

<b>Office of Administrative Hearings (OAH) Procedures Transmittal</b>		<b>Transmittal Number:</b> 09-05
<b>Distribution:</b>		<b>Date:</b> March 26, 2009
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<b>ALB OAH Staff</b> <input checked="" type="checkbox"/>	<b>UPS ALJs</b> <input checked="" type="checkbox"/>	<b>Subject:</b>  OAH FHIS Coding Procedures for Clients Identified as a Security Risk (SECU or SECV)  Reissued
	<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>SUP ALJs</b> <input checked="" type="checkbox"/>	
	<b>Upstate LDSS</b> <input type="checkbox"/>	
	<b>NYC Agencies</b> <input type="checkbox"/>	

This is a reissuance of OAH Transmittal 05-19, issued on August 10, 2005 which will update and replace the previous instructions. This will set forth procedures to be followed by staff in the Office of Administrative Hearings whenever a staff member becomes aware of a security risk in advance of the hearing date; for example, a telephone call, fax, email, or letter indicates that an appellant represents a potential security risk. It could also be applied in a situation, for example, where an appellant appears in person to request a hearing and an assessment is made that the situation warrants the need for additional security or special scheduling arrangements at a future hearing. The procedures set forth in this transmittal will ensure the appropriate follow-up if there is a lengthy time lapse prior to rescheduling a hearing.

The process of identifying and tracking the need to take security precautions on a particular future hearing date is as follows:

(1) The entry "SECU" should be made in the Interpreter Code field on the Appellant Information Screen (PFREQ1.) This will result in the case appearing on the appropriate daily Interpreter Calendar (FH-010A: Upstate Interpreter Calendar, or FH-010B: NYC Interpreter Calendar.) If an interpreter is required on a case designated as a security risk, the interpreter language must be entered in the Comment field, and designated staff responsible for arranging for interpreters should be aware of the need to view the comments whenever SECU appears in the Interpreter Code field.

(2) The threatening incident should be briefly noted on the Fair Hearing Information System (FHIS) in the Comment section (PFREQ3) of the Request (OAH 1891 by the staff member who first becomes aware of the security risk. The comments should justify the need for the "SECU" designation; any questions should, of course, be brought to appropriate supervisory attention.

(3) A more detailed description should be provided on the NYS OTDA Security/Incident Form (OTDA-4503E), if appropriate, utilizing the following link: <http://otda.state.nyenet/psqi/bms/Disaster%5FPpreparedness/> Click Incident Report.

Proper Coding for Cases Presenting a Potential Security Risk:

Interpreter Field: SECU (or SECV-- may be added only by designated staff in NYC as described under "For NYC Cases" below)

Comment Field: Note the circumstances of the security risk; indicate language if an interpreter is required

Message Field: "Security Risk"

Please note: It is no longer necessary, when adjourning or reopening a case, to place it in hold status by entering "HOLD" in the Subcategory field.

Use of the SECU (or SECV) designation will result in the case appearing on the daily interpreter report, which will, in turn, result in designated staff taking specific actions to coordinate specialized instructions for additional security precautions to be conveyed to staff at the hearing site.

For Upstate Cases

The Albany office liaison, upon viewing the case on the interpreter report, will coordinate special scheduling and security considerations with the Principal Hearing Officer of Upstate Hearings, who may in turn convey special scheduling instructions to the Scheduling Supervisor and the need for special security procedures through the OAH liaison desk to the Upstate hearing site.

Upstate Administrative Law Judges should bring any security-related incidents that warrant noting the case as SECU to the attention of the Albany office liaison at (518) 474-8787 to update FHIS. Any cases requiring further follow up should be brought to the attention of the Supervising Administrative Law Judge for discussion with Philip Nostramo.

For NYC Cases

At the Boerum Place hearing location, the Managing Supervisor of the Calendar Management Unit will take specific actions following appropriate notification.

Administrative Law Judges in the NYC regional offices should bring any security-related incidents that warrant noting the case as SECU to the attention of the designated reception clerk to update FHIS. Any cases requiring further follow-up should be brought to the attention of Vicki Shuster at (718) 923-3308 in Room 1435 or Thomas McArdle at (718) 923-2939 in Room 103 at Boerum Place.

For those clients who have been particularly disruptive, names and case numbers should be reported to Vicki Shuster in order for her to add them to the SECU or SECV tracking reports. SECV will be added to the Interpreter Code field on the Appellant Information screen (PFREQ1) in circumstances that involve an appellant who has demonstrated physically violent behavior toward hearing participants. Use of SECV may result in provisions for a higher level of on-site intervention or scheduling as a telephone hearing.

Adding SECU or SECV to the Cognos report (in addition to FHIS) will generate a weekly security tracking report containing the names of any identified NYC clients who have posed a security risk in the past and subsequently request another fair hearing. At 14 Boerum Place, upon viewing the case on the Security list, Calendar Management supervisors will direct that a red tag noted with "SECU" is affixed to the file. In addition a copy of the report goes directly to on-site security staff. At the 330 West 34<sup>th</sup> Street hearing location, upon viewing the interpreter calendar with SECU designation, the Administrative Supervisor will affix the red "SECU" tag and notify on-site security staff. Further action, as appropriate, can then be determined to ensure the safety of OAH staff on the day of the hearing.

This SECU procedure is not intended to address situations that warrant immediate security intervention. Any situation that is perceived as representing an immediate threat to the safety of staff or those present at any of our offices or hearing locations should be handled as appropriate to the particular facility.

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