

NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

DOMESTIC VIOLENCE AND THE WORKPLACE



REPORT TO THE GOVERNOR 2009

Message from Amy Barasch



This report outlines the implementation of Executive Order 19. To address the personal, financial and safety impact that domestic violence has on our New York State workforce, Executive Order #19 was signed in October of 2007. This Order required that all New York State agencies issue a domestic violence and the workplace policy so that state agencies could work with their employees who were being victimized to help them to stay safe and employed. The New York State Office for the Prevention of Domestic Violence (OPDV) is pleased to say that in its first year this project has more than met its stated goals.

With continued support from Governor David A. Paterson and agency Commissioners and Directors, every NYS agency now has an approved Domestic Violence and the Workplace Policy. These policies inform New York State employees where to go for help within their agency and explain what their agencies may be able to do to assist them in enhancing safety for themselves and their colleagues. Policies also educate the general workforce about what is expected of them if they witness threatening or violent behavior, and provide guidance for human resources departments on how to respond to victims who disclose abuse.

In one year the project is already achieving its intended results. Previously silent employees are coming forward to report that they are victims; they are sharing their orders of protection with the workplace; and agencies are making referrals to local domestic violence service providers. The project has also had a ripple effect, causing employees to seek domestic violence information for others, and prompting agencies to conduct domestic violence awareness activities. OPDV continues to assist agencies when specific domestic violence questions or issues arise.

Despite facing serious fiscal constraints, some New York State agencies have actually surpassed the EO requirements. Agencies were creative in identifying innovative and cost-effective ways to support this training. As a cost savings measure, agencies used webinar and webcast technology and scheduled multiple sessions at training academies.

We at OPDV, want to thank you, Governor, for your strong commitment to this issue. And to acknowledge the dedication of hundreds of state employees who have come to recognize the affects of domestic violence at home and in the workplace. Our actions as one of the State's biggest employers show that it makes both good common sense and good business sense to support our colleagues who may be suffering from violence in their personal relationships.

Amy Barasch, Esq.
Executive Director
NYS Office for the Prevention of Domestic Violence

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Above: Then Lieutenant Governor David A. Paterson announces Executive Order 19 at a press conference in October 2007. He is accompanied by Amy Barasch, Executive Director, NYS Office for the Prevention of Domestic Violence and Denise O'Donnell, then Commissioner of the NYS Division of Criminal Justice Services .

INTRODUCTION

Domestic violence permeates the lives and compromises the safety of thousands of New Yorkers each day, with tragic, destructive and sometimes fatal results. It is an issue that extends beyond the family into all areas of society, including the workplace where it compromises the safety of both victims and coworkers. In addition to being a security and liability concern for employers, domestic violence results in lost performance and productivity, increased health care costs, increased absenteeism and increased employee turnover.

In an effort to proactively address these factors as part of a coordinated community response to support victims and hold abusers accountable, and to create a safe work environment for all NYS employees, Governor Eliot Spitzer signed Executive Order #19 (EO #19) on October 22, 2007.

While eighteen other states have executive orders that mention or address domestic violence in the workplace, New York's approach has been more comprehensive than most. In addition to requiring all agencies to establish a policy, it is specific about what content must be included, and there are training, awareness and reporting components that help assure that responding appropriately to domestic violence will remain a priority for all agencies.

