

## **APPENDIX R**

### **JUDICIAL BRANCH DOMESTIC VIOLENCE POLICY**

#### **STATEMENT OF PURPOSE**

The purpose of this policy is to:

- Promote the health and safety of Judicial Branch employees;
- Create a supportive workplace for employees who are victims of domestic violence, in which employees will seek assistance regarding domestic violence;
- Provide guidelines and procedures to assist employees who are affected by domestic violence; and
- Provide support and assistance to employees who are victims of domestic violence.

For purposes of this policy, domestic violence is considered physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes, but is not limited to, actual or potential physical injury or harm, sexual abuse or threats of physical injury or harm, or sexual abuse against a person with a past or present intimate relationship such as marriage, dating, family, friends, or cohabitation.

#### **SCOPE OF POLICY**

This policy covers all non-judicial employees, including casual/seasonal and contractual employees, law clerks, interns or volunteers in any Judicial Branch workplace locations. Courts and Judicial Agencies shall, at a minimum, comply with the Domestic Violence Policy, but may, with the approval of the Chief Justice, adopt more rigorous provisions that may apply to that Court or Agency.

#### **PROCEDURES**

1. Each court/agency shall designate an individual who may assist employees with domestic violence issues within that court/agency.
2. An employee may choose to disclose that they are a victim of domestic violence to the court/agency's designated individual, a supervisor or other management personnel, or human resources staff. An employee who has obtained a protection from abuse or no contact order is encouraged to provide a copy of the order to the court/agency's designated individual *or* human resources staff.

3. When a disclosure is made, each court/agency's designated individual and/or the human resources staff will meet with the victim to determine the appropriate action that should be taken to assist and support the employee/victim of domestic violence.
4. When appropriate, an employee who is a victim of domestic violence may be referred to the State's Employee Assistance Program (EAP) and provided with information on domestic violence resources, which may also be found at [www.dvcc.delaware.gov](http://www.dvcc.delaware.gov).
5. Other assistance may be provided based on individual needs and availability consistent with existing policies, statutory requirements, and contractual obligations, as well work-related needs, such as requests for work schedule adjustments or leave.
6. The court/agency's designated individual and/or human resources staff will work with employees/victims and coordinate with the Victim's Compensation Board and/or the Department of Justice Domestic Violence and Child Abuse Unit, when appropriate, to develop and implement individualized safety plans. These plans may include, where appropriate, advising coworkers of the situation (subject to the confidentiality provision below); setting up procedures for alerting security and/or the police; temporary relocation to a new work site; assignment of parking space; escort for entry to and exit from the building; screening of telephone calls; and providing a photograph of the perpetrator and/or a copy of any existing court orders to security, court/agency's designated individual and/or human resources staff.
7. The posting of information about domestic violence in work areas, such as restrooms, lunch rooms, or where other employee resource information, is encouraged.
8. All employees will receive a copy of the domestic violence policy and will be required to acknowledge in writing that they have received and read the policy.

### **CONFIDENTIALITY**

Unless the substance of the employee/victim's disclosure regarding domestic violence demands otherwise, strict confidentiality will be maintained by informing others only to the extent necessary to protect the safety of the individual or other individuals in the workplace. Except in times of extreme emergency where the timeframe does not permit disclosure, the employee/victim will be given notice of necessary disclosures.

The limitations of confidentiality will be discussed with the employee who is a victim of domestic violence. Those situations that are deemed to potentially put the employee/victim and other employees at risk may require disclosure of a limited basis for those employees deemed to be at risk. Disclosure may be required in instances in which domestic violence has occurred at an employee/victim's worksite.

### **LEAVE**

Every reasonable effort will be made to assist employees who are victims of domestic violence to enable them to use categories of leave available to them, where appropriate. Appropriate instances may include, but are not limited to, court appearances including appearances for filings and appointments with domestic violence advocates/social workers. If time off from work is necessary, leave shall be taken in compliance with the Delaware Code, Judicial Branch Personnel Rules, and/or the Merit Rules, when applicable. Employees may be asked to present acceptable documentation before leave is granted. Leave taken may include, as appropriate, available compensatory time, sick or annual leave, or other appropriate paid leave and/or unpaid leave.

When on approved absence, the employee/victim shall maintain contact with their supervisor and/or human resources staff. The employee/victim will be asked to identify an emergency contact person in the event the employer is unable to contact the employee/victim, and the contact person will be documented in PHRST.

### **DISCIPLINE**

An employee who is found using any State resources, including work time and/or equipment, to commit an act of domestic violence may be subject to discipline, up to and including dismissal, based on the guidance set forth in the Judicial Branch Personnel Rules, Merit Rules (where applicable), or other applicable laws or policies.

### **EMPLOYEES CONCERNED ABOUT DOMESTIC VIOLENCE AFFECTING A CO-WORKER.**

If an employee becomes aware that a coworker is a victim of domestic violence, the employee is encouraged to communicate that information to their court/agency's designated individual, a supervisor, management, and/or the human resources staff.

In addition, the human resources staff, the court/agency's designated individual, or management may discuss the matter with other appropriate authorities if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an effect on the safety or moral operations of the workplace. The human resources staff, the court/agency's designated individual, or management will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

If an employee experiences or witnesses domestic violence in the workplace, the employee must report the incident to the court/agency's designated individual, a supervisor, management, and/or human resources staff immediately.

### **RESOURCES**

The Executive Branch's Office of Management and Budget/Human Resources Management (OMB/HRM) maintains referral resources on domestic violence supplied by the Domestic

Violence Coordinating Council, which includes the following and will be accessible on the OMB/HRM website.

24-Hour Hotline Numbers

New Castle County	
Domestic Violence	(302) 762-6110
Rape Crisis	(302) 731-9100
Northern Kent County	
Domestic Violence	(302) 678-3886
Kent and Sussex Counties	
Domestic Violence	(302) 422-8058

**If you feel that you are in danger, call 9-1-1**

Delaware has a Victim’s Bill of Rights. For more information on this, please see the website at: <http://attorneygeneral.delaware.gov/VCAP/>

When an individual becomes separated from work due to circumstances related to domestic violence, the individual should be informed that unemployment benefits may be available pursuant to Delaware Law found at Title 19, Chapter 33, Section 3314, located at: <http://delcode.delaware.gov/title19/c033/sc02/index.shtml>

Further, information on stalking, which is a course of conduct directed at a specific person that would cause a reasonable person to feel fear, may be found at: <http://delcode.delaware.gov/title11/c005/sc07/index.shtml#1312>

**RIGHTS CREATED BY THE POLICY**

This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

**JUDICIAL BRANCH  
DOMESTIC VIOLENCE POLICY ACKNOWLEDGEMENT FORM**

**This is to certify that I have received a copy of and read the Judicial Branch's Domestic Violence Policy.**

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date