



THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR MICHAEL J. ALBANO

EXECUTIVE ORDER

ZERO TOLERANCE FOR DOMESTIC VIOLENCE POLICY

WHEREAS, domestic violence studies have shown that as many as fifty-four percent (54%) of women in this country become involved in an abusive relationship at some point in their lives; and

WHEREAS, domestic violence surveys have shown that approximately twelve percent (12%) of women nationally are currently in abusive relationships, and

WHEREAS, domestic violence is the leading cause of injury to those aged 8-35 in this country; and

WHEREAS, domestic violence cost United States' businesses three to five (3-5) billion dollars annually; and

WHEREAS, in 1997, the Massachusetts Coalition of Battered Women Service Groups received approximately seventy-five thousand (75,000) calls for assistance from victims and sheltered approximately three thousand (3,000) women; and

WHEREAS, in 1997, the YWCA ARCH program in Springfield received five thousand three hundred seventeen (5,317) calls for assistance and sheltered forty-two (42) women with sixty-eight (68) children; and

WHEREAS, in 1997, the Springfield Police Department received approximately ten thousand (10,000) 911 calls for domestic violence; and

WHEREAS, since 1991 Massachusetts' courts have issued an average of forty-five thousand (45,000) restraining orders each year; and

WHEREAS, domestic violence affects people of all ages in every racial, ethnic, social-economic, educational and religious segment of society; and

WHEREAS, domestic violence is a societal problem with consequences extending beyond the family and into all areas of society, including the workplace; and

WHEREAS, domestic violence adversely affects employee productivity and causes absenteeism and high employee turnover in the workplace; and

WHEREAS, victims of domestic violence are often especially vulnerable in the workplace when attempting to end abusive relationships because the workplace is often where the abuser can find the victim; and

WHEREAS, nationally, domestic violence in the workplace has resulted in trauma and injury up to and including death to victims as well as their co-workers; and

WHEREAS, the City of Springfield is the largest employer in the city and has a responsibility to set an example for other employers; and

WHEREAS, I, intend that the City of Springfield and all of its departments adhere to a zero tolerance to domestic violence policy and maintain a domestic violence-free workplace for all of its employees.

NOW THEREFORE, I, Michael J. Albano, Mayor of the City of Springfield, by virtue of the authority vested in me as chief executive, do hereby order as follows:

DEFINITIONS

The following terms shall have the following meanings;

“Abuser,” a person who as the primary aggressor in a relationship commits acts of domestic violence;

“City Departments,” the City of Springfield and all departments, agencies and entities therein;

“Domestic Violence,” any action involving abuse as that term is defined in Chapter 209A, Section 1 of the General Laws, and any action in violation of a restraining order;

“Employee,” any person employed full-time or part-time by the City of Springfield;

“Restraining Order,” any court order, injunction, or other legally enforceable requirements, whether issued under Chapter 209A 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;

“Victim,” a person who is a target of or suffers the effects of domestic violence.

STATEMENT OF POLICY

It is the policy of the City to have zero tolerance for domestic violence in any form at any place, whether at home, at the workplace, or elsewhere.

All City departments are directed to establish a zero tolerance for domestic violence policy within their workplace. These policies should include the following elements.

(i) a definition, description and examples of domestic violence; (ii) a statement that any use of work time or workplace facilities to commit or threaten to commit acts of domestic violence is cause for discipline up to and including dismissal; (iii) a statement that all acts of domestic violence, regardless of whether they occur in or near the workplace, may be cause for discipline up to and including dismissal, and may be considered in hiring and promotion determinations; and (iv) information indicating where victim, abusers and child witnesses to domestic violence can seek help, including but not limited to victim assistance programs, battered women's shelters, and certified batterer intervention programs.

City's Labor Relations Department is directed to exercise their best efforts to include principles of zero tolerance of domestic violence in future collective bargaining agreements.

City Departments are directed to review their existing personnel policies and procedures and to revise them as necessary to ensure that they are responsive to victims.

City Departments are directed to provide, encourage, and promote domestic violence education and training for all their employees, with special emphasis on workplace security and safety, appropriate training for supervisory personnel in identifying and responding to domestic violence, the need for confidentiality and record keeping, and appropriate referral of employees affected by domestic violence to victim services and certified batterer intervention programs.

City Departments are directed to respect the privacy of victims and to preserve confidentiality at all times, to the extent possible, in dealing with situations involving domestic violence.

LEAVE FROM WORK

Employees shall be entitled to be absent from work for up to fifteen (15) days per year for purposes of victim counseling, obtaining medical treatment, attending legal proceedings, or carrying out other necessary activities, where such activities result from domestic violence inflicted upon the employee or upon the employee's children where the employee is not the alleged abuser. Such absences shall be paid, and shall be in addition to any other vacation time, personal time, sick time, or other paid leave time to which the employee is entitled.

City Departments are authorized and encouraged to grant up to six (6) months unpaid leave to an employee who is a victim or whose children are victims where the employee is not the

alleged abuser, where the employee request such leave as a result of domestic violence. City Departments shall offer the same or a similar position to such an employee upon the employee's return from leave.

WORKPLACE SECURITY

An employee who so chooses may notify his or her City Department of the existence of a restraining order protecting the employee. Upon receipt of such notice, the City Department shall make all reasonable efforts to monitor and enforce the restraining order in the workplace. Such efforts shall include notifying security personnel of the identity of the person against whom the restraining order is issued, and where possible, providing such personnel with a photograph of the person.

If a City Department becomes aware that a restraining order applicable to one or more of its employees are in effect, the City Department may offer a victim reassignment to a different location, and may require an employee who is an alleged abuser to accept relocation or reassignment to a different location, if the City Department determines that such reassignment will help ensure the safety of the victim or others in the workplace. Where a victim has accepted or requested reassignment, the City Department shall give the request top priority.

DISCIPLINE OF ABUSERS


Employees who are abusers are on notice that the City of Springfield has zero tolerance for domestic violence. All City Departments are directed to report acts of domestic violence and violations of restraining orders that occur in the workplace to the appropriate law enforcement authorities.

Where a judicial determination of probable cause has been made that an employee has committed an act of domestic violence, the employee may be disciplined by the City Department regardless of whether such an act occurred in or near the workplace. Such discipline may include loss of vacation time, suspension with or without pay, or dismissal. City Departments may also require such employees to attend a certified batterers intervention program, and may consider such acts of domestic violence, along with the employees success or failure to complete a certified batterers intervention program, in promotion and other work-related determinations.

This Executive Order shall be effective immediately.

Dated: _____

5/7/98



Michael J. Albano
Mayor of Springfield