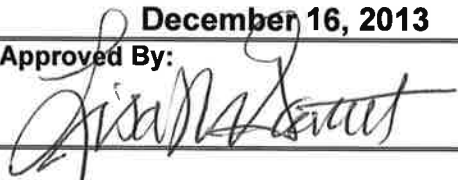




County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

Subject: LOS ANGELES COUNTY EMPLOYEE DOMESTIC VIOLENCE ASSISTANCE PROGRAM	Policy Number: 622	Pages: 15
	Effective Date: December 16, 2013	
	Approved By: 	

POLICY

It is County policy that each supervisor and manager is responsible for being familiar with these guidelines for following appropriate procedures when domestic violence or abuse is suspected or reported.

The guidelines that follow are intended to assist supervisors and managers within County of Los Angeles Departments, Courts, and Commissions when addressing situations concerning employees who are suspected, or have been determined to be victims of domestic violence. The guidelines are also intended to assist supervisors and managers to provide a supportive environment, advise employees of the County's policy and available resources, and obtain sufficient data to report situations that may pose a threat to employees and/or victims and others in the workplace.

GUIDELINES

Domestic violence is a very serious public health and criminal justice problem. These guidelines are intended to outline the resources available to employees who are reported or suspected victims of domestic violence. A victim of domestic violence can be either female or male.

Title 5, Section 13700 of the California Penal Code defines "abuse" and "domestic violence" as follows, in part:

- (A) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
- (B) "Domestic violence" means abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, or

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person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Domestic violence or abuse may also involve a pattern of behaviors that include physical, sexual, verbal, emotional and psychological abuse, or inappropriate economic control used in an attempt to exercise power and authority, which may have a destructive effect on individual victims, their families, and their communities. Domestic violence is a crime that can cause injury and death, endanger individuals and families, threaten society, and significantly increase health care costs. It is also a complex issue that crosses cultural, racial, ethnic, economic, gender, and political boundaries and can occur anywhere and at any time. Although viewed as a family violence problem, domestic violence may also affect the workplace.

DOMESTIC VIOLENCE CAN IMPACT THE WORKPLACE

The effects of domestic violence can be manifested at work in the form of erratic or reduced work productivity, chronic tardiness, absenteeism, or increased medical expenses. Domestic violence can also increase incidents of violence and credible threats of violence in the workplace.

According to a nationwide survey*, many respondents experiencing domestic violence report that it had a direct impact on their jobs. Following are the significant areas of performance that are impacted:

- Arriving late to work (40%)
- Missing whole days of work (34%)
- Difficulty advancing in their careers (23%)
- Difficulty keeping a job (20%)

These guidelines can help supervisors and managers understand how to be supportive of domestic violence victims. Besides knowing about the resources and assistance available in the County, there are a number of ways they can provide support and help to empower the employee. These guidelines will assist supervisors and managers, when they become aware of a case of domestic violence, to provide the employee with appropriate referral information.

The County workplace offers many useful tools to help employees in crisis, both by offering information concerning resources to an employee who is experiencing domestic violence, and supporting efforts to assist the employee in resolving the abusive situation. A manager or supervisor can play an important role by making sure that employees are informed about, and have easy access to, these tools.

* Findings from The Body Shop/YWCA Written Survey. Source: The Body Shop: Blow the Whistle on Violence Against Women: a National Study Examining Women's Experience of Violence in America. SAVVY Management, Public Relations, 1998, New York City.

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POSSIBLE SIGNS AN EMPLOYEE MAY BE A VICTIM OF DOMESTIC VIOLENCE

Recognize possible signs of domestic violence. These may include, but are not limited to:

- Uncharacteristic changes in mood and behavior
- Decline in job performance/productivity
- Preoccupation or lack of concentration
- Increased or unexplained tardiness or absences
- Appearance of being anxious, afraid, easily startled, confused, or hyper-vigilant
- Harassing phone calls to the workplace
- Bruises or injuries that are unexplained and/or that the employee may try to conceal with makeup or clothing
- Inordinately low self-esteem and frequent expressions of guilt or fault for situations that are not related to the person’s area of responsibility
- Unusual explanations for the above signs and symptoms

HOW TO BE SUPPORTIVE TO AN EMPLOYEE WHO IS A DOMESTIC VIOLENCE VICTIM

A supervisor or manager should leave counseling to professional counselors and security to security professionals. But there are things that can be done to be supportive and non-judgmental in managing an employee who is probably facing a lot of uncertainty and change and may be feeling quite fearful.

