Domestic Violence Leave Act Policy

In accordance with M.G.L. c. 260 entitled “An Act relative to domestic violence” WPI has established a policy to allow employees up to 15 days of unpaid leave in a 12-month period if the employee or a covered family member of the employee is a victim of abusive behavior. For purposes of this policy, a “rolling” 12-month period will be used, measured backwards from the date an employee uses any domestic violence leave. Employees of WPI may request leave under this policy for the following reasons:

- The employee of WPI is a victim of domestic violence or a covered family member of an employee of WPI is a victim of domestic violence. Covered family members include the following relationships: spouse, fiancée, of a victim of domestic violence, or individual with whom the victim of domestic violence has a substantive dating relationship and who the individual resides with; someone with whom the victim of domestic violence has a child in common; or the parent, step-parent, child, step-child, sibling grandparent, grandchild, or guardian to a victim of domestic violence.
- Employee leave must be directly related to the abusive behavior, such as seeking or obtaining medical attention, counseling, victim services or legal assistance; securing housing; obtaining a protective order from a court; appearing in court or before a grand jury; meeting with a district attorney or other law enforcement official; or attending child custody proceedings or addressing other issues directly related to the abusive behavior.

Use of Paid and Unpaid Leave

Employees may elect to use earned vacation in place of leave without pay within the approved period of the domestic violence leave. Employees on the biweekly payroll may also elect to use their sick day buy back balances in place of unpaid leave. In cases where an employee is taking domestic violence leave for a covered family member, the employee will be required to use their vacation/sick day buy back time off before taking unpaid leave. An employee on leave without pay for 15 or more working days during the fiscal year will receive a prorated share of normal vacation for that year. Any period of leave without pay is counted as continuous service in determining length of service at the University for purposes of establishing vacation accrual rates, but not for purposes of vacation accrual itself. Employees on the biweekly payroll who take leave without pay that exceeds a total of 15 days during the year will have a reduction in their total sick days at the rate of one day for every 15 working days of absence (whether or not the days of absence were consecutive).

Requesting Domestic Violence Leave

Employees must provide their supervisor with advance notice of the decision to use the leave, unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee’s family. An employee who does not give notice must notify their supervisor within three workdays that the leave was being taken under the Act's leave provisions. The notice may be provided by certain specified individuals other than the employee. Employees will need to complete a Statement in Support of Need for Domestic Violence Leave and return the form to the Office of Human Resources.
Employee Status During and After Leave
Employees who take leave under the Domestic Violence Leave Act cannot lose any employment benefit accrued prior to the date on which the leave was taken. Employees who take leave under the Domestic Violence Leave Act are entitled to the restoration of their original jobs or an equivalent position.

WPI cannot take negative actions against employees for unauthorized absences if, within 30 days of the last day of absence, the employee provides documentation that the absence was due to domestic violence. The forms of acceptable documentation include documents such as a police report documenting the abusive behavior.

Documentation Required for Domestic Violence Leave
WPI may require the employee to provide documentation evidencing they, or their family member, has been a victim of abusive behavior even if the employee provides advance notice of the leave. With limited exceptions, information related to the employee's leave must be kept confidential by the employer.

Employers are prohibited from retaliating against or discriminating against in any manner an employee who exercises his or her rights under the new law.

Questions relating to the provisions and eligibility requirements for domestic violence leave may be directed to the Benefits Administrator in the Office of Human Resources.