



CITY OF BOSTON

ZERO TOLERANCE

FOR VIOLENCE

POLICY

October 1, 2000



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Message from Mayor Thomas M. Menino

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There will be times when situations arise which are not specifically addressed by this policy and procedure. Under those circumstances, the appropriate procedure will be directed by the immediate department head, representative of the Employee Assistance Program, Office of Labor Relations, Law Department, Office of Human Resources, and/or Office of the Chief Operating Officer, or the Zero Tolerance for Violence Task Force, but must always be in compliance with existing City policies, rules of conduct and procedures and collective bargaining agreements.

Where a collective bargaining agreement is in effect and comes into conflict with the policy set forth, the collective bargaining agreement shall govern. Similarly, where Police Department Rules and Regulations and Fire Department Rules and Regulations are in effect and come into conflict with the policy set forth, those Rules and Regulations shall govern.



A Message from Mayor Thomas M. Menino

Nothing is more important to the City of Boston than the safety and security of its employees and the members of the public who visit City buildings and facilities to conduct business.

The City of Boston has “zero tolerance” for violence, of any kind, in the workplace. Violence includes, but is not limited to: physical confrontations; physical assaults; threats of bodily harm; behavior that is reasonably perceived as menacing; carrying or displaying weapons; throwing objects in a manner reasonably perceived to threaten or cause harm; and/or destroying, or threatening to destroy, property.

Violent actions committed on City property or facilities, or during the performance of City of Boston business at other locations, will not be tolerated. All violent actions or allegations will be thoroughly investigated. Any City employee found to have engaged in a violent action will be subject to severe discipline, up to and including discharge. Any violent action committed by a member of the public while on City property, or while using City facilities, will be prosecuted.

Any employee who is the victim of a violent action by a member of the public should immediately report the incident to Security. Any employee who is the victim of a violent action by another employee should immediately report the incident to his/her supervisor, and, if necessary, Security. Employees may also report violent actions to the Office of Human Resources. Supervisors are asked to contact the Office of Labor Relations for assistance in the investigation of a report of a violent action and any discipline resulting from a report of a violent action, especially if the matter is being investigated by the police department or any other law enforcement agency. Any retaliation based on a complaint of violence will not be tolerated and will be treated as a serious offense. Any employee found to have retaliated against any employee in response to a report of violence, or an employee’s participation in the investigation of a report of violence, will be subject to discipline, up to and including discharge.

Further, any employee under the hiring or firing authority of the Mayor’s Office (i.e. non-union, at-will employees) who is arrested or charged with perpetrating acts of domestic violence, or put under a restraining order must undergo mandatory counseling through the City’s Employee Assistance Program, or be placed on administrative leave without pay until the issue is resolved in a court of law. If the employee is convicted of charges related to domestic violence, or is found in violation of a restraining order, that employee shall be terminated.

Thomas M. Menino
Mayor



I Introduction

Violence in the home and in the workplace is not a recent phenomenon. However, both its severity and frequency, in terms of increase in deaths and serious injuries, are a primary concern. In fact, homicide in the workplace is the fastest-growing violent crime in the United States today. Incidents of extreme acts of workplace violence have steadily increased since 1980. From 1980 to 1989, some 6,500 people were victims of workplace homicide. A recent NIOSH (National Institute for Occupational Safety and Health) study reported that homicide in the workplace is the third leading cause of occupational death in the United States and the leading cause of major injury and death among females in the workplace. This trend parallels the increase in violent crime against women in the home.

The effects of domestic violence often impact the workplace. The partner of the victim of domestic violence appears at the workplace and threatens or carries out violent behavior — the usually exemplary work performance of the victim of domestic violence changes dramatically and she/he is now chronically absent from work and when she/he does report for work she/he is preoccupied. Domestic violence and abuse is costing employers an average of \$3 to \$5 billion annually across the United States according to a report published by the Washington, D.C.-based Bureau of National Affairs.

The workplace in America today is complex and stressful. Feelings of lessened job security and the fear of unknown futures creates an unstable workplace atmosphere, an environment where interpersonal confrontations or employee revenge against the workplace establishment are on the rise. As a public sector service agency, the City of Boston is also faced with the threat of violence against its property and staff from disgruntled members of the public who may resort to violence to demonstrate their frustration or anger.

The City of Boston's priority in addressing these issues is to create a policy and program that:

- communicates to all employees that violence of any kind is not acceptable behavior and will not be tolerated;
- provides training to supervisory and management staff on how to identify the behaviors of individuals that indicates that they may either be potential violent aggressors, or victims of violence and abuse;
- increases employee awareness to the resources available to them (e.g. Employee Assistance Program (EAP)) if they are victims of violence or abuse;
- implements procedures for the prevention of violence from internal and external sources, action plans in the event of catastrophic violent acts in city workplaces, and, post-event response for victims;
- provides awareness training to recognize signs, symptoms, and patterns of catastrophic violent acts under the "Boston Domestic Preparedness Program".



II Policy Statement

The City of Boston is committed to providing, in so far as it is reasonably possible with available resources, a safe environment for working and conducting business.

The City will not tolerate acts of violence committed by, or against City employees, or members of the public, while on City of Boston property, or while performing City of Boston business at other locations.

The word violence in this policy shall mean an act or behavior that:

- is physically assaultive;
- a reasonable person would perceive as obsessively directed (e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property);
- consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- would be interpreted by a reasonable person as being capable of physically and/or psychologically harming an individual;
- is a behavior, or action, that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or,
- consists of a communicated or reasonably perceived threat to destroy property or threat to use weapons of mass destruction.