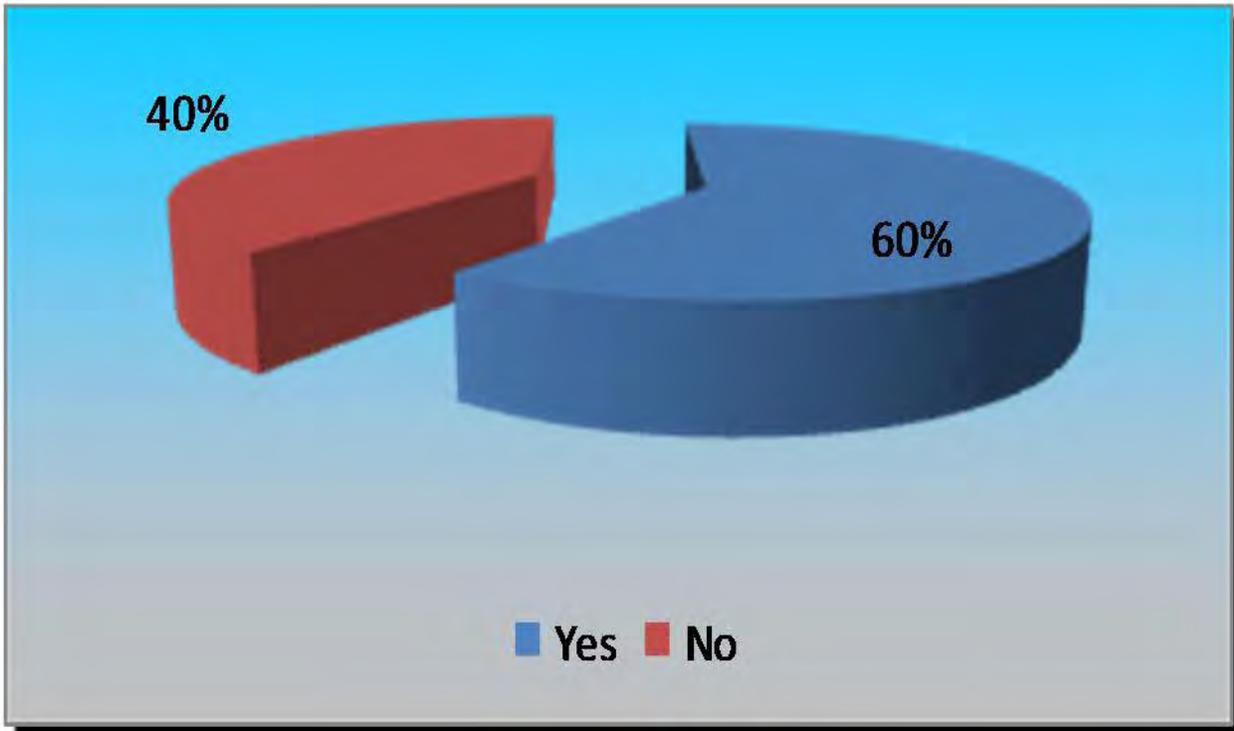
The charts utilized in this report reflect the responses from participants who completed the full day Domestic Violence and the Workplace training. Polling questions were utilized to determine the audiences' knowledge of domestic violence and experiences with the issue in the workplace. The data presented throughout this report was collected at the full day trainings from January 2008 through September 2009. Results reflect responses from more than 980 participants.

WHY IS DOMESTIC VIOLENCE A WORKPLACE ISSUE?

- Time and attendance issues may arise for both victims and perpetrators.
- Performance and productivity are often negatively affected if living with abuse.
- Co-workers are put in a position to "cover" for troubled employees.
- Orders of Protection need to be addressed by the workplace; complications can occur such as one employee having an Order of Protection against another employee working in the same building.
- Abusers often stalk their victims by following them to the workplace and creating danger for the entire workforce.
- The loss of valuable, trained employees who are forced to leave their positions because of abuse.
- State resources such as phone and e-mail are used to threaten/harass employees.
- Employees who witness/suspect domestic violence aren't certain what to do or with whom to speak.
- Victims of domestic violence are unclear what the employer/organization can or cannot do if they come forward.



Question: Has the issue of domestic violence having an impact on the workplace ever come to your attention?



The pie chart above indicates 40% answered “No” while 60% of training participants surveyed answered “Yes”, a domestic violence issue has come to their attention while in the workplace.

- One in four women will experience some level of domestic violence in their lifetime
- 85,971 women are employed by New York State, 50.7% of the state workforce

While these statics reflect the occurrence of domestic violence among women, it must be noted that this is also an issue for men and those in same sex relationships.

¹ Tjaden, Partricia & Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention, “Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey.” (2000)
8,000 U.S. women and 8,000 U.S. men about their experiences with intimate partner violence. The survey compares victimization rates among women and men, specific racial groups, Hispanics and non-Hispanics, and same-sex and opposite-sex cohabitants. It also examines risk factors associated with intimate partner violence, the rate of injury among rape and physical assault victims, injured victims’ use of medical services, and victims’ involvement with the justice system.

