

TOWN OF AUBURN DOMESTIC VIOLENCE LEAVE POLICY

POLICY STATEMENT

The Town of Auburn is committed to the health and safety of its employees and their families. An employee, who is a victim of domestic violence or abusive behavior, or whose immediate family member is such a victim, is encouraged to contact the Town Manager or Human Resources.

An Act Relative to Domestic Violence entitles employees of Massachusetts employers (public and private) who employ 50 or more employees in the state, with up to fifteen day of leave from work in any twelve month period if an employee, or family member of an employee, is a victim of domestic violence or abuse. The Town of Auburn defines a twelve-month period as a rolling twelve-month period, beginning on the date an employee commences leave. This policy advises employees of their rights in accordance with state law.

In the event of any conflict between the Town of Auburn's Domestic Violence Leave Policy and State law and any applicable regulations, the State law/regulations shall prevail.

APPLICATION

This Policy applies to all employees of the Town of Auburn.

DEFINITIONS

"Abusive behavior" includes domestic violence, stalking, sexual assault, and kidnapping.

"Domestic violence" is defined as abuse against an employee or an employee's family member by:

1. A current or former spouse
2. A person with whom the employee or family member shares a child in common
3. A person with whom the employee or family member is or was cohabitation
4. A person with whom the employee or family member is related by blood or marriage; or
5. A person with whom the employee or family member has or had a dating or engagement relationship.

“Family members” are defined as:

1. Persons who are married to one another
2. Persons in a substantive dating or engagement relationship who reside together
3. Person having a child together
4. Parents, step-parents, children, step-children, siblings, grandparents, grandchildren and person in a guardian relationship.

REASON FOR TAKING LEAVE

Leave may be taken for any of the following reason related to being a victim of domestic violence or caring for a family member who is a victim:

1. Seek or obtain medical attention, counseling, victim services, or legal services
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
6. Attend child custody proceedings
7. Address other issues directly related to the abusive behavior against the employee or a family member of employee.

In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

NOTICE

Except in cases of imminent danger to the health or safety of an employee (or employee’s family member), employees are required to provide the Human Resource Office with at least one week advance notice, in writing, of the employee’s intent to take domestic violence leave.

In cases of imminent danger, the employee is required to notify the Human Resource Dept. within (3) workdays that the leave was taken or is being taken under the Domestic Violence law. Such notification may be communicated by a family member, counselor, social worker, advocate, member of the clergy, or other professional assisting the employee in addressing the effects of the abusive behavior on the employee or the employee’s family member. The employee or authorized individual may communicate the purpose of the leave to the Human

Resource Dept. by telephone, in person, in writing, or by other reasonable means of communication.

DOCUMENTATION

The Town of Auburn requires documentation showing that an employee or employee's family member is a victim of domestic violence and that the employee is taking leave consistent with the Law and this Policy. An employee may satisfy this request by producing any of the following documents within reasonable period of time, not to exceed thirty days:

1. Protective order, order of equitable relief, or other documentation issued by a court as a result of the abusive behavior against the employee or family member
2. A document under the letterhead of a 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 the employee's family member
3. A police report or statement of a victim or witness provided to the police
4. Documentation that the perpetrator of the abusive behavior has: admitted to sufficient facts to be found guilty of, or been convicted of, or adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave
5. Medical documentation of treatment as a result of the abusive behavior
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 who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior
7. A sworn statement, signed under the pains and penalties of perjury, that the employee or the employee's family members is a victim of abusive behavior.

All information related to an employee's leave is required to be kept confidential, unless consented to, in writing, by the employee or otherwise required by law.

PAYMENT OF WAGES ON LEAVE

An employee must use any accrued vacation leave, personal leave and sick leave available to him or her during this leave. If all paid leave has been exhausted, unpaid leave may be taken.

CONFIDENTIALITY OF LEAVE REQUEST

All information provided by the employee concerning a request for leave under the Act shall be kept confidential by the Town of Auburn. The Town shall not disclose any information related to an employee's request for leave, except to the extent that disclosure is:

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

RETURN TO WORK

Employees who take leave pursuant to this Policy will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status.

NO RETALIATION

The Town shall not discharge or in any other way discriminate or retaliate against an employee for exercising his/her rights under this Policy, provided that the employee provides qualifying documentation to support his/her leave within thirty days from commencement of leave. A qualified employee taking leave under this Policy shall not lose any benefit accrued prior to the taking of leave and will be restored to the same or equivalent position upon return.

CONTACT INFORMATION

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