
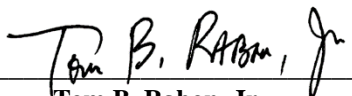


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|  | <b>NCWorks Commission</b>  |
|   | <b>Commission Policy Statement Number: CPS 06-2021</b>   |
|   | <b>Date: May 13, 2021</b>  |
|   | <b>Subject: Guidelines for North Carolina NCWorks Career Center Code of Conduct Violations</b>   |
|   | <b>From:</b><br><br><hr style="width: 20%; margin: auto;"/> <b>Tom B. Rabon, Jr.</b><br><b>Chair, NCWorks Commission</b> |

**Purpose:** To provide Local Area Workforce Development Boards (WDBs) with guidance and procedures for NCWorks Career Center staff to follow regarding customer behaviors that violate the NCWorks Career Center Code of Conduct and for the suspension and banishment of customers from NCWorks Career Centers and to rescind PS 02-2019.

**Background:** It is the intent of the Division of Workforce Solutions (DWS) and the NCWorks Commission to provide a safe environment for customers seeking services and staff in the NCWorks Career Centers. DWS previously distributed the Code of Conduct for display in all NCWorks Career Centers. This policy and its attachments provide guidance, procedures, and templates related to violations of the NCWorks Career Center Code of Conduct.

U.S. Department of Labor has mandated that DWS develop a statewide complaint and inquiry intake system, as well as an appeals process for jobseekers who have been banished or suspended, employers who have been denied access to [www.ncworks.gov](http://www.ncworks.gov), as well as Migrant and Seasonal Farm Workers (MSFW) and employers affiliated with the MSFW program. This policy provides a statewide system for issues associated with customer conduct at NCWorks Career Centers. Separate policies have been established for managing customer complaints/appeals and the MSFW program. Any questions, complaints, or appeal inquiries made by MSFW should be routed to the DWS Monitor Advocate [DWS\\_StateMonitorAdvocate@ncommerce.com](mailto:DWS_StateMonitorAdvocate@ncommerce.com) per Commission Policy Statement Migrant and Seasonal Farm Worker (MSFW) Complaint System and Appeal Policy Procedures. All other customer complaints, questions, or concerns should be routed through the DWS Ombudsman who can be reached at [DWSML\\_CustomerOmbudsman@ncommerce.com](mailto:DWSML_CustomerOmbudsman@ncommerce.com) or 919-814-0302.

**Action:** Effective immediately, Local Area WDBs should ensure that NCWorks Career Center staff display NCWorks Career Center Code of Conduct signs in a location where the signs are visible to all customers in NCWorks Career Centers across the state. Code of Conduct signage cannot be altered or modified unless prior written approval has been granted by DWS. Local Area WDBs should ensure that NCWorks Career Center staff enforce the Code of Conduct when violations are committed.

Local Area WDBs should ensure that all NCWorks Career Center staff shall receive formal training on the NCSafe system and sign a notification of completion and that all NCWorks Career Center staff utilize the NCSafe protocols in [www.ncworks.gov](http://www.ncworks.gov). The NCSafe alert allows NCWorks Career Center staff the ability to designate a jobseeker as banished or suspended in [www.ncworks.gov](http://www.ncworks.gov). This notification flags the jobseeker's profile in [www.ncworks.gov](http://www.ncworks.gov) to alert other staff of the status.

When appropriate, the Local Area WDB and Career Center management are encouraged to involve local law enforcement.

Local Area WDBs shall abide by procedures and standards set forth in these guidelines and procedures. Please refer to the Guide to Managing Code of Conduct Violations for additional policy and procedure information.

**Effective Date:** Immediately

**Expiration:** Indefinite

**Contact:** DWS Ombudsman

**Attachments:**

- A. Guide to Managing NCWorks Career Center Code of Conduct Violations
- B. NCWorks Career Center Code of Conduct Poster
- C. Template for Suspension or Banishment Letter
- D. Template for Concurrence Letter

## Guide to Managing NCWorks Career Center Code of Conduct Violations

### Part 1: NCWorks Career Center Code of Conduct Discipline Model

Although other unwelcome or disruptive behaviors warranting possible sanctions may exist, the most frequently occurring typically fall in one of the three categories. To maintain a clear and consistent approach with regard to disciplinary actions for customer offenses, below is a statewide standard of three levels discipline model that provides local workforce development boards (WDB) with guidance for NCWorks Career Center staff to follow.