² January 2009 statistics from NYS Civil Service, Office of the Commissioner

NYS INITIATIVE & EXECUTIVE ORDER # 19

In 1997, the Legislature passed Executive Law 575(9), which mandated OPDV develop a Model Domestic Violence Employee Awareness and Assistance Policy. Executive Law 575(3)(e) requires OPDV provide technical assistance to state government on this policy. In July of 2000, the policy was created and distributed to all state agencies for dissemination accompanied by a letter from then Governor George E. Pataki encouraging its implementation. In August of 2004, an audit was conducted to determine if the policy had been adopted by state agencies. The results revealed the majority of them had not adopted a policy. In early 2007, OPDV conducted a follow-up survey of the 58 executive agencies and determined that only 17 agencies, 29 percent, had a comprehensive domestic violence policy.

In October of 2007, former Governor Eliot Spitzer signed Executive Order #19 (EO #19) mandating that all NYS Agencies adopt a Domestic Violence and the Workplace Policy by August 1, 2008.

Then Lieutenant Governor David A. Paterson announced the signing of the EO on October 25, 2007 at the New York State Domestic Violence Advisory Council meeting. In his speech the Lt. Governor said "domestic violence penetrates beyond the closed doors of our homes. The fact is that victims can rarely leave the abusers behind. This Executive Order and first Council meeting represent historic steps towards halting domestic violence wherever it occurs." ³



Victims of domestic violence are frequently isolated from friends, family and social groups to assure that they have no support. NYS employees who are victims of domestic violence are no longer isolated, without a support system.

Above: Executive Order #19
A complete copy of this document is available

³ October 25, 2007 Governor's Office press release: http://www.opdv.state.ny.us/public_awareness/press/govpress.html last visited 6/5/09.



ELEMENTS OF THE EXECUTIVE ORDER

OPDV was charged with reviewing and revising the New York State Domestic Violence and the Workplace Policy (a complete copy of this document is available) and creating sample written procedures for implementation. Revised materials due to all NYS agencies February 1, 2008.

- OPDV successfully accomplished this task by organizing a diverse workgroup comprised of representation from various large and small state agencies, representatives from all state bargaining units, several attorneys, Employee Assistance Program (EAP) representatives, and staff from Governor's Office of Employee Relations (GOER).
- The New York State Model Policy for Domestic Violence and the Workplace is purposefully designed as policy that also contains procedural information. This design enables employees to reference one document for any domestic violence questions they may have and to make clear what their agencies can and cannot do for them.

Each state agency, no later than August 1, 2008, was required to formulate and issue a Domestic Violence and the Workplace Policy. Issued/modified policies maintained by OPDV.

- All agencies were engaged in this task by August 1, 2008. Policies were submitted to OPDV for review. Policy revisions, if needed, were returned to agencies with a Policy Review Check List. Technical assistance was provided by OPDV as needed. While all State Agencies have policies approved by OPDV, several have not yet implemented the policies within their agencies (see Bi-Annual Report).

Each state agency was directed to increase employee awareness of domestic violence; inform employees of available resources for assistance; ensure that personnel policies and procedures are fair and responsive to the needs of domestic violence victims; develop workplace safety response plans, both emergency plans and individual safety plans; comply with State and Federal firearm laws; promote/encourage domestic violence education and training for employees; and hold accountable employees who use state resources or authority or violate their job duties in committing an act of domestic violence.

