



DOJ POLICY STATEMENT

FEDERAL WORKPLACE RESPONSES TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

- PURPOSE:** This policy statement aims to (a) enhance workplace awareness and capacity to create a safe work environment for employees and contractors who are victims of domestic violence, sexual assault, and stalking, and their co-workers; (b) develop policies and procedures to assist victims and to support co-workers who may also be impacted by domestic violence, sexual assault, and stalking; and (c) provide guidance on taking corrective and disciplinary action to address the conduct of workers who commit domestic violence sexual assault, or stalking in the workplace.
- SCOPE:** This policy statement applies to all Department of Justice (DOJ) employees, including full-time, part-time, temporary, and probationary employees, as well as interns, detailees, fellows, and volunteers in federal workplaces, as defined below. The policy statement applies to contractors where they are explicitly included or when they are defined as victims.
- ORIGINATOR:** Office on Violence Against Women
- CATEGORY:** (I) Administrative, (II) Human Resources
- AUTHORITY:** *Establishing Policies for Addressing Domestic Violence in the Federal Workforce*, Presidential Memorandum (April 18, 2012); *Guidance for Agency Specific Domestic Violence, Sexual Assault, and Stalking Policies*, U.S. Office of Personnel Management (Feb. 2013); Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (June 25, 2021); *Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (November 23, 2021).
- CANCELLATION:** None

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Lisa Monaco 4/26/23

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ACTION LOG

Issuing Component must review its DOJ directives, at minimum, every 5 years and make revisions as necessary. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions to this directive and provides a brief summary of all revisions. In the event this directive is cancelled, superseded, or supersedes another directive, that will also be noted in the action log.


Action	Authorized by	Date	Summary
Initial Document Approval	James M. Cole, Deputy Attorney General	11/19/2013	Initial Approval of DOJ Policy Statement on Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking
Revised Document Approval	<i>Lisa O. Monaco</i> Deputy Attorney General 	04/26/2023	Approval of Revised DOJ Policy Statement on Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking

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DEFINITIONS

Term	Definition
Contracting Officer	An employee with authority to act on behalf of the Federal Government to enter into, administer, or terminate contracts with vendors.
Contracting Officer's Representative	An employee designated and authorized in writing by a contracting officer to perform specific technical or administrative functions.
Contractor	An employee of a private business or organization that has a federal contract or subcontract supporting DOJ, or an individual with such a contract, and who is assigned to work in a DOJ workplace.
Disclosure	A disclosure is access to, or exposure of, information provided by or about a victim related to incidents or concerns of domestic violence, sexual assault, or stalking.
Domestic Violence	Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, current or former intimate partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship.
Employee	An employee is any person employed by the Department of Justice, including its component bureaus, offices, boards, and divisions. For purposes of this policy statement, the term employee includes interns, detailees, fellows, Special Attorneys and Special Assistant United States Attorneys, persons assigned to DOJ under the Intergovernmental Personnel Act, and volunteers working at the Department, but does not include contractors.
Employer	For the purposes of this policy statement, employer is the Department of Justice, including its Bureaus, Offices, Boards, and Divisions.
Federal Workplace	For the purposes of this policy statement, an employee is considered to be in the federal workplace anywhere that an employee is

	<p>conducting business on behalf of the Department, or while on work-related travel. The availability, scope, and nature of a Department response to a workplace-related incident may be dependent upon the location at issue.</p>
Perpetrator	<p>A perpetrator is an individual who commits or threatens to commit an act of domestic violence, sexual assault, and/or stalking.</p>
Protection or Restraining Order	<p>A protection order, also called a restraining order or stay-away order, is an order issued by a court to protect a victim from a perpetrator. Such orders may also establish child custody and visitation guidelines and provide for forms of economic security, like rent or mortgage payments, which last for the duration of the order. Protection orders may issue in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual assault, or stalking related crime.</p>
Sexual Assault	<p>Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape), an attempted nonconsensual sex act, or unwanted or abusive sexual contact (i.e., unwanted touching). Sexual assault includes any sexual act or behavior that is perpetrated when the recipient of the act or behavior does not or cannot consent. Lack of consent may be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent. Managers should consult appropriate counsel if they have questions regarding a particular situation in which consent is an issue.</p>
Stalking	<p>Stalking refers to harassing, unwanted or threatening conduct that causes victims to reasonably fear for their safety or the safety of a family member. Stalking conduct can include, but is not limited to: following or spying on a person; appearing uninvited and unwanted at a person's home or work; waiting at places in order to make unwanted contact with a person or to monitor a person; leaving undesired items (e.g., presents or flowers) for a person; and posting information or spreading rumors about a person on the Internet, in a public place, or by word of mouth. It also includes "cyberstalking": following a person's Internet activity with malicious intent, hacking into someone's email, making anonymous contact with someone over the Internet or by email, or otherwise using technology to make unwanted contact. Stalking may occur through use of technology including, but not limited to, e-mail, voicemail, text messaging, and use of Global Positioning System (GPS) and social networking sites.</p>

