

PERSONNEL SERVICES

Policy 4322
(Regulation 4322)

Absences, Leave and Vacation

Domestic/Sexual Violence Victim Leave

The District will provide unpaid leave for employees who become victims of domestic or sexual violence and for an employee whose family or household member becomes a victim of domestic or sexual violence. Eligible employees will receive up to two (2) weeks of unpaid leave during any twelve-month period. Such leave may be taken intermittently or on a reduced work schedule. Employees seeking leave under this policy must provide their supervisor with at least forty-eight (48) hours' advance notice, if practicable, of their intent to take leave under this policy. When an unscheduled absence occurs, the employee must, within reasonable period after the absence, provide certification of the approved reason for the leave as provided in this policy. Employees returning from leave under this policy, will be restored to the position held prior to leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

[Districts employing 20-25 employees need to provide one week of unpaid leave].

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Definitions

Abuse: any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking.

Domestic Violence: abuse or stalking committed by a family or household member, as such terms are defined in this section.

Employment Benefits: all benefits provided or made available to employees by an employer, including life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan".

Family or Household Member: for employees with a family or household member who is a victim of domestic or sexual violence, means a spouse, parent, son, daughter, other persons related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

Reasonable Safety Accommodation: an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of safety procedure, or assistance in documenting domestic violence that occurs at the workplace or work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

Reduced Work Schedule: a work schedule that reduces the usual number of hours per work week, or hours per workday of an employee.

Sexual Assault: causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

Sexual Exploitation: knowingly recruiting, enticing, harboring, transporting by any means, including the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm to another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual

materials without his or her consent or benefit, financially or by receiving anything of value from participation in such activities.

Sexual Violence: a sexual assault or trafficking for the purposes of sexual exploitation.

Victim Services Organization: a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence or to advocate for such victims, including a rape crisis center, a child advocacy center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

Activities Entitled to Leave

1. Seeking medical attention for or recovering from physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member.
2. Obtaining service from a victim service organization for the employee or for the employee's family or household member.
3. Obtaining psychological or other counseling for the employee or for the employee's family or household member.
4. Participating in safety planning, temporarily or permanently relocating or taking other actions to increase the safety of the employee or for the employee's family or household member from future domestic or sexual violence, or to ensure economic security.
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Certification Requirement

The District requires employees using unpaid leave under this Policy to provide certification that the employee or the family or household member is a victim of domestic or sexual violence. The certification shall also provide that the leave is for purposes provided in this Policy. Such certification shall be provided to the employee's supervisor within a reasonable period after the notice of intent to take leave.

Certification of leave shall include employee's sworn statement and the following:

1. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of such violence; or

2. A police or court record; or
3. Other corroborating evidence.

All information provided to the District by the employee seeking or receiving leave shall be retained in the strictest confidence by the District. For purposes of the Sunshine Law, these documents are considered to be a closed record.

Benefits and Status Reporting

Employees taking leave under this Policy will not incur any loss of employment benefits which had accrued up to the date of leave. The District will recover from employee the premiums paid by the District for maintaining coverage for the employee and for the employee's family or household member if the employee fails to return from leave. The District will require employees utilizing leave to periodically provide the District with the status and intention of the employee to return to work.

Reasonable Safety Accommodation

Eligible employees seeking a reasonable safety accommodation, as defined in this Policy, will be required to submit a written statement signed by the employee or by an individual acting on the employee's behalf. Such statement must certify that the requested reasonable safety accommodation is for the purposes authorized by this Policy.

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