

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>		<b>Transmittal Number:</b> 08-07
<b>Distribution:</b>		<b>Date:</b> March 7, 2008
		<b>Page:</b> 1 of 4 Plus Attach. A-E
<b>ALB OAH Staff</b> <input checked="" type="checkbox"/>	<b>UPS ALJs</b> <input checked="" type="checkbox"/>	<b>Upstate LDSS</b> <input type="checkbox"/>
	<b>SUP ALJs</b> <input checked="" type="checkbox"/>	
<b>NYC OAH Staff</b> <input checked="" type="checkbox"/>	<b>NYC ALJs</b> <input checked="" type="checkbox"/>	<b>NYC Agencies</b> <input type="checkbox"/>
	<b>SUP ALJs</b> <input checked="" type="checkbox"/>	
		<b>Subject:</b>  Revised (2) OAH Security/Incident Reporting Procedures

An Office of Administrative Hearings (OAH) Administrative Transmittal 07-06 was revised and issued on March 14, 2007 to explain the various steps to be taken in dealing with security incidents at OAH-administered sites, including appropriate reporting requirements. This transmittal updates all such procedures contained in OAH 07-06.

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 its own internal controls on security incidents. The New York State OTDA, Administrative Hearings Security Incident Log (Attachment A) 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. 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 34<sup>th</sup> 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 (14 Boerum Place or 330 West 34<sup>th</sup> Street), Attachment E, the NYS OTDA Security/Incident Form (OTDA 4503EL) must be completed within 48 hours and forwarded to Mark Lacivita, who will in turn email it to the Bureau of Management Services ([Chuck.Latham@otda.state.ny.us](mailto:Chuck.Latham@otda.state.ny.us) or [Jerry.Vigeant@otda.state.ny.us](mailto:Jerry.Vigeant@otda.state.ny.us)). (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 34<sup>th</sup> Street in Manhattan, One Commerce Plaza in Albany, 259 Monroe Avenue in Rochester, 295 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 Center for Employment and Economic Supports (CEES) 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

At Upstate sites, where OAH holds hearings in local district offices, 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 an issue with a particular local district security provision, the ALJ's supervisor should be notified. Supervising ALJs who want to review LDSS security provisions 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 mail or via telephone. Albany must have this information for tracking purposes.

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

The following attachments describe site-specific procedures:

Attachment B: One Commerce Plaza Security/Incident Procedures

Attachment C: 14 Boerum Place Hearing Site Security/Incident Procedures

Attachment D: 330 West 34<sup>th</sup> Street Hearing Site Security/Incident Procedures

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.

Attachment E: OTDA Security/Incident Report Form OTDA-4503 EL (Rev. 12/07)

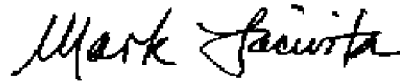
This department has specific policies and procedures for ensuring a safe environment for its employees. These are set forth in the NYS OTDA Administrative Policies and Procedures Manual as follows: <http://otda.state.ny.net/manuals/Appm-08-09-04/Chapter03/CH3SCT8-ZEROTOLERANCE.doc>. This section outlines specific reporting procedures for dealing with the department's policy against acts of violence, threats, harassment or intimidation by or against OTDA employees. 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-4503EL (revised 12/07) <http://otda.state.ny.net/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 (Attachment E) is attached for your reference; the form may also be obtained from Debbie Huber. In addition, once an immediate emergency has been addressed, an Incident Report Form will be emailed to the Bureau of Management Services ([Chuck.Latham@otda.state.ny.us](mailto:Chuck.Latham@otda.state.ny.us) or [Jerry.Vigeant@otda.state.ny.us](mailto:Jerry.Vigeant@otda.state.ny.us)).

Any questions about dealing with emergencies or submitting an Incident Report form can be addressed directly with your supervisor.

If you are injured at work, you should call 1-888-800-0029, toll-free, 24 hours a day. This is the number for the New York State Accident Reporting System, and this call helps determine your worker's compensation benefits.

Information is available concerning the Department's efforts with respect to Infectious Diseases in the workplace. Please refer to the OAH Intake Website: <http://msctda9g5fh08/GeneralInfo/> (refer to Health and Safety heading and click on Infectious Diseases Awareness).

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



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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.

Revised March, 2008

**OTDA SECURITY PROCEDURES 14 BOERUM PLACE**

Security Guards are provided by the OGS Contractor for Level 2 guards in NYC. A total of 17 officers are authorized for 14 Boerum Place, Brooklyn: 15 Level 2 guards, and 2 Level 2 supervisory guards. All officers will be in an appropriate uniform and have a radio. The contract security agency will ensure that officers have been briefed on OAH Security Procedures and that the required numbers of officers are present each day. The Contract Security 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.

