



TOWN OF BELLINGHAM

10 Mechanic Street * Bellingham, MA 02019

Domestic Violence Leave Policy

I. Introduction

Mass General Law Chapter 149, Section 52E, provides several criminal justice and service reforms in the area of domestic violence and creates new employment protections for an employee who is, or whose family member is, a victim of abusive behavior, including domestic violence, or have family members that are victims. The law requires an employer to provide up to 15 days of paid or unpaid leave during any 12 month period for a qualifying employee 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

Policy:

1. The Town of Bellingham's benefit eligible employees and non-benefit eligible employees qualify for an unpaid Domestic Violence Leave of up to 15 days; however, all accrued time must be exhausted before any unpaid time will be allowed. Leave of absence requested under the Domestic Violence Leave Policy cannot be denied.

- Before an employee may submit a request for the use of an unpaid Domestic Violence Leave, he or she must utilize any and all accumulated personal leave, vacation leave or sick leave available.
- Approved Domestic Violence Leave is an unpaid leave

2. An eligible employee may take up to 15 days of leave from work in a normal calendar year of January 1st through December 31st if the employee or family member of the employee (as defined in this policy) is using the leave from work for a qualifying purpose, which are:

- Obtain medical attention, counseling, victim services or legal assistance
- To secure housing
- To 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
- To attend child custody proceedings
- To address any other issues directly related to the abusive behavior against the employee or family member of the employee; and
- The employee is NOT the perpetrator of the domestic violence against another employee or the employee's family member

3. It is the employee's responsibility to provide one (1) week advance notice in writing to their Department Head, Human Resources Director or Town Administrator that you are requesting or taking leave under the Domestic Violence Leave Act (DVLA) except that:

In cases of imminent danger to your health or safety of yourself or your family member, you must provide notice within three (3) workdays that the leave was taken or being taken under the DVLA.

This notice may be given to the employer by you, your family member, your 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.

If an unscheduled absence occurs, The Town will not take any negative action against the employee if the employee within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides one of the defined qualifying documents.

4. The employee must provide documentation to show they are eligible for a leave. This documentation will be submitted to their Department Head, Human Resources Director or Town Administrator. The qualifying documentation under the law includes any one of the following:
 - A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against you or your family member
 - A document under the letterhead of the court, provider or public agency with you attended for the purposes of acquiring assistance as it relates to the abusive behavior against you or your 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 you or your family member
 - Documentation that the perpetrator of the abusive behavior against you or your family member 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 section
 - Medical documentation of treatment as a result of the abusive behavior complained of by you or your family member
 - A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, legal advocate or other professional who has assisted you or your family member in addressing the effects of the abusive behavior
 - A sworn statement signed by you under the penalties of perjury attesting that you have been or a family member has been the victim of abusive behavior

5. The town is required to keep confidential all information related to the employee's leave under the Law. This information will not be disclosed by the employer, except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court;
- Otherwise required by applicable federal or state law;
- Required in the course of an investigation authorized by law enforcement; or
- Necessary to protect the safety of anyone employed at the workplace

Any documentation provided to the Town of Bellingham under the law may be maintained by the employer in the employee's employment record but only for as long as required for the employer to make a determination as to whether the employee is eligible for leave.

The town shall not retaliate against an employee for exercising his/her rights under the Act. An employee taking leave under this Act shall not lose any benefit accrued prior to the taking of leave and will be restored to the same or equivalent position upon return.

Town of Bellingham EAP : Call 1-800-451-1834 24 hours a day 7 days a week

II. Definitions

Employees:

The employee receives wages or any other remuneration

Individuals who perform service for and under the control and direction of an employer for wages

Calendar Year:

Normal calendar year of January 1st through December 31st

Abusive Behavior is:

- Domestic Violence or Sexual Assault
- Stalking or Kidnapping

Attempting to cause or causing physical harm; fear of imminent serious physical harm by another; engaging 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, including threats, intimidation or acts designed to induce fear, depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another.

