



# Workforce Issuance

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100 DCS 08.130

☒ Policy ☐ Information

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**To:** MassHire Workforce Board Chairs  
MassHire Workforce Board Directors  
MassHire Career Center Directors  
MassHire Fiscal Officers  
MDCS Operations Managers

**cc:** WIOA State Partners

**From:** Diane Hurley, Acting Director  
MassHire Department of Career Services

**Date:** April 10, 2024

**Subject:** **Progressive Discipline for Challenging Customers**

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**Purpose:** To provide guidance to MassHire Workforce Boards (MWB), MassHire Career Center (MCC) Operators, and other local workforce partners to ensure consistency with respect to policies and procedures for progressive discipline protocols, including sanctioning and barring access, across all MassHire Career Centers.

This communication rescinds and replaces MassWorkforce Issuance No. 14-39, Sanctioning and Banishing One Stop Career Center Customers for Violent or Disruptive Behavior.

**Background:** To ensure the safety of the public as well as staff, Commonwealth [Executive Order 442](#) established a policy of zero tolerance for workplace violence, and Commonwealth [Executive Order 491](#) established a policy of zero tolerance for sexual assault and domestic violence. These Executive Orders are intended to minimize or prevent the risks associated with workplace violence and to ensure that individuals work in an atmosphere free from such violence.

While MassHire Career Center staff must always exhibit courtesy and professionalism in interactions with customers and fellow employees, it is equally

essential that MassHire Career Center staff are afforded a safe and secure working environment and are treated in a courteous and respectful manner.

Disruptive, threatening, harassing, violent, or destructive behavior within MassHire Career Centers or directed at MCC staff will not be tolerated. Engaging in such behavior may result in customers being barred from accessing MassHire Career Center services and/or physical use of the MassHire Career Center(s). Any such access limitations will be reviewed and determined on a case-by-case basis. The length of any such access restrictions should be consistent with the severity of the infraction.

***NOTE:*** *for the purpose of this policy, “barring” refers to the act of not allowing physical access, and in some cases, virtual access to the MassHire Career Center(s) for a designated period of time.*

This policy provides updated guidance to local areas to establish a standardized progressive discipline model to ensure a consistent approach to managing customers or visitors who have displayed disruptive behavior that falls within the criteria outlined in this policy. Local Workplace Safety and Code of Conduct policies and/or procedures (particularly any that could result in sanctions/barring of a customer), must be consistent, made available and clear to both staff and customers, and must be aligned to the statewide standards contained within this policy.

Frequently occurring disruptive behaviors typically fall into one of the following categories:

**Non-Violent Behavior:**

- *Behavioral* – (disruptive or disrespectful; loud; using a MassHire Career Center as a personal office or to operate a business, potentially including “nesters”; other violations of local code of conduct)
- *Inappropriate use of equipment*, (e.g., computer, telephone, wireless internet, fax machine; violations of IT policies)

**Violent Behavior:**

- *Threatening conduct* - intentional behavior that could cause a person to fear injury or harm. Threatening conduct can include but is not limited to acts of aggression such as yelling at someone, pounding on desks, slamming doors, blocking, or cornering, leaving threatening voicemails, emails, or other written threats, including those made through social media. Behavior is not considered threatening just because a person finds it offensive or rude. Threatening conduct results in a credible fear of harm by the accused.
- *Abusive conduct* - acts that include but are not limited to physical violence, assault, verbal abuse and harassing or threatening behavior committed toward any individual, including MassHire employees and/or other customers.

**Policy:** Workforce Issuance [100 DCS 08.111](#) (Standard Operating Procedures for Boards, Career Centers, and Fiscal Agents) issued February 6, 2018, instructs that each local area must develop, update and implement a formal Workplace Safety Plan, which includes sanctioning and banishment protocol(s).

This **Progressive Discipline for Challenging Customers** Issuance specifically addresses and outlines the protocols for addressing both violent and non-violent disruptive behaviors (verbal, written, or physical) on the part of customers or visitors that violate established local area policies for workplace safety and conduct.

The local area must also establish and implement related sanctioning procedures that include a standard progressive discipline model to be adopted by all MassHire Career Center locations within the local area. All notifications to the customer regarding written warnings or temporary suspensions must be in writing. (Correspondence can be sent via email but then must include a “read receipt” request. If correspondence is not confirmed received, such correspondence must be followed by a hard copy sent via certified mail with a return receipt requested). This shall apply to all services offered/provided by any MassHire staff, including MWBs, MCCs, and service providers, as applicable. Such staff shall have the discretion to address violent and non-violent offenses, whether on or off-site, in accordance with the local policy.

All barring of customers, temporary or otherwise, will be processed by the Executive Office of Labor and Workforce Development’s (EOLWD) Office of Internal Audit/Internal Control and Security and the MassHire Department of Career Services.

