

WORKPLACE AND DOMESTIC VIOLENCE

- Policy Number:** HR-302
- Effective Date:** January 5, 2022
- Application:** Applies to all the Eastern Washington State Historical Society (EWSHS) Employees.
- History:** This policy updates and renumbers former BP #113 dated June 1, 2016. BP #113 replaced HR policy 109.
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Article I PURPOSE

1.1 The EWSHS seeks to provide a work environment free from violence or threats of violence against its employees, volunteers, contract staff, clients, customers, and visitors.

Article II DEFINITIONS

2.1 **Workplace Violence** - For purposes of this policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats or similar actions, attempted destruction or threats to EWSHS or personal property which occur at an EWSHS workplace, worksite, vehicle or while an individual is engaged in EWSHS business.

2.2 **Domestic Violence** – Means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) Sexual assault of one family or household member by another; or (c) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

2.3 **Family or Household Member** – Means:

- 2.3.1 Spouses, domestic partners, former spouses or former domestic partners;
- 2.3.2 Persons who have a child in common regardless of whether they have been married or have lived together at any time;
- 2.3.3 Adult persons related by blood or marriage;
- 2.3.4 Adult persons who are presently residing together or who have resided together in the past;
- 2.3.5 Persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship;
- 2.3.6 Persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship; and
- 2.3.7 Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

2.4 **Dating Relationship** – A social relationship of a romantic nature. Factors in making this determination include: (a) the length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

Article III POLICY STATEMENT

3.1 All individuals conducting business while representing the EWSHS shall to conduct themselves in a professional manner.

3.2 The EWSHS prohibits the display or communication of any violent, harassing, stalking or threatening behavior, verbal or physical, which may result in physical or emotional injury or otherwise place a person's safety and productivity at risk.

3.3 Any person who engages in violent or threatening behavior while on EWSHS property or while conducting EWSHS business may be subject to corrective or disciplinary action, up to and including dismissal.

3.4 Any staff member who uses state resources, including but not limited to work time, telephones, fax machines, mail, email or other means of communication, to threaten, harass, stalk, or abuse someone at the workplace or from the workplace, may be subject to corrective or disciplinary action up to and including dismissal.

3.5 Any person who is suspected of engaging in threatening, harassing or violent behavior, which may jeopardize workplace safety, may be removed from the property as quickly as safety permits. The individual, if an employee, may also be assigned to home pending the outcome of an investigation into the incident.

3.6 EWSHS may also prohibit members of the public from entering on to EWSHS property where there is reason to suspect an act of violence may occur if the person is allowed access to the property.

3.7 With the exception of the authorized use of collection items, the possession of weapons in the workplace is also prohibited.

Article IV REPORTING PROCEDURE

4.1 The EWSHS employees are responsible for notifying the EWSHS director of any threats or behaviors they regard as harassing, intimidating or violent that they have witnessed, received or have been notified of when that behavior is job related or might be carried out at an EWSHS worksite or is connected to EWSHS employment. This includes information and behaviors related to domestic violence. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the EWSHS director is not available, personnel should report the threat to their supervisor or another member of the management team. For threatened, imminent or actual violence, employees should immediately call 9-1-1.

Article V
PROTECTIVE OR RESTRAINING ORDERS

5.1 All individuals who apply for and obtain a protective or restraining order, which lists the EWSHS locations or worksites as being protected areas, must provide the EWSHS director a copy of the petition and order. This information will be shared on a need-to-know basis to ensure the safety and protection of the EWSHS employee(s) and those doing business with the EWSHS. Protective orders issued as a result of domestic violence will be shared only as provided under RCW 49.76.040.

Article VI
WORKPLACE AND DOMESTIC VIOLENCE

6.1 **The EWSHS will not tolerate domestic violence in the workplace.** This includes harassment of any employee, volunteer, client, or visitor while in EWSHS offices, facilities, work sites, vehicles or while on state business. This includes the display of any violent or threatening behavior, verbal or physical, that may result in physical or emotional injury or otherwise place one's safety and productivity at risk. The EWSHS will take all reasonable steps to foster a safe and healthy working environment.

6.2 All staff must take the problem of domestic violence and its effect in the workplace seriously. Managers and supervisors will work with employees who are victims of domestic violence to prevent abuse, stalking and harassment from occurring in the workplace. Confidentiality, to the extent possible, will be maintained when coming forward for help. No staff will be penalized or disciplined solely for their status as a victim of domestic violence. 6.3 The EWSHS is committed to providing support and assistance to employees who are victims of domestic violence. This may include referral to the Employee Assistance Program (EAP) or other available counseling services, information about community resources available to assist victims of domestic violence, the development of workplace safety plans that seek to minimize the risk to the victim, other employees, and clients and/or information on the methods to obtain civil orders of protection. A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, alternative work telephone number, alternative work email address, alternative workstation, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault or stalking.

6.4 The EWSHS is further committed to providing information and resources for employees who are the perpetrators of domestic violence in order to break the cycle of violence. Requests for information will be kept confidential to the extent possible. This may include referral to the EAP or other available counseling services other assistance as appropriate.

