

Office of Administrative Hearings (OAH) Procedures Transmittal	Transmittal Number:	05-12
Distribution: ALB OAH Staff <input checked="" type="checkbox"/> UPS ALJs <input checked="" type="checkbox"/> Upstate LDSS <input type="checkbox"/> SUP ALJs <input checked="" type="checkbox"/> NYC OAH Staff <input checked="" type="checkbox"/> NYC ALJs <input checked="" type="checkbox"/> NYC Agencies <input type="checkbox"/> SUP ALJs <input checked="" type="checkbox"/>	Date:	August 10, 2005
	Page:	1 of 4 plus Attachments A-F
	Subject:	OAH Security/Incident Reporting Procedures

This Administrative Transmittal will explain the various steps to be taken by Office of Administrative Hearings (OAH) staff in the event a situation occurs that falls within the stated parameters of a security incident.

Every complaint or threat must be treated seriously and handled in accordance with established procedure. These guidelines are intended to ensure the appropriate level of intervention to minimize potentially negative consequences or harm to the clients we serve, local district staff, OAH staff, and other agency staff.

In addition to the Department's reporting requirements (refer to Page 3 of this transmittal), OAH will maintain our own internal controls on security incidents. The New York State OTDA, Administrative Hearings Security Incident Log must be maintained at all OAH locations. This log must include all incidents that occur from any source. A copy of the NYS OTDA OAH Security Incident Log can be found on the OAH intranet at <http://msctda9g5fh08/Administration/Intake/securitylog.doc> and is attached for your information. (Attachment A). The incident log does not require a great deal of elaboration.

This log will be maintained by OAH staff at 14 Boerum Place, 330 West 34th Street, One Commerce Plaza and by the OAH Liaison staff for all Upstate hearing locations. For all Upstate hearing locations, the incident log is to be completed by Albany office staff at the Upstate liaison desk—Administrative Law Judges may call in or fax the information as described in the section below entitled Upstate Hearing Site Security/Incident Reporting Procedures. On a monthly basis, incident logs from all locations (including those collected by the Upstate liaison desk) should be forwarded to Mark Lacivita.

In the event the police are called or a client is removed from a hearing site that is under OAH auspices, the NYS OTDA Security/Incident Form (OTDA 4503EL) must be completed within 48 hours and forwarded to Mark Lacivita, for appropriate referral to BMS. (Refer to Page 3 of this transmittal).

ACTIVE INCIDENTS AT OAH-ADMINISTERED SITES

Staff in all units at all OAH sites (includes 14 Boerum Place in Brooklyn, 330 West 34th Street in Manhattan, One Commerce Plaza in Albany, One Monroe Square in Rochester, 125 Main Street in Buffalo, and 50 Clinton Street in Hempstead) may become aware of threats made by clients or dangerous situations either in person, on the telephone or through written communication via mail, fax, or email. Such incidents may consist of threats of physical violence, including bomb threats, or statements of such a nature that staff perceive that the caller is exhibiting emotional instability. The threats can be against staff in OAH, local agency staff, other government officials, other institution staff, the caller him/herself, the caller's family members or others known to the caller.

If the incident is instigated either in person or by a telephone call, it is essential that it be brought to the attention of the immediate supervisor, Mark Lacivita, or the OAH Liaison Desk as appropriate, as indicated above, or if the complaint is received in NYC, to the attention of Sebastian Addamo or Thomas McArdle. A determination as to whether the police need to be called or other intervention as appropriate will be made and the incident will be logged on the OAH Security Incident Log.

If appropriate, SECU will be entered in the Subcategory field on the Fair Hearing Information System (FHIS), and the comments will be duly noted. (See OAH Transmittal 05-19, Office of Administrative Hearings Security Procedures). Any threats directed against local district staff, OTDA staff, or other governmental agencies need to be assessed for the appropriateness of referral to Russell Sykes, Deputy Commissioner of the Division of Employment and Transitional Supports, and/or the affected agency.

If the incident is initiated via written communication, the same urgency should be applied to dealing with the threat as if it were received over the telephone or in person. All reporting procedures apply.

