

SETTLEMENT AGREEMENT BY AND BETWEEN THE  
TOWN OF DUXBURY AND THE DUXBURY POLICE COMMANDER  
ASSOCIATION, MCOP, LOCAL 376

The Town of Duxbury and the Duxbury Police Commander Association, MCOP, Local 376 hereby agree to the following terms, conditions, and understandings to be incorporated into a successor labor agreement. This Agreement is subject to ratification by the parties, and funding at a Special or Annual Town Meeting.

1. Term: From July 1, 2019 through June 30, 2022.
2. Wages: Effective July 1, 2019 a 2% increase on the wage scale.  
Effective July 1, 2020 a 2.5% increase on the wage scale.  
Effective July 1, 2021 a 2.5% increase on the wage scale.
3. Stipend: The current \$2,000 yearly stipend for being available for calls after regular work hours will be included in the calculation of the overtime rate for the Commanders.
4. Steps: Second step occurs at 30 months and is 2.5 % over step 1.  
Third step occurs at 60 months and is 3% over step 2.
5. Remove from Article IV, Association and Employment Security, agency language by:
  - a. leaving first sentence of 4.0.1 and deleting all other language
  - b. deleting 4.0.2
6. Add to Article X Miscellaneous Provisions; "Dating, romantic or intimate relations between supervisors and subordinate employees is expressly prohibited."
7. Bachelor's degree incentive shall be 20% and the Master's degree incentive shall be 25%
8. Longevity-Commanders who do not receive educational incentive shall receive 5% longevity payment after 15 years of service.
9. Sick Leave (article 9.8.1) amend as follows:
  - a. Add "regular" in front of "sick" in first sentence
  - b. Change "department(al) average" to "Lieutenant's average"
10. Add to Appendix A; Massachusetts Pregnant Workers Fairness Act (provided on December 18, 2018).

11. Add to Appendix A; Massachusetts Domestic Violence Leave Act (provided on December 18, 2018)

12. Sick Leave (Article 9.8.1) – Amend as follows:

- a. Add “regular” in front of “sick” in first sentence
- b. Change “department[al] average” to “Lieutenants average”

For The Town of Duxbury

For The Duxbury Commander Association

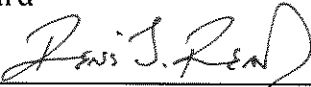
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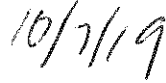
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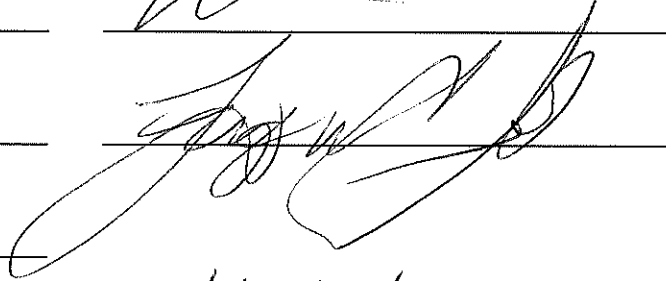
Board



Town Manager



10/7/19



Date: 9/26/19

## **Massachusetts Pregnant Workers Fairness Act**

On July 27, 2017, "An Act Establishing the Massachusetts Pregnant Workers Fairness Act" was signed into law. The Act prohibits workplace and hiring discrimination related to pregnancy, childbirth, or a related condition, including, but not limited to, lactation or the need to express breast milk for a nursing child. The law further requires employers to provide reasonable accommodations in the workplace for expectant and new mothers. It is the [City/Town]'s policy to comply with the provisions of the Pregnant Workers Fairness Act, including the provision of reasonable accommodations when appropriate.

Under the Act, Town of Duxbury employees have a right to be free from discrimination based upon pregnancy or a condition related to pregnancy. The Town of Duxbury shall not take any adverse action against an employee on the basis of pregnancy or related medical condition, or for requesting or using an accommodation for pregnancy or related medical condition.

Examples of adverse actions include: denying employment opportunities based on pregnancy or related conditions; requiring an employee who is pregnant or has a pregnancy related medical condition to accept an accommodation that the employee chooses not to accept; requiring an employee to take leave if other reasonable accommodation can be provided without undue hardship; making pre-employment inquiry of a job applicant related to pregnancy, childbirth, or a related condition; and, when the need for a reasonable accommodation ceases, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits.

### **Reasonable Accommodations:**

An employee working for the Town of Duxbury has a right to reasonable accommodation with respect to pregnancy and/or any condition resulting from pregnancy, so that the employee may perform the essential functions of the job, unless the requested accommodation will cause an undue hardship on the Town of Duxbury.