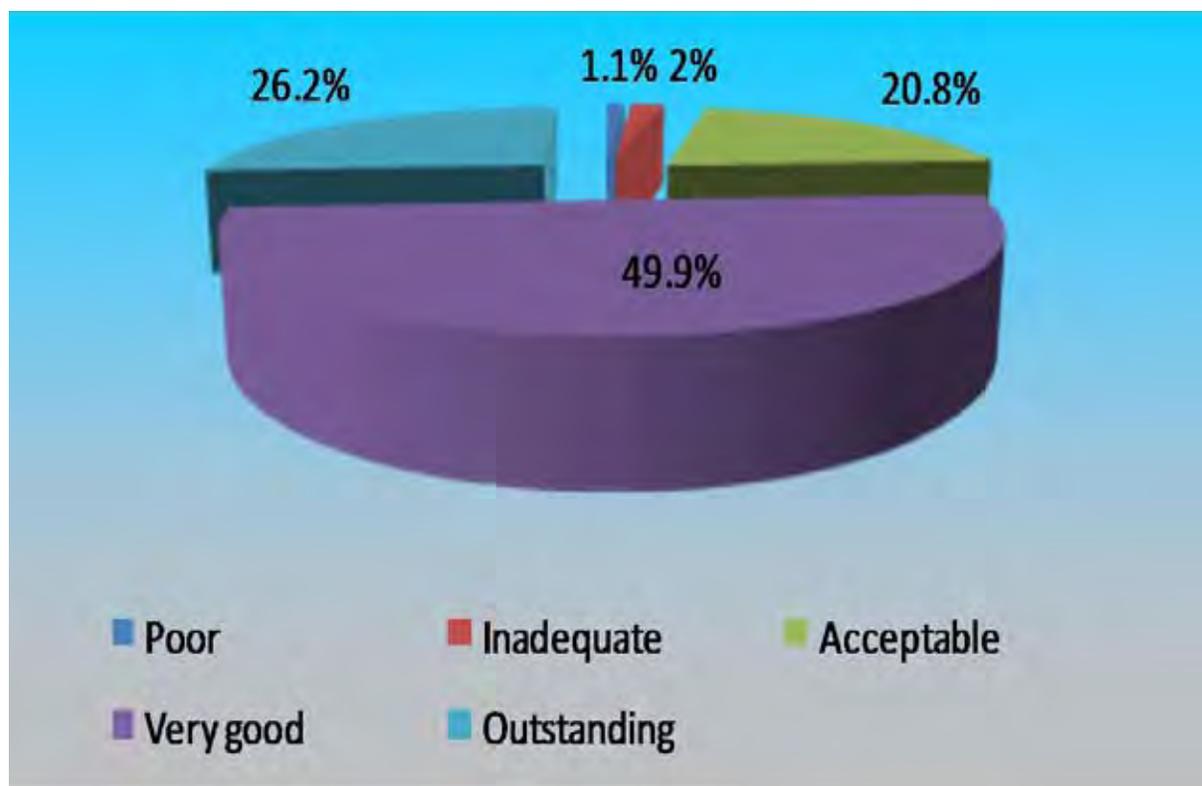
- These elements were incorporated throughout the Model Policy in a manner that the workgroup determined was achievable by all state agencies regardless of size or resources.
- In addition each agency was asked to identify an Agency/OPDV Liaison. This Liaison is responsible for communicating with OPDV re: policy development/changes, implementation and bi-annual reporting. OPDV communicates regularly with Liaisons keeping them informed of domestic violence and the workplace issues nationally and state-wide. Liaisons communicate with OPDV requesting technical assistance regarding domestic violence issues that arise in the workplace and sending information or articles brought to their attention on the subject of domestic violence in the workplace.

TRAINING

EO #19 encourages domestic violence training for all employees, but training is not mandated. Many agencies have taken the training initiative very seriously and have committed resources to assure that it is made available to all employees. This has been accomplished in a variety of ways: using in-house agency trainers who have completed the OPDV train-the-trainer course; on-line power point presentations; webinars; and training provided by OPDV.

Training has been consistently well received by participants. Human Resources staff, EAP coordinators, managers and supervisors, many of whom acknowledge they have had to address the impact of domestic violence with employees in the past with little or no training, are appreciative to have a better understanding of the issue and clarity about how to appropriately respond.

Question: How valuable will this training be in helping you with domestic violence issues in the workplace?



The majority of training participants equated the training to be “Very Good” to “Outstanding” in preparing an agency response and understanding of domestic violence in the workplace.

“I found the training to be excellent and the trainer quite knowledgeable. It made me more sensitive to employees’ issues and I’ve utilized the information from the training numerous times over the past year.”

Paul Hiler, Director of Human Resources
Jakob K. Javits Convention Center

ONGOING TRAINING OFFERED BY OPDV:

Domestic Violence and the Workplace: Full Day OPDV designed this fundamental training for all Agency/OPDV Liaisons and agency staff who have been identified to help employees who have questions or concerns regarding domestic violence. Content of the training includes:

Why is Domestic Violence a Workplace Concern?	Definition of Domestic Violence
Tactics of Control	What Keeps Victims Trapped
Batterers	The Role of NYS Law Enforcement
Responding to Domestic Violence in the Workplace	Resources

To date, 57 full-day trainings have been conducted around the state with more than 1,700 New York State employees trained. 65% of agencies report that their OPDV/Agency Liaisons and all identified support staff have completed the training. This training is also recommended for all agency HR staff, EAP coordinators, security and union representatives.

Domestic Violence and the Workplace:

Agency Training In order to accommodate agencies that do not have training staff, or do not have training staff available to offer the workplace training, OPDV conducts shorter agency trainings suitable for all agency employees.

