

Massachusetts Domestic Violence Leave Law

SEPTEMBER 12, 2014

Attend a Seminar on this Topic on October 28th in Worcester

On August 8, 2014, Gov. Deval Patrick signed into law a bill establishing job-protected leave for employees to address issues related to domestic violence.

Under the law, which became effective immediately, Massachusetts employers with fifty or more employees must permit employees to take up to fifteen days of unpaid leave within any twelve month period if the employee or the employee's family member is a victim of "abusive behavior," including domestic violence, stalking, sexual assault, or kidnapping (provided that the employee is not the perpetrator of the violence). Employees may obtain leave under the law only to address issues directly related to the abusive behavior, including the need to seek medical attention, counseling, legal assistance, or secure housing, or to participate in a court proceeding or law enforcement investigation. Employees may be required to use all accrued vacation, sick, or personal leave prior to requesting or taking leave under the law.

Upon returning from such leave, employees are entitled to restoration of their original job or to an equivalent position, and employers are prohibited from discharging or otherwise discriminating against an employee for exercising any rights under the law. Aggrieved employees may bring a civil action for violations of the law. Prevailing employees are entitled to treble damages and attorneys' fees.

Client Tip: *The law requires employers to notify employees of their rights and responsibilities under the law. Accordingly, colleges and universities subject to the law should amend employee handbooks and/or develop written domestic violence leave policies and distribute to employees as soon as possible.*

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