Upstate Hearing Site Security/Incident Reporting Procedures

For all Upstate sites where OAH holds hearings in a local district office (all Upstate districts other than Rochester, which is an OAH site), the following security protocol shall apply:

Staff at every local district hearing site is under the supervision of local district security protocols. Administrative Law Judges (ALJs) should familiarize themselves with local district security procedures in the counties in which they preside.

If an ALJ has a problem with a particular local district security provision, the ALJ's supervisor should be notified. Supervising ALJs who want to review past security breeches, should raise them with Phil Nostramo, who can in turn bring them to the attention of OAH Management and/or local district staff.

Any specific individual security incident needs to be reported to the ALJ's supervisor PLUS it must be reported to the Albany Upstate Liaison desk, where a log will be maintained of all security incidents. This report by the ALJ to the Upstate liaison can be done by email or via

telephone. Albany must have this information for tracking purposes only. It is still necessary to deal with the specific problem according to the local district security protocol. The log sheet to be completed by liaison staff (Attachment A) is provided for reference purposes so ALJs will have the required information available before calling the liaison desk with this information.

In addition to OAH's reporting requirements noted above and specific local district protocols, any safety or security incidents which threaten an ALJ's well-being needs to be reported to the Department's Bureau of Management Services (BMS) on the OTDA-4503 EL, OTDA Security/Incident Report Form, as described below.

One Commerce Plaza Security/Incident Procedures

(See Attachment B)

14 Boerum Place Hearing Site Security/Incident Procedures

(See Attachment C)

330 West 34th Street Hearing Site Security/Incident Procedures

(See Attachment D)

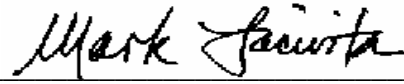
The Monroe County site in Rochester is an OAH facility so all procedures are identical to the general OAH Security/Incident Reporting requirements as described elsewhere in this transmittal.

OTDA Security/Incident Report Form OTDA-4503 EL

The Bureau of Management Services (BMS) has a reporting requirement for any safety or security incidents occurring in the Department (see attached memorandum from John Paolucci, dated October 22, 2004, Reporting Health and Safety Incidents; Threats of Violence). It is expected that following any incident which is perceived as a threat to the personal safety or security of an employee, whether it comes from a client, a coworker, or is a result of a problem in the physical plant such as a power failure or fire, an OTDA Security/Incident Report Form OTDA-4503 EL <http://otda.state.nyenet/psqi/bms/Disaster%5FPreparedness/> (click on "Incident Report") must be completed and submitted to the immediate attention of Mark Lacivita or faxed to (518) 408-3202. A copy of the form is attached for your information; the form may also be obtained from Debbie Huber (See Attachment E). As appropriate, incident reports will be forwarded to the Bureau of Management Services.

Also find attached the relevant section of the OTDA Administrative and Policy and Procedures Manual (APPM) Procedure referenced in Deputy Commissioner Mary Meister's Zero Tolerance in the Workplace memorandum, dated February 6, 2004, which outlines specific reporting procedures for dealing with the department's policy against acts of violence, threats, harassment or intimidation by or against OTDA employees. <http://otda.state.nyenet/otda/manuals/Applm-08-09-04/Chapter%2003/CH3SCT8-ZERO%20TOLERANCE.doc> (See Attachment F).

If there are any questions with respect to this transmittal, you may contact your supervisor or Sue Fiehl at (518) 473-4779 or via email susan.fiehl@otda.state.ny.us.

A handwritten signature in black ink that reads "Mark Lacivita". The signature is written in a cursive style with a horizontal line underneath it.

