

City of Los Angeles

**DOMESTIC VIOLENCE PROTOCOLS
for Implementation of the Policy in Support of
Employee Victims of Domestic Violence and Abuse**

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DOMESTIC VIOLENCE PROTOCOLS
for Implementation of the Policy in Support of
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I. Statement of Purpose

The City of Los Angeles, as an employer, has an interest in providing a supportive work environment to victims of domestic violence. The purpose of this protocol is to provide uniform steps of action and alternatives to discipline for all departments throughout the City to maintain the greatest opportunity for safe working conditions for victims of domestic violence and their co-workers. These protocols are intended to supplement existing City and departmental personnel policies and procedures.

II. Management and Supervisory Response

Management's full support is required to accomplish the objectives of the City's domestic violence policy¹. The response by the supervisor or manager is determined by the danger or threat level of the incident and its relationship to the workplace. Therefore, the purpose of the supervisor's actions, as a management representative and the person having the most direct contact with the affected employee, should be to:

- Provide a supportive work environment for the employee-victim;
- Advise the employee of the City's domestic violence policy and of available resources, including the Employee Assistance Program (EAP);
- Obtain sufficient information to attempt to provide protection for the employee-victim, other employees, and the workplace; and,
- Ensure all employees receive training in the area of domestic violence and abuse.

To that end, the supervisor should be familiar with the following:

- City's Policy in Support of Employee Victims of Domestic Violence and Abuse and these protocols;
- City's Workplace Violence Policy and Operational Guidelines;
- Policy No. 33 of the Policies of the Personnel Department governing discipline, where applicable;
- Responsibilities of the Domestic Violence Resource Team (DVRT)²; and,
- Reporting responsibilities and emergency procedures.

¹Used generically for the "Policy in Support of Employee Victims of Domestic Violence and Abuse"

²The City has established DVRT to advise and consult with management and employees on inquiries involving domestic violence. See Section IV of these protocols for further details.

A. Known or Suspected Domestic Violence

If a supervisor becomes aware that an employee is in a domestic violence situation, the supervisor will provide an opportunity for the employee to voluntarily discuss the situation in a private consultation, and offer available resources for appropriate assistance.

1. Meet with the Employee

The purpose of the meeting is not to pry into the employee's private life but to offer support for the employee. To that end, the supervisor shall:

- ensure that the meeting is held discreetly and in a private location. At the employee's option, an employee's union representative may be present.
- inform the employee of the City's Domestic Violence Workplace Policy

Unless the employee offers additional information, the supervisor should discreetly state his or her suspicions and offer referrals to agencies recommended by the City of Los Angeles, including the DVRT and the EAP, and terminate the meeting.

If the domestic violence is confirmed, the supervisor shall determine if the domestic violence has encroached into the workplace. If the domestic violence has encroached into the workplace, the supervisor shall follow the procedures outlined in Section "B" and/or "C" below.

2. Review With Department Personnel Officer (DPO)

Following the meeting with the employee, the supervisor shall, if appropriate, review the information with the DPO to determine if further action should be taken.

3. Offer Accommodation for Employee-Victims

The Supervisor shall make every effort to accommodate the employee's request for assistance, if any, including requests for:

- Transfer or reassignment
- Security escort
- Time off to relocate or take a leave of absence
- A change in work assignment to accommodate the effects of domestic violence
- Use of accrued vacation, sick or overtime benefits

In addition, the supervisor is advised that California law requires that supervisors allow employees time off to attend court proceedings related to domestic violence, including obtaining domestic violence restraining orders and appearing as a witness in civil and criminal cases. Any accommodation provided for the employee-victim shall be documented.

B. Domestic Violence Which Affects Work Performance

Domestic violence may affect an employee-victim's work performance. No City employee will be disciplined or terminated simply because s/he has been or is the victim of domestic violence. Additionally, every effort must be made in such circumstances to maintain a non-judgmental and supportive environment for the employee, which is not dependent on the employee leaving the abusive relationship. If an employee-victim's work performance is affected by domestic violence, the supervisor shall take appropriate action to assist the employee.

1. Conference upon Disclosure

If an employee's performance on the job becomes subject to disciplinary action, and in the course of the disciplinary process the employee confides that s/he is the victim of domestic violence which contributed to the work performance problem, the supervisor shall:

- Conduct a private conference with the employee and advise the employee of the services of the DVRT and the EAP.
- Ensure that such conference is held discreetly and in a private location.
- Inform the employee of the City's Domestic Violence Workplace Policy.
- Obtain facts to determine whether there is a nexus between the problem conduct and the domestic violence or abuse.
- Inform the employee that s/he may be required to sign a declaration describing the nexus and may be asked to provide restraining orders or copies of police reports.
- Obtain some form of supporting documentation, such as a police report, medical report, or a declaration of a witness or the employee-victim.
- Document the conference.
- Review the facts and supporting documentation with the DPO (or other appropriate management representative).
- Meet with the DVRT when requested by the employee to seek assistance with determining alternatives to discipline.