- Be understanding and accessible. As in most other stressful situations, one source of anxiety for domestic violence victims is a sense of helplessness. Employees will feel better and more in control if they are able to approach managers and supervisors who demonstrate a willingness to listen and provide appropriate assistance.
- Let the employee know it is not necessary to face the problem alone. If an employee divulges being a victim of domestic violence, inform the employee that domestic violence is a very prevalent problem and that there are resources available to provide assistance within Los Angeles County. Assure the employee that management is concerned and supportive.
- Use discretion. Assure the employee that discretion will be reasonably exercised to the extent permitted under the circumstances, regarding what has been disclosed. However, advise the employee that complete confidentiality cannot be

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guaranteed. Clearly indicate that the concern for confidentiality must be balanced against the need for workplace safety precautions and legal reporting requirements.

- Respect the employee's decisions. Since the employee is the best judge of the situation and the potential risks involved with decisions to report the abuse, respect the employee's choices. Realize that every step the employee takes toward achieving safety may present risks and may take time to implement.
- Convey that the employee is a valued part of the team. Having a chance to be productive can help rebuild the employee's self-esteem and reduce the feeling of isolation that often goes along with being a victim. One way of helping the employee feel productive is by confirming that the employee is a valuable member of the team.
- Consult with departmental Human Resources (HR) staff concerning issues involving performance, pay, absence, work schedule, and alternative work site arrangements, whenever necessary.
- Meet with the employee privately to address any performance problems. If an employee is experiencing performance problems, document deficiencies and consult with HR staff. Whether or not formal action is appropriate at this time, it is essential to counsel the employee about any deficiencies and suggest ways that performance improvements can be achieved. Although personal issues can interfere with good performance, do not assume the employee is a victim of domestic violence. Address all issues which may be adversely affecting the employee's performance. At the conclusion of the meeting, advise the employee of the availability of the Employee Assistance Program (EAP) and offer referral information.
- Be flexible. Keep job performance standards high, but allow as much flexibility as possible in getting the work done. Set clear standards and give the employee the freedom to work out ways to meet them.
- Follow up with the employee. Reinforce concern for the employee's well-being by establishing a procedure to follow up on action taken. This will demonstrate to the employee the County's interest in supporting the employee's efforts to seek a resolution to an abusive situation.

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WHAT TO SAY TO EMPLOYEES WHO MAY BE EXPERIENCING DOMESTIC ABUSE

Knowing what to say to an employee and how to say it in a way that is non-intrusive and is respectful of the employee’s privacy and dignity is considered one of the most challenging aspects of domestic violence as a workplace issue.

- Even when confident about how to handle a situation, consult with HR and EAP staff for guidance on how supervisors and managers should communicate support to an employee.
- Approach the employee in a non-judgmental and non-threatening way by focusing on changes in the employee’s performance, productivity, and/or behavior at work.

The spirit and tone of your words and actions can make a big difference to the employee.

- Show the appropriate concern for an employee who seems seriously distressed, or whose work performance has deteriorated, and attempt to support the employee in getting help, if requested.
- Do not try, however, to diagnose the employee’s problem; do not presume that the employee is experiencing domestic violence.
- Emphasize that it is the employee’s choice whether or not to confide personal information.

Let the employee know you will try to be discreet about the situation.

- Let the employee know that discretion will be reasonably exercised to the extent permitted under the circumstances, regarding any information that is disclosed. Furthermore, inform the employee that in the event of a credible threat of violence in the workplace, supervisors and managers are required to follow the instructions outlined in the *Emergency Procedures for Potential Workplace Violence* section.

Most importantly, do not ignore the situation.