GOER is working with OPDV to develop an on-line training that would be available to all NYS employees.

Domestic Violence and the Workplace: Train the

Trainer This ½ day module is designed for agency training personnel, and uses the content from the full-day session (a pre-requisite). To prepare participants for issues that may arise in the classroom, dynamic small group work includes practicing curriculum delivery and responding to questions. Participants are guided in planning an hour-long training that can be conducted “in house” for their agency employees.

To date 16 of these trainings have been held with more than 460 state employees in attendance.

SPECIALIZED TRAINING INITIATIVES OFFERED BY OPDV:

Domestic Violence and the Workplace:

Regional Employee Assistance Program (EAP) Training Starting in September of 2007, OPDV conducted ten regional trainings for NYS EAP coordinators to ensure they would be ready to appropriately respond to victims of domestic violence in the workplace. A total of 254 coordinators received the training.

Domestic Violence and the Workplace: Webinar/

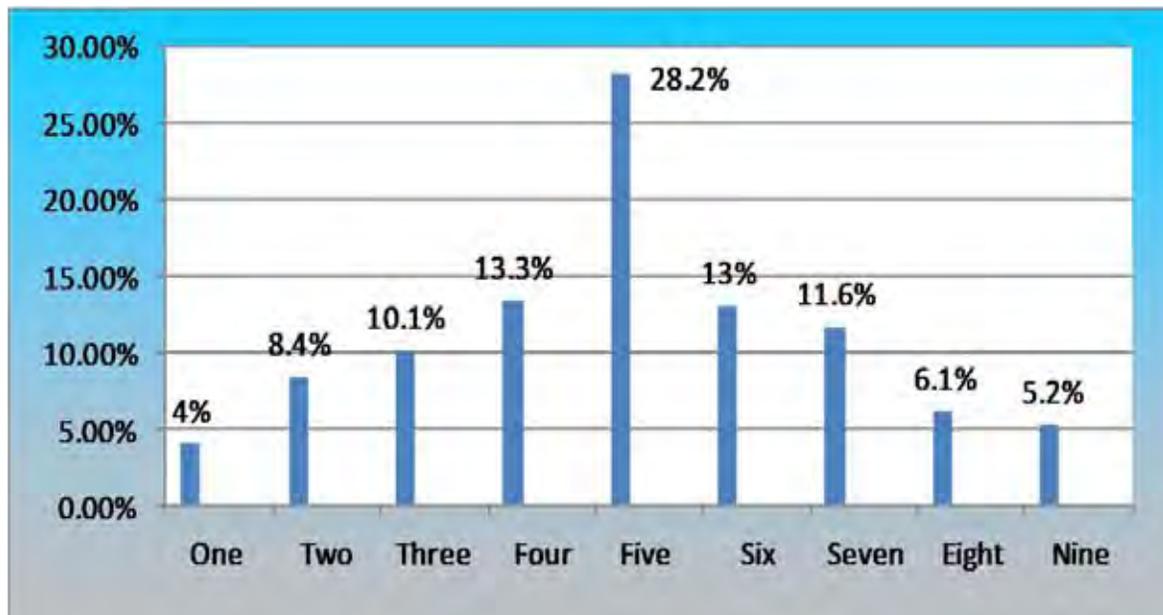
Webcast As agency training and travel budgets were restricted, it became necessary to explore alternative ways to deliver the training to those who were required to participate. OPDV delivered the full-day training via webinar for NYS Office for Mental Health (OMH) in March of 2009. The session reached 144 participants in 15 different facilities. A webcast was conducted for NYS Office of Mental Retardation and Developmental Disabilities (NYSOMRDD) on July 25, 2009 with more than 240 NYS employees participating around the state at various facilities. Additional webinars are in the planning stages for both NYSOMH and NYSOMRDD.

TRAINING RESULTS

Participants were asked to self assess their knowledge of Domestic Violence and the Workplace prior to the training, and upon completion of the training. The question used a rating scale of Completely Unfamiliar to Very Knowledgeable. The results below and on the following page reflect the self assessment rating before and after the training.

Question: Which number best reflects your knowledge of this subject matter before today's training?