Victim	For purposes of this policy statement, the term victim means an employee or contractor who has experienced domestic violence, sexual assault, or stalking, or who has disclosed information or concerns related to such an incident happening to them.
Workplace Safety Plan	A workplace safety plan is a strategy developed in collaboration with a victim to implement workplace safety options, which may include, but is not limited to: handling of protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, change in parking spots, and requests for escorts around workplace facilities.

ACRONYMS

Acronym	Meaning
C.F.R.	Code of Federal Regulations
DOJ	Department of Justice
EAP	Employee Assistance Program
EEO	Equal Employment Opportunity
FPS	Federal Protective Service
HR	Human Resources
JMD	Justice Management Division
OVW	Office on Violence Against Women
SPM	Security Programs Manager

I. Policy

A. Purpose.

Domestic violence, sexual assault, and stalking are serious problems that can affect individuals, families, and communities. The impact of such incidents of violence can spill over to the workplace. As the nation's largest employer, the Federal Government seeks to be a model in its response to such violence and its effects. The Department of Justice (DOJ or the Department) aspires to promote a safe and healthy work environment, and to improve workplace responses to domestic violence, sexual assault, and stalking experienced by its workforce. The Department recognizes that incidents of these forms of violence include those that occur at work, as well as those that occur outside of work but still impact the workplace (e.g., through decreased productivity and increased risk for violence). Existing Department policy does not tolerate violence, threats, harassment, intimidation, or other disruptive behavior in the workplace.

The Department seeks to increase awareness among employees, supervisors, and contractors of the options available to assist victims so that victims can take advantage of the options best suited to their needs. Above all, each victim presents unique circumstances that should be addressed with the utmost respect, sensitivity, and confidentiality by Department personnel. This policy statement identifies existing policies and resources available to address domestic violence, sexual assault, and stalking in the federal workplace. The attached Appendix provides further guidance.

- B. **Scope of Policy.** This policy statement applies to domestic violence (to include dating violence), sexual assault, and stalking involving DOJ employees, as defined above. The policy statement applies to contractors where they are explicitly included or when they are defined as victims.
- C. **Other Relevant Policies.** Domestic violence, sexual assault, and stalking that meet the definition of sexual harassment or sexual misconduct under relevant DOJ policies are addressed under such policies and not this policy, although this policy may provide helpful information and resources for victims and managers as well. More information about those policies can be found at <https://www.justice.gov/policies-and-directives-effect-relating-and-duty-conduct-including-sexual-misconduct>
- D. **Responding to Employees and Enhancing Workplace Safety.** The Department's policy is to offer appropriate and timely support to employees to address violence in the workplace, as well as when work is being conducted at locations outside of the DOJ workplace, such as on travel. The availability, scope, and nature of a Department response to a workplace-related incident may be dependent upon the location at issue. Workplace support, as elaborated in further detail below, will be available to employees who are victims of domestic violence, sexual assault, and stalking in order to minimize the impact of violence on the victim and others in the workplace and to facilitate victim and workplace safety. The Department is

committed to making these supportive resources available to employees who disclose incidents of domestic violence, sexual assault, and stalking through supervisors, designated persons in human resources (HR) divisions, the Department's Employee Assistance Programs (EAP), or other persons designated by the Department or a component.

- E. **Protection and Restraining Orders.** If a victim chooses to disclose the existence of a protection or restraining order to Department management, the Department's policy is to assist the victim to enforce the order within the workplace to the extent practicable. Such assistance does not create an actionable duty or indicate acceptance by the Department of the jurisdiction of the court issuing the order. It may be necessary to consult with component HR staff and/or the component's legal counsel regarding this assistance.

