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September 16, 2014

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Domestic Violence Leave Policy

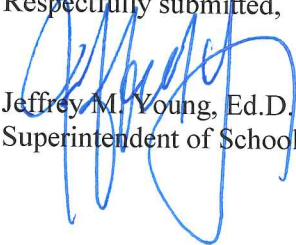
Recommendation: That the School Committee approve the Domestic Violence Leave policy as detailed in the attached document.

This is a first reading of this policy.

Description: In accordance with the provisions of An Act Relative to Domestic Violence which took effect on August 8, 2014, the following policy is being proposed which details the rights of employees under this new law.

Supporting Data: Domestic Violence Leave Policy

Respectfully submitted,


Jeffrey M. Young, Ed.D.
Superintendent of Schools

Cambridge Public Schools' Domestic Violence Leave Policy

The Cambridge School Committee and the Cambridge Public Schools are committed to providing a workplace and learning environment that is aware of and sensitive to the needs of victims of domestic violence. The Cambridge Public Schools' Domestic Violence Leave Policy is intended to comply with applicable state law. Leaves covered by the Massachusetts Act Relative to Domestic Violence are defined below.

Leave Entitlement

Employees are permitted take up to 15 days of unpaid leave from work in any 12 month period if:

- The employee, or a family member of the employee, is a victim of abusive behavior;
- The employee, or family member of the employee, is seeking assistance as a result of abusive behavior (i.e. legal or medical services, counseling, or victim's services); and
- The employee is not the perpetrator of the abusive behavior against such employee's family member.

Leave entitlement

Domestic violence leave is not available unless all other available leave is exhausted (i.e. vacation, personal, sick, family and medical leave).

Reinstatement Following Leave

Employees who return from a domestic violence leave will be reinstated to their same or equivalent job with equivalent pay, benefits and other employment terms as required by the applicable state or federal law. However, time spent on leave does not count towards length of service credit, except for purposes of retirement or other purposes as identified within applicable collective bargaining agreements.

Definitions

“Abuse” is defined as: attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; causing another to engage 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, which includes threats, intimidation or acts designed to induce terror; depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another .

“Abusive behavior” is defined as: any behavior constituting domestic violence, stalking, sexual assault, or kidnapping.

“Family member” is defined as: persons who are married to one another; persons in a substantive dating or engagement relationship and who reside together; persons having a child in common regardless of whether they have ever married or resided together; a parent, step-parent, child, step-child, sibling, grandparent or grandchild; or persons in a guardianship relationship.

Notice

Employees shall provide notice of leave as far in advance as possible to the Office of Human Resources and to their immediate supervisor. If health and safety is threatened by imminent danger, advance notice is not required; however, the employee must notify their supervisor and the Office of Human Resources within 3 workdays that a domestic violence leave has been taken.

Employees shall provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that leave has been taken as a result. Documentation in support of a domestic violence leave may include providing a copy of a protective order, court documentation, police report, signed admission of guilt by perpetrator, medical documentation, and/or a sworn statement by social worker, medical care worker, shelter worker, lawyer, or the employee.

Confidentiality

All information related to the employee's leave shall be kept confidential, except where disclosure is consented to by the employee, ordered by the court of law, required by state or federal law, required in the course of an investigation, or necessary to protect the safety of the employee or others employed in the workplace.

Complaints of Discrimination

The Cambridge Public Schools will not discriminate against any employee seeking domestic violence leave in accordance with the Massachusetts Act Relative to Domestic Violence. Complaints of Discrimination should be filed with the Executive Director of the Office of Human Resources. The Cambridge Public Schools will investigate all complaints received regarding its policies and practices and seek to resolve differences that may arise among employees in a fair and expeditious manner. Employees are encouraged to attempt resolution within their school and administrative office and may seek advice from appropriate individuals or the Office of Human Resources without being required to file a formal complaint.

Adopted: