribed time limit, the NYSDOL Manager/Location Supervisor shall forward a copy of the hearing request to Counsel's office and the Administrative Adjudication Unit with copies of all correspondence, reports, records, and files. A copy of the customer's hearing request should also be forwarded to the One-Stop Center Manager, BEWO Chief, DEWS Director, and the Office of Special Investigations.

New York State Department of Labor  
Counsel's Office  
Building 12, Room 509  
Albany, New York 12240

New York State Department of Labor  
Administrative Adjudication Unit  
Building 12, Room 266  
Albany, New York 12240

New York State Department of Labor  
Office of Special Investigations  
Building 12, Room 573  
Albany, New York 12240

New York State Department of Labor  
Division of Employment and Workforce Solutions  
Building 12, Room 436  
Albany, New York 12240

- d. The Administrative Adjudication Unit will notify the customer of the date and time of the hearing by regular mail and through a second means by which delivery can be confirmed.

### 3) Required Action if Offender Violates Suspension

- a. If the offender attempts to report to any One-Stop system facility during the suspension period, staff should advise the customer that he or she is currently suspended from receiving services and request that he or she leave. Staff should document the verbal instructions given to the customer and any disruptive or threatening actions taken by the offender. If possible, another staff person should be present during the encounter and should also independently document what transpired during the encounter. A list of persons who are suspended should be given to building security (where applicable) or the reception/greeter desk so they can tell the person they are not permitted to enter.
- b. If the customer refuses to leave, the One-Stop Center Manager, NYSDOL Manager/Location Supervisor and security (where applicable) should be alerted. The NYSDOL Manager/Location Supervisor should explain that remaining on the premises while under suspension may constitute criminal trespass and, as such, the next step will be to call the police. Where Security staff is available, Security should escort the customer out of the building.
- c. If the customer continues to refuse to leave, the police should be called and requested to remove the offender.
- d. Form GA-51 should be completed. This form can be found in the A-Info system on the NYSDOL Intranet, available on a networked computer. The appropriate One-Stop Center Manager should be copied under "Additional Email Notifications" when the form is e-mailed.

- e. An e-mail should be sent by the NYSDOL Manager/Location Supervisor to the One-Stop Center Manager, BEWO Chief, DEWS Director and Counsel's Office alerting them of the incident.

Post-incident responses should follow the applicable provisions in the Policy Statement on Workplace Violence (see Appendix B).

## **B. Disruptive Behavior**

### **1) Required Action:**

- a. Employees who encounter unruly customers or customers who subject them to harassing or abusive treatment should advise customers to refrain from such actions and warn them that further such conduct could result in their removal from the premises. If customers continue to exhibit disruptive behavior, employees should contact their supervisor who will attempt to discuss and resolve the problem. Security staff should also be notified in offices where security is available.
- b. Staff should be alert to possible underlying reasons for a customer's disruptive behavior such as intoxication (alcohol or drugs), disabilities, mental health disorders, or other medical conditions that may result in specific disruptions. If the customer is receptive, the NYSDOL Manager/Location Supervisor or One-Stop Center Manager should try to counsel the individual and refer him or her to an appropriate supportive service provider. There may be accommodations that can be made that will allow the customer to continue receiving services, yet minimize any negative impact on other customers. For example, disruptive behavior may be quelled by scheduling the customer to use the Resource Room when the office has a slow period if a high-activity environment causes the customer to become agitated or unable to focus.
- c. The procedure outlined in Appendix A should be followed.

### **2) Notification to the Offender:**

- a. A customer who is removed for disruptive behavior (e.g., who would not cease their behavior upon request, who had no apparent extenuating circumstance(s) prompting the behavior, or who refused referral for further assessment or assistance) should be suspended from returning to the premises for a period of not less than ten (10) business days. The customer should be immediately verbally notified of this suspension and advised that he or she will receive a written notification of the suspension in the mail.
- b. The NYSDOL Manager/Location Supervisor, after consultation with the next higher level of authority, will send the written notification to the disruptive customer (See Appendix C, Letter Template #2). For example, in a center where a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the

Manager would seek review from the BEWO Chief. When sending this letter out, the NYSDOL Manager/Location Supervisor should copy the One-Stop Center Manager, BEWO Chief and the Office of Special Investigations.

- c. A second occurrence of the offending behavior will result in a ninety (90) day suspension, with the customer having the right to request a hearing (See Appendix C, Letter Template #3).
- d. Any subsequent occurrence of the behavior will result in a suspension for one year, with the customer having the right to a hearing (See Appendix C, Letter Template # 4).
- e. Follow steps 2 (b) through 2 (d) concerning the hearing process as indicated under the Notification to Offender section under Part A of Procedures above, as appropriate.

3) Action to be Taken if Offender Violates Suspension:

Follow instructions under A. 3 above as appropriate.

**C. Violations of One-Stop System Center Rules**

1) Required Action:

- a. Any customer who violates a rule or policy of the One-Stop center should first be verbally notified of the violation and informed that any subsequent infraction will result in a loss of privileges (the privileges associated with the particular rule that is being violated; e.g. use of the computer, telephone, fax machine, etc.). Staff should document the verbal instructions given to the customer in OSOS.
- b. In the event a customer is found to have a pattern of violating any rule (i.e. has violated the rules two or more times), staff should inform the customer that his or her privileges will be suspended. Staff should ensure the customer closes out operations on the computer, if appropriate, and advise the customer that he or she will receive a written notice of suspension in the mail. The suspension period may range from five (5) to ten (10) business days.

2) Notification to the Offender:

- a. The NYSDOL Manager/Location Supervisor, after consultation with the next higher level of authority, shall determine the appropriate suspension period (5 – 10 business days) and send the written notification to the disruptive customer (See Appendix C, Letter Template #5). For example, in a center where a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the Manager would seek review from the BEWO Chief. When sending this letter out, the NYSDOL Manager/Location Supervisor

should copy the One-Stop Center Manager, BEWO Chief and Office of Special Investigations.

