

Personnel Rule 8.4 - Domestic Violence, Sexual Assault, and Stalking in the Workplace

8.4.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration.

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority.

RCW 26.50.010, and subsequent revisions thereto, Domestic violence prevention.

RCW 70.125.030, and subsequent revisions thereto, Victims of sexual assault act.

RCW 49.90.005 et. seq., Leave for victims of domestic violence, sexual assault and stalking and their family members.

8.4.1 Definitions

- A. "Dating Relationship" means a social relationship of a romantic nature. Factors to consider in making this determination include:
1. The length of time the relationship has existed;
 2. The nature of the relationship; and
 3. The frequency of interaction between the parties.
- B. "Domestic Violence" means: (a) Physical harm, bodily harm, 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 of one family or household member by another family or household member.
- C. "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, 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, 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 persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

- D. "Perpetrator" is a person who commits an act of domestic violence, sexual assault and/or stalking against a victim. Other terms used to describe a perpetrator may include "offender," "batterer," "abuser," or "assailant."
- E. "Sexual Assault" means one or more of the following:
1. Rape or rape of a child;
 2. Assault with intent to commit rape or rape of a child;
 3. Incest or indecent liberties;
 4. Child molestation;
 5. Sexual misconduct with a minor;
 6. Custodial sexual misconduct;
 7. Crimes with a sexual motivation; or
 8. An attempt to commit any of the aforementioned offenses
- F. "Stalking" is when, without lawful authority:
1. A person intentionally and repeatedly harasses or repeatedly follows another person; and
 2. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person; and
 3. A reasonable person in the same situation and under the same circumstances as the person being harassed or followed would feel fear that the stalker intends to injure the person, another person, or property of that person or of another person; and
 4. The stalker either:
 - (a) Intends to intimidate, harass or frighten the person, or
 - (b) Knows or reasonably should know that the person is intimidated, harassed or afraid.
- G. "Victim" is a person who has been subjected to domestic violence, sexual assault and/or stalking. Other terms used to describe a victim may include "survivor" or "client."
- H. "Workplace" is the building or work area constituting the principle place where work is performed or assigned, including common areas and private or personal work areas; and remote areas where an employee is engaged in official business; and any vehicle, either employer- or privately owned, when used for official business purposes.
- I. "Workplace Safety Planning" is a process specific to the workplace that a victim/survivor of domestic violence may use with or without the help of a management or other workplace representative to protect both physical and emotional safety of the victim and other people in the workplace.

8.4.2 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda or agreement or understanding signed pursuant to the collective bargaining agreement, or any established and recognized practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are hired under the terms of a grant that includes provisions that conflict with this Rule. These individuals are subject to all applicable federal, state and City laws.
- D. This Rule does not apply to temporary employees. Temporary employees are governed by Personnel Rule 11 and all applicable federal, state and City laws
- E. This Rule does not apply to employees of City departments that have alternative internal investigation procedures established by ordinance unless the affected employees are not subject to such internal investigation procedures.
- F. Appointing authorities may establish written policies and procedures for the implementation of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

8.4.3 Domestic Violence, Sexual Assault, and Stalking Policy

- A. The City of Seattle is committed to providing a safe and secure workplace and will not tolerate domestic violence, sexual assault, or stalking by or toward any employee or other person while in the City workplace or while conducting City business at any other location. When potential threats are identified, department rules, including a security assessment, that implement the Workplace Violence Prevention Program will be used.
- B. The City of Seattle does not take any adverse employment action against an employee on the basis that an employee is, or is perceived to be, a victim of domestic violence, sexual assault, or stalking.
- C. The City of Seattle is committed to supporting employees who are victims of domestic violence, sexual assault, or stalking. The City will provide assistance, in consideration of the needs of the victims/survivors, within accepted policies and practices. This may include resource and referral information, work schedule adjustments or leave as needed and required

under RCW 49.90.005 et. seq , assistance in developing a workplace safety plan, workplace relocation, assistance in processing changes in benefits information as allowable during non-enrollment periods, and/or consideration in performance evaluations of the impact domestic violence, sexual assault, or stalking may have on an employee's work performance. The victim's needs for confidentiality and self-determination will be respected whenever possible. The City reserves the right to disclose limited information and take action when it is necessary to protect the safety of City employees or required by law. Information disclosed to the City under Personnel Rule 7.11 shall be subject to the confidentiality provisions of that Rule.

