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5 **ORDINANCE NO. 2006-12**
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8 **An Ordinance of the Pierce County Council Amending Title 3 of the Pierce**
9 **County Code, "Personnel," by Adopting a New Chapter**
10 **3.13, "Domestic Violence in the Workplace."**
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12 **Whereas**, the Pierce County Code, Title 3, addresses various personnel and
13 employment issues and establishes the foundation for the County's Personnel
14 Management System; and
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16 **Whereas**, the Pierce County Human Resources Director has recommended to
17 the Pierce County Executive certain changes to the Pierce County Code, Title 3, to add
18 Chapter 3.13, "Domestic Violence in the Workplace"; and
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20 **Whereas**, the Pierce County Human Resources Director has sought and
21 considered comments and recommendations regarding the proposed changes from
22 Directors of Pierce County Departments and labor organizations representing Pierce
23 County employees; and
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25 **Whereas**, the Pierce County Executive desires to promote sound, effective and
26 fair employment practices; and
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28 **Whereas**, amendments and additions to the Pierce County Code require Council
29 approval; **Now Therefore**,

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31 **BE IT ORDAINED by the Council of Pierce County:**
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1 Section 1. A new Chapter 3.13 of the Pierce County Code, "Domestic Violence
2 in the Workplace," is hereby adopted as set forth in Exhibit A which is attached hereto
3 and incorporated herein by reference.

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5 **PASSED this _____ day of _____, 2006.**

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7 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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11 _____
12 **Denise D. Johnson**
13 Clerk of the Council

Shawn Bunney
Council Chair

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16 _____

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
20 _____ day of _____,
21 2006.

22
23 Date of Publication of
24 Notice of Public Hearing: _____

25
26 Effective Date of Ordinance: _____



"NEW CHAPTER"

**CHAPTER 3.13
DOMESTIC VIOLENCE IN THE WORKPLACE**

Sections:

- 3.13.010 Policy.**
- 3.13.020 Definitions.**
- 3.13.030 Responsibilities.**
- 3.13.040 Dissemination of Policy.**

3.13.010 Policy.

The safety and security of the employees of Pierce County and members of the public seeking or receiving County services or using County facilities is of the utmost importance. Pierce County is committed to creating and maintaining a workplace free of acts of domestic violence to employees or by employees:

- A. The County will not tolerate domestic violence in the workplace, or that affects the workplace. The County may, as appropriate, make reasonable effort, when circumstances of domestic violence are known, to:
 - 1. Take precautions to prevent incidents of domestic violence in the workplace;
 - 2. Take measures to address the safety and security of employees in the workplace;
 - 3. Encourage employees who are victims of domestic violence to seek assistance and provide referrals, where appropriate; and
 - 4. Post information about domestic violence and available resources in County buildings.
- B. The County shall take corrective or disciplinary action up to and including termination against an employee in cases where there is cause to believe the employee:
 - 1. Used County resources to perpetrate domestic violence; or
 - 2. Threatened or committed an act of domestic violence in the workplace; or
 - 3. Engaged in off duty domestic violence that affects job performance or has a nexus (relationship) to the employee's employment as determined by the Human Resources Department.
- C. The fact that an employee is or has been a victim of domestic violence shall not subject the employee to penalty or discipline. However, employee victims of domestic violence will be held to the same standards in regard to personnel policies and disciplinary procedures.
- D. The County shall ensure that managers, supervisors and Human Resources professionals receive information on domestic violence.

3.13.020 Definitions.

The following definitions apply to this Chapter only:

- A. **Domestic Violence.** Any physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault upon a family or household member; sexual assault of one family or household member by another; or stalking as



1 defined in RCW 9A46.110 of one family or household member by another family or
2 member.

3 **B. Family or Household Member.** Includes spouses, former spouses, persons who
4 have a child in common regardless of whether they have been married or have lived
5 together at any time, adult persons related by blood or marriage, adult persons who
6 reside or who have resided together in the past, persons sixteen years of age or older
7 who reside together or who have resided together in the past and who have or have
8 had a dating relationship, persons sixteen years of age or older with whom a person
9 sixteen years of age or older has or has had a dating relationship, and persons who
10 have a biological or legal parent-child relationship, including stepparents and
11 stepchildren and grandparents and grandchildren.

12 **C. Dating Relationship.** A social relationship of a romantic nature. Factors that may
13 be considered in making this determination include the length of time the
14 relationship has existed, the nature of the relationship, and the frequency of
15 interaction between the parties.

16 **D. Workplace.** Includes County facilities, County vehicles, County premises,
17 employer-sponsored, or authorized events, or locations visited while conducting
18 County business. For purposes of this policy only, telecommuting work sites are not
19 included.

20 **3.13.030 Responsibilities.**

21 No County officer or employee shall commit any act of domestic violence. Each County
22 officer or employee is responsible for reporting any act of domestic violence in the workplace,
23 whether or not physical injury occurs. Officers or employees who observe, or are informed of,
24 or have reason to believe an act of domestic violence occurred in the workplace shall
25 immediately notify their supervisor, department director, management representative or the
26 Human Resources Department. Insofar as possible, any report of an act of domestic violence
27 shall include the name of the reporting party; the date, time and place of the act; the name or
28 identity of the person alleged to have committed the act; a description of the act; and the names
29 of any witnesses.

