

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. _____
DATE _____
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October 7, 2004

**AN ORDER REGARDING THE ESTABLISHMENT OF DOMESTIC VIOLENCE IN
THE WORKPLACE POLICIES WITHIN THE DEPARTMENTS
OF STATE GOVERNMENT**

WHEREAS, domestic violence is a serious public policy concern of the State of Maine requiring its participation in the coordinated community response to support victims and hold abusers accountable; and

WHEREAS, employees and citizens of the state of Maine have a right to be safe from harm; and

WHEREAS, the Maine Legislature has recognized an employer's obligation to provide special assistance to victims of domestic violence, sexual assault, and stalking; and

WHEREAS, domestic violence is a pattern of coercive behavior that is used by a person against a current or former partner, or other family or household member, to establish and maintain power or control in the relationship; and

WHEREAS, for more than a decade fifty percent of the homicides in Maine involved domestic violence; and

WHEREAS, domestic violence is a widespread community problem affecting thousands of Maine families that extends beyond the family and into all areas of society including the workplace; and

WHEREAS, abusers will often target victims at their workplaces, endangering the safety and affecting the productivity of victims and co-workers; and

WHEREAS, the State of Maine, as an employer, is additionally affected by domestic violence in the loss of productivity, and increased health care costs, absenteeism, and employee turnover; and

WHEREAS, the State of Maine, as an employer, should provide support and assistance to employees who are victims of domestic violence and should hold abusers accountable; and

WHEREAS, the State of Maine has a responsibility to model a proactive response to domestic violence for other employers in the state; and

WHEREAS, agencies of the State of Maine have partnered with the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault to develop and promote workplace policies and training for State employees; and

WHEREAS, the Maine Commission on Domestic and Sexual Abuse has urged all employers in the State of Maine to develop and implement workplace policies on domestic violence; and

WHEREAS, the State of Maine recognizes that employers can be powerful allies to victims by creating a workplace that offers support, information, and resources;

NOW, THEREFORE, I, John E. Baldacci, Governor of the state of Maine, by the authority vested in me, do hereby order that:

1. For the purpose of this executive order, the following terms shall have the following meanings:

Domestic violence: A pattern of coercive behavior that is used by a person against family or household members to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

Sexual assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.

Stalking: Any conduct as defined in 17-A M.R.S.A. §210-A.

Abuser: An individual who commits an act of domestic violence.

Victim: An individual subjected to an act of domestic violence.

Workplace: An employee is considered to be in the workplace when the employee is on duty, is traveling on behalf of the State, is in State-owned or leased workspace, is using the facilities or services of the State, is wearing a uniform, or is using a vehicle that is owned or leased by the State or its agencies.

2. Each State agency convenes a diverse team of employees who will, within the next year, develop a workplace domestic violence policy. The team shall partner with the Maine Coalition to End Domestic Violence to provide initial domestic violence training for the team and additional guidance in the development of the policy.

3. Each State agency's domestic violence workplace policy:
 - a) Incorporates the above definitions of domestic violence, sexual assault, stalking, abuser, victim, and workplace;
 - b) Clearly directs that the agency will not tolerate acts of domestic violence, sexual assault, or stalking in the workplace, including harassment or violent or threatening behavior that may result in physical or emotional injury to any state employee while in state offices, facilities, work sites, vehicles, or while conducting state business;
 - c) Instructs employees on how to offer assistance to co-workers who are domestic violence victims in an expedient and confidential manner;
 - d) Recognizes that victims of domestic violence may have performance or conduct problems related to their victimization and offers support and an opportunity to correct the problems;
 - e) Provides for assistance to victims to include at a minimum: referrals to local domestic violence projects and the State's Employee Assistance Program, and development of workplace safety plans that seek to minimize the risks to the victims and other employees;
 - f) Recognizes the employer's obligation to grant reasonable and necessary leave pursuant to 26 M.R.S.A. §850;
 - g) Provides assistance to abusers to include at a minimum: referrals to the State's Employee Assistance Program, and information about local state certified batterer intervention programs;
 - h) Provides that corrective or disciplinary action may be taken against state employees who: misuse state resources to perpetrate domestic violence, sexual assault, or stalking; harass, threaten, or commit an act of domestic violence, sexual assault, or stalking in the workplace or while conducting state business; or are arrested, convicted, or issued a civil order as a result of domestic violence when such action has a nexus to their employment with the State;
 - i) Requires that all agency employees with supervisory responsibility and any other designated individuals who will respond to victims and abusers receive specialized training on best practices for identifying and responding to domestic violence;
 - j) Includes a separate procedure which requires referral to the sexual assault crisis and support centers for employees who have experienced sexual assault or stalking;
 - k) Directs that, to the extent that sexual abuse or stalking is perpetrated as part of domestic violence, employers should be prepared to respond to it utilizing the domestic violence policy; and
 - l) Requires that the policy be distributed to all current employees and to every new hire.
4. To the extent that an agency employs individuals who are authorized to carry firearms as part of their job duties, the policy shall include provisions addressing firearms.
5. Each State agency implements the workplace policy via employee training on the policy delivered in partnership with the Maine Coalition to End Domestic Violence. The training shall include, at a minimum, information as to: the dynamics and effects of domestic violence; available resources for victims and perpetrators; and how an employee can assist a co-worker who is experiencing or perpetrating domestic violence.

The Bureau of Human Resources will provide training support and coordinate with the Maine Coalition to End Domestic Violence to make sample policies available for all agencies.

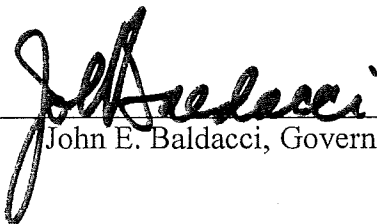
6. Each State agency provides for the conspicuous posting of information about domestic violence and sexual assault and available community resources.
7. Each State agency incorporates reference to the State of Maine Equal Employment Opportunity/Affirmative Action Policy, the State of Maine Harassment Policy and the State of Maine E-Mail Usage and Management Policy in its domestic violence in the workplace policy. Each State agency is also directed to review existing personnel policies and procedures to ensure they do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

The cost to State agencies for implementing the tasks included in this Executive Order will be used from existing resources.

The provisions of this executive order are not intended to alter any existing collective bargaining agreements or to supersede applicable federal or State law.

Effective Date

The effective date of this Executive Order is October 7, 2004.



John E. Baldacci, Governor