



RUTGERS POLICY

Section: 60.9.59

Section Title: Legacy UMDNJ policies associated with Human Resources

Policy Name: Employee Leave for Victims of Violence or Sexual Assault

Formerly Book: None

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

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Revisions:

Errors or changes Contact: policies@hr.rutgers.edu

1. Policy Statement

State law provides unpaid leave to eligible employees who are employed within legacy UMDNJ positions who suffer from domestic violence or sexually violent offenses.

2. Reason for Policy

To inform employees who are employed within legacy UMDNJ positions of eligibility, application requirements, and limitations.

3. Who Should Read This Policy

All non-aligned and aligned staff employees in RBHS positions, excluding employees covered by an academic collective negotiations agreement.

4. Related Documents

New Jersey Security and Financial Empowerment Act ("NJ SAFE Act") N.J.S.A. 34:11C-1 et seq

5. Contacts

University Human Resources 848 932-3020
Office of Labor Relations 848-932-3400

6. The Policy

60.3.22 EMPLOYEE LEAVE FOR DOMESTIC VIOLENCE OR SEXUAL ASSAULT

I. New Jersey Security and Financial Empowerment Act (NJ SAFE Act) N.J.S.A. 34:11C-1 et seq

This state law entitles eligible university employees who are victims of domestic violence or sexual assault (as defined by statute), or whose child, parent, spouse, domestic partner or civil union partner was such a victim, to up to 20 days of unpaid leave in the 12 month period following the act of domestic violence or sexual assault. The leave may be taken intermittently in intervals of no less than one day.

To become eligible to NJ SAFE Act leave, an employee must have been employed by the university for one year and must have worked 1,000 base hours during the year immediately preceding the leave.

NJ SAFE Act leave may be used for

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 child, parent, spouse, domestic partner or civil union partner;
2. Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
3. Obtaining psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner or civil union partner including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
6. Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner or civil union partner, was a victim.

II. General

1. Eligible employees are required to use accrued paid vacation leave, personal leave or sick leave during any part of the 20-day period of unpaid leave provided for in this policy.
2. All such paid leave shall run concurrently with the unpaid leave provided for in this policy.
3. If an employee requests leave for a reason covered by both this policy and the New Jersey Security and Financial Empowerment Act, and either the New Jersey Family Leave Act or the federal Family and Medical Leave Act, the leave shall count simultaneously against the employee's entitlement under each respective law.
4. Prior to taking a leave under the NJ SAFE Act, an employee shall, if the necessity for the leave is foreseeable, provide University Human Resources with written notice of the need for the leave. This notice shall be provided to University Human Resources as far in advance as is reasonable and practical under the circumstances.
5. As provided for by the NJ SAFE Act, the university is not prohibited from requiring that a period of leave provided to the NJ SAFE Act be supported by the employee requesting the leave with documentation of the domestic violence or sexually violent offense which is the basis for the leave. This documentation shall be submitted to University Human Resources and the employee requesting the leave shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:
 - a. A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

- b. A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
- c. Documentation of the conviction of a person for the domestic violence or sexually violent offense;
- d. Medical documentation of the domestic violence or sexually violent offense;
- e. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or the employee's child, parent, spouse, domestic partner or civil union partner is a victim of domestic violence or a sexually violent offense; or
- f. Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the employee or the employee's child, parent, spouse, domestic partner or civil union partner in dealing with the domestic violence or sexually violent offense.

All information provided to the university pursuant to section II (5), and any information regarding a leave taken pursuant to the NJ SAFE Act and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a federal or State law, rule or regulation.

- 6. The university shall not discharge, harass, or otherwise discriminate or retaliate against an employee with respect to compensation, terms, conditions or privileges of employment on the basis that the employee took or requested a leave to which the employee was entitled pursuant to the NJ SAFE Act or on the basis that the employee refused to authorize release of information deemed confidential by the NJ SAFE Act.