

# Washington County

## Domestic Violence Leave Policy

1. **Purpose:**

The purpose of the Washington County Domestic Violence Leave Policy is to provide employees with the ability to take time off from work to address defined legal, health, and safety concerns of the employee or the employee's minor children or dependents related to domestic violence, sexual assault or stalking.

2. **Definitions:**

The following definitions shall apply to the Washington County Domestic Violence Policy:

- a. "Eligible employee" means an employee who:
  - 1) Worked an average of more than 25 hours per week for Washington County for at least 180 days immediately before the date the employee takes leave;  
and
  - 2) Is a victim of domestic violence, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, sexual assault or stalking.
- b. "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.
- c. "Undue hardship" means a significant difficulty and expense to the employee's Department and includes consideration of the Department's size and its critical need for the eligible employee.
- d. "Victim of domestic violence" means:
  - 1) An individual who has been a victim of abuse, as defined in ORS 107.705;  
or
  - 2) Any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
- e. "Victim of sexual assault" means:

- 1) An individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467 or 163.525;  
or
  - 2) Any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
- f. “Victim of stalking” means:
- 1) An individual against whom stalking has been committed as described in ORS 163.732; or
  - 2) Any other individual designated as a victim of stalking by rule adopted under ORS 659A.805.
- g. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, sexual assault or stalking.
- h. “Dependent” means a minor child (includes biological, adoptive, or foster), spouse, parent, an adult child who is substantially limited by a physical or mental impairment, or an individual in an in loco parentis relationship with the eligible employee, who resides with an eligible employee and for whom that employee provides all or a significant portion of necessary financial support.

3. **Authorized Leave From Work:**

Unless the requested leave creates an undue hardship for the county, eligible employees may take leave from employment for any of the following purposes:

- a. 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.
- b. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the employee’s minor child or dependent.
- c. 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, sexual assault or stalking.
- d. To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent.

- e. To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

The county may limit the amount of leave an eligible employee takes pursuant to this section if the employee's leave creates an undue hardship on the county.

**4. Requesting Leave; Certification; Records:**

- a. An eligible employee shall provide the county with reasonable advance written notice of the employee's intention to take such leave unless giving notice is not feasible under the circumstances.
- b. The county may require the eligible employee to provide certification that:
  - 1) The employee or the employee's minor child or dependent is a victim of domestic violence, sexual assault, or stalking; and
  - 2) The leave is being taken for one of the purposes set forth in Section 3 of this policy.
- c. The eligible employee shall provide the certification within five (5) working days following the county's request.
- d. Any of the following shall constitute sufficient certification:
  - 1) 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, sexual assault or stalking.
  - 2) 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, sexual assault or stalking.
  - 3) 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, sexual assault or stalking.
- e. All records and information maintained by the county regarding an eligible employee's leave, including the fact that the employee has requested or obtained leave, shall be kept confidential and not released without the express permission of the employee unless otherwise required by law.

5. **Unpaid leave; Election to Use Paid Leave:**

- a. All leave taken pursuant to this Domestic Violence Leave Policy shall be unpaid unless utilization of other paid leaves is elected by the eligible employee. However, sick leave may be utilized only for events qualifying under policies governing use of sick leave in Washington County's Revised Personnel Rules and Regulations (Section 7.3.2) or applicable collective bargaining agreement.
  
- b. An eligible employee may elect to utilize any accrued paid leave they may have on the books. Eligible employees requesting to utilize accrued paid leave under this Domestic Violence Leave policy must utilize and exhaust such leave in the following order: (1<sup>st</sup>) sick leave (if applicable); (2<sup>nd</sup>) all accrued compensatory time; (3<sup>rd</sup>) all accrued In Lieu of Holiday (ILH) time, and (4<sup>th</sup>) accrued vacation time.

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*This policy was approved by the Board of County Commissioners on December 18, 2007.*

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*For further information on this policy, contact the Human Resources Division of the Department of Support Services or the County Administrative Office.*