

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION OF THE LOUISVILLE METRO COUNCIL AMENDING THE PAID AND UNPAID TIME-OFF BENEFITS CHAPTER OF THE METRO COUNCIL EMPLOYEE HANDBOOK BY CREATING A NEW SECTION REGARDING VICTIMS OF CRIME AND DOMESTIC VIOLENCE LEAVE.

SPONSORED BY: PRESIDENT JAMES

WHEREAS, the Louisville Metro Council (“Metro Council”) has an interest in holistically supporting its employees that are victims of crime; and

WHEREAS, the most recent Crime in Kentucky report from the Kentucky State Police indicated that Louisville Metro Police reported over 60,000 Grade A offenses in 2020—including over 14,000 assault offenses, 172 homicide offenses, and 342 sex offenses—and;

WHEREAS, statistics show that one of six women will be a victim of domestic violence in her lifetime; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) data show that 37.5% of Kentucky women have experienced physical or sexual violence by an intimate partner; and

WHEREAS, this same data shows that the incidence of rape, sexual violence, and intimate partner violence Kentucky women experience is higher than the average incidence in the United States; and

WHEREAS, research from the National Online Resource Center on Violence Against Women indicate that domestic violence can impact a victim’s ability to retain employment; and

WHEREAS victims of domestic violence lose an average of 137 hours of work a year; and

WHEREAS, victims of any crime may experience physical and psychological health care needs related to that crime; and

WHEREAS, victims of any crime may experience needs related to the court system, such as the need to file for an emergency protective order, testify in court, or otherwise participate in the prosecution of a crime; and

WHEREAS, studies suggest that those without paid leave are 3.0 times more likely to forego medical care when that care is needed (See LeaAnne DeRigne et al., Workers Without Paid Sick Leave Less Likely to Take Time Off For Illness or Injury Compared to Those With Paid Sick Leave. *Health Affairs*, 35(3), 2016); and

WHEREAS, Metro Council seeks to support its employees who are victims of crime in receiving the physical and mental healthcare they need; and

WHEREAS, Metro Council seeks to support its employees who are victims of crime in meeting any court-related needs resulting from that crime; and

WHEREAS, while working to address this resolution which seeks to provide paid leave to its employees who become victims of crimes and domestic violence, the Metro Council also seeks to amend the phrase: *Code of Ordinances* located in the “Definitions” section of the Metro Council Personnel Handbook to *Louisville Metro Code of Ordinances* (“*LMCO*”) to ensure consistency in use of terminology in the employee handbook.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new section of the Louisville Metro Council Personnel Handbook and Louisville Metro Council Policies and Procedures is hereby created to include the following:

(A) For the purposes of this section, the following definitions apply:

DOMESTIC VIOLENCE. Any physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple.

FAMILY MEMBER. A spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household.

CRIME. Any offense punishable as a criminal offense by the Kentucky Revised Statutes or Louisville Metro Code of Ordinances ("LMCO").

(B) Louisville Metro Council will allow employees up to 7 days of paid leave per calendar year if the employee is a victim of domestic violence or a crime to:

(1) Seek medical attention for the employee to recover from physical or psychological injury caused by domestic violence or the crime;

(2) Obtain services from a victim services organization;

(3) Obtain psychological or other counseling;

(4) Temporarily or permanently relocate;

(5) Take legal action, including preparing for or participating in a civil or criminal legal proceeding related to or resulting from the domestic violence or crime; or

(6) Take any other action to meet needs reasonably resulting from the domestic violence or crime.

(C) If the employee has exhausted the 7-day leave provided in subsection (B), as well as any other accrued time off including but not limited to sick leave, personal leave, and vacation leave, then the Louisville Metro Council will provide the employee an additional 30 days of unpaid leave per calendar year to take any actions described in subsections (B)(1)-(6).

(D) For any part-time employee, the amount of paid and unpaid leave entitlements will be prorated in a manner congruent with the employee's regularly scheduled hours.

(E) Both the 7-day paid leave authorized in subsection (B) and the 30-day unpaid leave authorized in subsection (C) are available on an annual basis. Any portion of the leave that remains unused at the end of a calendar year does not accumulate or carry forward to the following calendar year.

(F) Any employee intending to take leave under this section shall give reasonable notice to Louisville Metro Council as long as such notice is feasible. Louisville Metro Council may require any employee taking leave under this section to provide documentation certifying that the employee is a victim of domestic violence or a crime. Such documentation should be provided no later than 2 business days after the employee has taken leave under this section. Louisville Metro Council may also require the employee to provide documentation that the leave is used to take actions described in subsections (B)(1)-(6). Examples of appropriate documentation include, but are not limited to:

- (1) A copy of a criminal complaint;
- (2) A copy of an Emergency Protective Order/ Domestic Violence Protective Order;

(3) Documentation from a victim services organization indicating that the employee utilized its services; or

(4) Documentation that the employee received medical or psychological care resulting from the crime or domestic violence.

(G) Louisville Metro Council shall maintain the confidentiality of any verbal communication, written document, or record submitted by an employee relative to the employee's request for leave pursuant to this section, except when disclosure is required by other law.

(H) Louisville Metro Council shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of a crime or domestic violence because the employee takes leave from work under this section.

(I) Leave granted under this provision shall run concurrently with Family and Medical Leave Act ("FMLA") leave to the extent that the leave is taken for a FMLA-qualifying condition.

SECTION II: Upon passage, this Resolution shall apply retroactively to April 29, 2022.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

R-089-22 Victims of Crime and Domestic Violence Leave Employee Handbook Resolution DB 6.14.22