



TO: AGENCY HEADS & AGENCY HUMAN RESOURCES ADMINISTRATORS
DT: December 2, 2010
RE: General Letter No. 34: Family Violence Leave Policy

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MARTIN W. ANDERSON, PH.D.
Commissioner

Purpose

This General Letter describes the leave rights available to employees who are victims of family violence and establishes the procedures relating to such leave.

As defined in Connecticut General Statute §46b-38a, "family violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

Authority

Public Act 10-144 expands the legal protections available to victims of family violence. Specifically, section 14 of this Public Act states "An employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect to employment...because the employee is a victim of family violence." Section 15 of this Public Act requires employers to allow family violence victims to take paid or unpaid leave for specified reasons if such leave is reasonably necessary.

Reasons for Leave

If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary for the following reasons:

- (1) To seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim,
- (2) To obtain services from a victim services organization on behalf of the victim,
- (3) To relocate due to such family violence, or
- (4) To participate in any civil or criminal proceeding related to or resulting from such family violence.

Paid Leave

An employee may use earned accruals, personal leave or compensatory time in order to continue to receive wages while on family violence leave. If the employee needs the leave in connection with his or her own medical care or counseling, the time off shall be charged to the employee's accrued sick leave. If the employee has exhausted his or her sick leave, or if the employee needs time off for one of the non-medical reasons listed above, the employee has the option to choose to use personal leave, vacation accruals and/or compensatory time balances or to choose unpaid leave.

Unpaid Leave

Unpaid leave available to an employee under this policy is limited to twelve (12) days during any calendar year.

Nothing in this policy or the underlying statute alters existing laws, regulations and policies regarding the effects of being off the state payroll for more than three (3) or five (5) days in a month.

Family & Medical Leave

If an employee who is a victim of family violence is eligible for state and/or federal family & medical leave and needs leave because he or she has a serious health condition or serious illness, then the time shall be processed and coded as family & medical leave, regardless of the fact that the serious health condition or illness is related to family violence. The time the employee spends on state and/or federal family & medical leave shall not count toward the employee's family violence leave entitlement.

If an employee who is a victim of family violence and has been approved to take state and/or federal family & medical leave in connection with his or her serious health condition or serious illness also needs time off from work for one of the non-medical reasons listed above, such as to attend a court proceeding, the employee may use family violence leave for that purpose.

Other Leave

Nothing in this policy or the underlying statute requires an employee to use family violence leave. If an employee is eligible for leave under a different policy, regulation or statute, the employee has the discretion to choose whether or not to request leave under this policy.

Leave under this policy shall not affect any other leave provided under state or federal law.

Procedure

An employee who wishes to exercise his or her right to family violence leave – paid or unpaid – under this policy, must provide the Human Resources Office of his or her agency with a signed written statement certifying that the leave is for one of the four reasons listed above at the time he or she requests the leave.

Also at the time the employee requests family violence leave, the employee must provide Human Resources with documentation verifying that the employee is a victim of family violence. This documentation shall consist of either:

- A police or court record related to the family violence or
- A signed written statement that the employee is a victim of family violence from one of the following:
 - an employee or agent of a victim services organization,
 - an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, or
 - a licensed medical professional or other licensed professional from whom the employee has sought assistance with respect to the family violence.

If the leave is approved, Human Resources shall notify the employee and the employee's manager of the approved leave and will specify the duration and/or time frame of the leave.

Notice

The employee shall follow the agency's existing call-in procedure when requesting time off from work due to family violence leave.

The employee is responsible for notifying the agency that he or she is taking time under the preapproved family violence leave when reporting an absence. The manager shall contact Human Resources if there are any questions about whether the leave is approved.

If an employee's need to use leave under this section is foreseeable, the employee shall provide his or her employer with notice of his or her intention to use such leave seven (7) days prior to the date such leave is to begin. (By statute, the agency cannot require the employee to provide more than seven (7) days' notice.)

If an employee's need for such leave is not foreseeable, the employee shall give notice of his or her intention to take family violence leave as soon as practicable.

Coding

If the employee is using earned accruals, personal leave or compensatory time while on family violence leave, the standard CORE-CT codes for such leave shall be used. The agency's Human Resources department, however, shall keep a confidential record documenting any paid leave taken under this policy to ensure that employees are not penalized for taking family violence leave.

If the employee is taking unpaid leave, the time shall be coded as ULDOM. As stated above, a maximum of 12 unpaid leave days per calendar year may be taken under the statute. Coding is necessary in order to track only unpaid leave time for this purpose. **Note:** unpaid leaves of absence longer than five consecutive workdays and due to family violence must be recorded in Job Data as 'Leave of Absence – General Letter No. 34'.

Records

Any written statement or police or court record provided to the Human Resources Office shall be maintained as confidential. Such records shall be kept in a confidential file separate from the employee's personnel file. Medical documentation related to the employee's need for family violence leave shall be kept in the employee's medical file. No records related to an employee's family violence leave shall be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee must be given notice prior to the disclosure of any records relating to the employee's use of family violence leave.

Questions

Employees should direct their questions concerning this policy to the Agency Human Resources Office.

HR Professionals should address questions to Shari Grzyb, Statewide HR Program Manager – DAS HR Business Rules & Central Audit at (860) 713-5176 or via email at Shari.Grzyb@CT.Gov.

Martin W. Anderson

12/1/2010

Martin W. Anderson, Ph.D., Acting Commissioner
Department of Administrative Services

Date