Merchantville Board of Education
130 South Centre Street
Merchantville, NJ 08109

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Domestic violence

The Merchantville Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The board encourages employees who are victims of domestic violence to contact the Chief School Administrator. Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

Reporting Domestic Violence

Any disclosure of domestic violence by an employee shall be taken seriously and according to the following guidelines:

A. Employees are encouraged to meet with the human resources officer in person. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;

B. The human resources officer shall ensure that an employee's disclosure of domestic violence be kept confidential unless there exists an emergent danger to the employee or other staff;

C. The human resources officer shall ensure that such conversations are held in a room or office that can be closed off from the hearing range of other staff members to the extent possible;

D. The human resource officer shall ensure that any sharing of confidential information is only done with the written authorization of the employee. This excludes reported incidents of violence or abuse against children;

E. The human resources officer shall ensure that any records pertaining to domestic violence be kept separate from the personnel record and in strict confidentiality. Only the employee, the human resources officer and the chief school administrator shall have access to an employee's confidential file; and

F. The human resources officer will assemble a list of resources available to victims of domestic violence. These resources shall include but may not be limited to information on domestic violence (books, web resources, etc.), legal resources available such as advocacy and law enforcement options, medical and psychological treatment and counseling referral sources, food and housing options and local support groups.

Work Support

In order to help prevent occupational disruption, loss of employment and financial hardship that may occur when an employee experiences domestic violence the human resources officer may investigate the following options to support the employee's continued performance of their job responsibilities, including but not limited to:

A. Adjusting work assignments;

B. Temporary or permanent job restructuring;

C. Temporary adjustment to the employee's work schedule;

D. Work from home options;

E. Flexible approval of paid sick leave, personal time and vacation time;

F. Other reasonable options.

The employee shall work with the human resources officer and the supervisor when requesting employment changes that affect the normal schedule. The chief school administrator or, as necessary and required by law, the board shall approve such support measures. Notice to the appropriate collective bargaining unit covering the employee may be necessary where required by the contract or State law. Approval may be granted when reasonable and practical. Approval shall not be granted when such request places a hardship on the board and/or the educational program. Approval of requested employment modifications shall include the following considerations:

A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;

B. The type of employment responsibilities and the effect on the educational program; and

C. The nature and expected duration of the request and cost to the district.

Teaching staff members shall not be granted schedule changes that frequently interfere with their assigned class schedule. All changes in employment responsibilities and schedule shall be consistent with the appropriate collective bargaining agreement.

Leave

In accordance with the New Jersey Security and Financial Empowerment Act (SAFE Act) an employee of this district shall be entitled to up to 20 days of unpaid leave in a 12-month period when the employee or his or her child, parent, spouse, domestic or civil union partner has been the victim of a domestic violence incident or a sexually violent offense. This entitlement applies to any employee that has been employed by the district for at least 12 months and has worked 1,000 hours during the 12 month period immediately preceding the leave.

Leave may be taken under the SAFE Act to:

A. Seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

B. Obtain services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

C. Obtain psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

D. Participate in safety planning, relocating or other actions to increase the safety of the employee or to ensure economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

E. Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or

F. Attend, participate in or prepare for a civil or criminal court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the district written notice as far in advance as reasonable and practicable under the circumstances.

The district may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. Documentation may include a restraining order, a letter from the prosecutor's office, documentation regarding the conviction of the abuser, medical documentation, a certification from a domestic violence specialist or rape crisis center, or documentation from a religious or social services professional who has assisted the employee or the employee's family member.

Any documentation required by the district and provided by the employee shall be maintained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

The SAFE Act prohibits the district from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the

employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

Employees may take leave under the SAFE Act for each incident of domestic violence or sexually violent offense, so long as the employee has not exhausted the maximum permissible leave time of 20 days within the 12-month period. Leave may be taken in blocks of time or intermittently in minimum intervals of one day.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Violations of the SAFE Act

Any employee alleging a violation of the NJ SAFE Act must file a private cause of action in the Superior Court within one year of the date of the alleged violation (N.J.S.A. 34:11C-1 et seq.).

Legal References:	N.J.S.A. 11A:2-6a	Civil Service, domestic violence policies
	N.J.S.A. 34:11B-1 et seq.	New Jersey Family Leave Act
	N.J.S.A. 34:11C-1 et seq.	New Jersey Security and Financial Empowerment Act
	N.J.S.A. 2C:25-19	Definition of Domestic Violence and Victim of Domestic Violence
	N.J.S.A. 34:19-1 et seq.	Conscientious Employee Protection Act
	N.J.A.C. 6A:7-1.1 et seq.	Managing for Equality and Equity in Education -
	See particularly:	
	N.J.A.C. 6A:7-1.8	Equality in Employment and Contract Practices
	N.J.A.C. 6A:16-11.1	District policies and procedures; reporting potentially missing or abused children
	29 U.S.C. 2601 et seq.	Family and Medical Leave Act
	29 C.F.R. 825.200 et seq.	
	P.L. 2008, c. 17, Family Temporary Disability Leave	

Resources:

NJSBA Legally Speaking Article https://www.njsba.org/news-publications/school-leader/may-june-2018-vol-48-no-6/legally-speaking-domestic-violence-victims-are-focus-of-new-law/

Local Finance Notice https://www.nj.gov/dca/divisions/dlgs/lfns/18/2018-17.pdf

Fox Rothchild LLP, The New Jersey Security and Financial Empowerment Act, Eileen Oakes Muskett, 2013. https://www.foxrothschild.com/publications/the-new-jersey-security-and-financial-empowerment-act/

https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster_10-1-13.pdf

Possible Cross References:

*2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4111	Recruitment, selection and hiring
*4112.8	Nepotism
*4147	Employee safety
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action

*Indicates policy is included in the Critical Policy Reference Manual.