- The work site may be the only supportive environment an employee has left, particularly if an abuser has succeeded in cutting off other sources of support. The role of an immediate supervisor can be especially important because of his or her ability to initiate supportive actions. If workplace intervention is appropriate, either at the employee’s request or to respond to a credible threat of violence in the workplace, early intervention can be advantageous. In many

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cases, early intervention can prevent an incident of violence that could potentially devastate the entire workplace. If the employee chooses not to disclose, no further questions or speculations should be made. However, it is still essential to provide the appropriate EAP referral information.

- Document all meetings and conversations with the employee regarding performance and domestic violence.

WHERE TO REFER AN EMPLOYEE WHO MAY BE A VICTIM OF DOMESTIC VIOLENCE

There are places to turn to in the workplace for support.

Whether or not an employee discloses a problem regarding domestic violence, resist any temptation to direct the employee's safety. Except to the extent that there is a credible threat of violence in the workplace, it is the employee's prerogative to determine the measures to take in managing a domestic violence situation. In many cases, the employee is the most appropriate judge of safety measures that will offer the least amount of personal risk. If domestic violence or abuse is suspected, or has been reported, offer the employee referral information regarding the EAP and the Los Angeles County Domestic Violence Hotline and explain that these are confidential resources for assistance. In addition, the departmental HR division, the Sheriff's County Services Bureau, and the Office of Security Management (OSM) can provide assistance to a victim of domestic violence who has safety concerns (refer to PPG 620, *Workplace Violence/Threat Management*). Since the employee must ultimately decide whether to turn to someone in the workplace for assistance and what kinds of protections may be needed, it is important to explain to the employee the kinds of assistance offered by each resource.

Employee Assistance Program

The EAP can be reached at (213) 738-4200 and offers appointments Monday–Friday from 8:00 AM–5:00 PM. EAP serves as a comprehensive referral source for many kinds of services.

- Victims of domestic violence may need a range of services, which include, but are not limited to: counseling, emergency shelters, support groups, hotlines, health care, social services, advocacy, legal aid, and child care.
- With the written consent of the employee, the EAP counselor can act as a liaison with outside agencies which provide services to the employee and may advocate on behalf of the employee, when requested, to assure the availability of appropriate services.

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- Since the EAP counselors have specialized training in domestic violence, they may offer insight in developing a safety plan at work and can be a source of guidance for the supervisor or manager.
- A County employee may, with a supervisor's authorization, schedule an appointment to see an EAP counselor on County time. The employee will be required to submit written confirmation of the consultation from EAP if requesting use of County time.

The Los Angeles County Domestic Violence Hotline

The Domestic Violence Hotline can be reached at (800) 978-3600, is operational 24 hours a day, seven days a week, and is a well-established resource for referrals to domestic violence shelters. Calls are routed to a County-funded domestic violence shelter (based on the caller's telephone prefix) where trained counselors are able to help victims learn about available services, think through their options, and find temporary shelter. The services offered by the shelters include, but are not limited to:

- Temporary shelter for victims and children
- Transportation to shelters with law enforcement backup, if necessary
- Counseling
- Referrals for legal, medical, financial, child care, and employment services
- Children's programs to help school age children
- Food, clothing, and household articles to start a new household

The Sheriff's County Services Bureau and the Office of Security Management

If an employee wants to increase safety at work, a key intervention which can be initiated is to contact the Sheriff's County Services Bureau at (213) 974-8000 and the County's OSM at (213) 974-7926. The OSM was created by the Board of Supervisors as the central security management authority for all County facilities and the employees who work in those facilities.

- Do not alert Sheriff's on-site personnel or OSM regarding a domestic violence issue unless the employee requests this kind of help or there is a credible threat of violence to the employee in the workplace, e.g., threatening calls made to an employee in the workplace, or attempts of intimidation, harassment or confrontation at the work site. If workplace safety may be in jeopardy, consult with OSM regarding appropriate measures and notifications. In the event of a credible threat of violence to an employee/victim or others in the workplace, on-site security personnel and local law enforcement should be contacted

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immediately and potential victims should be warned, in accordance with PPG 620.