- b. A third occurrence of the behavior resulting in the initial loss of privileges will result in a suspension for 90 days (See Appendix C, Letter Template #6).
- c. Follow steps 2 (b) through 2 (d) concerning the hearing process as indicated under the Notification to Offender section under Part A of Procedures above, as appropriate.

3) Action to Be Taken If Offender Violates Suspension:

- a. If the offender reports to a One-Stop system location during the suspension period and attempts to access the service or privilege from which he/she has been suspended, staff should advise the customer that he or she is currently suspended from using those specific privileges and direct him or her to alternative services if appropriate. For example, the individual may be restricted from using a Resource Room computer, but could use the Resource Room library.
- b. If the offender attempts to report to any One-Stop system location during a 90 day period of suspension from all One-Stop services, follow the instructions under A. 3 above, as appropriate.

**D. Settlement**

- 1) In cases where the offender has a right to appeal, and the offender does appeal a suspension of services, Counsel's Office shall have the sole authority to settle the matter with the offender, and avoid the time and expense of a hearing on the merits.
- 2) Before settling a matter, Counsel's Office shall discuss the matter with the appropriate program officials.
- 3) Such settlements shall be by stipulation with the offender, wherein the offender agrees that, in addition to complying with any specific requirements contained in the stipulation of settlement, if NYSDOL, in its sole discretion, finds that the offender subsequently violates the stipulation of settlement, the original period of the suspension shall automatically be imposed, and offender waives any right to appeal imposition of the penalty.

## Appendix A

### Topic No. 0504: Security of Persons and Property

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Topic description:	This document outlines protective and safety measures to be provided to employees, members of the public, and property in all of the Department offices.
Topic owner:	Office of Special Investigations
Audience:	All Department of Labor employees, contract employees , and managers
Original publication date:	1/1/1999
Next review date:	2/1/2010
Revision date:	1/16/2009
Changes in this revision:	Title of lead unit changed from Inspector General to Office of Special Investigations, includes guidance for safety of field staff, includes guidance for evacuation of persons with special needs away from emergencies.

#### Security of Persons and Property

The Department has a responsibility to coordinate, maintain, and implement protective and safety measures for department employees, members of the public in department facilities, and for government owned or personal property.

#### Scope

A. The Office of Special Investigations is responsible for carrying out the following functions:

1. Assisting in the development of departmental policies relating to security functions.
2. Planning and implementing security, protective and safety procedures to allow for the transaction of official business in department facilities, and that it can be accomplished in an orderly manner.
3. Receiving and evaluating reports from department offices and giving aid and guidance when incidents occur that result in injuries, disruption of services, property losses or unsafe conditions.
4. Providing, in conjunction with Counsel's Office, advice to department employees in the processing of criminal charges that result from actions occurring in department facilities.



B. Every department office manager or supervisor is responsible for carrying out the following instructions:

1. Protecting employees and other people in department facilities from physical, criminal or other actions that may be harmful or dangerous.
2. Implementation of department directives relative to security and safety functions.
3. Conducting regularly scheduled safety and health inspections of offices, noting any deficiencies found relating to the security of persons and property, and taking corrective actions. Requests, through regular supervisory channels, can be made for assistance from the Consultative Services Unit of the Safety and Health Division.
4. Reporting to higher authority and requesting guidance and aid when incidents occur that could endanger staff or impede operations.
5. Preparing an evacuation plan and directing the evacuation of premises in case of fire, bomb threats or disaster preparedness.

To assist in carrying out these functions, location managers, office supervisors or higher level management may designate an employee to act as safety assistant. Many department offices have security officers who will assist in these functions and can also give aid and guidance in the processing of charges. In the Albany Headquarters (Building 12), floor marshals act as safety assistants.

In department offices in the New York City Headquarters (Hudson Street and Varick Street), fire wardens will be designated to act as safety assistants. In large offices, more than one safety assistant may be designated, e.g., one for each operating section.

C. Whenever any incident occurs in department facilities that may result in injury, damage or loss of property or disruption of official activities, the responsible office head should take immediate action to protect the health and safety of employees and the public, and enable the continuation of services to the department's clients.

Local police or fire units should be promptly summoned when needed. In Building 12 in Albany, the New York State Police may be summoned by phoning 911. After phoning 911, employees in Building 12 should call the security emergency number 7-555-7. The safety of employees and the public should be safeguarded by prompt evacuation of premises when the necessity arises.

The location manager should make prior contact with the local police to establish procedures to call for assistance when needed, and to determine the response that may be anticipated.

D. Every local office or One-Stop Career Center must have an emergency action plan, which is based on local conditions, municipal fire codes and existing building management plans. Local fire departments can be a great help in preparing these plans and you are encouraged to request their assistance. If the location is shared with other organizations, evacuation plans should be coordinated with those entities. The evacuation plans should be updated annually (during the months of September and October), posted, and copies of the plan should be sent to the Division of Safety and Health and to the Office of Staff Organization and Development.

The location supervisor has overall responsibility for local office safety and for carrying out evacuation plans. However, security officers and designated safety assistants play an important role in this regard. They should report unsafe conditions to the location supervisor and oversee office evacuation. In addition, certain staff should be trained to assist in an emergency evacuation or other emergency situation.

The location supervisor should ensure that all employees have read, discussed and understand the evacuation procedure and that it is part of the orientation process for all new employees.

For additional information, call the Office of Special Investigations, at (518) 457-7012.

### **Reporting of Incidents**

Every department supervisor, office or location manager, and administrator must be aware of the requirement to notify levels of higher authority whenever any incident occurs that may present any danger to employees or to department clients, and may impede official functions in Labor Department facilities, or when a request for assistance is made that is questionable. This notification should be made as expeditiously as possible, with immediate telephone communication to the next higher supervisory level, which could be to a District, Regional, or main office location.

Management at all higher levels should also be notified. Depending on the seriousness of the occurrence, the Executive Deputy Commissioner of Labor should be notified as soon as possible, through appropriate management channels. Problems that should be brought to the attention of the Executive Deputy Commissioner include, but are not limited to, those concerning interagency matters, criminal activities, severe effects on employees and widespread service dislocation.

