

Effective Date: 05/01/2010

**POLICY**

Cancels:  
See Also: POL-100-10-HR

Approved by: BOCC  
Res. # 070589

**POL-0417 –HR      ADDRESSING DOMESTIC VIOLENCE IN THE WORKPLACE**

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees.

**Definitions:**

**Domestic Violence** – Abusive behavior that is either physical, sexual and/or psychological, intended to establish and maintain control over a person. This behavior may mean: (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault; (b) sexual assault; or (c) stalking as defined in RCW 9A46.110.

**Family Member** – The employee’s: spouse; biological, legal, and step children; parents and step-parents; parents-in-law; grandchildren; grandparents; a person with whom the employee has a dating relationship; and someone residing in the employee’s home.

**Workplace** – County facilities, county vehicles, county premise, employer-sponsored events, or while conducting county business.

**1.      Whitman County Recognizes Domestic Violence’s Impact on the Workplace**

The purpose of this policy is to set forth procedures and guidelines for County employees to address the occurrence of domestic violence and its impact in the workplace.

Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

**2.      Domestic Violence Harassment is Prohibited at Whitman County**

Whitman County shall not tolerate domestic violence including harassment of any employee or client while in county offices, facilities, work sites, vehicles or while conducting county business.

Perpetrators of domestic violence are encouraged to seek assistance. The Whitman County Human Resources Office can provide information on counseling and certified treatment resources. Departments may also strive to make work schedule arrangements to receive such assistance.

**3. Whitman County Provides Support/Assistance to Victims**

Whitman County will provide appropriate support and assistance to employees who are victims of domestic violence. This might include, but is not limited to: resource and referral information; work schedule adjustments; or leave as needed to obtain assistance. Other appropriate assistance may be provided based on individual employee and department needs.

Whitman County is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee shall be penalized or disciplined solely for being a victim of harassment.

**4. Leave is Available to Victims and Family Members**

Per Washington State law, protected leave is available to employees who are victims of domestic violence, sexual assault or stalking. The same leave is also available to family members of the victim.

Leave is available from the first day of employment. Eligible employees may take “reasonable” leave, including leave on an intermittent or reduced schedule basis, to engage in specified remedial activities relating to the abuse, including: participating in legal proceedings; seeking medical treatment or mental health counseling; obtaining social services; or taking other actions to increase the safety of the employee and her/his family members.

The law does not define “reasonable” leave. This determination shall be the responsibility of each Department Head/Elected Official. The employee shall give advance notice of her/his intent to take leave in accordance with Whitman County leave policies. If advance notice cannot be given due to emergency or unforeseen circumstances, notice must be provided no later than the end of the first day leave is taken.

Employees may use sick, compensatory, or other paid time off, or may take unpaid leave. To the extent allowed by law, Whitman County shall maintain the employee’s health care coverage as if the employee had not taken leave.

**5. Verification May Be Required**

The Department Head/Elected Official shall require verification the employee or her/his family member is a victim of abuse, and that the leave is of one of the covered remedial

activities listed above. Verification is satisfied by one or more of the following: (1) a police report indicating the employee or family member was a victim of abuse; (2) a court order protecting the employee or family member; (3) documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought; (4) the employee's own written statement that s/he or a family member is a victim and needs the leave to seek assistance.

Whitman County shall maintain the employee's circumstances and provided information as confidential and shall not require the employee to disclose information beyond the verification material listed above. Information regarding the situation may only be disclosed if (1) requested or consented to by the employee; (2) ordered by a court or administrative agency; or (3) otherwise required by applicable federal or state law.

Department Heads/Elected Officials may also require verification of the relationship between the employee and her/his family member. Verification may be in the form of a birth certificate, court document or other similar record, or a statement from the employee.

The employee shall be restored to the position s/he held before the leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. The right to restoration does not apply if: (1) the employee worked in a temporary position; (2) if the position was eliminated due to business reasons unrelated to the employee's leave; or (3) the employee was hired for a specific term and/or project and Whitman County would not have otherwise continued employment.

**6. Violations of This Policy Are Cause for Investigation and Discipline.**

Violations of this policy shall be cause for disciplinary action up to and including termination.

Any employee who threatens, harasses, or assaults someone at the workplace or from the workplace using any county resources such as work time, workplace phones, FAX machines, mail, e-mail, or other means may be subject to disciplinary action, up to and including termination. Corrective or disciplinary action may also be taken against employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a county employee.

Any person who feels he or she has been a victim of domestic violence and/or whose rights have been violation based on this policy shall bring this concern to the department head/elected official or the Human Resources Office for appropriate action (See procedure PRO-0417-1-HR). An immediate investigation shall be conducted. While complete confidentiality cannot be guaranteed, it will be provided to the extent possible. When the investigation is complete the complainant will be informed of the outcome.

