Legislation Details (With Text)

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Title: Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article XI: Personnel, by adding Chapter 190, Citywide Policy Against Domestic Violence.

Sponsors: Reverend Ricky V. Burgess, Patrick Dowd, Darlene M. Harris, Bruce A. Kraus, R. Daniel Lavelle, William Peduto, Natalia Rudiak, Douglas Shields, Theresa Kail-Smith

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Code sections:

Attachments: 1. 2010-0009.docx, 2. 2010-0009 Version 2.doc

Date	Ver.	Action By	Action	Result
5/18/2010	2	Mayor	Signed by the Mayor	
5/11/2010	2	City Council	Passed Finally, As Amended	Pass
5/11/2010	2	City Council	AMENDED BY SUBSTITUTE	Pass
5/5/2010	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
4/28/2010	1	Standing Committees	Held in Committee	Pass
4/19/2010	1	Committee on Hearings	Public Hearing Held	
1/20/2010	1	Committee on Human Resources	Held in Committee	Pass
1/20/2010	1	Committee on Human Resources	Held for Cablecast Post Agenda	Pass
1/20/2010	1	Standing Committees	Held for Cablecast Public Hearing	
1/12/2010	1	City Council	Read and referred	

Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article XI: Personnel, by adding Chapter 190, Citywide Policy Against Domestic Violence.

WHEREAS, in December of 2007, the City Code was amended to add a new section Chapter 116.02, entitled "Domestic Abuse Policy for the Bureau of Police;" and

WHEREAS, the passage of this policy has allowed the City to more proactively and effectively address domestic violence issues arising in the Bureau of Police; and

WHEREAS, the City is committed to promoting the health and safety of its employees; and

WHEREAS, domestic violence affects both men and women and is the leading cause of injury to women in the United States; the City recognizes that domestic violence is a workplace issue; and

WHEREAS, because the City's policy against domestic violence should be extended to all City employees, Mayor Luke Ravenstahl has proposed enacting a similar ordinance aimed at covering the remainder of the City's workforce.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh City Code is hereby supplemented at Title 1, Article XI: Personnel, by adding Chapter 190, Citywide Policy Against Domestic Violence, as follows:

Chapter 190: Citywide Policy Against Domestic Violence

§ 190.01 Purpose
§ 190.02 Policy Contents
§ 190.03 Definitions
§ 190.04 Responsibilities of Applicable Directors and Bureau Chiefs
§ 190.05 Domestic Violence Review Board
§ 190.06 Severability

§ 190.01 Purpose

Many of the principles originally espoused in Section 116.02, Section III of this Code regarding the commission of domestic violence against intimate partners and other family or household members by members of the Bureau of Police apply equally to all City employees. In order to reduce the likelihood of domestic violence acts being committed by any City employee, to assist City employees who have experienced domestic violence, and to ensure that the City's workplaces are safe environments, all Department Directors/Bureau Chiefs shall implement prevention strategies and establish and follow procedures for handling acts of domestic violence committed by their employees and for supporting employees who are victims of domestic violence according to the guidance set forth herein.

The Department of Personnel and Civil Service is hereby directed to prepare and assist in implementing a Citywide Policy Against Domestic Violence ("Citywide Policy"). The goal of this policy will be to provide Directors, Supervisors, and all City employees guidance in addressing incidents where at least one (1) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank.

Members of the Bureau of Police shall remain subject to the requirements of City Code Section 116.02, Section III only. This Chapter (and the corresponding Citywide Policy) shall apply only to those City Departments/Bureaus and corresponding employees outside of the Bureau of Police.

By enacting this Chapter, the City does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

§ 190.02 Citywide Policy Contents

(a) The Citywide Policy shall offer a comprehensive, pro-active approach to domestic violence involving City employees with an emphasis on victim and workplace safety.

(b) The Citywide Policy shall delineate the City's unequivocal position against domestic violence.

(c) While prioritizing the safety and privacy of victims, the Citywide Policy shall be designed to address prevention through training practices as well as hiring practices designed to identify perpetrators, provide direction to supervisors for appropriate intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence committed by employees, and offer direction for conducting the subsequent administrative investigations for incidents of domestic violence committed by employees. Required components include:

A) Prevention and Training,

B) Early Warning and Intervention,

C) Domestic Violence Review Board,

D) Disciplinary Action for Employees who are Perpetrators of domestic violence consistent with the City's policy of progressive discipline up to and including termination,

E) Support for Employees who are Victims of domestic violence that includes confidentiality for reporting, time off and other reasonable accommodations, maintenance of benefits and any adjustments to payroll necessary for victim safety, and the commitment of no discrimination due to domestic violence victim status,

F) Severability.