The Office of the Inspector General (OSIG), Executive Chamber, State Capitol, Albany 12224, shall be notified of any occurrences involving criminal activity or serious misconduct by an employee, and any occurrence that threatens or places employees

or resources in serious jeopardy or danger. The OSIG may be contacted by telephone at 1-800-367-4448. The Counsel's Office shall be notified of any occurrences that present a danger to department clients.

Following this initial notification, department supervisors must prepare a fully detailed description of the incident, utilizing Form GA 51, Unusual Incident Report, and transmit the original to the Office of Special Investigations, and other copies to the appropriate supervisory office (Division Director, Bureau Head, Board Chair, or appropriate Regional Director), and to the AFB Property Office, Room 536, Building 12, Albany. In cases of damaged, missing, or stolen equipment, a copy of the Unusual Incident Report should be sent to the AFB Purchase and Contracts Unit, Room 454, Building 12, Albany.

The Office of Special Investigation' is located in Building 12, State Campus, Room 573, Albany, New York 12240, phone number (518) 457-7012.

Copies of all Unusual Incident reports concerned with the loss of any department-owned property or funds must also be transmitted to the Property Office of the Administrative Finance Bureau and the Office of Special Investigation in Albany.

Office managers and supervisors should give every possible aid to law enforcement officers, government investigators, local, state, and federal officials, and other representatives of government agencies in security matters when asked to do so. Such requests for information should be handled promptly and with full cooperation.

The office manager, supervisor, or other department employee, requested by such officials for assistance in contacting a department employee on official business, should exercise good judgment in determining the seriousness and emergency requirements of each request. If feasible, the employee should be requested to come to a reception area, a manager's office, or some location where privacy can be maintained, in order to allow the contact to be made between the officials involved and the employee.

Under unusual circumstances or whenever the appropriateness of the proposed action is in question, advice should be requested immediately from the next level of supervision and/or the Office of Special Investigations.

Requests for assistance, as described above, and the action taken, should be reported as soon as possible to the next higher supervisory level and to higher management through appropriate channels. A written summary on Form GA 51, Unusual Incident Report, shall be prepared and transmitted to the parties listed on the form.

## **Security of Persons**

### **A. Disorderly Conduct in Department Offices**

#### **1. Policy**

The location supervisor is responsible for the maintenance of order and protection of persons and property in department facilities. When a disturbance occurs, the policy of the department is to remove the cause of the disturbance. Under the following conditions, however, criminal charges may be justified:

- a. Cases involving a threat to the safety of staff or public, such as flourishing knives and other weapons, physical attacks upon staff members, unwanted physical contact, verbal threats of violence, or indecent behavior, when decisive action is deemed necessary for the future prevention of such acts.
- b. When it appears to be necessary to free the office from repeated disturbances, occasioned by failure to obey a Court Order requiring that the individual remain away from the office.
- c. Repeated disorderly conduct.

## 2. Preferring of Criminal Charges

If criminal charges against any person appear to be in order for an offense against public order or for some other action, the location supervisor must act as complainant on behalf of the department. Offenses of this type are to be distinguished from offenses against the person involving physical injury, since in the latter case, the victim must act as complainant. A member of the Office of Special Investigation will provide necessary assistance and advice when required.

## 3. Disturbances

Members of the general public on legitimate business are permitted to remain on department premises during the hours that offices are opened for as long as necessary to complete their business, unless they create a disturbance. If a disturbance (any public commotion that interrupts the normal routine) occurs, a security officer, if assigned, or supervisors or staff members should attempt to quiet the individual(s).

If an initial attempt to quiet an unruly individual fails, the staff member should notify the section supervisor who will attempt to discuss and resolve the problem in the office. The most important action to be taken in handling an unruly person is to isolate the person, if possible, from the rest of the general public. Another designated employee should keep the supervisor or staff member attempting to quiet the person in sight. Should the situation appear to become a violent confrontation or uncontrollable, the viewing employee should contact the police, report the incident and request immediate police response to the office.

## 4. Prevention of Disturbances

- a. Individuals believed likely to cause a disturbance in an office should be scheduled, whenever possible, for appointments when there is non-scheduled reporting, or on a day and time when there is less activity.
- b. An applicant or claimant reporting in an intoxicated condition, or under the influence of drugs, should immediately be observed to determine if service can be rendered. If the individual is in such condition that service cannot be rendered, the person should be requested to leave the premises. The police should be called for assistance, if needed, by the office supervisor.
- c. Any suspicion from other sources that an applicant or claimant poses a potential threat should be reported to the location supervisor.

#### B. Offenses Against an Employee Involving Physical Injury or Threat

Either an assault or the making of a threat of bodily harm against an employee is a serious matter and should be reported to the location supervisor immediately.

##### 1. Threats Made by Telephone

An employee who is threatened by telephone should:

- a. Have another employee notify the location supervisor who will, if possible, listen to the conversation on a telephone extension in order to verify the information being given.
- b. Keep the caller talking, trying to get as much information as possible. If the caller can be made to state why the call is being made, e.g., disqualification from U.I. benefits, identification may be aided. Use the Telephone Threat Guide, Form GA 743.
- c. The location supervisor, after evaluation, will consider providing the employee with an escort from the office.
- d. A threat against an employee constitutes aggravated harassment, which is a crime. The employee should contact the police and report the incident if there is reason to believe that the threat is of a serious nature.

##### 2. Threats of Assault Made in Writing

If an employee receives a threatening letter, the letter and envelope should be immediately placed in a plastic wrapper or bag by the person who opens it to preserve it as evidence. The local supervisor should be advised and should call the Office of Special Investigations called for advice. Any information which may assist in identifying the sender should be reported.

