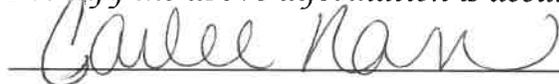


Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 3/23/2021	PREPARED BY: Kelly Schadler/Carlee Nave
Meeting Date Requested: 3/30/2021	PRESENTED BY: Carlee Nave
ITEM: (Select One) <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Brought Before the Board Time needed:	
SUBJECT: Franklin County Domestic Violence, Sexual Violence, and Stalking Policy	
FISCAL IMPACT: For 2021, The County has received \$34,698 in funds from the STOP grant.	
BACKGROUND: Franklin County has historically received funding for department 114 (Crime Victims Witness) under the federal STOP (Services Training Officers Prosecutors) Violence Against Women Act. In late 2020, the County was notified that the Department of Justice Office on Violence Against Women had adopted new requirements for grant recipients. Specifically, grant recipients are required to adopt, and make available on demand, a “policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence.” The policy must be adopted within 270 days of the grant funds disbursement (in our case, January 1, 2021). Today’s proposed policy provides a framework for improved workplace safety and, in conjunction with the County’s existing Anti-Bullying, Discrimination, and Harassment Policy, fulfills the requirements for receipt of grant funds.	
RECOMMENDATION: Parties below recommend approval of the policy as presented.	
COORDINATION: K Schadler, PA Office Administrator/Child Support Director, informed HR of the new requirements for the grant and provided some resources as a jumping off point for policy development. Once the policy was drafted, it was sent out to elected officials and department heads for comment – 2 responses were received (Sheriff J Raymond and T Waters, WSU) both in support of the policy. The draft was also sent to union representatives and no comment/feedback was received. J Johnson, Chief Civil Deputy Prosecuting Attorney/Risk Manager, completed a legal review and confirmed that the policy covers all of the grant requirements.	
ATTACHMENTS: (Documents you are submitting to the Board) 1. Franklin County Domestic Violence, Sexual Violence, and Stalking Policy	
HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf) N/A – HR Will distribute	

I certify the above information is accurate and complete.



Carlee Nave, HR Director

FRANKLIN COUNTY RESOLUTION _____

**BEFORE THE BOARD OF COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

***ADOPTING FRANKLIN COUNTY
DOMESTIC VIOLENCE, SEXUAL VIOLENCE, AND STALKING POLICY***

WHEREAS, Franklin County receives federal funds annually under the STOP grant; and

WHEREAS, the United States Department of Justice Office on Violence Against Women introduced, in 2020, new policy requirements for grant recipients; and

WHEREAS, the proposed policy, in conjunction with the Franklin County Anti-Bullying, Discrimination, and Harassment Policy, fulfills the requirements for receipt of grant funds;

WHEREAS, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and deems this to be in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED the Franklin County Board of Commissioners does hereby adopt the attached Franklin County Domestic Violence, Sexual Violence, and Stalking Policy.

APPROVED this ____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chair

Chair Pro Tem

Member

ATTEST:

Clerk to the Board



FRANKLIN COUNTY DOMESTIC VIOLENCE, SEXUAL VIOLENCE, AND STALKING POLICY

I. PURPOSE

To establish and maintain a policy for a workplace committed to a safe and supportive climate to prevent and reduce the incidence and effects of domestic violence, sexual violence, and stalking (hereinafter “violence”).

II. APPLICATION

Domestic violence, sexual violence, and stalking are workplace issues even if incidents occur elsewhere. Franklin County (hereinafter “the County”) recognizes that incidents of violence cross economic, educational, cultural, age, gender, racial, and religious lines and occur in a wide variety of contexts.

The County will take every appropriate measure to prevent and/or address the effects of such violence in the context of:

- Manager/employee relationships;
- Intimate partner relationships, including marital, cohabiting, or dating;
- Non-intimate partner relationships, such as between coworkers;
- Parent/child relationships; and
- Violent acts of others that could potentially occur within the workplace.

The purposes and goals of this policy are to:

1. Create a supportive and healthful work environment that helps employees to avoid the use of violence in any context;
2. Institutionalize responsive policies and procedures to assist employees who are impacted by violence, including the awareness of this policy and their responsibilities herein of employees and management;
3. Provide assistance to employees who are perpetrators of violence and take disciplinary action to hold them accountable for violent behavior when it impacts the workplace;
4. Provide immediate assistance and support to survivors of violence, such as information and referrals to community resources, to facilitate safety and support for survivors and their colleagues; and
5. Ensure perpetrators of violence do not occupy positions that engage with vulnerable populations, such as survivors of violence.

This policy applies to all Franklin County employees, interns, volunteers, contractors, and consultants including any temporary workers, in any workplace location.

