

Rule # 2-65

Leave and Reasonable Safety Accommodation to Address Domestic Violence, Harassment, Sexual Assault, or Stalking

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§ 2-65-010 Policy

- A. The County does not discriminate against victims of domestic violence, harassment, sexual assault, or stalking.
- B. The County provides leave to its employees who are victims, or the parents or guardians of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, or stalking, so they can meet the health and safety needs of themselves or their minor child or dependent while maintaining their employment status.
- C. The County offers reasonable safety accommodation to employees who are victims of domestic violence, harassment, sexual assault, or stalking.
- D. Requests for leave and reasonable safety accommodation may only be limited or denied when the employee's leave would create an undue hardship on County operations.
- E. Employees involved in domestic or non-work related situations that may pose a risk to the workplace are encouraged to inform their supervisor or Department Human Resources Manager as soon as practicable.

§ 2-65-020 Eligibility for Leave Under State Law

- A. County employees are entitled to take a reasonable amount of paid or unpaid leave to address domestic violence, harassment, sexual assault or stalking in accordance with the provisions of [ORS 659A.272](#).
- B. An employee may take leave for the following:

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, harassment, sexual assault, or stalking.
2. To seek medical treatment for, or to recover from, injuries caused by domestic violence, 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 as a parent or guardian, in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, 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.
5. 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.

C. Employees eligible for Safe Leave under Paid Leave Oregon (PLO) may be entitled to up to twelve (12) weeks of paid leave in accordance with the provisions of [ORS 657B](#).

§ 2-65-025 Court Order Enforcement

Upon written verification or notification to the County by an employee, applicable court orders will be adhered to. The County will take prudent measures to protect employees who are victims of domestic or other violence while they are at work. Such measures include but are not limited to: screening telephone calls and visitors, relocating workstations, authorizing leave from work as provided in this rule, granting reasonable safety accommodations, or developing a workplace safety plan.

§ 2-65-030 Use of Accrued Leave

- A. Employees are required to charge leave for absences under this rule to accrued vacation, sick, personal or saved holidays, or compensatory leave balances in accordance with applicable County personnel rules and collective bargaining agreements, unless leave is also eligible under PLO. Employees are not required to charge paid accruals for absences approved under PLO Safe Leave.
- B. When applicable, such leave shall also be designated as FMLA, OFLA, and/or PLO as permitted by law.

§ 2-65-040 Notification of Need For Leave to Employer

- A. Whenever possible, an employee will provide reasonable advance notice of at least five (5) working days for a planned absence under the provisions of this rule. Where giving such advance notice is not feasible, such as an imminent safety concern, medical emergency, or other unforeseeable event, the employee will provide notice to their Department Human Resources Unit or their manager within twenty four (24) hours, or as soon as practicable.
- B. Employees using PLO Safe Leave will provide at least thirty (30) days' notice when the need for leave is foreseeable. For unforeseeable PLO Safe Leave, employees will provide verbal notice within twenty-four (24) hours, followed by written notice within three (3) days of starting leave.

§ 2-65-045 Requests for Reasonable Safety Accommodation

- A. Employees who are victims of domestic violence, harassment, sexual assault, and/or stalking may request a reasonable safety accommodation.
- B. When an employee requests a reasonable safety accommodation, the Department Human Resources Unit will engage in discussions with the employee about the nature and scope of a reasonable safety accommodation that will best address the particular safety concern affecting the individual employee.
- C. Reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, telework assignment, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.
- D. Prior to making a reasonable safety accommodation, an employee may be required to provide certification as identified in MCPR § 2-65-050 (B) below.

§ 2-65-050 Certification

- A. Employees requesting leave under these rules may be required to provide certification that the leave taken is for one of the purposes identified in Section 2-65-020 (B) of this rule. Certification may be required in advance for planned absences; otherwise, certification shall be submitted within five (5) working days of the date the leave is taken unless an extension to the time period for submission is approved by the employee's supervisor.
- B. Acceptable certification for requested leave and/or a reasonable safety accommodation includes:

1. A copy of a police report indicating that the employee or the employee's minor child or dependent (for leave request only) is a victim of domestic violence, harassment, sexual assault or stalking;
 2. A copy of a protective order or other evidence from a court in which the eligible employee appeared, or documentation that an attorney was preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking.
 3. Documentation 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, harassment, sexual assault or stalking. Documentation must be provided by one of the following:
 - a. Attorney
 - b. Victim services provider
 - c. Health care professional
 - d. Licensed mental health professional or counselor
 - e. Member of the clergy
 - f. Law enforcement officer
 4. In cases where an employee can demonstrate good cause for not providing one of the documents listed in numbers 1 through 3 above, the employee may instead provide a written statement attesting that they are taking eligible Safe Leave. Good cause for not providing the documentation is determined at the discretion of the department and includes, but is not limited to, the following:
 - a. Difficulty obtaining verification due to a lack of access to services; or
 - b. Concerns for the safety of the employee or the employee's minor child or dependent; or
 - c. Culturally specific circumstances where disclosure may be a risk.
- C. Employees taking leave under this section, which also qualifies under FMLA/OFLA rules, must also meet the medical certification requirements of MCPR § 2-60.
- D. Employees eligible for Safe Leave under PLO must provide verification as outlined in [OAR 471-070-1130](#).

§ 2-65-060 Records and Confidentiality

- A. When a manager or Department Human Resources Manager learns that an employee is a victim of domestic violence, harassment, sexual assault, or stalking, they will make every effort to maintain confidentiality about the employee's circumstances and personal information. Managers are responsible for informing their Department's Human Resources Manager. Information about the employee will only be given to others on a need-to-know basis.

- B. In accordance with [ORS 659A.280\(5\)](#), all records and information kept by the County regarding an employee's request for, or use of, leave and/or a reasonable safety accommodation under this rule will be kept confidential and may not be released without the express written permission of the employee, unless otherwise required by law. Documents provided to the County regarding the leave will be maintained in a confidential, secured file which is kept separately from employee personnel files.

§ 2-65-070 Prohibited Conduct

No person may:

- A. Refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault, or stalking.
- B. Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation, or other terms, conditions or privileges of employment because the employee is a victim of domestic violence, harassment, sexual assault or stalking or because the employee requests leave or reasonable safety accommodation under the provisions of this rule.
- C. Misuse job related authority or County resources to negatively affect domestic violence victims, assist an abuser in locating a domestic violence victim, to commit an act of domestic violence, or interfering with service of a court order or police response to an incident of workplace violence as stated in MCPR § 3-45-040 (D).

REFERENCES

[OAR 471-070-1130](#)

[ORS 657B](#)

[ORS 659A.272](#)

[ORS 659A.280\(5\)](#)

MCPR 2-60 Family, Medical, and Other Protected Leave under State and Federal Law

MCPR 3-45 Violence Free Workplace