

STATE OF MAINE
Department of Public Safety

John Elias Baldacci
Governor

Anne H. Jordan
Commissioner

GENERAL ORDER

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|--|---------------------------------|
| Subject: Domestic Violence in the Work Place | Number: DPS 25 |
| Effective Date: 9/1/2010 | Rescinds: Policy of 2005 |
| Reference: 26 M.R.S.A. § 850 ; Title 26 - §1193, #4 , Title 19-A - §4006 , 22 M.R.S.A. § 4011-A ; 22 M.R.S.A. § 3477 , State of Maine Equal Employment Opportunity/Affirmative Action Policy, State of Maine Harassment Policy, State of Maine E-Mail Usage and Management Policy, Executive Order 25 FY 04/05 , and 18 U.S.C 922(g)(9) | |
| Distribution: All | Review Date: Annually |

I. PURPOSE

The purpose of this policy is to raise awareness of and to provide guidance, education and resources to employees, supervisors and managers to address the occurrence of domestic violence and sexual assault and their effects in the work place. As employees of the Department of Public Safety, committed to protecting the lives, rights and property of Maine citizens, this policy aims to hold us to a high standard of behavior.

II. DEFINITIONS

- A. Abuser: An individual who engages in or commits domestic violence.
- B. Department: Department of Public Safety.
- C. Domestic Violence: A pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in a relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, destruction of personal property and animal cruelty. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners and between other family and household members.
- D. In The Work Place: When a Department of Public Safety employee, whether full time, part-time or as a contract employee, whether the employee is the victim or the abuser, is on duty, is in state-owned or leased work space or is using the facilities or services of the State, or is wearing a uniform or official insignia identifying the office or position of the employee or is in or using a vehicle owned or leased by the State or its agencies, the employee is considered “in the work place.”
- E. Sexual assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.

- F. Stalking:** Intentionally or knowingly engaging in a course of conduct directed at a specific person that would in fact cause both a reasonable person and that other specific person:
- (1) To suffer intimidation or serious inconvenience, annoyance or alarm;
 - (2) To fear bodily injury or to fear bodily injury to a member of that person's immediate family; or
 - (3) To fear death or to fear the death of a member of that person's immediate family.
- G. Work Place Safety Plan:** A strategy developed in consultation with a victim to implement work place safety options, including, but not limited to: setting up procedures for alerting security or police; temporary relocation of the victim to a secure area; voluntary temporary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; responding to telephone, fax, e-mail or mail harassment; and, keeping a photograph of the abuser or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel.
- H. Victim:** An individual subjected to domestic violence, sexual assault or stalking.

III. STATEMENT OF CONFIDENTIALITY

The Department recognizes and respects a victim's need for autonomy and confidentiality. To the extent permitted by law, and unless the substance of the employee's disclosure demands otherwise, the Department will maintain the confidentiality of a victim's disclosure. Disclosure should be addressed to the employee's immediate supervisor or appropriate human resources staff, who, in turn, must alert the Bureau Director. If an employee's disclosure indicates that there exists reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults reporting may be mandatory.¹ Further disclosure may be necessary if the abuser presents a threat to the safety of any person in the work place, or the victim has expressed homicidal or suicidal intentions. Whenever possible, the victim will be given notice of necessary disclosures.

IV. PROCEDURE – INCREASED EMPLOYEE AWARENESS

- A.** The Department will increase employee awareness of domestic and sexual violence and inform employees of available community resources. The methods used may include, but are not limited to, the following:
1. Posting information on the impact of domestic and sexual violence and available community resources at Department work sites. This information may include available sources of assistance such as availability of the state's Employee Assistance Program, domestic violence projects, sexual assault support centers and

¹ Certain persons are "mandated reporters" of abuse or neglect of children, and abuse, neglect or exploitation of incapacitated or dependent adults. Mandated reporters include law enforcement officials. See [22 M.R.S.A. § 4011-A](#); [22 M.R.S.A. § 3477](#). In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

human resources personnel who are trained and available to serve as confidential sources of information, support or referral.

2. Including information on this policy and domestic and sexual violence awareness and services as part of the new Department employee orientation and in the new employee orientation packet.
3. Conducting domestic and sexual violence awareness activities in staff meetings, programs such as "brown bag lunches" and health and wellness programs.
4. Providing copies of this policy to employees and the general public upon request and/or during initial hiring process.
5. Requiring employees to review and complete the Domestic Violence in the Workplace Online Training on an annual basis.

