



**POLICY: 6Hx28:3D-13**

**Responsible Executive:** Vice President,  
Organizational Development & Human  
Resources

**Policy Contacts:** Director, HR Policy and  
Compliance Programs

**Specific Authority:** 1001.64, F.S.

**Law Implemented:** 741.313, F.S.

**Effective Date:** ~~09-18-2007~~12-12-2018

**Date of Last Policy Review:** 12-12-2018

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## Domestic Violence Leave

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### Policy Statement:

- I. The College complies with applicable laws, rules, and regulations governing employees seeking protection from domestic violence. Although Florida law indicates this leave entitlement is without pay, Ffull-time and part-time employees of Valencia College (“College”) who have worked for the college for three (3) months preceding commencement of the leave ~~are entitled to~~may receive up to three (3) business days of ~~unpaid~~paid domestic violence leave within any twelve-month period. A business day is defined as the number of hours an employee is scheduled to work for the day. A twelve-month period is defined as any rolling twelve-month period measured backward from the date that leave is used. Requests by an employee who has been employed by the College less than three months shall be evaluated and available options shall be identified and communicated as appropriate.
- II. This policy applies ~~for~~if an eligible employee to ~~uses~~ the leave from work to:
  - A. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
  - B. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
  - C. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

- D. Make the employee's home secure from the perpetrator of the domestic violence sexual violence or to seek new housing to escape the perpetrator; or
- E. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.
- III. Retaliation against employees because they request domestic violence leave in accordance with Florida law is prohibited. Any report of retaliation should be made to an Organizational Development and Human Resources (ODHR) representative from a Regional Solution Center or Equal Opportunity and Employee Relations (EO/ER) Office for further evaluation and action as deemed necessary.
- ~~IV. For purposes of this policy, "domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.~~
- ~~V. For purposes of this policy, "family or household member" means spouses, former-spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.~~
- ~~VI. The employee is required to use paid leave, i.e., sick leave (if qualified) including personal leave, and vacation leave prior to using unpaid leave. Both paid and unpaid leave are counted against the three day domestic violence leave entitlement. Employees who are not concurrently using paid leave (i.e., vacation leave or sick leave, including personal leave) while on domestic violence leave shall not accrue paid leave while on domestic violence leave.~~

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**Policy History:**

Adopted 09-18-2007; Formerly 6Hx28:07-43; Amended 12-12-2018

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**Related Documents/Policies:**

~~None~~ College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct

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**Procedures:**

The procedures outline definitions in accordance with Florida law and guidelines in accordance with policy as follows:

I. Definitions

A. “Domestic Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

B. “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

## II. Guidelines

A. ~~An Eligible~~ employees seeking domestic violence leave from work must provide to the ~~College~~ appropriate advance notice of the leave ~~to their supervisor or an ODHR representative from a Regional Solution Center or EO/ER Office.~~ - ~~Requests for domestic violence leave shall be on an Application for Domestic Violence Leave form and, along with sufficient documentation of the act(s) of domestic violence, shall include the starting date of the leave, the reason for the leave, and the anticipated termination of the leave.~~ Requests shall be made in advance ~~at least thirty (30) days in advance~~ where the leave is foreseeable. Where the leave is not foreseeable in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, the request should be made as soon as practicable.

B. Eligible employees shall provide applicable supporting documentation to substantiate the absence in accordance with this policy for evaluation. Documentation shall be submitted to an ODHR representative from a Regional Solution Center or EO/ER within 15 calendar days of the employee notice or after the College has requested the documentation. Documentation may include and is not limited to: current police report or court record; documentation from a representative of a victim service organization; or, other pertinent information that adequately documents and substantiates the need for this leave. Failure of the employee to submit appropriate documentation supporting this type of leave may result in the leave request being denied.

C. ~~Employees requesting domestic violence leave are to complete an Application for Domestic Violence Leave form and, along with any written attachments, submit it to their supervisor for approval. The supervisor will submit the form to Human Resources for review and approval.~~ Every effort shall be made to respect and safeguard the privacy interests of involved individuals. See College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct for additional information and resources pertaining to privacy and interpersonal violence.

D. Leave with pay for domestic violence leave is non-cumulative, non-compensable, and non-transferable.

### III. Certificate of Absence Request Guidelines

A. After collaboration with ODHR and a determination made regarding eligibility, a supervisor shall complete a Certificate of Absence (COA) form in the Request and Manage My Leave System for leave with pay for the eligible employee (three day maximum in a twelve month period). The respective ODHR representative shall notify the employee that the paid leave is designated and shall be counted as domestic violence leave.

B. In addition to the three day maximum of domestic violence leave, an employee may request additional time off using available sick or vacation leave, as applicable; leave without pay; and/or schedule adjustments due to related circumstances. Through consultation between the employee, supervisor and ODHR, the circumstances shall be evaluated and available options identified and communicated to the employee as appropriate.

~~II. The college reserves the right to verify the documentation submitted by the employee with regard to the act(s) of domestic violence. The employee will cooperate with the college in its efforts to perform the verification.~~

~~III. For full-time employees on domestic violence leave, the college will maintain the employee's group health benefits and \$10,000 life insurance policy in accordance with college policies.~~

~~IV. Once Valencia acquires knowledge that an employee's leave is being taken for a domestic violence related required reason, Valencia will notify the employee that the paid or unpaid leave is designated and will be counted as domestic violence leave. Employees who would have been terminated but for domestic violence leave or who are unable to perform the essential functions of the job will not be reinstated. An employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. This policy does not limit the college's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this policy.~~

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#### **Procedure History:**

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#### **Date of Last Procedure Review:**

12-12-2018