##### 3. Threats of Assault Made in Person

###### a. Verbal Threats

1. The location supervisor should placate the person by engaging in calm conversation. A second employee should observe the supervisor and the person who made the threat. Should violence occur, or if the situation appears to be escalating to a physical confrontation, the observing employee should contact the police and report an emergency requiring police response.
2. The location supervisor should telephone the Office of Special Investigations, if necessary, for advice.
3. If the person refuses to be quieted, a request should be made to the individual to leave the office. If refused, the police should be called and requested to remove the offender.
4. The Form GA 51 should be sent to the Office of the Special Investigations. (The Unusual Incident Report GA 51 Instructions and the GA 51 Unusual Incident Report can be found on the department's internal Intranet Forms page.)

b. Physical Threats

When a person threatens bodily harm to an employee by displaying a dangerous weapon, the employee, or those who come to give assistance, may use only such physical force as may be necessary to restrain the individual. The location supervisor and security officer, or safety assistant, should be notified promptly. The location supervisor will telephone the police and then notify the Office of Special Investigations and a Form GA 51, Unusual Incident Report shall be submitted and appropriate notifications made.

4. Assault Against Employees

When an assault has been committed on an employee acting within the scope of official duties, the following actions should be taken:

- a. The Security Officer, if assigned or other staff should restrain the attacker, using only such physical force as necessary to stop the assault.
- b. Render first aid as needed to the victim.
- c. The location supervisor should call the police, the Office of Special Investigations, and the appropriate higher supervisory levels.
- d. The location supervisor should obtain signed statements from all witnesses to the assault, describing the incident.

- e. Physical evidence, such as weapons, should be secured, identified and preserved. The chain of possession of all physical evidence should be recorded.
- f. The location supervisor should document the events as accurately as possible, utilizing Form GA 51, Unusual Incident Report, and send the completed original form, and any related police report or other documentation, to the Office of the Special Investigations.

In New York State, there is no statute authorizing an employer, public or private, to file a complaint against anyone who harms one of its employees. The law requires that such a complaint must be filed by the victim. Therefore, the decision to file a complaint rests with the assaulted employee. A representative of the Office of Special Investigations or the Counsel's Office, upon request, will offer advice and assistance.

Physical injuries received in the course of, and arising out of, the performance of official duties are covered by Workers' Compensation.

### C. Fire

Fire and smoke can cause fear and panic and, in some instances, fatalities. All employees should realize that their job automatically includes safety and fire prevention. Fires are caused by unsafe actions or unsafe conditions and may frequently be prevented if the unsafe condition or action is removed. The security officer, the safety assistant, or any employee should note any unsafe actions and conditions and bring them to the immediate attention of the location supervisor.

1. It is important that each location supervisor ensure that:
  - a. The location of the nearest fire alarm call box and its proper operation is known by several responsible employees, including the security officer or the safety assistant. The office supervisor should make prior contacts with local fire units and request their aid in promoting fire safety and evacuation procedures.
  - b. The telephone number of the nearest fire station is posted. When reporting a fire by telephone, the exact location, including the address, floor and building access routes should be given.
  - c. All employees know the locations of fire exits and the various ways of reaching them.
  - d. An emergency evacuation drill is held annually and recorded.

- e. Regularly scheduled inspections of the premises by the security officer or safety assistant are made during office hours to note any unsafe conditions, such as trash collections or blocked stairways.
  - f. Fire exits are properly identified and that these exits are in good working order. Fire exits should be of the type that opens in the direction of egress. Alternate exits must be identified for use in the event that the primary exit is not available.
  - g. All fire extinguishers are inspected each month by the location supervisor or designee to see that they are charged and appear to be in working order, and that the inspection tags are in place and up-to-date.
  - h. All fire extinguishers are formally inspected at least annually by the company that maintains them to ensure that they are fully operational.
  - i. In large offices, fire patrols are established to assist in safety and evacuation procedures.
  - j. In multi-story office buildings, in event of electrical fires, employees are cautioned against using elevators as a means of leaving the building.
  - k. Stockrooms are so organized so as to eliminate possible fire hazards.
  - l. Good housekeeping is encouraged to lessen the chance of fires by eliminating or reducing the fuel necessary to maintain combustion.
2. If it becomes necessary to evacuate the premises because of an actual fire, a fire drill or other emergency, the security officer or safety assistant, upon instructions from the location supervisor, will:
- a. In large offices, immediately alert the fire patrol to take their posts in order to assist in an orderly evacuation.
  - b. Ensure that everyone in the affected area is notified of the evacuation and complies with the order to leave.
  - c. Ensure that people with disabilities are allowed use of any safe elevators that are in the building. If there are no elevators or escalators, the security officer or safety assistant will direct the staff to assist people with disabilities.
  - d. Special Note: Evacuation of People with Special Needs:

If employees require assistance during emergency building evacuations they are strongly encouraged to report their needs to the Floor Warden and the



Fire Safety Director as soon as possible. The employee(s) should be prepared to identify the type of assistance required in order to ensure proper assistance in case of an emergency. The safety need of persons with special needs is determined on a case by case basis because they vary with each individual and building.

Provision of this information is voluntary and will only be shared with personnel who have responsibilities under the emergency evacuation plan. For example, in the event of an emergency, the Fire Safety Director/Floor Warden may share information on an employees' special needs assistance with medical professionals, emergency coordinators (i.e. Firefighters, Police Officers) and emergency personnel who need to confirm that everyone has been evacuated and others who are responsible for ensuring safe evacuation. (Examples: Special assistance may involve a permanent disability such as a respiratory issue that will inhibit the individual from using the stairs and the individual may require a respiratory device or a temporary disability such as a broken leg that would inhibit the individual from using the stairs).

In most instances, employees are not required to provide the details of their medical condition to obtain evacuation assistance. If there is a need however, the information will be kept confidential. See U.S. Equal Employment Opportunity Commission (EEOC) Guidelines on Confidentiality Fact Sheet on Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures at:  
[http://www.spu.edu/Emergency and Crisis Management Plan](http://www.spu.edu/Emergency%20and%20Crisis%20Management%20Plan)

- e. Report to the location manager that the evacuation has been completed. The location manager will then notify the Regional Director and the office of the Chief of Disaster Preparedness of the evacuation.