PROCEDURE – EMPLOYEES AFFECTED BY DOMESTIC AND SEXUAL ABUSE

- A. The Department seeks to offer support and referrals for assistance to those employees who disclose concerns or request assistance.
- B. Each employee is encouraged to discuss any concerns about being safe at work with a supervisor, manager, appropriate human resources personnel or Bureau Director. An employee who experiences or witnesses domestic violence or threats of domestic violence in the work place, regardless of whether the employee is a victim or not, should report the incident to a supervisor, manager, appropriate human resources personnel or the Bureau Director immediately. In all circumstances, to ensure the safety and protection of all DPS employees, any employee who has information that there is a threat of violence to any person in the work place should, as soon as practicable, report the threat to a supervisor, manager, appropriate human resources personnel or Bureau Director.
- C. The Department is committed to the effective enforcement of protection orders. In this regard, an employee is encouraged to provide a copy of a protection order issued pursuant to a petition filed by the employee to the employee's supervisor or manager, particularly when the work place is listed on the order so that every attempt can be made to take steps to enforce the order and protect that employee and others. The employee is encouraged to keep a current copy of the protection order immediately available in the work place.
- D. Nothing in this policy should ever deter a sworn law enforcement officer of reporting any criminal conduct, in accordance with Maine law and Department policy.

PROCEDURE – RESPONSE AND ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

- A. If a victim discloses domestic abuse to a co-worker, that co-worker should avoid victim blaming and send the following messages: you are not alone, you are not to blame, there is help available, and I am concerned about your safety. The co-worker may wish

to refer the victim to:

1. Available resources including the domestic violence and sexual assault agencies, and the Employee Assistance Program.
 2. Other individuals within the Department who may be able to provide assistance to the victim such as human resources personnel and the victim's supervisor or Bureau Director.
 3. Sections of this policy that support safety planning and assistance to victims.
- B.** Supervisors are responsible for communicating that domestic violence is behavior that will not be tolerated in the work place and that the Department will actively provide information and support to employees who are victims of such abuse.
1. Supervisors shall ensure that each employee is provided with a copy of the Domestic Violence in the Workplace Policy.
- C.** A supervisor, manager or appropriate human resources personnel who becomes aware that an employee is a victim of domestic violence shall:
1. Offer the victim information about appropriate organizations for support, which include the domestic violence projects listed in Appendix A and that assistance is also available through the Employee Assistance Program.
 2. Offer leave to be used for the purposes of accessing domestic violence services, counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault or stalking, in accordance with [26 M.R.S.A. §850](#), *Employment Leave for Victims of Violence*.

Leave benefits may include, as applicable:
 - A. Sick or vacation leave;
 - B. Family and Medical Leave Act;
 - C. Unpaid leave; or
 - D. Catastrophic Leave Bank.
 3. Offer to assist the victim in developing a work place safety plan. If the victim and abuser are both employed by the Department, the work place safety plan should make accommodations to protect the victim from any threat posed by the abuser. The needs of the victim are of primary importance, and isolating the abuser from the victim is preferred if relocation for safety purposes is an issue.
- D.** Department employees with supervisory responsibilities and any other designated individuals who will respond to victim and abuser will receive training on domestic violence in the workplace.
- E.** Performance Issues: This policy recognizes that victims of domestic violence may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by domestic violence, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault or stalking, the Department

will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate.

VII. PROCEDURE – RESPONSE AND ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

- A.** If a victim discloses sexual violence to a co-worker, that co-worker should avoid victim blaming and send the following messages: you are not alone, you are not to blame, and there is help available. The co-worker may wish to refer the victim to:
 - 1. Available resources including the local sexual assault support center, and the Employee Assistance Program. Information and support services can be accessed 24 hours a day by calling 1-800-451-1834.
 - 2. Other individuals within the Department who may be able provide assistance to the victim such as human resources personnel and the victim’s supervisor or Bureau Director.
- B.** Supervisors are responsible for communicating that sexual violence is behavior that will not be tolerated in the work place and that the Department will actively provide information and support to employees who are victims of such abuse.
 - 1. Supervisors shall ensure that each employee is provided with a copy of the Domestic Violence in the Workplace Policy, which includes information relevant to sexual assault.
- C.** A supervisor, manager or appropriate human resources personnel who becomes aware that an employee is a victim of sexual assault shall:
 - 1. Offer the victim information about appropriate organizations for support, which include the sexual assault support centers listed in Appendix B and that assistance is also available through the Employee Assistance Program. Information and support services can be accessed 24 hours a day by calling 1-800-451-1834.
 - 2. Offer leave to be used for the purposes of accessing services, counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault or stalking, in accordance with [26 M.R.S.A. §850](#), *Employment Leave for Victims of Violence*.