Component's HR and legal counsel may consult with the component's Security Program Manager (SPM) to initiate an Access Denial request with the Security and Emergency Planning Staff, Justice Protective Service (SEPS/JPS), Assistant Director, or local facility security provider requesting access denial of the subject to the DOJ workspace of the victim.

- F. **Considering the Impact of Domestic Violence, Sexual Assault, or Stalking When Addressing Employee Work Performance and Conduct.** Once a supervisor becomes aware that an employee suffers from declining performance or conduct issues that may be the result of domestic violence, sexual assault, or stalking (e.g., an employee was AWOL but for absences arising from domestic violence, sexual assault, or stalking.), the impact of domestic violence, sexual assault, and stalking should be taken into consideration as a mitigating factor in determining any appropriate discipline in misconduct or performance cases involving a victim. Officials who propose or decide disciplinary actions should balance the need to hold the victim to appropriate standards of performance and conduct with an understanding of the impact of domestic violence, sexual assault, or stalking on performance.

- G. **Non-Discrimination and Non-Retaliation.** Depending on the circumstances, the Department's Equal Employment Opportunity (EEO) policy may also apply to incidents or reports of domestic or dating violence, sexual assault, or stalking that occur in the workplace. The Department's EEO policy is located at <http://www.justice.gov/jmd/eeos/policy.htm>. For information about how the equal employment opportunity laws may apply to a situation of domestic violence sexual assault, or stalking, refer to the Equal Employment Opportunity Commission's publication:

["Questions and Answers: The Application of Title VII and the ADA to Applicants or Employees who Experience Domestic or Dating Violence, Sexual Assault, or Stalking."](#)

- H. **Victim Autonomy, Confidentiality, and Recordkeeping.** Pursuant to the Privacy Act of 1974, the Department is prohibited from disclosing information about individuals contained in systems of records absent prior written consent of the individual unless the disclosure falls within a statutory exception, such as a published routine use. Depending on the situation, other applicable laws may also impose additional restrictions on how sensitive information related to incidents of domestic violence, sexual assault, and stalking is disclosed. The Department recognizes the critical importance of maintaining victim autonomy and the confidentiality of records or other information related to domestic violence, sexual assault, and stalking to the extent possible. The Department's policy is to only maintain records if appropriate to do so, and Department staff must comply with all legal requirements regarding the safe storage, retention, dissemination, and disposal of said records. Department employees must keep information regarding victims of domestic violence, sexual assault, and stalking confidential, unless disclosure is otherwise permitted and necessary under this policy statement or other laws, regulations, and Department policies, such as when the Department is investigating an incident occurring in the workplace.
- I. **Reporting by Employee victims.** Concerns by employees regarding domestic violence, sexual assault, or stalking should be brought to the attention of the employee's supervisor, other management official in the employee's component, their HR or personnel officer, or the individuals identified by their office to manage such allegations. Employees may also contact the Office of the Inspector General or their component's Office of Internal Affairs (if applicable). In addition, employees in a collective bargaining unit may seek assistance through the appropriate provisions of their collective bargaining agreement. Employees who are victims of domestic violence, sexual assault or stalking should not be penalized if they choose not to report such conduct.
- J. **Reporting by Contractor Victims.** Concerns by contractors regarding domestic violence, sexual assault, or stalking, must be promptly brought to the attention of the component point of contact identified in accordance with Section II (A)(2)(c) of this policy statement.
- K. **Disclaimer.** This policy statement is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities; its officers, employees, or agents; or any other person.

II. Roles and Responsibilities

- A. **Heads of Components.** Heads of Components are responsible for ensuring that their component implement the following:
1. **Investigating and Addressing Incidents.** Components must promptly investigate incidents of domestic violence, sexual assault, or stalking perpetrated

in the workplace by employees or contractors and take appropriate action to stop and address any substantiated conduct at issue. Components must also provide assistance to employees who report that they are victims of domestic violence, sexual assault, or stalking occurring outside of, but still impacting, the workplace to the extent practicable and consistent with this policy statement.