- If the employee is being stalked, Sheriff's on-site personnel and/or local law enforcement should be provided with available information concerning suspected or reported abuses. If an Emergency Protective Order (EPO), Protective Order (PO), Temporary Restraining Order (TRO) or Restraining Order (RO) is in place, Sheriff's on-site security personnel should be provided copies of the Court Order.

Departmental Human Resources Office

HR staff will be able to assist with a wide range of issues related to employees who are victims of domestic violence by:

- providing information concerning employee benefits, including the Family Medical Leave Act (FMLA), paid benefits and unpaid leave;
- providing information concerning potential workplace accommodations including: flexible schedules, alternative work sites, telecommuting, and compressed work weeks; and
- assisting in addressing performance problems and meeting with the employee to identify and discuss performance expectations, deficiencies, and possible disciplinary consequences for failure to meet such expectations.

DOMESTIC VIOLENCE DOCUMENTATION PROCEDURES

Document all reported incidents of domestic violence and maintain the reports in a secure location, separate from the employee's personnel file, that is accessible only to the employee's immediate supervisor or management. The documentation in the report of the incident should include, at minimum:

- Date of incident
- Date incident was reported
- Parties involved
- Description of the incident
- Copies of any corroborating documentation or supporting evidence regarding the incident
- Employee's request for assistance, if any
- Department's response to the request
- Department's action as a result of the reported incident

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It is also important to consult with available County resources (such as EAP and departmental HR staff, OSM, and the Sheriff's Department) to determine the following, based on all information available:

- Does the employee appear to be in need of referral information regarding medical assistance or psychological counseling?
- Is the employee potentially at risk of physical harm?
- Has the employee contacted a law enforcement agency?
- Has the employee obtained an EPO, PO, TRO, or RO? (If so, a copy should be requested and Sheriff's Department and OSM notified.)
- Is there a possibility of workplace violence?
- Has the abuser threatened the employee at the workplace or threatened to come to the workplace?
- Have coworkers been threatened?
- Has stalking been reported?
- Is a referral required by OSM to the Office of County Counsel to seek a TRO or RO?
- Is the travel route between the employee's home and work safe?
- Has the employee's parking arrangement been addressed?
- Have current child care arrangements been addressed?
- Do security staff and coworkers have the information needed, such as a photograph of the alleged abuser, to implement security measures?
- Are there other ways security personnel can assist the employee?
- If the employee is temporarily residing in a shelter or some other confidential location, do designated workplace personnel have emergency contact information?
- Is the employee's work schedule flexible enough to manage court appearances, legal matters, and child care without having to take a cut in pay or use unpaid leave?

Anytime a person in an abusive relationship takes steps toward safety, there are risks involved. Therefore, in the absence of a credible threat of violence in the workplace, and to the extent allowed by relevant law or policy, the employee should have the final word about the kinds of interventions to be initiated. However, where applicable, the employee should be advised of any statutory reporting requirements (such as those imposed on health care providers per California Penal Code Section 11160) or existing departmental reporting policies and practices (such as those in effect in the Sheriff's

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Department). In addition, the employee should be informed of the supervisor's or manager's obligation to immediately report any situation involving a credible threat of violence in the workplace to local law enforcement officials, Sheriff's on-site personnel, and OSM, per PPG 620 (as outlined below). Please note that allegations against peace officers should be handled in compliance with requirements outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300-3311.

EMERGENCY PROCEDURES FOR POTENTIAL WORKPLACE VIOLENCE

Sheriff's on-site personnel, local law enforcement, and OSM must be notified and potential victims must be warned regarding all incidents which involve a credible threat of violence in the workplace to the employee, co-workers, and/or visitors. All County employees, particularly management, should be familiar with and maintain a record of the telephone numbers to call in case of an emergency. OSM is staffed by Sheriff's Department sworn personnel who are assigned to the Chief Executive Office and are responsible for the County's Threat Assessment and Management Program. OSM personnel are also available for consultation with departments and their employees regarding the reporting and managing of credible threats of violence or other security and safety issues. OSM and the Sheriff's County Services Bureau are able to make a threat assessment and take actions that can prevent a potentially violent situation.

