

Staff Victim Leave

Any staff member with accrued paid sick leave may take sick leave for any of the following purposes:

1. to seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by domestic abuse, sexual assault, or harassment;
2. to obtain services from a victim services organization;
3. to obtain mental health or other counseling;
4. to seek relocation due to the domestic abuse, sexual assault, or harassment;
or
5. to seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from domestic abuse, sexual assault, or harassment.

For the purpose of using paid sick leave to take victim leave, the term "family member" means a member of the employee's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or a person for whom the employee is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the superintendent.

When applying accrued paid sick leave to take victim leave, the following crimes/actions are as defined in state law:

1. domestic abuse
2. harassment
3. sexual assault

Staff victim leave taken by using accrued paid sick leave will follow the provisions outlined in the Board's staff sick leave policy.

Any staff member who has been employed with the district for at least 12 months and is the victim of certain crimes/actions (listed below) may request and will be granted up to three working days of leave during any 12-month period, *[the Board must insert either "with pay" or "without pay"; the statute allows the employer to decide whether the leave will be paid or unpaid]* for any of the following purposes:

1. to seek a civil restraining order to prevent domestic abuse as it is defined in state law
2. to obtain medical care or mental health counseling or both for the employee or the employee's children to address related physical or psychological injuries
3. to make the employee's home secure from the perpetrator or to seek new housing to escape from the perpetrator
4. to seek legal assistance to address related issues and attend and prepare for court-related proceedings

Except in cases of imminent danger to the health or safety of the employee, an employee seeking victim leave must provide as much advance notice to the district as possible, as well as appropriate documentation requested by the employee's supervisor *[or insert the title of the other person who makes leave decisions]*.

NOTE: The Board must insert either "the employee must exhaust all other applicable leave prior to being granted this type of leave" or "the employee does not need to exhaust other applicable leave prior to being granted this type of leave."

All information related to the employee's leave must be kept confidential and copies of any related documents retained by the district must be marked confidential and stored in a secure location separate from routine personnel documents.

This leave applies to the following crimes/actions as defined in state law:

1. domestic abuse
2. stalking
3. sexual assault
4. any other crime where a court finds that the underlying factual basis includes an act of domestic violence

(Adoption date) February 8, 2021

LEGAL REFS.: C.R.S. 2-4-401 (*definition of immediate family*)
C.R.S. 8-13.3-401 et seq. (*Healthy Families and Workplaces Act*)
C.R.S. 24-34-402.7 (*unlawful action against employees seeking protection*)

CROSS REF.: GBGG, Staff Sick Leave

Garfield School District No. Re-2

