

# MASSACHUSETTS ACT RELATIVE TO DOMESTIC VIOLENCE

## Leave Entitlement

The Act Relative to Domestic Violence (ARDV) requires covered employers to provide up to 15 days of unpaid, job-protected leave per rolling 12-month period to Massachusetts employees who are victims of domestic violence, sexual assault, kidnapping, or stalking. The ARDV also provides leave to Massachusetts employees who need time off from work due to the abuse of a covered family member, including a spouse, child, parent, grandparent, grandchild, or sibling.

## Requirements of the Law

### ARDV Leave Purposes

ARDV leave must be taken for purposes directly related to the abuse, such as seeking legal or medical services, counseling, housing, and victim's services. An employee seeking leave from work under this section shall provide appropriate advance notice of the leave to the employer as required by the employer's leave policy.

### Employee Responsibility

Before taking ARDV leave, an employee must do the following:

- Exhaust all accrued paid time off.
- Provide Kelly Services (Kelly) 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 Kelly within 3 business days that the time off was related to one of the covered domestic violence-related reasons. If the employee cannot notify Kelly himself or herself, a family member, counselor, or helping professional may do so on the employee's behalf.
- Kelly may require the employee to provide documentation supporting the need for ARDV leave. Such documentation can consist of a protective order or other court document, police report, police witness statement, documents reflecting the perpetrator's conviction or admission of guilt, medical documents, and/or a victim advocate's or other helping professional's sworn statement. In lieu of the documents listed above, an employee may also submit his or her own sworn statement signed under the pains and penalties of perjury.

### Confidentiality

ARDV 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

Under the ARDV, Kelly may not terminate or reduce employment or previously accrued benefits based on an employee's use of ARDV leave, discipline an employee for an unauthorized absence if the employee provides documentation supporting the need for ARDV leave within 30 days after the absence, or retaliate against users of ARDV leave.

### Returning From Leave

Due to the nature of Kelly's business, an employee must provide advance, if practicable, notice of his or her plans to use ARDV leave in order for Kelly to make the necessary arrangements. If customers need coverage during the absence of an employee, Kelly will discuss with the customer how to accommodate coverage during an employee's absence. As with any other form of leave, Kelly may or may not be able to place employees returning from ARDV leave in their previous assignments or to place such employees in alternative assignments immediately upon their return from leave.

## Questions/Contacts

For additional information access the Massachusetts state website at [www.mass.gov](http://www.mass.gov) or contact your Kelly Representative.