

Policies and Procedures Manual

Title: Domestic Violence Leave
Policy Administrator: Director Administrative Services
Effective Date: Jun-01-2015
Approved by: Vice President for Administration and Finance/Treasurer

1.0 PURPOSE

Employees may need to be excused from work in order to address issues related to domestic violence.

2.0 RESPONSIBILITY

Holy Cross is committed to the welfare of its employees.

All employees should understand this Policy and how to access leave for purposes related to domestic violence. Managers/Supervisors should seek advice from Human Resources (HR) if an employee reports domestic violence and/or requests a leave under this Policy. HR is responsible for approval of leave requests and administration leave granted pursuant to this Policy.

Any Holy Cross employee who sees signs of domestic violence should contact HR Resources.

3.0 DEFINITIONS

The following definitions apply to his Policy. Employees and Managers/Supervisors who are uncertain about the application of these definitions should seek advice from HR.

3.1 Employee Defined

This Policy applies to all Employees.

3.2 Domestic Violence Defined

Domestic violence, for the purposes of this Policy, includes abuse, abusive behavior, including domestic violence, stalking, sexual assault, or kidnapping, of an employee, or a family member of an employee.

3.2 Domestic Violence Leave Purposes

The purposes for which leave may be granted include: to seek or obtain medical attention, counseling, victim services, or legal assistance; to secure housing; to obtain a

protective order from a court; to appear in court or before a grand jury; to meet with a district attorney or other law enforcement official; to attend child custody proceedings; or to address other issues directly related to abusive behavior against the Employee or a member of the Employee's family.

3.3 Family Members Defined

Family members, for purposes of this Policy, are: persons who are married to one another; persons in a substantive dating or engagement relationship and residing together; persons having a child in common, regardless of whether they have married or resided together; a parent, stepparent, child, stepchild, sibling, grand-parent, or grandchild; or persons in a guardian relationship.

4.0 PROCEDURES

4.1 Leave Amounts for Victims; Perpetrators Not Eligible

Any employee who is the victim of domestic violence, or whose family member is the victim of such behavior, may take up to fifteen (15) days of unpaid leave during any rolling twelve (12) month period to address such issues. However, an Employee who is the perpetrator of the behavior shall not be eligible for leave.

4.2 Notification of Need for Leave

The employee must provide reasonable advance notice of the need for leave for foreseeable events, and notice as soon as possible if the need for leave is unforeseeable.

Except in circumstances where there is an imminent threat to the health or safety of an Employee or a member of the Employee's family, Employees seeking leave under this Policy must request the leave from HR, and Managers/Supervisors must direct employees who request such leave to HR.

In circumstances where there is an imminent threat to the health or safety of an Employee or a member of the Employee's family, advance notice of the need for leave is not required. However, the Employee or his or her representative shall notify HR within three (3) work days that leave was taken or is being taken under this Policy.

4.3 Documentation to Support Need for Leave

The College may require Employees taking leave under this Policy to provide documentation to HR to establish that leave is or was taken for a qualifying reason. Such documentation may include copies of protective orders, police reports, witness statements, documentation of medical treatment, or a written statement from the Employee, a counselor or a representative of an agency or program that provided assistance to the Employee or his or her family member to address the effects of the abusive behavior.

4.4 Substitution of Paid Leave Accruals and Accumulated Time Due

Any type of accrued leave or accumulated time due (vacation, floating holiday time, personal time, sick time and time due grants) may be utilized in the case of a leave taken under this Policy. Employees must first use any available accrued leave or accumulated time due to cover the leave granted under this Policy. Any leave taken

after the Employee has exhausted accrued time off benefits will be unpaid (unless the Employee qualifies for compensation under another applicable leave plan).

4.5 Continuation of Benefits

During leave, an Employee will continue to participate in College-sponsored benefit programs and insurance plans under the same terms and conditions as existed when the leave began. To continue coverage, the Employee must make his or her required benefit contributions during leave. If the Employee requests, the College may consider alternative payment arrangements for the continuation of the Employee's coverage under College-sponsored health plans.

4.6 Concurrency with Other Leaves

This leave will run concurrently with other leaves that cover absences for the same reasons. (For example, an employee who uses Domestic Violence Leave to obtain medical care, which would also qualify the employee for Family and Medical Leave (FMLA) to care for the employee's own medical condition – in such a care the Domestic Violence Leave and the FMLA would run concurrently).

4.7 Leave Information is Confidential

All information related to an Employee's leave under this Policy will be kept confidential by the College, except to the extent that disclosure is: (i) requested or consented to, in writing, by the Employee, (ii) ordered to be released by a court of competent jurisdiction, (iii) otherwise required by federal or state law, (iv) required in the course of a law enforcement investigation, or (v) necessary to protect the safety of the Employee or other members of the College community.

Questions about this Policy should be directed to HR.

Forms:

Title
Title

Related Information:

<i>Holy Cross and You, Employee Handbook</i>
Title

Policy #	Click to enter text
Date of Last Review	Jun-01-2015