

CHAPTER 407
DEPARTMENT OF HUMAN SERVICES,
ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR'S OFFICE

DIVISION 12
RESTRICTING ACCESS TO
DEPARTMENT OF HUMAN SERVICES PREMISES AND EMPLOYEES

407-012-0005

Definitions

The following definitions apply to OAR 407-012-0005 through 407-012-0025:

- (1) "Department" means the Department of Human Services.
- (2) "Division" means every individual organizational unit within the Department of Human Services.
- (3) "Employee" means individuals acting in the course and scope of their duties who are on the State of Oregon payroll, contract employees, employees of temporary service agencies, and volunteers. It also includes employees of other government or social service agencies who, at the time they are accompanying a Department employee on Department business, are the target of conduct described in OAR 407-012-0010.
- (4) "Premises" means any land, building, facility, and other property owned, leased, or in the possession of, and used or controlled by the Department. When the Department occupies space in a building occupied by multiple tenants, the definition includes the common areas of the building used by all tenants such as, but not limited to, restrooms, hallways, and food service areas.
- (5) "Restriction of Access" means the Department has limited an individual's access to specific Department premises, employees, or methods of communication.
- (6) "Weapon" includes, but is not limited to:
 - (a) A dangerous or deadly weapon as defined in ORS 161.015;
 - (b) Any other object or substance used in a manner that compromises the safety of Department employees or visitors on Department premises;
 - (c) An imitation or replica of any of the above.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050, ORS 654.010

407-012-0010
Prohibited Conduct

- (1) Conduct that may result in restriction of access includes, but is not limited to the following:
 - (a) Causing or threatening to cause physical injury to Department employees or visitors;
 - (b) Engaging in actions which compromise the safety or health of Department employees or visitors;
 - (c) Causing or threatening to cause harm to the family or property of an employee or visitors through written, electronic, or verbal communication;
 - (d) Causing or threatening to cause damage to Department premises;
 - (e) Bringing a deadly or dangerous weapon onto the Department's premises, unless authorized by ORS chapter 166 to carry a handgun;
 - (f) Displaying, attempting, or threatening to use any weapon, on or off Department premises, that compromises the safety of Department employees or visitors;
 - (g) Engaging in harassing conduct as defined in ORS 166.065.
 - (h) Engaging in telephonic harassment as defined in ORS 166.090.
- (2) The conduct listed in section (1) is also prohibited if it occurs during employees' off-work hours and off Department premises and the prohibited conduct is related to the employee's work with the Department.
- (3) Prior to issuing a restriction of access notice, the Department will make an individualized assessment as to whether the conduct listed in section (1) of this rule is a result of a disability of which the Department has knowledge and whether the conduct is a "direct threat" to others as described in OAR 407-005-0000 through 407-005-0030. If the Department determines the disabled individual's conduct is not a direct threat, the Department will explore the possibility of a reasonable accommodation to mitigate the safety risk.
- (4) The prohibitions on conduct in this rule do not apply to individuals who are residents of a Department-operated residential facility.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050, ORS 654.010

407-012-0015

Continuation of Eligible Services

- (1) An individual whose access has been restricted by the Department will continue to be provided services for which the individual meets program eligibility requirements by an alternate and effective method of communication as determined by the Department.
- (2) Alternate methods may include telephone, electronic mail, written communication, meeting at a designated secure site, or through the individual's representative.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050, ORS 654.010

407-012-0020

Notification

- (1) If the Department determines that it is necessary to restrict access or the methods of communication because of prohibited conduct, the individual will be provided written notification, signed by the assistant director or deputy assistant director of the affected division, and sent by certified mail or other traceable means. The notice will describe the following:
 - (a) Conduct giving rise to the restrictions;
 - (b) The specific premises or parts of premises from which the individual is excluded; or the forms of communication which are restricted;
 - (c) The alternate method by which services may be obtained;
 - (d) Contact information for services or appointment scheduling;
 - (e) The availability of the review process, including notification that individuals with disabilities are entitled to request modification;
 - (f) The potential criminal consequences for violating the notice of restriction of access; and
 - (g) The law enforcement agency being notified.
- (2) The notice will be effective upon issuance.
- (3) Restrictions on access to Department premises or methods of communication will remain in place until the Department determines the individual no longer poses a threat and issues an official notification of removal.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050, ORS 654.010

407-012-0025

Department Review

- (1) The Department will establish an internal review process to ensure that a notice of restriction of access is warranted prior to issuing a written notice of restriction of access.
- (2) Following the Department's issuance of a notice of restriction of access, the recipient of the notice may request review of the Department's determination. The request must be submitted to the office of the Director of the Department. The request must be in writing and submitted, by mail or personal delivery, within 15 business days of the date of issuance of the notice of restriction of access. If the request is submitted by mail, it must be postmarked within 15 business days. No particular format is required for the request for review; however, the individual should include specific grounds for requesting the review.
- (3) Upon receipt of a request for review, the Director or an assistant director will review the request and issue a written decision. The review may include an informal conference. The decision will be issued within ten days of receipt of the request for review.
- (4) The Department's decision is final.
- (5) If the Department's decision rules in favor of the individual, the restricted individual's access restriction will be immediately lifted. If the decision is unfavorable to the restricted individual, the restricted individual may seek further review after six months have lapsed since the date of issuance by following the process described in this rule.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050, ORS 654.010