

New Law Provides Protection for Employees Who are Domestic Violence Victims

One of the laws passed by the 2007 Oregon legislature was deemed so important that it actually took effect in May 2007. The Oregon crime victims leave law protects employees who are also victims of certain crimes.

This law applies to employers with six or more employees, and it protects employees who:

- worked an average of 25 hours or more per week for at least 180 days immediately before taking leave, and
- are victims of domestic violence, sexual assault or stalking, or are parents of victims,

The crime victims' law requires employers to grant an eligible employee a "reasonable" leave of absence if the employee or the employee's minor child or dependent needs time off to deal with issues of domestic violence, sexual assault, or stalking. These arrangements might include such things as seeking medical treatment, obtaining counseling, relocating, getting legal advice or contacting law enforcement personnel.

The employer may require the employee to give reasonable notice of the need for leave, unless that is not feasible. The employer can also require that the events leading to the need for leave be documented. This documentation could include police reports, medical and/or counseling documentation, attorney records, etc. All of that information must be kept confidential by the employer.

There is no fixed time period for this leave. Employers may only limit the length if the employee's absence creates an "undue hardship," causing significant difficulty or expense for the employer.

Like the Oregon Family Leave Act (OFLA) and the Federal Family and Medical Leave Act (FMLA), crime victims' leave is unpaid. However, as with OFLA and FMLA, the employer must allow an eligible employee to utilize vacation time or other paid leave for this purpose.

As with all other kinds of protected leave, an employee must be able to use this time without it counting against him or her. An employer cannot retaliate against an employee for using the leave, and the leave time cannot be used for disciplinary purposes.

Our 23rd Annual Employment Conference will have training and a panel discussion on this topic. See our website for details.

For more information on this and other important issues affecting Oregon employers, please visit our website at www.boli.state.or.us. You can also call us at 971-673-0824.

