I. PURPOSE

The purpose of this Corporate Policy and Operating Procedure (Policy) is to support employees who may encounter Domestic Violence in the Workplace, and employees who have been victims of Domestic Violence outside of the Workplace, by establishing a program in accordance with the New York State Governor’s Executive Order on Domestic Violence in the Workplace and the Model Domestic Violence and Workplace Policy issued by the New York State Office for the Prevention of Domestic Violence (OPDV). MNR wants to increase awareness and inform employees of resources available to them as well as promote education and training on the subject. This Policy is in keeping with the MNR Workplace Violence Prevention Policy, CP&OP-10-016.

II. SCOPE

This Policy applies to all MNR employees. MNR prohibits Domestic Violence on all MNR property, including but not limited to offices, trains, work sites, company vehicles or any other MNR facility. This prohibition also extends to MNR employees who are conducting any business on behalf of MNR on property not owned, leased or otherwise controlled by MNR (collectively, the “Workplace”). Employees determined to have been in violation of this Policy are subject to disciplinary action, up to and including termination. Violations may also result in referral to the MTA Police or other law enforcement authorities for further investigation.

III. DEFINITIONS

**Domestic Violence** - A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, or against some other individual with whom that person has an intimate relationship, such as a child or parent, with the goal of establishing and maintaining power and control over the victim.

**Intimate Partner** - Includes people legally married to one another, formerly married to one another, persons who have children together, couples who live or have lived together, or those who are dating or have dated in the past, including same sex couples. For purposes of this Policy, a person’s child, parent, or other close family member may also be included within the definition of Intimate Partner, provided that the conduct of the perpetrator otherwise satisfies the definition of Domestic Violence as set forth above.

**Abuser** - The person who perpetrates a pattern of coercive tactics that may include physical, psychological, sexual, economic, and emotional abuse against an Intimate Partner, with the goal of establishing and maintaining power and control over the victim.

**Victim** - Either a person against whom an Abuser directs coercive, violent or retaliatory acts, or a person who is not an Intimate Partner of the Abuser who becomes a subject of the Abuser’s coercive, violent, or retaliatory acts whether directly or inadvertently.

**Workplace** - Any location away from an employee’s domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by MNR.
Retaliatory Employment Action - The discharge, suspension, demotion, penalization or other adverse employment action taken by an employer against an employee, in the terms and conditions of that employee’s employment.

IV. ROLES AND RESPONSIBILITIES

Security Department
The Security Department will develop and coordinate Domestic Violence Workplace Safety Plans for individual employees as needed with the MTA Police, HR, and other relevant entities.

MTA Police
The MTA Police will assist victims, employees who are victims, and MNR management in cases of incidents relating to Domestic Violence that occur on MNR property, including emergency response and criminal investigations when warranted.

Human Resources Department
The Human Resources Department (HR) will administer this Policy, provide information about available resources and services, and advise and consult with the Security Department on threats and/or incidents of Domestic Violence on MNR property.

Employee Assistance Program (EAP) Office
EAP will provide assistance and referral service to employees seeking help with Domestic Violence issues and serves as the MNR liaison to the New York State Office for the Prevention of Domestic Violence. As the liaison EAP will Document and Report to the OPDV incidence of Domestic Violence at MNR. EAP Office phone number: 212-883-8084.

V. POLICY

A. Prohibitions

Ensuring that the MNR Workplace is free from incidents of Domestic Violence is an important safety and security issue for all employees. All MNR employees are responsible for using safe work practices and must follow all internal procedures to ensure that they are maintaining a safe and secure work environment for themselves, their co-workers, and the general public, at all times.

Employees are prohibited from engaging in violent acts or threats of violence, including but not limited to, physical violence, verbal or written threats of violence and/or weapons possession in the Workplace. Employees are prohibited from (i) using MNR resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace (including, but not limited to its offices, work sites, company vehicles or any other MNR facility) or from any other location while conducting MNR business; or (iii) using their job-related authority and/or MNR resources to negatively affect victims and/or to assist abusers in locating a victim and/or in perpetrating an act of domestic violence. In cases where
MNR has found that an employee has engaged in any of the actions described above, that employee shall be subject to disciplinary action up to and including termination. In cases where MNR has found the possibility that a crime has been committed, such cases will be referred to the appropriate law enforcement agency.

B. Protections

MNR will not inquire whether a job applicant has been a victim of domestic violence nor base any employment decisions on assumptions about or knowledge of an applicant’s or employee’s domestic violence victim status, in accordance with MNR’s Equal Opportunity in the Workplace, Discrimination & Harassment Prevention Policy, 21-004. That Policy, which is incorporated herein by reference, expressly prohibits discrimination against victims of Domestic Violence in the terms, conditions or privileges of employment and provides applicants or employees who believe they have suffered such discrimination avenues for filing complaints of discrimination with MNR.