Mark Lacivita, Director of Administration
Office of Administrative Hearings

**ONE COMMERCE PLAZA
SECURITY PROCEDURES**

- 1) All OTDA employees must display a NYS Employee Photo ID card at all times. This card is also used for access to the office. Employees of other agencies who enter the premises at One Commerce Plaza will also be required to display a Photo ID card provided by their agency. Any employee not wearing a Photo ID will be reminded of this requirement by OAH Management. Employee ID Cards will be surrendered upon separation and returned to OAH management.
- 2) OAH will provide visitors temporarily on site at One Commerce Plaza a visitor pass, as appropriate. This card will permit business hours access to the visitor. This Visitor Pass must be displayed at all times while on the premises. Visitor Passes will be surrendered and returned to OAH management upon conclusion of the visit.
- 3) Visitors who are employees of other State agencies (including those OTDA employees participating in Outside Overtime) must present an official ID card for access. This ID card must be displayed at all times while on the premises.
- 4) Clients, client’s relatives, representatives and other individuals appearing at the Albany walk-in site must present themselves at the walk-in area, announce their purpose via the walk-in telephone, and wait to be admitted upon screening on the front-desk closed-circuit monitor. They will be allowed entrance to the walk-in room and interviewed by appropriate Communications Intake Unit (CIU) staff. Relatives, representatives and other individuals accompanying the client may also be admitted to the walk-in area. CIU staff will be responsible for monitoring the general conduct of visitors on the premises and should seek appropriate intervention if a problem arises. Situations may include the necessity to push the Security Alert Alarm located to the right of the walk-in window on the 12th floor. Use of this alarm will result in an alert at the front desk, at which point, a determination is to be made as to the appropriate response based on a quick review of the closed-circuit monitor and immediate dispatch to the walk-in area. Appropriate responses may include calling the Albany Police Department for a problem in our space at which point One Commerce Plaza Building Security would need to be informed that APD was called. If the client already left our space and is unaccounted for, One Commerce Plaza Building Security would have to be notified. Clients and representatives will be restricted to the walk-in area until their business is concluded at which point they should be directed to immediately exit the floor. They are not permitted to wander or remain on the premises due to the confidential nature of the administrative hearing operation.

- 5) Clients and representatives who wish to speak to a supervisor or other individual will be asked to wait in the walk-in area, or, if appropriate, may be accompanied to a conference room to review records, etc., where they will continue to be assisted until their business is concluded, at which point they will be directed to immediately exit the floor.
- 6) Visitor Policy: Visitors of employees must access the office by first accessing the telephone outside Room 1200 and announcing who they are on-site to visit. Visitors will be asked to wait in the hall by the elevator lobby for the employee to be summoned to meet them in the hallway at which point, if the visit is determined to be of a nature that may require a prolonged amount of time, they should be escorted by the employee into the walk-in area or suitable conference room or the lunchroom to conclude the visit. Friends, relatives, and other visitors are not permitted entrance to the work area due to the confidential nature of the administrative hearing operation.
- 7) Windows in doors are not to be obstructed in any manner to provide a clear view at all times.
- 8) All employees are expected to adhere to these security guidelines and cooperate with OAH management. All OAH supervisors are expected to enforce these guidelines, as well. An employee who fails to adhere to security guidelines will be so advised and appropriate remedies applied.
- 9) Any client or visitor who fails to adhere to these security measures or fails to follow the instructions of OAH management or an authorized CIU staff member will be so advised, and if further inappropriate actions continue, will be escorted from the premises. When necessary, the Albany Police Department may be summoned to handle the situation. Contacts made to the Albany Police Department are to be coordinated by CIU staff and OAH Management.