2. Disputed Cases

If the supervisor disputes either the existence of the employee's domestic violence situation or the link between the domestic violence and the work performance problem, the supervisor shall inform the employee of her/his right to request that the City's DVRT be consulted.

3. Holding Disciplinary Actions in Abeyance

In cases in which a nexus is shown between the work performance problem and the employee's domestic violence situation, ***it is strongly recommended that the department hold discipline in abeyance to determine if the employee's problem behavior will continue.***

Some form of supporting documentation must be provided by the employee- victim before disciplinary action may be held in abeyance.

- The employee may be required to sign a declaration describing the nexus between the domestic violence and the work performance problem.
- The employee may be asked to provide restraining orders or copies of police reports if the employee asserts such documents verify the domestic violence situation.
- The employee may provide medical reports or doctor's verification documenting the domestic violence situation.
- The employee may provide any other form of documentation which s/he believes may support the nexus between domestic violence and the workplace performance problem.

Any one form of supporting documentation may be sufficient. Any such documents provided by the employee will be maintained separate from the employee's personnel file.

When it is determined that the disciplinary action will be held in abeyance, the supervisor will develop, in consultation with the DPO, a written plan to reevaluate the performance within a stated period of time and inform the employee and the employee's union representative, if the employee is being represented in this disciplinary action.

- The period of abeyance should not exceed six months.
- The employee's circumstances should be reviewed, minimally, every three months for tenured employees, and every month for probationary employees.
- **For probationary employees, the period of abeyance must end at least one month prior to completion of probation to allow supervisors sufficient time to evaluate the employee's performance and make recommendations regarding tenure.** Under no circumstances will holding disciplinary action in abeyance serve to extend a probationary period.

For sworn members of the LAPD/LAFD the statute of limitations outlined in the City Charter shall be taken into consideration in holding discipline in abeyance.

4. Action after Period of Abeyance

If the employee's performance improves to an acceptable level during the period of abeyance, it is strongly recommended that any discipline originally contemplated be dismissed. All related disciplinary memoranda, if any, will be removed from the employee's personnel files and maintained in a separate, sealed, file.

Should the employee's performance deteriorate or fail to improve during the period of abeyance, the supervisor will meet with the employee, the employee's representative, if any, and a department personnel representative to determine a course of action that may result in discipline up to and including termination. When an employee's performance deteriorates or fails to improve during the period of abeyance, it is recommended that disciplinary action held in abeyance be reinstated³.

C. Threats or Incidents Occurring at the Workplace

The supervisor shall immediately report all workplace incidents of domestic violence to the Department's Personnel Section⁴ or a member of the department's threat assessment team, if any. Such incidents include, but are not limited to, threats made to employees at the workplace; violations of restraining orders; and/or actual physical assaults or property damage. The supervisor or the Personnel Section shall, if appropriate, report the workplace incident to the LAPD or other law enforcement agency.

1. Documentation

If it is determined that a domestic violence incident involving an employee-victim has occurred in the workplace, the supervisor shall document the situation in a separate file, which shall not be part of the employee's personnel file, and will be maintained in a different location. The documentation should include the date of any reported incident and the date it was reported, the involved parties, a description of the incident, employee request for accommodation, if any, and the department's response to the request, as well as any action taken as a result of the reported situation.

2. Review With Department Personnel Officer (DPO)

After meeting with the employee, the supervisor shall review the information with the DPO. If appropriate, the DPO shall consult with the City Attorney's Domestic Violence Unit to determine if there is a credible threat of violence requiring law enforcement intervention. Further, if appropriate, the DPO shall consult with the City Attorney's Labor Relations Unit (formerly the Employee Relations Unit) to determine whether a corporate restraining order can be obtained to protect the employee and co-workers, and whether the City or department threat assessment team should be contacted.

³Department management may modify or reduce the originally proposed discipline if the facts or conditions warrant.

⁴In accordance with Department of Public Works protocol, supervisors in the Department of Public Works shall immediately report all workplace violence incidents to the Departmental Workplace Violence Prevention Coordinator.

3. Critical Domestic Violence Incidents

All incidents determined by the supervisor and/or the DPO to be critical domestic violence incidents shall immediately be reported to the LAPD or other appropriate law enforcement agency, as well as to the LAPD's Threat Management Unit. A critical domestic violence incident is any incident consisting of a threat of, or actual occurrence of domestic violence in the workplace which appears to be likely to result in immediate harm or injury to any City employee (or person on City premises) or which warrants consideration as a possible criminal act.

