U.S. Department of Justice

Justice Management Division

Human Resources

Washington, D.C. 20530

JAN 17 2017

MEMORANDUM FOR COMPONENT HUMAN RESOURCES OFFICERS

FROM: Mary A. Lamary (MJ)
Director, Human Resources

SUBJECT: Implementing Instructions for DOJ Policy Statement 1200.02, Federal Workforce Responses to Domestic Violence, Sexual Assault, and Stalking

The attached Human Resources (HR) Instruction 001-2017 provides additional guidance to assist components with implementing the requirements specified in the Department of Justice (DOJ) Policy Statement 1200.02, Federal Workforce Responses to Domestic Violence, Sexual Assault, and Stalking.

Justice Management Division Human Resources (JMD/HR) in conjunction with the Office on Violence Against Women (OVW) partnered together to establish a resources webpage on DOJNet to assist components and victims in dealing with domestic violence, sexual assault, and stalking issues. We encourage you to share this information with your workforce. The webpage can be accessed at https://dojnet.doj.gov/jmd/hr/topics/domestic-violence.php.

The Instruction also requires components to provide to JMD/HR updates of their listings of individuals to whom victims can disclose incidents. JMD/HR will publish this information on the DOJNet resources webpage discussed above. Additional highlights include requirements for annual reporting and mandatory training.

Should you have any questions about this data call, please contact Monica Doyle via e-mail at Monica.Doyle@usdoj.gov or by phone at (202) 514-0267.

Attachment

U.S. Department of Justice
Justice Management Division

Approved On: JAN 17 2017
Number: 001-2017

Human Resources Instruction

Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking

PURPOSE:	To provide implementing instructions to Department of Justice (DOJ), Components regarding the DOJ Policy Statement, 1200.02, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking.
SCOPE:	Department-wide
ORIGINATOR:	Justice Management Division (JMD), Human Resources Staff (HR)
AUTHORITY:	DOJ Policy Statement, 1200.02, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking, November 19, 2013 and the authorities listed therein.
CANCELLATION:	None.
DISTRIBUTION:	This Instruction is distributed electronically to DOJ Human Resources offices.
APPROVED BY:	*Mary A. Lamary* *Director, Human Resources Staff, JMD*

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ACTION LOG

This Instruction will be reviewed, at a minimum, every five years. Revisions will be made at the time of review or whenever necessary as circumstances dictate. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions. A brief summary of all revisions will be noted. In the event this instruction is cancelled, superseded, or supersedes another instruction, that will also be noted in the action log.

Action	Authorized by	Date	Summary
Initial Approval	Mary A. Lamary Director Human Resources Staff, JMD		To provide implementing instructions to Department of Justice (DOJ), Components regarding the DOJ Policy Statement, 1200.02, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking

I. GLOSSARY OF TERMS

The definitions and acronyms used in this instruction are the same as those included in DOJ Policy Statement 1200.02, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking which is found in the DOJ Directives Management System at: https://portal.doj.gov/sites/dm/dm/Directives/1200.02.pdf.

II. PURPOSE AND SCOPE

This Instruction implements the provisions of DOJ Policy Statement 1200.02 pertaining to human resources (HR) responsibilities for Federal workplace responses to domestic violence, sexual assault, and stalking.

III. COVERAGE

This Instruction applies Department-wide.

All DOJ Components with delegated human resources authority must develop implementing instructions for issues concerning Federal workplace responses to domestic violence, sexual assault, and stalking. Such Components may elect to develop and publish their own implementing instructions consistent with this HR instruction. Alternatively, Components may use this HR instruction as their implementing instructions and address those items under Section IV below that require further specificity or action by the Component. Implementing instructions must be issued in writing and communicated to the Component's workforce.

Those DOJ offices, boards and divisions that do not have delegated HR authority will follow the Justice Management Division's (JMD) Component procedures for Federal workplace responses to domestic violence, sexual assault, and stalking.

IV. INSTRUCTIONS

A. **DOJ Policy Statement 1200.02, Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking.** The subject policy statement (hereafter, the Policy Statement) is to be used in conjunction with these implementing instructions.

   1. Components must include information about this Policy Statement in on-boarding materials for new employees.

B. **Responsibilities Across Functional Lines.** Component Heads are responsible for ensuring that their policies and procedures address the full-breadth of the Policy Statement. The responsibilities discussed in the Policy Statement cross functional lines

(e.g., security, procurement, HR, facilities, counsel, information technology, etc.). Component Heads may designate a multifunctional response team as described in the Policy Statement, section II(A)(2), to carry out the subject responsibilities. Additionally, Component Heads must ensure that the various functions with responsibilities under this Policy Statement, whether direct or implied, provide the required information for annual reports referred to in Section M below and to fulfill their responsibilities for responding to domestic violence, sexual assault, and stalking disclosures and incidents.

C. **Existing Workplace Violence and Traumatic Incidents Policies and Procedures.** These instructions are to be used as a supplement to the Component's existing policies and procedures in dealing with workplace violence and traumatic incidents. Components will follow their established policies or procedures in dealing with workplace violence and traumatic incidents issues and to the extent applicable will make specific provisions or adjustments that are necessary to address incidents of domestic violence, sexual assault, and stalking. Additionally, the Office of Personnel Management Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies (https://www.opm.gov/policy-data-oversight/worklife/reference-materials/guidance-for-agency-specific-dvsas-policies.pdf) contains helpful information that Components can use to inform their implementation decisions on how they will respond to these incidents.