Violent actions on City property or facilities, or while on City business, will not be tolerated or ignored. Any unlawful violent actions committed by employees, members of the employee's family, or members of the public while on City property, or while using City facilities, will be prosecuted as appropriate. The City intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

III Purpose

The City of Boston has established this policy and program to demonstrate to its employees, citizens and the business community of Boston, that violence of any kind cannot and will not be tolerated. It is important that zero tolerance for violence be established throughout this great City because:



- ***It is the right thing to do.*** The City of Boston has a moral and legal obligation to provide a safe workplace for all employees, clients and visitors;
- threats and other violent, abusive behaviors are not acceptable and will not be tolerated in the workplace;
- layoffs, increased work load, having to do more with less, and other unpopular changes in the work environment have been associated with increased risk for violence;
- the cost of just one incident is high. These costs may be financial and include medical and psychiatric care as well as potential liability suits, lost business and productivity, repairs and clean-up, higher insurance premiums, consultant's fees, increased security measures, and—most importantly, the death or injury of valued employees and co-workers with the resulting trauma which violence in the workplace inflicts on the members of the family;
- there is an increase in violent acts across the nation.

IV Goals and Objectives

The objective of this policy is to achieve the following:

- to ensure that appropriate resources are available to victims of violence and also for perpetrators of violence;
- to reduce the potential for violence in and around the workplace;
- to mitigate the negative consequences for employees who experience or encounter violence in their personal and work lives;
- to encourage and foster a work environment that is characterized by respect, confidentiality and healthy conflict resolution by means of a joint effort between management and labor groups;
- to recognize the signs, symptoms, and patterns of violent acts.

V Legal Obligations and Duties

It is the duty of the City of Boston to provide the safest and most violent-free workplace possible. This duty is imposed by various Federal and State statutes, regulations, and/or judicial decisions. In addressing domestic and workplace violence issues, the City takes both moral and legal implications into consideration.

The City of Boston Law Department will conduct regular reviews of this policy as it pertains to applicable statutes to ensure compliance and currency of information.



VI What is Domestic Violence?

Domestic violence is abusive or violent behavior committed by one intimate partner against another. The violence may be physical, sexual, and/or psychological, with the primary purpose to establish and maintain control, dominate or hurt the partner in the relationship. It occurs at all levels of society regardless of social, economic, ethnic or cultural backgrounds. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

Ninety-five percent of all reported domestic violence is male to female. It is a criminal act committed by a defendant against wife/husband, girlfriend/boyfriend, former spouses, former girlfriend/former boyfriend, as well as same sex partners. Domestic violence related crimes may include: assault and battery, harassment, breaking and entering, telephone misuse, violation of Civil Protective Orders, malicious destruction of property, sexual assault, stalking, and any other crime connected with violence and/or coercion of an intimate partner.

In Massachusetts, Domestic Violence is governed by ***Massachusetts General Laws Chapter 209A***.

Chapter 209A of the Massachusetts General Laws (MGL) defines abuse as:

- actual physical harm or attempting to harm another;
- placing another in fear of imminent serious physical harm; or
- causing another to engage in involuntary sexual relations by force, threat of force or duress.

Any victim of abuse by a family or household member may seek protection under the provisions of Chapter 209A. "Family or household members" are defined as people who:

- are or were married to each other;
- are or were residing together in the same household;
- are or were related by blood or marriage;
- have a child in common regardless of whether they have been married or lived together;
- are or have been in a substantive dating or engagement relationship.

There are several orders a court may issue to protect a person who is suffering abuse by a family or household member including ordering the defendant to:

- refrain from abusing, hurting or harassing the victim in any way;
- stay away from the victim at home, work, school or any other place the victim may be;
- vacate the household and turn over keys;
- surrender guns, a License to Carry a Firearms or a Firearms Identification Card.

The Court may also:

- order a temporary custody and/or support for minor children;
- award monetary compensation for damages arising from the abuse;
- impound the victim's address; and



- recommend batterers treatment for the defendant.

A 209A Order can be obtained in any district, superior or probate and family court in Massachusetts. An emergency 209A Order can be obtained through any police department after court hours and on weekends. An individual does not need a lawyer to file for a 209A Order, and there is no charge for filing. A minor under 18 years old can obtain a 209A Order with some restrictions. Generally a parent or guardian needs to be present, but the judge can decide to issue a 209 Order if the minor appears to be in danger.

Once a 209A Order is issued, violation of its terms is a criminal offense. Police must arrest the abuser if they have probable cause to believe that the terms of orders to refrain from abuse, to have no contact with the victim, and to vacate a household, multiple family dwelling or workplace have been violated.

VII What is Workplace Violence?

Workplace violence is acts or threats of violent or abusive or harassing behavior against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions, or to create a hostile, abusive, or intimidating work environment for one or more employees.

General examples of workplace violence include, but are not limited to all threats or acts of violence occurring on City property, regardless of the relationship between the City and the parties involved in the incident; all threats or acts of violence not occurring on City property, but involving someone who is acting in the capacity of a representative of the City; all threats or acts of violence not occurring on City property, involving an employee of the City, if the threats or acts of violence affect the legitimate interests of the City; any threats or acts of violence that result in the conviction of an employee or agent of the City, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence, that adversely affect the legitimate interests and goals of the City of Boston.

