

September 4, 2003

**OFFICE OF THE ATTORNEY GENERAL
Domestic Violence Workplace Policy**

Dear Employee:

Domestic violence is a serious problem in our families, our communities, and our workplace. Last year, more than 13,000 people received services from the Maine Coalition to End Domestic Violence. We know that many more people never seek services. Violence does not stay within the home when an employee reports to work. In fact, abusers often use the workplace as a tool to further intimidate their victims.

The Maine Office of the Attorney General is dedicated to creating a safer and healthier workplace, free of domestic violence. To this end, the Office has established the attached Domestic Violence Workplace Policy. The goal of the policy is to notify employees that the Office will support employees who experience domestic violence in their lives and will not tolerate acts of domestic violence in the workplace.

Please take a moment to carefully read the policy. Like our office policies related to sexual harassment and equal employment opportunities, employees will be required to read this policy and sign a statement indicating that they understand the policy. Resources related to local domestic violence projects and other services are available in a designated location in each office. If you need additional information, please see a designated responder, a Division Chief or the Chief of Operations.

G. Steven Rowe
Maine Attorney General

OFFICE OF THE ATTORNEY GENERAL DOMESTIC VIOLENCE WORKPLACE POLICY

I. STATEMENT OF PURPOSE

The Office of the Attorney General (hereinafter “the Office”) is committed to promoting the health and safety of its employees. This commitment includes the prevention and reduction of the incidence and effects of domestic violence.

While the Office recognizes that both men and women are victims of domestic violence, the overwhelming majority of victims of domestic violence are women. In fact, domestic violence is the leading cause of injury to women in the United States.

The Office recognizes that domestic violence is a workplace issue. Domestic violence does not stay at home when victims go to work. Victims may be especially vulnerable while they are at work. Domestic violence can compromise the safety of employees and directly interfere with the mission of the Office by decreasing morale and productivity, as well as by increasing absenteeism and health costs.

For these reasons, the Office has established this workplace domestic violence policy. The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel comfortable discussing domestic violence issues and seeking assistance for domestic violence situations;
- Develop responsive policies and procedures to assist employees who are affected by domestic violence;
- Provide immediate assistance to victims;
- Provide assistance and/or disciplinary action to employees who are perpetrators of abuse; and
- Offer training on recognizing and responding to domestic violence.

This policy recognizes that, in accordance with 26 M.R.S.A. § 850, an employer must grant reasonable and necessary leave from work, with or without pay, to an employee who is a victim to prepare for and attend court proceedings; receive medical treatment; attend to the medical treatment of a child, parent or spouse who is a victim; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. The necessity of the leave must be based upon the employee or the employee’s daughter, son, parent or spouse being a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection from abuse.

The Office will not tolerate any act of domestic violence in the workplace, and will take action to prevent and correct the misuse of the State’s resources in

connection with any act of domestic violence. Misuse of the State’s resources in connection with any act of domestic violence will result in discipline up to and including discharge.

II. DEFINITIONS

- A. **Domestic Violence:** A pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in the relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.
- B. **Batterer, Perpetrator, or Abuser:** An individual who commits an act of domestic violence.
- C. **Survivor or Victim:** An individual subjected to an act of domestic violence.
- D. **Domestic Violence Response Team/Responder:** Designated employees with specialized training to handle disclosures, referrals, and office safety planning. *See Appendix for a list of current Responders.*

III. STATEMENT OF CONFIDENTIALITY

The Office recognizes and respects a victim’s need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee’s disclosure demands otherwise, the Office will maintain the confidentiality of the victim’s disclosure. Responders will share disclosures with the Chief of Operations (COO). However, unless necessary, the information will not be shared with other employees in the Office. Whenever possible, the employee will be given notice of necessary further disclosures. Further disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person, the victim has expressed homicidal or suicidal intentions, or there is reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults.¹

¹ Certain persons are “mandated reporters” of abuse or neglect of children, and abuse, neglect or exploitation of incapacitated or dependent adults. Mandated reporters include law enforcement officials. *See* 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

IV. EDUCATION AND OUTREACH

- A.** This policy will be distributed to all current employees. New employees will receive the policy upon commencing employment. All employees are expected to become familiar with this policy and to attend domestic violence training as provided by the Office.
- B.** Managers, supervisors, and members of the Domestic Violence Response Team will attend specialized training, as provided by the Office, focused on identifying and responding to issues of domestic violence in the workplace.
- C.** An Education and Outreach Committee will be established to provide continuing opportunities for education and discussion. Such activities may include “Lunch and Learn” sessions, speakers, and a lending library. The Committee will attempt to maintain, publish, and post a list of resources for survivors of domestic violence in locations of high visibility, such as bulletin boards, break rooms, and the Office intranet. Resources should include but not be limited to: the hotline numbers of local domestic violence projects, local Employee Assistance Programs (“EAP”), the Maine Coalition to End Domestic Violence (statewide domestic violence coalition), and the phone number and description of other domestic violence resources in the community (court, police, victim advocates, legal assistance, and sexual assault services and hotlines). The Committee will also maintain a current list of state-certified batterers intervention programs.

V. RESPONSE AND ASSISTANCE

A. Disclosure; Requests for Information, Referral, and Assistance

The Office seeks to offer support and referrals for assistance to those employees who disclose concerns or request help. The Office will designate trained persons to whom disclosures may be made. Designated persons include members of the Response Team and all Division Chiefs, the Chief of Operations, the Chief Deputy, and the Attorney General. All employees wishing to discuss domestic violence issues are encouraged to speak with whomever they are most comfortable.