Family Member is:

Parent, step parent, child, step child, sibling, grandparent or grandchild

Married spouse

Person 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

Persons in guardian relationship

Qualifying Purpose is:

To seek or obtain medical attention, counseling, victim services or legal assistance

To secure housing

To 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

To attend child custody proceedings

To address any other issues directly related to the abusive behavior against the employee or family member of the employee

III. Responsibility of the employer

Notification:

Employer will notify each employee of his or her rights and responsibilities under the Law. There is no specific manner by which notification must take place, but examples may include : inclusion in a new employee manual, an addendum to existing employee manuals, memos to employees or letters or e-mails to employees. Posting notice may also be in a manner consistent with the requirements of G.L. c.151, ss 16 and in a conspicuous place.

IV. Responsibility of the employee

Notice:

It is your responsibility to provide one (1) week advance notice in writing to your employer in accordance with the employer's leave policy that you are requesting or taking leave under the Domestic Violence Leave Act (DVLA) except that:

In cases of imminent danger to your health or safety of yourself or your family member, you must provide notice within three (3) workdays that the leave was taken or being taken under the DVLA.

This notice may be given to the employer by you, your family member, your counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted you in addressing the effects of the abusive behavior.

Documentation:

You must provide documentation with a reasonable time evidencing that:

- You are or you have a family member who is, a victim of abusive behavior
- You are using the leave from work for a qualifying purpose AND
- You are NOT the perpetrator of the abusive behavior against your family member

Leave:

You must exhaust all available vacation, sick and personal time before you request or take leave under the DVLA

V. Qualifying Documentation

- A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against you or your family member
- A document under the letterhead of the court, provider or public agency with you attended for the purposes of acquiring assistance as it relates to the abusive behavior against you or your 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 you or your family member
- Documentation that the perpetrator of the abusive behavior against you or your family member 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 section
- Medical documentation of treatment as a result of the abusive behavior complained of by you or your family member
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, legal advocate or other professional who has assisted you or your family member in addressing the effects of the abusive behavior
- A sworn statement signed by you under the penalties of perjury attesting that you have been or a family member has been the victim of abusive behavior

DOMESTIC VIOLENCE LEAVE ACT POLICY

This acknowledges that I have received and reviewed the Town of Bellingham's Domestic Violence Leave Policy ("Policy"). By signing this form, I agree to abide by the Policy and any guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Domestic Violence Leave are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file

Adopted : May 4, 2015
date

[Signature]
Chairman, Board of Selectmen

[Signature]
Selectman

[Signature]
Selectman

[Signature]
Selectman

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Selectman

Adopted : 9/11/15
Date

[Signature]
Chairman, School Committee

[Signature]
School Committee Member

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School Committee Member

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School Committee Member

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School Committee Member

Employment Leave to Address an Abusive Situation

M.G.L. c. 149, §52E.

Employees are entitled to 15 days of leave under the new domestic violence law.

The employers' and employees' rights and responsibilities under the law are as follows:

If you are an **employee** of a covered entity, it is your responsibility to:

Provide advance notice to your employer in accordance with the employer's leave policy that you are requesting or you are taking leave under the DVLA, except that:

- in cases of imminent danger to your health or safety, or in cases of a threat of imminent danger to the health or safety of yourself or your family member, you must provide notice within 3 workdays that the leave was taken or being taken under the DVLA. This notice may be given to the employer by you, your family member, your counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted you in addressing the effects of the abusive behavior.

If required by your employer, you must provide documentation within a reasonable time evidencing that:

- You are, or you have a family member who is, a victim of abusive behavior;
- You are using the leave from work for a qualifying purpose; and
- You are not the perpetrator of the abusive behavior against your family member.

If required by your employer's leave policy, you may be required to exhaust all available vacation, sick, and personal time before you request or take leave under the DVLA.