June 2, 2005

**14 BOERUM PLACE
SECURITY PROCEDURES**

1. All OTDA employees must display a NYS Employee ID card at all times. This card is also used for office access. Employees of other agencies assigned to 14 Boerum Place will also be required to display a Photo ID card provided by their agency. Any employee not wearing a Photo ID will be reminded of this requirement by Security Officers or OAH Management. Employee ID Cards will be surrendered upon separation and returned to Albany.
2. OAH will provide HRA staff assigned to 14 Boerum Place a NYS ID Card for Non-State Employees. This card will permit business hours access to the employee entrance on each floor and to the employee rest rooms. This ID Card must be displayed at all times while on the premises. ID Cards will be surrendered and returned to Albany when the individual is no longer assigned to 14 Boerum Place.
3. Contractual Employees who are regularly on the premises, such as interpreters from Geneva Temps, will be issued a temporary ID card provided by OAH. ID Cards will be surrendered and returned to Vickie Shuster or James Hand when the individual is no longer assigned to 14 Boerum Place.
4. Visitors who are employees of other State or City agencies must present an official ID card for access. This ID card must be displayed at all times while on the premises. They will not be required to pass through metal detector screening if they have a valid official Photo ID.
5. Attorneys and representatives who have an official or attorney Photo ID card must present this official ID card for access. This card must be displayed at all times while on the premises. They will not be required to pass through metal detector screening if they have a valid official or attorney Photo ID. Access to a hearing floor will be granted only if the attorney or representative's client has a hearing scheduled on that day. Attorneys or representatives will be given a Q-Matic floor pass for the day.
6. Clients, client's relatives, representatives and other individuals appearing for a hearing must be processed through the metal detector screening and reception. A Q-Matic floor pass will be issued allowing access to the hearing waiting areas. Relatives, representatives and other individuals must accompany the client to the ticketed floor area. If relatives, representatives or others do not physically accompany the client through 14 Boerum Place reception, then they must wait on the first floor for the client to finish with their hearing. Objects determined by security staff to be unacceptable must be checked with security. These objects will be safely stored, a receipt provided and will be returned to the individual upon departure from the office. Clients will be instructed to return through the outside entrance to pick up checked objects. Visitors who refuse to check these objects will be denied admission. Objects checked and not picked up will be

turned over to NYPD. The Q-Matic floor pass will be issued on the first floor and will be surrendered on the floor where carfare is issued upon departure. Access to the hearing floors from the 15th and 16th floor stairwells requires an operable ID card that can be "swiped" through the reader located adjacent to the stairwell door. The 14th floor is a designated "re-entry" floor. Security alarms on all stairwell doors are enabled when determined appropriate by on-site management.

7. No one will be permitted access to a hearing floor unless they are displaying a valid Agency ID or a Q-Matic pass. Anyone who appears on a hearing floor without a pass will be directed by the Security Officer to the main entrance at 14 Boerum Place where they must pass through the metal detector and reception. All Q-Matic passes will be stamped by the reception clerk when the client initially reports to the hearing floor. Those appellants/family members who need to leave the waiting area for any reason and whose Q-Matic passes have been date-stamped will, therefore, be required to reenter through the security checkpoint for appropriate clearance and to obtain a new Q-Matic floor pass.
8. Security Officers will be responsible for the general conduct of visitors on the premises. Clients and representatives will be restricted to an assigned waiting area on the hearing floor unless their hearing has been called. To maintain order on the premises, clients and representatives are not permitted to wander or remain on the hearing floor after the hearing has been completed and carfare obtained from HRA.
9. Clients and representatives who wish to speak to a supervisor or other individual will be asked to wait in a designated area in a waiting room. Supervisors will meet with clients in the waiting area, client conference room or in the Hearing Room, as appropriate. Clients or representatives should not be brought into hearing areas for this purpose unless necessary.
10. All employees are expected to adhere to these security guidelines and cooperate with the Security Officers at all times. An employee who fails to adhere to security guidelines will be so advised. OAH supervisors are expected to enforce these guidelines. Appropriate remedies will be taken with regard to employees who habitually fail to adhere to security guidelines.
11. Administrative staff will assist security officers with client traffic when the level of activity requires such assistance. The Security Supervisor will be advised of situations that require such assistance and deploy officers as needed. Such deployments will require flexible interaction between security staff, OAH staff and supervisors.
12. Security Officers are not to perform routine clerical or administrative tasks and should not be asked to do so by OAH staff. Such activity will detract from their security responsibilities and is not appropriate.
13. Employee entrances and rest rooms will be accessed by Photo ID Card. Staff should utilize employee entrance doors to minimize traffic passing through client

entrances. The card system will allow certain levels of access throughout the facility.

14. Windows in doors are not to be obstructed in any manner to provide Security Officers a clear view at all times.
15. Security Guards are provided by the OGS Contractor for Level 2 and Level 3 guards in NYC. A total of 11 officers are authorized, 10 Level 2 guards and 1 Level 3 guard who will be the supervisor. All officers will be in an appropriate uniform and have a radio. The contractor will insure that officers have been briefed on OAH Security Procedures and that the required number of officers are present each day. The supervisor will be responsible for security operations, reporting directly to Tom McArdle and Senior OAH Management. The security agency will be required to meet as needed with OAH Management.
16. The Security Monitoring Station post, located across from the first floor reception desk, is responsible for receiving and reacting to panic and exit alarms, answering the security phone and observing the CCTV monitors. This post will be staffed at all times. All other posts will be staffed as appropriate, with coverage for breaks and lunch coordinated with the hearing schedule.

