



**NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001**

**David A. Paterson**  
*Governor*

**David A. Hansell**  
*Commissioner*

**Informational Letter**

**Section 1**

<b>Transmittal:</b>	09-INF-11
<b>To:</b>	Upstate Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Operations and Program Support
<b>Date:</b>	April 28, 2009
<b>Subject:</b>	Local District Security Provisions for Hearing Officers
<b>Suggested Distribution:</b>	
<b>Contact Person(s):</b>	Jerry Vigeant, Bureau of Management Services, (518) 474-4839 <a href="mailto:Jerry.Vigeant@otda.state.ny.us">Jerry.Vigeant@otda.state.ny.us</a> Chuck Latham, Bureau of Management Services, (518) 473-3099 <a href="mailto:Chuck.Latham@otda.state.ny.us">Chuck.Latham@otda.state.ny.us</a>
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

**Filing References**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			NYS Labor Law, Article 2, Section 27b	<u>OTDA Workplace Violence Prevention Plan</u>	

**Section 2**

**I. Purpose**

The purpose of this Informational Letter (INF) is to provide Upstate local departments of social services (LDSS) with information about the Office of Temporary and Disability Assistance’s (OTDA) Workplace Violence Prevention Plan, and the Plan’s findings related to OTDA staff working in local district offices. This INF also requests that LDSS provide OTDA with a contact

person(s) with whom OTDA can work to help mitigate the risk factors for violence for OTDA staff working in local district offices.

## **II. Background**

In December 2007, the Office of Temporary and Disability Assistance, in accordance with the requirements of Section 27-b of Article 2 of the New York State Labor Law, published its Workplace Violence Prevention Plan. Section 27-b requires public employers to perform a workplace evaluation or risk evaluation at each worksite and to develop and implement a program to minimize and prevent workplace violence caused by assaults and homicides. The Law is designed to ensure that the risk of workplace assaults and homicides is regularly evaluated by public employers and that protection programs are implemented to minimize the hazard of workplace violence to employees.

Among the risk factors for workplace violence identified for OTDA employees during the workplace risk assessments undertaken as part of the writing of the OTDA Workplace Violence Prevention Plan was the conducting of hearings at local district social services offices. OTDA's Upstate Fair Hearings Office conducts administrative hearings at the fifty-seven local districts outside of New York City.

A security survey of the Upstate district hearing officers was completed by the Office of Administrative Hearings (OAH) as part of the Workplace Violence Prevention assessment process. Hearing Officers were asked to assess each local district's hearing procedures and to evaluate the safety and security of the parking arrangements, entrances, check-in and set-up of hearing rooms, noting the presence or absence of metal detectors, electronic access systems, video monitoring, police or security guards, and panic buttons in hearing rooms.

In March 2009, OAH staff were asked to review the survey from 2007 and to record any changes in equipment or conditions from the original survey.

## **III. Program Implications**

To help mitigate the risk factors identified for staff conducting hearings at local district offices, OTDA is requesting that local social services districts institute a number of personal safety protocols for our Hearing Officers:

- Provide the closest and safest available parking to Hearings staff;
- Accept a New York State Employee Identification Card for access to the employee entrance, where available;
- Provide Hearings staff with telephone access and appropriate security/law enforcement contact numbers;
- Provide OTDA and individual Hearings staff with copies of instructions to be followed in the event of an emergency evacuation;
- Wherever possible, provide a separate waiting area for Fair Hearing clients;
- Provide access to a duress alarm in the hearing room, with information on the expected response time and the availability of security or law enforcement personnel;
- Where available, provide OTDA with a copy of the local district's Workplace Violence Prevention Plan.

The Bureau of Management Services (BMS) is the organization, within the OTDA Division of Operations and Program Support, which has responsibility for OTDA's facilities management, leases, space planning, health and safety and security provisions. BMS is planning to follow up on the results of the updated security survey of local districts for Upstate Fair Hearings, and will be working with the contact person(s) you designate toward improving security procedures and/or measures that will benefit both your district's staff and OTDA staff.

Please forward your contact name(s) to Jerry Vigeant or Chuck Latham, New York State Office of Temporary and Disability Assistance, Bureau of Management Services, 40 North Pearl Street, Albany, New York 12243 or to [Jerry.Vigeant@otda.state.ny.us](mailto:Jerry.Vigeant@otda.state.ny.us) or [Chuck.Latham@otda.state.ny.us](mailto:Chuck.Latham@otda.state.ny.us).

**Issued By**

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