

County of Cumberland Board of Commissioners	Policy Number: 4.26	Page: 1 of 5
Chapter: General Procedures	Effective Date: June 23, 2023 Supersedes Policy 4.26 dated 3/1/2020	
Subject: Domestic Violence Policy		

I. POLICY:

This policy sets forth a uniform domestic violence policy for the employees of Cumberland County. The purpose of this policy is to encourage employees who are the victims of domestic violence, and those impacted by domestic violence, to seek assistance from their Human Resources Officers and provide a standard for Human Resources Officers to follow when responding to employees.

II. DEFINITIONS:

- A. Domestic Violence: Acts or threatened acts that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes but is not limited to the following: physical violence, injury, intimidation, sexual violence, or abuse, emotional and/or psychological intimidation, verbal abuse, threats, harassment, cyber harassment, stalking, economic abuse or control, damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator, strangulation, or abuse of animals or pets.
- B. Abuser/Perpetrator: An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.
- C. Human Resources Officer (HRO): An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.
- D. Intimate Partner: Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.
- E. Temporary Restraining Order (TRO): A civil court order issued by a judge to protect the life, health, or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of

County of Cumberland Board of Commissioners	Policy Number: 4.26	Page: 2 of 5
Chapter: General Procedures	Effective Date: June 23, 2023 Supersedes Policy 4.26 dated 3/1/2020	
Subject: Domestic Violence Policy		

communication, including third parties. TROs can prohibit offenders from a victim's home or workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

- F. Victim: A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common, a person with whom the victim anticipates having a child in common, if one of the parties is pregnant, and a person with whom the victim has had a dating relationship.

- G. Workplace Related Incidents: Incidents of domestic violence, sexual violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

III. PROCEDURE:

- A. All employees are covered under this policy.

- B. Cumberland County has designated two employees as Human Resource Officers (HRO) who have received training on responding to and assisting employees who are domestic violence victims. These two employees are the Director of Personnel and the Director of Training and Development. Please contact 856-453-2121 to speak with an HRO.

- C. Managers and Supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO.

- D. Managers and Supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic abuse.

County of Cumberland Board of Commissioners	Policy Number: 4.26	Page: 3 of 5
Chapter: General Procedures	Effective Date: June 23, 2023 Supersedes Policy 4.26 dated 3/1/2020	
Subject: Domestic Violence Policy		

- E. Employees who are the victims of domestic violence are encouraged to seek immediate assistance from the HRO.

- F. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO.

- G. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. HRO's shall remind employees to contact 911 if they feel they are in immediate danger.

- H. Each designated HRO shall:
 1. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
 2. Determine whether there is imminent danger and emergent need to contact 911 and/or local law enforcement.
 3. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
 4. Refer the employee to the provisions and protections of the New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et. seq. (NJ Safe Act).
 5. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team.
 6. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.

County of Cumberland Board of Commissioners	Policy Number: 4.26	Page: 4 of 5
Chapter: General Procedures	Effective Date: June 23, 2023 Supersedes Policy 4.26 dated 3/1/2020	
Subject: Domestic Violence Policy		

7. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of the TROs and FROs must be kept in a separate confidential personnel file.
8. In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report. This confidentiality policy shall not prevent disclosure where to fail to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect safety of individuals within the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.
9. This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines where a mandatory reporting is required by the appointing authority or a specific class of employees.
10. To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in a confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

County of Cumberland Board of Commissioners	Policy Number: 4.26	Page: 5 of 5
Chapter: General Procedures	Effective Date: June 23, 2023 Supersedes Policy 4.26 dated 3/1/2020	
Subject: Domestic Violence Policy		

I. Cumberland County shall:

1. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
2. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures, transfer or reassignment, modified work schedule, change in work telephone number or work-station location, assistance in documenting the violence occurring in the workplace, an implemented safety procedure, or other accommodation approved by the employer.
3. Advise the employee of information concerning the NJ SAFE Act, Family and Medical Leave Act (FMLA), or Family Leave Act (FLA), Temporary Disability Insurance (TDI), or Americans With Disabilities Act (ADA), or other flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
4. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined, in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
5. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE Act and advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer, and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act of the New Jersey Law Against Discrimination and corresponding policies.