VIII Domestic Violence in the Workplace

Domestic violence may occur at home, but it also comes to work and becomes the source of "workplace violence". Some examples of domestic violence in the workplace include, but are not limited to:

- an employee, while at work, receives harassing or threatening telephone calls;
- an employee, while at work, uses City equipment (telephone, computer, etc.) to harass a family or household member;
- an employee, while at work, is visited or stalked by a perpetrator;
- an employee, while at work, is confronted by a perpetrator against whom a restraining order has been issued.



IX Definition of Terms

The following terms are defined in the context that they are contained and used within this document.

Perpetrator

The person committing threats or acts of violence on another person or property.

Batterer

The person inflicting abuse of any kind on an intimate partner.

209A Order

An Abuse Prevention Order, often referred to as a “209A Order”, a “Protective Order”, or a “Restraining Order”, is a civil court order that can be issued if a judge finds the person seeking the order is at risk of abuse from a family or household member, or someone with whom there has been a substantial dating relationship.

Workplace Safety Plan

The City’s plan for dealing with any issue that can potentially create an unsafe environment for City employees and property. For the purpose of an emergency evacuation the City of Boston Comprehensive Emergency Management Plan (**CEMP**) will be used, or any other emergency management plan implemented by the Boston Emergency Management Agency (**BEMA**).

Personal Safety Plan

The victim’s plan for a safe exit from a dangerous life-threatening situation. This may include the victim’s home, workplace or other frequently visited location.

X Roles & Responsibilities

Administration

In so far as it is reasonably possible, the City Administration (i.e. Chief Operating Officer), shall be responsible to ensure that procedures are developed, implemented and maintained to achieve:

- prompt and appropriate response to any act of violence that affects an employee or occurs in the workplace;
- accountability among employees for acts of violence committed in the workplace;
- effective investigations of violence occurring in the workplace;
- appropriate disciplinary action for perpetrators of threats or acts of violence when the behavior involves the use of City work time or property (e.g. telephone, automobile) to harass the victim;
- support to the Employee Assistance Program to provide avenues of support and guidance for



employees who experience violence in the home or the workplace; and

- communication of the policy and program to cabinet chiefs and department heads, managers and supervisors, and employees.

Management Personnel

Management personnel including cabinet chiefs, department heads, managers and supervisors are responsible for assessing situations, making judgements on the appropriate response, and then responding to reports of, or knowledge of violence, or of employees who are the victim of violence, and for initiating the investigation process.

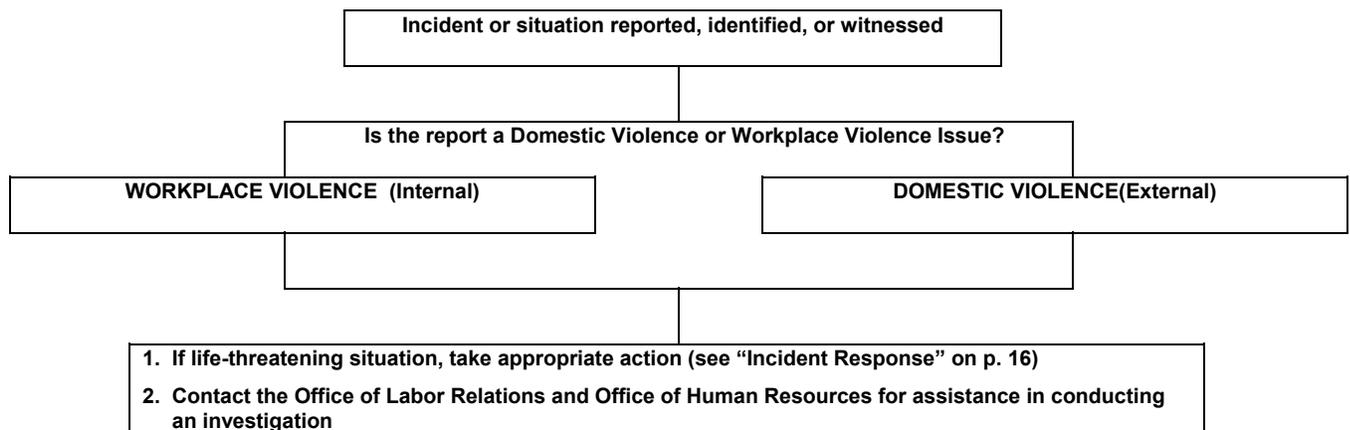
Department Heads

Any report of violence will be evaluated immediately and discreetly, and appropriate action will be taken, where possible, in order to protect the employee(s) from further violence. Appropriate disciplinary action, up to and including discharge, in accordance with current Collective Bargaining Agreements, will be taken when it is determined that City of Boston employees have committed threats or acts of violence.

Where issues of employee safety are of concern, management personnel will evaluate the workplace and make appropriate recommendations regarding a reasonable response.

Managers and Supervisors

Any report of workplace violence brought to the manager or supervisor’s attention must be investigated immediately and discreetly, and appropriate action taken, where possible, in order to protect the employee(s) from further violence. Managers and supervisors who have reason to believe that an employee is or has been the victim of violence, shall attempt to intervene to provide assistance through referral to the Employee Assistance Program.



