



SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: October 29, 2019

Item Number: 13

Item Description: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees

Submitted by: Jenny Wong, City Auditor

Item #13 on the agenda for the October 29 meeting will include a presentation summarizing the City Auditor's recent audit report, "Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees." This supplemental agenda material provides a PDF copy of the presentation that will be available to Council members and meeting attendees.

Domestic Violence Response:

Berkeley Needs to Adopt a Comprehensive Policy to Support City Employees

Overview

- Why we did this audit
- Objectives
- Findings
- Recommendations
- Human Resources response



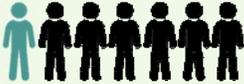
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Why we did this audit:

- Berkeley developed a stand-alone leave policy in January 2019
- City Council passed a resolution co-authored by the Peace and Justice Commission and the Commission on the Status of Women that freedom from domestic violence is a human right
- We were concerned that:
 - Supervisors are not trained to comply with the policy
 - Employees do not know about the options for assistance available to them
 - Current policy is limited



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1 in 4 women  **and 1 in 7 men**  **have experienced domestic violence.**



of women killed in U.S. workplaces were killed by a domestic partner or relative.



of people who experienced domestic violence said their work performance suffered as a consequence of abuse.



of people abused cited economic insecurity as the main reason they stayed with the person abusing them.

The effects of domestic violence can impact individual employees as well as their coworkers.



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Objectives:

1. To what extent does Berkeley's policy reflect state requirements?
2. Does Berkeley's policy address the key domestic violence issues in the workplace?
3. Is Berkeley prepared to implement a supportive domestic violence response policy?



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What we found:

1. Policy does not completely reflect state requirements
2. Policy is missing key components to address domestic violence issues in the workplace
3. Berkeley needs to prepare employees to comply with the policy through training, outreach and education, collaboration, and commitment to an inclusive and trauma-informed response



Finding #1: Policy Does Not Completely Reflect State Requirements

- Policy does not address sexual assault and stalking, or the rights of employees who have witnessed domestic violence.
- Policy does not state factors used in determining whether accommodations are reasonable.
- Policy title is focused on leave and is not comprehensive.
- Policy does not allow exceptions for employees to self-certify their leave or accommodation.



Finding #2: Policy Does Not Address Key Workplace Domestic Violence Issues

Model policies include guidance that is missing from Berkeley's policy, including:

- Handling performance issues related to domestic violence
- Training requirements for supervisors around domestic violence issues
- Inclusion of different work locations and settings in definition of workplace



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Finding #3: Berkeley Needs to Prepare All Staff to Comply with the Policy

There are practices that Berkeley is not currently following but can adopt to be better positioned to implement a robust, coordinated, and supportive domestic violence response plan. These include:

- **Training** for all supervisors about domestic violence at work and the expectations for how they should respond;
- **Outreach and education** to inform employees about the policy and ways in which the City can support them;
- **Collaboration** with resources in the city to strengthen Berkeley's domestic violence response; and
- **Commitment to an inclusive and trauma-informed perspective** in addressing domestic violence at work.



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Inclusive & Trauma-Informed Approach

*A **trauma-informed approach** includes policies, procedures, actions, and communication that create an environment of safety and trust.*

It prioritizes confidentiality, sensitivity, inclusiveness, and consent.



Safety



Trust/Transparency



Peer Support



Collaboration



Empowerment, Voice, Choice



Respect for Cultural, Historical, Gender Issues



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Recommendations

Finding 1

- Include sexual assault, stalking, and witnesses' rights in policy language
- Clarify that documentation requirements are at the discretion of Human Resources
- Encourage employees to seek assistance even if they do not initially have the documentation that may be requested

Finding 2

Adopt model policy and best practice elements described in the report, and communicate this guidance to city staff

Finding 3

Prepare Berkeley employees to comply with the policy by:

- Training supervisors about the policy
- Periodically informing employees about the policy
- Facilitating collaboration with staff responsible for implementation
- Adopting a trauma-informed and inclusive approach



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Management Response

- HR agreed with most of our recommendations
 - HR did not agree to allow employees to self-certify their leave request (similar to current bereavement leave model)
- Our recommendations focus on addressing risk of harm to the city which includes
 - Providing COB and city employees with flexibility
 - Training and education through trauma-informed lens



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We would like to thank Human Resources and the City Attorney's Office for their cooperation with this audit.



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