2. **Resources, Referrals, and Points of Contact for Victims.** Components must clearly notify employees and contractors of how to access the following resources and points of contact.
 - a. **Resources for Victims.** Each component should provide victims with resources for assistance, including the EAP and national hotlines. The Office on Violence Against Women (OVW) website includes national hotlines and state domestic violence and sexual assault coalitions at www.justice.gov/ovw/areas-focus. The EAP can assist the victim in identifying additional local resources. Information for victims must also include information on how victims can contact the Justice Protective Service, Federal Protective Service (FPS), or other appropriate security or law enforcement personnel, if victims wish to have a police report taken about incidents occurring in the workplace.
 - b. **Referral for Employees.** Components must create and maintain a list of component personnel and EAP contacts to whom employees may disclose domestic violence, sexual assault, or stalking concerns. Components may also consider identifying personnel to serve as a Domestic Violence, Sexual Assault, and Stalking Response Group, as discussed in the appendix, to provide this support to employees.
 - c. **Referral for Contractors.** Components must identify non-Human Resources points of contact, such as Contracting Officers or Contracting Officer's Representatives, for contractors to report incidents of domestic violence, sexual assault, and stalking perpetrated against them in the DOJ workplace or that may impact them in the workplace. Component contractor POCs must work with their component's HR, security, and legal teams, as appropriate, to address any concerns raised by a contractor working in a DOJ workplace. An alternative point of contact must be identified if the primary point of contact is the alleged perpetrator. Contractors should also report any incidents or concerns related to domestic violence, sexual assault, and stalking with their employer.
 - d. **Departmental Point of Contact for Victims.** At a victim's request, Department components will offer a point of contact with whom the victim can stay in touch regarding ongoing needs. Such contact will increase the likelihood that the Department will receive critical updates on the alleged perpetrator's whereabouts, the status of any legal proceedings, and will increase the overall safety of the workplace and the victim.

3. **Safety Planning.** At a victim's request, the employing component will assist in safety planning. An adequate response includes the development of a Workplace Safety Plan that includes and respects the views and preferences of affected employees and may also involve Department security personnel, FPS, and EAPs. The Appendix contains more detail on the development of such safety plans.
4. **Workplace Flexibilities for Employees.** Consistent with the interests of the Department, components should provide employees with workplace flexibilities that permit them to continue to perform their jobs while providing, to the extent possible, a safe environment for them and their co-workers. Where Department management determines that such options are feasible and applicable, these workplace flexibilities may include, but are not limited to, new or revised telework or remote work agreements, additional security at work sites, work schedule adjustments, relocation of workspace, telephone number or email address changes, or approved absences. Whether specific arrangements are appropriate in an individual instance will be determined on a case-by-case basis, at the discretion of Department or component management.
5. **Workplace Awareness and Outreach.** Components must distribute this policy statement to all current employees. New employees should receive this policy statement and other component-specific resources upon commencement of employment. With respect to contractors, contracting officers must follow all applicable Federal Acquisition Regulation (FAR) and Justice Acquisition Regulation (JAR) provisions, as well as any DOJ acquisition policies, notices, or guidance that relate to addressing domestic violence, sexual assault, and stalking in the workplace.
6. **Training.** All components must require supervisors, human resources personnel, employees, interns, and volunteers to complete training coordinated by the Justice Management Division (JMD) about this policy statement and the effects of domestic violence, sexual assault, and stalking impacting the workplace. This training must be repeated at a minimum on a biennial basis.
7. **Monitoring and Evaluating Department Responses.** Components must conduct annual reviews of their procedures, policies, training, and practices under this policy statement, including number of employees trained, and reviews of incident reports to evaluate the quality of the response. Upon request, each component must send a report to JMD HR describing the result of its annual review.

B. Justice Management Division and Office on Violence Against Women

1. **Training.** OVW, in collaboration with JMD HR Staff, will develop and coordinate training for employees on domestic violence, sexual assault, and stalking, including understanding the dynamics of these crimes and resources available for victims. Employee training will be available on an electronic portal accessible to all components.

2. **Monitoring and Evaluating Department Responses.** The JMD HR Staff will compile the results of the annual component reviews described above into an annual report to the Assistant Attorney General for Administration.
 3. **Technical Assistance.** OVW will be available for on-going technical assistance to implement this policy statement.
- C. **Employees.** All employees are expected to become familiar with this policy statement and are required to participate in Department-wide or component mandatory trainings associated with this policy statement.