30 All employees, including managers and supervisors, are responsible for using safe work
31 practices, for following all directives, policies and procedures, including, but not limited to the
32 Workplace Violence Policy (see Chapter 3.15, Workplace Violence Prevention), and for
33 assisting in maintaining a safe and secure work environment free from domestic violence.

34 **A. Employee Responsibilities.**

- 35 1. Employees who are the victims of domestic violence are encouraged to take the
36 following steps, as appropriate:
 - 37 a. If threat of imminent danger exists, call 911;
 - 38 b. Ask for assistance from a supervisor, manager, or Human Resources
39 professional;
 - 40 c. Notify the supervisor, manager, or Human Resources professional of any safety
41 or security concerns related to your employment, your work assignment or
42 workstation;
 - 43 d. Contact the Employee Assistance Program (EAP), Domestic Violence Help Line
44 and/or other resources for assistance; and
 - 45 e. If a court order has been issued that prohibits the perpetrator from contacting the
46 employee as a result of an act of domestic violence, provide a copy of the order
47 to the supervisor, manager, or Human Resources professional. Submit a recent



- 1 photograph or detailed description of the perpetrator to the supervisor, manager,
2 or Human Resources professional.
- 3 2. Employees who believe they have witnessed or learn of domestic violence occurring
4 in the workplace shall immediately notify a manager, supervisor, or Human
5 Resources professional.
- 6 3. Employees who believe they have witnessed or learned of domestic violence
7 involving an employee outside the workplace are encouraged to notify a manager,
8 supervisor, or Human Resources professional.
- 9 4. Employees who have been charged by the Prosecuting Attorney in criminal
10 proceedings in a matter which would constitute domestic violence under the
11 Definitions Sections a., b., and c. of this policy have a duty to report the fact of the
12 charge to a supervisor, manager, or County Human Resources professional within
13 three (3) working days of the charge.

14 **B. Manager/Supervisor Responsibilities.**

- 15 1. **Employees as Victims.** Managers or supervisors, who become aware that an
16 employee is a victim of domestic violence in the workplace, or affecting the
17 workplace, should take the following steps as appropriate:
- 18 a. If threat of imminent danger exists, call 911;
- 19 b. Consult with a County Human Resources professional and, if appropriate, the
20 Employee Assistance Program (EAP), for advice and assistance in developing a
21 strategy for approaching the victim and, if necessary, offering assistance;
- 22 c. Where appropriate, develop a workplace safety plan in consultation with the
23 employee who is a victim of domestic violence, the Employee Assistance
24 Program (EAP), the Human Resources professional, or other appropriate
25 resources;
- 26 d. Encourage the employee who is a victim of domestic violence to seek assistance
27 from the Employee Assistance Program (EAP), Domestic Violence Help Line
28 and/or other resources; and
- 29 e. For safety or security reasons, or to allow an employee who is a victim of
30 domestic violence to obtain assistance, provide reasonable assistance when
31 requested, if consistent with business needs, including the following possible
32 assistance:
- 33 (1) Adjust or change the employee's work schedule;
- 34 (2) Change the employee's work site;
- 35 (3) Grant use of accrued or unpaid leave within the provisions of the
36 Administrative Guidelines to allow employees who are victims of domestic
37 violence to obtain medical treatment counseling, legal assistance, to leave
38 the area, or to make other arrangements to create a safer situation for
39 themselves; and
- 40 (4) Other assistance as may be deemed appropriate by management.
- 41 f. If provided with a current court order prohibiting the perpetrator from contacting
42 the employee victim, take reasonable measures to facilitate compliance with the
43 order within the workplace;
- 44 g. To the extent possible, treat information about an employee victim, including the
45 victim's whereabouts, as confidential. Where necessary, apply confidentiality
46 restrictions to internal telephones, electronics, information, department and
47 County publications, etc., to the extent allowed by law.



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2. **Employees as Perpetrators.** Managers, supervisors, or Human Resources professionals who become aware of an employee who may be a perpetrator of domestic violence in or outside the workplace should take the following possible steps as appropriate:
 - a. If imminent danger exists, call 911;
 - b. Take steps to provide for the safety of persons present in the workplace;
 - c. If there is reason to believe a crime has been committed, call the police and cooperate with any police investigation;
 - d. If there is reason to believe that there is a nexus with the individual's employment or if the manager is uncertain, he/she shall contact the Human Resources Department;
 - e. Refer to appropriate officials for investigation and/or to conduct an employment investigation, if appropriate, in instances where it will not interfere with a police investigation;
 - f. Upon completion of the employment investigation, impose discipline as warranted; and
 - g. Provide referrals to the Employee Assistance Program (EAP) and other resources, as appropriate.

19 **3.13.040 Dissemination of Policy.**

20 A. **Human Resources.**

21 The Human Resources Department will assist in the dissemination of this policy,
22 providing information, resources, and training on issues of domestic violence in the
23 workplace, assisting managers and supervisors in implementing and following this
24 policy, and posting information about domestic violence and available resources in
25 County buildings where appropriate.
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