



CITY OF LAWRENCE

School Department



Domestic Violence Leave Policy

The Human Resources Department enforces the Domestic Violence Act (VDA) for all employees of the City of Lawrence' School Department.

COVERAGE

VDA applies to all employees of the City of Lawrence' School Department as stated in the eligibility portion of this policy and/or as indicated in M.G.L. c. 260.

ELIGIBILITY

VDA became effective on August 14, 2014, for most employers. VDA entitles eligible employees fifteen (15) days of unpaid leave in any twelve (12) month period if they or a family member are victims of abusive behavior. The City of Lawrence' School Department elects to use a fixed twelve (12) month leave from July 1 through June 30.

ENTITLEMENT

The School Department will grant an eligible employee up to a total of 15 days of unpaid leave during any 12-month period for one or more of the following reasons:

- the employee, or a family member of the employee, is a victim of abusive behavior and;
- the employee is using the leave from work to get medical attention, counseling, victim services or legal assistance; secure housing; obtain a court protective order; appear in court or before a grand jury; meet with law enforcement officials; attend child custody proceedings; or address other issues directly related to the abusive behavior and;
- the employee is not the perpetrator of the domestic violence against such employee's family member.
- to take these leaves, employees must first exhaust all annual personal leave and sick leave.

The Human Resources Department is responsible for designating if an employee's use of paid leaves counts as DVA leave based on information from the employee.

ABUSE DEFINITION

“Abuse” includes:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- 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;
- engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror;
- depriving another of medical care, housing, food or other necessities of life; or
- restraining the liberty of another.

ABUSIVE BEHAVIOR DEFINITION

“Abusive behavior is defined as behavior constituting domestic violence; stalking; sexual assault, and kidnapping.

DOMESTIC VIOLENCE DEFINITION

“Domestic violence” is defined as “abuse” against an employee or the employee’s family member by:

- a current or former spouse of the employee or the employee’s family member;
- a person with whom the employee or the employee’s family member shares a child in common;
- a person who is cohabitating with or has cohabitated with the employee or the employee’s family member;
- a person who is related by blood or marriage to the employee; or
- a person with whom the employee or employee’s family member has or had a dating or engagement relationship.

FAMILY MEMBER DEFINITION

Family member means:

- persons who are married to one another;
- persons in a substantive dating relationship and who reside together;
- persons who have a child in common regardless of whether they have ever married or resided together;
- a parent; step-parent, child; step-child; sibling; grandparent, grandchild; or persons in a guardianship relationship.

NOTIFICATION REQUIREMENTS

Employees who wish to take leave to care for themselves or an eligible family member should provide the employer adequate advance notice (at least 3 (three) days prior), unless the employee or the family member of the employee face imminent danger.

The notice may be communicated by the employee, or by another person who is helping out, such as a family member or a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional.

Employees also may need to provide documentation of the domestic or sexual violence, including medical records or a police report. Each department head will decide whether the leave allowed under the Act is paid or unpaid. The documentation provided to the City may only be maintained in the employee's employment record for as long as required for the Human Resources Department to make a determination as to whether the employee is eligible for leave. The request for leave, approval or denial of leave and related documentation must be maintained in compliance with the law.

ANTI-RETALIATION PROVISION

If an unscheduled absence occurs, a department head or any official of the City of Lawrence may not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence (in the case of consecutive days of unauthorized absences), provides any of the following documentation:

- a protective order, a document printed on court or other official letterhead;
- a police report; official adjudication documents showing the perpetrator's involvement in the criminal justice system;
- a sworn statement from a professional advocate; or,
- a sworn statement from the employee, executed under penalty of perjury.

The City of Lawrence' School Department is barred from discharging or discriminating against an employee for exercising the right to take leave. The taking of leave may not result in the loss of any employment benefit accrued before the leave began. Upon the employee's return from the leave, he or she must be restored to their original job or an equivalent position.

No official of the City of Lawrence' School Department will coerce, interfere with, restrain or deny employees' right to leave contingent upon whether or not the victim maintains contact with the alleged abuser. Any official found violating this provision may and will be disciplined including but not limited to discharge of employment.

CONFIDENTIALITY

Except as in the employee's consent or the existence of a court order (and approved by the City Attorney for release), all information of this nature, including information related to the employee's leave will be kept in the most upmost confidential nature.



**CITY OF LAWRENCE
School Department**



Request for Domestic Violence Leave

(Employee Name)

(Social Security Number)

(Job Title)

(Location)

I have read the policy on domestic violence and am requesting leave for the following reason(s):

- to obtain medical attention
- counseling
- victim services or legal assistance;
- secure housing;
- obtain a court protective order; appear in court or before a grand jury
- meet with a district attorney or other law enforcement officials
- attend child custody proceedings
- address other issues directly related to the abusive behavior

I request to be allowed to begin leave on _____ (date). I agree to return on _____ (date). If I learn that I will not be able to return to work on this date, I agree to call my supervisor immediately and to complete a new request for leave, if one is required.

The total number of days of leave that I am requesting is _____ days.

I plan to take _____ Days of paid sick leave
_____ Days of vacation leave
_____ Days of personal leave
_____ Days of unpaid leave

I understand that my health insurance benefits will be continued during leave, and I am arranging to pay my share of applicable premiums.

I agree to notify my supervisor and the Human Resources Department if my expected return date changes. By signing below, I certify that all information on this form is true and accurate and I understand that the City of Lawrence' School Department will rely on its accuracy in granting me a leave of absence. I agree to notify the Personnel Department and my department head as soon as practicable of any changes in this information.

(Signature)

(Date)

Human Resources Department: _____

*Supporting documentation(s), as required by policy, will be attached (if available) to this request prior to approval or as soon as possible under the conditions of the Domestic Violence Act of M.G.L. 260.

