

POLICY NUMBER:

APM - 2 - 07

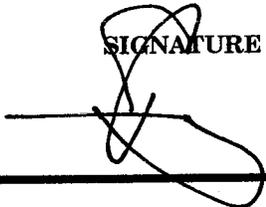
DATE:

ISSUED BY:

Pedro G. Hernandez

City Manager

SIGNATURE



CITY OF MIAMI



ADMINISTRATIVE POLICY

DATE:

November 26, 2007

REVISIONS

REVISED SECTION
Created

DATE OF REVISION
11/19/07

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SUBJECT:

DOMESTIC VIOLENCE LEAVE

PURPOSE: To establish a policy for City employees relating to leave due to domestic violence in accordance with Section 741.313 of the Florida Statutes.

THE POLICY WILL BE AS FOLLOWS:

I. DEFINITIONS

- A. *Domestic violence* means 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.
- B. *Family or household member* means employees' 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.
- C. *Victim* means an individual who has been subjected to domestic violence.

II. APPLICABILITY

This policy is applicable to employees who have been employed by the City for three (3) or more months.

III. CIRCUMSTANCES UNDER WHICH LEAVE MUST BE GRANTED

- A. The employee must be granted up to three (3) days leave in a 12-month period if the employee or a family/household member is the victim of domestic violence.
- B. The employee must exhaust all vacation, sick and any other personal leave prior to receiving Domestic Violence Leave.
- C. If the employee does not have any vacation, sick or any other personal leave then the City Manager or designee shall determine if the Domestic Violence Leave is with or without pay.
- D. In order to receive Domestic Violence leave, the employee must use the leave to:
 - 1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
 - 2. Obtain 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 violence;
 - 3. Obtain 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 violence;
 - 4. Make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
 - 5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.

IV. NOTICE AND DOCUMENTATION REQUIRED

- A. Employees shall provide the City (via the Department of Employee Relations/Labor Relations Division) with advance notice of the Domestic Violence Leave, unless there is imminent danger to the health or safety of the employee, or to the health or safety of a family or household member.
- B. Employees shall provide the City (via the Department of Employee Relations/Labor Relations Division) with appropriate documentation (including but not limited to police reports, injunctions, documents from attorneys) to prove that the leave requested is for one or more of

the reasons outlined in Section III (Circumstances under which Leave Must be Granted) from above.

V. CONFIDENTIALITY

All documents and information provided to the City shall remain confidential and exempt from disclosure to the extent authorized by Chapter 119, Florida Statutes (Public Records).

VI. NO ADVERSE EMPLOYMENT ACTION

The City shall not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee exercising his/her rights under this policy.

