1.0 Domestic Violence/Sexual Assault/ Stalking – Related Leave Policy Objective

The Washington State Domestic Violence Law (Chapter 49.76 RCW) allows an employee, who is a victim of, or who has a family member who is a victim 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. Columbia Basin College ("CBC" or the "College") has prepared this policy to comply in good faith with the requirements of the law and to assist employees requesting this type of leave.

2.0 Definitions

2.1 "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

2.2 "Spouse" means a husband or wife.

2.3 "Parent" means a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

2.4 "Parent-in-law" means a parent of the spouse of an employee.

2.5 "Grandparent" means a parent of a parent of an employee.

2.6 "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) the length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

2.7 "Employee" means an employee who is employed in the business of the employee's employer.

2.8 "Employer" means Columbia Basin College.

2.9 "Domestic violence" means: (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

2.10 "Family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

2.11 "Intermittent leave" means leave that is taken in separate blocks of time due to a single qualifying reason.

2.12 "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

2.13 "Sexual assault" has the same meaning as in RCW 70.125.030.

2.14 "Stalking" has the same meaning as in RCW 9A.46.110.

3.0 Domestic Violence Leave

3.1 Employees may take reasonable leave from work, intermittent leave, or leave on a reduced schedule for specified activities related to an employee or family member being a victim of domestic violence, sexual assault, or stalking to:

3.1.1 Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members;

3.1.2 Participate in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;

3.1.3 Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or attend to health care treatment for a victim who is the employee's family member;

3.1.4 Obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program;

3.1.5 Obtain or assist a family member in obtaining mental health counseling related to an incident of domestic violence, sexual assault or stalking; or

3.1.6 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.

3.2 Employees may take Domestic Violence Leave with or without pay. The employee may choose to use sick leave, or other paid leave, compensatory time, or unpaid leave at the employee's discretion.

4.0 Notice of Leave and Leave Verification

4.1 An employee must give advanced notice of leave to the Human Resources Office (timing of notice shall be consistent with applicable policy or collective bargaining agreement depending on employment status) unless advanced notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking. If advanced notice cannot be given, the employee or the employee's designee must give notice no later than the end of the first day that the employee takes such leave. The Human Resources Office can be reached by calling (509) 547-0511, extension 2233 or (509) 542-4833.

4.2 An employee may satisfy the verification requirement of the need for leave by providing one or more of the following:

4.2.1 Police report indicating the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

4.2.2 Court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court and/or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court;

4.2.3 Documentation the employee or the 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 the

victims; an attorney; a member of the clergy; or a medical or other professional; or

4.2.4 An employee's written statement that the employee or the 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 described in Section 3.1 above.

5.0 Confidentiality of Information

5.1 An employee is not required to produce or discuss any information beyond the scope of the verification as stated in Section 4.0 above, or that would compromise the employee's or family member's safety. CBC will maintain the confidentially of all notice and verification information including the fact that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this Policy and any written or oral statement, documentation, record or corroborating evidence provided by the employee unless requested or consented to by the employee, ordered by a court or administrative agency, or otherwise required by law.

6.0 Continuation of Benefits

6.1 Benefits for employees already benefit eligible will not be impacted as long as the employee receives at least one day (8 hours) of pay during a calendar month. If the employee is in leave without pay for the entire calendar month, the employee may continue coverage of health, dental, and life insurance by self-paying the group premium rate, up to the maximum amount of time allowed under WAC 182-12-133.

7.0 Job Restoration

7.1 Upon returning from leave, the employee will be restored to the position held at the time leave began or to an equivalent position unless the employee was hired for a specific term (i.e., temporary hourly, cyclic employment, 176-day contract, etc.) or only to perform work on a discrete project.

8.0 No Discrimination or Retaliation

8.1 The College may not discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:

8.1.1 Exercised rights under the Domestic Violence Law or this Policy;

8.1.2 Filed or communicated to the employer an intent to file a complaint under the Domestic Violence Leave law for non-compliance with the law; or

8.1.3 Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under the Domestic Violence Leave law.

9.0 Assistance Contact Information

9.1 Employee Assistance Program (509) 546-2214.
24-hour Washington State Domestic Violence Hotline (800) 562-6025 (V/TTY).
Washington State Coalition Against Domestic Violence (360) 352-4029.
The National Domestic Violence Hotline, 1-800-799-SAFE, TTY (800) 787-3224.