Appendix

GUIDANCE ON IMPLEMENTING FEDERAL WORKPLACE RESPONSES TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

This Appendix provides Department of Justice (DOJ or Department) components with guidance to assist them in implementing this policy statement. The resources and authorities identified in this Appendix are available to address domestic violence, sexual assault, and stalking that occurs in or impacts the workplace.

CONFIDENTIALITY AND RECORDS

The Department recognizes that a victim may have concerns regarding privacy, confidentiality, and autonomy in relation to the victim's disclosure of information regarding violence, including stalking, cyberstalking, attempts, threats, harassment, intimidation, sexual assault, and physical violence. Department personnel should make every effort to honor the victim's preferences regarding the extent of disclosure, unless to do so could result in physical harm to any person, jeopardize safety within the workplace, such disclosure is legally required, or there is another compelling need to disclose without the victim's consent, including the need for an administrative or other investigation, or discipline and/or removal of the perpetrator from the workplace.

Whenever possible, Department personnel should inform the victim of any disclosures that may be necessary to implement workplace safety options, are required by law, or otherwise assist the victim. Department personnel should provide the victim with the name and title of the person with whom the Department intends to further disclose the victim's information and should explain the necessity and purpose of the disclosure. Such further disclosures, for example, might be necessitated if a victim discloses imminent harm to a child. Components should observe federal and state laws governing mandatory disclosure of abuse of vulnerable persons (children, the elderly, and victims of domestic violence).

When information provided by a victim must be disclosed within and/or external to the Department (such as due to security reasons), the Department will limit the breadth and content of such disclosure to information reasonably necessary to meet the purpose of the disclosure (such as preventing physical harm to a person).

Furthermore, it is crucial that any records deemed necessary and relevant to retain in relation to reports of domestic violence, sexual assault, and stalking should be kept in a confidential place, separate from other personnel files, and only shared, as necessary, with appropriate personnel, such as those involved in security or management roles.

See page 18 of The Office of Personnel Management Guidance for Agency-Specific Domestic violence, Sexual Assault, and Stalking Policies, for further discussion on confidentiality.

RESOURCES, REFERRALS, AND POINTS OF CONTACT

Domestic Violence, Sexual Assault, and Stalking Response Group

Each Department component should consider identifying personnel to serve on a Domestic Violence, Sexual Assault, and Stalking Response Group, to assess incidents of domestic violence, sexual assault, and stalking impacting the workplace when reported. This Response Group should be trained to address the needs of domestic violence, sexual assault, and stalking victims. As appropriate, it should include representatives from the component's security, human resources, employee assistance, and other relevant offices.

Taking into consideration the confidentiality section (above), Department personnel who identify a situation governed by this policy statement may consider contacting Response Group members to consult with a victim and to develop and recommend to management elements of a plan to enhance the safety of the victim and the workplace, and to support the victim to the extent practicable and consistent with the needs of the workplace. The victim's wishes regarding how much information is made available to others, as well as the victim's own assessment of the threat, should be respected to the extent practicable. Domestic violence, sexual assault, and stalking situations do not always need to be escalated to the Response Group level. In many instances, a victim can effectively handle the situation with a supervisor.

Contractors

Contracting officers must follow all applicable FAR and JAR provisions, as well as any DOJ Acquisition policies, notices, or guidance, that relate to addressing domestic violence, sexual assault, and stalking in the workplace.

Each component must also have a non-human resources point of contact for contractors to report incidents of domestic violence, sexual assault, and stalking perpetrated against them in the federal workplace, such as a contracting officer or contracting officer's representative. Once reported, the point of contact should work with a Response Group or other appropriate component personnel to ensure the incident is effectively addressed. Contractors should also be encouraged to report any incidents directly to their employers.

SAFETY PLANNING

Developing a workplace safety plan that includes and respects the views and preferences of victims is an essential element of threat management.

Component supervisors, HR staffs, EAPs, and security personnel are encouraged to assist employees in developing safety plans. Where feasible and appropriate, this planning may involve temporary changes, such as moving the employee to a more secure location or instituting a variable work schedule. Relevant Department security personnel should be made aware of any restraining orders and should be provided with photographs of the alleged perpetrator, if available.

