

City of Los Angeles
**POLICY IN SUPPORT OF EMPLOYEE VICTIMS OF
DOMESTIC VIOLENCE AND ABUSE**



Statement of Policy

The City of Los Angeles, as an employer, recognizes the need to promote a work environment that is supportive of victims of domestic violence and sensitive to the effects of domestic abuse. Therefore, it is the policy of the City to offer assistance and a supportive environment to its employees experiencing domestic violence or abuse by providing 1) an understanding and supportive workplace environment; 2) referrals to appropriate community and workplace resources; and 3) an alternative to discipline when work performance is affected as a result of the battering relationship.

It is the purpose of this policy to ensure that employees who are in battering relationships will have the opportunity to obtain appropriate assistance so that they may remain productive members of the City's workforce. While this policy cannot address the abusive actions of its employees who may perpetrate domestic violence and abuse with no connection to the workplace, the City recognizes the harm resulting from such abuse upon its employees, City's resources, and the well-being of the City and all of its residents.

For the purposes of this policy, "domestic violence" is defined as:

"Intentionally or recklessly causing or attempting to cause psychological, emotional, financial and/or physical injury, including but not necessarily limited to sexual assault, threatening, harassing, stalking, or making annoying phone calls by a person who is in any of the following relationships with the employee:

- Spouse or former spouse
- Cohabitant or former cohabitant
- A person with whom the victim is having or has had a dating or engagement relationship
- A person with whom the victim has had a child

A "victim" for the purpose of this policy, is an employee who is experiencing domestic violence/abuse.

This policy will accomplish its objectives only with the full support of management and employees at all levels throughout the City. Accordingly, each department is directed to distribute the City's policy on domestic violence and abuse to all employees and supervisors and to adopt and distribute the protocols for implementing this policy, when the protocols are developed.

Additionally, the City has established the Domestic Violence Resource Team (DVRT) to assist with the implementation of City policy and protocols, as well as departmental procedures; to advise and consult with management and employees on all inquiries regarding domestic violence; and to assist management and employees with alternatives to disciplinary actions, on a case by case basis. The members of the DVRT will include, but not necessarily be limited to, a representative from the Commission on the Status of Women, Office of the City Attorney, Personnel Department, the employee unions, and one of the Employee Assistance Program providers. The representative from the Commission on the Status of Women will serve as Team Coordinator and will be responsible for convening and coordinating the activities of the team.

Workplace Support and Safety for Employees Who are the Victims of Domestic Violence

When a supervisor becomes aware that an employee is in an abusive relationship and subjected to harassment, threats, or violence by a person earlier described as a perpetrator, the supervisor will offer the employee/victim information on the Domestic Violence Resource Team and other available resources for appropriate assistance. The other resources may include, but will not necessarily be limited to, the City Attorney's Domestic Violence Unit victim advocates; the appropriate Employee Assistance Program; battered women's shelters; legal assistance agencies which can assist the employee in obtaining a domestic violence restraining order; and the employee's union, if the employee is represented.

Additionally, when a supervisor becomes aware of an employee's domestic violence or abuse situation, s/he will review the facts of the employee's situation with the department personnel officer who will then, if appropriate, consult with the City Attorney's Domestic Violence and Employee Relations Units. If it is determined that the facts meet the level of proof required for the issuance of a restraining order under the Workplace Violence Act, and that the issuance of a restraining order would improve the safety of the employee victim and of other employees in the workplace, an attorney will be assigned to seek a restraining order in the name of the City of Los Angeles.

Confidentiality

The circumstances of the domestic violence or abuse and any referrals under this policy, whether or not they arise in the disciplinary process, shall remain confidential to the extent permitted by law. Recognizing the difficulty for a victim of domestic violence to leave a violent relationship, supervisors will make all efforts to maintain a nonjudgmental and supportive environment for the employee which is not dependent on the employee's leaving the violent or abusive relationship.

In order to provide assistance to an employee experiencing domestic violence or abuse, and in an effort to provide a safe work environment for that employee and all employees, the City will, whenever possible, give positive consideration to the employee's request for transfer to another worksite and/or approval of time off, including medical or personal leave or use of vacation time. To accommodate an employee who is seeking the protection of the law, the City will make all efforts to ensure the employee will be allowed time off to attend court proceedings to obtain domestic violence restraining orders and on other domestic violence-related matters.

Further, a procedure to protect a victim/employee's home and work addresses and phone numbers from being released to anyone without the authorization of the employee will be developed as part of the policy implementation protocols.

Alternatives to Discipline

It is the intention of this Policy to provide alternatives to disciplinary procedures when it is determined that there is a nexus between domestic violence or abuse and the cause for proposed discipline. To that end, an employee/victim may request the assistance of the Domestic Violence Resource Team, by contacting the Team Coordinator at the Commission on the Status of Women, at any time during disciplinary proceedings.

When a tenured employee who is subject to discipline, including counseling, for work performance or attendance deficiencies, or for any other reason, confides that s/he is a victim of domestic violence and provides some form of supporting documentation, such as a police report, medical report, or declaration of a witness or the victim, the employee's supervisor will meet with the employee to determine whether there is a nexus between the problem conduct and the domestic violence or abuse. Upon request of the employee, the Domestic Violence Resource Team will be consulted for assistance with alternatives to discipline.

In keeping with the purposes of this Policy, it is strongly recommended that disciplinary actions be held in abeyance whenever a nexus is shown. During the period of abeyance, efforts will be made to provide the employee with work assignments to accommodate the effects of the domestic violence. The matter will be periodically reviewed and a determination shall be made of whether there has been improvement in the work performance, attendance or other problem which came to the attention of the supervisor.

If the problem conduct has satisfactorily improved, all disciplinary memoranda will be removed from the employee's personnel file. If, within the period of abeyance, the employee demonstrates a lack of improvement or a deterioration in her/his work performance, attendance or other problem area, the supervisor will meet with the employee, a representative from the department's personnel division and the employee's union representative, if the employee is represented, before the City undertakes disciplinary action.

The period during which any discipline is to be held in abeyance for a probationary employee must end at least a month before the employee's probationary period is completed to give the employee's supervisor sufficient time to evaluate the employee and make a recommendation regarding tenure.

Domestic Violence and Abuse Training Programs for Managers, Supervisors and Employees

The City of Los Angeles, in conjunction with experts in the field of domestic violence, will undertake training programs for supervisors and support staff throughout the City. The purpose of the training will be to educate the supervisors and managers on the nature and effects of domestic violence, the impact of domestic violence on employees in the workplace, strategies for successful interventions, procedures for requesting restraining orders and resources for referral to appropriate domestic violence agencies. The supervisors and managers will also be trained on implementing the procedures under this policy and protocols to effectively manage

employees who are victims of domestic violence and abuse. A similar program for non-supervisory employees will also be given to all line employees in the City. Such training will be developed by City employees in conjunction with domestic violence experts and/or participating City unions.

Domestic Violence and Abuse and Workplace Safety

The City of Los Angeles, with the assistance of experts in the field of domestic violence and abuse, will undertake a review of all current security procedures to ensure inclusion in those procedures of specific safety considerations and responses appropriate for victims of domestic violence and abuse and their workplace. The employee unions will be asked to participate in this review.

The City will also require that all security personnel assigned throughout the City's departments receive training about the nature and effects of domestic violence and about procedures for responding to harassing phone calls, annoying and threatening conduct, and unauthorized entry by potentially violent or harassing perpetrators in any of the City's departments and/or facilities. The security officers will also receive training in the recognition and enforcement of domestic violence and civil harassment restraining orders.