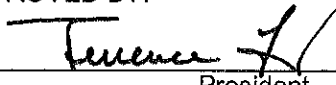


BBCC ADMINISTRATIVE PROCESS

TITLE: Domestic Violence Leave	PAGE: 1 OF 3	NUMBER: 3004	REVIEWED: REVISED: New
ORIGINATING DEPARTMENT: Human Resources	EFFECTIVE DATE: 10/24/12	SUPERSEDES NO. DATE:	
DATE CABINET APPROVAL: 10/24/12	APPROVED BY: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 100%; border: 0.5px solid black;"/> President </div>		

Big Bend Community College provides leaves of absence with or without pay to employees who are victims of domestic violence, sexual assault or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

"Family Member"

- *Definition:* Any individual whose relationship to the employee can be classified as a child, spouse, WA State registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.
- *Confirmation:* Family relationship may be determined by birth certificate, court document, certificate of state-registered domestic partnership, or other similar record or statement from the employee.

Qualifying Purpose(s):

An employee shall be granted reasonable Domestic Violence Leave from work, intermittent leave, or leave on a reduced leave schedule with or without pay for the following reasons:

1. 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;
2. To 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;
3. To 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;
4. To 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 employee's family member was a victim of domestic violence, sexual assault, or stalking; or
5. To 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

1. Notice. As soon as an employee becomes aware of the need for a Domestic Violence Leave, he or she shall notify their immediate supervisor of the intent to take leave. The Human Resources Office should be notified as soon as possible in order to properly administrate the leave. If advance notice is not possible, the employee, or his or her designee, shall give notice to the college as soon as possible.
2. Verification. Big Bend Community College retains the right to require verification from the employee. One or more of the following documents may be required:
 - a. A police report indicating the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking.
 - b. A court order protecting or separating the employee or the 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.
 - c. Documentation that the employee or 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.
 - d. The employee's written statement that the employee or 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 outlined below.
3. Health Insurance Benefits. Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be maintained by Big Bend Community College for the duration of the leave, at the level and under the conditions coverage would have been provided if the employee had not taken Domestic Violence Leave.
4. Confidentiality. To the extent allowed by law, Big Bend Community College will maintain strict confidentiality with regard to any information or requests related to Domestic Violence Leave.
5. Return to Work. When the Domestic Violence Leave ends, an employee will be returned to the same or an equivalent position as the one held immediately prior to the leave unless the employee would have been terminated in the absence of any leave (e.g., layoff, termination of temporary employment).
6. Payment. Domestic Violence Leave may be taken as paid or unpaid leave. The college will not require an employee to substitute paid leave for otherwise unpaid Domestic Violence leave. Big Bend Community College employees may use any combination of paid or unpaid leave to which they are entitled. The types of leave that can be substituted for otherwise unpaid Domestic Violence Leave include vacation, sick leave, compensatory time off, shared leave or personal holiday. Any employee using paid leave must follow the college's regular notice and approval process related to paid leave. Use of sick leave or shared leave shall only be allowed under situations where

such leave would normally be allowed pursuant to state law or college policy.

7. Retaliation. No one shall suffer penalty or retaliation for exercising rights under RCW 49.76.030. Retaliation against any person for filing or intending to file a complaint under RCW 49.76.070 or 49.76.100 or participating or assisting as a witness or otherwise in another employee's attempt to exercise rights under RCW 49.76.30 is prohibited. Retaliatory acts shall be reported to the Human Resources Office.

Legal Reference: RCW 49.76 Domestic Violence Leave



April 2009

Domestic Violence Leave for Victims and Family Members

The new law allows:

- **Victims of domestic violence, sexual assault or stalking to take reasonable leave from work for legal or law-enforcement assistance, medical treatment or counseling.**
- **Family members may also take reasonable leave to help a victim obtain needed treatment or services.**
- **Leave is with or without pay.**
- **Family member includes child, spouse, parent, parent-in-law, grandparent, or person the employee is dating.**
- **All employers, public and private, are covered, regardless of size.**
- **An employee must give advance notice, when possible.**
- **Effective April 1, 2008**

What is the new law?

A new law that went into effect on April 1, 2008, allows victims of domestic violence, sexual assault or stalking to take reasonable or intermittent leave from work – paid or unpaid – to take care of legal or law enforcement needs or get medical treatment, social-services assistance or mental-health counseling.

Family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

An employee may choose to use sick leave and other paid-time off, compensatory time or unpaid leave time. The leave under this law is in addition to other rights to take leave available to employees under other regulations.

Is verification required?

An employer may require verification from an employee who is requesting leave. If so, an employee may provide one or more of the following:

- A police report indicating the employee or employee's family member was a victim.
- A court order providing protection to the victim.
- Documentation from a healthcare provider, advocate, clergy, or attorney.
- An employee's written statement that the employee or employee's family member is a victim and needs assistance. Family relationship may be determined by birth certificate, court document or other similar record or a statement from the employee.

What is L&I's role?

L&I's role is to inform employers and workers about the new law through outreach and education. Complaints filed by employees will be investigated and L&I will enforce job protection for employees who need this leave.

Additional information may be obtained by calling David Johnson at 360-902-4930 or e-mail to jodc235@Lni.wa.gov, or by calling L&I's Employment Standards Program toll free at 1-866-219-7321.

Updates regarding this new law will be posted on www.Lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare