

SUBJECT: Workplace Effects of Domestic Violence,
Sexual Assault and Stalking

NUMBER: 50.010.04

DIVISION: Human Resource Services Division

EFFECTIVE DATE: DRAFT 1/25/10

APPROVED:

POLICY STATEMENT:

Oregon state government promotes the use of early intervention to avoid or minimize the occurrence and effects of domestic violence, sexual assault or stalking in the workplace. This policy is in addition to any other statewide policies regarding workplace violence and harassment. The existence of a protective order, a criminal proceeding or law enforcement involvement is not necessary to invoke this policy. Domestic violence, sexual assault and stalking are crimes punishable by law.

AUTHORITY:

ORS 240.145, 240.555, 240.560, Governor's Executive Order 07-17

APPLICABILITY:

All employees in Executive Branch agencies subject to ORS 240 (where not in conflict with the applicable collective bargaining agreements)

ATTACHMENTS:

None

DEFINITIONS:

See State HR Policy 10.000.01 Definitions and OAR 105-010-0000. For the purpose of this policy, the following definitions apply to terms referenced in this policy:

- (a) Domestic Violence means coercive behavior used by one person in a current or former domestic, intimate, or dating relationship to gain power and control over another person in that relationship. This may include physical or sexual assault or the threat thereof; sexual, emotional or psychological intimidation; verbal abuse; stalking; or economic control.
- (b) Sexual Assault means rape, unlawful penetration, or any unwanted touching of a sexual or other intimate part of a person or causing such a person to touch a sexual or other intimate part of the perpetrator for the purpose of arousing or gratifying the sexual desire of either person.
- (c) Stalking means intentional, knowing or reckless, repeated and unwanted contact with the victim that causes the victim reasonable fear regarding physical safety. Communicative contact (written or verbal) is not stalking unless it conveys: 1) a direct or imminent threat to the personal safety of the victim, or the victim's immediate family or household members and 2) likelihood of unlawful acts.
- (d) Batterer, perpetrator, or abuser means the individual who commits or threatens an act of domestic violence, sexual assault or stalking.
- (e) Victim means one who is harmed or is made to suffer from acts or threats of domestic violence, sexual assault or stalking.
- (f) Protective Order means a valid restraining order, stalking order, no-contact

order, or any court order (federal, state, local or tribal) that restrains a person from contact with the protected person.

- (g) Victim Advocacy Provider means a private, non-governmental program that offers support, advocacy, safety planning or counseling; crisis centers or women's shelters for victims of domestic violence, rape, sexual assault or stalking.

POLICY

- (1) An agency director must administer State HR Policy 50.010.04 as the agency's policy to address the workplace effects of domestic violence, sexual assault and stalking.

(a) **Training**

- (A) All Executive Branch agencies will provide either a hard copy or electronic version of this policy and related agency procedures, including a resource list, to all current and new employees.

(B) Training for managers, supervisors and human resource staff

- (i) All current managers, supervisors and human resource staff hired on or before February 1, 2008 must complete mandatory training by February 1, 2010. All managers, supervisors and human resource staff hired after February 1, 2008, must complete mandatory training within two years of appointment. All managers, supervisors and human resource staff must complete refresher training every five years.
- (ii) The mandatory training may be conducted on-line or in person by the agency, DAS, or the Bureau of Labor and Industries (BOLI), and must include the information listed in (1)(a)(C) and the following:
- (a) responsibilities as an employer
 - (b) how to respond when employees self disclose or request referral information
 - (c) how to work with a victim advocacy provider to assist identified victims in workplace safety planning
 - (d) how domestic violence, sexual assault or stalking impacts the workplace, productivity, and safety risks to other on-site staff and visitors.

(C) Training for employees

- (i) An agency must provide regular opportunities to all employees to attend voluntary training to learn more about:
- (a) the policy and agency procedures
 - (b) the characteristics of domestic violence, sexual assault and stalking presented by a victim advocacy provider
 - (c) where an employee may request or locate referral information

- (d) support and safety measures available from the agency
- (e) how domestic violence, sexual assault or stalking impacts the workplace, productivity, and safety risks to other on-site staff and visitors
- (f) other applicable policies and collective bargaining agreement provisions:
 - [State HR Policy 10.030.01](#) Support of Employee's Work and Family Needs
 - [State HR Policy 50.010.01](#) Discrimination and Harassment Free Workplace
 - [State HR Policy 50.010.02](#) Violence-Free Workplace
 - [State HR Policy 50.010.03](#) Maintaining a Professional Workplace
 - [State HR Policy 60.000.12](#) Statutorily Required Leaves with and without Pay.

