

COOK COUNTY POLICY ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE

I. PURPOSE

The County is committed to promoting the health and safety of our employees. Violence is a leading cause of injury to women in this country. The purpose of this policy is to heighten awareness of domestic and sexual violence and to provide guidance for employees and management to address the occurrence of domestic and sexual violence and its effects in the Cook County workplace.

II. DEFINITIONS

A. Domestic or sexual violence: Domestic violence, sexual assault, or stalking.

B. Domestic violence: Domestic violence includes acts or threats of violence or intimidation, not including acts of self defense, as defined in subdivision (3) of Section 103 of the Illinois Domestic Violence Act of 1986, or sexual assault, to the person or the person's family or household member.

C. Batterer, Perpetrator, or Abuser: The individual who commits an act of domestic or sexual violence as defined above.

D. Batterer Intervention Programs: Programs for batterers that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety.

E. Sexual Assault: Any conduct proscribed by the Criminal Code of 1961 in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16.

F. Stalking: Any conduct proscribed by the Criminal Code of 1961 in Sections 12-7.3 and 12-7.4.

G. Survivor or Victim: The individual who is the subject of an act of domestic or sexual violence or who, with the exception of the batterer, perpetrator or abuser, has a family or household member who is the victim of domestic or sexual violence.

H. VESSA: The Illinois Victim's Economic Security and Safety Act of 2003, 820 ILCS 180 et seq.

III. POLICY

A. Early Intervention and Education Prevention Strategies

1. It is the policy of Cook County to use early intervention and prevention strategies in order to avoid or minimize the occurrence and effects of domestic or sexual violence in the workplace. Cook County will provide available support, assistance, and reasonable accommodations, absent undue hardship, to employees who are survivors/victims of domestic or sexual violence. Support and reasonable accommodations may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical counseling or legal assistance, or workplace relocation if operations permit. Cook County will attempt to make written and referral information available in any language necessary. In all responses to domestic or sexual violence, Cook County will respect the confidentiality and autonomy of the adult survivor/victim to direct her or his own life, to the fullest extent permitted by law.

2. Cook County will maintain, publish, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, County phone directories, and online information data bases, a list of resources for survivors/victims and perpetrators of domestic or sexual violence, including but not limited to the Illinois Coalition Against Domestic Violence (217) 789-2830, the national domestic violence hotline number (800) 799-SAFE, the number to the Employee Assistance Program (312) 263-2747, and the phone numbers and descriptions of local domestic violence and sexual assault resources. Cook County will also post a notice prepared by the Illinois Department of Labor, summarizing the requirements of VESSA and information pertaining to filing of a charge.

Cook County shall train and educate its employees and managers about domestic and sexual violence issues and this policy. This training and education may include:

a. disseminating information in employee newsletters and other employee communication materials;

b. providing training and resources to supervisors and human resources representatives to increase their awareness and ability to recognize domestic and sexual violence issues, to help them deal with the issues appropriately in the workplace and assist survivor/victims and/or abusers to access available services; and

c. incorporating information about domestic and sexual violence and the

County policy into the County's new employee/new supervisor orientation programs.

B. Leave Options for Employees Who are Survivors or Victims of Domestic or Sexual Violence or Who Have a Family or Household Member Who is the Victim of Domestic or Sexual Violence

1. At times, an employee may need to be absent from work due to domestic or sexual violence. When determining leave options, employees, supervisors and managers shall comply with VESSA which allows, at minimum, a total of 12 unpaid work weeks of leave during any 12-month period. The actual length of time should be determined by the employee's situation. Extended time beyond the 12 weeks guaranteed by VESSA shall be determined through collaboration with the employee, supervisor/manager, human resources representative, and union representative, where the employee is represented. Leave may be taken intermittently or on a reduced work schedule.

2. Employees, supervisors, and managers are encouraged to first explore whether paid options can be arranged that will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances, and provided operations permit, these options may include: arranging flexible work hours so that the employee can handle legal matters, court appearances, housing, and childcare issues; and permitting use of sick leave, annual leave, shared leave or compensatory time.

C. Procedures for Employees with Performance Issues Related to Domestic or Sexual Violence

While the employer retains the right to discipline employees for cause, Cook County recognizes that survivors/ victims of domestic or sexual violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic or sexual violence, a referral for appropriate assistance should be offered to the employee.

D. Discrimination and Retaliation Protection for Employees Who Are Survivors/Victims of Domestic or Sexual Violence or Who Have a Family or Household Member Who Is the Victim of Domestic or Sexual Violence

1. In accordance with VESSA, Cook County shall not discriminate in the hiring process or, refuse to hire, discharge, or harass any prospective employee or

employee, otherwise discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment, or retaliate against an employee in any form or manner because: (a) perceived to be or is a victim of domestic or sexual violence; (b) with the exception of the batterer, perpetrator or abuser, has participated in legal proceedings related to an incident of domestic or sexual violence of which the employee or a family or household member was a victim; or (c) if the workplace is disrupted or threatened by the action of a person whom the employee states has committed or threatened to commit domestic or sexual violence against the employee or the employee's family or household member.

2. For purposes of this section, discrimination, with respect to the terms, conditions, or privileges of employment, includes the failure to make a reasonable accommodation, of an otherwise qualified individual, absent undue hardship, to the known limitations resulting from circumstances relating to being a survivor/victim of domestic or sexual violence or having a family or household member who is the victim of domestic or sexual violence.

3. Reasonable accommodation may include leave options, adjustment to work schedules, additional security at the workplace, or workplace relocation if operations permit. In determining whether a reasonable accommodation would impose an undue hardship, factors to be considered include, but are not limited to, the nature and cost of the reasonable accommodation required, the overall financial resources of the facility involved in the provision of the reasonable accommodation and the impact to the operation of the department.

E. Disciplinary Procedures for Employees Who Commit Acts or Threats of Domestic or Sexual Violence

1. Cook County is committed to providing a workplace in which the perpetration of domestic or sexual violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on Cook County premises, during working hours, or at a Cook County sponsored event is a serious violation of Cook County policy. This policy applies not only to acts against other employees, but to acts against all other persons. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

2. Employees who are convicted of a crime of domestic or sexual violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee, affects normal operations of Cook County, or otherwise implicates County rules.

F. Guidelines and Plan for Implementation

The Cook County Bureau of Human Resources is charged with the development of guidelines, training programs and written educational materials consistent with the goals of this policy. These guidelines and other material shall be used to assist individual County departments and offices in implementation of this policy. In implementation of this policy, each County department and office shall have the flexibility to address its individual needs and concerns provided they comply with VESSA. All County department heads and employees shall render such aid and assistance as is required for implementation of this policy.

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