

TITLE	POLICY NUMBER	
Domestic Violence in the Workplace	DCS 04-27	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	03/07/17	1

This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.

I. POLICY STATEMENT

The Arizona Department of Child Safety (DCS) is committed to creating a supportive workplace environment in which employees feel comfortable discussing, and seeking assistance for, domestic violence. The Department has zero tolerance for domestic violence at the workplace and will initiate appropriate disciplinary action and/or criminal prosecution against any employee or non-employee who commits an act of domestic violence in DCS offices, facilities, work sites, vehicles, or while conducting any DCS business. This policy establishes guidelines to address workplace issues related to domestic violence.

II. APPLICABILITY

This policy applies to all employees (including contracted employees and volunteers) of the Department.

III. AUTHORITY

[A.R.S. § 8-453](#)

Powers and duties

[A.R.S. § 13-4439](#)

Right to leave work; scheduled proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition

[A.R.S. § 41-165](#)

Disclosure of actual address prohibited; violation; classification

A.R.S. § 41-166	Address use by state or local government entities
A.R.S. § 41-167	Request for disclosure
Other relevant references include, but are not limited to:	
A.A.C. R2-5A-A601	Leave Administration
A.A.C R2-5A-B602	Annual Leave
A.C.C. R2-5A-B603	Sick Leave
A.A.C. R2-5A-B604	Administrative Leave
A.A.C. R2-5A-B605	Bereavement Leave
A.A.C. R2-5A-D601	Family and Medical Leave Act (FMLA) Leave
A.A.C. R2-5A-C602	Leave Without Pay
A.A.C. R2-5A-501	Standards of Conduct
A.A.C, R2-5A-502	Hours of Work
A.A.C. R2-5A-D604	Victim Leave
Address Confidentiality Program	Arizona Secretary of State
DCS 02-12	Unusual Incident Reporting (Employee) Policy
DCS 02-14	Workplace Safety and Building Security Policy
DCS 04-18	Attendance and Leave Policy
Employee Assistance Program	Arizona Department of Administration

IV. DEFINITIONS

Domestic Violence: A learned pattern of behaviors used by one person in a relationship to control the other person. Domestic violence behaviors include emotional abuse, isolation from

family or friends, economic control, actual or threatened physical harm, sexual assault, stalking, intimidation, destruction of personal property, and making threats (including veiled or implied).

Workplace Issues: Any consequences of domestic violence that impact or affect productivity and/or safety in the workplace and require workplace response(s) to the consequences, e.g., use of leave to attend court hearings, development of workplace safety plans, referrals to available resources (Employee Assistance Program, community services, etc.), medical leave, etc.

V. POLICY

- A. Recognizing the occurrence of domestic violence and its personal and potential workplace consequences, the Department shall:
1. provide appropriate support and assistance to employees who are victims or perpetrators of domestic violence. For victims, this includes confidential means for seeking help, resource and referral information, work schedule adjustments or leave as needed to obtain assistance, and workplace relocation, as feasible. Other appropriate assistance may be provided based on individual needs. Employees who are perpetrators of domestic violence are encouraged to seek assistance;
 2. respond appropriately to all reported incidents of workplace violence, including threats, and act to stop inappropriate behavior in the workplace that adversely affects the safety and productivity of victims and coworkers;
 3. take corrective or disciplinary action (up to and including dismissal) against Department employees who misuse State resources (e.g., work time, workplace phones, equipment, mail, e-mail) to perpetrate domestic violence in the workplace or while conducting State business;
 4. provide training and information that promotes domestic violence awareness and pertinent workplace policies.

- B. This policy covers not only acts of physical violence, but also harassment, stalking, intimidation, and other disruptive behavior. It covers incidents involving coworkers and incidents involving individuals outside the Department who perpetrate violence against Department employees. The Department will not tolerate domestic violence including harassment of any employee or client while in Department offices, facilities, work sites, vehicles, or while conducting DCS business. This includes the display of any violent, intimidating, or threatening behavior that may result in physical or emotional injury or otherwise places one's safety and productivity at risk. Employees violating established policy and procedures are subject to corrective or disciplinary action up to and including dismissal.
- C. All Department employees shall take seriously the problem of domestic violence and its effect in the workplace. The Department will take all reasonable measures to foster a safe working environment for all employees and clients.
- D. The Department supports those employees who have applied for or obtained protective or restraining orders listing Department offices as protected areas. For more information about protective or restraining orders, refer to the DCS [Workplace Safety and Building Security](#) policy.
1. DCS employees may exercise their right to leave work to obtain or attempt to obtain an order of protection, an injunction against harassment, or any other relief to help ensure the health, safety, or welfare of the victim or the victim's child(ren).
 2. The employee must obtain supervisory approval before leaving work.
 3. The employee shall provide the supervisor with any of the following within one business day of returning to work:
 - a. a copy of any form(s) or documentation(s) provided to them by the law enforcement agency;
 - b. a copy of the court order;
 - c. any other relevant documentation;
 - d. a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.

