



TOWN OF ERVING

ADM-180

12 Main Street
Erving, Massachusetts 01344
Telephone: (413) 422-2800
Facsimile: (413) 422-2808
Email: administrator@erving-ma.gov

Policy

Domestic Violence Leave Policy

Approved: _____

Jacob A. Smith

Select Board Chair, Jacob A. Smith

Date: November 28, 2022

Table of Contents

.01	Issue Date / Effective Date.....	1
.02	Purpose.....	1
.03	Notification	1
.04	Confidentiality	2

.01 Issue Date / Effective Date

This policy is issued and effective on November 28, 2022.

.02 Purpose and Policy

Per the provisions of M.G.L. Chapter 149 Section 52E (the “Domestic Violence Leave Act”), which provides leave for victims and family members of domestic violence, employees may take up to fifteen (15) days of leave from work in any twelve (12) month period if:

- A. the employee, or a family member of the employee, is a victim of abusive behavior; and
- B. the employee is using the leave from work to:
 - 1. seek or obtain medical attention, counseling, victim services or legal assistance;
 - 2. secure housing;
 - 3. obtain a protective order from a court;
 - 4. appear in court or before a grand jury;
 - 5. meet with a district attorney or other law enforcement official; or
 - 6. attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- C. the employee is not the perpetrator of the abusive behavior against such employee's family member.

Domestic Violence Leave under this Policy shall be unpaid leave. Employees, however, may use any available accrued benefit time, including sick time, for this leave.

The employee, upon return from leave, will be returned to the same or an equivalent position.

.03 Notification

Except in cases of imminent danger to the health or safety of an employee, an employee seeking leave from work under this section shall provide appropriate advance notice in accordance with the Town’s sick time policy. Such notification may be communicated 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.

If an unscheduled absence occurs, an employee has thirty (30) days to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. Appropriate forms of documentation are outlined in M.G.L. Chapter 149 Section 52E and/or are available from the Town Administrator.

.04 Confidentiality

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

- A. requested or consented to, in writing, by the employee;
- B. ordered to be released by a court of competent jurisdiction;
- C. otherwise required by applicable federal or state law;
- D. required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
- E. necessary to protect the safety of the employee or others employed at the workplace.