



**Town of Sudbury
Human Resources Department**

Legally-Protected Leave/Time Off from Work

The following information is an overview of laws related to job-protected leave (absence from work). Employees should refer to the [Employee Handbook](#) and/or their union contract for information on other types of leave (bereavement, Worker's Compensation, Injured-On-Duty, etc.). Please contact Human Resources with questions or for more information: hr@sudbury.ma.us or 978-639-3348.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees up to twelve (12) weeks of leave time each year for specific reasons stated in the Act and up to 26 workweeks during a single 12-month period for military caregiver leave as described in the Act. Please refer to the [Employee Handbook](#) and the following documents for more details.

To be eligible for FMLA leave, an employee must have been employed by the Town at least 12 months and provided at least 1,250 hours of service to the Town during the previous 12-month period.

[Employee Guide to FMLA](#)

[FMLA Fact Sheet](#)

[FMLA Fact Sheet - Birth, Placement of or Bonding with a Child*](#)

[FMLA Fact Sheet - Military Family](#)

[FMLA Fact Sheet - Using FMLA to care for someone who was in the role of parent](#)

*The birth or adoption of a child is also a qualifying reason for leave under the Massachusetts Parental Leave law, although there are different eligibility rules. Please see the Parental Leave section for more information.

Parental Leave

The Massachusetts Parental Leave Act M.G.L. c. 149, s.105D entitles individuals who have been employed as a full-time employee with the Town for at least three (3) consecutive months to eight (8) weeks of unpaid parental leave for purposes related to birth or adoption as specified in the law; provided, however, that the employee gives the Town at least two weeks' notice of the anticipated date of departure and intention to return to work (or the employee gives notice as soon as practicable if the delay is for reasons beyond the employee's control), and that any two (2) employees of the Town shall only be entitled to eight (8) weeks of parental leave in aggregate for the birth or adoption of the same child.

Employees may use their accrued paid leave during parental leave, subject to the provisions of any applicable Town policy, collective bargaining agreement, employment contract, or other employer program. Employees may, but are not required to use their accrued vacation or personal leave during parental leave. Please refer to the [Employee Handbook](#) and the following documents for more details.

[MA Parental Leave Law Fact Sheet](#)
[MCAD Guidelines on Parental Leave](#)

Note: The birth or adoption of a child is also a qualifying reason for leave under the federal Family and Medical Leave Act (FMLA), although there are different eligibility rules. Please see Family & Medical Leave section for more information.

Military Leave

If you leave employment to enter military service, or if as a reservist you are placed on active duty, you may be granted a military leave of absence. This leave entitles you to be away from the Town for active service and to return without a break in your seniority or other benefits in accordance with Massachusetts law and with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees who learn that they are required to attend reserve military training must notify their supervisor in writing, in advance of their training, of the expected duration of the training and their anticipated date of return. If you participate in annual military training, you will receive the difference between the compensation you would have received from the Town and your military pay and allowances, for up to 17 days in a calendar year. It is your responsibility to submit documentary proof of this military training and to present a statement from your branch of service indicating the rate and total amount of wages paid for the training period.

Employees called to active duty must notify their supervisor in writing before they leave for active duty of their expected dates of leave from and return to the Town. In accordance with state and/or federal law, an employee may be eligible for reemployment to the position that the employee held prior to entering the armed forces or being called to active duty to a position of similar seniority, status and pay, provided that certain conditions are met.

[Uniformed Services Employment and Reemployment Rights Act Notice](#)

Domestic Violence Leave

The Massachusetts Act Relative to Domestic Violence (M.G.L. c.149, s. 52E) provides up to 15 days of leave per year for victims of domestic violence or their family members. This leave may only be used for certain purposes: 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; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee. Please refer to the [Employee Handbook](#) and the following documents for more details.

[Understanding Domestic Violence Leave](#)
[Attorney General's Advisory on Domestic Violence Leave](#)

Small Necessities Leave Act

The Small Necessities Leave Act (SNLA) permits eligible employees to take up to a total of 24 hours of unpaid leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The 24 hours of leave available under this benefit is in addition to the 12 weeks of leave provided by the Family Medical Leave Act (FMLA), as described above. The SNLA permits you leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter, such as parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative to routine medical or dental appointments or appointments for other professional services relating to the elders' care, such as interviewing at nursing or group homes.

The 24 hours may be taken on an intermittent schedule (e.g. 2 hours on one day to attend a parent-teacher conference) or all at once. When foreseeable, you are required to provide your department head with seven days' notice of the need for leave. Although the SNLA provides only for unpaid leave, you may elect to use any available accrued vacation time for this purpose. For more information concerning eligibility and other details, please contact Human Resources.

[Attorney General's Advisory on Small Necessities Leave](#)

Jury Duty

If you are called for jury duty and/or required to serve as a juror in a court case on a day or days falling on your usual work schedule, you will be granted leave for this purpose as required by law. You must notify your supervisor immediately upon receipt of your selection notice. Upon completion of your service, you must furnish your supervisor with a written statement from an appropriate court official indicating the dates and time of your appearance or service and the amount of remuneration received. You will be paid the difference between the usual compensation and the amount received for jury duty (exclusive of travel allowance) for up to 3 days of jury duty. You are expected to report to work for all or part of the day that is not occupied by jury duty, not to exceed your normal workday.