

CF OPERATING PROCEDURE
NO. 60-11, Chapter 1

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 10, 2018

Human Resources

POLICY ON DOMESTIC VIOLENCE SUPPORT

1-1. Purpose. This chapter establishes the Department of Children and Families' (DCF/Department) policy on domestic violence. This operating procedure offers guidance to management as it considers and handles matters pertaining to domestic violence and provides guidance to Department employees.

1-2. Scope. This operating procedure applies to all Department employees and volunteers.

1-3. References.

- a. Chapter 110, Florida Statutes (F.S.)
- b. Chapter 112, F.S.
- c. Chapter 119, F.S.
- d. Chapter 435, F.S.
- e. Chapter 741, F.S.
- f. Chapter 784, F.S.
- g. Chapter 794, F.S.
- h. Rule 60L-36, Florida Administrative Code (F.A.C.)
- i. CFOP 60-11, Chapter 2.
- j. CFOP 60-55, Chapter 1.

1-4. Definitions. For purposes of this policy, the following definitions apply:

- a. Batterer. The individual who commits an act of domestic violence.
- b. Batterer Intervention Programs. An educational program that addresses acts of violence by a batterer against their current or former intimate partner. This program requires completion of a prescribed program. A list of programs may be obtained from the Family Court Administrator and/or Domestic Violence Coordinator in the local Circuit Court Administrator's Office. Contact information may be found at:

<http://www.flcourts.org/courts/circuit/circuit.shtml>

c. Dating Violence. Violence between individuals who have, or have had, a continuing and significant relationship of a romantic or intimate nature.

(1) The existence of such a relationship shall be determined based on the consideration of the following factors:

(a) A dating relationship must have existed within the past six (6) months;

(b) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and,

(c) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

(2) The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

d. Domestic Violence. Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

e. Domestic Violence Centers. A provider certified by the Department of Children and Families that provides advocacy and referrals, community education, emergency shelter and other services to victims of domestic violence and their dependents. A list of centers may be found at:

<http://www.fcadv.org/centers>

Services can also be accessed through Florida's Domestic Hotline, available 24 hours, at 800-500-1119 or TTY 800-621-4202.

f. Employee Assistance Program (EAP). A program designed to provide confidential assessment and referral to counseling. The State of Florida contracts with a third party to provide EAP services. Information can be found at:

<http://www.myflorida.com/mybenefits/WorkLife/EAP.htm>

Information also is available by calling the EAP Hotline, available 24 hours, at 800-860-2058.

g. Injunction for Protection Against Domestic Violence, Dating Violence, Repeat Violence, or Sexual Violence. An order issued by the court in accordance with sections 741.30 or 784.046, F.S., directing the abuser/batterer/perpetrator to immediately stop the violence, harassment or stalking; to leave the shared home; to avoid contact with the victim at home, work or school; or to attend batterer intervention. The injunction can also provide temporary custody, visitation, and child or spousal support.

h. Power and Control Model of Intervention. An educational model based upon the belief that abusive, violent behavior or the threat of abuse or violence is a learned and chosen tactic used by one person in an intimate relationship to maintain control over the other.

i. Repeat Violence. Two incidents of violence or stalking committed by the respondent, one of which must have been within six (6) months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

j. Stalking. The willful, malicious, and repeated following or harassment directed at a specific person by another as defined in ss. 784.048(2) and (3), F.S. Stalking behaviors include telephone or email harassment, giving unwanted gifts, or the pursuit or surveillance of another without their knowledge and consent.

k. Victim. An individual upon whom an act of dating violence, domestic violence, repeat violence, or stalking is committed.

1-5. Policy.

a. The Department recognizes the impact of domestic violence on the workplace and, as stated in CFOP 60-11, Chapter 2, Workplace Violence Awareness and Prevention, is committed to a safe and secure work environment free from threats, intimidation, abusive behavior, and violence. The Department has a zero-tolerance for domestic violence and prohibits any type of aggressive behavior or violence by any individual, especially while in its offices, facilities, worksites, or vehicles, or during the performance of state business.

b. The Department is committed to heightening awareness of domestic violence. The Department seeks to offer support, assistance, and confidentiality for those employees who disclose concerns or request assistance related to domestic violence.

c. The Department recognizes that domestic violence is a criminal activity with arrest and criminal prosecution as the appropriate response. No employee is exempt from the consequences of their actions that result in arrest or conviction, or other criminal or judicial action caused by their domestic violence.

d. No person shall be denied opportunities for employment, benefits or advancement because he or she is or has been the victim of domestic violence.

e. This policy shall not be construed to conflict with any state or federal law to the contrary, including, but not limited to, employees who (as a condition of employment) are subject to employee security checks pursuant to section 110.1127, F.S.

f. An employee who is a victim of domestic violence shall be permitted to take up to three (3) work days of leave (annual leave, compensatory leave, sick leave if eligible, or authorized LWOP) from work in any 12 month period to pursue court action and legal remedies, obtain medical care and/or counseling, obtain domestic violence services, make their home secure and safer, or to seek new housing to escape from violence or threats, or harassment. All information relating to the employee's leave is confidential. Supervisors should work with employees on a case-by-case basis and as work load allows on use of additional leave, if needed.

