

Domestic Violence Leave Policy



Effective Date: 11/9/2021

POLICY SCOPE:

The Town of Stow is committed to providing victims of domestic violence job protected leave to all employees, full or part time, in accordance with the Commonwealth of Massachusetts Act Relative to Domestic Violence signed into law on August 8, 2014, and effective immediately (codified at G.L. c. 149, §52E). The purpose of this policy is to create an awareness of domestic violence and provide guidelines for addressing domestic violence by assisting employees who are victims in finding appropriate resources, and by assisting abusers in finding treatment programs.

APPLICABILITY:

This policy applies to all employee of the Town of Stow. Employees governed by a collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by law or agreement.

DEFINITIONS:

For the purposes of this policy, the term “employee” is any full or part time employee, regardless of hours and/or length of service, and/or an employee’s “family member” refers to a parent/stepparent, a child/stepchild, a sibling, grandparent or grandchild, a guardian relationship, having a child in common, dating/engagement or reside together.

The terms “abuse,” “abusive behavior,” “domestic violence,” “employees” and “family member” are as defined in G.L. c. 149, §52E(a).

POLICY DESCRIPTION:

The Town of Stow will provide up to fifteen (15) days of job protected leave in any twelve (12) month period for an employee if the following conditions are met:

1. The employee, or a family member of the employee, is a victim of abusive behavior.
2. The employee is using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and

3. The employee is not the perpetrator of the abusive behavior against such employee's family member.

Except in cases of imminent danger of the health or safety of an employee or family member, an employee seeking leave from work under this policy shall request such leave at least 3 days in advance as set forth in the procedure section below. In situations that involve imminent danger, employees (or any representative of the employee as permitted under G.L. c. 149, §52E(d)) must notify the Town within three workdays after the leave has been taken that the leave is being taken as "domestic violence leave" using the procedure set forth below. Employees may use sick, vacation or personal time for this leave or, if the employee has exhausted all such leave, may take the time unpaid.

Any full or part time employee is eligible for this leave regardless of length of service or number of hours worked.

In addition, the Town will provide appropriate support and assistance to employees who are victims of domestic violence. This includes a **confidential** means for seeking help, resource and referral information, adjustments to work schedule or an alternative work schedule, and a leave of absence or other reasonable accommodations. The Town of Stow cannot treat domestic violence, but it can provide information for victims and/or abusers by connecting with the appropriate resources. No employee will be disciplined, retaliated against, or penalized for being a victim of domestic violence or for exercising their right to domestic violence leave under this policy and G.L. c. 149, §52E.

The Town of Stow will not tolerate domestic violence by or against any employee or visitor while in Town buildings or at work sites. Any Town employee, who threatens, harasses, or abuses a family member by using Town equipment or resources, such as, work time, work phones, fax machines, mail, e-mail, voice mail or other means will be subject to disciplinary action up to and including termination. The Town considers domestic violence that occurs during the employee's normal duties as a Town employee (whether it results in an arrest, conviction, or issuance of an injunction) to be just cause for disciplinary action, up to and including termination.

An employee who is an abuser may be provided with and encouraged to seek assistance with regards to counseling and certified treatment resources, such as a batterers' intervention program, and may be provided with a leave of absence or other reasonable accommodation to receive treatment at the employee's request, and subject to the Town's right to impose disciplinary action if appropriate under the preceding paragraph.

PROCEDURE:

It is important for all employees to be aware of domestic violence, to know their rights under G.L. c. 149, §52E, and to know the best way to respond to the effects of domestic violence.

1. Employees and supervisory staff will be given the Town of Stow's domestic violence policy.
2. Additional Resource information will be available in the Human Resources Department.