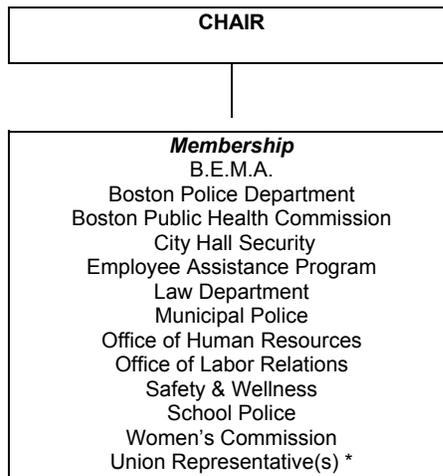
Mayor’s Task Force on Zero Tolerance for Violence

- assist the Office of Human Resources in the implementation of the “Zero Tolerance for Violence” policy and program;



- assist the Office of Human Resources in conducting an annual review of the “Zero Tolerance for Violence” policy and program to ensure that it is current and applicable to the workplace as of the date of review;
- function as the **Threat Assessment Team**, advising departments in managing issues related to violence, responding quickly to incidents that may endanger people or disrupt the workplace, recommending a risk abatement plan where appropriate, assisting the Office of Human Resources in the review of “Violence Incident Reports”, and identifying proactive strategies and mechanisms to maintain a safer workplace.

Task Force Structure



Note:

The Task Force will only meet on an as-needed basis as may be requested by the Office of Human Resources.

(A representative will be invited to participate from the bargaining unit(s) which may be impacted by the items to be discussed at that meeting.*

The union representative(s) would recuse themselves from any discussion which may result in the Task Force recommending disciplinary action for an employee.

When issues arise which could impact many unions, a special meeting will be called with a representative from each of these unions to be invited.)

Office of Human Resources

- administration of the “Zero Tolerance for Violence” policy and program;
- provide information on City policies and procedures in matters such as leave of absence, residency requirements and harassment-free workplace guidelines;
- provide guidance, direction, and support to employees who are victims of violence;
- provide managers and supervisors with guidance, direction, and support in matters of intervention and response to domestic and workplace violence issues;
- provide sensitivity training or a referral for training for managers, supervisors, security and other appropriate personnel as it relates to domestic and workplace violence issues. Training will be



provided using all available internal and external resources in a cooperative effort with the Employee Assistance Program.

Office of Labor Relations

- provide expertise and direct assistance regarding labor and employment related matters.

Law Department

- provide expert consultation services concerning the law as it pertains to individual cases being addressed under this policy.

Women's Commission

- respond to confidential calls of reports of threats, threatening behavior, or acts of violence in the workplace, assess situation and make appropriate referrals;
- provide emotional support and referrals for counseling for victims of abuse and/or batterer's treatment counseling and referral for intense counseling if required in concert with the Employee Assistance Program;
- assist with training initiatives for departmental personnel managers, managers, supervisors, and employees in regards to confidentiality of information (to the extent the law allows), and sensitivity about violence issues (i.e. domestic violence) that were not formerly considered in the workplace in concert with the Office of Human Resources and Employee Assistance Program;
- make all resources available through the Women's Commission and/or associated agencies, to victims and perpetrators of violence.

Employee Assistance Program

- respond to confidential calls of reports of threats, threatening behavior or acts of violence in the workplace;
- provide emotional support and referrals for counseling for victims of abuse and/or batterer's treatment counseling and referral for intense counseling if required;
- assist victims with developing a personal safety plan in the event of violence at home or at work;
- assist with training initiatives for departmental personnel managers, managers, supervisors, and employees in regards to confidentiality of information (to the extent the law allows), and sensitivity about violence issues that were not formerly considered in the workplace;
- make all resources available to victims of and to perpetrators of violence.



Employees

- refrain from threats or acts of violence;
- seek assistance to resolve personal issues that may lead to threats or acts of violence in the workplace or in their home;
- report to managers and supervisors any dangerous or threatening situations that occur in the workplace; and
- confidentially report to OHR directly, any concerns related to violence.

Security

- control access to the workplace, including parking facilities;
- have access to a photograph and information of a potential perpetrator, and a copy of any Civil Protective Order;
- be aware of current laws pertaining to Massachusetts General Laws Chapter 209A;
- be trained in the workplace safety plan;
- be trained in recognizing the signs, symptoms, and patterns of catastrophic violent acts under the Boston Domestic Preparedness Program.

Departmental Joint Safety & Wellness Committees

- assist in the development and implementation, in concert with department management, an emergency response/evacuation plan for each workplace/building in the department;
- assist, in concert with departmental management, with the communication of the emergency/evacuation plan to all department staff;
- ensure that any changes to conditions in the workplace that could have an impact on the emergency/evacuation plan be reported to management.

XI Resources

Municipal Police & School Department Police

The Municipal Police and School Department Police will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and providing advice and assistance to departments. They will also assist the Departmental Joint Safety and Wellness Committees in conducting workplace/building audits for the purpose of developing site-specific emergency/evacuation plans.



Boston Public Health Commission

The Boston Public Health Commission will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Policy.

Boston Police Department

The Boston Police Department will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Policy.

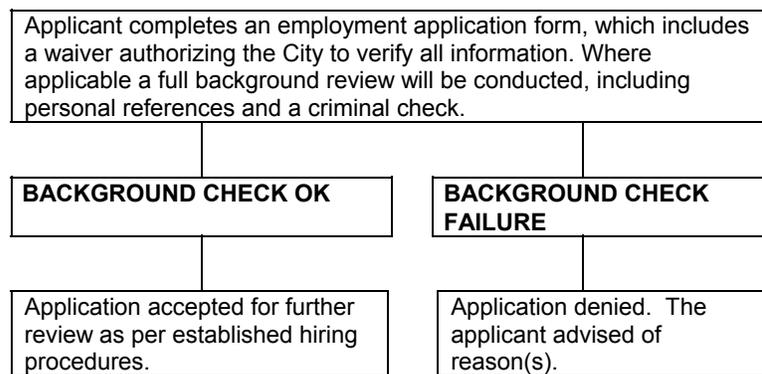
Boston Emergency Management Agency (BEMA)

The Boston Emergency Management Agency (BEMA) will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Program (i.e. Boston Domestic Preparedness Program).

