

CITY OF SPRINGFIELD, MA

Domestic Violence Leave Policy

ADOPTED: December 26, 2014

Purpose

This policy sets forth the conditions under which an eligible employee may take time off, in accordance with the Massachusetts Domestic Violence Leave Act, M.G.L. Ch. 260 of the Acts of 2014.

Eligibility

An employee may be entitled to Domestic Violence Leave if:

- A. The Employee, or a family member of the employee, is a victim of abusive behavior;
- B. The Employee is using the leave from work to address 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.

Definitions

- A. Employee: An individual who performs services for and under the control and direction of the City of Springfield for wages or other remuneration, including full-time, part-time, seasonal, and temporary employees. Employees of the Springfield School Department shall be covered under the Domestic Violence Leave Policy adopted by the Springfield School Committee.
- B. Abuse:
 - a. Attempting to cause or causing physical harm;
 - b. Placing another in fear of imminent serious physical harm;
 - c. 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;
 - d. Engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror;
 - e. Depriving another of medical care, housing, food or other necessities of life; or
 - f. Restraining the liberty of another.

- C. Abusive Behavior:
 - a. Any behavior constituting domestic violence;
 - b. Stalking in violation of section 43 of chapter 265,
 - c. Sexual assault, which shall include a violation of sections 13B, 13B $\frac{1}{2}$, 13B $\frac{3}{4}$, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51 of chapter 265 or sections 3 or 35A of chapter 272; and
 - d. Kidnapping in violation of the third paragraph of section 26 of chapter 265.
- D. Domestic Violence: Abuse against an employee or the employee's family member by:
 - a. A current or former spouse of the employee or the employee's family member;
 - b. A person with whom the employee or the employee's family member shares a child in common;
 - c. A person who is cohabitating with or has cohabitated with the employee or the employee's family member;
 - d. A person who is related by blood or marriage to the employee; or
 - e. A person with whom the employee or employee's family member has or had a dating or engagement relationship.
- E. Family Member:
 - a. Persons who are married to one another;
 - b. Persons in a substantive dating relationship and who reside together;
 - c. Persons having a child in common regardless of whether they have ever married or resided together;
 - d. A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or
 - e. Persons in a guardianship relationship.

Qualified Reasons for Leave

- A. To seek or obtain medical attention, counseling, victim services or legal assistance;
- B. Secure housing;
- C. Obtain a protective order from a court;
- D. Appear in court or before a grand jury;
- E. Meet with a district attorney or other law enforcement official; or
- F. Attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee.

Requesting Leave

Employees must request leave in advance. Requests must be made on the form provided by the Human Resources Department and must be submitted to the Assistant Director of Human Resources, along with documentation evidencing that the employee or employee's family

member has been a victim of abusive behavior and that the leave is being taken for a qualified reason. (A list of acceptable forms of documentation is attached hereto).

If there is a threat of imminent danger to the health and safety of an employee or the employee's family member, the employee shall not be required to provide advanced notice of leave; provided, however, that the employee shall notify the employer within three (3) workdays that the leave was taken or is being taken under this policy.

Leave Entitlement

Eligible employees may be entitled to up to fifteen (15) days of paid leave in any calendar year. An employee seeking leave under this policy shall not be required to exhaust annual or vacation leave, personal leave and sick leave (if eligible) available to the employee, prior to requesting or taking leave under this section.

City Departments are authorized and encouraged (but not required) to grant up to six (6) months of unpaid leave to an employee who is a victim or whose children are victims of domestic violence where the employee is not the perpetrator of the abusive behavior. City Departments shall offer the same or similar position to such an employee upon the employee's return from leave.

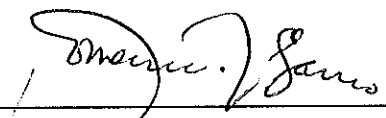
Confidentiality

Any documentation provided to an employer under this policy may be maintained by the employer in the employee's employment record, but only for as long as required for the employer to make a determination as to whether the employee is eligible for leave under this section.

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.

This policy is effective immediately.



Domenic J. Sarno, Mayor

Dec. 26, 2014 JS

Date

Acceptable Forms of Documentation

- A. A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member.
- B. A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it related to the abusive behavior against the employee or the employee's family member.
- C. A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member.
- D. Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has: admitted to sufficient facts to support a finding of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
- E. Medical documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
- F. A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.
- G. A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.