These accommodations can include, for example: frequent or longer paid or unpaid breaks; time off to recover from childbirth or complications from pregnancy, with or without pay; acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring and/or modified work schedule; light duty and/or assistance with manual labor; and private non-bathroom space for expressing breast milk.

The Town of Duxbury may request documentation from the employee's health care provider(s) about the need for a reasonable accommodation, except in the cases of requests for: more frequent restroom, food or water breaks; seating; limits on lifting more than 20 pounds; and private non-bathroom space for expressing breast milk.

## **Massachusetts Domestic Violence Leave Act**

The Town of Duxbury, as an employer with fifty (50) or more employees, provides the following notice of an act relative to domestic violence leave followed by the related policy. Please read this information carefully.

Any Employer of fifty (50) or more employees is required to provide up to fifteen (15) days of Domestic Violence Leave in a twelve (12) month period to employees who qualify. "Employees" are defined as any "individuals who perform services for and under the control and direction of an employer for wages or other remuneration". There is no distinction between part-time and full-time employees in the calculation of the total number of employees. The employer maintains sole discretion as to whether any Domestic Violence Leave is paid or unpaid.

### *Employee Eligibility Requirements*

#### Notification

An employee submitting for Domestic Violence Leave is required to inform the employer prior to taking such leave, unless there is an imminent danger to the health or safety of an employee or the employee's family member. However, in the case of imminent danger, the employee shall notify the employer within three (3) workdays that the leave was taken.

Of note, the Act states that, if an unscheduled absence occurs, an employer is not to take "negative action" against the employee within thirty (30) days from the unauthorized absence, or the last day of consecutive absences, if proper documentation is provided (See Documentation Substantiating Domestic Violence Leave). Discipline may be delayed for unexcused absences as a result of this provision.

#### Exhaustion of Vacation, Personal and Sick Leave

There is no minimum time period an employee must be working for the employer prior to eligibility for Domestic Violence Leave. However, an employee seeking Domestic Violence Leave must exhaust all annual or vacation leave, personal leave and sick leave prior to requesting or taking leave, unless the employer waives this requirement.

#### Domestic Violence against Employee or Family Member

The provisions of the Act apply if the employee or a family member is a victim of domestic violence (unless the employee is the perpetrator of violence against the family member).

"Domestic violence" is defined as abuse against an employee or the employee's family member by a current or former spouse of the employee or the employee's family member, a person with whom the employee or the employee's family member shares a child in common, a person who is cohabitating with or has cohabitated with the employee or the employee's family member, a person who is related by blood or marriage to the employee, or a person with whom the employee or employee's family member has or had a dating or engagement relationship.

"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.

#### Permitted Reasons for Employee Domestic Violence Leave

Domestic Violence Leave may be used for any of the follow reasons:

- to seek or obtain medical attention, counseling;
- victim services or legal assistance;
- secure housing;
- obtain a protective order from a court;
- appear in court or before a grand jury;
- meet with a district attorney or other law enforcement official;
- attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee;

## Employer Request for Documentation Substantiating Eligibility

An employer may require an employee to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave taken is consistent with the reasons listed above, but cannot require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The employee must provide the documentation within a reasonable time period after the employer request, which may be in the form of one of the following documents:

- A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member.
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts to support a finding of guilt of abusive behavior or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave.
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
- A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.

Any of the above-described documentation may be kept in the employee's employment record only as long as required for the employer to make a determination as to whether the employee is eligible. This information shall be kept confidential and should not be disclosed, unless the employee requests or consents in writing to the release, the release is ordered by a court, the release of information is necessary to protect the safety of the employee or other employees, or the release of information is required by law enforcement in the course of an investigation, or is otherwise required by law.

## TOWN OF DUXBURY DOMESTIC VIOLENCE LEAVE POLICY

### I. Administrative Policy

It is the Administrative Policy of the Town of Duxbury to implement and administer the provisions of An Act Relative to Domestic Violence. This law is intended to reduce domestic violence, and to provide victims and family members of victims of domestic violence protected work leave for qualifying reasons associated with domestic violence.

### II. Definitions

**Eligible Employees:** All employees who are employed by an Employer of fifty (50) or more employees and have exhausted all vacation, personal, or sick leave.

**Qualifying events:** "Domestic Violence" against an Eligible Employee or "Family Member" (unless the employee is the perpetrator of violence against the family member) for qualifying reasons.

**Domestic violence:** Abuse against an employee or the employee's family member by a current or former spouse of the employee or the employee's family member, a person with whom the employee or the employee's family member shares a child in common, a person who is cohabitating with or has cohabitated with the employee or the employee's family member, a person who is related by blood or marriage to the employee, or a person with whom the employee or employee's family member has or had a dating or engagement relationship.