What should a supervisor or manager do when an employee faces a credible threat of violence in the workplace?

When any suspected or reported victim of domestic violence receives a threat of violence in the workplace from an abuser or has reason to believe there is a credible threat of violence in the workplace from an abuser, the employee should immediately report the situation to a supervisor or manager, in compliance with PPG 620. In circumstances believed by the victim, supervisor, or manager to constitute a credible threat of violence requiring an emergency response, or when a supervisor or manager is not immediately available, the reporting party shall immediately take the following actions:

- Notify on-site security personnel
- Obtain emergency assistance from local law enforcement by calling 911
- Warn potential victims
- Seek personal safety
- Notify OSM at (213) 974-7926 and ensure that a *Security Incident Report* is delivered to OSM by FAX at (213) 613-0848 or e-mailed to osm@ceo.lacounty.gov

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When is a threat assessment needed?

- Any situation that presents a credible threat of violence to an employee in the workplace should not be allowed to escalate before it is addressed.
- A supervisor or manager should not alert Sheriff's on-site security personnel or OSM staff unless the employee requests this kind of help or there is a credible threat of violence to the workplace¹.
- If an employee desires an elevated safety response at work, the OSM and the Sheriff's County Services Bureau are able to make a threat assessment and take actions that can prevent a potentially violent situation.

What other security issues are there to consider?

- OSM and Sheriff's Department professionals can provide valuable information about the appropriate security measures to take, which may include providing security personnel with the suspected or reported abuser's name and photograph.
- If the employee is being stalked, Sheriff's on-site personnel should request the make, color, and license plate number of the alleged abuser's car for monitoring purposes. If any Court Order has been issued, e.g., EPO, PO, TRO, or RO, the Sheriff's County Services Bureau and the appropriate law enforcement agency should be provided with copies of the order.
- If an employee is temporarily residing in a shelter or some other confidential location, designated workplace personnel should be provided with emergency contact information.

WORKPLACE ACCOMMODATIONS FOR VICTIMS

The County workplace offers assistance to employees who are being abused to support them as they go about effectively resolving their situations. Employees in domestic violence situations may need time off to go to court, find a new place to live, or recover from injuries. They may need a different work space or different schedule to keep the abusers from tracking them down on the job. They may need their phone calls screened, a workstation that is not conspicuous to visitors, or increased security presence at their work sites. A temporary adjustment in work assignments may also need to be considered.

¹ NOTE: If there is a potential credible threat of violence in the workplace, the employee does not decide whether to alert Sheriff's on-site security personnel or OSM staff.

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Unlike some programs in the private sector, these resources are not labeled as “domestic violence” measures, but are simply the programs and benefits that may be available to County employees under appropriate circumstances. Employees should be informed of the accommodations and benefits available to them and should be assisted in obtaining the help they need. With good planning, each of these arrangements usually involves little disruption to the office and can be adjusted according to the circumstances, on a case-by-case basis. Departmental HR staff should be consulted when considering the use of benefit time and workplace accommodations.

Leave Options

There are several paid and unpaid leave options available to employees who may need time off because of a domestic violence situation. Consult with management and departmental HR staff to ensure that leave is taken appropriately.

Telecommuting/Temporary Assignments

Check with departmental HR staff about the availability of telecommuting. Telecommuting allows an employee to work at home or at an alternative work site for all or part of the work week. In certain cases, telecommuting may be a key part of a safety plan to protect the employee’s safety and to protect the safety of the workplace. Where telecommuting is not available, consider temporarily assigning the employee to a different work location within the Department for the necessary time to achieve safety.

Work Schedule Accommodations

Sometimes the simplest solution may be the best one, such as implementing an alternative work schedule. For the employee who is juggling different demands, experiencing life transitions, or who has safety concerns, a flexible work schedule, adjusting the beginning and end of the work day may be a suitable arrangement. A compressed work schedule, such as 9/80 or 4/40, allows employees to work longer days and complete an 80-hour pay period in fewer than 10 days. Be sure to consult with departmental HR staff about the availability of alternative work schedules before discussing the option with an employee.