When temporary office space is obtained, the location supervisor will be responsible for carrying out the foregoing fire safety precautions.

In buildings occupied by the department and other state agencies and private concerns, the location supervisor should confer with representatives of the other offices to establish uniform actions to be taken during a fire or other emergency.

#### D. Bomb Threats

Any employee whose attention is called by telephone or any other means to a bomb, suspected bomb or other explosive, must immediately notify the local supervisor and the security officer or safety assistant. When a threat is made by telephone, the person receiving the call should use the Telephone Threat Guide, Form GA 743, to:

1. Record exact time the message was received.
2. Record exact wording of the message.
3. Record whether the caller was male or female.
4. Obtain from caller, if possible, the exact location of the bomb by building, floor, stairway or room.
5. Jot down any additional information that may possibly be of use in identification.

The location supervisor must consider the threat as a real possibility that an actual bomb is present. Therefore, the supervisor should:

1. Notify the nearest local police department. In Building 12, Albany, dial 911 and notify the Office of Special Investigations at (518) 457-7012.
2. Cause the premises, or area in which the explosive or suspected explosive is thought to be located, to be evacuated. Evacuation procedure is outlined in Section C above.

In determining the extent of the evacuation required, it is to be assumed that a bomb may cause serious personal injury or damage to property within an area of at least 300 feet from the point of explosion.

The police will assume control of all activities regarding a bomb or bomb threat when they arrive at the location. Upon the arrival of the police, the location supervisor will confer with them in order to furnish all available information.

3. Instruct employees and the public not to touch or move any suspicious package, box, etc. The police, upon their arrival, will examine the items.
4. Follow instructions for reporting incidents as in Section III above.
5. Prepare a written report of the incident using Form GA 51, Unusual Incident Report, and include all details, such as:
  - a. The time of day the message was received.
  - b. Name of the person who received the message.
  - c. Exact wording, if possible, of the message.
  - d. Possible identification of caller, e.g., male or female.
  - e. Procedure followed.

- f. Damage and injuries, if any.

#### E. Disaster Preparedness

The location supervisor's prime responsibility in the event of any disaster preparedness emergency is the safety of all individuals at the official station. To assist with this responsibility, the location supervisor may call upon the Deputy Commissioner for Administration's office.

The security officer or safety assistant must be familiar with shelter areas and the access routes to them.

The location supervisor, or alternate, will be advised by the local authorities when to evacuate employees and the general public. Any evacuation should be carried out as in Section V(c) above.

1. The location supervisor is responsible for the security of department equipment, petty cash funds, tokens or postage funds on department premises. To safeguard offices against theft, the supervisor will:

- a. Control number of office keys.
- b. Alert employees to question anyone in an unauthorized area, and:
  - 1) If a legitimate explanation is furnished, direct the individual to the proper section for service, or
  - 2) If the reason given is not satisfactory, notify the location supervisor who is to take precautions to assure that there has been no tampering with means of ingress and egress, e.g., doors and windows, and to assure that no suspicious parcels have been left. Any other precautions deemed advisable should be taken.
- c. Alert all employees to their responsibilities for inspecting their work areas at the close of business to see that nearby windows and doors are locked, electrical equipment is unplugged, etc.
- d. Report unsafe or defective conditions immediately to the Office of Special Investigations, the Property Office of the Administrative Finance Bureau, and/or the landlord for appropriate remedial action (e.g., broken windows, faulty locks on outside doors or on windows, etc.).

2. The security officers also have a responsibility for department equipment in their assigned offices. In locations where a security officer is assigned, the security officer, in conjunction with the location supervisor, will:

- a. Evaluate whether windows at street level need protection by screening or bar grating.
  - b. Evaluate whether flood lighting (external lighting) is necessary to illuminate front, rear and side alleyways of the office location.
  - c. Evaluate the need for bar lock devices for electric typewriters and other valuable equipment.
  - d. Evaluate the need of keeping internal lights, including the front vestibule lights, illuminated during the hours of darkness.
  - e. Evaluate whether suitable bar grating adequately protects skylights.
  - f. Evaluate the need for burglar alarms.
  - g. Recommend reconstruction of outer doors so that hinge pins cannot be pulled or broken, and assuring that outside door locks adheres to standards.
3. The security officer or the safety assistant should ensure that:
- a. Everyone, except those duly authorized, has left the premises and that all doors and windows are secured at the close of business.
  - b. Movable equipment, e.g., adding machines, should be moved at the end of the workday to a secure area.

### **Security of Personal Property**

To safeguard personal property, the following precautions should be taken:

- A. Employees must be cautioned not to keep any valuables in their desks.
- B. Employees should not leave their personal belongings on the desktop or in any exposed area. Female employees should place their purses in desk drawers, and, if keys are available, lock their desks when they leave; otherwise, take their belongings with them when they leave the work area.
- C. Employee lockers should have keys so that employees may secure their personal belongings.
- D. Coat racks are to be located away from the general public in an area accessible only to employees.
- E. Valuable items should not be left overnight.

**NOTE:** The department is not an insurer of, nor is it responsible for, the personal property of employees brought in to department premises. In addition, the State Finance Law does not provide for the reimbursement of administrative claims filed by department employees for theft of their personal property.

### **Security of Field Staff**

The Department of Labor has various units that send employees into the field to advance our mission. Investigators and auditors go to businesses to examine books and records and interview employees and employers, inspectors examine a myriad of equipment and work practices from mines and explosives to carnival rides and restaurants. Each field activity has its own unique safety challenges.

