

TOWN OF LUNENBURG

DOMESTIC VIOLENCE LEAVE POLICY

I. PURPOSE

To provide all employees leave for domestic violence, subject to the Domestic Violence Leave Act. 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. POLICY

It is the policy of the Town of Lunenburg (the “Town”) to grant Domestic Violence Leave in accordance with M.G.L.c.149 § 52E (the “Domestic Violence Leave Act”).

III. REQUIREMENTS

As provided for under Massachusetts law, employees are eligible to receive up to fifteen (15) days of Domestic Violence Leave, per year, under the following conditions:

1. The employee, or a family member of the employee, is a victim of abusive behavior, as defined below; and
2. The employee is using the leave from work 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 to address other issues directly related to the abusive behavior against the employee or family member of the employee; and
3. The employee is not the perpetrator of the abusive behavior against such employee’s family member.

IV. DEFINITIONS

A. **Abuse** under the Domestic Violence Leave Act and this policy 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.

B. **Domestic Violence** under the Domestic Violence Leave Act and this policy is defined as abuse by a current or former spouse; a person with whom the victim shares a child; a person cohabitating with or who has cohabitated with the victim, a relative, or a

person with whom the employee or family member has or had a dating or engagement relationship.

C. **Abusive Behavior** as defined under the Domestic Violence Leave Act and this policy includes any behavior constituting domestic violence, stalking, sexual assault or kidnapping.

D. **Family Member** for purposes of this Policy is defined as spouse, parent, step-parent, child, step-child, sibling, grandparent and grandchild; 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, and persons in a guardianship relationship.

V. PROCEDURE

A. Employees will be permitted to take up to 15 (fifteen) days of unpaid leave from work in any 12 (twelve) month period if each of the following conditions is met:

1. The employee, or a family member of the employee, is a victim of abusive behavior;
2. The employee is using the leave from work to:
 - a. Seek or obtain medical attention, counseling, victim services or legal assistance;
 - b. Secure housing;
 - c. Obtain a protective order from a court;
 - d. Appear in court or before a grand jury;
 - e. Meet with a District attorney or other law enforcement official
 - f. Attend child custody proceedings; or
 - g. Address other issues directly related to the abusive behavior against the employee or family member of the employee.
3. The employee is not the perpetrator of the abusive behavior against such employee's family member.

B. Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this Policy shall provide appropriate advance notice of leave.

1. If there is a threat of imminent danger to the health or safety of an employee or the employee's family member, the employee shall not be required to provide advance notice of leave; provided, however, that the employee shall notify the Town within three (3) workdays that the leave was taken or is being taken pursuant to this Policy.

- a. Notification may be communicated to the Town Manager's Office 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 on the employee or the employee's family member.
2. In response to a notice of leave under this policy, the Town may request documentation evidencing the need for the leave consistent with this policy. The Town shall not require, however, evidence of an arrest, conviction, or other law enforcement documentation in response to such notice. An employee shall provide such documentation within a reasonable period of time after the request.

An employee satisfies a request for documentation under this Policy by providing any one of the following:

- a. 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;
- b. A document under the letterhead of the court, provider or public agency which the employee attended for the purpose of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
- c. 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;
- d. 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 under this Policy;
- e. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member;
- f. 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; or

- g. 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. Such sworn statements will be maintained in the employee's record by the Town Manager's Office only for as long as required to make a determination as to whether the employee is eligible for leave.
- 3. If an unscheduled absence occurs, the Town will not take any negative action against the employee if the employee, within thirty (30) days from the unapproved absence, or within thirty (30) days from the last unapproved absence in the instance of consecutive days of unapproved absences, provides any one of the documents listed in paragraph b.(i)-(vii) above to the Town Manager's Office.
- 4. All information regarding Domestic Violence Leave will be kept confidential and not disclosed, except to the extent that the disclosure is allowed under the Domestic Violence Leave Act.
- C. Domestic Violence Leave under this policy shall be unpaid leave. Employees seeking leave under this policy need not exhaust any accrued but unused vacation, personal, and/or sick leave before requesting or taking Domestic Violence Leave under this policy.
- D. While on Domestic Violence Leave, the employee will be responsible for his/her share of the following withholdings (where applicable): medical, dental, life insurance, long- and/or short-term disability and other voluntary withholdings.
- E. If the employee returns to work within the time permitted, a maximum of fifteen (15) days in a twelve (12) month period, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status, and authority.

VI. PROCEDURAL RULES

The Town Manager's Office may issue procedural rules and guidelines to carry out this policy.

VII. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of this *Domestic Violence Leave Policy* from the Town of Lunenburg, and I have read its contents.

Name (Print)

Signature

Date

Witness

VIII. ADOPTION BY BOARD OF SELECTMEN

This policy was adopted by the Board of Selectmen on July 18, 2017.



Chairman, Board of Selectmen