



Domestic Violence Guide for Supervisors

Background

Following the Presidential mandate to develop a comprehensive domestic violence policy and report to U.S. Office of Personnel Management, the Workplace Violence and Prevention Program will encompass domestic violence as well.

Domestic Violence is a Workplace Issue

The effects of domestic violence can show up at work in the form of reduced work productivity, absenteeism, increased medical expenses, and increased risk of violence at the workplace. This section of the guide will help the supervisor to understand that:

There are Ways You, as a Supervisor, Can Be Supportive

There are a number of ways that you can provide support and help to empower the employee. In this section of the guide, you can learn how to recognize the possible signs of domestic violence, how to broach the topic if violence is suspected, and where to refer the employee for the right kind of help.

The Federal Workplace Offers Powerful Tools to Help Employees in Crisis

The Federal workplace offers powerful tools for protecting the safety of employees who are being abused and for supporting them as they go about rebuilding their life. You can play an important role by making sure that employees know about, and have easy access to these tools.

There are Places to Turn to in the Workplace for Support

Security, the EAP, Human Capital Office, and workplace violence teams can provide assistance to victims of domestic violence who wants to increase their safety. While employees must ultimately decide whom in the workplace they want to turn to and what kinds of protections they need, you can explain to them the kinds of assistance that each resource offers.

Know What to Say to the Employee Who May Be Experiencing Abuse

First, be aware of possible signs of domestic violence:

- Changes in behavior and work performance.
- Preoccupation/lack of concentration.
- Increased or unexplained absences.
- Harassing phone calls to the workplace.
- Bruises or injuries that are unexplained or come with explanations that just do not add up.

Knowing what to say to an employee and how to say it in a way that is respectful of his/her privacy is considered one of the most challenging aspects of domestic violence as a workplace issue. Do not be afraid to approach the employee in a non-threatening way by focusing on the employee's behavior *at work*. It is always appropriate for a supervisor to show concern for an employee who seems seriously distressed, and to support the employee in getting professional help. You should not try, however, to *diagnose* the employee's problem; do not presume that the employee is being abused. And make it clear that it is their choice whether or not to confide in you.

The following steps for approaching the topic with an employee you suspect is being abused are suggested:

- Let the employee know what you have observed -- "I noticed the bruises you had last week and you look upset and worried today."
- Express concern that the employee might be abused -- "I thought it was possible that you are being hurt by someone and I am concerned about you."
- Make a statement of support -- "No one deserves to be hit by someone else."
- If the employee chooses not to disclose, no further questions or speculations should be made. A referral for assistance should be given at the end of the conversation.

If the employee discloses that they are experiencing problems with domestic violence, resist any temptation to direct the employee's safety; he/she is the best judge about what will keep him/her safe and *there are risks on the path to safety*. For civilians, make a referral to the EAP and explain that this is a confidential resource for assistance. The EAP is able to intervene in ways you cannot or should not. Their early intervention can have a significant impact on getting the right kind of assistance in place. If the employee is a contractor or service member, refer him/her to Pastoral Care. Let employees know that you will keep what they have disclosed confidential, but in the case of a clear threat to the workplace, you, and anyone else who knows, are obliged to seek help.

If employees have confided in you, but are still resistant to letting anyone else at work know, including the EAP, you must respect their need for confidentiality, and refer them to the National Domestic Violence Hotline (1-800-799-7233).

Most important, do not ignore the situation. If workplace intervention is appropriate, either at the employees' request or to respond to a threat to the workplace, early intervention can provide advantages. In many cases, early intervention can prevent an incident of violence that could devastate the entire workplace. Work may be the only resource an employee has left, particularly if the abuser has succeeded in cutting off other sources of support. If you are an immediate supervisor, your role can be especially important because you are in a position to initiate supportive actions on the part of the organization, if this is what they want.

The spirit and tone of your words and actions can make a big difference to employees. Even if you feel confident about how you would handle a situation, consider consulting with the EAP for guidance about your role and about how you can communicate your support.

