

DOMESTIC LEAVE WITHOUT PAY

Purpose:

To enable employees to receive time away from work to recover from and address resolution to issues of domestic or repeated violence.

Scope:

This policy applies to employees of the Center for Family and Child Enrichment, Inc. who have been employed in Miami-Dade County for at least (90) days and for at least three hundred and eight (308) hours of service with such employer during the previous ninety (90) days.

Policy:

(1) Employees shall be entitled to a total of (30) days of unpaid domestic leave during any twelve (12) month period for one (1) or more of the following:

- A. To obtain and receive medical and/or dental assistance for a medical and/or dental problem resulting from domestic or repeated violence, including obtaining such services for the employees dependent children;
- B. To obtain and receive legal assistance relating to domestic or repeated violence including but not limited to criminal prosecution, a protective order, divorce, custody of the children and child support;
- C. To attend court appearances relating to domestic or repeated violence, including but not limited to criminal prosecution, protective , a protective order, divorce, custody of the children and child support;
- D. To attend counseling or support services, including counseling or support services for dependent children;
- E. Any other arrangements necessary to provide for the safety and well-being of an employee subject to domestic or repeated violence.

(2) Domestic Leave under this section may be taken by an employee intermittently or on a reduced leave schedule. However, if an employee requests intermittent leave or reduced leave that is foreseeable based on a planned schedule, the employer may require such employee to transfer temporarily to an available alternative position for which the employee is qualified and that has the equivalent pay and benefits, and better accommodates recurring periods of leave.

(3) Domestic Leave may be taken in addition to Family Leave.

(4) Prior to requesting Domestic Leave, an employee must exhaust all paid Vacation Leave and/or Personal Leave.

Procedure for Requesting Domestic Leave:

In order to request Domestic Leave the employee must:

1. Provide the employer with a certification issued by an authorized person from a health care provider, attorney of record, counselor, law enforcement agency, clergy, domestic violence advocacy agency, domestic violence center or domestic shelter. The certification shall be sufficient if it indicates that the employee is being subjected to domestic or repeated violence and needs time off to attend one (1) of the matters described above.
2. A request for Domestic Leave without pay must be submitted in writing with the aforementioned certification, to the CEO through the immediate supervisor.
3. Once on Domestic Leave, the employee shall be required to report to the Human Resources Department on a weekly basis, the status and intention of the employee return to work.

Employment, Benefits Protection and Confidentiality:

(1) Any eligible employee who takes Domestic Leave shall on return from leave, be entitled to:

- (a) Restoration by the employer to the position of employment held by the employee when leave commenced; or
- (b) Restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

(2) The taking of leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

(3) Nothing in this policy shall be construed to entitle any restored employee to:

- (a) The accrual of any seniority or employment benefits during any period of leave; or
- (b) Any right, benefit, or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.

(4) During any period when the eligible employee takes leave, the employer shall maintain coverage under any group health plan for the duration of such leave at the level and under the conditions coverage that would have been provided if the employee had continued in employment continuously for the duration of such leave. However, the employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave if:

- (a) The employee fails to return from leave after the period of leave to which the employee is entitled has expired; and
- (b) The employee fails to return to work for a reason other than continuance or recurrence of domestic or repeat violence or other circumstances beyond the control of the employee.

(5) To the extent allowed by law, the Center shall maintain the confidentiality of any employee requesting Domestic Leave under this policy.