

APPENDIX F

REVISED GUIDELINES REGARDING EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE

Appendix F

Revised Guidelines Regarding Employees who are Victims of Domestic Violence

Guidelines:

In order for you to be able to assist employees who are experiencing domestic violence, they must feel that they can share with you this most intimate aspect of their lives. Having this information will assist you in helping individual employees, managing your staff, and ensuring court coverage.

To foster a workplace conducive to disclosure, you are encouraged to consider the following:

Be Alert to Possible Work-Related Signs of Domestic Violence

Note changes in behavior and work performance; lack of concentration; increased or unexplained absences; placing or receiving harassing phone calls; bruises or injuries that are unexplained or come with explanations that just don't add up. It is not your role to ask if the employee is experiencing domestic violence, but observing these factors and expressing your concern may enable the employee to disclose to you.

Keep an Open Door Policy

If an employee has any inclination to divulge the violence in his or her life in an effort to seek assistance in handling work obligations, an accessible manager will make disclosure easier and more likely.

Respect Employees' Confidentiality at all Times

It is not appropriate to ask an employee to disclose something as personal as intimate partner violence. As you address any performance concerns, you may express your concern about the safety of the employee without specifically asking about partner violence. If the employee does disclose a situation of intimate partner violence, find a private place to speak about the situation. Assure the employee that you will keep your discussion confidential.

Access Available Resources

- *The Employee Assistance Program* through All One Health is an invaluable resource for our employees, as well as for supervisors seeking guidance in managing employees experiencing domestic violence. Trial Court employees and their families are covered for up to four (4) free confidential visits per calendar year. Employees and supervisors may call All One Health at 1-800-451-1834.

- Most courthouses contain information on resources for victims of domestic violence. Since these materials have been gathered for the users of the court, employees may not think to look at them for their own benefit or may be embarrassed to be seen picking them up. Gathering and sharing this information with your employees may be of great assistance to them. You may also want to inform them of the list of local programs which can be found at: <http://www.janedoe.org> and of the SAFELINK hotline at 877-785-2020. Some local resources may have posters, with tear-off cards, which may be affixed in restrooms and other private locations. I encourage you to obtain and install such posters.

Offer Assistance and Support from the Workplace

Ask employees who are experiencing domestic violence if there are any safety measures you may take at the court, including informing security of any restraining orders, providing security personnel with photographs, or moving the employee to a less visible location, when possible.

As with many other types of cases, **employees will undoubtedly find it uncomfortable to seek protective orders in the courts where they work.** Following existing policies and practices relevant to this problem, including moving the case to a different division or bringing in a judge who does not normally sit in the court, should diminish this disincentive to seeking a protective order.

Consider the Needs of the Employee

Employees experiencing domestic violence will require time off from work to handle a variety of matters related to the health and safety of the employee and the employee's family. These include obtaining a restraining order; relocating to a shelter or new home; meeting with law enforcement personnel, social workers, or attorneys; and seeking medical and dental care for injuries. Most employees can deal with these issues using our existing leave policies. Allowing the employee to do so without adding additional work pressure related to his or her absences preserves the Trial Court's "investment" in the individual, and creates loyalty and continued commitment to the court and its goals.

- **Sick Leave:** A victim of domestic violence, and the members of that person's family, may suffer many forms of physical and emotional abuse that require medical attention. A victim should not be denied appropriate sick leave for any clinical condition simply because it is caused by domestic violence. (See Policies and Procedures Manual, 8.603) Injuries or illnesses related to domestic violence may fall under the Americans with Disabilities Act.
- **Family Medical Leave:** Domestic violence occurs between intimate partners, but the couple's children or other family members in the household may also fall victim to the perpetrator's abuse. An employee may request family medical leave to attend to personal medical and mental health needs

or to care for a family member or other member of the household who has been hurt by the perpetrator. (See Policies and Procedures Manual, 8.802 B)

- **Small Necessities Leave:** Trial Court employees are eligible to receive up to 24 hours of unpaid leave to attend to various family obligations under M.G.L. c. 149, s 52D, commonly referred to as the “Small Necessities Leave Act.” Certain matters related to domestic violence may fall under this Act.