(b) Resources

- (A) All Executive Branch agencies must post a copy of this policy and related agency procedures, including a resource list, in each office location in areas of high visibility (such as bulletin boards, break rooms, restrooms, etc.). Agencies should also consider locations that offer private access to this information.
- (B) Employees may also obtain resource information by talking with a manager, supervisor or human resource staff.
- (C) An agency's resource list must, at a minimum, include all of the information listed below:
 - (i) The names of the local domestic violence, sexual assault and stalking victim advocacy providers
 - (ii) The National Domestic Violence Hot Line: 1-800-799-7233 or www.ndvh.org/help/index.html; The National Sexual Assault Hotline 1-800-656-HOPE (4673) or www.rainn.org; The National Center for Victims of Crime - Victim Helpline 1-800-FYI-CALL
 - (iii) The Department of Human Services Domestic Violence Web site's list of victim advocacy providers across the state, www.dhs.state.or.us/abuse/domestic/gethelp.htm
 - (iv) The Employee Assistance Program (EAP) local service provider. State agencies with contracts with Cascade Centers, Inc. may use 1-800-433-2320 or www.cascadecenters.com to reach counselors 24 hours each day for intake and referrals to a local victim advocacy provider

- (v) The Oregon Law Help Web site www.oregonlawhelp.org contains contact information for local legal service offices as well as basic information about protections for gaining employment and housing
- (vi) Perpetrator Information: Contact the EAP service provider as listed above, or go to http://www.co.multnomah.or.us/dchs/dv/dvman_batt.shtml for a list of batterer intervention programs in Multnomah County. These service providers make referrals to local programs.

(c) **Confidential Request and Referral**

- (A) A manager, supervisor, human resource and safety staff must keep confidential to the fullest extent permitted by law:
 - (i) An employee's request for resource or referral information about domestic violence, sexual assault, stalking, and additional security in the workplace
 - (ii) Witness reports of a threat or incident of domestic violence, sexual assault or stalking
 - (iii) An employee's request for other related assistance from the manager, supervisor, human resource and safety staff
 - (iv) The report that an employee is a victim of domestic violence, sexual assault, or stalking
- (B) If the law or certain circumstances require disclosure of the above in (A)(i)-(iv), the manager, supervisor, human resource or safety staff will give advance notice to the employee whenever possible before making the disclosure.

(e) **Employee Safety and Support**

- (A) The agency must take appropriate action to keep all staff safe in the workplace if an agency manager, supervisor, human resource or safety staff learn of a threat or possibility of workplace domestic violence, sexual assault or stalking. Refer to policies listed in (1)(a)(C)(i)(f).
- (B) If an employee as a victim of domestic violence, sexual assault or stalking requests additional safety measures, the agency must take additional reasonable safety measures to protect the employee at work or in connection with work as consistent with the agency's operational needs and does not create an undue hardship on the agency. An undue hardship is a significant difficulty and expense to the agency. The agency considers its size and critical needs when it assesses an employee's request for additional safety and support measures.
- (C) Agencies must comply with all protective orders while the employee is in the workplace. If the parties to a civil protection order are employees of the same agency or work for different agencies in the same building or have on-the-job contact with one another, the pertinent managers will minimize or eliminate contact between the parties, as required by the order or as requested by the victim. Note: protective orders from other states are enforceable in the state of Oregon.

- (D) Reasonable safety measures, support and assistance may include but are not limited to the following (as per federal or state law, State HR Policy or collective bargaining agreement):
- (i) Local advocacy and safety planning resource information
 - (ii) Pseudo name and email address for performing work
 - (iii) Alternate work schedules, transfer, or reassignment according to applicable policies and collective bargaining agreements
 - (iv) Offering alternate parking spaces
 - (v) Relocating or adjusting the employee's workstation, worksite or location
 - (vi) Screening telephone calls and visitors
 - (vii) Changing telephone number(s)
 - (viii) Alternate methods of receiving a paycheck
 - (ix) Leave of absence per state law, policy or collective bargaining agreement
 - (x) Sharing a copy of the protective order and a photograph of the abuser with the building security or safety staff, manager, supervisor or human resource manager to stop the abuser entering the workplace
 - (xi) Other safety measures as appropriate
- (f) **Prohibited Behavior**
- (A) This policy prohibits discrimination and retaliation against an employee who is a victim of domestic violence, sexual assault or stalking or who requests or uses any provision of this policy. If any employee suffers such retaliation or discrimination, the employee may file a complaint with the human resource manager for investigation and appropriate action.
 - (B) An agency shall not to refuse to hire an otherwise qualified individual; or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions or privileges of employment because the individual is a victim of domestic violence, sexual assault or stalking.
 - (C) Any employee who witnesses a threat or incident of domestic violence, sexual assault or stalking at the employee's workplace must report it to his or her manager, supervisor, human resource or safety staff immediately.
 - (D) This policy prohibits the threat of or commission of domestic violence, sexual assault, or stalking by an agency employee on agency premises or during working hours or at an agency-sponsored event. The agency may impose disciplinary action up to and including dismissal, against violators of this policy.

- (E) This provision does not limit the authority of any agency to impose discipline or take other appropriate action for conduct that involves the threat or commission of domestic violence, sexual assault, or stalking by an agency employee in off-duty hours.
- (F) An eligible employee claiming a violation of this policy may file a complaint with the Civil Rights Division of the Bureau of Labor and Industries pursuant to ORS 659A.820.
- (G) It is an unlawful employment practice for a covered employer to discharge, expel or otherwise discriminate against any person because the person has files a complain, testified or assisted in any proceeding in connection with the Oregon Victims of Certain Crimes Victim Leave Act (OVCCCLA).

Performance Measure: Percentage of managers, supervisors and human resource staff receiving the required training.

Performance Standard: 100%

