

Sexual/Domestic Violence and Harassment Leave

Definitions

1. “District” means the Molalla River School District, a common school district created under the laws of the state of Oregon.
2. “Eligible employee” means any employee who worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee begins a leave under ORS 659A, relating to domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by Oregon statute (ORS 30, ORS 107, ORS 124, et. seq.) and includes any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525 or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732 or an individual designated as a victim of stalking by rule adopted under ORS 695A.805 or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victims assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault of stalking.

Policy

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

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 dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings.
2. To seek medical treatment for, or to recover from, injuries to the eligible employee or the employee's minor child or dependent.
3. To obtain, or assist a minor child or dependent in obtaining, counseling from a licensed mental health professional.
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 health and safety of the eligible employee or the employee's minor child or dependant.

Unless otherwise mutually agreed upon in a collective bargaining agreement, such leave shall be without pay, except that the employee may use any prior accrued vacation, personal and/or sick days. The employee may choose the order in which accrued paid leave is to be used when more than one type of paid leave is available. The employee shall be permitted, upon request, to continue with the district's insurance program(s) normally available to the employee, but entirely at employee expense.

The district may limit the amount of leave if the employee's leave creates an undue hardship on the district. However, the district shall not deny leave to an employee or 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 as a result of taking such leave.

The employee shall give the district reasonable advance notice of intent to take leave under this policy unless giving such notice is not feasible. The employee must provide certification within a reasonable time to the district of the employee's qualification to take leave under this policy.

Any of the following constitutes sufficient certification:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking.

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or victims services provider that the employee/child/dependent was under going counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the district regarding the employees leave, including the request or obtaining of leave is confidential and may not be release without the express, written permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

END OF POLICY

Legal Reference(s):

[ORS 192.502\(38\)](#)

[ORS 659A.270 to-659A.290](#)

[ORS 659A.885](#)