#### Level 1-Unruly (Minor Infraction)

- Behavioral misconduct, not conforming to rules

##### **Consequences: Oral Warning and Expulsion for Rest of Day**

Career Center Staff member speaks to the customer and informs him/her of the specific violation of the NCWorks Career Center Code of Conduct. If repeated or severe level 1 violation(s), as determined by the NCWorks Career Center leadership, customer may be asked to leave the NCWorks Career Center for the rest of the day. **Document by adding case notes in NCWorks.gov as appropriate.**

##### **Examples:**

- Misuse of NCWorks Career Center Resource Area
- Inappropriate or offensive attire
- Food and beverages in undesignated areas
- Unattended children
- Presence of pets other than certified service dogs
- Cell phone calls in the NCWorks Career Center (phones must remain on vibrate)
- Unaccompanied customers outside designated areas

#### Level 2-Disrespectful (Moderate Infraction)

- Unwelcome or disruptive behavior, disrespectful behavior

##### **Consequences: Statewide Suspension**

Customer is prohibited from NCWorks Career Center usage for a minimum of 1 month but does not exceed one year as determined appropriate by the NCWorks Career Center staff. Customer receives written notice of the statewide suspension. **Document by adding case notes in NCWorks.gov.**

##### **Examples:**

- Verbal abuse of staff, other customers
- Repeated violations of the Code of Conduct
- Loud or aggressive verbal or physical behavior
- Viewing inappropriate websites while in the NCWorks Career Center
- Smoking or use of tobacco products (including e-cigarettes)
- Non-job search computer and Wi-Fi use

### Level 3: Threatening/Violent (Serious Infraction)

- Destructive behavior, communicating threat, severe harassment

**Consequences: Permanent Banishment**

Customer will be prohibited from NCWorks Career Center use for life. Customer receives written notice of statewide banishment. **Document by adding case notes in NCWorks.gov.**

**Examples:**

- Customer or staff safety is at risk
- Verbal or physical threats to harm (a person or property) or kill
- Possession of weapon of any kind
- Illegal drug or alcohol use or possession
- Severe harassment (for example, communicating with customers or staff that a customer has been told not to communicate with, following individuals or stalking)
- Property or equipment damage, vandalism or theft
- Viewing pornography while in the NCWorks Career Center

**IMPORTANT**

Staff witnessing a level 2 or level 3 violation of the Code of Conduct are required to follow the steps in Part 2 of this Guide to report the incident.

## Part 2: Documentation and Reporting Process for Level 2 and Level 3 Violations

Incidents and/or behaviors that lead to the banishment or suspensions of customers from NCWorks Career Centers typically result from violations of the NCWorks Career Center Code of Conduct. In order to assure local consistency with respect to procedures for disciplining disruptive customers, local WDBs should ensure that NCWorks Career Center staff follow this *Documentation and Reporting Process* when customers have violated the Code of Conduct for all level 2 and level 3 violations as described in Part 1. In addition, all the local WDB should ensure that NCWorks Career Center staff report any Code of Conduct violations to Career Center leadership immediately and determine with Career Center leadership whether a violation may rise to level 2 or level 3. Please reference Commission Policy Statements Migrant and Seasonal Farmworker (MSFW) Complaint System and Appeal Policy Procedures and Customer Complaint Appeal and Resolution Policy for related information.

Step 1: Staff documents the Incident by immediately reporting the incident to Local Career Center leadership (and Law Enforcement Police, Fire, Rescue, Animal Control, etc. as appropriate)

- Career Center leadership should forward a description of the incident to the Division of Workforce Solutions (DWS) Regional Operations Director (ROD), the Workforce Development Board (WDB) Director, and, if the customer is a veteran, the Director of Veteran's Employment Services.
- Staff must add case note of incident in NCWorks.gov.

Step 2: Create a Summary Report

- The summary report should include the following elements, as applicable:
  - Incident description generated by Career Center leadership
  - Witness statements (signed) or customer email
  - Timeline of the event
  - Photographs (if available)
  - Law enforcement records
  - Recommendation of consequences for violation of Code of Conduct
  - Draft of proposed banishment or suspension letter (See template for letter)
- Forward the completed Summary Report to the DWS ROD, the WDB Director, and the DWS Ombudsman within 24 hours of the incident.

Step 3: Determination of Consequences

- A Summary Report is reviewed by the WDB Director and the DWS ROD and a decision is made concerning the appropriate consequences to the customer for the violation(s) of the Code of Conduct. The ROD communicates the decision to the DWS Ombudsman.
- **Concurring that the customer be banished or suspended, the WDB Director and the ROD prepare a draft letter that is then sent to the DWS Ombudsman for review and to obtain the Assistant Secretary's signature.** The letter must identify the specific violations of the Code of Conduct and include the documentation from Step 2.

