



## CITY OF LOWELL

# DOMESTIC VIOLENCE IN THE WORKPLACE POLICY

### INTRODUCTION:

The City of Lowell is committed to providing a safe and healthful environment for its employees. Therefore, the City will adhere to a zero tolerance policy towards domestic violence and maintain a violence-free workplace. The following definitions are to clarify any misunderstandings:

**Domestic Violence** - Is a pattern of assaults and controlling behavior that restricts the activity and independence of another individual. It can include physical, sexual, and psychological attacks, and economic control.

**Restraining Order** - Is any court order, or other legally enforceable requirement, whether issued under chapter 209A or 208 of the General Laws or other authority, providing that an abuser must refrain from abusing, avoid contact with and/or remain away from an alleged victim of domestic violence.

Domestic violence often carries over to the workplace because abusers know the schedule of a victim. The City intends to make all attempts to make the workplace a safe environment by being aware of the signs of domestic violence, assisting victims, and disciplining abusers.

It is the policy of the City of Lowell to have zero tolerance for domestic violence in any form in the workplace. The City will also assist any employee who is a victim of domestic abuse by referring the employee to victim assistance programs, allowing vacation or sick leave to be used for issues related to the violence, monitoring and enforcing restraining orders in the workplace, and preserving confidentiality at all times. The City will take actions of discipline up to and including dismissal against an employee who commits an act of domestic violence on City property, on City time or utilizing a City vehicle.

### PROVISIONS FOR LAW ENFORCEMENT OFFICERS:

It is a federal crime for an individual to possess any firearm if that individual has been convicted of a misdemeanor crime of domestic violence. Under the law, the term "misdemeanor crime of domestic violence" means an offense that is a misdemeanor under federal or state law. It must also include the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or be a person similarly situated to a spouse, parent or guardian of the victim. The definition includes all misdemeanors that involve the use or attempted use of physical force. This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor. Any member of the Police Department must notify the Chief of Police if that individual is involved in any of the above mentioned circumstances or named as a defendant on a restraining order.

The prohibition on the possession of firearms does not apply if the individual has received a pardon for the crime, the conviction has been expunged or set aside, or the person has had civil rights restored and is not otherwise prohibited from possessing firearms.

**PROCEDURE:**

**ABUSERS** - All employees who commit or threaten to commit acts of domestic violence at the workplace will be disciplined by their Department Head or City Manager. This also includes those who use workplace phones, faxes, e-mail, or other means to harass their partner. Such discipline may include suspension without pay or dismissal. Employees may also be required to attend a certified batterers intervention program, and may consider such acts of domestic violence in promotion and other work-related determinations.

**VICTIMS** - The City will maintain the well-being of all victims by providing such services as:  
Respecting the privacy of victims and preserving confidentiality.  
Aiding the victim in receiving help and counseling services through the Employee Assistance Program (E.A.P.).  
Monitoring and enforcing restraining orders, which they are notified of, in the workplace.  
Developing accommodations to avoid the accused abuser in the workplace by making employees feel safe and secure by moving desk to another area or changing phone number.  
Facilitating other referrals and securing appropriate local services such as emergency relocation into a shelter setting.

Allowing up to (15) days of vacation or sick leave to be used for the purposes of victim counseling, obtaining medical treatment, attending legal proceedings, or carrying out other necessary activities. The City Manager may also grant up to (3) months unpaid leave for purposes listed above.

**ASSISTANCE:**

The City provides an Employee Assistance Program (E.A.P.) to assist supervisors on what actions to take if they suspect an employee is a victim of domestic abuse. The EAP will also assist the victim with counseling and mapping out a safety plan to end violence occurring in the workplace. The EAP can be reached at 1-800-451-1834. Locally, Alternative House's Domestic Violence Hotline can be reached at 978-454-1436 or the National Domestic Violence Hotline at 1-800- 799-SAFE or the Lowell Police Department Domestic Violence Unit at 978-937-4023. In case of emergency, dial 911.

**TRAINING:**

The City will provide opportunities for employees to be trained in the risk factors associated with domestic violence and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace. All supervisors will be trained in recognizing systems of domestic violence and how to access the EAP or other appropriate resources.

**EMPLOYEES:**

All employees are encouraged to report violent acts or threats of violence they witness to their immediate supervisor or department head. If an incident occurs, the supervisor or department head shall report it to the local police. Employees are required to cooperate in any investigation or complaint.

This guideline shall apply consistently and fairly to all employees, including supervisors and managers. The City does not discriminate against victims of domestic violence.