



<b>SUBJECT:</b> Safe Leave	<b>EFFECTIVE:</b> November 2023 <b>REVIEWED:</b> <b>REVISED:</b>
<b>CATEGORY:</b> 200 (Personnel) <b>POLICY NUMBER:</b> 200.23	<b>CROSS REFERENCE:</b> Family Medical Leave 200.20 Paid Leave Oregon 200.21

### **Purpose**

To comply with leave laws in Oregon which grant employees who are victims of domestic violence, harassment, sexual assault, bias or stalking the right to take protected leave from work for a reasonable time to seek assistance. The law applies to victims as well as parents and/or guardians of minor children or other dependents who are victims.

### **Eligibility**

To qualify for Safe Leave, employees must be victims of domestic violence, harassment, sexual assault, bias or stalking or be a parent or guardian of a minor child or dependent who is a victim.

### **Authorized Purposes for Leave**

An “authorized purpose” includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee, minor child, or dependent.

### **Amount of Leave**

There is no specific time limit on the amount of Safe Leave an employee may take. However, the city may limit the leave if the employee’s absence creates an undue hardship, meaning a “significant difficulty and expense,” taking into consideration the size of the organization and any critical need for the employee. The city will evaluate the duration on a case-by-case basis and will make every effort to comply with the employee’s request for leave.

### **Leave With or Without Pay**

Safe Leave is unpaid leave. However, as required by the law employees may use any accrued vacation, sick leave, floating holiday, compensatory leave, or management leave. Employees must use all applicable paid leave before requesting leave without pay. Employees may also be eligible for compensation through Paid Leave Oregon.

### **Employee’s Responsibilities**

The law requires the employee to provide the city with reasonable notice of intention to use Safe Leave. The employee may be asked to provide verification to support the need for leave. The following items are acceptable forms of verification:

- An employee's written statement that the employee or employee's family member is a victim and needs assistance; and
- A police report or other document from law enforcement indicating the employee or employee's family member is a victim; or
- A court order providing protection to the victim; or
- Documentation from a healthcare provider, advocate, clergy, or attorney.

The city will treat this information as confidential records.

### **City's Responsibilities**

Upon notification of the request for leave by the employee, Human Resources will make every attempt to verify the need for leave falls under the Safe Leave policy. Any documentation pertaining to Safe Leave including the fact the employee requested or obtained leave will be kept confidential and will not be released without the employee's express authorization or as may be required by law. Depending on the circumstances, Safe Leave may overlap with other types of unpaid leave including Family and Medical Leave.

### **Safety Accommodation**

The city will provide a reasonable safety accommodation when requested by an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking when such request does not result in an undue hardship. Requests for safety accommodation will be considered on a case-by-case basis. Requesting employees must participate in an interactive evaluation process with Human Resources to identify the underlying safety concerns, address the specific accommodation, and discuss possible solutions.

### **Discrimination/Retaliation**

The city will not tolerate any discrimination or retaliation against an employee who requests or uses Safe Leave.

### **Responsibilities**

#### **Employees:**

- Notify the supervisor and HR when leave or safety accommodations are required.
- Participate in the interactive process with HR to determine reasonable safety accommodations.

#### **Supervisors:**

- Notify HR when employee requests leave or accommodations.

#### **Human Resources:**

- Engage employees in the interactive process related to leave or accommodation requests.