WHEN JOB PERFORMANCE DECLINES AS A RESULT OF DOMESTIC VIOLENCE

No County employee should be disciplined or terminated based solely on the fact that the employee has been a victim of domestic violence or because management fears that domestic violence may lead to violence in the workplace.

Under the County’s performance evaluation and progressive disciplinary processes, if an employee’s job performance falls below the required level, the immediate supervisor should first meet with the employee to discuss any performance deficiencies and

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attempt to identify ways to improve the employee's performance. In the event the performance problems persist, progressive disciplinary action against the employee may be initiated. If, during the process of counseling and/or initiating disciplinary action against an employee for work-related deficiencies, the employee divulges or an independent source reveals that the employee is a victim of domestic violence, it is important to determine whether there is a nexus between the domestic violence situation and the poor job performance prior to taking disciplinary action.

Attempt to corroborate that the employee is in an abusive relationship

In order for management to make an appropriate disciplinary determination, it is important to consult with HR staff and follow the Domestic Violence Documentation Procedures outlined on Page 8 of these guidelines. It is also important to ask the employee for any documentation supporting the domestic violence claim. That information will assist management in determining if there is a nexus between the domestic violence and the employee's performance deficiencies. Following are examples of corroborating documentation of domestic violence:

- Police report
- Emergency Protective Order
- Restraining Order
- Temporary Restraining Order
- Medical report
- Witness statement
- Security report
- Confirmation of EAP consultation
- Other written evidence

What to do when a nexus between the domestic violence and poor job performance has been established

If a nexus between poor job performance and domestic violence has been established, consult with management and departmental HR staff to determine the most appropriate course of action, in accordance with departmental policy and practice.

What to do when corroborating documentation is not available

In some cases, an employee who is facing possible disciplinary action and attributing poor job performance to the effects of domestic violence may be unable to provide any corroborating documentation because they have taken no action to report or seek

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assistance regarding the situation. In all such cases, the employee should be advised (or advised again, if applicable) of the availability of the EAP and the Domestic Violence Hotline for assistance and be allowed a reasonable opportunity to provide corroboration of such abuse before further administrative or disciplinary action is taken.

The employee's acceptance of the referral to the Domestic Violence Hotline or the EAP and subsequent submission of written confirmation of such consultation, or submission of other corroborating documentation of domestic violence, may be considered sufficient justification to establish a nexus. In such cases, consult with management and departmental HR staff to determine the most appropriate course of action, in accordance with departmental policy and practice.

Standard administrative disciplinary measures, including a plan for improvement and progressive discipline, would apply to an employee who attributes ongoing performance deficiencies to domestic violence or any other personal issues, but provides no corroboration of mitigating circumstances and declines to pursue appropriate referrals for assistance, such as to EAP.

COORDINATED EFFORTS CAN ENHANCE SAFETY

In cases where there is a credible threat of violence to an employee in the workplace or when the employee requests assistance, coordination of efforts should be initiated in the department.

- Managers, supervisors, EAP professionals, OSM staff, HR specialists, and Sheriff's County Services Bureau personnel can perform different roles independently, or they can coordinate efforts to develop and execute a more effective workplace safety plan, when necessary.
- Management should immediately notify Sheriff's County Services Bureau on-site personnel, local law enforcement, and warn potential victims when there is a credible threat of violence to an employee or others in the workplace. OSM should also be notified by telephone and a *Security Incident Report* submitted to OSM in all such cases. Contact facility Sheriff's County Services Bureau on-site personnel when it has been determined that an abuse victim has obtained an Emergency Protective Order, a Restraining Order, or a Temporary Restraining Order.

All questions concerning this policy should be directed to OSM at (213) 974-7926.

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AUTHORITY

California Labor Code 230.1
California Penal Code Section 11160
California Penal Code Title 5, Section 13700
Government Code Sections 3300-3311
DHR PPG 620 Workplace Violence/Threat Management

DATE ISSUED/REVIEW DATE

Original Issue Date: October 1, 1999
Review Date: December 16, 2013