

# An Ordinance Establishing Paid Leave for Survivors

## Section 2-320. - Paid Leave for Survivors

For the purposes of this section, the following definitions apply:

*Domestic violence* is any physical assault, sexual violence, stalking or the infliction of fear of imminent physical assault, sexual violence, or stalking between family members, married couples, domestic partners, or intimate partners.

*Sexual violence* is a broad category of actions in which a person or persons exerts power and control over another person through unwanted sexual actions, including but not limited to sexual assault, stealthing, sexual exploitation, or statutory rape.

*Violent crime* is any offense involving unwanted physical harm punishable as a criminal offense by the City of Somerville or Massachusetts General Law.

### Requirements:

- 1) The City of Somerville will allow municipal employees up to 7 days of paid leave per calendar year if the employee is a victim of domestic violence, sexual violence, or violent crime to:
  - a) Seek medical attention for the employee to recover from physical or psychological injury caused by domestic violence or the crime;
  - b) Obtain services from a survivor services organization;
  - c) Obtain psychological or other counseling;
  - d) Temporarily or permanently relocate;
  - e) Take legal action, including preparing for or participating in a civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, or violent crime; or
  - f) Take any other action to meet needs reasonably resulting from domestic violence, sexual violence, or violent crime.
- 2) If the employee has exhausted the 7-day leave provided in Subsection (1), as well as any other accrued time off including but not limited to sick leave, personal leave, and vacation leave, then the City of Somerville will provide the employee an additional 30 days of unpaid leave per calendar year to take any actions described in Section 1.
- 3) For any part-time employee, the amount of paid and unpaid leave entitlements will be prorated in a manner congruent with the employee's regularly scheduled hours.
- 4) Both the 7-day paid leave authorized in subsection (1) and the 30-day unpaid leave authorized in subsection (2) are available on an annual basis. Any portion of the leave that remains unused at the end of a calendar year does not accumulate or carry forward to the following calendar year.

- 5) Any employee intending to take leave under this section shall, if feasible, give reasonable notice to the City of Somerville within two days of taking leave.
- 6) The City of Somerville shall maintain the confidentiality of any verbal communication, written document, or record submitted by an employee relative to the employee's request for leave pursuant to this section, except when disclosure is required by law. Nothing in this section prohibits the City of Somerville from collecting anonymized data regarding incidents of domestic violence or sexual violence.
- 7) The City of Somerville shall not discharge, discriminate, or retaliate against an employee who is a survivor of violent crime, domestic violence, or sexual violence due to the employee's use of the leave guaranteed under this section.