

## **Leave to Address Domestic Violence or Other Abusive Situations**

Under the Massachusetts Domestic Violence Leave Act (the “DVLA”), a qualifying employee is entitled to up to 15 days of leave during any 12-month period for a qualifying purpose arising from abusive behavior. An employee must exhaust all available leave (*e.g.*, applicable sick leave and vacation) before the employee may take advantage of this leave. This leave is unpaid.

### ***Scope of Leave Rights***

An employee qualifies for leave under the DVLA where:

- the employee or a family member is a victim of abusive behavior;
- the employee is using the leave from work for a qualifying purpose; and
- in the case of the abusive behavior against the employee’s family member, the employee is not the perpetrator of the behavior.

“Abusive behavior” for purposes of the DVLA means domestic violence, sexual assault, stalking or kidnapping.

A qualifying purpose for DVLA leave is any of the following:

- 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, or meet with a district attorney or other law enforcement official;
- to attend child custody proceedings; or
- to address any other issues directly related to the abusive behavior.

For these purposes, family members are any of the following:

- parents, step-parents, children, step-children, siblings, grandparents, or grandchildren;
- married spouses;
- persons in a substantive dating or engagement relationship who reside together;
- persons having a child in common regardless of whether they have ever married or resided together; or
- persons in a guardian relationship.

As set forth above, the maximum period of leave under the DVLA is 15 days in any 12-month period.

### ***Notification Obligations***

An employee is obligated to provide advance notice to the Company that the employee is requesting or taking leave under the DVLA, except that in cases of imminent danger to the employee’s health or safety, or in cases of a threat of imminent danger to the health or safety of the employee or the employee’s family member, the employee may instead provide notice within three workdays that the leave was taken or is being taken under the DVLA. A notice of a DVLA

leave may be given to the Company by the employee, by the employee's family member or counselor, or by a 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.

### ***Documentation***

If required by the Company, the employee must provide documentation within a reasonable time evidencing that the employee qualifies for the leave under the criteria above. A qualifying document may be a sworn statement of the employee or an appropriate professional who has assisted the employee, a court order, a letter from a court or public agency, a police report or documentation of medical treatment for the abusive behavior.

### ***Confidentiality***

The Company is obligated to keep confidential all information related to the employee's leave, except to the extent that disclosure is:

- requested or consented to, in writing, by the employee;
- ordered to be released by a court of competent jurisdiction;
- otherwise required by applicable state or federal law;
- required in the course of an investigation authorized by the attorney general; or
- necessary to protect the safety of the employee or others employed at the workplace.

The Company may maintain any documentation provided by the employee in the employee's employment record, but only for as long as required for the Company to make a determination regarding whether the employee is eligible for leave under the DVLA.

### ***Additional Information***

Additional information about the DVLA, including a detailed list of the alternative types of qualifying documents, is set forth in the Massachusetts Attorney General's Advisory, which is at [www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/domestic-violence-and-abusive-situation-leave.html](http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/domestic-violence-and-abusive-situation-leave.html).