

LABOR AND EMPLOYMENT ALERT

NEW DOMESTIC VIOLENCE LEAVE LAW

On August 8, 2014, Massachusetts enacted a new law relating to domestic violence which, among other provisions, requires employers with fifty (50) or more employees to grant leave to employees to address the psychological, physical or legal effects of domestic violence. The law, entitled “An Act Relative to Domestic Violence,” G.L. c. 149, s. 52E, mandates that covered employers must immediately notify their employees in writing about the newly-created rights. Because it is currently in effect, covered employers must take immediate action to comply with the law.

The domestic violence leave law requires covered employers to provide employees up to fifteen (15) days of unpaid leave in any 12-month period provided that:

- 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 seek or obtain medical attention, counseling, victim services or legal assistance; and
- c) the employee is not the perpetrator of the abusive behavior against such employee’s family member.

Some other key provisions of the law include:

- Unless there is a threat of imminent danger, an employee seeking domestic violence leave must provide reasonable advance notice as provided in the employer’s domestic violence leave policy. If there is an imminent threat, the employee must give notice to the employer within three (3) days of taking leave. Employers are prohibited from taking adverse action against employees if, within thirty (30) days of an unscheduled absence, notice is provided.
- Employers are permitted to require an employee to provide documentation of the abusive behavior for which the employee took leave. This documentation could include a protective or other court order, a letter from a public agency, a police report, medical documentation or a sworn statement.
- All information related to an employee’s application for or use of domestic violence leave must be kept confidential by the employer.
- Employers are permitted to require employees to exhaust “all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking [domestic violence] leave.”

LABOR AND EMPLOYMENT ALERT

Covered employers are required to notify their employees of their rights and responsibilities under the new law. As a practical matter, this means that covered employers must update their leave policies to reflect the mandated domestic violence leave requirement, and circulate to all employees the updated policies.

If you have any questions about this law or if you would like advice as to its application to a specific situation in your workforce, please contact Walter Foster at (617) 342-6853 or Gabe Dym at (617) 342-6836 in our Boston office.

This Labor and Employment Alert is intended to keep readers current on developments in the labor and employment world and in the law, and is not intended to be legal advice. Under the rules of the Supreme Judicial Court of Massachusetts, this material may be considered as advertising.

© Eckert Seamans Cherin & Mellott, LLC, 2015, all rights reserved.