

Domestic Violence Leave Policy

Pursuant to Massachusetts law, specifically “An Act Relative to Domestic Violence” (the “Act”), the University provides up to fifteen (15) days of job-protected leave, each calendar year, to employees who are victims of domestic violence.

Which Employees Are Eligible for Domestic Violence Leave?

An employee who is a victim, or an employee who has a family member who is a victim of “abusive behavior” is eligible for leave. Covered family members include the employee’s spouse, parent, step parent, child, step-child, sibling, grandparent, and grandchild. The Act specifically notes that perpetrators of domestic violence are not entitled to leave.

What is “Domestic Violence” under the Act?

The Act defines “domestic violence” as abuse against an employer 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.

What is “Abuse” and “Abusive Behavior” under the Act?

The Act’s definitions of “abuse” and “abusive behavior” are broadly defined. “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 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.

“Abusive behavior” is any behavior constituting domestic violence, stalking, sexual assault, or kidnapping under Massachusetts law.

When is Domestic Violence Leave Available?

If an employee has suffered abusive behavior, or has a family member who is the victim of abusive behavior, the employee may take leave from work for purposes related to the abuse, such as:

- obtaining medical attention or counseling;

- obtaining legal help;
- meeting with law enforcement or a district attorney;
- security housing;
- securing an order of protection from a court;
- attending child custody proceedings;
- attending other court proceedings related to the abusive behavior, and
- obtaining other victims' services.

The employee is entitled to up to fifteen (15) days of leave per year.

Is Notice Required?

Yes. Except where there is a threat of imminent danger to the health and safety or safety of the employee or the covered family member, employees must provide “appropriate” notice to their immediate supervisor and/or the Associate Director of Human Resources in advance of their need for leave.

Will Documentation Need to Be Provided to Support a Leave Request?

Yes. Unless there is a threat of imminent danger, the University may also require employees to produce documentation of their need for domestic violence leave. Valid documentation that will support leave under the Act includes:

- a protective order issued by a court;
- a letter from the court or agency addressing the abusive behavior;
- a police report;
- medical documentation of treatment as a result of abusive behavior;
- a sworn statement signed under the pains and penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or professional who has assisted the employee in addressing the abusive behavior; or
- a sworn statement signed under the penalties of perjury from the employee attesting that he or she had been the victim of abusive behavior, or that a family member has been a victim of abusive behavior.

If an unscheduled absence occurs, the employee must produce valid documentation of the reason for the absence within 30 days of the unauthorized absence. The university may not require the employee to produce evidence of an arrest or conviction.

Are There Confidentiality Requirements?

Yes. All documentation should be provided to the Office of Human Resources and will be kept confidential and will not be disclosed except if requested to or consented, in writing, by the employee, or ordered to be released by a court or otherwise required by applicable state or federal law. Additionally, the Office of Human Resources will only retain this documentation for only as long as it is required to determine the employee’s eligibility for domestic violence leave.

Are Employees Entitled to Pay During Domestic Violence Leave?

Only employees who are entitled to paid vacation time, sick days, or personal days, will be paid for domestic violence leave, and must exhaust this time prior to taking unpaid leave. This policy does not supersede or replace any benefits or privileges that are provided to employees under their

respective collective bargaining agreements. And, leave granted pursuant to this policy would run concurrently with any domestic violence leave currently allowed under an employee's collective bargaining agreement.

Questions Regarding Policy?

Employees who have questions regarding the Domestic Violence Leave Policy may contact the Associate Director of Human Resources at ext. 3850 or the Associate Vice President of Human Resources & Payroll Services at ext. 3172.

Other Resources

The University recognizes that victims of domestic violence may need access to other types of resources and services in addition to leave. A list of resources can be found on the Fitchburg Anti Violence Education page at http://www.fitchburgstate.edu/campus-life/student-services/fitchburg_anti-violence-education/fitchburg-anti-violence-education-resources/.

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