Harassment and discrimination against employees who exercise their rights provided by this policy is strictly prohibited. Retaliation for filing a grievance, or acting as a witness, is also strictly prohibited.

Nothing in this policy prohibits employees from filing complaints with the Washington State Department of Labor and Industries.

## **Guidelines for Supervisors, Victims, Perpetrators, and Witnesses**

### **Managers/Supervisors:**

- Participate in domestic violence training.
- Be aware of physical or behavioral changes in employees and consult with the Human Resources Department. Do not attempt to diagnose the employee.
- Be responsive when an employee who is either the victim or the perpetrator of domestic violence asks for help. Immediately contact the Human Resource Office.
- **Maintain confidentiality.** Information about the employee should only be given to others on a need-to-know basis.
- Work with the victim, Human Resources, law enforcement, and community domestic violence programs, if necessary, to assess the need for and develop a workplace safety plan for the victim. Victims of domestic violence know their abusers better than anyone else. When it comes to their own personal safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in it. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.
- Adjust the employee's work schedule and/or grant leave if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation. Be sure to follow all applicable personnel rules and statutes.
- Maintain communication with the employee during the employee's absence. Remember to maintain confidentiality of the employee's whereabouts.
- Work with the Human Resources to assist the employee in finding other state employment if the employee needs to relocate for safety reasons.
- After consultation Human Resources, take any appropriate corrective disciplinary action against employees who: misuse county resources to perpetrate domestic violence; harass, threaten, or commit an act of domestic violence in the workplace or while conducting county business; or are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a county employee.
- Post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located.

- Honor all civil protection orders. As appropriate, participate in court proceedings in obtaining protection orders on behalf of the employer.

**Human Resource Professionals:**

- Participate in domestic violence training.
- Maintain a list of services available to victims and perpetrators of domestic violence. This list should include, but is not limited to: local shelters, certified domestic violence treatment programs available to perpetrators, information on how to obtain civil orders of protection, and any other available community resources.
- Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
- Work with victims, law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan to minimize the risk to the victim, other employees, and clients.
- Work with supervisors and managers to grant leave, adjust work schedules, or attempt to find continued employment for employees who are victims of domestic violence.
- **Maintain confidentiality.** Information about the employee should only be given to others on a need-to-know basis.
- Advise and assist supervisors and managers in taking corrective or disciplinary actions against perpetrators of domestic violence.

**Options for Employees Who Are Victims of Domestic Violence:**

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact Human Resources for assistance.
- Contact the nearest Employee Advisory Service office: Washington State Domestic Violence Hotline at 1-800-562-6025 (V/TTY); or the Washington State Coalition Against Domestic Violence at (360) 407-0756 (V/TTY).
- Call the local police.
- Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary, make alternate arrangements for receiving your paycheck.
- If appropriate and safety is a concern, submit a recent photograph of the abuser and a copy of your protection order to your supervisor. This assists your employer in identifying the abuser should he/she appear in the workplace.

**Options for Employees Who Are Perpetrators of Domestic Violence:**

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact Human Resources for assistance.
- Contact the nearest Employee Advisory Service office: Spokane: (509) 456-5000.
- Obtain a referral to a certified domestic violence perpetrators treatment program from the Employee Advisory Service.

**Options for Other Employees Who Have Concerns About Domestic Violence:**

- Tell a trusted co-worker, supervisor, or manager.
- Contact Human Resources.
- Contact the nearest Employee Advisory Service office: Spokane: (509) 456-5000.

**Components of a Workplace Safety Plan:**

- Consider obtaining civil orders for protection and make sure that they remain current and are in hand at all times. A copy should be provided to the employee's supervisor, reception area, and security areas if there is a concern about the abusive partner coming to the work site.
- The employee should consider providing a picture of the perpetrator to reception areas and/or security.
- An emergency contact person should be identified should the employer be unable to contact the employee.
- An agency contact person should be identified for the employee to reach when needed.
- Review the employee's parking arrangements for possible changes.
- Consider changing the employee's work schedule.
- Consider what steps need to be taken to provide for the safety of other employees and clients.
- Consider having the employee's telephone calls screened at work.

**Resources:**

- Emergency Law Enforcement: 911
- Employee Advisory Service: Spokane: (509) 456-5000.
- 24-hour Washington State Domestic Violence Hotline: 1-800-562-6025 (V/TTY).
- Washington State Coalition Against Domestic Violence: (360) 407-0756.
- The National Domestic Violence Hotline: 1-800-799-SAFE, TTY 1-800-787-3224.
- Protection Order Advocacy Program: (206) 296-9547.
- Whitman County Workplace Violence Prevention Program: Policy 100-40-HR. Contains further emergency numbers and Incident Team contacts.
- Whitman County Employee Assistance Programs.  
Solution Resources: 1-866-535-4074  
Magellan Health Services: 1-800-523-5668