

### **Unemployment Insurance (UI):**

- You are entitled to UI if:
  - You are separated from employment through no fault of your own,
  - You have earned at least \$3,500 and worked at least 15 weeks in the past 15 months, and
  - You are capable of, available for and actively seeking work.
- Weekly benefits are approximately 50% of average weekly wages up to \$679 for 30 weeks, + \$25 a week per child (capped at 50% of your weekly UI benefit).
- UI is administered by the Massachusetts Department of Unemployment Assistance (DUA) **(617) 626-6800 or 1-877-626-6800**.
- Job Training: If you enroll in a training program approved by DUA:
  - You receive a job search exemption.
  - You receive 26 additional weeks of UI
  - The additional weeks are paid only if you apply within the 1<sup>st</sup> 15 weeks of a new or approved claim for UI.

If you are denied UI benefits you generally need to appeal the decision within 10 days or 30 days if you have good cause for a late appeal.

### **UI and Domestic Violence (DV):**

- You can collect UI if you:
  - had to leave your job because of DV, or
  - were fired due to circumstances resulting from DV.
- Although you must also show that you are able

and available for suitable work, you only need to look for and accept work that allows you to address the effects of DV.

### **Domestic Violence and Court Appearances:**

- It is illegal for your employer to discharge, penalize, or threaten to penalize you if you have to take time off to testify in a criminal action if you are a victim of a crime.
  - This is not the case if you have to take time off for a civil action.
- It is illegal for your employer to discharge you if you take time off to exercise your rights under the Abuse Prevention Act - for example, making a court appearance to extend a DV protection order.

### **Family and Medical Leave Act (FMLA):**

- Provides up to 12 weeks of job-protected unpaid leave from work during any 12 month period because of a serious health condition of the employee or family member, or for the birth, foster care placement or adoption of a child.
- Employees have a right to be reinstated to either the same or an equivalent position.
- Leave may be intermittent or part-time.
- Eligibility under the FMLA:
  - You must have been employed for 12 months, and a total of 1250 hours within the last 12 months.
  - Your employer must employ 50 or more workers within 75 miles of the work site.

- You must give at least 30 days notice when possible (if you know of the need for leave in advance), or let your employer know as soon as possible after the need for leave arises.

### **Small Necessities Leave Act of Massachusetts (SNLA):**

- Eligible employees (same as eligibility under the FMLA) may take up to 24 hours of unpaid leave each year in order to:
  - Participate in school activities.
  - Take a child or elderly relative to a routine medical or dental appointment (an elderly relative includes anyone 60 years old or older who is related to you by blood or marriage).
- You must give the employer at least 7 days notice if possible.
- Your employer may require additional certification.

### **Mass. Maternity Leave Act**

- Eligible employees may take up to 8 weeks of unpaid parenting leave for the birth or adoption of a child.
- Employees have a right to be reinstated to either the same or an equivalent position.
- Eligibility under the MMLA:
  - Must be employed for an employer with 6 or more employees for at least 3 months (or employer's probationary period)
  - Must give employer at least 2 weeks notice
  - Your job is only protected if you return to work within 8 weeks.



If you have any problems taking leave for which you are eligible, or need help getting unemployment insurance benefits, call: **Greater Boston Legal Services - (800) 323-3205 or (617) 371-1234.**

*This information is general in nature and not intended as legal advice. The income eligibility limit for legal aid is 125% of the federal poverty line (or \$566 per week for a family of four).*

*Revised January 25, 2014.*

## **THE NEED TO LEAVE WORK: YOUR RIGHTS AS A DOMESTIC VIOLENCE SURVIVOR**

Prepared by Greater Boston Legal Services,  
Employment Law Unit  
197 Friend Street  
Boston, MA 02114  
(617) 603-1810  
(617) 371-1234  
(800) 323-3205