



COOK COUNTY BUREAU OF HUMAN RESOURCES

ANTI-VIOLENCE POLICY

Approved: July 31, 2018

Effective: August 15, 2018

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A. OVERVIEW

The Cook County Bureau of Human Resources (BHR) institutes this policy consistent with its commitment to creating and maintaining a productive and safe workplace. The County will do its best to ensure that employees who are victims of violence, including, but not limited to, workplace, dating, domestic, sexual violence or stalking, or other violence experienced outside the workplace are safe and have the support they need to address the effects of the violence.

B. PURPOSE

The purpose of this policy is to:

- Outline resources available to employees who have experienced violence;
- Help ensure that the workplace is a safe environment for all employees who are experiencing violence;
- Give assistance to employees who have been subjected to violence;
- Provide assistance and/or issue disciplinary action to employees who have perpetrated such violence;
- Increase awareness of violence through responsive policies and training; and
- Educate management on how to recognize warning signs of abuse, act responsively and refer victims to appropriate resources.

C. INTENT

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provision(s) in this policy shall take precedence.

Nothing in this policy is intended to, nor shall be construed to create a private right of action against Cook County or any of its employees, nor shall it be construed to create any contractual or other rights or expectations. Furthermore, nothing herein is intended to substitute for or discourage reporting of incidents of violence to appropriate law enforcement authorities, or to affect any existing civil or other remedy which may be available to any person arising from an incident or threat of violence.

D. SEVERABILITY

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.



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E. JURISDICTION

BHR is authorized to develop and issue policies for the effective management of Cook County employees, pursuant to Section 44-45 of the Cook County Code of Ordinances.

F. AREAS AFFECTED

This policy applies to all Cook County employees in Departments in the Offices under the President and/or covered by the Cook County Employment Plan in Offices under the jurisdiction of the President.

G. NONDISCRIMINATION

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected category established by law, statute or ordinance, as provided in Section 44-53 of the Cook County Code of Ordinances.

H. RESPONSIVE COUNTY POLICIES

1. Victims' Economic Security and Safety Act (VESSA) Policy

The Illinois Victims' Economic Security and Safety Act (VESSA), 820 ILCS 180, provides that leave may be granted to, and reasonable accommodations may be made for, employees who are victims of domestic or sexual violence, to maintain financial independence necessary to leave abusive situations and to protect the civil and economic rights of such employees, or their family or household member who is a victim of domestic or sexual violence.

The County provides unpaid, job-protected VESSA leave, for up to twelve (12) weeks in a twelve (12) month period, to eligible employees who have complied with the applicable requirements. With respect to the terms, conditions, or privileges of employment, the County additionally provides reasonable accommodations to the known limitations resulting from circumstances relating to being, or having a family or household member that is, a victim of domestic or sexual violence.

For more information or to apply for VESSA leave, please see the County's VESSA Policy and/or contact the BHR Leave Coordinator.



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2. Employee Assistance Program Policy

The County offers an Employee Assistance Program (EAP) that is available for individuals seeking confidential information and/or referrals regarding a wide range of issues including, but not limited to, sexual, domestic or dating violence, stalking, personal and family counseling and life changes.

For more information, please see the County’s Employee Assistance Policy and/or contact the EAP Counselor.

3. Equal Employment Opportunity Policy

Non-discrimination. The County will not discriminate against any employee for being, or appearing to be, a victim of violence, in hiring, staffing, promotions, or other terms, conditions or privileges of employment. In addition, the

Non-retaliation. The County will not retaliate, discriminate or take any adverse employment action against any employee who submits to the County a complaint or discloses concerns about violence.

Non-Penalization. The County will not penalize an employee who is a victim of violence for the actions of a person who has victimized the employee, even if the perpetrator’s actions disrupt the workplace. In cases where the perpetrator’s actions threaten employees or otherwise disrupt the workplace, the County may take action, including filing a criminal complaint or initiating a civil lawsuit, directly against the perpetrator.

Legal Action. Prior to taking legal action against a perpetrator, the County will make reasonable effort to consult with the victimized employee to assess his or her safety concerns and, where applicable, balance those concerns with the need to ensure the safety and security of the entire workplace.

For more information, please see the County’s Equal Employment Opportunity Policy and/or contact the Deputy Chief of the Bureau of Human Resources.

4. Time Off and Other Reasonable Accommodations

The County will take reasonable steps to permit an employee, who is a victim of violence, to continue to perform his or her job, unless doing so would impose an undue hardship to the County.

Accommodations may include, but are not limited to, unpaid time off, relocation of work site, modification of job duties, changing a phone extension, modifying an employee’s work schedule or making safety arrangements. Additionally, the County may assist the employee by providing workplace-related emails or voice messages to law enforcement/justice system.



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When the need for time off is foreseeable, an employee must provide reasonable advance notice unless it not feasible. When the need for time off is not foreseeable, the employee must contact the EEO Office as soon as practicable after commencing the leave and request permission for time off.

If the requested accommodation is not feasible, the County will consider alternative accommodations before concluding the accommodation of the employee would subject the County to undue hardship.

