
VICTIMS OF CRIME POLICY

Pathways Academy Adult Education (“School”) adopts this Victims of Crime Policy to provide reasonable and necessary unpaid leave, and other reasonable accommodations, to employees who are victims of crime, regardless of whether any person is arrested, prosecuted, or convicted of committing a crime.

A “victim of a crime” is defined as:

- A victim of stalking, domestic violence, or sexual assault
- A victim of a crime that caused physical injury OR that caused mental injury and a threat of physical injury
- A person whose immediate family member is deceased as a direct result of a crime.

Employees may request up to twelve (12) weeks of unpaid leave under FMLA to:

1. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;
2. Obtain services from a domestic violence shelter, program, or rape crisis center or other prescribed entities;
3. Obtain psychological counseling for the domestic violence, sexual assault, or stalking; or
4. Participate in safety planning, or take other actions to increase safety from future crimes or abuse such as relocation, to protect against future domestic violence, sexual assault, or stalking.
5. Appear in court to comply with a court order as a witness in a judicial proceeding.
6. Obtain/attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or employee’s child.

To request leave under this policy, an employee must provide the School with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide the School with one (1) of the following certifications upon returning to work:

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.

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2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a licensed medical professional, domestic violence or sexual assault counselor, licensed health care provider, or counselor showing that the employee's absence was due to treatment for injuries or abuse from domestic violence, sexual assault, or stalking.

Employees requesting leave under this policy may choose to use accrued paid leave. In addition, the School will provide reasonable accommodations to employees who are victims of crime. To request an accommodation under this policy, an employee must contact the Human Resources Department.

An employee may not be discriminated against or retaliated against for utilizing this leave. A copy of this policy will be provided to employees upon hire and upon request.

LEGAL REFERENCE:

AB 2992 (expands Labor Code Section 230 and 230.1)