XII Procedures

PREVENTION

Hiring/Screening Applicants



With the implementation of the Zero Tolerance for Violence Policy, the Office of Human Resources will undertake a review to strengthen the City’s hiring and applicant screening process.

This process may also include screening of individuals who work at City buildings and facilities, such as contracted employees, contractors, vendors etc.

Community Resources



The success of this Policy and Program is dependent upon the utilization of all available resources within the Greater Boston community. This may include, but not be limited to:

- Jane Doe, Inc.;
- Boston Police Department, Domestic Violence Unit;
- Boston Public Health Commission;
- Employers Against Domestic Violence;
- Massachusetts Department of Public Health;
- Boston Emergency Management Agency (BEMA);
- Independent safe houses, shelters, advocates, consultants, community groups.

Security Procedures

In consultation with the **Boston Police Department**, the **Municipal Police**, **City Hall Security**, **Boston School Police**, and **BEMA** the Zero Tolerance for Violence Task Force will ensure that a comprehensive audit of City buildings is conducted to identify emergency escape and evacuation plans, emergency response actions and where more security or restricted access is required.

Written emergency/evacuation plans will be posted in each workplace/building, and a copy distributed to all employees in the buildings. Fire wardens will be responsible to coordinate emergency response actions in the building until the Police Department or other appropriate security personnel arrive on-scene and take control of the situation.

Internal/External Communications

This policy will be communicated to all City employees with a paycheck distribution, to increase awareness to the procedures to follow in the event of violence in the workplace. Comprehensive training programs for all levels of City staff will also be conducted by the Office of Human Resources. BEMA will conduct awareness training as directed by the Boston Domestic Preparedness Program.

It will be posted on bulletin boards in City buildings and facilities in order that visitors may also be aware of the City's Zero Tolerance for Violence Policy and Program. Contract documents for external vendors will include a clause which describes the City's Zero Tolerance for Violence Policy and Program.

Education and Training

In order for this Policy and Program to be effective it must be communicated to all levels of City staffing. This will be accomplished by means of a comprehensive program of training which will include, but not be limited to:

- supervisory awareness training - how to recognize potential violent behavior and the potential for violent behavior in the workplace - how to respond to these individuals, and the proper method of incident reporting, intervention and referral;
- sensitivity and aggression training for supervisors and security personnel;



- intervention and referral methods (how to approach an employee who demonstrates signs of being a victim and effectively refer him/her to or request the assistance of the EAP);
- discipline for city employees who are perpetrators of violence in the workplace (in accordance with existing Collective Bargaining Agreements);
- recognizing the signs, symptoms, and patterns of catastrophic violent acts;
- evacuation plan awareness and drills.

| Training Type | Cabinet Chiefs | Department Heads | Managers | Security |
|-------------------------------|-----------------------|-------------------------|-----------------|-----------------|
| Progressive Discipline | x | x | x | |
| Sensitivity | x | x | x | x |
| Violent Behavior Awareness | x | x | x | x |
| Victim Awareness | x | x | x | x |
| Incident Investigation | x | x | x | x |
| Incident Response & Reporting | x | x | x | x |
| EAP Services & Referrals | x | x | x | x |
| Domestic Preparedness Program | x | x | x | x |

Threat Management Plan

For the purpose of this policy and program, the City’s existing evacuation plan for fires and bomb threats, including the Comprehensive Emergency Management Plan (CEMP) developed and implemented by BEMA, will apply and be considered the Threat Management Plan/Evacuation Plan. All Departmental fire wardens will be trained on the proper procedures to follow in the event of the need of an evacuation of either an individual or group of individuals to a “safe place” within the building, or a full evacuation of the premises due to an act of workplace violence.

These plans and training will include, but not be limited to information on:

- designating and identifying departmental wardens, their role and responsibility;
- providing guidance concerning liaison with outside assistance (i.e. person responsible to coordinate all workplace violence activities at that site);
- method to assist police or other investigating officials for collecting and preserving evidence, including interviews with involved parties;
- managing of communications regarding the incident (e.g. media relations, internal communications, rumor control);



- the role of the Task Force and the Employee Assistance Program in assisting victims and their families.

Reporting Procedures

All employees must know how and where to report violent acts or threats of violence in the workplace. This policy establishes a clear method for employees to report incidents of violence or threatening behavior without the fear of retaliation or reprisal.

All employees are encouraged to report incidents to their immediate supervisor, but employees also have the option to report incidents directly to the Office of Human Resources.

Dangerous Weapons

In the interest of maintaining a workplace that is safe and free of violence, possession or use of dangerous weapons is prohibited on City property, in City vehicles or in any personal vehicle which is used for City business except for the following work-related exception.

Definition: A “dangerous weapon” is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person.

Exception: The ONLY exception for the possession of a firearm on City of Boston property will be to those who are engaged in official military or law enforcement activities.

INTERVENTION

Signs and Symptoms

Although employees are strongly encouraged to inform their immediate manager or supervisor that they are a victim of violence, in many cases the employee will conceal/deny that they are victims. This may be the result of embarrassment, shame, denial or minimizing, fear of losing their job, low self-esteem, cultural factors, immigration issues, financial, legal or other concerns. Consequently, managers and supervisors should be cognizant of the signs and symptoms of a victim of violence such as:

Signs:

- reporting late for work;
- frequent unplanned use of vacation or personal time;
- increased use of sick time;
- decrease in job performance;
- unkempt, dishevelled appearance;
- much discussion of marital/relationship problems;
- flowers and other gifts sent to the employee at the workplace for no apparent reason or special occasion.



