

6.10 (A) LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

Leave for Victims of Domestic Violence, Sexual Assault or Stalking

Under the Oregon Victims of Certain Crimes Leave Act (OVCCLA) an eligible employee who is the victim of domestic violence, criminal harassment, sexual assault or stalking, or an eligible employee whose minor child or dependent is the victim of domestic violence, criminal harassment, sexual assault or stalking, shall be given reasonable leave for the following authorized purposes:

1. to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking;
2. to seek medical treatment for or to recover from injuries caused by domestic violence, criminal harassment, sexual assault or stalking of the eligible employee or the employee's minor child or dependent;
3. to obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, criminal harassment, sexual assault or stalking;
4. to obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent; or
5. to relocate or take steps to secure an existing home for the health and safety of the eligible employee or the employee's minor child or dependent.

Such leave is without pay but the employee is entitled to use accrued vacation, management leave (if awarded) and/or compensatory time off. Sick leave may also be available depending on the purpose for the leave. Such leave may also run concurrently with OFLA/FMLA to the extent the leave is also covered by OFLA/FMLA.

Required Notice

Employees must provide reasonable advance notice, if feasible, of their intention to take leave for one of the authorized purposes and must provide certification of the need for the leave. If leave is needed for an unanticipated or emergency situation, an eligible employee must give oral or written notice as soon as is practicable. Employees must provide certification that the employee or the employee's minor child or dependent is the victim of domestic violence, criminal harassment, sexual assault or stalking and that leave is needed for one of the authorized purposes listed above. Any of the following constitutes sufficient certification:

- A copy of a police report indicating that the eligible employee or the employee's minor child or dependent was a victim of domestic violence, criminal harassment, sexual assault or stalking;
- A copy of a protective order or other evidence from a court or attorney that

the eligible employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, criminal harassment, sexual assault or stalking;

- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, criminal harassment, sexual assault or stalking.

If the reason for the leave is also covered under OFLA/FMLA, a separate medical certification form will be required.

**Reasonable Safety
Accommodation**

An eligible employee who has provided the required certification they are the victim of domestic violence, criminal harassment, sexual assault or stalking may request a reasonable safety accommodation in the work place. Such an accommodation request should be provided unless it imposes an undue hardship on the ~~City's Auditor's Office~~ operations. A reasonable safety accommodation could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed work station, installed lock or any other adjustment to the job structure, work place facility or work requirement in response to actual or threatened domestic violence, criminal harassment, sexual assault or stalking. The reasonableness of the safety accommodation will depend on the particular circumstances at issue.

Confidentiality

Information provided under this rule must be maintained in a confidential file and is not generally subject to release without the employee's authorization. Approval of the leave must not contain any information concerning the purpose of the leave, but shall state that leave under the Oregon Victims of Certain Crimes Leave Act (OVCCLA) has been approved.

**Administrative Rule
History**

~~Adopted by Chief Administrative Officer May 9, 2008~~
~~Revised January 1, 2010~~
~~Revised November 4, 2011~~
~~Revised January 1, 2014~~
