



TOWN OF NORWOOD PERSONNEL BOARD

#P-312 – DOMESTIC VIOLENCE LEAVE POLICY

1. Purpose and Scope

- 1.1 The purpose of this document is to outline the Town's unpaid domestic leave policy with respect to eligibility, benefits, and use, and to ensure that leave benefits are implemented equitably and consistently.
- 1.2 The Town is committed to the protection of those eligible individuals that provide service to the Town from domestic violence by giving them the necessary tools to deal with domestic violence issues. This policy, along with the efforts of our EAP, can be utilized if the need arises for you to take needed time off to deal with a domestic violence issue.

2. Applicability

- 2.1 This policy applies to all full and part-time compensated positions excluding elected officials and employees of the School Department. Employees whose positions are covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by law or agreement. To the extent permitted by law, employment agreements entered into after the effective date of this policy with employees whose positions are subject to this policy must follow all of the provisions of this policy.
- 2.2 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.
- 2.3 Nothing in this policy limits or prevents the Town from providing time-off to employees to address situations of violence not specifically defined in this policy.

3. Definitions

- 3.1 Please consult the Personnel Definitions Document (#D-100) regarding Appointing Authority, Regular Full-time / Regular Part-time / Intermittent / Seasonal / Temporary Employee, Intern, Volunteer, and any other applicable terms utilized in this document.
- 3.2 Calendar Year - refers to the normal calendar year of January 1st to December 31st.
- 3.3 Family Member (under this policy) – includes:
 - 3.3.a Persons who are married to one another;
 - 3.3.b Persons in a substantive dating or engagement relationship and who reside together;
 - 3.3.c Persons having a child together;
 - 3.3.d Parents, step-parents, children, step-children, siblings, grandparents, grandchildren, and persons in guardian relationships.

- 3.4** Domestic Violence – is broadly defined as abuse against an employee or an employee’s family member by:
- 3.4.a A current or former spouse of the employee or employee’s family member;
 - 3.4.b A person with whom the employee or employee’s family member shares a child in common;
 - 3.4.c A person who is cohabitating with or has cohabitated with the employee or employee’s family member;
 - 3.4.d A person who is related by blood or marriage to the employee;
 - 3.4.e A person with whom the employee or employee’s member has or had a dating or engagement relationship.
- 3.5** Abuse – attempting to cause or causing physical harm; fear of imminent serious physical harm by another; engaging involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, including threats, intimidation or acts designed to induce fear, depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another.
- 3.6** Abusive Behavior – includes domestic violence, stalking, sexual assault and kidnapping.

4. Eligibility

All employees of the town including all Regular Full-time and Regular Part-time employees, Intermittent/ Seasonal/Temporary Employees, Interns, and Volunteers are eligible for Domestic Violence Leave benefits, as indicated in this policy.

5. Policy

- 5.1** Before an employee may submit a request for the use of an unpaid Domestic Violence Leave, he or she must utilize any and all accumulated personal leave, vacation leave and sick leave available to them.
- 5.2** Approved Domestic Violence Leave is an unpaid leave.
- 5.3** An eligible employee may take up to 15 days of leave from work in any 12-month period, if the employee or family member of the employee is a victim of abusive behavior and the employee is using leave from work to:
- 5.3.a Obtain medical attention, counseling, victim services or legal services;
 - 5.3.b Secure housing;
 - 5.3.c Obtain a protective order from a court;
 - 5.3.d Appear in court or before a grand jury;
 - 5.3.e Meet with a district attorney or other law enforcement official;
 - 5.3.f Attend child custody proceedings;
 - 5.3.g Address other issues related to the abusive behavior against the employee or family member of the employee.

5.4 Required Documentation

- 5.4.a The Town of Norwood requires documentation showing that an employee or employee's family member is a victim of domestic violence.
- 5.4.b An employee may satisfy the documentation requirement by producing any of the following documents within a reasonable period of time from the request:
 - 5.4.b.i Protective order, order of equitable relief or other documentation issued by a court;
 - 5.4.b.ii 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 employee's family member;
 - 5.4.b.iii A police report or statement of a victim or witness provided to the police;
 - 5.4.b.iv Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent;
 - 5.4.b.v Medical documentation of treatment as a result of the abusive behavior;
 - 5.4.b.vi A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other similar professional;
 - 5.4.b.vii A sworn statement, signed under the pains and penalties of perjury, by the employee.
- 5.4.c The Town shall maintain any received documentation within the employee's personnel file, but only as long as required for the Town to make a determination as to whether the employee is eligible for domestic violence leave.
- 5.4.d All information related to the employee's leave shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:
 - 5.4.d.i Requested or consented to, in writing, by the employee;
 - 5.4.d.ii Ordered to be released by a court of competent jurisdiction;
 - 5.4.d.iii Otherwise required by applicable federal or state law;
 - 5.4.d.iv Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or,
 - 5.4.d.v Necessary to protect the safety of the employee or others employed at the workplace.