4. Emergency Procedures

Department management should be knowledgeable of departmental procedures for securing emergency assistance, including but not limited to, access to security personnel. Supervisors should be aware of facility escape routes and departmental emergency procedures, as well as any security systems available. Further, it is strongly recommended that department management, in conjunction with the personnel officer and the City's Threat Assessment Team, develop an assistance plan for the employee-victim and/or employees in the workplace when there is a potential danger or credible threat of violence in the workplace.

III. Employees

A. Employee Victims of Domestic Violence

Employees who are victims of domestic violence are encouraged to utilize appropriate resources, including the Employee Assistance Program, domestic violence service centers, battered women's shelters, and other appropriate community resources.

Employees are encouraged to obtain domestic violence restraining orders and report incidents to LAPD or other appropriate law enforcement agencies. Employees who obtain restraining orders are also strongly encouraged to provide copies of the restraining orders and photos of the alleged perpetrator to:

- their supervisor,
- the department personnel section,
- security personnel, and
- the Domestic Violence Resource Team.

B. Employees' Conduct

It is management's expectation that employees obey all City policies⁵ and departmental rules, be productive and contribute to the protection and safety of the workplace. As it relates to the City's domestic violence policy, employees are strongly encouraged to notify their department management of credible threats of violence to themselves and/or to the workplace as soon as possible so that the necessary security measures can be implemented for the protection of the employee-victim, co-workers and the work location. Early notification to management by employees-victims affected by battering relationships will provide them with the greatest level of assistance.

IV. The Domestic Violence Resource Team

The City has established the Domestic Violence Resource Team 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, the Office of the City Attorney, the Personnel Department, the employee-victim's union, if represented, 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.

The goals of the City's domestic violence policy and the DVRT are to:

- provide uniform procedures for all departments throughout the City
- provide resources and referrals for employee-victims of domestic violence
- maintain safe working conditions for employee-victims of domestic violence and their co-workers.

The DVRT must be notified by the supervisor or DPO when requested by an employee. To contact the team, call the Commission on the Status of Women at (213) 978-1675.

⁵Including, but not limited to the City's Workplace Violence Policy, Workplace Violence Prevention Guidelines, and Civil Service Commission's Policy No. 33.

The team will be convened at the request of an employee or department management representative when the possibility of a connection exists between domestic violence or abuse and proposed disciplinary action. DVRT will:

- meet with the employee and representatives from the employee's bargaining unit, if represented,
- notify the department that DVRT has been convened and provide the opportunity for the department to supply any additional information or documentation, as needed,
- determine whether a nexus exists between the alleged domestic violence and the poor work performance and/or disciplinary action,
- if a nexus is established, make recommendation(s) to the department in writing, in a timely manner,
- inform the employee-victim and/or her/his representative, if represented, of any recommendation or decision made.

V. Confidentiality

Absolute confidentiality cannot be promised or guaranteed. The employee-victim should be informed that the information provided shall be held in confidence only to the extent allowed by law and that the need for confidentiality must be balanced against any threats that may be posed by an alleged perpetrator to the safety of the employee-victim and others.

Department management should also take precautions to protect employee-victim's work and home addresses and phone numbers from being released:

- An employee-victim's work and home addresses and phone numbers shall not be released, to the extent permitted by law, unless the employee-victim has given prior consent.
- Any such requests for which prior consent has not been given shall be referred to the employee-victim's supervisor or to a department management representative. The employee-victim's supervisor or a department management representative shall then determine whether or not the information should be released and/or obtain the consent from the employee-victim.

**Action Chart for Supervisors and Managers
implementing the Policy in Support of Employee-Victims
of Domestic Violence and Abuse**

Event level	Action	Documentation	Information to Employee
A. Suspicion or knowledge of domestic violence situation	<ul style="list-style-type: none"> • Private consultation • Review with DPO • Offer accommodation 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Refer to support agencies.
B. Effect on work performance	<ul style="list-style-type: none"> • Hold conference to determine nexus. • If appropriate, hold discipline in abeyance. • Create abeyance plan with periodic reviews. • Refer to DVRT if requested by employee. 	<ul style="list-style-type: none"> • Document conference and abeyance plan. • If performance improves, remove disciplinary memorandum from personnel file. 	<ul style="list-style-type: none"> • Inform employee of their right to consult with DVRT. • Refer to support agencies.
C. Incident or threat at workplace	<ul style="list-style-type: none"> • Notify DPO. • If appropriate, notify LAPD or other law enforcement agencies. • For critical domestic violence incidents, call 911 and building security. 	<ul style="list-style-type: none"> • Document in a separate file, including action taken and accommodation, if any. 	<ul style="list-style-type: none"> • Keep employee informed of all actions being taken.