

STATE DOMESTIC VIOLENCE IN THE WORKPLACE POLICY

I. PURPOSE:

The purpose of this policy is to set forth procedures and guidelines for all State of New Hampshire employees to reduce the occurrence of domestic violence and its impact on the workplace.

II. DEFINITIONS:

A. **DOMESTIC VIOLENCE:** As defined by New Hampshire RSA 173:B the commission or attempted commission of one or more of the following acts by a family or household member, current or former sexual/intimate partner where such conduct constitutes a credible threat to the victim's safety: assault or reckless conduct, criminal threatening, sexual assault, interference with freedom, destruction of property, unauthorized entry and harassment.

B. **PERPETRATOR:** An individual who commits an act of domestic violence as defined above.

C. **VICTIM:** An individual who is subject to an act of domestic violence as defined above.

III. POLICY:

All State of New Hampshire agencies, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations and collective bargaining agreements, shall designate and direct all state employees to follow these guidelines. The State of New Hampshire will not tolerate acts of domestic violence perpetrated by or against any employee while in state offices, facilities, work sites, vehicles or while conducting state business. This includes the display of any violent or threatening behavior by a perpetrator (verbal or physical) that is likely to result in physical or emotional injury or otherwise places a victim's safety or productivity at risk. This policy addresses the particular concerns of domestic violence and its impact on the workplace.

In response to a voluntary request by an employee who is a victim of domestic violence, the State of New Hampshire will provide appropriate support and assistance. This includes identifying a person to whom an employee can go to seek help; resource and referral information; work schedule adjustments or leave as needed to obtain assistance; and workplace relocation, if feasible. Other appropriate assistance will be provided based on individual need and availability.

The State of New Hampshire is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee will be penalized or disciplined in the workplace solely for being a victim of domestic violence.

Employees who are identified as perpetrators of domestic violence are encouraged to access services through the State of New Hampshire Employee Assistance Program. They will be provided with information regarding counseling and batterer intervention resources.

Any employee who threatens, harasses, or abuses someone at the workplace, or from the workplace, using an state resources such as work time, workplace phones, fax machines, mail or other means is subject to corrective or disciplinary action, up to and including dismissal. This policy shall be interpreted consistently with the State of New Hampshire's policy prohibiting sexual harassment.

All employees need to take seriously the problem of domestic violence and its effects in the workplace. The State of New Hampshire will take all reasonable measures to foster a safe working environment for all employees.

IV. AGENCY RESPONSE:

Domestic violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same-sex relationships, and between couples living together or separately, married or unmarried. Domestic violence can affect adversely the well being and productivity of employees who are victims, as well as their co-workers. Effect of domestic violence in the workplace include increased absenteeism, turnover and health care costs and reduced productivity.

All New Hampshire State agencies provide their employees with a copy of this policy and the State of New Hampshire domestic violence brochure. Employees shall read and sign a statement acknowledging the policy. As part of general orientation, each recently hired employee shall be provided with a copy of this policy and state brochure. As part of any annual evaluation process, employees shall be given a copy of this policy.

All state agencies shall ensure that employees participate in domestic violence training as provided.

Each agency shall designate an appropriate person to address domestic violence issues within that agency. This designee shall refer any employee who discloses that he or she is a victim or perpetrator of domestic violence to the State of New Hampshire Employee Assistance Program at 1-800-852-3345, extension 4336 or 271-4336.

In response to a voluntary request from a victim, all state agencies shall work with victimized employees to develop and implement individualized workplace safety plans. These plans may include, when appropriate, advising co-workers of the situation; setting up procedures for alerting security and/or the police; temporary relocation to a new work site; reassignment of parking space; escort for entry to and exit from the building; addressing telephone, fax, e-mail or mail harassment; and providing a photograph of the perpetrator and/or a copy of any existing court orders to security personnel.

All information relating to an employee's involvement in a situation relating to domestic violence, to the extent possible, should be kept confidential and should not be made part of any employee's personnel file.

When an employee needs to take time off for medical assistance, legal assistance, court appearances, counseling stemming from domestic violence, relocation or to make other necessary arrangements to create a safe situation, all state agencies should take into consideration the employee's particular situation and leave benefits.

In cases where an employee's work performance falls below expectations as a direct result of being a victim of domestic violence, the employee shall be encouraged to develop a workplace safety plan consistent with this policy and shall be provided clear information about performance expectations, priorities and performance evaluations. If a disciplinary process is initiated, special care should be taken to consider all aspects of the victimized employee's situation, and exhaust all available options in trying to resolve the performance problems, including making a referral to the State Employee Assistance Program, consistent with existing collective bargaining agreements, statute, regulations and agency policies.

If performance problems persist and the employee is terminated, disciplined or voluntarily separates from employment the employee should be informed of his or her right to appeal the agency's decision and of their potential eligibility for unemployment insurance. The agency will respond as quickly as possible to any requests for information that may be needed in the claims process. New Hampshire law, RSA 282-A:32, I(a), provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstance, be eligible for unemployment compensation benefits.

In accordance with existing collective bargaining agreements, statutes and regulations, all state agencies shall hold employees accountable under this policy who engage in the following confirmed behavior: 1) misuse state resources to commit an act of domestic violence; 2) commit an act of domestic violence from or at the workplace or from any other location while on official state business; or 3) misuse their job-related authority and/or state resources in order to negatively affect victims and/or in perpetrating an act of domestic violence; 4) threaten, harass or abuse a person at the workplace, from the workplace, or on state business using any workplace resources such as work time, workplace phones, fax machines, mail, e-mail, or other means. Agencies should consult with the appropriate personnel as needed to address other concerns relating to domestic violence in the workplace.

V. EMPLOYEE AWARENESS:

Information on domestic violence and available resources shall be posted in the worksite in places where employees can obtain it without having to request it or be seen removing it, such as employee restrooms or lounge areas. Such information shall include available resources of assistance such as the State Employee Assistance Program, local domestic violence service providers, and/or human resources personnel who are trained and available to serve as sources of information, support and referral. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.