

# YOUTH SERVICES POLICY

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| <b>Title:</b> Domestic Violence<br><b>Next Annual Review Date:</b> 01/30/2018  | <b>Type:</b> A. Administrative<br><b>Sub Type:</b> 2. Personnel<br><b>Number:</b> A.2.60 |
| <b>Page 1 of 6</b>   |  |
| <b>References:</b><br>La. R.S. 14:79 (A)(2); the Violence Against Women Act of 1994, and Federal Gun Control Act, 18 U.S.C. § 922(g) (9); YS Policy Nos. A.2.1 "Employee Manual", A.1.4 "Investigative Services", A.2.5 "Family and Medical Leave of Absence", A.2.11 "Employee Assistance Program", A.2.22 "Violence-Free Workplace", and C.1.3 "Crimes Committed on the Grounds of YS Facilities/Office Buildings and/or Properties" |  |
| <b>STATUS: Approved</b>  |  |
| <b>Approved By:</b> James Bueche, Ph.D., Deputy Secretary   <b>Date of Approval:</b> 01/30/2017  |  |

**I. AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36.405. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

The Office of Juvenile Justice (OJJ) is committed to promoting the health and safety of its employees and making a significant difference in the fight to end domestic violence. This policy is intended to heighten awareness of domestic violence and provide guidance to employees regarding domestic violence issues and their impact on the workplace.

**III. APPLICABILITY:**

This policy applies to all YS employees, volunteers, contractors and consultants engaged to perform services of OJJ.

**IV. DEFINITIONS:**

***Be On the Look-Out (BOLO)*** – An action taken by the appropriate Unit Head to notify employees at key security points to be on the look-out, due to a specific threat to an individual or by an individual based on the findings of a workplace violence/domestic violence investigation.

***Domestic Incident*** - Any dispute, violence or report of an offense between family and/or household members or dating partners where police intervention is requested. A domestic incident is not always a violation of law.

**Domestic Violence** - When a person has a pattern of coercive behavior that is used to gain power and control over another. The behavior includes, but is not limited to the following:

- a. Physical violence;
- b. Sexual, emotional or psychological intimidation;
- c. Verbal abuse;
- d. Stalking;
- e. Use of electronic devices to harass; and
- f. Economic coercion.

**Employee** - An individual who works for OJJ on a full-time, part-time or temporary basis. It includes volunteers, contractors and consultants engaged to perform services of OJJ.

**Family Member** - Spouse, former spouse, parent, child, stepparent, stepchild, foster parent and foster child.

**Household Member** - Any person presently or formerly living in the same residence with the alleged perpetrator, whether the person is of the opposite sex or same sex, and/or whether the person is married or not married.

**Protective Order** - A court order issued after a hearing or by consent of the parties. Protective orders are for a fixed period of time, generally not to exceed 18 (eighteen) months, unless extended by the court. Protective orders issued within this state or outside this state shall be accorded full faith and credit by the courts of this state and enforced as if it were the order of the enforcing court provided the order was issued in compliance with La. R.S. 14:79 (A)(2).

**Temporary Restraining Order (TRO)** - A court order which was issued without a hearing and is valid for a short period of time until a hearing is held. A TRO may contain provisions relative to protection of persons, child custody, possession of property, use of property, etc. A TRO is not enforceable unless the defendant has been served.

**Unit Head** – Deputy Secretary, Facility Directors and Regional Managers.

**Workplace** - All OJJ facilities, premises or equipment, and any location where employees are engaged in OJJ business.

## V. POLICY:

- A. It is the policy of OJJ to promote a safe environment for its employees and to communicate that violent behavior shall not be excused or tolerated.

The agency is committed to assisting victims who are, or have been, victims of domestic violence, to protect the victims of domestic violence, and provide them with support and hold perpetrators accountable.

- B. The State of Louisiana Employee Assistance Program (EAP), which is designed to assist and support employees who are experiencing personal problems and may benefit from outside management or professional help, is also available within the OJJ's EAP (refer to YS Policy No. A.2.11).
- C. OJJ offers a work environment free from the following:
  - 1. Physical violence;
  - 2. Sexual, emotional or psychological intimidation;
  - 3. Verbal abuse;
  - 4. Stalking;
  - 5. Use of electronic devices to harass; and
  - 6. Economic coercion.
- D. Firearms and dangerous weapons are banned from the workplace unless expressly authorized by the Deputy Secretary/designee.
- E. All reports of domestic violence shall be taken seriously and shall be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm.
- F. If an employee needs to be absent due to being a victim of domestic violence, leave may be granted pursuant to Civil Service Rules and the Family Medical Leave Act (refer to YS Policy No. A.2.5).
- G. Any employee who commits an act of domestic violence may be removed from the premises and may be subject to disciplinary and/or criminal penalties (refer to YS Policy Nos. A.2.1, A.2.22 and C.1.3). The perpetrator shall be held accountable regardless of employment, position or status.
- H. Any employee who reports domestic violence, reports a credible threat of domestic violence, or assists OJJ in a domestic violence investigation, shall not be retaliated against.
- I. Cooperation of all employees is imperative to implement this policy effectively and maintain a safe working environment. An employee shall not ignore violent, threatening, harassing, intimidating or other disruptive behavior.