SECURITY GUARD POSTS

Metal Detector Screening
Metal Detector Screening
Roving Officer
Security Officer
14th Floor Lobby-Section A
14th Floor Lobby-Section B
15th Floor Lobby-Section A
15th Floor Lobby-Section B
16th Floor Lobby Section A
16th Floor Lobby Section B
Supervisor-Numerous Posts

17. Staff may contact security by use of the telephone. Panic alarms are reserved for situations where telephone contact would be unsafe, or inappropriate. Panic alarms will require an immediate and priority response by the nearest Security Officer, the Security Supervisor and OAH Supervisor, if appropriate. Unauthorized entry alarmed door activation and abnormal activity observed on CCTV will also require a response by a Security Officer.
18. Any individual who fails to adhere to these security measures or fails to follow the instructions of a security officer will be so advised, and if further inappropriate actions continue, will be escorted from the premises by a security officer. When necessary, NYPD will be contacted to handle the situation. Contacts made to NYPD are to be coordinated by Security Supervisor and/or OAH Management.

Revised June 1, 2005

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Roving Officer
Security Officer
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Supervisor-Numerous Posts

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Revised June 1, 2005

**330 WEST 34th STREET
SECURITY PROCEDURES**

The hearing site at 330 West 34 Street. is a private building occupied by New York City Human Resources Administration. NYC HRA provides security through a contract agency. Our space on the 3rd floor is covered by the same security contract that HRA utilizes for the entire building. Mandel Security currently oversees the security concerns of staff working at this site.

Security concerns and/or incidents are to be reported to on-site supervisors. Sebastian Addamo or Tom McArde are to be notified if on-site supervisors deem appropriate and necessary and in ALL instances where the New York City Police Department or Emergency Medical Services personnel are called. They, in turn, need to inform Albany Central office. An OAH Security/Incident log will be maintained and, as appropriate, the OTDA Security/Incident report will be completed and forwarded via 14 Boerum Place to Mark Lacivita, who will in turn, forward it to Robert Lozor Jerry Vigeant, as set forth elsewhere in this transmittal.

June 2, 2005



New York State Office of Temporary & Disability Assistance Security/Incident Report Form

Please provide the following information to the OTDA Bureau of Management Services immediately following a safety/security incident-be as detailed as possible. Please contact the appropriate authority and provide the following information for investigation. Should you have any questions or concerns, please contact OTDA-BMS at (518) 474-4839.

Date of Incident: _____ **Time of Incident:** _____ **AM** **PM**

Location:

City: _____ **Building:** _____ **Floor:** _____ **Section:** _____

Name(s) and Telephone Number(s) of Person(s)Involved:

Name: _____ **Telephone:** () -
 () -
 () -

Name(s) and Telephone Number(s) of Witnesses:

Name: _____ **Telephone:** () -
 () -
 () -

TYPE OF INCIDENT: Code

Personal

- 01 – Injury
- 02 – Assault
- 03 – Harassment
- 04 - Unruly Behavior
- 05 – Illness

Building

- 06 – Theft
- 07 - Unlawful Entry
- 08 – Vandalism
- 09 - Threat (Bomb, etc.)
- 10 - Pests (Roaches, etc.)

Miscellaneous

- 11 – Fire
- 12 - Water
- 13 - HVAC
- 14 - Chemical
- 15 - Power Failure

Describe what happened, including any injuries.

Describe corrective action taken, including report to police. If reported, please indicate department/contacted, report number, and name of officer.

Please Provide Your Name:

Work Address:

Phone Number:

This Report Taken By: _____ **Date:** _____

Please e-mail this form "*Immediate Attention*" to Robert.Loiz@dfa.state.ny.us or jerry.vigeant@dfa.state.ny.us or fax it to (518) 473-6770, and put to the attention of either Jerry Vigeant or Robert Loz.