To Request a Leave of Absence under this Policy:

1. Any full or part time employee (union and non-union) is eligible to request this leave beginning on date of hire if:
 - The employee or a family member of the employee is a victim of domestic violence.
 - The employee is using the leave from work to address issues directly related to the domestic violence against the employee or family member of the employee.
 - The employee is not the perpetrator of the domestic violence against another employee or the employee's family member.
 - The employee is not the perpetrator of the domestic violence against another employee or the employee's family member.
2. Employee may fill out the Request for Leave Form:
 - If the employee chooses to use accrued paid time, such as vacation, personal or sick time, they may and return the form to a supervisor or to Human Resources.
 - Employee may fill out the Request for Leave Form and check other if the employee prefers to take the time unpaid and return the form to a supervisor or to Human Resources.
 - Leave of Absence requested under this Act cannot be denied.
3. Employee must request leave with 3 days advance notice (unless there is a threat of imminent danger). An employee who does not give advance notice must notify the Human Resources Department or their supervisor within three workdays of taking leave that the leave was being taken under the Act's leave provisions.
4. Employee must provide documentation to show that they are eligible for a leave. This documentation may be submitted to a supervisor or to Human Resources. Acceptable documentation under this act includes any one of the following documents:
 - A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction because of abusive behavior against the employee or employee's family member.
 - A document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
 - A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
 - Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of or has been adjudicated a juvenile delinquent by reason of, any offense constituting

abusive behavior, and which is related to the abusive behavior that necessitated the leave under this section.

- Medical documentation of treatment because of the abusive behavior complained of by the employee or employee's family member.
 - A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
 - A sworn statement, signed under the penalties of perjury, from an employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior
5. All information related to the employee's leave under this policy shall be kept **confidential** by the Town and shall not be disclosed, except to the extent that disclosure is:
- requested or consented to, in writing, by the employee.
 - ordered to be released by a court of competent jurisdiction.
 - otherwise required by applicable federal or state law.
 - required during an investigation authorized by law enforcement, including but not limited to an investigation by the attorney general; or
 - necessary to protect the safety of the employee or others employed at the workplace.
6. The Town shall not coerce, interfere with, restrain, or deny the exercise of, or any attempt to exercise, any rights provided under this policy or G.L. c. 149, §52E or to make leave requested or taken hereunder contingent upon whether or not the victim maintains contact with the alleged abuser.
7. The Town shall not discharge or in any other manner discriminate against an employee for exercising the employee's rights under this policy or G.L. c. 149, §52E. The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave taken under this section commenced. Upon the employee's return from such leave, the employee shall be entitled to restoration to the employee's original job or to an equivalent position.

If you think you may be a victim or know someone who may be a victim of domestic violence:

Tell a trusted co-worker, supervisor, or manager and ask for help
Contact the Human Resources Department at (978) 897-4175 and ask for assistance
Contact the Employee Assistance Program at 1-800-451-1834
Call the Domestic Violence Hotline 1-877-785-2020

- Call your local police
- Ask your supervisor or the Human Resources Department for a leave of absence under G.L. c. 149, §52E and inquire about your options

- If you believe your safety is a concern, submit a recent photograph of the abuser and provide a copy of your protection order to assist the Town in identifying the abuser should he/she appear in your workplace.

If you think you may be a perpetrator of domestic violence or know someone who may be:

- Tell a trusted co-worker, supervisor, or manager and ask for help
- Contact the Human Resources Department and ask for assistance
- Contact the Employee Assistance Program Coordinator
- Obtain a referral to a certified domestic violence perpetrators treatment program from the EAP at 1-800-451-1834

Other Resources:

For victims: (most of these numbers are 24-hour hotlines)

The Support Committee for Battered Women Hotline	1-800-899-4000
Casa Myrna Vasquez Hotline	1-800-992-2600
www.casamyrna.org	
National Domestic Violence Hotline	1-800-799-SAFE
http://www.thehotline.org/	
Voices against Violence	1-877-221-6176
http://www.smoc.org/voices-against-violence.php	
Fenway Violence Recovery Program	1-888-242-0900 x311
http://www.fenwayhealth.org (Services for gay, lesbian, and bisexual survivors)	

For perpetrators:

Emerge	1-617-442-1550
www.emergedv.com	
Common Purpose	1-617-739-3831
www.commonpurpose.com	