



Massachusetts Enacts Domestic Violence Leave Law

In August of 2014, the governor of Massachusetts signed into law, *An Act Relative to Domestic Violence*. This is a comprehensive domestic violence law aimed at revising guidelines for the handling and treatment of domestic violence and sexual violence complaints. In addition, the new law impacts both public and private employers in Massachusetts.

Domestic Violence Leave Requirements

The law requires that any employer that employs 50 or more individuals must provide up to 15 days of leave (Domestic Violence Leave) in any 12-month period if the employee or a covered family member is a victim of domestic violence.

Some of the key aspects of the new law are as follows:

- > The employee may use the leave if he or she is a victim of abusive behavior and is using the leave to seek or obtain medical attention, counseling, victim services, legal assistance or to secure housing.
- > The leave may also be used to obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; attend child custody proceedings; or address other issues directly related to the abusive behavior against the employee or family member.
- > Covered family members of the employee include spouses, parents, step-parents, children, step-children, siblings, grandparents, and grandchildren.
- > An employee must exhaust all vacation leave, personal leave and sick leave prior to taking Domestic Violence Leave unless this requirement is waived by the employer.
- > The employer has the sole discretion to determine whether Domestic Violence Leave is paid or unpaid.

- > Employees must provide advance notice before taking Domestic Violence Leave unless there is the threat of imminent danger.
- > Employers may not retaliate against employees who use Domestic Violence Leave and may not interfere with an employee's use of such leave.
- > The law is enforced by the Massachusetts Attorney General who is empowered to seek injunctive relief to aid in enforcement of the law.

Action Steps for Employers

Employers with 50 or more employees in Massachusetts are required to notify their employees of their rights and responsibilities with respect to Domestic Violence Leave. Accordingly, employers should amend their employee handbooks or otherwise develop a domestic violence leave policy.

Employers should determine whether Domestic Violence Leave will be paid or unpaid, and whether it will require employees to exhaust vacation, sick leave and personal leave before taking Domestic Violence Leave.

Managers should be informed of this new law and be prepared to handle requests by employees for Domestic Violence Leave.

The new law is effective immediately, so employers should not delay in taking the necessary steps to come into compliance.

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