- A. Standard operating procedures (SOP) are to be written for all aspects of the fieldwork to be performed by Department of Labor employees. The supervisor will determine the specific health and safety risks and the level of risk associated with each phase of the SOPs for the particular field investigation or inspection. These risks must be detailed, and guidelines to protect the employee from the risk must be written and acknowledged by the employee prior to commencing the field activity. These SOPs for specific work must be reviewed and updated annually by the supervisor and acknowledged by the employee.
- B. Employees must follow the SOP for the fieldwork performed. The SOP lists the potential safety and health hazards and the preventive work practices and personal protective equipment needed based on the risk. If specialized training is required to perform the fieldwork, this should be noted. Employees must not conduct fieldwork unless they have the personal protective equipment and the training required by the SOP.
- C. Employees must notify a supervisor of the locations where they will be investigating/inspecting. The notification must have the address, a phone number of the site (if available), and the approximate time of day the employee will be at the site. Carry a cell phone in case of an emergency, and give your supervisor the cell number. Microsoft Outlook calendars are the preferred means of notifying the supervisor of the field schedule by the employee scheduling the visit on a shared calendar with the pertinent information on the appointment.
- D. If employee is concerned about the safety of the area, the employee should notify the supervisor both before and after completing their work at the location.
- E. If threatened with violence while performing their duties, employees must leave the scene, notify their supervisor immediately, and with the concurrence

of their supervisor, notify law enforcement. If the employee is a victim of an assault or other hostile physical contact, the employee should notify law enforcement immediately.

- F. In the event of any incidents encountered during the field work that warrant first aid, medical care or police action, the employee must notify the supervisor as soon as possible. The employee or supervisor must complete an Unusual Incident Report in accordance with this policy. A SH 900 must also be completed for injuries. All injury claims that involve more than simple first aid should be filed within 24 hours. For serious injuries or death, the injuries must be reported to the Office of Special Investigations and to the appropriate Deputy Commissioner as soon as “practically possible but no longer than 8 hours after the employee or supervisor knows or, with diligent inquiry, would have known of the death or serious injury or illness.”
- G. Make a copy of the SOP’s emergency plan with all the emergency numbers and take it with you each time you go out to the field. Go over the checklist to make sure you have protective equipment etc., with you before beginning your field assignment.

### **Training**

Every location manager and/or supervisor is responsible for conducting, or providing, training for employees. Such training should include, but not be limited to, reporting of incidents, security of persons, fire protection, and security of department and personal property.

### **Related Topics:**

GA Manual Topic 0249 [Department Policy on Domestic Violence](#)

GA Manual Topic 0235 [Hazard Communication/Right to Know Program](#)

GA Manual Topic 0526 [Identification Cards](#)

### **Contact Information**

For further information, contact the Office of Special Investigations at (518) 457-7012.

## Appendix B

# NYSDOL Model Program on Workplace Violence Prevention

## **POLICY STATEMENT ON WORKPLACE VIOLENCE**

### **Workplace Violence Prevention Program & Incident Reporting**

The New York State Department of Labor, regardless of location, is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on a NYSDOL worksite will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. **All** employees are responsible for actively participating in their workplace violence prevention program by creating an environment of mutual respect for co-workers and clients. Employees are directed to adhere to procedures and program requirements, which will provide for a safe and secure work environment.

This program is designed to meet the requirements of NYS Labor Law 27b, "12 NYCRR Section 800.6 Public Employer Workplace Violence Prevention Programs". Our program includes an ongoing workplace evaluation that is designed to identify the workplace violence hazards employees may be exposed to. In addition; it includes establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this program is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. NYSDOL has identified response personnel that include a member of management and an employee representative. If appropriate, the NYSDOL will provide counseling services or referrals for employees.

### **Reporting Workplace Violence**

All NYSDOL personnel are responsible for the timely reporting of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

The Department of Labor has a longstanding policy of zero tolerance for assaults or threats against its employees. To effectuate this policy the Department has in place a rule requiring employees to report any such incident to their manager and to the Office of Special Investigations.

The procedure for reporting incidents is described in GA Manual. **Topic 0504 follows:**

Every Department supervisor, office or location manager, and administrator must be aware of the requirement to notify levels of higher authority whenever any incident occurs that may present any danger to employees or to Department clients in Labor Department facilities that may impede official functions, or when a request for assistance is made that is questionable. This notification should be made as expeditiously as possible, with immediate telephone communication to the next higher supervisory level, which could be to a District, Regional, or main office location.

Management at higher levels should also be notified. Depending on the seriousness of the occurrence, the Executive Deputy Commissioner of Labor should be notified as soon as possible, through appropriate management channels. Problems that should be brought to the attention of the Executive Deputy Commissioner will include, but are not limited to, those concerning interagency matters, criminal activities, severe effects on employees, and widespread service dislocation.

The Office of the State Inspector General (OSIG), Executive Chamber, State Capitol, Albany 12224, shall be notified of any occurrences involving criminal activity or serious misconduct by an employee, and any occurrence that threatens, or places, employees or resources in serious jeopardy or danger. The OSIG may be contacted by telephone at 1-800-367-4448. The Counsel's Office shall be notified of any occurrences that present a danger to Department clients.

Following this initial notification, Department supervisors must prepare a fully detailed description of the incident, utilizing Form GA 51, Unusual Incident Report, and transmit the original to the Office of Special Investigations, and other copies to the appropriate supervisory office (Division Director, Bureau Head, Board Chair, or appropriate Regional Director), and to the AFB Property Office, Room 536, Building #12, Albany. In cases of damaged, missing, or stolen equipment, a copy of the Unusual Incident Report should be sent to the AFB Purchase and Contracts Unit, Room 454, Building #12, Albany.

Every Department supervisor, office or location manager, or administrator shall also be responsible for notifying the local employee representatives when an incident of workplace violence has occurred. This notification shall be made as expeditiously as possible taking into account the nature of the event.



**Types of Incidents Reported**

The Department of Labor requires reports on the following classes of incidents: Assault, Bomb Threat, Breaking and Entering, Theft, Fire, Personal Injury/Medical Emergency, Power Failure, Property Damage, Smoke/Fumes/Odors, Disruptive Conduct/Harassment, and Vandalism. Any other category of incident is reported in an "Other" category. All employee misconduct is reported both to the State Inspector General and to the Office of Employee Relations.

