



HRAR-6.10 (A) - Leave for Victims of Domestic Violence, Sexual Assault or Stalking

Administrative Rules Adopted by Bureaus Pursuant to Rule Making Authority (ARB)

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Policy category: [Leaves](#)

Policy number: HRAR-6.10 (A)

Keywords

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Leave for Victims of Domestic Violence, Sexual Assault or Stalking

An employee who is the victim of domestic violence, criminal harassment, sexual assault or stalking, or an eligible employee whose family member is the victim of domestic violence, criminal harassment, sexual assault or stalking, may take reasonable leave:

1. to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking;
2. to seek medical treatment for or to recover from injuries caused by domestic violence, criminal harassment, sexual assault or stalking of the eligible employee or the employee's family member;
3. to obtain, or to assist a family member in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, criminal harassment, sexual assault or stalking;
4. to obtain services from a victim services provider such as a domestic violence shelter, rape crisis center or other social services program for the eligible employee or the employee's family member; or
5. to relocate or take steps to secure an existing home for the health and safety of the eligible employee or the employee's family member.

When taking leave under this policy, an employee may choose to use any available paid leave, including City-provided sick leave, vacation, management leave, comp time, and personal time. Otherwise, leave will be unpaid. Leave may be taken intermittently, on a reduced work schedule or in a single block of time, as the circumstances warrant. During the leave, the City will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

Such leave may also run concurrently with OFLA/FMLA/WFCA to the extent the leave is also covered by OFLA/FMLA/WFCA.

Required Notice

Employees must provide reasonable advance notice, if feasible, of their intention to take leave for one of the authorized purposes and must provide certification of the need for the leave. If leave is needed for an unanticipated or emergency situation, an eligible employee must give oral or written notice as soon as is practicable.

Verification

Employees must verify that the employee or the employee's family member is the victim of domestic violence, criminal harassment, sexual assault or stalking and that leave is needed for one of the authorized purposes listed above. Any of the following constitutes sufficient verification:

- A copy of a police report;
- A copy of a protective order or other evidence from a court or attorney;
- 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, criminal harassment, sexual assault or stalking; or
 - The employee's written statement confirming these facts.
 - If the victim is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation.

Employees will not be required to provide additional information beyond this required verification, or information that would compromise their safety or the safety of their family members.

If the reason for the leave is also covered under OFLA/FMLA, a separate medical certification form will be required.

Reasonable Safety Accommodation

An eligible employee who has provided the required certification they are the victim of domestic violence, criminal harassment, sexual assault or stalking may request a reasonable safety accommodation in the work place. Such an accommodation request should be provided unless it imposes an undue hardship on the City's operations. A reasonable safety accommodation could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number or email address, changed work station, installed lock or any other adjustment to the job structure, work place facility or work requirement in response to actual or threatened domestic violence, criminal harassment, sexual assault or stalking. The reasonableness of the safety accommodation will depend on the particular circumstances at issue.

Confidentiality

Information provided under this rule must be maintained in a confidential file and is not generally subject to release without the employee's authorization. The City will maintain the confidentiality of all information provided by the employee, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this rule. Approval of the leave must not contain any information concerning the purpose of the leave, but shall state that leave under HRAR 6.10(A) has been approved.

History

Adopted by Chief Administrative Officer May 9, 2008

Revised January 1, 2010

Revised November 4, 2011

Revised January 1, 2014

Revised July 8, 2022



City of Portland Core Values:

Anti-racism | Equity | Transparency | Communication | Collaboration | Fiscal Responsibility

6.10 (A) LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

Leave for Victims of Domestic Violence, Sexual Assault or Stalking

An employee who is the victim of domestic violence, criminal harassment, sexual assault or stalking, or an eligible employee whose family member is the victim of domestic violence, criminal harassment, sexual assault or stalking, may take reasonable leave:

1. to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking;
2. to seek medical treatment for or to recover from injuries caused by domestic violence, criminal harassment, sexual assault or stalking of the eligible employee or the employee's family member;
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5. to relocate or take steps to secure an existing home for the health and safety of the eligible employee or the employee's family member.

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