

Notice of Rights and Responsibilities Under the MA Domestic Violence Leave Statute

Massachusetts law (G.L. c. 149, § 52E, created by Chapter 260 of the Acts of 2014) now requires covered employers, including the Town of Fairhaven, to provide up to 15 days of unpaid, job-protected leave in any 12-month period to employees who are victims of domestic violence, sexual assault, kidnapping, or stalking. The statute contains important definitions of “abuse”, “abusive behavior”, “domestic violence”, “family member” and other terms. You are now covered under this statute.

It also provides the same leave to employees who need time off from work due to the abuse of a covered family member (spouse, child, parent, grandparent, grandchild or sibling), so long as the employee is not the perpetrator of the abuse.

Leave must be taken for purposes directly related to the abuse, such as seeking legal or medical services, counseling, housing, and victim’s services.

Before taking this domestic violence leave, an employee must do the following:

- Exhaust all accrued and available paid time off, such as sick time, vacation days, and personal time.
- Provide the Town with advance notice of the need for leave, unless the employee or the covered family member is in imminent danger.
- If imminent danger prevents the employee from providing advance notice, the employee must notify the Town within 3 business days that the time off was related to one of the covered domestic violence-related reasons. If the employee cannot notify the employer himself or herself, a family member, counselor, or helping professional may do so on the employee’s behalf.
- The Town may require the employee to provide documentation supporting the need for domestic violence leave.

Confidentiality: Domestic violence leave information may only be shared: (1) with the employee’s written permission; (2) when required to do so by law or in order to cooperate with law enforcement; and (3) if the disclosure is necessary to protect the health and safety of the employee or coworkers.

Prohibited Acts By Employer: The Town, as employer, may not terminate or reduce employment benefits based on the use of domestic violence leave, and the Town may not discipline an employee for unauthorized absences if the employee provides documentation supporting the need for domestic violence leave within 30 days of the last date absent. The Town may not retaliate against users of domestic violence leave.