1-6. Responsibilities.

a. Victim.

(1) An employee who is a victim of domestic violence is encouraged to inform his or her immediate supervisor or employee relations representative so that appropriate measures may be taken to insure they are made aware of available options for domestic violence services. An employee is especially encouraged to disclose to her or his immediate supervisor or employee relations representative if they have an injunction for protection so the Department may take appropriate safety and security measures.

(2) The Department encourages employees to seek assistance from their local domestic violence center. Services include emergency shelter, safety planning, advocacy, counseling, support

groups, and other services. A list of Department certified centers may be found on the Florida Coalition Against Domestic Violence website at:

<http://www.fcadv.org/centers/local-centers>

Linkage to a center, resources, referrals, and legal assistance may also be accessed at the Florida Domestic Violence Hotline at 800-500-1119 or TTY 800-621-4202. All services are confidential and free of charge.

b. Abuser/Batterer/Perpetrator.

(1) An employee may be subject to disciplinary action, up to and including dismissal, in accordance with the Department's Standards of Conduct in CFOP 60-55, Chapter 1, if the Department has verification that the employee is responsible for:

(a) Committing any offense that constitutes an act of domestic violence as defined in Section 741.28(2), F.S.; or,

(b) Failing to notify his or her supervisor immediately if during normal working hours or immediately on the next business day if after normal working hours if he or she has been arrested or an injunction or other court action is taken involving a domestic violence incident; or,

(c) Using any state resources to threaten or commit an act of domestic violence. State resources include, but are not limited to, workplace telephones and cell phones, facsimile machines, copy machines, computers, state vehicles or rental cars used for employment purposes, or equipment used in the scope of employment (e.g., state purchase cards, etc.)

(2) An employee may be required (mandatory referral) to contact the Employee Assistance Program as soon as practical for assessment and referral to a batterer intervention program for completion of said program. A list of programs may be obtained from the Family Court Administrator and/or Domestic Violence Coordinator in the local Circuit Court Administrator's Office. Contact information may be found at:

<http://www.flcourts.org/courts/circuit/circuit.shtml>

In accordance with Section 741.325(6), F.S., the employee is solely responsible for payment of all costs associated with program participation.

c. Supervisor.

(1) It is the supervisor's responsibility to provide a supportive workplace environment and to maintain confidentiality by only informing those individuals who have a legitimate business need-to-know, and to ensure a safe workplace if there are threats to the safety of the workplace. The safety of all concerned is the number one priority. The supervisor should inform his or her manager and the servicing employee relations representative who will serve as a resource on how best to manage the situation.

(2) When the supervisor becomes aware of an employee's domestic violence situation, the supervisor should encourage employees who are victims to seek assistance from their local domestic violence center or EAP. A list of Department certified centers may be found on the Florida Coalition Against Domestic Violence website at:

<http://www.fcadv.org/centers>

Linkage to centers, resources, referrals, and legal assistance may also be accessed from the Florida Domestic Violence Hotline at 800-500-1119 or TTY 800-621-4202. All services are confidential and are free of charge to the victims. If the employee is a perpetrator, the supervisor must take immediate disciplinary action as described in paragraph 1-6.b.(1) of this operating procedure.

(3) The supervisor must immediately contact the servicing employee relations representative in all instances involving domestic violence to ensure the safety of the employee and/or co-workers at the workplace, or if the supervisor is aware that the employee has an injunction for protection against domestic violence or repeat violence. Appropriate action should be taken to change the workplace environment or activities and to heighten security and safety for all employees.

(4) The Department recognizes that domestic violence victims may have performance or other job-related concerns as a result of domestic violence. For this reason, reasonable efforts will be taken to consider all aspects of the employee's situation. However, the supervisor has the right to discipline employees in accordance with Department policy. The servicing employee relations representative should be consulted prior to taking any disciplinary action.

d. Workplace Risk Assessment Team (WRAT). Once the WRAT receives notification from the servicing employee relations representative that there is a threat or risk of a domestic violence incident, or an employee has an injunction for protection, implement the appropriate procedures in CFOP 60-11, Chapter 2, Workplace Violence Awareness and Prevention.

e. Training and Awareness.

(1) The Department will make available electronically this operating procedure to all current employees and volunteers. New employees and volunteers will receive this operating procedure upon commencing employment available on-line through the Department's intranet at:

<http://eww/asg/pdf/060-11c1.pdf>

Employees are required to e-acknowledge their receipt of the operating procedure in the Human Resources Tracking System (HRTS) accessed through the Department's Web Systems Portal. Any Department consultants and contractors are encouraged to familiarize themselves with this operating procedure.

(2) Supervisors and managers shall be initially trained on-line, if available, on domestic violence in the workplace, which shall focus on awareness, effects on the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors, workplace security and safety planning, need for victim privacy and confidentiality, recognizing the signs of domestic violence, and making appropriate referrals.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

No substantive changes have been made.