## Appendix C

### DISRUPTIVE CUSTOMER ACTION CHART

Letter #	Behavior Type	Suspension Period	Offer Hearing?
1	violent or harmful	not less than 6 months	Yes
no letter	1st Disruptive not removed from premises	None--verbal warning and document file	No
2	1st Disruptive if removed from premises	10 business days	No
3	2nd Disruptive	90 days	Yes
4	3rd Disruptive	one year	Yes
no letter	1st Center Rule Violation	None. Verbal warning confirmed in writing	No
5	2nd Center Rule Violation	5 - 10 business days (privilege specific)	No
6	3rd Center Rule Violation	90 days (all services)	Yes

## Appendix C

### Letter Template #1 (Physical, Violent or Harmful Behavior)

#### N O T I C E

On (insert date of the latest incident), you (describe the customer's behavior). In accordance with Department of Labor policy and procedure, behavior that either threatens or places employees and/or customers of the (insert name of One-Stop Center) at risk of bodily harm is not acceptable; therefore service to you at any One-Stop Center in New York State is suspended until (insert suspension date). After this date, you may apply to (insert appropriate Manager/Location Supervisor's name(s)) to have this suspension removed. The Department of Labor reserves the right to impose specific requirements for reinstatement to ensure adequate protections are afforded employees, partners and customers.

If you do not agree with this decision, you may request a hearing by writing this office within 15 days of the date of this letter. You will be notified of the date and location of the hearing by certified mail. You may be represented by counsel and bring witnesses.

Your failure to request a hearing within 15 days, or your failure to appear at the date specified for the hearing, will result in this suspension taking effect as specified above.

Note: The BEWO Chief or NYSDOL Manager/Location Supervisor (depending on the signatory), One-Stop Center Manager, DEWS Director, Counsel's Office, and the Office of Special Investigations should be copied on the letter.

## Letter Template #2 (Disruptive Behavior)

### N O T I C E

After having been warned on (insert date of warning) that future occurrences of (identify the customer's behavior) would result in a suspension of service, on (insert date of latest incident), you (describe the customer's behavior that recurred). In accordance with the stated policy and procedure of this center, behavior that is disruptive or disrespectful toward staff and customers is not acceptable; therefore, you are suspended from receiving services in any One-Stop Center in New York State until (insert date).

Another occurrence of this or similar behavior will result in a suspension of 90 days.

Note: The One-Stop Center Manager, BEWO Chief and the Office of Special Investigations should be copied on the letter. The days of suspension should be counted from the day after the occurrence of the disruptive incident (effective the next business day). Given the short time frame for this suspension, the notice should be approved and mailed as quickly as possible (i.e., by the next business day).

**Letter Template #3 (Disruptive Behavior, Second Suspension)**

**N O T I C E**

On (insert date), you were suspended from receiving services for (insert number of days suspended) business days for (insert summary of customer's behavior). You were advised that a repetition of this behavior would result in a 90-day suspension from receiving services.

On (insert date) you (insert summary of customer's behavior that recurred). This behavior violates established local office rules prohibiting disruptive behavior or behavior that is not respectful of staff or customers. Since this is your second infraction, you are suspended from receiving services at any One-Stop Center in New York State for 90 days or until (insert date).

Another occurrence of this or similar behavior will result in your being suspended from service for one year.

If you do not agree with this decision, you may request a hearing by writing this office within 15 days of the date of this letter. You will be notified of the date and location of the hearing by certified mail. You may be represented by counsel and bring witnesses.

Your failure to request a hearing within 15 days, or your failure to appear at the date specified for the hearing, will result in this suspension taking effect as specified above.

Note: The One-Stop Center Manager, BEWO Chief, DEWS Director, the Office of Special Investigations, and Counsel's Office should be copied on the letter. The 90 days (not business days) should be counted effective the day after the second occurrence with the suspension ending effective the 91<sup>st</sup> day.

**Letter Template #4 (Disruptive Behavior, Third Suspension)**

**N O T I C E**

On (insert date), you were suspended from receiving services for (insert number of days suspended) business days for (insert summary of customer's behavior). On (insert date) you were suspended from receiving services for 90 days for (insert summary of customer's behavior) and advised that further incidences of disruptive behavior would result in a year's suspension.

On (insert date) you (insert summary of customer's behavior). Since this is your third infraction, you are suspended from receiving services in any One-Stop Center located in New York State for one year or until (insert date). After this date, you may apply to (insert Name, title, location) to have this suspension removed. The Department of Labor reserves the right to impose specific requirements for reinstatement to ensure adequate protections are afforded employees and customers at its Centers.

If you do not agree with this decision, you may request a hearing by writing this office within 15 days of the date of this letter. You will be notified of the date and location of the hearing by certified mail. You may be represented by counsel and bring witnesses.

Your failure to request a hearing within 15 days, or your failure to appear at the date specified for the hearing, will result in this suspension taking effect as specified above.

Note: The One-Stop Center Manager, BEWO Chief, DEWS Director, Counsel's Office, and the Office of Special Investigations should be copied on the letter.

**Letter Template #5 (Violation of Center Rules – Loss of Privileges)**

N O T I C E

On (insert date) you violated the (insert name of One-Stop Center) Center's rule prohibiting (insert rule). You (insert description of customer's infraction). You had previously been warned that this activity was a violation on (insert date), and that a second occurrence would result in a loss of privileges.

As such, you are suspended from (insert privilege(s) that are barred) at the (insert name of One-Stop Center) until (insert date). A third infraction will result in your being suspended from accessing any privileges in any One-Stop Center located in New York State for 90 days.

Note: The One-Stop Center Manager, BEWO Chief and the Office of Special Investigations should be copied on the letter. Because of the short duration of the suspension, the notice should be sent out as quickly as possible (i.e., by the next business day).

**Letter Template #6 (Violation of Center Rules – 90 Day Suspension)**

NOTICE

On (insert date) you (insert description of customer's infraction). On (insert date of warning) you were warned about similar activity and on (insert date) you received a (insert the length of suspension imposed) loss of privileges for this behavior.

Since this is your third infraction, you are suspended from accessing any services in any One-Stop Center located in New York State for 90 days or until (insert date).