III. DEFINITIONS

1. **Survivor or Victim:** An individual who is currently subject to, or has in the past been subject to, violence as applied in this policy.
2. **Perpetrator:** An individual who commits or threatens to commit an act of violence.
3. **Domestic Violence:** Domestic violence is a pattern of coercive behavior, including acts or threatened acts, which is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, dating partner, or person with whom the perpetrator shares a child. Domestic violence includes, but is not limited to: physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.
4. **Sexual Violence:** Sexual violence is any sexual act or behavior that is perpetrated against someone's will when someone does not or cannot consent. Sexual violence is a range of behaviors, including but not limited to: sexual harassment; a nonconsensual sex act (whether completed or attempted); abusive sexual contact (unwanted touching); and non-contact sexual abuse (threatened sexual violence, exhibitionism, verbal harassment). These acts are also addressed in the County's Anti-Bullying, Discrimination, and Harassment Policy.
5. **Stalking:** Stalking refers to harassing, intimidating, or threatening conduct that causes the survivor to fear to their safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for their safety. Stalking can include: following or spying on a person; appearing at a person's home or work; engaging in unwanted, harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the survivor or to monitor the survivor; leaving unwanted items, presents, or flowers for the survivor; and posting information or spreading rumors about the survivor on the internet, in a public place, or by word of mouth. Stalking may occur through the use of technology including: email; voicemail; text messaging; and use of GPS and social networking sites.
6. **Protection or Restraining Order:** Protection orders, sometimes called restraining orders or stay away orders, allow a survivor to petition the court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, such as economic support. Protection orders may also be issued in criminal cases as a condition of probation or condition of release particularly in a domestic violence, sexual violence, dating violence, or stalking related crime.
7. **Workplace-Related Incidents:** Workplace-related incidents of violence include acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property that imperil the safety or well-being of any person associated with an employee of the County, regardless of whether the act occurred in or outside the physical workplace.
8. **Workplace Incidents:** Acts, attempted acts, or threatened acts of violence that occur in the Franklin County workplace. An employee is considered to be in the workplace while in, or

utilizing the resources of the employer, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.

9. **Non-Workplace Incidents:** Acts, attempted acts, or threatened acts of violence that occur anywhere outside of the County workplace as defined above.
10. **Workplace Safety Plan:** A strategy developed in collaboration with a survivor and victim service provider to implement workplace safety options, including but not limited to: handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, change in parking spots, and requests for escorts to and from workplace facilities.

IV. CONFIDENTIALITY

The County recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. The confidentiality of an employee's disclosure regarding violence will be maintained to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, the County shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others, and to comply with the law.

V. SURVIVORS

1. **Non-Discrimination and Non-Retaliation:** The County will not discriminate or retaliate against an employee because of the employee's status as a survivor of violence, if the County has knowledge of the status, either through direct knowledge or through the survivor providing notice to the County of the status.

The County will not retaliate against a survivor for requesting leave or reasonable accommodation, regardless of whether the request was granted.

2. **Leave and Other Reasonable Accommodations and Assistance:** The County recognizes that survivors of violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure their health, safety, or welfare and/or that of their child. The County will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or their child is a survivor of violence. Paid leave will be applied in accordance with any applicable collective bargaining agreement and/or County leave policy.

When possible, an employee must provide reasonable advance notice of the need for leave, to their supervisor in accordance with office/department policy, and Human Resources (HR). HR may request documentation or other certification verifying that the employee is a survivor of violence. Confidentiality of all information provided under this policy will be maintained to the extent allowed by law.

The County will provide reasonable accommodation for a survivor who requests such accommodation for their safety and/or to maintain their work performance while at work. The County will engage in an interactive conversation with the survivor to determine their needs and create a plan consisting of necessary reasonable accommodations. The County will assist an employee to enforce their protection order, if applicable. Accommodations will be determined and documented in collaboration with the employee, their elected official/department head, and HR. The plan will be shared on a need to know basis with only those employees/officials who are directly involved in the execution of the plan/accommodations.

3. **Protection and Restraining Orders:** The County recognizes that a survivor may seek an order of protection, or may receive a protection or restraining order, as part of their efforts to become safe and as part of their workplace safety plan. If an employee chooses to disclose the existence of a protection or restraining order to the County, the County may, wherever possible, assist the employee to enforce the order, and shall file the order in a confidential and separate file from the employee's personnel file.

VI. EMPLOYEE REPORTING OBLIGATIONS

Employees who have information about or witness an act of violence perpetrated by an employee, or who have information about or witness violence against an employee, are obligated to report the concern to Human Resources or the Risk Manager, in writing when possible.

All supervisory employees are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, taking immediate and appropriate corrective action if they witness inappropriate behavior, and notifying the HR Director or the Risk Manager if they receive a complaint. A supervisor's failure to carry out these responsibilities may result in discipline.

The County will not retaliate against any employee for reporting information about alleged incidents of violence. Prohibited acts of retaliation are defined in the County's Anti-Retaliation Policy. Any employee who believes they have been subjected to adverse action as a result of making a report pursuant to this policy should contact the Human Resources Director, in accordance with the Franklin County Anti-Retaliation Policy.

VII. PERPETRATORS

The County will conduct an inquiry into the merits of any allegation reported. This inquiry may include an investigation by a qualified investigator who is either a Franklin County employee or, in some cases, the County may retain an outside investigator.

Generally, the alleged perpetrator will be placed on administrative leave for the course of the investigation. All County employees shall have a duty to cooperate with the investigation, including being truthful and forthcoming with any relevant information. Failure to do so could result in disciplinary action.

If the investigator concludes, by a preponderance of the evidence, that the employee has engaged in a workplace-related or non-workplace incident as defined in this Policy, then the employee will be subject to disciplinary action, up to and including termination. The employee may also be required to participate in counseling or other remedial measures.

An employee who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of violence must notify the HR Director or Risk Manager immediately regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions could result in disciplinary action, up to and including termination.

While perpetration of violence is not automatic grounds for separation of employment or exclusion from the hiring process for positions with Franklin County, perpetrators of violence are not eligible to occupy positions whose essential functions include engaging with vulnerable populations, such as survivors of violence.

VIII. REPORTING A VIOLATION OF THIS POLICY

A person who wishes to report a violation of this policy should contact the HR Director or the Risk Manager. A violation of this policy includes any allegations made in bad faith or contrary to the spirit of maintaining the safety of the workplace. Any allegations of violations of this policy will be immediately investigated in accordance with the process set forth for the investigation of complaints. The County will not retaliate against any employee for reporting a violation of this policy.

IX. RESOURCES

If an employee requires assistance in identifying community resources for support, they can contact the HR Department or the County's Employee Assistance Program (EAP).