



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2008-047

ESTABLISHING PREVENTATIVE DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING WORKPLACE POLICIES IN ALL NEW MEXICO STATE AGENCIES

WHEREAS, providing a supportive and safe work environment for victims of domestic violence, sexual assault and stalking increases the likelihood that these individuals will be able to maintain their employment and financial independence;

WHEREAS, throughout the country, and in New Mexico, an increasing number of businesses are adopting policies to address family violence issues as such issues negatively impact the workplace;

WHEREAS, domestic violence, sexual assault and stalking cost U.S. employers hundreds of millions of dollars in absenteeism, lost wages, health care expenses, and lost productivity arising from the impact on employee morale;

WHEREAS, victims of family violence who are attempting to end abusive relationships are especially vulnerable in the workplace due to accessibility;

WHEREAS, the policy of the State of New Mexico is to eliminate domestic violence, sexual assault and stalking and to eliminate tolerance for these offenses in any form, at any place, whether at home, at the workplace, or elsewhere;

WHEREAS, executive branch agencies of the State of New Mexico should be sexual assault-free, domestic violence-free, and stalking-free workplaces for all of their employees;

WHEREAS, victims of domestic violence, sexual assault, and stalking need support and assistance from their employers but are often afraid of disclosing the abuse to their employers; and

WHEREAS, the Executive Branch of the State of New Mexico is one of the largest employers in the State and can set a positive example by adopting model domestic violence, sexual assault and stalking workplace policies.

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the Laws of the State of New Mexico do hereby order each state agency to develop, submit to the New Mexico Domestic Violence Leadership Commission for review and comment, and implement preventative domestic violence, sexual assault, and stalking workplace policies by July 1, 2009. Such policies shall include the following:

1. Responsive policies and procedures for employees and management to address domestic violence, sexual assault, and stalking and the effects of these offenses in the workplace;
2. A workplace protocol to ensure the safety of the victimized employee as well as other employees working in close proximity.
3. Guidance for employees and management regarding available support and assistance, including confidential means for seeking assistance and resource and referral information.
 - a. A requirement that the agency maintain, publish and post in locations of high visibility such as bulletin boards, break rooms and online sources, a statewide list with contact information for counseling, advocacy and referral resources for victims of domestic violence, sexual assault, and stalking, as well as intervention program resources for perpetrators.
 - b. The list to be posted will be developed, maintained and published by the Children Youth and Families Department (CYFD)
4. A commitment to respect the confidentiality and autonomy of victims to the fullest extent permitted by law.
5. A policy that agency employees who witness threats or incidents of domestic violence, sexual assault or stalking in the workplace will be strongly encouraged to report the event immediately to agency designated and appropriately trained managers or supervisors.
6. A clear prohibition against the threat or commission of domestic violence, sexual assault or stalking by any agency employee on agency premises, during working hours or at an agency-sponsored event, whether directed at another agency employee or other person.
7. A prohibition of discrimination against employees on the basis of their victimization.

8. A confidential method for employees who are either victims of domestic violence, sexual assault, or stalking, or perpetrators of these offenses to seek support and assistance without fear of reproach.
9. A policy that requires the agency, upon request, to assist the employee to identify available leave options which allow employees to address the abuse in their lives, including, for example, to:
 - a. obtain or attempt to obtain any judicial relief, including, but not limited to an order of protection;
 - b. meet with law enforcement officials, consult with attorneys, and/or victim advocates, and attend court proceedings related to the domestic abuse, sexual assault or stalking;
 - c. seek treatment by a health care provider for physical or mental injuries caused by domestic abuse, sexual assault or stalking or to attend to such health care treatment for a victim who is a designated family member;
 - d. obtain or assist a designated family member, in obtaining services from a domestic violence shelter, domestic violence program, rape crisis center, or other social services program for relief from domestic abuse, sexual assault or stalking;
 - e. obtain or assist a designated family member, in obtaining mental health counseling related to an experience of domestic abuse, sexual assault or stalking; or
 - f. participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's designated family member, from future domestic abuse, sexual assault or stalking.

Agencies may use the model policy developed by the New Mexico Domestic Violence Leadership Commission as a basis for developing a workplace policy consistent with this order.


I FURTHER DIRECT every state agency to implement the Domestic Violence, Sexual Assault and Stalking in the Workplace Prevention Training curriculum and delivery program developed by the New Mexico Domestic Violence Leadership Commission. This training shall focus on domestic violence, sexual assault and stalking awareness, workplace security and safety planning, the need for confidentiality and record keeping, conducting appropriate investigations, and appropriate referrals. Agencies are directed to make this training available upon the hiring of new personnel

and agency-wide at least every two years. The first agency training shall take place no later than six months following the agency's implementation of the workplace policy.

THIS ORDER does not alter any existing collective bargaining agreements.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Executive Order shall take effect immediately and remain in effect until such time as it is rescinded by the Governor.

ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
30TH DAY OF SEPTEMBER, 2008

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


BILL RICHARDSON
GOVERNOR