If you do not agree with this decision, you may request a hearing by writing this center within 15 days of the date of this letter. You will be notified of the date and location of the hearing by certified mail. You may be represented by counsel and bring witnesses.

Your failure to request a hearing within 15 days, or your failure to appear at the date specified for the hearing, will result in this suspension taking effect as specified above.

Note: Copy the One-Stop Center Manager, BEWO Chief, DEWS Director, and Counsel's Office



## Appendix D

### CUSTOMER CODE OF CONDUCT

As a customer of the One-Stop system, I agree to work within the following rules:

- I will conduct myself in a manner that is professional, courteous and respectful.
- I will work in a manner that is productive to my finding employment, training or educational opportunities.
- I will dress in an appropriate manner suitable for most work environments.
- I will notify Workforce System staff when I am offered and/or accept employment.
- I will follow the *Resource Area Internet and Computer Use Policy* (attached).
- I will not use equipment (phone, fax, copier, computers, software programs, etc.) for personal use.
- I will notify Workforce System staff when equipment fails to function.
- I will not bring food or drink into the Resource Room.
- I will seek out clarity and thorough understanding of what is expected of me when at the Workforce System location.
- I will, if I disagree, seek out the appropriate staff for resolution to any problems.
- I will not engage in physical or verbal confrontation with staff, or other customers.
- I will use appropriate work place language and refrain from yelling and profanity.
- I will, when told, cease all inappropriate behavior.
- I will notify Workforce System staff when others are acting inappropriately.
- I understand that failure to abide by this Code of Conduct may result in a loss of privileges or bar me from participation at Workforce Systems locations.

## **Resource Area Internet and Computer Use Policy**

Welcome to the Workforce System Resource Room. Our goal is to make the use of these computers easy and accessible for customers. We ask that you be considerate of others by using the computers only for activities directly related to your job search or other uses approved by staff. Please complete your work as quickly as possible if others are waiting. If you need help using the computer, please ask. We are here to help you.

### **Appropriate computer usage includes:**

- Program registration;
- Accessing job-related resources;
- Researching companies;
- Résumé and cover letter writing;
- Job search, searching job databases; and
- Researching career and educational options.

### **Inappropriate computer usage includes:**

- Changing or adding settings, formats, bookmarks or favorites;
- Downloading software without explicit authorization of Resource Room staff;
- Receipt, storage, transmission or viewing of offensive, racist, sexist, obscene, or pornographic information or materials;
- Infringing copyrights or violating software licensing agreements;
- Wagering, betting, selling or other commercial activities;
- Invading the privacy of others;
- Conducting personal business and/or research unrelated to program eligibility, job search or career exploration; and
- Hacking of computers or computerized systems.

### **E-Mail Use in the Resource Area**

Job searching for many job seekers and employers routinely requires the use of e-mail. There are several free e-mail sites available for use. You are encouraged to use business-related sites such as: [www.yahoo.com](http://www.yahoo.com), [www.hotmail.com](http://www.hotmail.com), [www.gmail.com](http://www.gmail.com).

E-mail use in the Resource Area can only be used for job search related activities, for example:

- Transferring résumés;
- Receiving applications from employers;
- Seeking additional information regarding employment;

- Clarifying questions from potential employees and employers; and
- Notification to the job seeker of job openings (used with SMART 2010, JOB central, indeed, etc.).

In addition, this Workforce System office has put the following rules in place to prevent transmission of viruses from disks, and we ask that you follow these additional policies:

- Disks used in the Resource Room are to be maintained at the Service Desk.
- Staff has the right to monitor appropriate use of resources and equipment in the Resource Room.
- Misuse of the computer, printer, or any site equipment will result in the loss of privileges and/or criminal charges.
- The Workforce System office assumes no responsibility for any damage, direct or indirect, that users or anyone else may experience through access to the Internet.

## Appendix E

### *Instructions for Recording 'Service Suspension' in OSOS*

OSOS Activities have been established for the purpose of recording in OSOS that a customer has been suspended from using the services of the Workforce System. These activities are under the *Activities* pop-up window in Customer Detail under **L1 State Specific Services – Other Services**. Click on “Initiate Service Suspension” when imposing the suspension, and “Terminate Service Suspension” when the suspension has ended.

When initiating a suspension, in addition to recording the activity, the following additional steps in OSOS should also be taken:

- Using the *Post a Note* button at the bottom of the Activities screen, record the general reason for the suspension. Include in the comments the period of time of the suspension, the ending date of the suspension period, the category of behavior that prompted the suspension per the Disruptive Customer Policy (violent behavior, disruptive behavior, or violation of center rules), whether the suspension represents a full suspension from any/all access to the One-Stop System or a limited suspension from a particular type of service activity, and the location(s) affected by the suspension. Also include any specific critical information describing the circumstances and/or terms of the suspension that should be known by other office staff. Limit the content of the OSOS comment to essential information, keeping in mind that the full details are to be documented and maintained by management in a secure location in the office.
- Change the Job Seeker Status found on the General Info Tab of OSOS Customer Detail from active to inactive. This will suspend the customer from job match activity.
- Change the Employment Objective found on the Objective Tab of OSOS Customer Detail to identify the Service Suspension and the dates of the suspension on the first line of the Objective field. Since the Objective is one of the limited data fields related to the customer that is displayed in any listing of Search Results in OSOS, it provides an easy way to immediately identify that the customer has been suspended from service.

**Record the activity, *Terminate Service Suspension*, to record the lifting of the Service Suspension in OSOS.**

In addition to recording the activity, the following additional steps in OSOS should also be taken:

- Delete the Service Suspension information added to the first line of the Employment Objective found on the Objective Tab of the OSOS Customer Detail so that this will no longer appear on the Search results and/or the customer's résumé. ***It is critical to make sure this information is deleted prior to re-activating the Job Seeker Status, so that it does not appear on the customer's résumé. This is an especially critical step if the customer résumé is one that is marked for posting on the Internet.***
- Change the Job Seeker Status found on the General Info Tab of the OSOS Customer Detail back to Active if previously inactivated as a result of the service suspension and the customer is still interested in seeking employment.