MNR shall, to the extent practicable and permitted by law and MNR Corporate Policies and Operating Procedures, maintain the confidentiality of information related to an employee being a victim of Domestic Violence, unless MNR determines that maintaining such confidentiality places the victim or other employees at risk. Nothing shall prevent MNR from investigating an act(s) of Domestic Violence that occurs in the workplace.

Employees who have been victims of Domestic Violence in the Workplace or who have been a witness to Domestic Violence in the Workplace shall not be subject to any Retaliatory Employment Action due to being a victim or witness.

Employees are protected from penalty of any kind for appearing as a witness to, or as a victim of, Domestic Violence related court proceedings. Time off is to be allowed with prior day notification.

MNR, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when needing to be absent as a result of being a victim of Domestic Violence.

VI. PROCEDURE

A. All Employees

1. Any employee who experiences or witnesses an act or threat, or has knowledge of an act or threat of domestic violence, or any violent act must immediately:

   a. Report it to the MTA Police at 212-878-1000, or 6911 from an MNR landline, or by dialing 911 if they are in immediate danger or if an act of violence is in progress;
   b. Notify the MNR Security Command Center (SCC) Workplace Violence Hotline at (914) 872-5905, or 5905 from an MNR landline; or
   c. Notify and report it to their Supervisor as soon as possible.
2. Preventing violence, including Domestic Violence in the Workplace, is preferable to intervention or to discipline after violence has occurred. Employees are expected to make every effort to recognize and report circumstances that could reasonably be expected to lead to violence.

B. Managers and Supervisors

Managers and supervisors will evaluate, seek to alleviate, and report any conditions which could encourage or foster any acts of violence in the workplace.

C. Orders of Protection

1. Employees who have received Orders of Protection (OP) related to a threat or incidence of Domestic Violence are encouraged to bring the OP to the attention of Human Resources (HR) or the Manager of the Employee Assistance Program (EAP). Once the OP has been brought forward, the document will be treated confidentially and securely stored in EAP, accessible only to the designated Domestic Violence liaison. In the case of a Workplace emergency requiring the presentation of the OP to law enforcement, EAP will ensure that appropriate back-up staff is in place to access the OP if needed.

2. HR will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include:
   a. Informing the MNR Chief Security Officer, and providing a copy of the OP and/or photo of the Abuser to the appropriate security or other personnel;
   b. Discussion of who should be told if there is no security or front desk staff (such as identifying supervisor/colleagues who would be able to assist with the identification of the perpetrator);
   c. Blocking the subject of the OP from being allowed in the Workplace; and/or
   d. Creating a personal Workplace safety plan.

3. The employee is responsible for notifying HR if there are any changes to the OP.

4. MNR shall comply with and assist with the enforcement of all known OPs, particularly those in which Abusers have been ordered to stay away from a worksite. If requested by the victim of Domestic Violence or by law enforcement, the agency shall provide information in its possession concerning an alleged violation of an OP.

D. Workplace Safety Plans

1. The EAP office serves as the primary contact for MNR with OPDV regarding Domestic Violence in the Workplace. EAP together with HR and Security will work to develop and implement individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations, whenever necessary. The EAP liaison will attend training provided by OPDV and MNR, and will ensure that
employees who work in EAP, will be trained in handling Domestic Violence prevention issues.

2. MNR and the MTA Police will comply and assist with the enforcement of all known court OP's, particularly those in which Abusers have been directed to stay away from the work site.

3. EAP is available to all employees to support those in need of assistance concerning Domestic Violence.

4. MTA Police will assist employees and managers in emergencies relating to Domestic Violence incidents occurring in the MNR or MTA Workplace.

E. Additional Resources Available to Employees

Employees can receive assistance with Domestic Violence issues by contacting MNR Security or HR, or by contacting the EAP office directly. Domestic Violence information sponsored by local municipalities and social service organizations is also available on the Internet. The links below are just a few sites that may provide useful information on Domestic Violence to MNR employees:

New York State Office for the Prevention of Domestic Violence

http://www.opdv.ny.gov/

New York State Coalition Against Domestic Violence

http://www.nyscadv.org/

New York State Office of Family and Children Services

http://www.ocfs.state.ny.us/main/dv/

Connecticut Coalition Against Domestic Violence

http://www.ctcadv.org/

This Policy sets forth only guidelines and does not constitute a contract, express or implied. Metro-North expressly reserves the right to change or cancel this Policy at its sole discretion at any time.