Consider Workplace Flexibilities

Of all the personnel flexibilities, the Federal leave system is the most readily available option for employees who may need time to free themselves from a situation of domestic violence.

Employees threatened by domestic violence may need time off to go to court, find a new place to live, or recover from injuries. They may need a different workspace or different schedule to keep the abusers from tracking them down on the job. They may need their phone calls screened, a workstation that is not conspicuous to visitors, or additional security at their worksites. Some employees may appreciate a temporary adjustment to their work responsibilities.

While these tools are not labeled as "domestic violence" measures, they are simply the flexibilities and entitlements available to every Federal employee under appropriate circumstances. You can make sure that all employees know the flexibilities and benefits available to them and assist any threatened employee to obtain the kind of help he/she thinks is needed.

Each of these arrangements, with good planning, usually involves little disruption to the office and can be adjusted according to the circumstances. Supervisors should first contact the Civilian Human Resources Center (CHRC) when considering the use of personnel flexibilities to assure that all labor relations obligations are met.

First Consider Paid Leave Options

Annual Leave

A supervisor provides an invaluable form of assistance by granting annual leave while an employee initiates a transition to safety.

When Federal employees are faced with incapacitation to perform their job duties for medical reasons, or if he/she or a family member is facing medical treatment or incapacitation, there are several Federal leave programs in place.

Sick Leave

Federal employees have the right to use their accrued sick leave when they are incapacitated for the performance of their duties due to illness, injury, or to get medical care.

Sick Leave for Family Medical Care

Federal employees may use up to 104 hours of sick leave to give care to a family member with an illness or injury. The regulations cite some of the specific conditions under which sick leave can be used for family care - for physical or mental illness, injury, pregnancy, childbirth, medical, dental or optical exam or treatment, or to make arrangements for or to attend the funeral of a family member.

Leave Transfer

With leave transfer, Federal employees voluntarily donate *annual* leave to other Federal employees who have personal or family medical emergencies and who have exhausted their own leave. For a personal medical emergency, employees must use their annual and sick leave before applying for leave transfer. For a family medical emergency, employees must exhaust their annual leave and the sick leave flexibilities for family care before applying for leave transfer.

Advanced Sick or Annual Leave

If an employee's sick or annual leave balance is depleted, you may have the discretion to grant advanced sick or annual leave. Check with CHRC about the entitlements to leave.

Leave options discussed up to this point allow the employee to receive paid leave, but there are several other options for employees which involve unpaid leave.

Unpaid Leave Options are Available

Family and Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) gives employees nationwide the option to use up to 12 weeks of unpaid leave during any 12-month period (beginning when the employee first uses the FMLA entitlement) for specified family and medical needs.

A person in an abusive relationship may suffer many forms of physical and emotional abuse that can result in serious conditions requiring medical attention. Also, domestic violence occurs between intimate partners, but the couple's children or parents in the household may suffer, as well. An employee may request family medical leave to care for a child or parent who is suffering from serious injury or illness.

Check with CHRC for specific information regarding FMLA coverage and entitlements.

Leave Without Pay

Another leave option is Leave Without Pay (LWOP). Since LWOP is considered an approved absence, employees must request it. The granting of LWOP is at the discretion of management in most cases. Extended LWOP can affect employee's eligibility to entitlements so it is recommended that you contact the CHRC prior to approval of any LWOP exceeding 30 days.

Alternative Worksite Arrangements Can Offer Safety and Support

Telework/Temporary Assignment

In certain cases, telework can be a key part of a safety plan. Telework allows an employee to work at home or at a "satellite" or telecenter (an alternate office setting for employees who otherwise would travel a longer distance between home and work) for all or part of the work week.

Telework, if appropriate for the circumstances, may be easy to arrange with management, at least for a short period, to protect the employee's safety and to protect the safety of the workplace.