In addition, Department security and information technology (IT) personnel can advise victims on the following types of issues:

- Dealing with telephone, internet, or mail harassment;
- Addressing safety when entering or leaving a worksite, including walking between parking lots and worksite buildings;
- Using technology to enhance safety (e.g., cellular phones);
- What to do if confronted in the workplace by an alleged perpetrator who is a co-worker; and
- What to do if the victim sees an alleged perpetrator trying to enter the workplace.

Department security personnel should also refer victims to appropriate Department EAPs, as well as the Federal Protective Service (FPS), local law enforcement, and community resources. These resources can assist victims with navigating the criminal justice system, obtaining a temporary restraining order and legal representation, and other victim concerns.

Addressing Computer Technology Concerns

In consultation with the victim, the Department's security personnel should coordinate with their component's IT personnel to address victim safety concerns. These concerns include the alleged perpetrator's use of computer technology to harass or stalk a victim, as well as using information on the Department's or component's website about the victim that could potentially be used to harm the victim. As appropriate, the above-described safety plan should address these concerns, including removing identifying information, such as the victim's telephone number and office location, from the Department and its component's public and/or internal websites.

Working with Local Law Enforcement

Appropriate Department personnel may determine that local law enforcement agencies, or the Office of Inspector General or other Department law enforcement, should be contacted when there is a reasonable risk that an incident of violence may occur creating a danger to the employee or the workforce. Local police may have information that could be helpful in assessing the level of threat against the employee while the employee is at work; for example, they may have dealt with the alleged perpetrator in the past and be familiar with the person's patterns of behavior. Taking into consideration the confidentiality concerns discussed earlier, it is critical that victims be informed that the police will be notified.

Protection and Restraining Orders

A victim may seek an order of protection, or may receive a restraining order, as part of efforts to become safe and as part of a workplace safety plan. A Department workplace may

or may not be included on an order as a location from which an alleged perpetrator must remain away.

Should an employee share such an order with a component, the component should maintain such orders in a confidential and separate file from employees' personnel files.

Other

Components should respond to employee requests for information and documentation from the workplace, such as e-mail or voice-mail messages, that could support their efforts in the justice system or to obtain and maintain safety from an alleged perpetrator, to the greatest extent possible on a case-by case basis, subject to the scope of the Freedom of Information Act and applicable privacy laws.

FLEXIBILITIES

Work Schedules and Leave

The Department recognizes that employees may require telework, remote work, or work schedule adjustments, including leave, in order to secure medical or legal assistance or counseling, attend court proceedings, relocate, or make other safety arrangements. These responsibilities may also include caring for family members who have been impacted by the abuse or violence. Employees should work with their servicing personnel office to determine the most appropriate form of workplace flexibilities or leave available. The Office of Personnel Management Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies provides information on the different types of leave that may be available and how they may be used for victims of domestic violence, sexual assault, and stalking.

Addressing Physical Layout of Worksite

To the extent practicable, Department security personnel, supervisors, and other appropriate Department staff should work with victims to assess the physical layout of the worksite, identify possible threats to victim safety, and changes that can be made to enhance safety. Whether changes will be made will be assessed on a case-by-case basis and at management's discretion. For example, victims who work in locations that are accessible to the general public or where their view of people coming and going is obstructed may have an increased sense of safety with a change in the physical placement or layout of their offices. Public service environments may present challenges requiring a component's Domestic Violence, Sexual Assault, and Stalking Response Group to come up with alternative plans with the assistance of law enforcement, if necessary, and in consultation with victims.

If the component has workplaces in multiple locations, it may be helpful, and potentially lifesaving, to offer to relocate a threatened victim to an alternate worksite unknown to the alleged perpetrator. This relocation should be handled with the strictest confidentiality and respect for victim autonomy related to worksite relocation.

EMPLOYEES AS ALLEGED OFFENDERS

Violence in the Workplace

Incidents of domestic violence, sexual assault, and stalking in the workplace should immediately be reported to a supervisor or manager. Components must promptly investigate incidents of domestic violence, sexual assault, or stalking perpetrated in the workplace by employees or contractors and take appropriate action to stop and address any substantiated conduct at issue. Components must also provide assistance to employees who report being victims of domestic violence, sexual assault, or stalking occurring outside of, but still impacting, the workplace to the extent practicable and consistent with Department policies. Individuals committing such acts in the workplace may be removed from the premises and subject to disciplinary actions (up to and including removal from Federal service), and other adverse actions, including, but not limited to arrest and/or prosecution.

