

Policy Type: Human Resources
Policy Title: Domestic Violence Leave
Policy Number: HR-30

Purpose:

To comply with RCW 49.76, Leave for Victims of Domestic Violence, Sexual Assault, and Stalking.

Scope:

All employees of Green River Community College.

Definitions:

Domestic violence means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

Sexual assault means one or more of the following: Rape or rape of a child; assault with intent to commit rape or rape of a child; incest or indecent liberties; child molestation; sexual misconduct with a minor; custodial sexual misconduct; crimes with a sexual motivation; or an attempt to commit any of the aforementioned offenses. (RCW 70.125.030)

A family member includes any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

A dating relationship means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties. (RCW 26.50.010)

The act of stalking as defined in RCW 9A.46.110.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per work-week, or hours per work-day, of an employee.

Intermittent leave means leave that is taken in separate blocks of time due to a single qualifying reason.

Policy:

Green River Community College will comply with all provisions set forth in RCW 49.76. An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule to:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

Procedure:

Employees must contact Human Resources prior to discussing their need for leave with their supervisor. Human Resources will work with the employee and his/her supervisor to facilitate the leave request in the most confidential manner.

An employee must give advanced notice of leave to the Human Resources Office, unless advanced notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking. If advanced notice cannot be given, the employee or the employee's designee must give notice no later than the end of the first day that the employee takes such leave, and make arrangements to complete/submit the appropriate leave forms and leave documentation.

The employee must complete the "Request to Take Domestic Violence Leave" form and provide the appropriate verification, as well as submit the required Leave Authorization or Time and Attendance forms, whichever is appropriate.

Human Resources will maintain confidentiality of all information provided by the employee under this provision including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

Information given by an employee may be disclosed by Green River Community College only if:

1. Requested or consented to by the employee;
 2. Ordered by a court or administrative agency; or
 3. Otherwise required by applicable federal or state law.
- The employee must provide the appropriate documentation which may include one or more of the following:
 1. A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

2. A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
 3. Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional, or
 4. An employee's written statement, on the College's Domestic Leave Request Form, that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in RCW 49.76.030.
- If the victim of domestic violence, sexual assault, or stalking is the employee's family member, Green River Community College will require verification of the familial relationship between the employee and the victim. Such verification may include, but is not limited to, a written statement from the employee, a birth certificate, a court document, or other similar documentation.
 - An employee is not required to produce or discuss any information beyond the scope of the verification as stated above in (1-4), or that would compromise the employee's or family member's safety.
 - An employee who is approved to be absent from work under this policy may elect to use any of their sick leave or other paid time off as allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, or may take leave without pay. Employees who accrue sick leave or vacation leave may also apply for shared leave donations.
 - Upon returning from leave, the employee will be restored to the position held at the time leave began or to an equivalent position, unless the employee was hired for a specific term (i.e., temporary hourly, temporary exempt or classified, one-year replacement contract, etc.) or the employee was hired for a specific project and Green River Community College would not have otherwise continued the employment. To the extent allowed by law, Green River Community College will maintain coverage under any health insurance plan for an employee already on health benefits who takes approved leave under RCW 49.76.030. The coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave. The employee will remain responsible for timely payment of his/her own employee premiums.
 - The College may not discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:

1. Exercised rights under the Domestic Violence Law or this policy;
 2. Filed or communicated to the employer an intent to file a complaint under the Domestic Violence Leave law for non-compliance with the law or;
 3. Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under the Domestic Violence Leave Law.
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Specific Authority: RCW 49.76

Law Implemented: April 1, 2008

History of Policy or Procedure

Draft: August 27, 2009

Adopted: December 14, 2009

Revised:

Reviewed by:

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