    1. Components should address situations in their policies/procedures that deal with victim/aggressor incidents when both individuals are either employed by DOJ or serve as contractors at DOJ or one is a DOJ employee and the other is a DOJ contractor.

D. **Referral for Employees.** Components will provide to JMD/HR their lists, required by Policy Statement, section II(A)(2)(b), of designated supervisors, Component personnel and EAP contacts to whom employees may disclose domestic violence, sexual assault or stalking concerns. Components will ensure these lists are kept current and provide simultaneous updates to the Assistant Director, JMD/HR Policy and Advisory Services for publication on DOJNet (https://dojnet.doj.gov/jmd/hr/topics/domestic-violence.php).

E. **Referral for Contractors**. Components will provide to JMD/HR their points of contacts, required by the Policy Statement, section II(A)(2)(b), for contractors to report incidents of domestic violence, sexual assault, and stalking perpetrated against them in the Federal workplace. Components will ensure these points of contacts are kept current and provide simultaneous updates to the Assistant Director, JMD/HR Policy and Advisory Services for publication on DOJNet (https://dojnet.doj.gov/jmd/hr/topics/domestic-violence.php).

F. **Protection and Restraining Orders.** The designated HR staff must provide relevant parties who have responsibilities for responding to workplace violence and traumatic incidents with information about any protection and restraining orders that the victim discloses to HR. Additionally, HR will provide this information to its security office and general counsel's offices simultaneously for review and appropriate action.

G. **Addressing Employee Work Performance and Conduct.** Components will follow existing regulations, policies and procedures for addressing employee work performance and conduct. Both government-wide regulations and DOJ policies already provide for discretion and latitude to permit employers to address performance and conduct issues that may arise from domestic violence, sexual assault, and stalking incidents while maintaining appropriate workplace standards.

H. **Component Contact.** At the victim's request, Components will offer a point of contact with whom the victim can stay in touch regarding on-going needs.

I. **Other Workplace Flexibilities.** Components should tailor other workplace flexibilities (e.g., telework, changing work schedules or locations, leave), as necessary, to respond appropriately to domestic violence, sexual assault, and stalking disclosures and incidents.

J. **Confidentiality and Recordkeeping.** Components will ensure confidentiality is maintained and that any records associated with incidents of domestic violence, sexual assault, and stalking that are either obtained or retained by HR are properly protected and secured in accordance with DOJ Policy Statement 1200.02, DOJ records management policy, and government-wide regulations governing the Privacy Act. Records maintained by other functional areas outside of HR must be secured and maintained in the same manner as those records maintained by HR.

    1. Additional information on honoring the victim's preferences regarding the extent of disclosure is found in the Policy Statement, Appendix A under Confidentiality and Records. Components should include provisions for how they will address this issue in their policies and procedures.

K. **External Resources.** DOJNet (https://dojnet.doj.gov/jmd/hr/topics/domestic-violence.php) contains information on external resources, including a national resources hotline, that can be utilized to assist victims of domestic violence, sexual assault, and stalking.

L. **Training.** On a biennial basis, all DOJ employees including interns, student volunteers, and EAP counselors (whether DOJ employees or other Federal employees or contractors) are required to complete mandatory training about the effects of domestic violence,

sexual assault, and stalking impacting the workplace. Subsets of DOJ employees (e.g., supervisors) may be required to complete Department-wide supplemental mandatory training from time to time.

1. Components also must provide the subject training to individuals who join the Component during the intervening period between biennial training offerings. Components must provide this out of cycle training within 60 days of the date the individual joins the Component.

2. The DOJ enterprise learning and management system(s) will be used to conduct Department-wide training.

M. **Reporting.** Components will conduct annual reviews of their procedures, policies, training and practices under the Policy Statement to monitor and evaluate their responses to workplace domestic violence, sexual assault, and stalking disclosures incidents.

1. The review period will encompass the calendar year (January 1 to December 31).

2. Components must submit reports of their reviews to the Director JMD/HR by March 31 of the year following the previous calendar year.

3. Reports are to be submitted under the signature of the Component's head of administration.

4. Reporting criteria is found in Appendix A.

Appendix A

Annual Review

Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking Activities

The following information is requested in support of monitoring the Department's effectiveness of strategic responses to domestic violence, sexual assault, and stalking.

1) Number of employees and managers receiving training or educational information on domestic violence, sexual assault, and stalking (including sexual harassment):

2) Number of employees requesting information, referrals, or time off for needs relating to domestic, sexual assault, and stalking:

3) Number of Orders of Protection or Restraining Orders given to management by employees or taken out by the employer in consultation with the employee(s):

4) Number and/or percentage of employees requesting help for domestic violence, sexual assault, and stalking through employee assistance services:

5) Number of incident reports of any violent events that involved employees or others at work:

6) Number of requests from victims for assistance with safety plans:

7) Information regarding records of threat assessment and violence prevention actions related to domestic violence, sexual assault, and stalking, specifically plans made to respond to domestic violence, sexual assault, and stalking threats and and/or prevent incidents of sexual harassment and violence.

8) Information on changes to policies or procedures related to responses to domestic violence, sexual assault, and stalking disclosures and incidents that were implemented during the last year. Specifically, please explain the nature of the change, the reason for the change, and the desired outcome resulting from the change.

A review of the above information should provide a snapshot of activities for the reporting period as compared to any prior year's activities. The Component should use this information to identify and plan for necessary changes to its policies and procedures to increase awareness and improve responses to domestic violence, sexual assault, and stalking disclosures and incidents.