#### **Customer Sanctions/Progressive Discipline**

In accordance with the local Workplace Safety Plan and/or Code of Conduct policy, a local area must develop and/or update standard operating procedures to address customer offenses. To better ensure equity and consistency, each local area shall implement a standard progressive discipline policy and procedure for the local area.

All documents and information gathered from staff, customers, and/or offenders, and any witnesses should be reviewed by MassHire Board or Career Center management (as applicable to those involved in the incident); MassHire Career Center or Board management will evaluate the seriousness of each offense and make an informed determination (consistent with the established local policy) as to the appropriate level of discipline, including any specific terms that must be met by the offending customer in order to return to the MassHire Career Center.

Although the progressive discipline model must contain the following three levels, the MassHire personnel involved in making the decisions regarding discipline retain discretion to determine which level of discipline is appropriate.

The required tiers include:

**First Level:**        **Verbal Warning:** MassHire Career Center Director, Operations Manager, or authorized and designated staff informs the offending customer of the specific policy violation and the potential for formal sanctioning should policy violations continue. The specifics of the violation *and* the date, time, and name of individual who issued the verbal warning must be noted in the customer's MOSES record in the MOSES Notes section.

**Second Level:**    **Written Warning:** MassHire Career Center Director, Operations Manager, or authorized and designated staff issues a written warning to a customer. The written warning should be issued for either repeat offenses or more serious offenses that warrant a written warning. In the event of a repeat offense, the written warning should cite to the first violation, any interceding violations, and the latest violation and advise the customer of the next step in progressive discipline and the possibility that he/she may ultimately be banned from using the center should the policy-violating behavior continue. The second level warning must be provided in writing to the offending customer and noted in the customer's MOSES record.

**Third Level:**        **Temporary Suspension/Barring (not to exceed 30 days per incident) or Long-Term Suspension/Barring (beyond 30 days and up to one year):** In a case where it is determined that the policy violation is sufficiently serious OR the policy violations are repeated and persistent following a written warning, Third Level discipline may be appropriate, including: (a) Temporary Suspension/Barring or (b) Long-term Suspension/Barring from the premises of one or more MassHire Career Centers.

**(a) Temporary or Short-Term Suspension/Barring**

If it is determined that the policy violation is sufficiently serious OR the policy violations are repeated and persistent, a decision to bar the customer for a temporary period of time may be made. Based on the severity level of the offense (and as specifically addressed in the local area's written policy), suspension would be applied in accordance with a progression of established time periods.

If a temporary suspension/barring is invoked, the MassHire Career Center **MUST**:

- Notify their local Workforce Board Director.

- Notify the customer regarding the temporary suspension in writing (correspondence can be sent via email but must include a “read receipt” request. If correspondence is not confirmed received, such correspondence must be followed by a hard copy sent via certified mail with a return receipt requested). (Attachment C - Sample Letter).
- Submit a **Security Incident Report**, (Attachment A) with the temporary suspension notice within 24 Hours/1 business day, with all backup documentation (prior verbal and written warnings, any prior no trespass orders, emails, MOSES notes and any other relevant information to the situation) to the EOLWD Office of Internal Control and Security and to MDCS. One email should be sent to [ICID@mass.gov](mailto:ICID@mass.gov), copying [DCSIncidentReports@mass.gov](mailto:DCSIncidentReports@mass.gov).
- If Local/State police are contacted, an **MSP Police Contact Sheet** (Attachment B) must also be completed and submitted to the EOLWD Office of Internal Control and Security and MDCS (via email to [ICID@mass.gov](mailto:ICID@mass.gov) and [DCSIncidentReports@mass.gov](mailto:DCSIncidentReports@mass.gov)).

Less serious offenses may result in a suspension of up to 5 days. For the next tier of offenses, the suspension period may be for up to 10 days, followed by suspensions of up to 30 days for more serious or continued offenses. The violation and determination of the specific terms of a suspension must be noted in the customer’s MOSES record.

The MassHire Workforce Board must ensure equitable application of the “temporary suspension/barring” policy and procedure within the local area and by each MassHire Career Center Operator across all locations.

**NOTE:** Depending on the egregiousness of the violation, progressive discipline may start with a short-term suspension/barring.

#### **(b) Long-Term Suspension/Barring**

In a case of overtly violent or other egregious action by the customer, long term suspension/barring may be appropriate.

In the case where a customer has committed a violent/egregious act or has presented an imminent danger to the safety of MassHire staff, including MWBs, MCCs, and service providers, and/or other customers the MassHire Career Center must:

- Immediately call 911 or the local Law Enforcement Emergency number directly, as appropriate. (Notice of any trespassing violations must be sent to and addressed by local law enforcement.)
- Notify the Senior Manager at the location of the incident as soon as the emergency allows.