Symptoms:

- bruises;
- chronic headaches;
- abdominal pains;
- muscle aches;
- sleeping and eating disorders;
- increased use of alcohol or drugs;
- fear, anxiety, depression;
- chronic fatigue;
- intense startled reactions;
- suicidal or homicidal comments;
- recurrent vaginal and bladder problems;
- vague, non-specific medical complaints;
- infections as reported by the employee.

The focus should not be on one particular sign or symptom, but the overall general pattern. There must be sensitivity to the seriousness of the situation and a meeting with the employee to discuss and assess the situation with the objective of developing an appropriate plan of action. Keep in mind that cultural factors may be relevant to addressing this sensitive issue with an employee. Caution must be exercised as not to be accusatory, or to label these signs or symptoms as domestic or workplace violence, but rather a statement that the signs or symptoms have been noticed and then an offer to assist can be extended, or advisement of the availability of the Employee Assistance Program services.

Options

When an employee has been identified as a victim of violence, there are some options that may be available and discussed with the employee. Contact the Employee Assistance Program for a confidential consultation on how to best approach the situation, and/or refer the victim or perpetrator to the EAP. Some examples of the options that may be available are:

Informing the employee further of the City's policy governing zero tolerance for violence, provide a copy and discuss it.

Relocation of the employee to a different location in the workplace if the employee is located near an unprotected entry door.

Relocation of the employee or the perpetrator, if the perpetrator works in the same department or area. If the perpetrator demonstrates abusive behavior at work, the City's disciplinary processes, in accordance with this policy and existing Collective Bargaining Agreements will apply.

Screening of telephone calls so that the employee is not subjected to harassing telephone calls.

Making provision for flex time, vacation, personal days or leave of absence without pay so that the employee can schedule court and lawyer appearances, child care etc.



Victim Referral to Employee Assistance Program

A manager or supervisor who has reason to believe (recognizes the signs and symptoms) that an employee may be a victim of violence should contact the Employee Assistance Program for a confidential consultation. The EAP clinician will provide information on how to appropriately make a referral.

Personal Leave Without Pay

A violence situation may constitute an acceptable reason for granting a personal leave of absence without pay to a victim, regardless of an employee's work performance or length of employment. When granted under this policy, such leave of absence shall not affect the employee's job performance rating or performance evaluation.

Subject to the operating needs of each department, and the provisions of current collective bargaining agreements, leaves of absence are subject to approval as determined by the Appointing Authority.

Reinstatement

Upon the expiration of a Personal Leave of Absence, the employee will be reinstated to his/her position or a substantially similar position or equal classification for which he/she is qualified to the extent practicable. If an employee returning from such leave is not reinstated to his/her former position (in terms of department, shift, and hours per week) he/she shall be given the opportunity to fill any other available position for which he/she is qualified.

The employee's failure to be available for reinstatement upon expiration of the Personal Leave of Absence will be considered a voluntary termination of employment, unless an extension of the Leave is approved in advance, or through the Employee Assistance Program's advice or direction, alternative arrangements are required.

INCIDENT RESPONSE

When Incident Occurs

1. If the act or altercation constitutes an emergency, call 9-1-1 (be sure to dial a "9" for an outside line, where necessary). In instances that are not emergency situations, contact your immediate supervisor. When 911 is contacted, inform your supervisor as soon as possible that emergency services has been contacted (Note: if in City Hall, also contact Security at 5-4444).
2. The supervisor must contact the Office of Human Resources representative of the Zero Tolerance for Violence Task Force, who will take responsibility for coordinating the response to the incident.
3. In instances that involve emergency services response, or criminal activity, the Office of Human Resources will contact the Chief Operating Officer and the Police Department for assessment and, if necessary, investigation.



4. In instances when it is not appropriate to refer an incident to the Police Department, the Office of Human Resources will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, the Office of Human Resources and Office of Labor Relations will coordinate the investigation process.

Investigation

Any incident involving violent behavior as defined in the Policy and Program is considered a serious matter that will not be tolerated, and as such, must be investigated. All incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing the victim, alleged offender and/or any eyewitnesses.

All incidents that do not involve an emergency situation, and/or criminal activity, must be officially reported and recorded using the "Violence Incident Report Form". It is the responsibility of the Department Head to ensure that a confidential and thorough investigation is conducted and that, in consultation with the appropriate resources (i.e. Law Department, Office of Human Resources, and Office of Labor Relations), action is taken to correct the situation, and prevent any repetition of the incident in the future.

A copy of the Violence Incident Report Form must be forwarded to the Zero Tolerance for Violence Task Force. The Task Force will review all incident reports and may make additional recommendations to the Department Head or Chief Operating Officer, for additional corrective/preventative or other action as they may deem appropriate.

Data Collection

There are great liabilities and legal implications associated with violent behavior when it occurs in the workplace, therefore, prior to and during any investigation, departments must consult with appropriate resources (i.e. Law Department, Office of Human Resources, and Office of Labor Relations) and/or the Zero Tolerance for Violence Task Force.

Most importantly, strictest confidentiality must be maintained throughout the investigation. All individuals involved in an investigation must respect the sensitivity and confidentiality of these matters.