Leave benefits may include, as applicable:

- A. Sick or vacation leave;
 - B. Family and Medical Leave Act;
 - C. Unpaid leave; or
 - D. Catastrophic Leave Bank.
- D.** Department employees with supervisory responsibilities and any other designated

individuals who will respond to victim and abuser will receive training on domestic violence in the workplace including how to respond to victims of sexual assault.

- E. **Performance Issues:** This policy recognizes that victims of sexual assault may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by sexual assault, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault or stalking, the Department will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate.

VIII. PROCEDURE – REQUIREMENTS OF AND RESPONSE TO AN EMPLOYEE WHO IS AN ABUSER

- A. An employee of the Department must disclose and provide a copy to the employee's Bureau Director, or in the case of the Maine State Police the employee's troop or unit commander, of any order for protection from abuse or harassment, or any criminal charge or any condition of bail or probation applicable to the employee that includes, but is not limited to:
 - 1. Conditions prohibiting or limiting contact with other employees of the Department or with other individuals or locations of employment.
 - 2. Conditions that may interfere with the employee's ability to perform job duties. These conditions include but are not limited to the use of possession of firearms. **Note:** Any protection order entered against a law enforcement officer or employee of the Bureau of Consolidated Emergency Communications is considered to interfere with that employee's ability to perform assigned duties of the position and existence of the order must be reported immediately.
 - 3. Failure to disclose the above information will result in administrative action, which may result in corrective and disciplinary action, up to, and including termination.
- B. The Department encourages employees who are perpetrators to voluntarily seek assistance from any of the resources listed in Appendix C or the State's confidential Employee Assistance Program.
- C. An employee who is in law enforcement and carries a firearm as a condition of employment, and who is a named defendant in a temporary or permanent protection order, or who is otherwise prohibited by court order, bail conditions, criminal conviction, or probation conditions from carrying a firearm, will be subject to administrative action which may include disciplinary action, up to and including termination. Absent a court order, only the Commissioner or designee will have the authority to require the surrendering of an employee's firearm.
- D. An employee who is found using any state resources such as work time, workplace telephones, cell phones or any other electronic communication medium, facsimile

machines, mail, computers, electronic mail, a state vehicle, state credit card, state equipment or other means to commit an act of domestic violence, sexual assault, harassment or stalking will be subject to corrective and disciplinary action, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the State, that off-duty conduct may lead to discipline, up to and including termination.

- E. A supervisor or manager who becomes aware of a protection order or other information regarding an employee who is an abuser shall keep that information confidential to the extent permitted by law and may only discuss the information with those persons who need to be informed.

IX. DOCUMENTATION


The Department's Human Resources Office will maintain copies of orders for protection from abuse and other documents that demonstrate workplace domestic and sexual violence in a confidential file. The Human Resources Office will develop necessary protocols related to maintaining records of domestic violence disclosures.

X. CONCLUSION

This Department is committed to providing a supportive and caring work place environment free of domestic and sexual violence. The Department will respond to and provide assistance to a victim. Victims will be treated with compassion and will not be judged.

WARNING

This policy is for Department use only and does not apply in any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for Department administrative sanctions.

Adopted by: 
Commissioner Anne H. Jordan

09/07/2010
Date



Maine Coalition to End Domestic Violence

MAINE COALITION TO END DOMESTIC VIOLENCE PROJECTS

All 800, 877, and 888 numbers are toll-free. Collect calls are accepted at the other hotline numbers.

