

**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER**

EXECUTIVE ORDER

**EXECUTIVE ORDER
NUMBER TWELVE**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ASSURING OUR STATE GOVERNMENT CREATES AN OPEN AND SUPPORTIVE WORKPLACE FOR VICTIMS OF DOMESTIC VIOLENCE

WHEREAS, more than 16,000 criminal cases of domestic violence are reported in the State of Delaware every year; and

WHEREAS, domestic violence causes serious emotional trauma and physical harm, sometimes including death; and

WHEREAS, domestic violence can affect all individuals, regardless of race, income, or age, and occurs in every community in Delaware; and

WHEREAS, the lasting effects of domestic violence are far-reaching and profound, and often include alcohol and drug abuse, homelessness and transiency, separation and divorce, increased health care costs, criminal proceedings, and problems in the workplace; and

WHEREAS, victims of domestic violence frequently lack economic self-sufficiency and face significant ongoing challenges to maintaining employment and promoting a healthy environment for families and children; and

WHEREAS, all employers, including the State of Delaware, are a critical part of the community response to domestic violence and can play an important role in assisting victims of domestic violence and their families; and

WHEREAS, it is in the best interest of State government, its employees, and all Delawareans for the State to devote its energies to defeating domestic violence and mitigating its effects on victims, by, among other things, serving as a resource to assist victims in receiving helpful services and developing thoughtful and comprehensive human resources policies; and

WHEREAS, all State agencies should lead by example and promote a coordinated community effort that will keep victims of domestic violence and their children safe and help perpetrators to accept responsibility for their actions;

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

1. Domestic violence of any type or magnitude is not tolerated by the State of Delaware.
2. All executive branch agencies are directed to create a supportive workplace for victims of domestic violence that encourages disclosure of domestic violence, ensures confidentiality for victims and their families, and promotes the availability of programs and resources to aid victims of domestic violence.
3. The Human Resources Management Section of the Office of Management and Budget shall draft a state-wide policy to address issues of domestic violence affecting employees of State agencies. That policy shall include reasonable guidelines, practices, procedures and protocols for State employees designed to mitigate the personal and economic effects of domestic violence. The policy shall not be inconsistent with applicable federal and Delaware law, Merit Rules, and collective bargaining agreements.
4. The policy to be prepared by the Human Resources Management Section shall prohibit discrimination against employees who are victims of domestic violence. In developing the aforementioned policy, the Human Resources Management Section shall consider, but is not limited to, the following:
 - (i) Attendance and leave issues as they relate to domestic violence and related absences,
 - (ii) Modifications to job assignments and schedules, and development of other reasonable work-related accommodations,
 - (iii) Guidelines for managers and supervisors in addressing domestic violence incidents,

(iv) A reporting standard that assures State employees who are witnesses to domestic violence report it promptly, accurately and properly,

(v) Promotion of available supportive resources for victims, including confidential help lines and other resources,

(vi) Confidentiality policies applicable to domestic violence incidents, to the extent permitted by law,

(vii) Protocols for employees who are perpetrators, and

(viii) Training of managerial, security and other personnel to respond to domestic violence situations.

5. The policies shall be developed in consultation with the Domestic Violence Coordinating Council, the Delaware Coalition Against Domestic Violence, ContactLifeline, the Domestic Violence Task Force of the Delaware Commission for Women, and the Victims' Rights Task Force.

6. All executive branch agencies shall adhere to the domestic violence policies and shall distribute those policies to existing and new employees.

7. All executive branch agencies shall develop training on the policies related to domestic violence and the availability of resources to combat domestic violence.

8. This Order shall apply to all Cabinet Departments and Executive Agencies of the State. The members of the General Assembly and the Judiciary are also encouraged to adopt this Order.

9. No provision of this Order is intended to or shall create any individual right or legal cause of action that does not already exist under state or federal law.

APPROVED this 5th day of October, 2009

Jack A. Markell,
Governor