Before



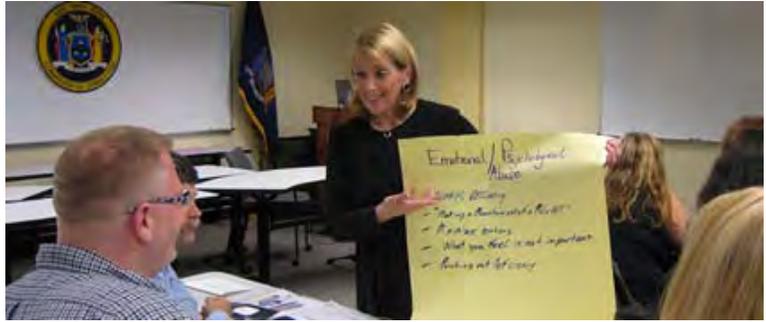
"It was an honor for me (along with 6 co-workers, all are EAP Coordinators) to become certified to deliver the training for Domestic Violence in the Workplace. This program is very effective as it heightens awareness of Domestic Violence, clearly distinguishes the roles of victim and perpetrator and includes a well-thought overview of the appropriate plans and next steps for those impacted. A must attend for all NYS workers."

Edgar J. Robinson, Assistant Director of Training, Human Resources
Office of Children & Family Services



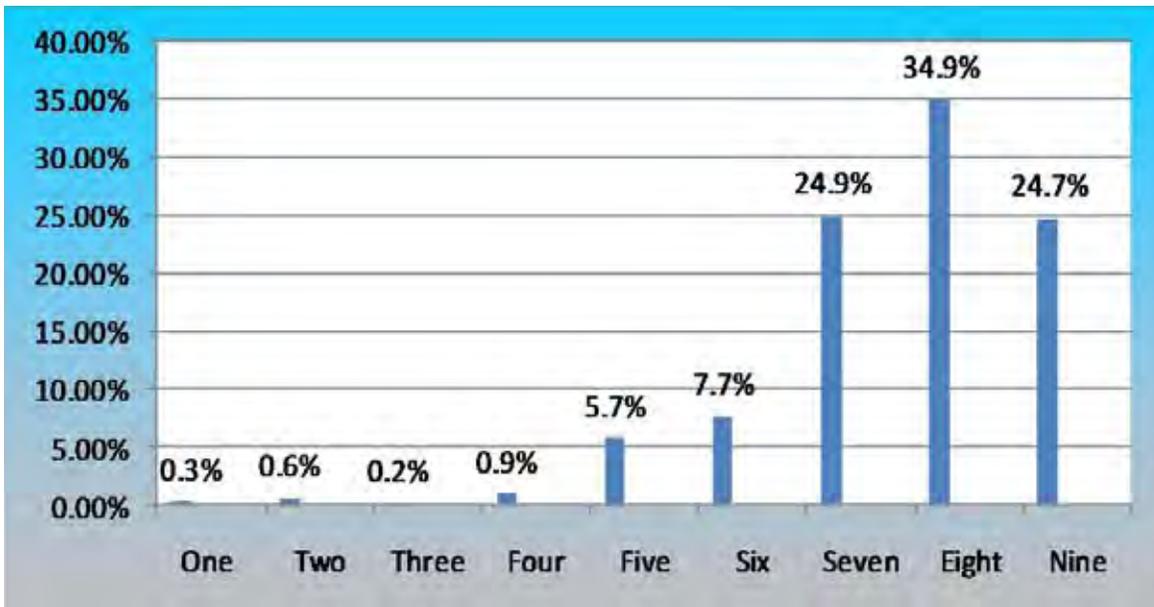
“OPDV and their staff have repeatedly provided timely support regarding questions concerning domestic violence and the workplace, and their training events for agency liaisons and staff have been very informative and beneficial.”

June E. Egeland, Legislative Counsel
 Counsel’s Office
 Department of Civil Service



Question: Which number best reflects your knowledge of this subject matter after today’s training?

After



“Feedback from those that attended the training sessions was overwhelming positive. The material was extremely helpful in preparing the facility liaisons and support staff for serving in their roles and coordinating OMH’s response to domestic violence and the workplace.”

“With more than 100 OMH staff serving in either a facility liaison role or as staff providing support, it was great to have consistent training for all of them. The responsiveness from OPDV has been super! They worked with us to develop an innovative, customized training program that helped us get such a large number of OMH employees trained in a quick and efficient timeframe.”