ABUSED WOMEN’S ADVOCACY PROJECT (Oxford, Franklin & Androscoggin Counties)

P.O. Box 713, Auburn, ME 04212-0713 • Admin: 207-795-6744

Hotline: 1-800-559-2927 or 207-795-4020 • Fax: 207-795-6814 • e-mail: awap@awap.org • www.awap.org

HOPE AND JUSTICE PROJECT, INC. (Aroostook County)

421 Main St., Suite 2, Presque Isle, ME 04769 • Admin.: 207-764-2977 • Hotline: 1-800-439-2323

Fax: 207-764-8631 • e-mail: dbaiettibwp@hotmail.com

CARING UNLIMITED (York County)

P.O. Box 590, Sanford, ME 04073 • Admin.: 207-490-3227 • Hotline: 1-800-239-7298 or 207-324-1802

Fax: 207-490-2186 • e-mail: caring@gwi.net • www.caring-unlimited.org

FAMILY CRISIS SERVICES (Cumberland & Sagadahoc Counties)

P.O. Box 704, Portland, ME 04104 • Admin.: 207-767-4952 • Hotline: 1-800-537-6066 or 207-874-1973

Fax: 207-767-8109 • Bath Fax: 207-442-0557 • Ptd. Shelter Fax: 207-842-6880

e-mail: familycrisis@familycrisis.org • www.familycrisis.org

FAMILY VIOLENCE PROJECT (Kennebec & Somerset Counties)

P.O. Box 304, Augusta, ME 04332 • Admin.: 207-623-8637 • Hotline: 1-877-890-7788 or 207-623-3569 Fax: 207-621-6372 • Skowhegan Fax: 207-474-6489

e-mail: fvf@familyviolenceproject.org • www.familyviolenceproject.org

NEW HOPE FOR WOMEN (Knox, Lincoln, & Waldo Counties)

P.O. Box A, Rockland, ME 04841-0733

Admin: 207-594-2128 • Hotline: 1-800-522-3304 or 207-594-2128

Belfast area hotline 207-338-6569; Damariscotta area hotline 207-563-2404 Fax: 207-594-0811 • e-mail:

newhope@newhopeforwomen.org • www.newhopeforwomen.org

SPRUCE RUN (Penobscot County)

P.O. Box 653, Bangor, ME 04402 • Admin.: 207-945-5102 • Hotline: 1-800-863-9909 or 207-947-0496 Fax: 207-990-4252 • e-mail: sprucerun@sprucerun.net • www.sprucerun.net

THE NEXT STEP (Hancock & Washington Counties)

Hancock County: P.O. Box 1465, Ellsworth, ME 04605 • Admin.: 207-667-0176 • Hotline: 1-800-315-5579 or 207-667-4606

Washington County: P.O. Box 303, Machias, ME 04654 • Admin.: 207-255-4934 • Hotline: 1-888-604-8692 or 1-207-255-4785

Fax: 207-667-8033 • e-mail: lfogelman@nextstepdvproject.org • www.nextstepdvproject.org

WOMANCARE (Piscataquis County)

P.O. Box 192, Dover-Foxcroft, ME 04426 • Admin. & Hotline: 207-564-8165 • Hotline: 1-888-564-8165 Fax: 207-564-7418 • e-mail: wmncare@wmncare.org • www.wmncare.org



OTHER NUMBERS:

AROOSTOOK BAND OF MICMACS FAMILY VIOLENCE PREVENTION SERVICES:

Office Phone: 207-764-1972 or (Battered Women’s Project): 1-800-355-1439

HOULTON BAND OF MALISEET INDIANS DOMESTIC VIOLENCE RESPONSE

PROGRAM: Houlton, Me 207-532-6401 or cell phone: 207-694-1353

PASSAMAQUODDY PEACEFUL RELATIONS DOMESTIC VIOLENCE RESPONSE

PROGRAM: Hotline: 207- 853-2600

PENOBSCOT NATION: (Spruce Run) 1-800-863-9909 or 207-947-0496

UNITED SOMALI WOMEN: (New Mainers) Lewiston, Me 207-753-0061

TENGOVOZ: Portland – 207-553-2252

NATIONAL DOMESTIC VIOLENCE HOTLINE: 1-800-799-7233 • TTY 1-800-787-3224

State Resources:

Maine Coalition to End Domestic Violence

104 Sewall St. Augusta, ME 04330

Administrative calls: 207-430-8334

Fax: 207-430-8348

E-mail: info@mcedv.org

Website: www.mcedv.org

National Resources:

