

KANSAS ADJUTANT GENERAL'S DEPARTMENT

MEMORANDUM FOR ALL STATE EMPLOYEES

FROM: TAG-SHRO

SUBJECT: Domestic Violence or Sexual Abuse Leave
TAG Policy No. 034-018

EFFECTIVE DATE: April 1, 2018

POLICY STATEMENT: The Adjutant General's Department shall provide certain protections and leave in support of employees who are victims of domestic violence or sexual assault as provided by Kansas Statute.

DEFINITIONS:

Abuse. For the purpose of this policy, Abuse refers to:

- Causing or attempting to cause physical or emotional harm.
- Placing another person in fear of imminent physical harm.
- Causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so; depriving another person of necessary healthcare, housing or food.
- Unreasonable or forcible restraint of the physical movement of another.

Domestic Violence. Abuse committed against an employee, or the employee's spouse, when the employee is not at fault, or abuse against an employee's dependent child or children by:

- A current or former spouse of the victim.
- A person with whom the victim shares parentage of a child or children in common.
- A person who is cohabitating with, or has cohabitated with the victim.
- A person who is related by blood or marriage.
- A person with whom the victim has had a dating or engagement relationship.

Sexual Assault. Sexual Assault refers to:

- Indent liberties with a child
- Aggravated indecent liberties with a child
- Criminal sodomy
- Aggravated criminal sodomy
- Incest
- Aggravated incest
- Rape
- Attempted rape

PROCESS GUIDELINES:

Eligibility

Employees are eligible to use vacation leave, sick leave, or any other appropriate leave to take time from work to:

- Obtain or attempt to obtain any relief, including , but not limited to, a temporary restraining order, restraining order or any other injunctive relieve to help insure the health, safety or welfare of the victim or the victim's child or children;
- Seek medical attention for injuries caused by domestic violence or sexual assault;
- Obtain services from domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or
- Make court appearances in the aftermath of domestic violence or sexual assault.

Leave without pay, not to exceed a total of eight (8) days per calendar year may also be requested for a purpose specified above. Employees must give reasonable advance notice of their need to take time off whenever possible.

Within 48 hours after returning from time off requested pursuant to this policy, employees are to provide information supporting their request for leave to their Supervisor or Manager and/or State Human Resource Director. Information may include:

- Police report indicating that the employee was a victim of domestic violence or sexual assault;
- Court order protecting or separating the employee from the perpetrator of domestic violence or sexual assault or other court document;

- Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault.

Confidentiality

All records and/or documentation related to domestic violence or sexual abuse shall be treated as confidential and maintained outside of the employee's official Personnel File.

Due to the confidential nature of this issue, a specific leave code will not be developed; therefore, when reporting leave on the Time and Leave Document, and in the SHARP system, employee should document the leave as requested (vacation, sick, LWOP, etc.) and reported in quarter-hour increments for non-exempt employees and four (4) hour increments for exempt employees.

All records of leave taken for the purpose of this Policy or any documentation submitted in support of leave request shall also be considered confidential and maintained in outside of the employees Personnel File.

Responsibilities

Supervisors and Managers shall be responsible for approving, reporting any leave taken by an employee for the purpose of Domestic Violence and/or Sexual Abuse, and providing all documentation received from the employee in a timely and confidential manner to the State Human Resource Director.

The State Human Resource Director shall be responsible for maintaining all records and documents related to Domestic Violence and Sexual Abuse and related leave in a confidential, undisclosed manner.

AUTHORITATIVE REFERENCES:

2006 Senate Substitute for House Bill 2928
Department of Administration Bulletin No.07-01
KSA 21-3502 thru KSA 21-3506
KSA 21-3602
KSA 21-3603
KSA 60-3102

