

## Implementing Order



**Implementing Order No.:** 7-43

**Title:** Domestic Violence in the Workplace

**Ordered:** 02/02/2010

**Effective:** 02/12/2010

### **AUTHORITY:**

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter.

### **POLICY:**

It is the policy of Miami-Dade County to promote a safe working environment for its employees and to create a supportive environment for employees who are victims of domestic violence. This policy is consistent with other Miami-Dade County policies regarding workplace violence and harassment.

### **PURPOSE:**

The purpose of this policy is to heighten awareness and establish roles and responsibilities for addressing domestic violence and its impact in the workplace. This policy promotes victim safety, perpetrator accountability and safety of Miami-Dade County workplaces and employees. It is designed to mitigate the impact of domestic violence in the workplace by providing employees, victims and perpetrators with a link to internal and community resources.

### **DEFINITIONS:**

**Domestic violence/domestic abuse:** A pattern of coercive behavior used by one person to gain power and control over another and which may include physical or sexual violence, emotional or psychological intimidation, verbal abuse, stalking or economic control. Domestic abuse includes not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Domestic violence can occur among individuals of any racial, economic, educational, religious background, in heterosexual and same-sex relationships, living together or separately, married or unmarried, in short-term or long-term relationships and in various living arrangements. Domestic violence victims are predominantly females; however, men may also be victims.

**Victim:** An individual who is subject to an act of domestic violence.

**Perpetrator:** An individual who commits an act of domestic violence.

**Workplace Safety Plan:** A plan developed to provide reasonable means to assist an employee in implementing workplace safety solutions.

### **IMPLEMENTATION:**

In order to effectively implement the above policy:

- 1) Any act of domestic violence committed by or against County employees or members of the public on County property or during the performance of County business, are strictly prohibited.
- 2) Any County employee or member of the public who commits an act of domestic violence on County property shall immediately be reported to law enforcement, as well as existing building security, and removed from County premises.
- 3) Any County employee who commits an act of domestic violence on County property or who uses County time, phones, email, vehicles or other resources in the commission of any act in violation of this policy, shall be subject to disciplinary action up to and including termination.
- 4) In all circumstances, Miami-Dade County, its supervisors and managers, will respect the privacy of employees who are involved in domestic violence situations, and disclosures shall be made only on a “need to know” basis. These matters will be kept strictly confidential, except where information must be disclosed to protect the victim’s safety or the safety of the workplace.
- 5) No discipline may be taken against an employee based on the fact that the employee has been a victim of domestic violence or because management fears that domestic violence may spill over to the workplace.
- 6) Miami-Dade County will provide access and referral information regarding local, state and national resources for victims of domestic violence.

#### **ROLES AND RESPONSIBILITIES:**

Miami-Dade County requires all employees to contribute to the maintenance of a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating or other disruptive behavior. Managers and supervisors receiving such reports, are to take them seriously. Employees must immediately call 911 for matters that are of an emergency nature and require immediate attention.

##### *Department of Human Services*

Provides crisis intervention and assistance to victims of violent crimes, domestic crimes, counseling information and referral, safe shelter, transportation, emergency financial assistance, emergency food and clothing, advocacy support, and clinical treatment to perpetrators and victims of domestic violence and intra-family child abuse.

##### *Employee Support Services*

Employee Support Services is a benefit designed to provide confidential services to County employees whose personal problems may affect their ability to function on the job, at home, or in society. Professional counselors are available; direct services are provided through referral.

##### *Domestic Violence Response Team*

A multi-disciplinary committee which serves as a resource for assistance in cases of violence in the workplace, including domestic violence. On a case by case basis, this team assesses potential threats, evaluates each situation, and recommends resources and appropriate long and short term action, including whether allowing the employee to

continue working could pose a danger to the health, safety, co-workers, or the welfare of the public. The team will convene on an as-needed basis and will be comprised of specially trained members of the following departments and organizations: Office of Fair Employment Practices (OFEP); Department of Human Services (DHS); Human Resources Department (HR); Enterprise Technology Services Department (ETSD), Miami-Dade County Fire Rescue (MDFR); General Services Administration (GSA); Miami-Dade Police Department (MDPD); County Attorney's Office (CAO); Miami-Dade County collective bargaining units; and domestic violence service providers.