(d) If an employee is charged with a qualifying Crime of Domestic Violence (CDV) or is the defendant in a protection order in which protective relief has been granted , the Director of Public Safety, and/or the Director of Operations, the applicable Department Director/Bureau Chief, City Solicitor and Director of Personnel shall be consulted immediately for an assessment of what, if any, impact such charge or protection order may have regarding continued employment or duty assignment in accordance with applicable law and working agreements. For purposes of this Chapter, a "qualifying" CDV shall:

1. Include any state or federal crime alleged to have been committed against a family or household member that is a misdemeanor or felony with an element of : use,or attempted useof physical force, or ;
use or threatened use of a deadly weapon;
and 2. Include a right to counsel or knowing and intelligent waiver.

(e) Employees found guilty of a qualifying Crime of Domestic Violence as defined in this Section may be subject to discipline up to and including termination.

§ 190.03 Definitions

(a) ***General Rule--*** The following words and phrases when used in this Chapter shall have the meanings given to them in this Section unless otherwise noted.

"ABUSE" The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. Such unwanted physical acts such as grabbing, pinching, shoving, slapping, hitting, hair pulling, biting and or denying medical care or forcing alcohol and/or drug use are considered to be types of physical abuse.

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(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, as defined by the Child Protective Services Law, 23 Pa.C.S. §6301 et seq.

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

(6) Economic abuse by making or attempting to make a person financially dependent, e.g., maintaining unwanted control against his/her wishes over financial resources, withholding access to money, forbidding attendance at school or employment.

"DOMESTIC VIOLENCE" An act of abuse committed by a family or household member against another family or household member, as defined herein.

"FAMILY or HOUSEHOLD MEMBERS" Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by blood or marriage, current or former sexual or intimate partners or persons who share biological parenthood, as defined in 23 Pa.C.S. § 6101 et seq.

"INTIMATE PARTNER" of a City employee is any person who meets one (1) or more of the following criteria: (1) Is or was legally married to the City employee; (2) Has a child in common with the City employee; (3) Has or had a dating relationship with the City employee; (4) Is specified as an intimate partner by state law; (5) Is cohabitating or has cohabitated romantically with the City employee.

"PROTECTION ORDER" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following: (1) Violent or threatening acts against another family or household member; (2) Stalking or harassment of a family or household member; (3) Contact or communication with a family or household member; (4) Physical proximity to a family or household member.

§ 190.04 Responsibilities of applicable Directors and Bureau Chiefs

(a) With oversight from the Director of Public Safety and the Mayor's Director of Operations, all Directors and Bureau Chiefs shall take proactive steps to ensure that all City employees are familiar with the provisions of this Chapter and the Citywide Policy and shall work together with applicable personnel to vigorously enforce its provisions.

(b) Instruction concerning the dynamics of domestic violence and available legal remedies and resources shall be made part of the orientation and training for all new City employees and shall continue throughout employment. Current employees shall receive training through mandatory attendance at a Domestic Violence Awareness Training Session administered by the Department of Personnel and Civil Service.

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(c) The applicable Director/Bureau Chief shall ensure that personnel records of City employees who have committed acts of domestic violence, including reports of domestic violence and abuse while off of the job, are maintained by the applicable Department Bureau and/or Department of Personnel for a period of at least ten (10) years post-termination of any employee under this Chapter.

§ 190.05 Employee Domestic Violence Review Board

(a) The Director of Personnel and Civil Service will establish the Employee Domestic Violence Review Board (EDVRB) consisting of the following members to review all City employee involved domestic violence related incidents:

Mayor or his/her designee
Director of Public Safety or his/her designee
City Solicitor or his/her designee
Director of the Department of Personnel & Civil Service or his/her designee
A representative from an area organization with an expertise in domestic violence
City-contracted Psychologist

(b) In addition to meeting after specific incidents, the EDVRB members shall meet once a quarter to review all City-wide domestic violence incidents and PFA/qualifying protection orders.

(c) Other than for convictions of CDVs as described in Section 190.02 in which termination is ordered, the applicable Department Director and/or Bureau Chief will retain the authority to follow the normal course of departmental/bureau disciplinary action against an employee who has been involved in a domestic violence related incident.

(d) The EDVRB will review all available information pertaining to the City employee involved in domestic violence related incident(s).

(e) The EDVRB shall serve in an advisory capacity by presenting findings and making recommendations to the applicable Department Director or Bureau Chief.

(f) The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.

(g) While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Department Director or Bureau Chief.

§ 190.06 Severability

Severability is intended throughout and within the provision of this Section. If any provision, including*, inter alia*, any exception, paragraph, phrase or term, or the application, thereof to any person or circumstances is held invalid, the application to the persons or circumstances shall not be affected thereby and the validity of this Section in any and all other respects shall not be affected thereby.