1. An employee who observes such behavior on any agency property shall report the behavior to a supervisor.
2. Behavior requiring immediate attention shall be reported to at least one of the following:
  - a. Unit Head (Deputy Secretary, Facility Director or Regional Manager);
  - b. Local law enforcement (dial 911 if available); and
  - c. Immediate Supervisor.
3. Additional information and assistance may be obtained by calling the following:
  - a. Louisiana Coalition Against Domestic Violence Hotline, 1-888-411-1333; or
  - b. National Coalition Against Domestic Violence Hotline, 1-800-799-SAFE (7233). TDD for hearing impaired, 1-800-787-3224.

**VI. MANDATORY NOTIFICATION:**

- A. An employee who becomes a victim of domestic violence shall report the incident to their immediate supervisor as soon as practicable following the incident.
- B. An employee who has been arrested or received a summons for domestic violence shall notify their immediate supervisor within 72 hours of the arrest or summons.
- C. An employee who has been named as a defendant and served with a TRO or Protective Order resulting from a domestic incident shall notify their immediate supervisor as soon as practicable following service.

**VII. RESPONSIBILITIES:**

- A. Employee
  1. An employee shall report to their immediate supervisor all occurrences of domestic violence or domestic incident involving the employee.
  2. An employee shall notify their immediate supervisor of any restraining orders issued on behalf of the employee against family members or household members.
  3. An employee shall cooperate with OJJ personnel officially involved in a domestic violence complaint or investigation.

**B. Supervisor**

1. A supervisor shall ensure that the domestic violence policy is explained to new employees.
2. A supervisor shall monitor daily activity in the workplace, identify potential domestic violence incidents, and take appropriate action to divert such disturbances in the workplace (refer to YS Policy No. A.2.22).
3. A supervisor shall notify the appropriate Unit Head, through the chain-of-command, of complaints regarding domestic violence in the workplace.
4. A supervisor shall obtain a "Workplace Violence/Domestic Violence Incident Report" [see Attachment A.2.60 (a)] from each employee who is a witness or party to a credible threat, or act of workplace violence/domestic violence. Attempts shall be made to obtain the "Workplace Violence/Domestic Violence Incident Report" or a written statement from non-employee witnesses. The form and written statements shall be forwarded, through the appropriate chain-of-command to the Unit Head and the appropriate Regional Director.
5. A supervisor shall cooperate with OJJ personnel officially involved in a domestic violence complaint or investigation.
6. A supervisor shall take appropriate action based on the findings of a domestic violence investigation.
7. A supervisor shall notify the Unit Head, through the appropriate chain-of-command, of any restraining orders issued on behalf of an employee against family members or household members.

**C. Unit Head**

1. The Unit Head shall be responsible for implementing all agency policies and procedures related to domestic violence in the workplace in their respective Budget Unit.
2. The Unit Head shall notify the appropriate Regional Director of complaints regarding domestic violence in the workplace.
3. The Unit Head shall take appropriate action based on the findings of a domestic violence investigation. Appropriate action may include the following:

- a. Notification of employees of a specific threat;
  - b. Instituting heightened security measures;
  - c. Contact with local law enforcement and Investigative Services (IS); and
  - d. Issuance of a BOLO (be on the lookout) notification at key security points.
4. The Unit Head shall sign and forward the completed "Workplace Violence/Domestic Violence Incident Report" and written statements to the Department of Public Safety, Human Resources (DPS/HR) Director.

**D. DPS/HR**

1. The DPS/HR Director/designee shall not conduct investigations. The DPS/HR Director shall act as primary contact, and the appropriate DPS/HR staff member shall act as secondary contact for OJJ, by providing employees who are victims of domestic abuse with resources for counseling and additional support.
2. The DPS/HR Director/designee shall assist in determining the effectiveness of this policy and developing changes as appropriate to prevent domestic violence in the workplace.
3. The DPS/HR Director shall receive all "Workplace Violence/Domestic Violence Incident Reports" and sign those that are workplace violence incidents.
4. The DPS/HR Director shall establish a uniform reporting system to track all domestic violence in the workplace incidents.
5. The DPS/HR Director shall maintain statements and related records in accordance with public record laws.

**VIII. CONFIDENTIALITY:**

Confidentiality of the reporting employee shall be protected at all times. An employee shall be informed on a need-to-know basis, and only to the extent provided by law.

**Previous Regulation/Policy Number:** A.2.60

**Previous Effective Date:** 11/21/2013

**Attachments/References:**

A.2.60 (a) Workplace Violence/Domestic Violence Incident Report