### *Employees*

Employees are encouraged to respond to victims of domestic violence in a non-judgmental, supportive manner, including making referrals to community resources.

### *Victims*

Any employee who is a victim of domestic violence is encouraged to contact the Department of Human Services and/or Employee Support Services for confidential assistance. Employees covered by a collective bargaining agreement, are also encouraged to seek support and referral services provided by their Union.

If an employee is concerned about his or her safety while at work, the employee should notify his or her manager/supervisor. The employee should be prepared to provide information about the abuser such as a physical description or recent photograph and a copy of any protective order, so that management and/or building security can alert law enforcement should a prohibited person appear in the workplace.

Employees who need time off from work due to domestic violence, should notify their manager/supervisor in order to obtain Domestic Leave pursuant to the provisions of Section 11A-60 through Section 11A-69 of the Code of Miami-Dade County (Ordinance 99-5). Employees should establish a plan for returning to work, and should maintain communication with their manager/supervisor during absence from work.

### *Perpetrators*

Any employee who is a domestic violence perpetrator is encouraged to contact the Department of Human Services and/or Employee Support Services for confidential assistance. Perpetrators who are covered by a collective bargaining agreement, are also encouraged to seek confidential assistance from programs offered by their Union.

If a County employee is arrested for an act of domestic violence, he or she is required to report the arrest within three (3) calendar days, pursuant to Administrative Order 7-39. Where an employee is subject to restrictions of a restraining order that would impact the workplace, the employee must report the circumstance to his/her manager/supervisor within one business day of receipt of such order.

### *Managers/Supervisors*

Where a supervisor has reason to believe or becomes aware that an employee is a victim of domestic violence, the supervisor will provide an opportunity for the employee to voluntarily discuss the situation in a private consultation and offer referral to resources through the Department of Human Services and/or Employee Support Services for confidential support and assistance. It is important that the supervisor or manager respect the employee's privacy and not pressure the employee to disclose personal

information. Discussions with employees should remain confidential to the extent possible by law.

As necessary, the supervisor and the employee should discuss and develop a workplace safety plan to reduce the risk of violence on the job and promote the safety of the employee. The plan should include, but not be limited to, screening calls; creating unpredictable rotations of work schedules, work sites and assignments; removing the employee's name from any automated directories, and contacting the Miami-Dade Coordinated Victims Assistance Center (CVAC) and the National Domestic Violence hotline at 1-800-799-SAFE for information and assistance. Assistance with the development of a detailed safety plan can be obtained from the professional staff at CVAC.

If an employee-victim requests time off due to domestic violence, the supervisor shall grant Domestic Leave to the extent required by Section 11A-60 through Section 11A-69 of the Code of Miami-Dade County (Ordinance 99-5). No discipline or adverse action should be taken against an employee because he or she is a victim of domestic violence.

Where an employee's status as a domestic violence victim has negatively affected the employee's performance, the supervisor should discuss the matter with the employee and develop a performance improvement plan. The plan will be developed on a case by case basis and must take into consideration the employee's status as a victim of domestic violence.

## **ENFORCEMENT**

Where a supervisor becomes aware that an employee has committed an act of domestic violence, the supervisor shall determine whether allowing this employee to continue working could pose a danger to the health and safety of co-workers or the welfare of the public. In all cases, this decision shall be made after conferral with resources outlined in this policy. If danger or risk to safety exists, the department director or designee shall report all relevant information concerning the matter to law enforcement and may relieve the employee of duty by placing him/her on administrative leave, as appropriate. The department should refer the employee to the Department of Human Services and/or Employee Support Services for coordinated counseling and referral to intervention services. Such referral shall not preclude any disciplinary action or possible criminal sanction. The Labor Management and Employee Appeals Division of the Human Resources Department should be consulted regarding disciplinary action imposed for violation of this Implementing Order.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

Approved by the County Attorney as  
to form and legal sufficiency