Mark Heller, Director, Bureau of Criminal History Information
 Office of Mental Health

AGENCY RESPONSE

All 83 NYS agencies responded to EO#19 and have approved Domestic Violence and the Workplace policies. While 100% have responded, it is worth acknowledging that several agencies exceeded the required mandate:

- NYS Department of Transportation personalized the OPDV provided poster template, making it more applicable to their specific workforce.
- NYS Insurance Fund reprinted the OPDV Domestic Violence Information Bookmarks to include their personal agency information on the reverse side.
- NYS Workers Compensation Board incorporated hot links within their on-line policy directing employees to additional domestic violence information and resources.
- NYS Office of the Comptroller, while not required comply, elected to participate, instituted a policy and recently issued their own Executive Order.
- NYS Department of Corrections (NYSDOC) requested OPDV train all of their training staff. OPDV provided 9 sessions of Domestic Violence and Workplace and 5 Train the Trainer sessions held at the DOC's Training Academy. Training staff will be responsible for training all NYSDOC's employees. In addition NYSDOC requested three sessions of Domestic Violence and the Workplace for their EAP employees.



OPDV communicates regularly with the agencies providing technical assistance, current information and updates regarding domestic violence and the workplace. The following are a sample of issues that agencies have requested assistance addressing:

- Divorcing spouses with Orders of Protection working for the same agency in the same building.
- Agency/OPDV Liaison asked to sit in on an HR counseling session for a victim of domestic violence.
- ANYC victim of domestic violence asked her agency for reassignment to an upstate location and referrals were made to local domestic violence programs that could help with housing, school enrollment, finding physicians, etc. allowing the victim to maintain her employment (financial security) and the agency to maintain a valuable, experienced employee.
- An employee came forward with several Domestic Violence Incident Reports (DIR's) naming a person about to be hired by the agency - the future employee had turned down several canvas letters to other agencies prior to accepting employment where his ex-partner was employed.
- With the implementation of the policy, several agencies had to address employees disclosures of Orders of Protection for the first time.

Above: New York State Insurance Fund personalized bookmark

Below: Department of Transportation workplace poster



BI-ANNUAL REPORT DATA

All 83 agencies responded during the first reporting period. With the elimination of NYS Commission of Investigation, the number of participating agencies has been reduced to 82.

Inquiry	Reporting Periods			
	8/1/08-1/31/09		2/1/09 – 7/31/09	First Year Total
Incidents of domestic violence in the workplace:	21		28	49
Employees reporting domestic violence:	Self	57	175	232
	Others	27	40	67
Employees requesting DV information/services:	104		272	376
Referrals made to DV service providers:	71		230	301
Orders of protection disclosed to agencies:	35		57	92
Have all employees received policy: ¹	Yes	54	71	71
	Not Yet ²	24	11	11
Have all identified support staff been trained: ¹	Yes	54	61	61
	Not Yet ³	24	22	22
Was the training helpful to do your job: ¹	Yes	56	71	71
	No	1	12	12

Key:

- Several agencies did not respond to this question.
- The agencies which have not sent the policy to all employees: CUNY, Empire State Development Corporation, NYS Division of Alcoholic Beverage Control, NYS Council on the Arts, NYS Banking Department, NYS Office of Children and Family Services, NYS Department of Corrections, NYS Dormitory Authority, NYS Department of Environmental Conservation, NYS Office of General Services, NYS Division of Parole.
- The agencies which have not trained all identified support staff: CUNY, Empire State Development Corporation, Hudson River Greenway, Metropolitan Transportation Authority, NYS Adirondack Park Agency, NYS Office of Aging, NYS Council on the Arts, NYS Banking Department, NYS Commission of Corrections, NYS Office of the Comptroller, NYS Consumer Protection Board, NYS Department of Corrections, NYS Division of Criminal Justice Services, NYS Board of Elections, NYS Department of Environmental Conservation, NYS Homeland Security, NYS Housing and Community Renewal, NYS Human Rights, NYS Insurance Fund, NYS Division of Parole, NYS Small Cities.

AWARDS & RECOGNITION

Amy Barasch, Executive Director of OPDV was awarded The Citation for Special Achievement in Public Service, by the NYS Bar Association for her success in promoting the Domestic Violence in the Workplace program and making it a reality for New York State.



Corporate Alliance to End Partner Violence

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AIDING IN THE PREVENTION OF PARTNER VIOLENCE BY LEVERAGING THE STRENGTH AND RESOURCES OF THE CORPORATE COMMUNITY.