6.5 Corrective or disciplinary action, up to and including dismissal, may be taken against an EWSHS employee who: misuses state resources to perpetrate domestic violence; harasses, threatens, or commits an act of domestic violence in the workplace and/or while conducting state business; commits an act of domestic violence towards another EWSHS employee, volunteer, or client; or who is charged, convicted, or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's competencies or duties as an EWSHS employee. State resources include, but are not limited to work time, telephones, fax machines, mail, email or other means.

Article VII
LEAVE OPTIONS FOR EMPLOYEES EXPERIENCING THREATS OF VIOLENCE

7.1 In accordance with RCW 49.76, if an employee needs to be absent from work due to domestic violence against the employee or a family member, the length of the absence will be determined by the individual's situation through collaboration with the employee, the employee's supervisor, and the designated Department of Enterprise Services (DES) Human Resource (HR) Consultant. The following forms of leave may be allowed e.g., personal holiday, vacation, sick, compensatory time, leave without pay, and shared leave. Shared leave is available option for victims of domestic violence.

7.2 The EWSHS may ask that the employee's request for leave be supported by verification for one of the purposes described in RCW 49.76.030. Verification must be provided in a timely manner. In the event of emergency or unforeseen circumstances, verification must be provided to the employer within a reasonable time period during or after the leave.

7.3 An employee may satisfy the verification requirement by providing the EWSHS with one or more of the following:

- 7.3.1 A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault or stalking.
- 7.3.2 A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault or stalking.
- 7.3.3 Other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault or stalking.
- 7.3.4 Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault or stalking: an advocate for victims of domestic violence, sexual assault or stalking, an attorney, a member of the clergy or a medical or other professional.
- 7.3.5 An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking and that the leave taken was for one of the purposes described in RCW 49.76.030.
- 7.3.6 No employee will be penalized or disciplined solely for being a victim of domestic violence.
- 7.3.7 Employees who are perpetrators of domestic violence are encouraged to seek assistance.

7.3.8 The EWSHS will provide information regarding counseling and certified treatment resources and make work schedule arrangements so the employee can receive such assistance.

7.4 The EWSHS shall maintain the confidentiality of all information provided by the employee, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault or stalking, that the employee has requested or obtained leave due to domestic violence, sexual assault or stalking, and any written or oral statement, documentation, record or corroborating evidence provided by the employee.

7.4.1 Information given by an employee may be disclosed by the EWSHS only if:

7.4.1.1 Requested or consented to by the employee.

7.4.1.2 Ordered by a court or administrative agency.

7.4.1.3 Otherwise required by applicable federal or state law.

Article VIII

Primary roles and responsibilities for reporting workplace and domestic violence within the EWSHS.

Role	Responsibilities
Employee	<ul style="list-style-type: none">• Immediately notify supervisor or director of any threatened or actual violence occurring at EWSHS.• Notify supervisor or EWSHS management of situations regarding domestic violence if it jeopardizes their safety or the safety of the workplace, and when changes in work schedule, location or leave are necessary.• Follow EWSHS policy regarding requests for leave, if possible. If emergency situations require immediate leave, notify the EWSHS as soon as possible, but within 24 hours of the start of the absence.• If you obtain a restraining order that includes the EWSHS, keep a copy on hand at all times. Consider providing a copy to the police, supervisor, security, EWSHS director or the Department of Enterprise Services (DES) Small Agency HR Services Primary Consultant (PC).• Work with Employee Assistance Program (EAP) professionals or external professionals with development of a safety plan.• It is recommended that you provide a picture of the perpetrator to reception areas or security personnel.• Identify an emergency contact person should the EWSHS be unable to contact the victim.• If an absence is required, maintain contact with your supervisor, HR Liaison, or the DES Small Agency HR Services Primary Consultant (PC).

Role	Responsibilities
EWSHS	<ul style="list-style-type: none"> • Consider removal of a domestic violence victim's name from automated phone directories. • Limit information about employees. Information that would help locate a victim or indicates a time of return should not be provided. • Consider if possible, relocating the employee's workspace to a more secure area or another site. • Have trained EAP professionals or external professionals available to assist the employee with development of a safety plan. • Provide all employees with training regarding this policy. The training should include information about domestic violence, available resources, and what someone should do if he/she believes a co-worker is a domestic violence victim. • Post information regarding domestic violence at the worksite.
Supervisor	<ul style="list-style-type: none"> • Work with the employee if alternate work schedule, work location or leave is required. • Information regarding domestic violence, sexual assault or stalking must be kept confidential.
DES PC	<ul style="list-style-type: none"> • Assist the EWSHS with the request for a change of schedule, work location, or leave as a result of domestic violence, sexual assault or stalking. • Provide information regarding counseling, methods for obtaining civil protection orders, and certified treatment resources to employees seeking assistance in dealing with domestic violence, sexual assault or stalking

References that apply to this policy

RCW 49.76 (Domestic Violence)	Executive Order 96-05 (Domestic Violence in the Workplace)
RCW 26.50 (Domestic Violence Prevention)	