

D 023 09

EXECUTIVE ORDER

Establishing a Policy to Address Workplace Violence, including Domestic Violence Affecting the Workplace

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular section 2 of Article IV of the Colorado Constitution, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order requiring the development of a universal policy addressing workplace violence, including domestic violence affecting the workplace.

I. Background and Purpose

Workplace violence, including domestic violence that affects the workplace, is a serious public health, safety, and policy concern for the State of Colorado. State employees expect their employer to take necessary steps to provide a violence-free environment and to address issues concerning violence in the workplace. As an employer, the State is affected by workplace violence, which can compromise the safety of both victims and co-workers and results in lost productivity, increased healthcare costs, increased absenteeism, and increased employee turnover.

Domestic violence can have a significant impact on workplace safety. When an employee is in an abusive relationship, an abuser may seek out the abused partner at work, endangering not only the victim but possibly coworkers as well. According to the Department of Justice, each year approximately 18,700 violent workplace events are committed against those in intimate relationships with the victim.

While workplace violence is of concern for all employers, Bureau of Labor Statistics data indicates that state governments report higher percentages of workplace violence than do local governments or private industry. This Executive Order builds on existing workplace violence policies and directs the Department of Personnel and Administration (“DPA”) to work with the Department of Human Services Domestic Violence Program, the Colorado Attorney General’s Office, and other state agencies to develop a universal policy addressing workplace violence, including domestic violence affecting the workplace.

II. Definitions

- A. “Violent behavior” is defined as any act or threat of physical, verbal, or psychological aggression or the destruction or abuse of property by any individual. Threats may include veiled, conditional, or direct threats in verbal or written form, resulting in intimidation, harassment, harm, or endangerment to the safety of another person or property.
- B. “Domestic violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. An intimate relationship is a relationship between spouses, former spouses, past or present unmarried couples, same-sex couples, persons who dated or formerly dated, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time. An intimate relationship does not require sexual intimacy. “Domestic violence” also includes any violence against any person or property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. Domestic violence includes stalking, including cyberstalking.

III. Directives

- A. The State will not tolerate violent behavior or the threat of violent behavior directed by anyone toward state employees, members of the public, state property, or facilities. Such behavior may result in corrective and/or disciplinary action if it is committed by a state employee and/or criminal charges when appropriate. This policy is not intended to preclude the use or threat of reasonable force, where appropriate, in the course of a state employee's assigned duties (for instance, in law enforcement, Department of Corrections, and security positions).
- B. All threats to employee safety from any source, including domestic violence affecting the workplace, will be taken seriously and addressed appropriately.
- C. The Department of Personnel and Administration (“DPA”) is hereby directed to develop, in cooperation with the Department of Human Services Domestic Violence Program, the Colorado Attorney General’s Office, and other state agencies, a universal policy addressing workplace violence, including domestic violence affecting the workplace (“the Universal Policy”).

- D. DPA shall distribute the Universal Policy, along with sample protocols and procedures, to each state department no later than March 1, 2010. The Universal Policy will replace any and all existing departmental workplace violence and/or domestic violence policies.
- E. Each state department, no later than August 1, 2010, shall formulate protocols and procedures for implementing the Universal Policy. These protocols and procedures must adhere to the guidelines of the Universal Policy, and must be approved by DPA prior to their implementation. Institutions of higher education are encouraged to implement the Universal Policy.
1. In formulating such protocols and procedures, each state department may contact the Colorado State Employee Assistance Program at DPA for assistance and should collaborate with other identified public and private entities, such as the Colorado Department of Human Services Domestic Violence Program and certified employee organizations at the state and local level.
 2. In formulating its protocols and procedures, each state department shall give due regard to the importance of increasing awareness of and education about workplace violence, including domestic violence affecting the workplace, and informing employees of available resources for assistance. Each state department shall provide to DPA a training implementation plan for mandatory awareness and prevention training for all employees, supervisors, and managers.
- F. In order to implement this Executive Order, DPA shall:
1. Provide consultation and technical assistance to each state department in the development and implementation of its protocols and procedures, either upon the department's request or at the initiative of DPA upon review of the policy as submitted by the department;
 2. Receive, approve, and maintain copies of the protocols and procedures as issued and modified by the various state departments; and
 3. Prepare and submit to the Governor, no later than October 2, 2011, a report regarding the implementation of this Order.

- G. Every state agency shall cooperate with DPA and furnish such information and assistance as DPA determines is reasonably necessary to accomplish the purposes of this Order. Institutions of Higher Education are encouraged to participate.
- H. Copies of this Executive Order shall be distributed to all state departments and agencies, and a summary of the Executive Order shall be displayed in prominent locations in their offices and facilities.

IV. Limitation on Liability

The provisions contained in this Executive Order do not create or constitute any contractual rights between or among the State of Colorado, its employees, and any third party. This Executive Order is intended to set forth the policy of the State of Colorado, without creating additional liability against the State

V. Duration

This Executive Order shall remain in force until modified or rescinded by future Executive Order of the Governor. This Executive Order supersedes Executive Order D010 96 and all other previous Executive Orders pertaining to workplace violence and domestic violence affecting the workplace.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this seventh day of
October, 2009.

Bill Ritter, Jr.
Governor