



NEW YORK STATE WORKFORCE DEVELOPMENT SYSTEM TECHNICAL ADVISORY

Workforce Development System Technical Advisory #10-17

TO: Workforce Development Community

DATE: October 18, 2010

SUBJECT: New York State Workforce System Disruptive Customer Policy

Purpose:

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

Action:

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

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

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

Management at each worksite shall:

1) Communicate Disruptive Customer Policy Guidelines:

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

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

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

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

2) Ensure staff take appropriate action:

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

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

3) Document disruptive incidents:

a) Responsibilities of Staff Members:

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

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

- Establish and maintain confidential files regarding incidents of disruptive behavior by customers in a locked filing cabinet or a secure office (all documents to, from or about customers should be filed);
 - Where appropriate, prepare Form GA-51, Unusual Incident Report. This form can be found in A-Info on the NYSDOL Intranet from a networked computer;
 - Ensure that the customer's OSOS record is flagged for a "service suspension" as necessary, under the *L1State Specific - Other Services* section. A note should be made on the customer's record of the date and description of the incident. See "Instructions for Recording Service Suspension in OSOS" (Appendix E to the Disruptive Customer Policy Framework);
 - Note the date when the suspension ends on his/her personal calendar and ensure that the 'service suspension' on OSOS is removed;
 - Alert local office staff to the actions taken; and
 - Notify local worker representatives when an incident of workplace violence has occurred. See "Policy Statement on Workplace Violence" (Appendix B to the Disruptive Customer Policy Framework).
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Before any administrative action is formalized (i.e. notice sent to the customer), approval must be given by the next higher level of authority. For example, in a center where a NYSDOL Location Supervisor is stationed, the supervisor would seek review from the NYSDOL Manager; in a location with an on-site NYSDOL Manager, the Manager would seek review from the BEWO Chief. Also, if a GA-51 needs to be completed, the appropriate One-Stop Center Manager should be copied under “Additional Email Notifications” when the form is e-mailed.

Background:

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

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

Adopting a uniform disruptive customer policy will:

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

Policy:

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

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

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

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

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

Inquiries:

Please direct all questions regarding this Technical Advisory to:
dews.security@labor.ny.gov

References:

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

Attachments:

- A. [Disruptive Customer Policy Framework](#)
- B. [Disruptive Customer Policy Registration Form](#)