- 1) All OTDA employees must display a NYS EMPLOYEE Photo ID card at all times. This card is also used for card swipe 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.
- 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.
- 3) Contractual Employees who are regularly on the premises, such as interpreters from Geneva Temps, will be issued a permanent visitors pass provided by OAH, which will be honored as an official ID.
- 4) Individuals 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.
- 5) Access to a hearing floor will be granted only if the appellant, attorney or representative has a hearing scheduled on that day. Appellants, those accompanying the appellant, witnesses, attorneys and representatives will be issued a Q-matic floor pass and shall pass through security screening prior to entering the hearing room floors.
- 6) Appellants, those accompanying the appellant, witnesses, representatives and other individuals appearing for a hearing must be processed through the metal detector screening and reception on the 1<sup>st</sup> Floor and also on 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> hearing room floors. A Q-Matic floor pass will be issued allowing access to the hearing waiting areas. The Q-matic floor pass will be issued on the first floor and will be surrendered on the floor when carfare is issued and they depart.
- 7) No one will be permitted access to a hearing floor unless they are displaying a valid Agency ID or have passed through the metal detection security screening areas on each floor. Carfare shall only be issued to those appellants and others who have a Q-matic floor pass.



- 8) Security Officers will be responsible for the general conduct of all those on the premises. Appellants, those accompanying the appellant, witnesses, attorneys 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, appellants, those accompanying the appellant, witnesses 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) Appellants, attorneys 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 appellants, attorneys and representatives in the waiting area, client conference room, or in the Hearing Room, as they deem appropriate. Appellants, attorneys or representatives should not be brought into the hearing rooms for this purpose unless necessary.
- 10) All employees, appellants, those accompanying the appellant, witnesses and representatives are expected to adhere to these security guidelines and cooperate with the Security Officers at all times. An appellant, an individual accompanying an appellant, a witness or representative who fails to adhere to security guidelines will be so advised. An unruly or disruptive appellant, individual accompanying an appellant, witness or representative shall be escorted from the premises. If the appellant, the individual accompanying the appellant, the witness or representative refuses to leave, NYPD shall be summoned. OAH supervisors are expected to enforce these guidelines. Appropriate remedies will be taken with regard to appellants, witnesses and representatives who habitually fail to adhere to the 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. For this and other reasons, designated OAH supervisors will be assigned radios for quick communications with the security staff.
- 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) The Security Monitoring Station post, located next to the first floor 14 Boerum Place entrance, 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.
  
- 16) 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.
  
- 17) Any individual who fails to adhere to security limitations 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 March, 2008

330 WEST 34<sup>th</sup> 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. In addition, two security guards provided by the State OGS contractor are assigned exclusively to our office.

Security concerns and/or incidents are to be reported to on-site supervisors. Sebastian Addamo or Tom McArdle 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 tum, need to inform Albany Central office. An OAH Security/Incident log will be maintained and the OTDA Security/Incident report will be completed and forwarded via 14 Boerum Place to Mark Lacivita, who will in tum, forward it to Chuck Latham or Jerry Vigeant, as set forth elsewhere in this transmittal.

March , 2008



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

Please provide the following information to the OTDA Bureau of Management Services (518-474-9489) immediately following a safety/security incident. Be as detailed as possible. If you are injured at work, you should call 1-888-800-0029, toll-free, 24 hours a day. This is the number for the New York State Accident Reporting System, and this call helps determine your workers' compensation benefits. Your accident report will be taken quickly and confidentially. If this incident is related to discrimination, civil rights violations or sexual harassment, you should contact the OTDA Bureau of Equal Opportunity Development. In New York City, call 212-961-8216. In Albany, call 518-473-8555.

<b>Date of Incident:</b>		<b>Time of Incident:</b>		AM	PM
<b>Location:</b>	<b>City:</b>	<b>Building:</b>	<b>Floor:</b>	<b>Section:</b>	
<b>Person(s) Involved:</b>	<b>Name</b>	<b>Title</b>	<b>Telephone</b>		
			( ) -		
			( ) -		
			( ) -		
<b>Witnesses:</b>			( ) -		
			( ) -		
			( ) -		
TYPE OF INCIDENT: Code(s) , ,					

**Personal**

- 01 – Injury
- 02 – Assault
- 03 – Threats/Intimidation
- 04 – Unruly Behavior
- 05 – Illness

**Building**

- 06 – Theft
- 07 – Unlawful Entry
- 08 – Vandalism
- 09 – Threat
- 10 – Pests

**Other**

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

**Describe what happened, including any injuries. Include what happened immediately prior to the incident and how the incident ended.**

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

**Explain actions taken to mitigate future incidents with a timetable for correction where appropriate. List interim protective measures.**

<b>This Report Submitted By:</b>		<b>Date:</b>	
<b>Work Address:</b>		<b>Phone Number:</b>	

Please e-mail this form to [chuck.latham@otda.state.ny.us](mailto:chuck.latham@otda.state.ny.us) or [jerry.vigeant@otda.state.ny.us](mailto:jerry.vigeant@otda.state.ny.us) or fax it to (518) 473-6770 to the attention of Chuck Latham or Jerry Vigeant, OTDA-BMS, Mezzanine Level, 40 North Pearl Street, Albany, New York 12243