To request an accommodation, an employee or applicant should complete the Cook County Request for Accommodation Form and where necessary, the County may ask the employee or applicant to provide evidence that he or she is a victim or that his or her family is or household member is a victim, before approving the request. To satisfy this request, an employee or applicant may provide:

- a court issued order of protection;
- a statement from a victim service provider or other professional assisting the victim in addressing the violence;
- a court order;
- a police report; and
- any other corroborating evidence.

For more information or to apply for an accommodation due to a medical disability, please see the County’s Reasonable Accommodation Policy for Employees and Applicants with Disabilities, the Family and Medical Leave Act Policy and/or contact the EEO Office. To request a non-medically related accommodation, please contact the Deputy Chief of the Bureau of Human Resources.

I. EMPLOYEE BENEFITS

1. Changes to accessing group health benefits

A victimized employee may request to remove an individual as a dependent from his or her County group health benefits during the annual open enrollment period or upon submission of supporting documents, such as a court order or other legal documents ordering the County to modify the employee’s list of dependents, to the Cook County Department of Risk Management.

2. Changes to electronic Bank Deposits

Victimized employees may make necessary changes to their payroll deposit accounts as speedily and as reasonably as possible through the County’s Employee Self Service portal.



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3. Access to unemployment insurance and COBRA coverage

The County understands some employees may find it impossible to continue to work while staying safe. In the event of voluntary termination, the employee is eligible to apply for state unemployment insurance coverage, and the continuation of health benefits coverage as permitted by COBRA.

J. COMPLAINTS AND DISCIPLINARY ACTION RELATED TO VIOLATION OF THIS POLICY

1. Procedure for reporting violations

The County encourages employees who believe that there may have been a violation of this policy to report the circumstances to the Bureau of Human Resources as quickly as possible. Any such report will be promptly investigated.

2. Prohibition of retaliation against the reporting employee

Retaliation against a reporting employee is strictly prohibited. If employees with complaints believe they have been subjected to retaliation, they should immediately report such conduct to the County’s EEO Office. Reports of retaliation will be promptly investigated.

Violation of this Policy may result in a wide range of discipline, including, but not limited to, verbal or written reprimand, suspension, termination or referral to appropriate counseling. For more information, please contact the Deputy Chief of the Bureau of Human Resources.

K. CONFIDENTIALITY OF REPORTS

All reports will be kept confidential to the extent permissible by law.

If the investigation does not uncover a policy violation, the County may nonetheless recommend to employees to enroll in therapy, counseling or other programs.

L. EMPLOYEES WHO THREATEN OR COMMIT VIOLENT ACTS

1. Behaviors included under this provision

Any employee who, while on duty, engages in behaviors that constitute violence will be subject to disciplinary action, up to and including termination.

In addition, disciplinary action may be imposed in cases where there is a connection between off-duty violent behavior and the perpetrator’s employment with the County. One example is a situation where the perpetrator and the victim are both employees and the victim obtains a restraining order against the perpetrator in the wake of an assault occurring at his/her home.



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Accordingly, discipline up to and including termination will be applicable in cases of employees who use workplace resources including phones, fax machines, e-mail, computers, mail or other such means to threaten, harass or abuse the victim. Similarly, employees who abuse their access to certain types of information as a tool to threaten, harass or harm a victim will also be subject to disciplinary action, up to and including termination.

2. Behaviors that pose immediate threat to the workplace

If an employee presents an immediate danger in the workplace, prompt action, such as contacting local law enforcement, will be taken to remove him/her from the County’s premises in order to secure the safety of all employees.

3. Provisions regarding employees who are subject to restraining orders or criminal proceedings

Employees who are subject to a protective/restraining order, or named defendants in a criminal process as a result of a threat or behavior involving violence, must disclose the existence of that order or process to the supervisor and Bureau of Human Resources if the order/process:

- Interferes with the employee’s ability to perform his/her job;
- Impacts another employee; and
- Specifically names and/or relates to the County.

Failure to make that disclosure will subject the employee to the possibility of a disciplinary action, up to and including termination, especially if the conditions of the job require the employee to be licensed to possess firearms.

4. The disciplinary procedure

If the offending employee’s supervisor becomes aware the employee has engaged in any of the behaviors prohibited under this Policy, the supervisor shall require that employee to immediately report to the Bureau of Human Resources so an investigation can begin.

If the person who usually investigates the complaints is the alleged perpetrator, the investigation will be immediately reassigned to another person. Both the investigation and, if applicable, disciplinary action shall be promptly completed. In addition to investigating, the Bureau of Human Resources may arrange for interventions and referrals as appropriate under the circumstances of the case.

For more information, please contact the Deputy Chief of the Bureau of Human Resources and/or the EEO Office.



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M. ADDITIONAL RESOURCES

Employees may contact the Employee Assistance Program Counselor for educational resources, assistance with counseling, and/or referral to a variety of resources. Employees may also contact the following resources:

- Illinois Coalition Against Domestic Violence: (217) 789-2830
- National Domestic Violence Hotline: (1-800) 799-SAFE