Memorandum

MIAMI-DADE COUNTY

Date: January 12, 2010

GO
Agenda Item No.
3(C)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Implementaing Order 7-43 Pertaining to Domestic Violence in the Workplace

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Implementing Order (I.O.) creating policies governing issues of domestic violence that may impact County workplaces.

Background

At the January 24, 2006, Board of County Commission meeting, Resolution 107-06 was approved, directing the County Manager to create a Domestic Violence in the Workplace Policy to heighten awareness of domestic violence and guide employees and management on ways to address the occurrence of domestic violence and its impact on the workplace. The resolution directed that the policy be forwarded to the Board for approval.

This I.O. establishes policies for handling those circumstances where domestic violence affects the workplace, gives guidance to County employees who are victims, perpetrators, supervisors, and co-workers. This I.O. establishes a multi-disciplinary team that will respond to supervisors in need of assistance in these matters. The trained team will be comprised of representatives from the Department of Human Services, Human Resources Department, Office of Fair Employment Practices, Miami-Dade Police Department, General Services Administration, Miami-Dade Fire Rescue, Enterprises Technology Services Department, County Attorney's Office, Miami-Dade collective bargaining representatives and domestic violence service providers.

This I.O. provides guidance to supervisors on how to respectfully respond to workers impacted by domestic violence and encourages participation of union representatives, employees and supervisors in the resolution of this workplace safety issue.

The Director of the Office of Fair Employment Practices will be responsible for monitoring implementation and compliance by departments with this Implementing Order.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 2, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No.

2-2-10

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER NO. 7-43: DOMESTIC VIOLENCE IN THE WORKPLACE

WHEREAS, this Board desires to support employee well-being and promote workplace safety; and

WHEREAS, domestic violence is a social, economic and healthcare problem that affects County employees; and

WHEREAS, domestic violence is not just a private matter between family members, but has serious implications for the workplace; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Implementing Order No. 7-43: Domestic Violence in the Workplace, as attached hereto.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez

I.O. No.: 7-43
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

DOMESTIC VIOLENCE IN THE WORKPLACE

AUTHORITY:
Section 4.02 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 from County services.

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 (Human Resources Department)
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 and review available leave options under the Domestic Leave Section of the Miami-Dade County Leave Manual. 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 Professional Counseling Services and/or 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 make every effort to accommodate the employee by approving use of leave, pursuant to the Miami-Dade County Leave Manual. 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 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 _____