

**SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION
DOMESTIC VIOLENCE POLICY**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Purpose

This policy is intended to comply with Section 1-1-1410 of the South Carolina Code of Laws of 1976, as amended, which states that each state agency shall develop and implement an agency workplace domestic violence policy which must include, but is not limited to, a zero tolerance policy statement regarding acts or threats of domestic violence in the workplace and safety and security procedures.

Domestic Violence

Any employee in immediate danger should contact 911 immediately.

For purposes of these guidelines, “domestic violence” and “household member” shall be used as defined in S.C. Code of Laws 16-25-10.

The State of South Carolina is committed to the health and safety of its employees and will not tolerate any act of domestic violence in the workplace. Should an employee’s supervisor or the Office of Administrative Services-Human Resources become aware that such an event has occurred in the workplace, off-site but on-duty, and/or through the use of State resources, the agency shall report the incident to appropriate law enforcement.

Employees are encouraged to report to law enforcement domestic violence which occurs outside of the workplace.

The Department of Administration (“Admin”), Division of State Human Resources, maintains a list of resources for survivors and perpetrators of domestic violence on its website, based on recommendations from the South Carolina Coalition Against Domestic Violence and Sexual Assault. Consistent with S.C. Code of Laws 16-25-20(H), only perpetrator treatment programs approved by the South Carolina Department of Social Services shall be included in the list. In the event an employee reports that the employee, or a household member, has experienced domestic violence to a supervisor or to the Office of Administrative Services-Human Resources, Admin shall provide this list to the employee.

While perpetrators of domestic violence are encouraged to seek help, an employee who is a perpetrator of domestic violence in the workplace, off-site but on-duty, and/or using State resources, may be subject to discipline up to, and including, termination. Off-duty conduct constituting domestic violence may also result in disciplinary action up to, and including, termination under certain circumstances.

An employee who experiences domestic violence is encouraged to seek assistance and to report the situation to their supervisor or the Office of Administrative Services-Human Resources immediately and notify the supervisor or the Office of Administrative Services-Human Resources of who the possible threats may be from, the name and description of the person, and any details as to why the employee feels threatened. Admin will maintain any information received outside of the employee's personnel record, and reporting will not be considered in employment decisions. The information shall be maintained confidentially, and disclosure shall be limited to legitimate legal and business purposes.

An employee who is an alleged perpetrator and the subject of an Order of Protection which affects workplace operations or the employee's ability to perform job duties, must report the order to the Office of Administrative Services-Human Resources no later than the employee's next scheduled work day. Failure to report may result in disciplinary action up to, and including, termination.

Employees who experience domestic violence may require support from the agency. If a request for assistance is received by a supervisor or the Office of Administrative Services-Human Resources, the agency shall provide a list of external resources available, as well as review possible options for providing the employee flexibility in work schedules, security measures, and appropriate leave.

A variety of leave options may be available to employees, and Admin will exercise flexibility in their application to the extent that business is not unduly disrupted. Admin may request appropriate documentation related to the leave. Options to be considered include:

1. Sick leave for the purpose of the employee or certain family members receiving medical treatment or counseling services related to domestic violence. Agencies have the authority to advance sick leave if necessary and appropriate;
2. The employee may qualify for FMLA if the domestic violence results in a serious health condition for the employee or certain members of the employee's family;
3. Agencies may consider a request for use of more than 30 days of annual leave in a year for emergency or extreme hardship conditions;
4. Agencies may consider transferring annual or sick leave to the employee from the agency's leave pool;
5. Agencies may be entitled to grant court leave when the employee is absent for purposes of seeking an order of protection or restraining order, or assisting with the prosecution of a domestic violence case in which they are a witness or survivor;

(Note: This option is not operative unless and until State Human Resources Regulation 19-712.01 F is amended to allow the use of “court leave” for such purposes.); and

6. Unpaid leave may be granted if no other option is available.

Under no circumstances shall an agency take retaliatory action against an employee based upon their report of experiencing domestic violence.