

TOWN OF WALDOBORO

Domestic Violence Policy

PURPOSE:

The purpose of this policy is to heighten awareness of domestic abuse and to provide guidance, education and resources for employees, elected or appointed officials and management to address the occurrences of domestic abuse and its effects in the workplace. The Town of Waldoboro is committed to promoting the health and safety of its employees. This document is intended to supplement, not supersede, existing policies such as sexual harassment, personnel, etc.

DEFINITIONS:

Domestic Abuse: A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and economic control. The persons addressed in this situation include dating partners, family or household members, etc. and are further defined in M.R.S.A. 19-A, §§4002 (3-A and 4).

Batterer, Perpetrator or Abuser: The individual who commits an act of domestic abuse as defined above.

Batterer's Intervention Programs: Programs for batterers to attend that are designed to eliminate abuse in intimate relationships, stop other forms of abusive behavior, and increase victim safety.

Survivor or Victim: The individual who is the subject of an act of domestic abuse.

Employee: Shall include employees, elected or appointed officials and management.

POLICY & PROCEDURE:

Early Intervention and Education Prevention Strategies

It is the policy of the Town of Waldoboro to use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic abuse in the workplace. The New Hope Program in collaboration with the Town of Waldoboro will provide the framework for support to employees around issues of domestic abuse. Education programs will be developed in

conjunction with New Hope which will provide employees with the knowledge of available resources as well as how to respond to an employee who is a victim or perpetrator of domestic abuse.

Leave Options for Employees who are Experiencing Domestic Abuse

Employees are eligible for paid or unpaid leave from their assigned responsibilities to receive medical treatment or to appear in court. In addition, victims of domestic abuse will also be given time off to obtain counseling, shelter or any other necessary services arising from the effects of abuse. Employees will be encouraged to explore whether paid options can be arranged which will help the employee cope with a domestic abuse situation without taking a formal unpaid leave of absence. Depending on the circumstances, this may include arranging flexible work hours so that the employee can handle legal matters, court appearance, housing and childcare.

Employee Performance Issues Related to Domestic Abuse

While the Town of Waldoboro retains the right to discipline employees for cause, it also recognizes that victims of domestic abuse may have performance issues, such as chronic absenteeism or the inability to concentrate as a result of the abuse. When an employee subject to discipline confides that the performance issues are caused by domestic abuse, a referral for appropriate assistance will be offered to the employee. The Town will allow a reasonable amount of time for the employee to obtain assistance regarding the domestic abuse, knowing that the effects of domestic abuse can be severe and may take extended periods of time to address fully.

Response to an Employee Identified as an Abuser

An employee, who is found using any town resources such as work time, work place telephones, a firearm, facsimile machines, mail, electron mail, a town vehicle, town credit card or other means to commit an act of domestic violence, sexual assault or stalking will be subject to disciplinary action, up to and including termination. Similarly, any employee who is arrested, convicted, or issued a court order as a result of domestic violence, sexual assault or stalking, when such action has a nexus/connection to their employment with the town, will be subject to disciplinary action, up to and including termination.

An employee who is in law enforcement must disclose to the employee's supervisor or the Board of Selectmen any criminal charge and any protective order involving allegations of domestic violence, sexual assault or stalking. Any non-enforcement employee who is named as a defendant in a protection order must disclose to their supervisor or Board of Selectmen any temporary or permanent order for protection from abuse or harassment with conditions that include:

1. Conditions prohibiting or limiting contact with other employees of the Town.
2. Conditions that may interfere with the employee's ability to perform job duties, such as a prohibition against carrying a firearm, or a no-contact order involving any person

with whom the employee may come in contact while carrying out the duties of their employment.

Failure to disclose the above information may result in disciplinary action, up to and including termination.

Any employee who is in law enforcement and carries a firearm as a condition of employment, and who is a named defendant in a temporary or permanent protection order, or who is otherwise prohibited by court order, bail conditions, criminal conviction, or probation conditions from carrying a firearm, will be subject to administrative action which may include disciplinary action, up to and including termination. Absent a court order, only the Town Manager or designee will have the authority to require the surrendering of an employee's firearm.

Any supervisor who becomes aware of a protection order or other information regarding an employee who is an abuser shall keep that information confidential to the extent permitted by law and may only discuss the information with those persons who need to be informed.

Disciplinary Procedures for Employees who Commit Acts of Domestic Abuse

The Town of Waldoboro is committed to providing a work place in which the perpetration of domestic abuse is neither tolerated nor excused. Any physical assault or threat made by an employee will be cause for corrective or disciplinary action.

Employees who are convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary action when such action affects the work performance of the employee, or affects the normal operation of the Town of Waldoboro.

Assistance for Survivors of Domestic Abuse

The Town of Waldoboro seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic abuse and seeking assistance for domestic abuse concerns. All employees will be made aware of available resources. It is important that the employee be reassured that the use of these resources in and of itself, will not adversely affect their employment. The Town of Waldoboro will make efforts to provide a non-judgmental and supportive environment for the employee, which is not dependent on the employee's decisions regarding the relationship responsible for domestic abuse. The employee's personal choices will be respected. When an employee who is the survivor of domestic abuse asks for help, they will immediately be made aware of available resources within the facility as well as the community. Information will also be made available where employees can obtain it without having to request it or be seen removing it (i.e., restrooms, cafeteria, etc.). Confidentiality regarding domestic abuse situation will be maintained to the extent permitted by law. Other employees will be informed of domestic abuse circumstances on a need to know basis only. Whenever possible, advance notice will be given to the victim of domestic abuse if others need to be informed of a domestic abuse situation.

Assistance for Perpetrators of Domestic Abuse

The Town of Waldoboro seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic abuse and seeking assistance for domestic abuse concerns. All employees will be made aware of available resources. When an employee who is the perpetrator of domestic abuse asks for help, they will immediately be made aware of available resources within the facility as well as the community. Information will also be made available where employees can obtain it without having to request it or be seen removing it (i.e., restrooms, cafeteria, etc.). Confidentiality regarding domestic abuse situations will be maintained to the extent permitted by law.

Employee Workplace Safety Plans

When indicated, a workplace safety plan will be developed to minimize the risk to the victim, other employees and visitors. In domestic abuse situations, the victim is an essential part of developing a personal workplace safety plan, as they know their abusers better than anyone else. Assistance will be provided to the victim to develop the personal workplace safety plan and reasonable accommodations made for implementation. Security services are available to provide reasonable assistance to victims of domestic abuse. This assistance may be provided in collaboration with the Waldoboro Police Department, Lincoln County Sheriff's Department and the Maine State Police. Reasonable assistance may include, but is not limited to, documenting violations of restraining orders, providing escorts to parked cars and priority parking near building entrances, accepting and documenting transferred harassing phone calls from abuser, increased security patrols in victims immediate work area and restricting access to information regarding employees location.

Resources

The following resources are available to provide additional information and assistance

New Hope Program, 24 hour access: 1-800-522-3304

Web Site: www.newhopeforwomen.org

Maine Municipal Employees Health Trust, Anthem Employees Assistance Program

24 hour access: 1-800-647-9151 Web Site: www.anthemEAP.com Login MMEHT

The Department of Health and Human Services – Child & Adult Protective Services 1-800-452-1999

Approved this 14th day of October, 2014

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