OTDA-BMS, Mezzanine Level, 40 North Pearl Street, Albany, New York 12243

EMPLOYEE RELATIONS

Zero Tolerance For Violence in the Workplace

Chapter 3 - Section 8

I. GENERAL

This section defines the Office of Temporary and Disability Assistance policies and procedures for ensuring a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

II. PRIMARY RESPONSIBILITY

The Bureau of Human Resources

III. POLICY

It is OTDA policy to promote a safe environment for its employees. Violence, threats, harassment, intimidation and other disruptive behavior in our workplace will not be tolerated. No complaints of violence, harassment or intimidation or observed acts of violence, harassment or intimidation should be ignored and will be treated as a violation of our policy. The work environment includes not only the specific facility in which an employee works during his/her regular tour of duty; it also extends to any other setting in which work-related threats or acts of violence could be made (including an employee's home or field assignment).

There are many factors that may lead to violence in the workplace, such as personal or work-related stress. Employees may be better prepared to avoid or prevent violence if they are able to recognize the early warning signs and follow appropriate procedures as prescribed in this policy. Employees, however, are not expected to place themselves at risk of imminent danger. Everyone is encouraged to exercise caution and safety when confronted with imminent danger.

The Office will not condone acts of violence, threats, harassment or intimidation of its employees without swift counteraction, including direct involvement of appropriate law enforcement agencies, as necessary. The Office will not condone verbally or physically aggressive, intimidating or threatening behavior by an employee towards another employee or the public. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal charges, or both. All employees are required to promptly report violent or threatening behavior. The agency will take immediate action against perceived threats or acts of violence in the workplace.

*The Office will cooperate with law enforcement officials to ensure that individuals who threaten the safety and well-being of its employees or the public are brought swiftly to justice.

IV. DEFINITIONS

- A. A work related threat, or act of violence is any verbal or nonverbal act or behavior directed toward an employee as a result of the employee's conduct of his/her duties or which occurs in the workplace, which causes the employee to feel intimidated, menaced, harassed, and/or to believe that he/she might be subject to impending danger or personal harm.
- B. Tour of duty and business hours are the time in which an employee is carrying out duties which have been assigned by his/her immediate supervisor. This includes the time required to travel to and from a particular work site from the employee's official station; or from an employee's own home when reporting directly to a field assignment. It does not, however, include the time an employee travels to his/her official workstation from his/her own home.
- C. Zero Tolerance means that management will immediately address any threat or act of violence in the workplace at the most appropriate level of intervention. Any situation in which the employee feels threatened or intimidated by the potential for violence or is the victim of violence, will be reviewed for appropriate agency action.
- D. Violence is an unjustified or unwarranted use of physical force so as to injure, damage, or abuse a person or property.
- E. Threatening behavior is any behavior that is provoking and unsafe, which by its very nature or carried to its full implementation could cause physical or other harm to any person or property. It may or may not include an actual physical attack. Some examples of this are:
- Throwing objects
 - Making a verbal or written threat to harm another individual or destroy property
 - Making menacing gestures
 - Attempting to intimidate or harass another individual
- G. Physical Attack is any aggression resulting in a physical assault with or without the use of a weapon.

V. PROCEDURES FOR REPORTING THREATS

The Office has employees located in a variety of facilities throughout the State. There are three major types of facilities:

- State office buildings (located in Buffalo, Rochester, Syracuse, New York City). These buildings are under the direct control of the Office of General Services(OGS) with security provided through its police and guard force.

- OGS-operated facilities (e.g., 40 North Pearl Street, Albany). These are public buildings also under the direct auspices of OGS with security provided by its police and guard force.
- Private facilities (e.g., One Commerce Plaza, Albany; Gertz Plaza, Jamaica). In those facilities owned and operated by private entities, the Office is directly responsible for security when it is not included as part of the lease.

ANY EMPLOYEE WHO FEELS THREATENED SHOULD INITIATE THE ACTION DESCRIBED BELOW.