5.5 If additional time off is required, the employee should discuss with his/her department head. Nothing in this policy limits or impairs an employee's right or ability to seek other types of applicable unpaid time off.

5.6 Domestic Violence Leave is granted subject to the prior approval from the employee's Department Head or Appointing Authority and appropriate advance notice is provided to the Town, as indicated in Section 6.1.

5.7 Employees do not lose any benefits accrued prior to or during a domestic violence leave.

5.8 Upon return, an employee shall be restored to the same position held prior to his/her domestic violence leave.

- 5.9 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
- 5.10 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

6. Provisions

6.1 Notice

6.1.a Employees are generally required to provide appropriate advance notice by submitting *Document #D-145 – Notice of Need for Leave*, except in cases of imminent danger.

6.1.a.i In cases of imminent danger, the employee is required to notify the employer of his/her absence within three (3) work days that the leave was taken or is being taken.

6.1.b The Town will not take negative actions against an employee for an unscheduled absence, if, within thirty(30) days from the unauthorized absence or last unauthorized absence in cases of consecutive absences, the employee provides any of the indicated forms of documentation of the need for domestic violence leave.

6.2 Unless so ordered by a court, the Town shall not inhibit the rights of a domestic violence leave employee based on whether the employee maintains contact with the alleged abuser, even if the abuser is another Town employee.

6.3 Domestic Violence Leave time shall be taken in increments of not less than 2 hours.

6.4 Employees shall report a domestic violence leave as unpaid leave in the attendance system.

7. Applicable Laws / Statutes

M.G.L. Chapter 260 of the acts of 2014

The following documents associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The Human Resources Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

- #D-144 – Employee Acknowledgement of Receipt of Policy
- #D-145 – Notice of Need for Leave [section 6.1]

PERSONNEL BOARD

For the Personnel Board: David E. Hajjar
 David E. Hajjar, chairman
 Willard Krasnow
 John E. Taylor

9 / 17 / 14
 Anne Haley, vice-chair
 Patterson Riley



TOWN OF NORWOOD

DOMESTIC VIOLENCE LEAVE POLICY

#D-144 – Employee Acknowledgement of Receipt of Policy

This policy, outlining the Town’s domestic violence leave benefits for eligible Full-time and Part-time employees, has been written to provide information and guidance for our employees regarding eligibility, benefits, and use. The Town reserves the right to change, add to or delete any part of this policy, at any time, as it deems appropriate after an appropriate public hearing is held. The Town reserves the right to waive or vary any term of this policy, as it deems appropriate at any time in order to achieve its desired goals.

If changes are made to this policy, the Town will notify employees as soon as possible after the appropriate public hearing is held. Changes which are required by law will be effective with or without notice to employees.

This Policy does not, and may not be construed to create a contract with any employee.

With your signature below, you represent that you have read this acknowledgement, that you have received a copy of the Town’s Domestic Violence Leave Policy, and that you have read and understand this policy.

I acknowledge that I have received and read the Town’s ***DOMESTIC VIOLENCE LEAVE POLICY***.

Please be advised that if you refuse to acknowledge receipt of this policy by signing below, your refusal will be documented and you are still obligated to follow and comply with this policy.

Employee Name [please print]

Employee Signature

Date: ____/____/____

 Employee _____ was unwilling to sign this document
[print name of employee]
_____ (HR Initials) ____/____/____.



**TOWN OF NORWOOD
HUMAN RESOURCES DEPARTMENT**

#D-145 – NOTICE OF NEED FOR LEAVE
[Temporary Form]

This form shall be filled out and filed with the HR Director only.

SECTION I:

Employee Name: _____ (Print) Date: ____/____/____

Title: _____ Department: _____

Requested start of Leave: ____/____/____

Have you used all Vacation, Personal, and Sick Leave available to you? Yes No

If No, please note that this policy requires you to have used all available paid leave before you may request an unpaid domestic violence leave. If you have used all available paid time off available to you, please continue.

I am the victim of domestic violence resulting in this request

Family Member _____ [list type not name] was the victim of domestic violence

Requesting Employee Signature: _____ *[send signed form to HR]*

SECTION II: To Be Reviewed and Acted Upon by the HR Director

As the Human Resources Director, I have reviewed the above employee's unpaid Domestic Violence Leave request and make the following decision:

Approved as submitted Disapproved – please explain: _____

HR Director Signature Print Name Date: ____/____/____

The originally signed form shall be placed within the employee's personnel file and kept confidential, per Section 5.4.d of this Domestic Violence Leave policy.

DOMESTIC VIOLENCE LEAVE REQUEST PROCESS FLOW CHART

DH = Department Head
AA = Appointing Authority
HR = Human Resources