When taking an adverse action against an employee, a government agency must show some direct “nexus” between the misconduct involved and the employee’s ability to perform the employee’s duties or some other legitimate governmental interest that promotes the efficiency of the service. When misconduct happens in the workplace or during duty hours, a nexus is implied, but a nexus would have to be shown for off-duty misconduct that, in this context, involves domestic violence, sexual assault, and stalking. Department components are strongly encouraged to contact their servicing Human Resources Offices and Office of General Counsel for advice and guidance on this issue. The particular facts and circumstances of each case heavily affect the determination of whether discipline for off-duty misconduct is appropriate.

This topic is discussed in more depth in [The Office of Personnel Management Guidance for Agency-Specific Domestic violence, Sexual Assault, and Stalking Policies](#), at pages 15-16.

Firearms and Workplace Safety

Relevant to domestic violence, employees are reminded of federal law prohibiting possession of firearms. Specifically, under certain provisions of the Federal Gun Control Act, persons subject to a qualifying protection order (18 U.S.C. § 922 (g)(8)) or convicted of a qualifying misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)) are prohibited from possessing firearms or ammunition. For more information about these provisions, see <http://www.atf.gov/files/publications/download/i/atf-i-3310-3.pdf> and <http://www.atf.gov/files/publications/download/i/atf-i-3310-2.pdf>.

The provision relating to misdemeanor crimes of domestic violence, also known as the “Lautenberg Amendment,” does not have an official use exemption. This means that if a person is convicted of a qualifying misdemeanor crime of domestic violence, that person may not possess firearms even for official use, such as during duty as a law enforcement officer.

In addition, federal law prohibits the knowing possession of, or the causing to be present, firearms or other dangerous weapons in federal facilities and federal court facilities by all persons not specifically authorized by 18 U.S.C. § 930(d). (See, 41 C.F.R. § 102-74.440.)

Self-Reporting

Employees and contractors are reminded of the Department's policy regarding self-reporting of arrests and allegations of misconduct. See DOJ Policy Statement 1700.04, Department Personnel Security Reporting Requirements, for specific reporting requirements. Any arrest or allegation of misconduct must be reported using iReport. Such misconduct would include incidents of domestic violence, sexual assault, or stalking.

TRAINING

Training on domestic violence, stalking, and sexual assault for employees may involve consulting with local domestic and sexual violence experts for critical expertise. Furthermore, domestic and sexual violence content may be incorporated into general work/family seminars, EAP orientations, basic manager training, and other educational programs addressing workplace violence prevention, health and safety, and sexual harassment. If such additional training is undertaken, components should coordinate with Office on Violence Against Women on the content.

CONTRACTORS

The Department workplace also includes contractor employees of vendors or independent contractors. Such personnel are not Department employees. Executive Order 11246, as amended, sets requirements for Federal contractors on non-discriminatory practices and prohibits contractors from discriminating against their employees on the basis of sex, including by engaging in or allowing their employees to engage in sexual harassment. Contractors are also required to comply with Title VII of the Civil Rights Act of 1964, including its prohibition on sex discrimination. Prohibited behavior could occur in conjunction with domestic violence, sexual assault, or stalking. Contractors who believe they are victims of domestic violence, sexual assault, or stalking in the DOJ workplace should bring such conduct to the attention of their employer point of contact and a component point of contact. Contractors who are victims of domestic violence, sexual assault, or stalking outside of the DOJ workplace, but who are concerned for their safety while in the federal workplace, may consult with their employer and Department security personnel for safety planning assistance.

MONITORING

Without adequate feedback, the Department cannot assess the effectiveness of its policies and practices. Department components should ensure that simple checks are implemented to assess how consistently new procedures are being implemented. Department components should monitor, over time, the usage rate of employees accessing services to address domestic violence, sexual assault and stalking. Higher usage may indicate enhanced connection of services with employee needs.

Department components should annually review incident reports for the quality of security responses and the effectiveness of actions taken. It may help to develop a review group for this

purpose, that would include representatives from security, human resources, employee assistance, and other relevant offices, as appropriate.