In situations where telecommuting cannot be arranged, consider a temporary assignment to place the employee in a different location for the necessary time to achieve safety. If appropriate, contact CHRC for additional information.

Work Schedule Flexibilities Can Be Arranged

Sometimes the best solution is the simplest one, which can be the case with alternative work schedules. For the employee juggling different demands, life transitions, or who has safety concerns, a flexible work schedule, which adjusts when the work day begins and ends, may be a very suitable arrangement. Please contact the CHRC for more information and proper procedures if you are considering this option.

Identify Resources Available at the Worksite

Security

If there is a threat to the workplace, consult with security personnel right away. All employees, particularly management, should know in advance whom to call in the case of an emergency. Ask your security manager whom to call and post this number by your telephone. Keep in mind, however, that even in cases where a workplace threat exists, the manager, to the fullest extent possible, needs to maintain the confidentiality of the employee and inform only those with a "need to know."

In the absence of a clear threat to workplace safety, employees must have the final word about the kinds of interventions they would like to have and who to inform of their situation since they are in a better position to know the risks. Employees who are facing domestic violence need to direct their own decisions in matters concerning their safety since any time a person in an abusive relationship takes steps toward safety, there are risks involved. It is common for an abuser to escalate violence as he/she makes attempts to separate. A manager would be overstepping his or her role by dictating a safety plan to the employee or trying to conduct a threat assessment. Managers can, however, inform the employee about the full range of assistance available from different agency representatives.

Installation/MTF Police

If employees want to increase their safety at work, a key intervention you can suggest is to contact the Police. However, do not alert the police yourself unless the employee requests this kind of help or there is a clear threat to the workplace. The police may have good suggestions about the appropriate security measures to take, which may include providing the installation gate guards with the abuser's name and photograph.

Employee Assistance Program (EAP)

The EAP is a non-punitive administrative program that provides confidential and timely problem identification/assessment services to civilian employees and their families. The EAP promotes the well-being of employees and supports the supervisor in helping the employee with personal problems that may be affecting work performance.

Know How to be Supportive

As a conscientious manager, you know to leave the counseling to professional counselors and security to security professionals. But there are things you can do to be supportive in managing employees who are probably facing a lot of uncertainty and change in their life.

- Protect confidentiality. Assure employees that you will maintain confidentiality to the fullest extent possible. Practice prudence when considering, together with employees, who in the chain of command, have a "need to know." Explain that if there is a clear threat to workplace safety, you will need to inform security.
- Be understanding and approachable. In most stressful situations, one source of anxiety for victims is a sense of being out of control. Employees will feel better if they are comfortable approaching you with their questions.
- Convey that the employee is a valued part of the team. Having a chance to be productive can do wonders for the battered self-esteem and sense of isolation that often go along with being a victim. One way of doing this is by addressing an employee's performance if it has been declining.
- Address performance/conduct problems. If an employee is experiencing any performance or conduct problems, document deficiencies and consult with the CHRC. Whether or not formal action is appropriate at this time, it is essential to counsel the employee about the deficiency and refer the employee to the EAP. It may seem cruel to confront a person who is obviously suffering, but sometimes this is the only way to help.
- Meet with the employee privately to identify clearly the performance or conduct problems. You could state that you understand that sometimes "personal issues" can interfere with good performance or conduct, but do not assume that there is violence. If there are clear signs of abuse, gently encourage him/her to discuss what may be upsetting them. Whether or not they disclose the abuse, offer a referral to the EAP. Finally, suggest ways that performance or conduct improvements can be achieved with the advice of the CHRC.
- Consult with CHRC. Keep the CHRC in mind as a resource to both the employee and you on issues involving performance or pay and absences.
- Educate yourself about domestic violence. Inaccurate attitudes and beliefs about domestic violence hinder your ability to help. Domestic violence is a complex issue, and for many people, is hard to understand. Education emphasizes important points about the obstacles employees face, and reminds us not to be judgmental or to think there are "quick fixes" to this problem.