



City of Pittsburgh Operating Policies

Policy: Domestic Violence	Original Date: 01/07/2010
	Revised Date: 09/21/2010

PURPOSE:

To establish a Citywide policy against domestic violence applicable for City of Pittsburgh employees. The policy is enacted in City Code Title I, Administrative, Article XI: Personnel.

POLICY STATEMENT:

The City of Pittsburgh will adhere to this policy towards its employees involved in domestic violence or abuse. It should be noted that members of the Bureau of Police shall remain subject to the requirements of City Code Section 116.02, Section III only.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

POLICY:

While prioritizing the safety of victims, the City of Pittsburgh is committed to addressing prevention through hiring and training practices, providing direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalizing a structured response to reported incidents of domestic violence involving employees, and offering direction for conducting the subsequent administrative and/or criminal investigations.

A. DEFINITIONS:

"Abuse" The occurrence of one (1) or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. Such unwanted physical acts such as grabbing, pinching, shoving, slapping, hitting, hair pulling, biting and or denying medical care or forcing alcohol and/or drug use are considered to be types of physical abuse.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children including such terms as defined in Chapter 63 (relating to Child Protective Services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

(6) Economic Abuse by making or attempting to make a person financially dependant, e.g., maintaining unwanted control against his/her wishes over financial resources, withholding access to money, forbidding attendance at school or employment.

"Domestic Violence" The acts enumerated in the definition of "abuse" in 23 Pa.C.S. § 6102(1).

"Domestic Violence Incident" An episode of domestic violence documented by a protection order or arrest report.

"Domestic violence counselor/advocate" An advocacy organization that is engaged in a domestic violence prevention and treatment program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence.

"Domestic violence program" A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

"Family Or Household Members" Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Intimate Partner" of an employee is any person who meets one (1) or more of the following criteria:

- Is or was legally married to the employee
- Has a child in common with the employee
- Has or had a dating relationship with the employee
- Is specified as an intimate partner by state law

"Protection order" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

- Violent or threatening acts against another person or family member
- Stalking or harassment of another person or family member
- Contact or communication with another person or family member
- Physical proximity to another person or family member

"Qualifying Crime of Domestic Violence"

1. Any state or federal crime alleged to have been committed against a family or household member that is a misdemeanor or felony with an element of: use, or attempted use of physical force, or; use or threatened use of a deadly weapon; and
2. A right to counsel or knowing and intelligent waiver.

"Victim" A person who is physically, psychologically, or sexually abused by a family or household member. A victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

B. PREVENTION AND TRAINING

The City will provide ongoing training to every employee on domestic violence as it applies to the population generally and within the ranks of City employees. The ongoing training will be required throughout all phases of the employee's career.

1) *Prevention Through Collaboration:*

Through ongoing partnerships with local victim advocacy organizations and/or domestic violence programs the City shall continue to develop domestic violence curricula and train employees in order to enhance the response to domestic violence issues and victims.

2) *Training Topics:* All employees shall receive comprehensive instruction covering the following topics:

- (a) Understanding Domestic Violence
- (b) Warning Signs of Domestic Violence by Employees
- (c) Safety Issues
- (d) Referral Resources

C. EARLY WARNING AND INTERVENTION

1) *Pre-Hire Screening and Investigation:*

- (a) The Office of Municipal Investigation shall conduct thorough background investigations of all potential new employees.
- (b) Those candidates with an admitted or otherwise uncovered history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) may be disqualified from further consideration for City employment.
- (c) The City will not discriminate against victims of domestic violence in hiring, staffing, or other terms, conditions or privileges of employment.

2) *Post-Hire Information and Support:*

The City shall engage in consistent and ongoing communication to employees and their intimate partners/family member with information on this policy, the point of contact within the City and referrals for local support services should the need arise.

3) *City of Pittsburgh Departmental/Bureau Responsibilities:*

- (a) If an employee reports that she or he is a victim of domestic or sexual violence, requests a reasonable accommodation because of such violence, or seeks a benefits or payroll change related to such violence, the City will, to the extent allowed by law, take reasonable steps to respect the confidentiality and autonomy of the reporting employee, informing other employees or other persons

on a need to know basis only, and only to the extent reasonably necessary to protect the safety of the employee or others and to comply with the law. Wherever practicable, advance notice will be given to the reporting employee if the City needs to inform others about the domestic or sexual violence situation or if the City receives a subpoena ordering the disclosure of such information.

(b) The Department/Bureau shall, in response to observed warning signs or at the request of an employee, intimate partner, or other family member, provide referral to an appropriate source of assistance in an attempt to prevent an act of domestic violence.

