



# Boston VA Research Institute, Inc.

**Date:** 08/17/2016

Human Resources

**POLICY NO. 40-16**

## **TITLE OF POLICY:**

### **Employment Leave for Victims and Family Members of Abusive Behavior**

#### **1.0 PURPOSE**

The intent of this policy is to provide up to fifteen days of paid or unpaid leave for qualifying employee(s) and/or their family members pursuant to Massachusetts General Law c. 149 § 52E.

#### **2.0 SCOPE**

This policy covers BVARI employees who perform services for and under the direction of BVARI and who are categorized under the Internal Revenue Code as a W-2 BVARI employee.

#### **3.0 POLICY**

##### **3.1 Leave**

An employee may take up to 15 days of earned time or unpaid leave from work in a 12 month period if the following criteria are met:

- The employee, or family member of the employee, is a victim of abusive behavior;
- The employee is using earned time from work to: seek or obtain medical attention, counseling; victim services or legal assistance; secure housing; 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(s); or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- The employee is not the perpetrator of the abusive behavior.

BVARI maintains the sole discretion to determine whether any leave taken under this policy is paid as earned leave or unpaid

### 3.2 Documentation

The employee must provide BVARI with documentation evidencing that the employee or employee's family member was a victim of abusive behavior. BVARI maintains all documentation as confidential.

The following documentation satisfies the requirements of this policy:

- (1) A protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family;
- (2) A document with official letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
- (3) A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- (4) Medical Documentation of treatment as a result of the abusive behavior complained of by the employee or employee's family member.
- (5) A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or is the family member of a victim of abusive behavior.
- (6) A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior.

### 3.3 Confidentiality & Disclosure of Documentation

BVARI shall keep all documentation evidencing that the employee or employee's family member has been a victim of abusive behavior, and that the leave is or has been taken under this policy. However, the following are exceptions in which BVARI **must** disclose confidential information provided by the employee evidencing abuse that the employee or employees family member encountered abusive behavior :

- (1) Employee consents in writing to disclose the confidential information;
- (2) Documentation ordered to be released by a court;
- (3) Required by applicable federal or state law;
- (4) Disclosure mandated during the course of an investigation authorized by law enforcement; or
- (5) The disclosure is necessary to protect the safety of anyone employed at the work place.

### 4.0 DEFINITIONS

Term: A family member is defined under M.G.L. C 149 § 52E as (1) a parent, step-parent, child, step-child, sibling, grandparent or grandchild; (2) a married spouse; (3) persons in a substantive dating or

engagement relationship and who reside together; (4) persons having a child in common regardless of whether they ever married or resided together; or (5) persons in a guardianship relationship.

### 5.0 RESPONSIBILITIES

5.1 BVARI Board of Directors: The BVARI Board of Directors is responsible for the overall policy, planning, and coordination of all BVARI activities within the VA Boston Healthcare System.

5.2 CEO: The BVARI CEO is responsible for developing, administering, and coordinating a business such process provides optimal internal controls for BVARI.

5.3 DIRECTOR OF OPERATIONS & HUMAN RESOURCES : BVARI's Department Directors are responsible for ensuring that the BVARI employees follow the policies defined in the policy.

### 6.0 PROCEDURES

Employee provides the Human Resources Department with the documentation evidencing the leave.

### 7.0 RELATED DOCUMENTS:

### 8.0 REVISION HISTORY

Revision Letter	Author	Revision Date	Description of Changes
A	Jeffrey Burd	08/17/2016	New Policy
B			Edit table and add rows as needed.

**Transmittal Sheet**

**REASON FOR ISSUE:**

Compliance with Massachusetts Law

**RELATED DOCUMENTS:**

Massachusetts General Law c. 149 § 52E

**RECERTIFICATION: This policy is scheduled for recertification on or before the last working day of August, 2019.**



Marty Abramson

Chair of the BVARI Board of Directors

**DISTRIBUTION**

Board of Directors, Date:

FLD: Sharepoint Server \_\_\_\_\_ E-mailed \_\_\_\_\_ to:

BVARI Staff, Stakeholders