Interview With Alleged Victim

An interview with an alleged victim must be conducted with sensitivity, in a supportive and non-judgemental manner. The goal of the interview is to develop a true and accurate account of the incident. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to interviewing the alleged victim.

- obtain the date and time of the incident;
- obtain answers to the questions: who, what, when, where and how. Find out what specifically happened in this and any other incidents;



- determine the background of the situation, including the relationship between the parties involved, prior to the incident;
- obtain the names of anyone else who saw or heard the incident; any person who the alleged victim has talked to about the incident; any person who the alleged victim believes has also had encounters with the alleged offender;
- find out what the other involved person did in response to the incident;
- find out whether the other involved person has documented the incident, or any other violent encounters that the person has had with the alleged offender;
- reassure the alleged victim or other involved person that the City is actively responding to the incident, and that any retaliation will not be tolerated;
- advise the persons of the assistance they may receive from the Employee Assistance Program.

Interview With the Alleged Offender

An interview with an alleged offender must be conducted with sensitivity and be absolutely non-judgmental. Keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt prior to an investigation or before an investigation has been completed can impede and interfere with a fair and appropriate analysis of the events. Be sure to inform the employee that this interview may result in disciplinary action, and that the employee may ask for a union representative to be present at the meeting. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing the alleged offender.

- in accordance with any Collective Bargaining Agreement that may apply to the alleged offender, and be in force at the time of the investigation, a union representative may attend together with the alleged offender at the time of the interview;
- present the incident or incidents described by the alleged victim, or your own observations if you directly observed the incident;
- get the alleged offender's side of the story;
- investigate with questions such as: "describe the incident that occurred between you and the alleged victim"; "describe your relationship or interactions with the alleged victim";
- listen attentively, and open-mindedly as the alleged offender speaks;
- advise the alleged offender of the seriousness of any form of retaliation against the alleged victim, or any action that might be interpreted as retaliation;
- advise the alleged offender of the assistance he/she may receive from the Employee Assistance Program.



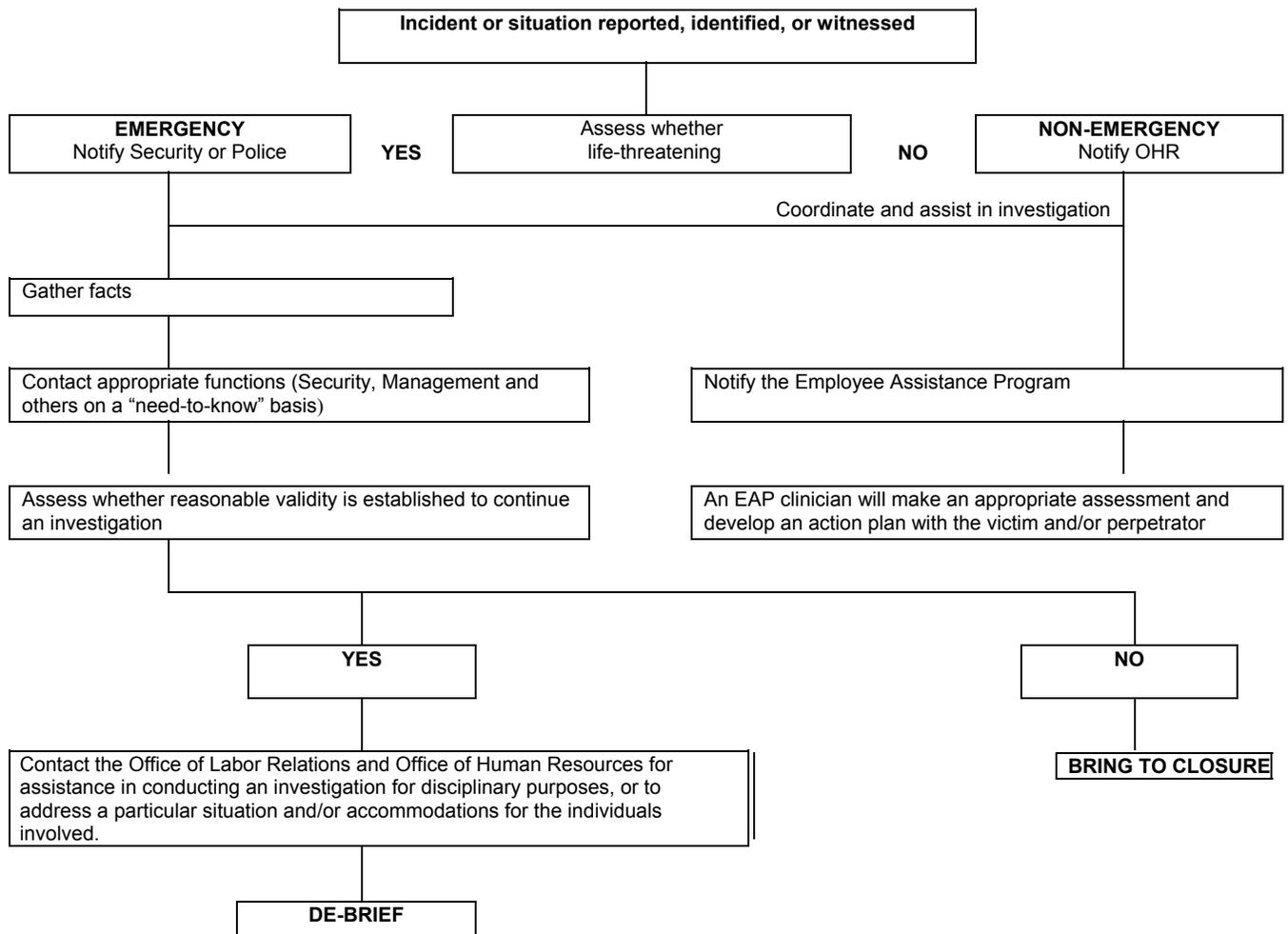
Interviews with Observers or Others in the Workplace

In the investigation, it must be realized that observers may also be disturbed by the violent interaction they have witnessed. Investigate with questions such as: “what type of interaction did you observe between the alleged victim and the alleged offender?”; “are there others who might be able to comment, or who observed the same incident?” Also advise any other persons who may have been affected by the incident of the assistance they may receive from the Employee Assistance Program. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing any eyewitness.

