

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Accommodations & Leave for Victims of Domestic Violence		Number: 22-41
		Effective Date: 10/17/2023
Departments Affected: All		Supersedes (Number/Date):
Authority: Section 2.82-A. Red Bluff City Code	File References:	
	Approved: Approved by City Council on: 10/17/2023	

Overview: An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, administrative leave, or compensatory time off that is otherwise available to them under the terms of their employment to attend to related activities. The City will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work.

Applicable to: All employees

Guidelines: An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, administrative leave, or compensatory time off that is otherwise available to them under the terms of their employment to attend to the following activities:

- Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or their child.
- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
- Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

The employee may also request to use vacation or other time off in the usual manner, without disclosing that they have been the victim of domestic violence.

Requesting Leave

Prior to taking time off, an employee shall give reasonable notice to their supervisor, unless advance notice is not feasible.

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When an unscheduled absence occurs, the employee shall show documentation, within ten days, certifying the absence in the form of any of the items listed below. The supervisor should not retain copies of the documentation used to certify the absence.

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
- Documentation from a domestic violence or sexual assault counselor, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

Accommodation Requests

The City will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work. Upon the request of the City, an employee requesting a reasonable accommodation shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this Rule. The employer may also request certification from an employee requesting an accommodation demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking.

If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the employer. If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

Records

In the interest of workplace safety, employees who apply for or obtain an Order of Protection or Restraining Order which designates the employer's property as being a protected area, must provide their supervisor with a copy of the petition used to obtain the order, and any subsequent orders.

Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee as a victim of domestic violence, sexual assault, or stalking shall be maintained as confidential by the employer and shall not 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 shall be given notice before any authorized disclosure.

Prohibition of Retaliation

An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, sexual assault, or stalking, if the victim provides notice to the employer of the status or the employer has actual knowledge of the status.

An employer who willfully refuses to rehire, promote, or otherwise restore an

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employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

References: California Labor Code §[230](#), [230.1](#), [246.5](#), [6400](#); California Evidence Code §1035.2, 1037.1; Government Code §12926; Division of Labor Standards Enforcement of the Department of Industrial Relations §98.7; Family Code §6211; Penal Code §261-262, 265, 266-267, 269, 273.4, 285-286, 288-289, 311.4, and 646.9; Civil Code 1708.7.