

DOMESTIC VIOLENCE

Effective September 1999

SECTION: 11

A. DEFINITION

Domestic Violence - For purposes of this Policy, in addition to the definitions of the Utah Code, the term *domestic violence* means an individual's intentional and misguided choice to control a co-habitant (as defined by the Utah Code) or intimate partner through intimidation or violence. Domestic violence is not limited to physical battery or abuse, but includes all violent and/or intimidating behaviors used to maintain relationship intended to establish this control. These Domestic violence beliefs and behaviors, and the beliefs that support them, can be altered only through the dual strategy of strict perpetrator accountability and genuine victim support, both provided long-term.

B. BACKGROUND OF DOMESTIC VIOLENCE & CITY'S POSITION

1. Contrary to traditional historical attitudes, domestic violence is not an addiction, an impulsive response to provocation, a medical condition to be treated, or a state of being out of control. Further, domestic violence is not caused by substance addiction or abuse, intoxication, addiction, anger or loss of temper, depression, or any other condition which permits perpetrators to externalize their violence, although these may increase the frequency and severity of violence.
2. Domestic violence is a serious concern to Tooele City. Domestic violence is a serious crime that causes more severe and destructive consequences to the American individual, family, and society, especially to children, than perhaps any other crime.

C. PERPETRATOR ACCOUNTABILITY

1. Probation - Domestic violence committed by a Tooele City employee shall not be tolerated. Upon conviction of a domestic violence criminal offense that is not a felony, the employee shall be placed on probation effective from the conviction date until twelve (12) months after the date of sentencing. For purposes of this policy, a plea of guilty held in abeyance shall be considered a conviction. During the probation, the employee shall comply with the terms of any court-imposed probation or plea in abeyance agreement, and shall further do the following:
 - a. Not commit any act of domestic violence;
 - b. Pay for and complete a course of treatment and education of at least twenty-six (26) weeks, provided by a provider licensed for domestic violence outpatient perpetrator treatment by the Utah Department of Human Services;
 - c. Make full restitution for any injuries or damages resulting from the domestic

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violence, including the costs of mental health counseling and relocation; and

- d. Any other reasonable act required by the employee's department head, the City Human Resources Director, or the City Attorney.
2. Dismissal - An employee convicted of a domestic violence felony offense shall be dismissed immediately upon conviction. Any violation of any of the terms of an employee's court-imposed probation, plea in abeyance agreement, or Tooele City probation shall be grounds for immediate dismissal.

D. VICTIM SUPPORT

1. Perpetrator Tactics - Tooele City recognizes the fact that domestic violence perpetrators often seek to impose their control by, among other things, interfering with victims' employment through many means, including the following:
 - a. Interference with transporting a victim's children to and from school;
 - b. Interference with transporting a victim's children to and from day care;
 - c. Interference with a victim's sleep; and/or
 - d. Threatening, intimidating, and time-consuming communications (e.g., telephone calls, e-mails, written notes, in-person visits) to a victim at the victim's place of employment.
2. Victim Behaviors - Tooele City recognizes perpetrator tactics may cause the victim to be late for work, to take extended breaks, to be unusually distracted or emotional, and to not be as productive as expected. Also, court proceedings stemming from the domestic violence incident, including related divorce and custody proceedings, may require frequent absences from work.
3. Reporting - Employees who observe the above behavior are encouraged to discuss confidentially their observations with their department head. The department head shall discuss the employees' observations with the department head of the employee exhibiting the behavior.

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4. Employee Support

- a. **Work Plan** - The victim employee's department head shall discuss with the employee the causes of the behavior. Where it is determined that domestic violence is a cause, the department head and the employee shall discuss ways to provide to the employee greater flexibility with work hours and duties in a manner that allows the employee to work a full work-week and to accomplish the employee's job duties. The plan agreed to by the employee and the department head shall be reduced to writing, signed by both the employee and the department head, submitted to the Mayor for approval, returned to the employee, and copies provided to the department head and Director of Human Resources.
- b. **Resources** - The victim employee's department head shall encourage the employee to attend local domestic violence victim support group meetings, to meet with the City's domestic violence victim advocate and prosecutors, and to avail herself/himself to other appropriate resources. The Director of Human Resources shall assist the employee in arranging for appropriate counseling, and shall assist the employee in requesting assistance from the Office of Crime Victim Reparations to reimburse the employee's out-of-pocket counseling expenses (e.g., insurance co-payments, insurance deductibles, non-covered care) and to pay other eligible costs. Where possible, the City shall assist the employee to pay for counseling costs not covered by the employee's insurance or by the Office of Crime Victim Reparations.
- c. **Discipline** - Tardiness or decreased productivity directly related to current domestic violence shall not be grounds for discipline of the victim employee where the employee has provided to his/her department head verifying documentation regarding the domestic violence. Where deemed necessary and appropriate by the department head, the employee may be reassigned to a position of equal or greater compensation.

E. **CONFIDENTIALITY**

All information received pursuant to this Section of the Tooele City Personnel Policies & Procedures Manual shall be kept confidential except as necessary to effectuate the purposes of this Section, as necessary to assist in criminal prosecutions, and as otherwise provided by law.