- D. City of Seattle employees shall not use City resources to perpetrate domestic violence, sexual assault or stalking; shall not threaten, or commit an act of domestic violence, sexual assault, or stalking in the workplace; or misuse job-related authority in order to assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence, sexual assault, or stalking.
- E. Disciplinary action up to and including termination may be taken against an employee who has committed an act of sexual assault, domestic violence or stalking, when such an action has a relationship to or impact on any employee's work for the City of Seattle regardless of whether such an act occurred in or near the workplace. A relationship or impact exists when, for example, sexual assault, domestic violence or stalking are committed at the workplace or when City resources such as phones, fax machines, e-mail, or City maintained information are used to further such actions. For represented and civil service employees, just cause standards will apply to such discipline, taking into account the City's strong policy against sexual assault, domestic violence and stalking.
- F. The City of Seattle will provide mandatory training on domestic violence, sexual assault and stalking to current and new executives, managers, supervisors, safety staff, front desk staff and human resources professionals. The City will provide training to new staff, other than those in the categories listed above, as requested by Department managers.

8.4.3 Workplace Domestic Violence, Sexual Assault, and Stalking Prevention Program

- A. The Personnel Director, with assistance from the Domestic Violence and Sexual Assault Prevention Division (DVSAP) Director, shall implement a Citywide Domestic Violence, Sexual Assault, and Stalking Prevention Program to be administered as part of the City's Workplace Violence Prevention Program. The program components shall include but not be limited to security and safety assessment in accordance with the

Workplace Violence Prevention Program rules; guidelines that supervisors and others may use to appropriately assist victims of domestic violence, sexual assault, or stalking; training of new employees, supervisors and managers; provision of information about resources; and education programs for all City employees.

- B. The Personnel Department, through its Safety Unit, will:
1. Have its Citywide Workplace Violence Prevention Coordinator on call 24/7 to triage reports of alleged domestic violence, sexual assault or stalking affecting City employees in the workplace using protocols developed by HSD-DVSAP staff;
 2. Provide preliminary guidance and consultation to callers based on resource information generated by the DVSAP Division of HSD as well as relevant workplace safety protocols, and refer them to those resources, including DVSAP, as appropriate;
 3. Include brief DVSAP procedural and resource information as part of the Safety portion of New Supervisor Orientations;
 4. Review and distribute DVSAP posters and distribute hard copies of DVSAP information and resources materials, and post DVSAP information and resources on the City's Inweb, etc. as part of the City's overall Safety communications efforts; and
 5. Be consulted on workplace safety plans being developed for employee victims when appropriate, to ensure that the overall safety of the workplace is not being compromised.
- C. Human Services Department's Domestic Violence and Sexual Assault Prevention Division will:
1. Develop and present trainings to those who are mandated to receive it: current and new executives, managers, supervisors, safety staff, front desk staff and human resources professionals in their departments in order to assist them with effectively responding to domestic violence, sexual assault, or stalking concerns; these trainings will include guidelines that supervisors and others may use to appropriately assist victims of domestic violence, sexual assault and stalking;
 2. Develop and present trainings to new employees on basic domestic violence, sexual assault and stalking, as requested by Department managers;
 3. Provide each department, via the City's Workplace Violence Prevention staff, with a list of resources and services available to victims and perpetrators of domestic violence, sexual assault or stalking;
 4. Provide basic information materials, via the City's Workplace Violence Prevention staff, concerning domestic violence, sexual assault and stalking prevention and intervention (in flyers, in pamphlets, on tear-off sheets, etc.) that departments can post in

common work areas, rest areas and other locations for employees to obtain in a confidential manner; and

5. Periodically provide domestic violence, sexual assault and stalking awareness programs for employees in order to increase employee awareness of domestic violence, sexual assault and stalking and to identify on how those resources may be accessed.