- Immediately implement the established protocol for a 30-day suspension (the maximum time allowed under this policy by the MassHire Career Center).
- Submit a Security Incident Report, (Attachment A) within 24 Hours/1 business day, with all backup documentation (prior verbal and written warnings, any prior no trespass orders, emails, MOSES notes and any other relevant information to the issue) substantiating the MassHire Career Center's recommendation for a Long-Term Suspension/Barring to the Office of Internal Control and Security and MDCS. One email must be sent as soon as practicable but within one business day to [ICID@mass.gov](mailto:ICID@mass.gov), copying [DCSIncidentReports@mass.gov](mailto:DCSIncidentReports@mass.gov).
- If Local/State police are contacted, an MSP Police Contact Sheet (Attachment B) must also be completed and submitted to the Office of Internal Control and Security and MDCS at the above email addresses.

MDCS will take one of two actions upon receipt and review of the incident report and supporting documentation:

- a) Issue a notice to the offending customer within **5 business days** stating that the customer has been suspended/barred for the time recommended by the MassHire Career Center, or
- b) Issue a notice to the MassHire Career Center within **5 business days** stating that additional information is needed to substantiate a long-term suspension for the length of time recommended by the MassHire Career Center.

In making the final decision as to whether to issue a long-term suspension/barring, MDCS and ICID will consider all relevant information, including the recommendation of the local area. Additionally, following MDCS and ICID's review, and depending upon the specific circumstances, the suspension/barring may be applied to the MassHire Career Center location where the reported incident took place, to a group of MassHire Career Centers within a local area, or statewide.

**NOTE:** The final determination as to whether a long-term suspension/barring will be implemented will be issued by the Executive Office of Labor and Workforce Development (EOLWD) and/or the MassHire Department of Career Services (MDCS) or a designee thereof.

The MDCS Notification of Long-Term Suspension will:

- Include appropriate contact information for all inquiries from the suspended customer.
- Inform the customer that entry on to the premises described in the notice will violate the order and be considered trespassing.

- Inform the customer that contacting anyone other than the designated contact person(s) will violate the terms of the Long-Term Suspension and may result in additional sanctions.
- Instructions on how to appeal the suspension (Attachment D).

In addition to notifying the customer of the Long-Term Suspension/barring MDCS will:

- Notify ALL affected MassHire Career Center locations.
- Notify the Department of Unemployment Assistance, as appropriate, to coordinate required services, if applicable (hearing, RESEA, etc.), through the DUA Director of Policy and Performance.
- Update relevant MDCS databases\*\*

\*\*MOSES Notes (non-confidential) will be the mechanism through which notice of a customer's sanctioning or banishment is officially shared with other MassHire Career Centers. The MDCS Central Programs Director will update MOSES as appropriate and with any relevant barring timeframe. An email will also be sent from the MDCS Central Programs Director to all MCC management with notice.

Local management must share relevant notice with staff, as appropriate.

Upon reaching the end of the designated time period for a long-term suspension/barring, the Office of Internal Control and Security and MDCS will again review the case to consider lifting the suspension/barring of the customer or to extend the suspension/barring for additional time. Additional communication to MCCs will be provided.

### **Appeal Rights**

Customers sanctioned with a short-term suspension of up to 30 days will not be given appeal rights.

Customers who have been suspended/barring from a MassHire Career Center for a period of longer than 30 days will be provided the ability to appeal the decision. Customers must be provided the Long-Term Suspension/Barring Appeal Form (Attachment D) which includes deadlines and instructions to appeal.

This written appeal request must be submitted to [dcincidentreports@mass.gov](mailto:dcincidentreports@mass.gov) within ten (10) business days from the date of the Notice of Barring.

### **Provision of Services**

While a customer may be barred from physical access to MCC locations, this does not constitute a barring from access to MassHire services. It is incumbent on all MCCs to develop a contingency plan to ensure that customers barred from MCC locations are still afforded any services that they are entitled to. Depending on the incident and the level of discipline established, MDCS will work with MCCs to coordinate appropriate service delivery, either virtually by the MCC or via MDCS central office staff and/or other partners.

**Action**

**Required:** Please ensure your local Workplace Safety Plan is updated based on this revised policy.

Please submit the revised Workplace Safety Plan to MDCS by May 31, 2024 to [Lisa.J.Caissie@mass.gov](mailto:Lisa.J.Caissie@mass.gov), copying [icid@mass.gov](mailto:icid@mass.gov). Updated versions of the Workplace Safety Plan and/or Code of Conduct should highlight any newly added or revised language.

**Effective:** Immediately

**Inquiries:** Please email all questions to [policyQA@mass.gov](mailto:policyQA@mass.gov). Also, indicate Issuance number and description.

**Attachments:** A: Security Incident Report  
B: MSP Police Contact Sheet  
C: Sample Short-Term Suspension/Barring Letter  
D: Long-Term Suspension/Barring Appeal Form