(c) The Department/Bureau shall inform employees of the procedure for seeking referrals, either internally or externally, to confidential counseling services.

(d) The City of Pittsburgh shall consult with Domestic Violence Counselor/Advocate organizations to develop practices to ensure that domestic violence is minimized to the extent possible and, that when it does occur, the appropriate actions are taken to prevent further domestic abuse by those responsible and that they are afforded counseling and other measures designed to assist in stopping inappropriate behaviors, with the well being of all parties in mind.

(e) Pursuant to a Memorandum Of Understanding (MOU) the City shall receive notifications from the Allegheny County District Attorney with regard to any domestic violence incidences being prosecuted by the District Attorney involving City of Pittsburgh employees.

4) *Employee's Responsibilities:*

(a) Employees are encouraged to take personal responsibility in seeking confidential referrals and/or assistance from their department to prevent a problem from escalating to the level of criminal conduct against an intimate partner or other family member.

(b) Employees, once they are notified that they are the subject of a criminal investigation or protection order, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in discipline up to and including dismissal.

5) *Supervisor Responsibilities:*

(a) Supervisors should be aware of and document any deteriorating work performance including tardiness, excessive absences, non-performance of duties, and insubordination.

(b) When the supervisor notes deteriorating work performance, the supervisor should meet with the employee to discuss the behavior(s). If the behavior warrants recommendation for an evaluation or a referral to available resources the supervisor should make a formal written report to the Director and/or Bureau Chief.

6) *Director/ Bureau Chief Responsibilities:*

(a) The Director/Bureau Chief shall insure all appropriate reporting is provided pursuant to Pittsburgh City Code.

(b) When necessary, prepare and submit a written request for a Fitness For Duty Examination pursuant to Civil Service Rule III, Section 10.E.

D. SUPPORT

The City is committed to offering support to employees who are victims of domestic violence including confidentiality, approved time off, and other reasonable accommodations.

Pursuant to the City's Employee Leave of Absence Policy, there are several options for employee leaves. Requests for time off from work should be made in accordance with the requirements of the employee's Department/Bureau policy and/or applicable collective bargaining agreement. In no event shall an employee be noted as absent without pay for payroll and attendance purposes if the employee has appropriate benefited leave time (i.e. sick or properly approved vacation, personal or compensatory) available. Employees are required to complete and submit the appropriate leave of absence paperwork for any absence of more than five (5) workdays. (*See the Employee Leave of Absence Policy for further information*).

The City of Pittsburgh offers an employee assistance program through *LifeSolutions* that offers support and counseling relevant to domestic violence issues which includes counseling for victims and also for perpetrators. This service is strictly confidential and is available to both employees and employee family members. The telephone is 1-800-647-3327 which answers 24 hours a day, seven days per week.

Another confidential available service is the Women's Center and Shelter of Pittsburgh. Their telephone numbers are 412-687-8005 or 1-877-338-8255.

E. EMPLOYEE DOMESTIC VIOLENCE REVIEW BOARD

(1) The Director of the Department of Personnel and Civil Service Commission will establish and maintain the Employee Domestic Violence Review Board consisting of the following members to review all employee-involved domestic violence incidents:

- Mayor or his/her designee
- Director of Public Safety or his/her designee
- City Solicitor or his/her designee
- A representative from an area organization with an expertise in domestic violence
- City-contracted Psychologist
- Director of Personnel and Civil Service or his/her designee

(2) Authority, Responsibilities and Duties of the Employee Domestic Violence Review Board:

The Employee Domestic Violence Review Board shall be responsible for reviewing domestic violence incidents involving all City employees other than Police Officers, which will be reviewed by the Police Domestic Violence Review Board.

(a) The Board will meet after notification of each employee involved domestic violence incident.

(b) The Board will also meet once a quarter to review and monitor all domestic violence incidents and PFA orders involving employees.

(c) The Employee Domestic Violence Review Board will review all available information pertaining to employee involved domestic violence incidents.

(d) The Board shall serve in an advisory capacity by presenting findings and making recommendations to the Departmental Director/Bureau Chief.

(e) The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.

(f) While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Department Director and/or Bureau Chief.

F. DISCIPLINARY ACTION

Whenever the Department Director/Bureau Chief is informed of a domestic violence incident involving an employee as a perpetrator of domestic violence, the Director/Bureau Chief shall immediately issue a "Notice of Possible Disciplinary Action" form to inform the employee that disciplinary action is possible due to a violation of the City's Domestic Violence Policy which is a specific rule covered as disobedience of written regulations pursuant to the City's Disciplinary Manual.

Employees found guilty of a qualifying Crime of Domestic Violence may be subject to discipline up to and including termination.