

Victims of Domestic Violence and Sexual Assault

Leave and Accommodations

Eligibility

Employees eligible for leave or safety accommodations under this Policy must meet the following criteria:

1. He or she is a victim of domestic violence or sexual violence; or
2. He or she has a household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

Leave for Victims of Domestic Violence and Sexual Assault

The School will provide up to one week of unpaid leave to eligible employees who are (1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic violence or sexual violence, as defined herein, against the employee or the employee's family or household member; (2) obtaining victim services for the employee or the employee's family or household member; (3) obtaining psychological or other counseling for the employee or the employee's family or household member; (4) participating in safety planning, including temporary or permanent relocation, or other actions to increase the employee or the employee's family or household member's safety from future domestic or sexual violence or to ensure economic security; or (5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in court proceedings related to the violence.

To provide notice to the School of your intention to take leave under this Policy, please contact the Head of School at (314) 361-5323 or via email at humanresources@hawthornschool.org.

Safety Accommodation Requests

The School will also make reasonable safety accommodations in a timely manner to known limitations resulting from the domestic or sexual violence experiences of an eligible employee or an eligible employee's a family or household member unless such accommodation would result in an undue hardship for the School. Examples of accommodations for eligible employees include:

- adjustment to a job structure, workplace facility or work requirement;
- a transfer or reassignment;
- a modified schedule;
- leave from work (as described above);
- a changed telephone number or seating assignment;
- installation of a lock or implementation of a safety procedure; or

- assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence.

To request a reasonable safety accommodation under this Policy, please the Head of School at (314) 361-5323 or or via email at humanresources@hawthornschool.org.

Definitions

1. "Abuse" means any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10).
2. "Domestic violence" means abuse or stalking committed by a family or household member, as such terms are defined in this policy.
3. "Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.
4. "Sexual violence" means sexual assault (causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent) or trafficking for the purposes of sexual exploitation.
5. "Victim of domestic or sexual violence" means an individual who has been subjected to domestic violence, sexual violence, or abuse.

Notice and Documentation

An employee must provide the School with at least 48 hours' advance notice of the need for leave under this Policy unless such notice is impractical, and in which case, the notice must be given as soon as possible. The School may, in its discretion, require documentation showing that the employee is eligible for leave under this Policy (such as a police report or documentation from a victim services organization, medical professional, attorney, member of the clergy, or another professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and/or the effects of such violence) and/or a sworn statement from the employee.

If an employee requests a reasonable safety accommodation under this Policy, the School may, in its discretion, require the employee to provide a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the employee is eligible for a reasonable safety accommodation under this Policy.

If documentation is requested by the School under this Policy, such documentation will be maintained by the School in the strictest confidence and will not be disclosed unless consent is provided by the employee or disclosure is otherwise required by applicable federal or state law.

Benefits During Leave

Eligible employees who take leave under this Policy will be entitled to maintain all accrued benefits through the School. Additionally, the eligible employee will continue to be covered by the School's group health insurance policy while taking leave under this Policy at the same level and under the same conditions coverage would have been provided if the eligible employee had continued his or her employment with the School continuously for the duration of such leave, assuming the eligible employee participated in the School's group health insurance coverage prior to taking leave under this Policy.

If an eligible employee fails to return to work after the expiration of leave under this Policy for any reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, a sexual assault, or human trafficking that entitled the employee to leave under this Policy or for other circumstances beyond the control of the eligible employee, the School may seek reimbursement for the premiums paid by the School, if any, for maintaining coverage under the School's group health insurance plan for the eligible employee's and/or the eligible employee's family or household member(s), if applicable, during leave under this Policy.

Retaliation Prohibited

The School will not retaliate against eligible employees for taking or requesting leave or a reasonable safety accommodation under this Policy. Any eligible employee who takes leave under this Policy shall be entitled, on return from such leave, to be restored to the position of employment held by the eligible employee when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Adopted December 16, 2021

Reference: Section 285.630 RSMo