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- Start A Workplace Program
- 82-Safer, Smarter Workplace
- Jalevork 2010
- Donate Now
- Get Help via Email

Member Center

Enter Member Center Sessword

Log-In

Forgot Your Password?

Start a Workplace Program

The thought of starting a program to address partner violence in your workplace can be intimidating, but we can assist in breaking the process down and making it approachable and achievable. We've helped hundreds of organizations launch and maintain successful programs. CAEPV members have access to our full expertise and support, but below are some valuable tools to help get you started:

- Six Steps to Creating a Successful Workplace Program
- Creating a Partner Violence Workplace Policy
- Sample Partner Violence Workplace Policy

The Corporate Alliance to End Partner Violence, a national organization dedicated to reducing the cost and consequences of partner violence in the workplace, highlighted NYS's Domestic Violence and the Workplace program on their website.

New York State is proud of its efforts to protect employees of domestic violence who are in state service, recognizing that they are a valuable resource.

SUMMARY

EO #19 and the NYS Model Policy for Domestic Violence and the Workplace have effectively identified and prescribed agency practices that will respond to the needs of victims of domestic violence and promote safety for all employees in the workplace. Agencies have recognized the importance of this issue for their workforce and have responded by taking the policy, training and reporting very seriously. In June of 2009 an employee of OMRDD was murdered by a former boyfriend. While the murder did not occur in the workplace, it reinforced for all agencies, the danger our colleagues may be experiencing at home.

Agency Liaisons continue to collaborate with OPDV to respond appropriately to the needs of employees, to create a safe work environment for all staff, and to document issues of domestic violence and their impact on the workplace. Liaisons also continue to play an essential role in keeping the issue of domestic violence “alive” within their agencies by supporting such efforts as “Partners in Purple 2009” which invites all NYS employees to wear purple on October 14, 2009 to show their support in stopping domestic violence. Materials are made available through OPDV to support victims and agency events. These can be ordered free of charge from OPDV’s website.

In addition to continuing the technical assistance and training on a state level, OPDV will work to expand a similar program to municipalities around the state. Using the state program as a model, the initiative will encourage adoption of a Domestic Violence and the Workplace Policy address the many ways domestic violence impacts the workplace.

NYS Agency Workplace Liaisons:

*Stacey Abrams
Betsy Aliberti
Donna Amiraian
Nellia Blaizes-Mcneer
Gayle Bowden
Gerald Burke
Elaine Caldwell
George Cannon
Lilli Carroll
MaryAnne Casey
Mark Castiglione
Bryon Christman
Susan Comenzo
Shirley Coonrad
Joan Cusack
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Debbie Jakob
Thomas Jarose
Kiaran Johnson-Lew
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Delores Lark
Kevin Love
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David McKillip
Debra Meade
Ellen Meyers
Carol Mirabelli
Thomas Montgomery
Diane Morrone
Vincent O’Reilly
Donald Parker
Susan Perkins
Israel Rivera
Edgar Robinson
Robert Robles
Frances Rosales
William Ross
Bill Schaefer
Robin Schlaff
Susan Schmidt
Raj Singh
Karen Stehnard
Lisa Sunkes
Karen Tyler
Jerry Vigeant
Michele Weinstat
Heather Woolfolk*

NEW YORK STATE

OPDV MISSION:

To improve New York State's response to and prevention of domestic violence with the goal of enhancing the safety of all New Yorkers in their intimate and family relationships.

OPDV VISION:

To create a State in which communities and systems are committed to supporting and promoting equality, dignity and respect so that individuals can feel safer in their intimate and family relationships.

NYS Domestic Violence Workplace Policy Workgroup members:

Annmarie Adams

Labor Management Committees, Statewide Employee Assistance Program

Nancy Dunphy

New York State Department of Labor

Karen Dunn

Labor Management Committees, Statewide Employee Assistance Program

Joan Faxon

New York State Office for the Prevention of Domestic Violence

Dierdre Fitzgerald

New York State Department of Taxation & Finance

Steve Hogan

New York State Police

Matt Kozak

Civil Service Employee Association

Matthew London

Public Employees Federation

Kevin Love

Division of Criminal Justice Services

Gary O'Brien,

Commission on Quality of Care and Advocacy for Persons with Disabilities

Carolyn Peterson-Vaccaro

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