

## **TOWN OF NORTH ATTLEBOROUGH DOMESTIC VIOLENCE LEAVE POLICY**

It shall be the policy of the Town of North Attleborough to permit an employee to take up to 15 days of domestic violence leave from work in accordance with their rights and eligibility under the Massachusetts Act Relative to Domestic Violence as detailed in Massachusetts General Laws Chapter 149, Section 52E. These rights are defined below.

### **LEAVE ENTITLEMENT:**

Employees are permitted to take up to **15 days** of leave from work in any 12 month period (defined as July 1<sup>st</sup> to June 30<sup>th</sup>) if the employee or a family member of the employee is a victim of abusive behavior, provided the leave will be used for the following purposes:

- To seek or obtain medical attention, counseling, victim services or legal assistance;
- To secure housing;
- To obtain a protective order from court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official
- To attend child custody proceedings
- To address other issues directly related to the *abusive behavior* against the employee or *family member* of the employee (the employee must not be the perpetrator of the abusive behavior against such employee's family member.)

Employees must exhaust their vacation and personal leave, prior to taking *unpaid* leave for this purpose. If the absence is one for which the use of sick leave would otherwise be permitted, the employee must use accumulated sick leave prior to taking unpaid leave for this purpose.

**“Abusive behavior”** is defined as; any behavior constituting domestic violence, stalking in violation of section 43 of chapter 265, sexual assault, which shall include a violation of sections 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51 of chapter 265 or sections 3 or 35A of chapter 272 and kidnapping in violation of the third paragraph of section 26 of chapter 265.

**“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 in 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.

**“Domestic Violence”** is defined as "abuse against an employee or the employee's family member by: (i) a current or former spouse of the employee or the employee's family member; (ii) a person with whom the employee or the employee's family member shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person who is related by blood or marriage to the employee; or (v) a person with whom the employee or employee's family member has or had a dating or engagement relationship."

**“Family member”** is defined as a parent, step-parent, child, step-child, sibling, grandparent or grandchild, a married spouse, 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; or persons in a guardianship relationship

### **LEAVE NOTICE:**

Except in cases of imminent danger to the health or safety of the employee, employees are required to provide advance notice of domestic violence leave to their supervisor. The notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior. However, in cases where there is a threat of imminent danger to the health or safety of an employee, advance notice is

not required but the employee must notify the employer within 3 workdays that the leave was taken under the Law.

An employer cannot discharge or in any other manner discriminate against an employee for exercising their rights under the law. Upon return from such leave, the employee is entitled to restoration to their original job or to an equivalent position.

If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the employee's last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation required under the law.

#### **LEAVE DOCUMENTATION:**

Documentation evidencing that the employee or the employee's family member has been a victim of abusive behaviors shall be provided to the employer within a reasonable period after the employer requests it. An employee shall satisfy this documentation requirement by providing any one of the following documents to the employer:

- 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 family member;
- A police report or statement of a victim or witness provided to police documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt; or has been convicted of , or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- 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 a victim of or is a family member of a victim of abusive behavior.

#### **CONFIDENTIALITY:**

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court of competent jurisdiction;
- Otherwise required by applicable federal or state law;
- Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or
- Necessary to protect the safety of the employee or others employed at the workplace.

Any documentation provided may be maintained in the employee's employment record but only for as long as required to determine whether the employee is eligible for the leave.