

CITY OF CLEVELAND
Human Resources Policies and Procedures
Workplace Policies

WORKPLACE DOMESTIC VIOLENCE POLICY

Mission Statement

Domestic Violence is a public concern that affects employees in the community and the workplace. The purpose of this policy is to identify and provide guidance aimed at fostering workplace safety, while providing comprehensive guidance to both managers and employees to effectively address the needs of victims impacted by domestic violence.

I. Definitions

- A. Batterer, Perpetrator, Abuser or Offender - the individual who commits an act of domestic violence.
- B. Domestic Violence is one or more acts against a family or household member, including but not limited to attempting to cause bodily injury; placing another person by threat or force in fear of imminent serious physical harm; abusing a child; or committing a sexually oriented offense.
- C. Protection Order is an order issued by a court designed to protect a person from harm or harassment. In a domestic dispute, protection orders are typically issued to prevent one party from approaching another, often within a specific distance.
- D. Victims or Survivors: Individuals who are the subject of an act of domestic violence. Those who have escaped violent relationships often are referred to as survivors rather than victims.

II. Roles and Responsibilities

- A. Role of Managers and Supervisors:
 - 1. Be alert to signs of domestic abuse.
 - 2. Be clear about their role:
 - a. Do not offer specific direction.
 - b. Inform employee about specific resources.
 - c. Allow experts to determine the next steps.
 - 3. Send copies of protection or restraining orders relating to domestic violence to HR and notify security/management so that they can be aware of potential threats of violence.

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4. Communicate that while the City will attempt to work with the employee, the City cannot guarantee the employee's safety.
5. Utilize discretion, and only advise co-workers on a need-to-know basis.

B. Role and of Survivors or Victims:

1. Survivors or victims have an affirmative duty to notify City management and the Department of Human Resources ("DHR") of any potential threat to the safety of persons at work.
2. Notify supervisor, manager, and/or HR of the situation, and identify threats to their safety, need to be absent, etc.
3. Provide a copy of the protective order, if applicable, or any other necessary court documents.
4. Provide information about the abuser as requested, such as a photo, vehicle description, license plate number, etc.

III. Reporting

- A. For incidents that occur outside of the workplace, employees are highly encouraged, but not required, to report incidents of threats or acts of domestic violence, of which they are aware, to local law enforcement authorities.
- B. Domestic violence incidents that occur while on City property, while conducting City business or during City-sponsored social events shall be reported to the DHR and building security.
- C. Employees who are in immediate danger should contact law enforcement (911).

IV. Prohibition of Discipline for a Survivor or Victim

- A. City employees may not be penalized or disciplined solely for being a victim or survivor of domestic violence, although the City retains the right

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- to discipline employees for cause. Supervisors should be mindful that the effects of domestic violence may have performance-related issues that include, but are not limited to chronic absenteeism, exhaustion from sleep deprivation, or an inability to concentrate because of violence.
- B. If an employee subject to discipline discloses that the job performance issues are caused by domestic violence, a manager may take the following steps:
- a. Refer the employee to the Employee Assistance Program (“EAP”), where the employee may enter into an EAP Participation Agreement that serves as an agreement between the employee and the City and hold the disciplinary action in abeyance while the employee obtains assistance. Upon successful completion of the program, the disciplinary action may be modified, reduced, or dismissed.
 - b. If the employee rejects the suggested referral, refuses to enter, or fails to complete an EAP Participation Agreement, and/or has not remedied any job performance issues, the City may carry out the discipline originally contemplated.
 - c. Supervisors should be aware that this process may be modified or altered to comply with a collective bargaining agreement.
- C. If a supervisor has reason to believe that the individual is not a victim of domestic violence, then the supervisor should consult with the Department of Human Resources regarding further documentation that may be requested to substantiate the assertion.

V. Employee Batterer, Perpetrator, or Abuser

- A. Any employee who commits acts or threats of domestic violence while on City property or conducting City business or sponsored social event, or uses City resources (e.g., City vehicle, work time, workplace telephones, cellular telephones, facsimile machines, mail, computers, land and electronic mail, telephone answering machines, other electronic or computer technology, or other means) to commit acts or threats of domestic violence violates this and other City policies, including but not limited to, the City’s *Workplace Violence Policy*.

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- B. Employees found to have violated these policies may be subject to corrective or disciplinary action, up to and including termination, as well as criminal prosecution by the appropriate law enforcement agency.

VI. Attendance and Leave Considerations

- A. All employees must adhere to City time and attendance policies. If an employee needs to be absent from work due to current or past domestic violence incidents, then the employee and supervisor should discuss paid leave options that can be used to accommodate the absence including Paid Safe Leave. Please refer to the *Paid Safe Leave Policy* for additional information.
- B. In cases where the batterer and the victim or survivor are employed at the same work site, the City will give due consideration to a request for special accommodations to their work schedule or work location to enhance their safety and the safety of others in the workplace.

VII. Training

The City will make available comprehensive training and educational programs regarding domestic violence in the workplace.

VIII. Policy Review

This policy will be periodically reviewed and updated to ensure its effectiveness and alignment with best practices in employee safety and well-being.

IX. Additional Resources

Ease-At-Work Program (EAP)
216-241-3273

National Domestic Hotline

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1-800-799-7233

Ohio Domestic Violence Network

1-800-934-9840

BRAVO (LGBTQI Services)

1-866-862-7286

Ohio Domestic Violence Network

www.OVDN.org

This policy has been issued under the authority of Matthew Cole, Director of Human Resources:



Signature

Director of Human Resources

Title

September 16, 2024

Date