4. Determination of the type of leave used is subject to the victim's leave balances (annual, sick, etc.). The employee may use accrued annual or sick leave. When leave is exhausted, the employee shall request approval for leave without pay from his or her supervisor, who shall forward the request to DCS Human Resources.

VI. PROCEDURES

A. Guidelines and Responsibilities for Managers/Supervisors

It is important for all employees to know how to respond to the effects of domestic violence in the workplace. The following list describes the responsibilities for all supervisor/management staff.

1. Participate in domestic violence awareness training such as the Workplace Violence Avoidance training, and inform employees how and where to receive such training.
2. Maintain confidentiality; information about the victim or perpetrator should be given to others only on a need-to-know basis.
3. Provide the necessary protections to employees who are participants in the Address Confidentiality Program (ACP). Refer employees to DCS Human Resources to have those protections applied to their personnel records.
4. Consult with appropriate management and DCS Human Resources for advice if suspected signs of domestic abuse (e.g., physical or behavioral changes) in employees are observed.
5. Respond when an employee who is either a victim or perpetrator of domestic violence asks for help. When appropriate, ask for assistance from DCS Human Resources. Supervisors shall not ignore any request for assistance. Provide the employee with information about the Employee Assistance Program (EAP) including how to contact EAP.
6. Work with the victim, DCS Human Resources, the DCS Office of General Counsel, the Office of the Attorney General, available security staff, law enforcement, and community domestic violence programs, as appropriate, to assess the need for and develop a workplace safety plan for the victim.

7. Take measures to provide protection for other employees or clients who may be at risk. When necessary, immediately contact a local law enforcement agency. Additionally, consult with DCS Human Resources for advice.
8. Consider options, entitlements, and benefits available to State employees to aid them in addressing their particular situation. Options may include:
 - a. leave system (availability of various types of leave, as appropriate). Encourage the employee to stay in touch during his/her absence;
 - b. telecommuting;
 - c. alternative work schedule (flex time);
 - d. different workspace or workplace;
 - e. phone call screening;
 - f. workspace that is not conspicuous to visitors;
 - g. additional security at the worksite;
 - h. temporary adjustment to work schedule.
9. Work with DCS Human Resources and/or other State employers to assist the employee in finding other State employment if the employee needs to relocate for safety reasons.
10. After consulting with DCS Human Resources, take any appropriate corrective disciplinary action against employees who:
 - a. misuse State resources to perpetrate domestic violence;
 - b. harass, threaten, or commit an act of domestic violence in the workplace or while conducting State business;
 - c. are convicted as a result of domestic violence when such action has a direct connection to the employee's duties as a State employee.

B. Employee Options

1. Options for employees who are victims of domestic violence:

- a. tell a supervisor or manager and ask for help;
 - b. contact DCS Human Resources for assistance;
 - c. contact the Employee Assistance Program (EAP) at (877) 327-2362;
 - d. notify your supervisor of the possible need to be absent, and explore your leave options. Be clear about your plan to return to work, and maintain communications with your supervisor during your absence. If necessary, make alternate arrangements for receiving your paycheck.
 - e. submit a recent photo of the abuser and a copy of your protection order to your supervisor, if safety (your own and/or coworkers') is a concern. This will help your employer identify the abuser should he/she appear in the workplace.
 - f. contact the Secretary of State's Office for information on the Address Confidentiality Program (ACP) to find out if you may be eligible to participate. Contact the ACP at (602) 542-1653 or by email at acpinfo@azsos.gov for more information.
2. Options for employees who are perpetrators of domestic violence:
- a. tell a supervisor or manager and ask for help;
 - b. contact DCS Human Resources for assistance;
 - c. contact the Employee Assistance Program at (877) 327-2362. The EAP can help you locate domestic violence perpetrator treatment programs in your area. Consider obtaining a referral from the EAP Program to a domestic violence perpetrator treatment program.

NOTE: Employees who commit an act of domestic violence in State offices, facilities, work site, vehicles, or while conducting any State business shall be subject to corrective or disciplinary action up to and including dismissal.

3. Options for coworkers who may observe domestic violence:
- a. educate yourself on domestic violence;

- b. encourage your coworker to seek information and help from knowledgeable sources and from persons in a position to help (including a trusted supervisor/manager who can help with workplace arrangements, as appropriate);
- c. do not refrain from helping just because your coworker's supervisor or manager seems to be working constructively with the situation. Friends and coworkers can help in ways the supervisor or manager cannot. For professional reasons, the supervisor or manager must be careful about intruding on an employee's privacy, while you, as a friend, may be able to approach difficult but necessary topics in an appropriate way. Additionally, there may be issues that your coworker would find easier to discuss with you than with a supervisor;
- d. respect your coworker's desires for privacy by maintaining confidentiality. Information should be provided to others only on a need-to-know basis, e.g., notifying a supervisor/manager of potential threats to workplace safety;
- e. be a good listener;
- f. be supportive, patient, and respectful of your coworker's decisions, even if you do not agree with him/her;
- g. offer appropriate, informed help.