National Coalition Against Domestic Violence

1120 Lincoln Street, Suite 1603, Denver, CO 80203

303-839-1852 – TTY 303-839-1681 – Fax: 303-831-9251

Website: www.ncadv.org

National Network to End Domestic Violence

2001 S. Street, NW, Suite 400, Washington, DC 20009

202-543-5566 – Fax: 202-543-5626

Website: www.nnedv.org



Executive Director: Elizabeth Ward Saxl

PHONE: 207-626-0034 INFO@MECASA.ORG WWW.MECASA.ORG

MECASA MEMBER CENTERS

Sexual Assault Crisis and Support Center
Kennebec, Knox, Somerset & Waldo Counties
Executive Director: Donna Strickler
Admin: 207-377-1010
www.silentnomore.org

Rape Response Services
Penobscot & Piscataquis Counties
Executive Director: Tamar Mathieu
Admin: 207-973-3651
www.rrsonline.org

Sexual Assault Support Services of Midcoast Maine
Eastern Cumberland, Sagadahoc & Lincoln Counties
Executive Director: Sue Hall Dreher
Admin: 207-725-2181
www.sassmm.org

AMHC Sexual Assault Services Aroostook County
Director of Outpatient Operations & Emergency Services: Lorraine Chamberlain
Admin: 207-498-6431
www.amhc.org

Downeast Sexual Assault Services
Hancock & Washington Counties
Program Director: Lois Gordon
Admin: 800-492-5550
www.downeasthealth.org

Sexual Assault Victims Emergency Services
Franklin County
Executive Director: Judy Rawlings
Admin: 207-778-9522
www.savesrapecrisis.org

Sexual Assault Crisis Center
Androscoggin County
Executive Director: Marty McIntyre
Admin: 207-784-5272
www.sexualassaultcrisiscenter.org

Sexual Assault Response Services of Southern Maine
Cumberland & York Counties
Executive Director: Cyndi Amato
Admin: 207-828-1035
www.sarsonline.org

Rape Education and Crisis Hotline
Oxford County
Executive Director: Debbie Dembski
Admin: 207-743-9777
www.reachmaine.org

OTHER SEXUAL VIOLENCE RESOURCES

Maliseet Domestic Violence and Sexual Assault Program, Houlton
207-532-3000

Penobscot Nation Domestic Violence and Sexual Assault Services, Indian Island
207-817-7469

Passamaquoddy Peaceful Relations, Perry
207-853-2600 ext. 266

United Somali Women of Maine
207-753-0061

24-HOUR CONFIDENTIAL STATEWIDE SEXUAL ASSAULT CRISIS AND SUPPORT LINE:

1-800-871-7741 or TTY: 1-888-458-5599

CERTIFIED BATTERER INTERVENTION PROGRAMS IN MAINE

2009

Alphabetic Order by Program

Revised 04/16/09

A Different Choice

CUMBERLAND

175 Lancaster Street
Suite 305
Portland, ME 04101
Cell: 632-1886

Alternatives to Abuse

ANDROSCOGGIN, FRANKLIN, & OXFORD

AWAP
PO Box 713
Auburn, ME 04212
795-6744

Another Way

OXFORD

60 Broadview Avenue
Oxford, ME 04270
786-0734

Batterers' Intervention Program

PENOBSCOT

Acadia Hospital
P.O. Box 422
Bangor, ME 04402
1-800-640-1211, Ext. 9801 or 973-9801

Choices (The Men's Group)

SAGadahoc

c/o Volunteers of America
14 Maine Street, Suite 205
Brunswick, ME 04011
442-0181

CHOICE V

PENOBSCOT & HANCOCK

59 Franklin Street, Suite B
Ellsworth, ME 04605
667-2730

Domestic Abuse Education Program

WASHINGTON

Maine Pretrial Services, Inc.
PO Box 120
Machias, ME 04654
255-4460 (J Denbow)

DV Classes For Men

PISCATAQUIS

Charlotte White Counseling Center
P.O. Box 380
Dover-Foxcroft, ME 04426
564-7106 or 564-2464 (Administration)
1-800-260-9765

Menswork
218 Water Street
Augusta, ME 04330
623-7252

KENNEBEC & SOMERSET

Northern New England Community Resource **AROOSTOOK**
P.O. Box 164
Houlton, ME 04730

Opportunity For Change
98 Chestnut Street
Portland, ME 04101
774-4603

CUMBERLAND

Time For Change
P.O. Box A
Rockland, ME 04841
594-0270

KNOX, LINCOLN & WALDO

Violence No More
26 South Street
Biddeford, ME 04005
283-8574

YORK