

DOMESTIC VIOLENCE VICTIM LEAVE

PURPOSE: To comply with changes to Oregon law effective May 25, 2007.

SCOPE: This policy applies to all County Offices and Employees

POLICY STATEMENT: Oregon Revised Statutes grants employees who are victims of domestic violence, sexual assault or stalking to take unpaid leave from work for a reasonable period of time to seek assistance. The law applies to victims, as well as parents or guardians of minor children who are victims.

The law applies to employers that have six or more employees in Oregon for 20 or more calendar workweeks in the year in which the employee takes leave, or in the prior year. A covered employer who denies leave to an eligible employee or who discharges, threatens to discharge, demotes, suspends, discriminates or retaliates against an employee because the employee takes Domestic Violence Victim leave commits an unlawful employment practice.

ELIGIBILITY

To be eligible for crime victims leave, the employee must (1): have worked an average of more than 25 hours per week for at least 180 days immediately before the leave begins; (2): be a victim of domestic violence, sexual assault or stalking or is a parent or guardian of a minor child or dependent who is a victim; and (3): the leave must be for an authorized purpose. An "authorized purpose" includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee or minor child.

AMOUNT OF LEAVE

There is no specific time limit on the amount of Domestic Violence Victim leave an employee may take. However, an employer may limit the leave if it creates an undue hardship, meaning a "significant difficulty and expense," taking into consideration the size of the business and the employer's critical need for the employee.

LEAVE WITH OR WITHOUT PAY

Domestic Violence Victim leave is unpaid leave. However, as permitted by the law, Clackamas County will allow employees to use any accrued vacation, floating holiday or compensatory leave. The floating holiday must be used as a complete day of leave unless otherwise allowed by collective bargaining agreement. Employees who are exempt from the Fair Labor Standards Act (FLSA) and who worked at least four (4) hours in a work day will not be charged with vacation time for taking Domestic Violence Victims leave that same day. Sick leave may be used when seeking medical treatment or recovering from injuries.

EMPLOYEE RESPONSIBILITY

The law requires that the employee provide the employer with reasonable notice of intention to utilize Domestic Violence Victim leave. The County requires the employee to notify his/her supervisor of the need for Domestic Violence Victim leave fifteen (15) calendar days in advance of the beginning of the leave. However, in the event the need for leave is urgent, the employee must notify his/her supervisor as soon as possible, but no later than one work day before the first day of the absence. The employee may be asked to provide certification of the need for leave.

SUPERVISOR RESPONSIBILITY

Upon notification of the request for leave by the employee, the supervisor will make every attempt to verify the need for leave as described in this Employment Policy and Practice document. The employer must treat any such documentation as confidential records. Information and documentation pertaining to the leave, including the fact the employee requested or obtained leave, must be kept strictly confidential and cannot be released without the employee's express authorization, or as may be required by law.

Depending on the circumstances, Domestic Violence Victim leave may overlap with other types of unpaid leave, including family and medical leave and Crime Victim leave. All documents provided by the employee to the supervisor supporting the eligibility for Domestic Violence Victim Leave will be forwarded to the Department of Employee Services where they will be placed in a restricted and confidential file. Documents pertaining to an employee's leave should be kept in a separate file from the employee's personnel file with restricted access. The supervisor will forward written approval of the leave to the Department of Employee Services as part of the confidential file.

Timesheets: Disclosure of Domestic Violence Victim's leave information is not permitted without the permission of the employee, or as may be required by law. Upon notice and verification of the leave the supervisor will notify DES of the need for Domestic Violence Victim leave. DES will determine if a Personnel Action form is necessary and the appropriate coding format for the timesheet.

If you have any questions on Domestic Violence Victim Leave or the County's policy for such leaves, please contact DES/Personnel Division.

OTHER INTERNET LINKS

EPP # 6 – Employee Assistance Program (<http://www.clackamas.us/docs/des/epp06.htm>)
EPP # 10 – Family & Medical Leave Policy (<http://www.clackamas.us/docs/des/epp10.htm>)
EPP # 11 – Leaves of Absence (<http://www.clackamas.us/docs/des/epp11.pdf>)