

Town of Natick

Domestic Violence Leave Policy

1 Statute:

1.1 M.G.L. Chapter 260 of the acts of 2014

2 Purpose and Scope:

2.1 The purpose of this document is to outline the Town's unpaid domestic violence leave policy with respect to eligibility, benefits, and use, and to ensure that leave benefits are implemented equitably and consistently.

2.2 The Town is committed to the protection of those eligible individuals that provide service to the Town from domestic violence by giving them the necessary tools to deal with domestic violence issues. This policy, along with the efforts of our EAP, can be utilized if the need arises for an employee to take needed time off to deal with a domestic violence issue.

3 Applicability:

3.1 This policy applies to all full and part-time compensated Town positions excluding elected officials and employees of the School Department. Employees subject to this policy must follow all of the provisions of this policy.

3.2 Nothing in this policy limits or prevents the Town from providing time-off to employees to address situations of violence not specifically defined in this policy.

4 Definitions:

4.1 Calendar Year- refers to the normal calendar year of January 1st to December 31st.

4.2 Family Member (under this policy) – includes:

4.2.1 Persons who are married to one another;

- 4.2.2** Persons in a substantive dating or engagement relationship and who reside together;
- 4.2.3** Persons having a child together;
- 4.2.4** Parents, step-parents, children, step-children, siblings, grandparents, grandchildren, and persons in guardian relationships.

4.3 Domestic Violence- is broadly defined as abuse against an employee or an employee's family member by:

- 4.3.1** A current or former spouse of the employee or employee's family member;
- 4.3.2** A person with whom the employee or employee's family member shares a child in common;
- 4.3.3** A person who is cohabitating with or has cohabitated with the employee or employee's family member;
- 4.3.4** A person who is related by blood or marriage to the employee;
- 4.3.5** A person with whom the employee or employee's member has or had a dating or engagement relationship.

4.4 Abuse- attempting to cause or causing physical harm; fear of imminent serious physical harm by another; engaging involuntarily 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.

4.5 Abusive Behavior- includes domestic violence, stalking, sexual assault and kidnapping.

5 Eligibility:

5.1 All employees of the town including all Regular Full-time and Regular Part-time employees, Intermittent/Seasonal/Temporary Employees, Interns, and Volunteers are eligible for Domestic Violence Leave benefits, as indicated in this policy.

6 Policy:

6.1 Approved Domestic Violence Leave is an unpaid leave.

6.2 Before an employee may utilize unpaid Domestic Violence Leave, he or she must utilize any and all accumulated personal leave, vacation leave, and sick leave available to them.

- 6.3** An eligible employee may take up to 15 days of leave from work in any 12-month period, if the employee or family member of the employee is a victim of abusive behavior and the employee is using leave from work to:
- 6.3.1** Obtain medical attention, counseling, victim services or legal services;
 - 6.3.2** Secure housing;
 - 6.3.3** Obtain a protective order from a court;
 - 6.3.4** Appear in court or before a grand jury;
 - 6.3.5** Meet with a district attorney or other law enforcement official;
 - 6.3.6** Attend child custody proceedings;
 - 6.3.7** Address other issues related to the abusive behavior against the employee or family member of the employee.

6.4 Required Documentation:

- 6.4.1** The Town of Natick requires documentation showing that an employee or employee's family member is a victim of domestic violence.
- 6.4.2** An employee may satisfy the documentation requirement by producing any of the following documents within a reasonable period of time from the request:
 - 6.4.2.1** Protective order, order of equitable relief or other documentation issued by a court;
 - 6.4.2.2** 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 employee's family member;
 - 6.4.2.3** A police report or statement of a victim or witness provided to the police;
 - 6.4.2.4** Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent;
 - 6.4.2.5** Medical documentation of treatment as a result of the abusive behavior;
 - 6.4.2.6** 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 other similar professional;
 - 6.4.2.7** A sworn statement, signed under the pains and penalties of perjury, by the employee.
- 6.4.3** The Town shall maintain any received documentation within the employee's personnel file, but only as long as required for the Town to

make a determination as to whether the employee is eligible for domestic violence leave.

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

- 6.4.4.1** Requested or consented to, in writing, by the employee;
- 6.4.4.2** Ordered to be released by a court of competent jurisdiction;
- 6.4.4.3** Otherwise required by a court of competent jurisdiction;
- 6.4.4.4** Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or,
- 6.4.4.5** Necessary to protect the safety of the employee or others employed at the workplace.

6.5 If additional time off is required, the employee should discuss with his/her department head. Nothing in this policy limits or impairs an employee's right or ability to seek other types of applicable unpaid time off.

6.6 Domestic Violence Leave is granted subject to the prior approval from the employee's Department Head or Appointing Authority and appropriate advance notice is provided to the Town, as indicated in Section 6.1.

6.7 Employees do not lose any benefits accrued prior to or during a domestic violence leave.

6.8 Upon return, an employee shall be reinstated to the same position held prior to his/her domestic violence leave.

6.9 Department Heads are required to act consistent with this policy.

6.10 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

7 Provisions:

7.1 Notice:

7.1.1 Employees are generally required to provide appropriate advance notice by submitting **Domestic Violence Notice of Need for Leave**, except in cases of imminent danger.

7.1.1.1 In cases of imminent danger, the employee is required to notify the employer of his/her absence within three (3) work days that the leave was taken or is being take.

7.1.2 The Town will not take negative actions against an employee for an unscheduled absence, if, within thirty (30) days from the unauthorized absence or last unauthorized absence in cases of consecutive absences, the employee provides any of the indicated forms of documentation of the need for domestic violence leave.

7.2 Unless so ordered by a court, the Town shall not inhibit the rights of a domestic violence leave employee based on whether the employee maintains contact with the alleged abuser, even if the abuser is another Town employee.

7.3 Domestic Violence Leave time shall be taken in increments of not less than 2 hours.

7.4 Employees shall report a domestic violence leave as unpaid leave in the attendance system.

8 Roles and Responsibilities:

8.1 All Natick Municipal employees are responsible for understanding and adhering to this policy.

8.2 Managers are responsible for ensuring that all employees are advised of and understand the terms of this policy and for ensuring employees' compliance with this policy.

9 Questions:

9.1 If you have any questions regarding this policy, please contact the Director of Human Resources at 508-647-6471.

9.2 For more information, please visit the Town of Natick's Human Resources website <http://natickma.gov/250/Human-Resources>

THE TOWN RESERVES THE RIGHT TO AMEND ANY OR ALL PARTS OF THIS POLICY AT ANY TIME. EMPLOYEES ARE ADVISED THAT CERTAIN VIOLATIONS

OF THIS POLICY MAY ALSO CONSTITUTE A VIOLATION OF LOCAL, STATE, OR
FEDERAL LAW.

Policy approved by Personnel Board and Town Administrator

Policy Effective Date: September 29, 2016