

## 4.23 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT

### Victims' Economic Security and Safety Act (VESSA)

Eligible employees may use unpaid victims' economic and security and safety leave for up to 12 weeks in a 12-month period (as defined below) for any one or more of the following reasons:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member or
2. Obtaining services from a victim service organization; or
3. Obtaining psychological or other counseling for the employee or employees family or household member; or
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to address safety issues (including economic issues); or
5. Seeking legal assistance or remedies, including preparing for and participating in any civil or criminal legal proceeding related to the abuse or violence.

### DEFINITIONS

- A. "12-Month Period" - means a rolling 12-month period measured forward from the date leave is taken and continuous with each additional leave day taken.
- B. "Family or Household Member" – means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.
- C. "Parent" - means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- D. "Son or Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.
- E. "Domestic or Sexual Violence" - means domestic violence, sexual assault, or stalking.

### COVERAGE AND ELIGIBILITY

Both full and part-time employees are eligible to apply for this leave.

### INTERMITTENT OR REDUCED SCHEDULE LEAVE

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule.

### SUBSTITUTION OF PAID LEAVE

An employee may elect to substitute accrued paid vacation, sick or personal time or any other applicable paid time off for any part of victims' economic security and safety leave. Such substitution will not extend the employee's total allotment of time off under this policy.

When the employee's need for the leave also qualifies as family/medical leave pursuant to the Family and Medical Leave Act (FMLA), this leave will run concurrently with leave taken pursuant to this policy, such that the total amount of unpaid leave for which an employee will be eligible in one year is 12 weeks.

## NOTICE REQUIREMENT

An employee is required to give 48 hours' notice to the Library District in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known.

## CERTIFICATION

For leaves taken pursuant to this policy, the employee may be required to submit a certification demonstrating the need for the leave. The employee as soon as reasonably possible, but in most cases must provide the certification within 15 days after requested.

The certification requirement may be satisfied by the submission of a sworn statement from the employee and one of the following:

- Documentation from a victim services organization, attorney, clergy, or medical or other professional from whom the employee or the family/household member has sought assistance from in addressing domestic or sexual violence and/or its effects;
- A police or court record; or
- Other corroborating evidence.

All documentation related to the employee's need for the leave pursuant to this policy will be held in strict confidence and will only be disclosed as required/permitted by law.

## EFFECT ON BENEFITS

During an approved VESSA leave, the Library District will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid VESSA leave, the Library District will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium during the leave. Your group health care coverage may cease if your premium payment is more than 30 days late. If you do not return to work at the end of the leave period, you may be required to reimburse the Library District for the cost of the premiums paid by the Library District for maintaining coverage during your unpaid leave, unless you cannot return to work because of the continuation, recurrence, or onset of domestic or sexual violence or other circumstances beyond your control.

## JOB PROTECTION

If you wish to return to work at the expiration of your leave, you are entitled to return to your same position or to an equivalent position with equal pay, benefits and other terms and conditions

of employment. If you take leave because of your own medical condition, you are required to provide medical certification that you are fit to resume work. You may obtain return to Work Medical Certification forms from the Library Director. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

## REASONABLE ACCOMMODATIONS

The Library District supports the Victims' Economic Security and Safety Act and will attempt to provide reasonable accommodations for people who are entitled to protection under this Act in a timely fashion, unless such accommodations would present an undue hardship for the Library District.

Reasonable accommodation applies to applicants and employees and may include adjustment to a job structure, workplace facility, or work requirement, transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure or assistance in documenting domestic or sexual violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence.

A qualified individual is an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can perform the essential functions of the employment position that such individual holds or desires.

Should you wish to request a reasonable accommodation pursuant to this policy, you should contact the Library Director.

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