

SECTION 8. HUMAN RESOURCE MANAGEMENT

Part 8.28 DOMESTIC VIOLENCE POLICY

**I. PURPOSE**

It is the purpose of this policy to avoid or minimize the occurrence and effects of domestic violence in the workplace and to foster a safe work environment for Department of Health employees. The State of Utah and the Utah Department of Health are committed to making employees aware of domestic violence concerns and will assure that managers, supervisors and employees have the training and resources needed to effectively apply this policy and to take appropriate action to address violations.

This policy applies only to domestic violence between Department of Health employees and their cohabitants (see definition below), either as victims or perpetrators.

Domestic violence burdens the criminal justice system and imposes significant additional costs for health care, mental health care and child welfare services. In the workplace, it results in poor work performance, lost productivity, increased costs for health benefits and jeopardizes the security of the work environment.

**II. DEFINITIONS**

1. Domestic Violence: A pattern of coercive or violent acts which may include stalking, physical, psychological, sexual, economic and emotional abuse to an individual, perpetrated by a current or former intimate partner.
2. Abuser: An adult who perpetrates a pattern of coercive or violent acts which may include stalking, physical, psychological, sexual, economic and emotional abuse against a cohabitant.
3. Victim: Cohabitant against whom an abuser directs his/her coercive or violent acts.
4. Cohabitant: An emancipated person as defined in '15-2-1 *Utah Code, Annotated*, or a person who is 16 years of age or older who:
  - 1) is or was a spouse of the other party;
  - 2) is or was living as if a spouse of the other party;

- 3) is not a minor child or sibling of, but is otherwise related by blood or marriage to the other party;
  - 4) has one or more children in common with the other party;
  - 5) is the biological parent of the other party's unborn child; or
  - 6) resides or has resided in the same residence as the other party.
5. Domestic Violence Service Provider: An agency or a staff member of an agency that primarily or exclusively provides services to victims of domestic violence, including residential programs, or provides non-residential services to victims of domestic violence.
  6. Victim Advocates: Individuals who provide advocacy and resources to victims of domestic violence. Advocate programs can be found in police departments, prosecutors' offices, county attorneys' offices, courthouses, Department of Corrections and in shelters.
  7. Domestic Violence Perpetrator Treatment Provider: A treatment provider licensed for domestic violence outpatient perpetrator treatment by the Department of Human Services, whose program is designed to eliminate violence in intimate relationships, to stop other forms of abusive behavior and to increase victim safety.
  8. Workplace: State offices, facilities, work sites, vehicles, or any place where state business is conducted.
  9. State Resources: Include, but are not limited to state owned or state provided telephones, cell phones, fax machines, computers, e-mail services or postal services, regardless of where they are located.

### III. POLICY

The State of Utah and the Utah Department of Health (Department) have a zero tolerance policy for domestic violence in the workplace.

- A. An employee who commits an act of domestic violence while in the workplace or while using State resources will be subject to disciplinary action in accordance with Human Resource Management Rule R477-11.
  1. The commission of an act of domestic violence while at work, may constitute grounds for disciplinary action as outlined in R477-11-1(1).
  2. Human Resource Management Rule R477-11-1(4) states

the following: If an agency determines that a career service employee endangers or threatens the peace and safety of others or poses a grave threat to the public service or is charged with aggravated or repeated misconduct, the agency may place the employee on paid administrative leave or temporarily assign the employee to another position or work location, pending an investigation and determination of facts.

Note: The Human Resource Rules are applicable to both career service and non-career service employees. Therefore, this policy will be administered and adhered to for all Department of Health employees, regardless of career service status.

- B. Victims and abusers will be offered assistance through the Department of Health Employee Assistance Program (EAP).

#### **IV. PROCEDURES**

##### A. Role of the Department:

1. All matters pertaining to domestic violence victims or abusers shall be treated with confidentiality. Information will be shared only as needed to carry out administrative functions related to a domestic violence incident.
2. Information, including telephone numbers for domestic violence hotline services, perpetrator referral services, the Employee Assistance Program and other useful referral sources shall be available in the workplace, including in restrooms and other areas where the information may be viewed privately. This information will also be posted on the Department's internal web site (DOHNET).
3. The Department will cooperate fully in the enforcement of court orders of protection in which abusers have been ordered to stay away from the work site. Victims must provide a copy of the protective order to the Office of Human Resource Management for documentation and coordination with the Office of Employee Support and building security.
4. Domestic violence in the workplace training will be provided to each employee as soon as it is practicable after beginning

employment and at least every three years thereafter.

5. The Office of Human Resource Management will track and maintain these records.

Training must include:

1. A general overview of domestic violence and how it impacts the workplace and worker productivity.
2. A discussion of methods for the prevention of domestic violence.
3. A review of the Department policy on Domestic Violence, a description of appropriate responses to violence in the workplace and a current listing of resources and referral information.
4. For supervisors, information will be provided on documenting the required training and responding to domestic violence situations in the workplace.

B. Employee as the Victim:

1. An employee needing immediate protection from domestic violence in the workplace should call out loudly for help, then dial **9-911** and/or building security.
2. Building security or management will take appropriate steps to have the perpetrator removed or excluded from the building.
3. When the immediate threat is over, the victim should notify his/her supervisor and the Office of Human Resource Management (HRM).
4. If the victim is threatened at home or at work, notification of such threat should be given to the employee's direct supervisor and to the Office of Human Resource Management for appropriate response.
5. If desired by the victim, HRM will confidentially consult with EAP and arrange for counseling and referral to other services.

6. Victims shall be afforded the opportunity to conduct personal business related to a domestic violence incident. Options allow supervisors to grant appropriate use of leave or work schedule adjustments, within the bounds of State regulations, to provide the time needed to relocate, obtain medical care, meet with victim advocates, go to counseling sessions, seek legal consultation or attend court proceedings.
7. Employees are responsible for all costs associated with domestic violence treatment programs in which they enroll.

C. Employee as the Perpetrator:

1. Employees who are perpetrators of domestic violence are encouraged to seek assistance by contacting their supervisor, human resource representative or EAP to obtain a referral to a domestic violence perpetrator treatment provider.
2. Perpetrators shall be afforded an opportunity to attend a domestic violence, perpetrator treatment program. Supervisors will allow the use of leave or work schedule adjustments, within the bounds of State regulations, to provide the time needed to attend such programs.
3. Employees are responsible for all costs associated with domestic violence treatment programs in which they enroll.

