



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: 12-12-2018

Date of Last Policy Review: 12-12-2018

Domestic Violence Leave

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, full-time and part-time employees of Valencia College (“College”) who have worked for the college for three (3) months preceding commencement of the leave may receive up to three (3) business days of 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 an eligible employee to use 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.

Policy History:

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

Related Documents/Policies:

College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct

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. 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 shall be made 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. 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.

Procedure History:

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