B. Response to Victims

1. The Office recognizes all persons’ rights to privacy, autonomy, and safety, and the corresponding need to control the process following any disclosure. To the extent that disclosures do not implicate issues of workplace safety and performance, and to the extent permitted by law and this policy, the Office’s response will be guided by the expressed wishes of the victim, and may include the following:

- a. Referrals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;
 - b. Assessment of the victim's need to be absent from work;
 - c. Information regarding employment benefits, including processes for changing insurance benefits, requesting paid and unpaid leave, and changing pay arrangements (such as direct deposit of paychecks); and
 - d. Information regarding the availability of unemployment benefits in certain circumstances.
2. Any person who is concerned about his or her safety at work should speak to a member of the Response Team, a Division Chief, the Chief of Operations, the Chief Deputy, or the Attorney General. The Office will immediately contact local police and/or Capitol Security in the event of imminent danger.
3. If domestic violence is occurring in the workplace, is affecting the performance of the victim or the victim's co-workers, or if the victim otherwise requests, the Office will assist the victim by:
 - a. Referring individuals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;
 - b. Developing an individualized workplace safety plan in conjunction with appropriate agencies and services. The Office and the victim may consider, for example, screening telephone calls, changing the affected employee's phone extension or physical location, arranging for escort to and from parking areas, changing work schedules, and providing information concerning the perpetrator to Capitol Security, law enforcement, and/or the receptionist.
4. If any person is at immediate risk in the workplace, the Office will follow protocols for notifying law enforcement and Capitol Security, and follow applicable emergency or safety procedures.
5. Victims are encouraged to disclose the existence of Temporary and Permanent Orders for Protection from Abuse or Harassment to a member of the Domestic Violence Response Team, especially where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment. The responder will follow the provisions of this policy with respect

to response and assistance to the victim, and address the issue of safety plans with the victim as appropriate.

C. Response to Employees Concerned about Domestic Violence

1. If an employee has a concern that a co-worker is a victim of domestic violence, the employee is encouraged to contact a member of the Response Team to discuss the concern. The responder will work with the concerned employee to decide how best to approach the victim. In addition, the responder may discuss the matter with the Chief of Operations, the Chief Deputy Attorney General, or the Attorney General if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an affect on the workplace, including but not limited to safety, job performance, and morale. The responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.
2. If an employee experiences or witnesses violence or threats of violence in the workplace, the employee should report the incident to a supervisor or the Chief of Operations immediately.
3. Employees may wish to seek advice and information from a responder before speaking with a perceived victim, but this approach is not required. If an employee discusses concerns about safety with a victim, the employee should only offer help, not judgment. The employee should also:
 - a. Refer the victim to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services; and
 - b. Encourage the victim to seek assistance when addressing personal safety issues.

D. Documentation

The COO will maintain copies of orders for protection from abuse and other documents that demonstrate workplace domestic violence in a confidential file. The Office will develop necessary protocols related to maintaining records of domestic violence disclosures.

VI. WORK PERFORMANCE

The Office recognizes that victims of domestic violence may have performance or conduct problems, such as chronic absenteeism or an inability to concentrate, because of the abuse.

When an employee confides that job performance or a conduct problem is caused by domestic violence, referrals and assistance should be offered in accordance with this policy.

The Division Chief or supervisor, in collaboration with the employee and any other appropriate agencies, which may include the EAP, the Bureau of Human Resources, or the collective bargaining agreement, should allow a reasonable amount of time away from work for the employee to obtain assistance regarding domestic violence. This time may be drawn from sick or vacation leave, unpaid leave, or a leave bank, as determined appropriate and available. Any such leave will be consistent, at a minimum, with 26 M.R.S.A. § 850.

Nothing in this policy alters the authority of the Office to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

VII. PERPETRATORS

- A. If an employee discloses that he or she is or has been a perpetrator of domestic violence, the responder should refer the employee to EAP and a local state-certified Batterers' Intervention Project. In every situation where an employee makes this disclosure, the COO or other appropriate individual will immediately be included in the discussion related to the disclosure.
- B. If an employee is concerned that a co-worker is a perpetrator of domestic violence, the employee should notify a member of the Response Team. The employee is discouraged from confronting the co-worker directly. Instead, the responder will discuss the issue with the employee and work with the COO to decide how best to address the situation.
- C. Any incident of domestic violence committed by an employee while on office premises, during working hours, or at an office-sponsored event will not be tolerated. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.
- D. The use of State resources, work time, or equipment in connection with any act of domestic violence is prohibited. The Office will prevent and correct misuses of State resources in connection with any act of domestic violence. An employee violating this section will be subject to corrective and disciplinary action, up to and including discharge.
- E. Employees of the Office must disclose to their Division Chief any order for protection from abuse or harassment, or any condition of bail or probation that includes:
 - 1. Conditions prohibiting or limiting contact with other

2. employees of this Office; or
Conditions that may interfere with the employee's ability to perform job duties.

VIII. CONCLUSION

The Office is committed to providing a supportive workplace environment free of domestic violence. The Office will work to respond and provide immediate assistance to a victim who seeks it. Victims will be treated with compassion and will not be judged.

Employees with questions about this policy or ideas to improve this policy should contact a responder or Division Chief.

Effective Date: September 4, 2003