A. Work-Related Threats Occurring on Office Premises During Business Hours

<u>Responsibility</u>	<u>Action</u>
Employee	1. Promptly notifies his/her immediate supervisor of the incident. Note: Threats or assaults that require immediate attention by law enforcement should be reported first to law enforcement and then advise the supervisor.
	2. Completes incident report and forwards it the Bureau of Management Services (BMS)
Supervisor	3. Assesses the situation and takes appropriate action.
	3A. Factors to consider in determining risk assessment. (Note: When making this determination, it is necessary to understand the context in which the threat was made.) <ul style="list-style-type: none"> • Has anyone been harmed, or in imminent danger of being harmed? • Does the offending employee have intent to harm or have a plan to cause harm? • Does the employee or assailant have the means to carry out the threat? • Has there been talk about guns or bombs? • Has the employee or assailant

expressed undue personal problems in his/her life?

- Has he/she considered harming him/herself or attempted to do so?

4. **Violence or Imminent Danger**

Contacts law enforcement immediately if violence, or danger or threat of violence is imminent. Takes steps to remove intended victim and others out of the immediate area. Contacts Bureau of Human Resources (BHR) immediately after notifying law enforcement. Cooperates with law enforcement as necessary.

5. **No Violence or Imminent Danger**

If there is no violence or imminent threat to the employees, works to diffuse tension and/or reduce the hostility in the workplace. This could be accomplished through meeting with the offending employee, referral to Employee Assistance Program (EAP), and/or establishing mediation between the parties.

6. If situation is not one of violence or imminent danger but requires further intervention, works through management and contacts the Bureau of Human Resources (BHR), Labor Relations. Works in conjunction with BHR to take appropriate further action.

7. Forwards a memo to BHR describing the incident.

BHR

8. Reviews report of incident; investigates the circumstances and/or allegations; and works with management to determine appropriate course of action.

B. Work-Related Threats or Acts of Violence Occurring Outside the Workplace During Business Hours

It is recognized that an employee or their family might be confronted with a work-related, threatening situation outside the workplace but during normal business hours (e.g., during lunchtime; in field status; visiting local social services districts). In such instances, the employee should initiate the following:

<u>Responsibility</u>	<u>Action</u>
Employee	<ol style="list-style-type: none">1. Contacts the appropriate local law enforcement agency, makes a formal complaint, and follows the advice/instructions given by the law enforcement officials.2. Immediately upon returning to the workplace, notifies his/her supervisor who initiates the process described in "A" above.

C. Work-Related Threats or Acts of Violence Occurring Outside the Workplace During Non-Business Hours

It is recognized that an employee might be confronted with a work-related, threatening situation while outside the workplace but during non-business hours (e.g., clients calling, or writing or confronting an employee at home). In such instances, the employee should initiate the following:

<u>Responsibility</u>	<u>Action</u>
Employee	<ol style="list-style-type: none">1. Contacts the appropriate local law enforcement agency, makes a formal complaint, and follows the advice/instructions given by the law enforcement officials.2. Immediately upon returning to the workplace, notifies his/her supervisor who initiates the process described in "A" above.

D. Non-Work-Related Threats or Acts of Violence Occurring Outside the Workplace During Business Hours or Non-Business Hours.

When an employee is threatened on the job in a non-work-related matter, the incident is considered a private one and must be treated in a manner consistent with any other private matter. In this regard, neither the State, in general, nor the Office in particular, has any authority to intervene. However, OTDA is particularly sensitive to domestic violence situations, and to the fullest extent possible, without violating any rules, regulations, statutory requirements, contractual obligations or collective bargaining agreements, will attempt to provide a safe work environment for individuals in these situations. Employees should be aware that they may contact BHR or the EAP for assistance.

Responsibility

Action

Employee

1. Contacts the appropriate local law enforcement agency, makes a formal complaint, and follows the advice/instructions given by the law enforcement officials.

Note: Acts of discrimination, unequal treatment, harassment on the job due to an employee's race, creed, color, religion, national origin, sex, age, marital status, sexual orientation or other reasons should be reported to Equal Opportunity Development in accordance with Chapter 3, Section 2 of the Administrative Policies and Procedures Manual.

***Denotes change from previous issuance**
October 2004