

GENERAL ORDER

August 2017

Immediately

III-30

Distribution: All Employees

Subject: **DOMESTIC VIOLENCE LEAVE**

Index as:	Dating Violence	Family or Household Member	Sexual Violence
	Domestic Violence Leave	Repeat Violence	

Accreditation Standards: 22.2.1

Cross Reference: G.O. III-13, Leave Due to Illness
 G.O. III-29, Family Medical Leave Act (FMLA)
 City Rules and Regulations, Section 5-23, Workplace Violence – Prevention and Intervention Policy
 City Rules and Regulations, Section 6-10, Domestic Violence Leave
 §119.07, §784.046 and §741.313. F.S.S.

Replaces: G.O III-30 Domestic Violence Leave (June 13, 2011)

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Eligibility and Duration
- IV. Notice, Request, and Determination

I. POLICY

This order establishes eligibility and procedures for employees regarding Domestic Violence Leave.

II. DEFINITIONS

A. Dating Violence – Violence between individuals who have or have had a continuing and significant relationship or romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following:

- 1. A dating relationship must have existed within the past six (6) months;
- 2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- 3. The frequency and type of interaction between the persons involved in the relationship must have been included that the persons have been involved over time and on a continuous basis during the course of the relationship.

B. Domestic Violence – 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.

C. Family or Household Member – Includes 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.

D. Repeat Violence – Two incidents of violence or stalking committed by the respondent, one of which must have been within six (6) months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

E. Sexual Violence – Any one incident of sexual battery, as defined in Florida Statutes (F.S.) Ch. 794; a lewd or lascivious act, as defined in F.S. Ch. 800, committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child, as described in F.S. Ch. 787; sexual performance by a child, as described in F.S. Ch. 827; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

F. Year – For the purposes of this General Order, the *year* shall be interpreted as a rolling twelve-month period.

II. ELIGIBILITY AND DURATION

All full-time and part-time employees who have been employed by the City for at least three (3) months, consecutive or otherwise, are eligible for the equivalent of up to three (3) unpaid (or substituted accrued paid leave) days of leave each year if the employee or a family or household member of the employee is a victim of domestic violence and the leave is used for the reasons listed below:

1. Seeks an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence.
2. Obtains 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 or sexual violence.
3. Obtains 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 or sexual violence.
4. Makes the employee's home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator; or
5. Seeks legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court related proceedings arising from the act of domestic violence or sexual violence.

IV. NOTICE, REQUEST, AND DOCUMENTATION

A. Requests for domestic violence leave shall be scheduled in advance with appropriate notice to the supervisor, unless impracticable such as in cases of imminent danger to the health or safety of the employee, or to the health or safety of the employee's family or household member.

B. Sufficient documentation, verifying the need for the leave under these provisions, is required to be submitted with the Request for Leave or within five (5) workdays after the date of leave, provided the leave was taken because of imminent danger to the health or safety of the employee, or to the health or safety of the employee's family or household member.

C. An employee on domestic violence leave shall be required to use all accrued annual leave, illness leave if applicable, and any other type of paid leave which an employee has accrued prior to being placed on unpaid leave status.

D. Any personally identifying information that is contained in records documenting an act of domestic violence or sexual violence submitted to the City is exempt and confidential and not subject to disclosure under §119.07, F.S.S

E. No adverse action can result from an employee's request for or use of the domestic violence leave, and all other policies related to taking paid and unpaid leave, to the extent they do not conflict with this section, shall apply to this type of leave.

Anthony Holloway
Chief of Police