#### Step 4: NCSafe

- A complete banishment or suspension packet is filed by the DWS Ombudsman. It includes:
  1. A copy of the banishment or suspension letter from the Assistant Secretary that has been mailed (certified) to the customer.
  2. A copy of the concurrence letter from the WDB Director and the ROD.
  3. A complete Summary Report. The complete Summary Report must also be on file with the workforce board.
- The NCSafe alert allows NCWorks Career Center staff the ability in real time to know if a jobseeker as banished or suspended in NCWorks.gov. This notification flags the jobseeker's profile in NCWorks.gov to alert other staff of the status. Once process steps above are completed, the NCSafe profile identifier is then added to the customer file by the DWS Ombudsman. The NCSafe profile identifier alerts NCWorks Career Center staff that the customer has been banished or suspended and is not allowed in NCWorks Career Centers. All NCWorks Career Center staff shall receive formal training in the NCSafe profile identifier system and sign a notification of completion. All staff partners and contractors are advised to contact their center manager and law enforcement if banished or suspended customers violate the ban. Trespassing charges can and should be filed by Center Management.

# *NCWorks Career Center*

## CODE OF CONDUCT

### Welcome to our NCWorks Career Center!

In order to maintain a safe and supportive environment, please note the following behaviors which are prohibited while you are transacting business at the Center:

- Possession of weapons (any type)
- Usage or possession of illegal drugs or alcohol
- Abusive language
- Verbal or physical threats
- Harassment
- Damaging property
- Smoking or use of tobacco products (including e-cigarettes)
- Use of computers or WiFi for non-job-related activities
- Wearing inappropriate or offensive attire
- Drinking or eating in undesignated areas
- Leaving children or other dependents unattended
- Bringing pets into the facility (does not include certified service animals)
- Operating cell phones in undesignated areas
- Entering restricted areas unaccompanied

**For further information, please email or call:**

**DWSML\_CustomerOmbudsman@nccommerce.com | (919) 814-0303**

Template for Banishment or Suspension Letter

LETTERHEAD

Date

Name

Address

City, State Zip

Dear \_\_\_\_\_:

It is the intent of the NC Workforce Development Boards and Division of Workforce Solutions (DWS) to provide a safe environment for customers seeking services and staff in the NCWorks Career Center. DWS has a NCWorks Career Center Code of Conduct that applies to customers in all NCWorks Career Centers across the state.

Any NCWorks Career Center customer who violates this Code of Conduct is subject to disciplinary action that may range from suspension to limited and/or lifetime banishment from the center in which the violation occurred and/or all NCWorks Career Centers.

As a result of your recent behavior (listed below) at the \_\_\_\_\_ NCWorks Career Center, you are hereby banned from \_\_\_\_\_ NCWorks Career Center for \_\_\_\_\_ (weeks/months/life).

Specifically, on \_\_\_\_\_ you engaged in the following behavior:

LIST TYPE OF BEHAVIOR (EXAMPLES BELOW)

[You came in to the NCWorks Career Center on {DAY, MTH, 20XX} and demanded to see a staff member. You demanded that the staff member correct the issue and, “get me my money”. You were loud, aggressive, hostile, and threatening and would not listen to any explanations or concerns that the staff member had. You were aggressive both physically and verbally. Among other unacceptable behaviours, you approached a staff member too close while waving yours arms in a hostile manner. You yelled loudly, multiple times disrupting other customers and staff. You threatened the staff member with physical harm. The staff member asked you to leave multiple times before you complied with the request. The staff were concerned for their safety.]

If you violate this ban, we will be forced to contact the local law enforcement authorities and pursue criminal trespassing charges against you.

If you require assistance with an unemployment insurance claim, you may call the Customer Call Center at 1-888-737-0259 or contact them through email at: [des.ui.customerservice@nccommerce.com](mailto:des.ui.customerservice@nccommerce.com).



Template for Banishment or Suspension Letter

You may continue to use the online resources available to you through our NCWorks website at: [www.ncworks.gov](http://www.ncworks.gov).

Regards,

Name

Assistant Secretary, \_\_\_\_\_ NC Division of Workforce Solutions

**Note: Banishment letters must be signed by the Assistant Secretary or designee.**

## Template for Concurrence Letter

To: Name, Ombudsman

From: Name, Regional Operations Director or Name, Director – WDB

Re: Letter of Concurrence / Request for Banishment

Date: Date here

CC: (WDB or ROD)

I, (WDB / ROD name), submit this letter of concurrence on behalf of (ROD / WDB) of (WDB or PZ)

We agree and support the banishment of \_\_\_\_\_ who violated the NCWorks Center Code of Conduct by (list specific behaviors, examples include viewing pornography / fighting / communicating threats) on (date) in the (name and location of the NCWorks Center).

We have attached the required documents which include the summary, police, and incident reports. Witness attestations and other materials that capture this incident have also been included (case notes, pictures, video etc.) in support of this request.

We have included the required draft copy of the proposed banishment letter for your and the Assistant Secretary's review.

Please let (name WDB / ROD) know if additional information or actions are necessary.

Thank you.