Follow-up

Contact the Office of Labor Relations and Office of Human Resources for assistance in conducting an investigation for disciplinary purposes, or to address a particular situation and/or accommodations for the individuals involved.

INCIDENT RESPONSE FLOW CHART





POST INCIDENT

Employee Assistance Program

Helping employees with the psychological consequences of domestic or workplace violence is the right and compassionate thing to do, and the role of the Employee Assistance Program.

After a violent incident, EAP will offer counseling services to employees and their families which may include, but not be limited to:

- providing a debriefing 24 to 72 hours after a serious incident of violence to include all affected employees so that the cause of the violence and expectations can be discussed, a plan of action can be addressed, and those needing further counseling can be identified;
- providing a group debriefing after a serious incident of violence for immediate co-workers in how to communicate with the victim/co-worker who is re-entering the job after absence; and
- providing ongoing follow-up treatment, as needed.

Progressive Discipline

Any employee who is found to be the initiator of violence in the workplace shall be subject to progressive discipline, consistent with the provisions of an applicable collective bargaining agreement, if any.



A P P E N D I X



APPENDIX I **Executive Order on Domestic Violence** (October 3, 1997)

WHEREAS, domestic violence is abusive behavior that is either physical, sexual, verbal or psychological, and is intended to establish and maintain control over an individual; and

WHEREAS, domestic violence instills fear and harms victims and families and must not be tolerated; and

WHEREAS, domestic violence affects everyone regardless of race gender, sexual orientation, income, or age; occurs in all communities, and destroys relationships, families, lives and businesses,

NOW, THEREFORE, pursuant to the authority vested in me as chief executive officer of the City of Boston by St.1948, c.452, §11, and every other power hereto enabling, I hereby order and direct as follows:

1. The City of Boston has “Zero Tolerance” for domestic violence.
2. If an employee who is under the hiring and firing authority of the Mayor is arrested or charged with perpetrating acts of domestic violence or put under a restraining order, that employee must undergo mandatory counseling by the City’s Employee Assistance Program or be placed on administrative leave without pay until the issue is resolved in a court of law.
3. If an employee who is under the hiring and firing authority of the Mayor is convicted of charges related to domestic violence or is found in violation of a restraining order, that employee shall be dismissed.
4. The City of Boston will work diligently to maintain a workplace environment that provides an avenue for assistance for victims of domestic violence without fear of reproach.
5. The City of Boston will ensure that human resource policies and procedures are responsive to victims of domestic violence.
6. The City of Boston will develop a comprehensive Domestic Violence Response Plan to provide programmatic support consistent with the goals of this Executive Order. The Employee Assistance Program and the Women’s Commission shall formulate the Plan within 90 days. The Plan shall include, without limitation, the following components:
 - an avenue for assistance for employees who have been victims of domestic violence;
 - increased availability in the workplace of information about domestic violence prevention and about appropriate victim and batterer resources;
 - training for all City departments and agencies to be coordinated by Human Resources, in consultation with the Women’s Commission, the Boston Police Department’s Domestic Violence Unit, and the Mass Coalition of Battered Women Service Groups, and
 - distribution of this executive order and the Domestic Violence Response Plan or a summary thereto to all City employees.

I further direct all Cabinet Officers, Department Heads and City Employees to render such aid and assistance as is required for the implementation of the foregoing policy.

Thomas M. Menino

Mayor of Boston



APPENDIX II Resources

Internal

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|-----------------------------|---|
| Employee Assistance Program | 617-635-2200 617-635-4500 (After Hour Hotline) |
| Women’s Commission | 617-635-4427 |
| Office of Human Resources | 617-635-3370 |
| Office of Labor Relations | 617-635-4525 |
| Safety & Wellness | 617-635-2381 |
| City Hall Security | 617-635-4444 |
| Municipal Police | 617-635-3500 (24 Hour Line) |

External

Shelters and Hotline numbers:

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|--|-----------------------|
| National Domestic Violence Hotline | 1-800-799-SAFE (7233) |
| Elizabeth Stone House | 617-522-3417 |
| Casa Myrna Vasquez, Inc. | 1-800-992-2600 |
| Asian Task Force Against Domestic Violence, Inc. | 617-338-2355 |
| F.I.N.E.X. House | 617-288-1054 |
| Gay Men’s Domestic Violence Project | 1-800-832-1901 |
| Network for Battered Lesbians/Bisexual Women | 617-423-SAFE (7233) |

For more information or assistance:

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|---|--------------|
| Jane Doe, Inc. | 617-248-0922 |
| Boston Police Department, Domestic Violence Unit | 617-343-4350 |
| Domestic Violence Program, Boston Public Health Commission | 617-534-2687 |
| Employers Against Domestic Violence | 617-348-4970 |
| Family Violence Prevention Fund | 415-252-8900 |
| Emerge (batterer intervention program) | 617-547-9879 |