



DISRUPTIVE CUSTOMER POLICY – Adopted: 1-28-16

The procedure for handling disruptive customers addresses three categories of behavior and there are mandatory actions that must be taken in response to each of these behaviors:

1. Physical, violent or harmful behavior;
2. Disruptive behavior; and
3. Violation of facility rules.

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.



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(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 New York State Department of Labor
Counsel’s Office Administrative Adjudication Unit
Building 12, Room 509 Building 12, Room 266
Albany, New York 12240 Albany, New York 12240

New York State Department of Labor New York State Department of Labor
Office of Special Investigations Division of Employment and Workforce Solutions
Building 12, Room 573 Building 12, Room 436
Albany, New York 12240 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

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



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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.

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



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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.



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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).



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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 nonscheduled 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.

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 ***LI 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 reactivating 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.