

**ORDINANCE NO. \_\_\_\_\_, SERIES 2022**

**AN ORDINANCE AMENDING CHAPTER 35 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) TO ESTABLISH PAID LEAVE FOR LOUISVILLE METRO GOVERNMENT EMPLOYEES WHO ARE VICTIMS OF A CRIME OR DOMESTIC VIOLENCE.**

**SPONSORED BY: COUNCIL MEMBERS GEORGE AND CHAMBERS ARMSTRONG**

**WHEREAS**, Louisville Metro Government 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**, CDC data show that 37.5% of Kentucky women have experienced physical or sexual violence by an intimate partner; and

**WHEREAS**, whereas these same data show 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**, Louisville Metro Government seeks to support victims of crime in receiving the physical and mental healthcare they need; and

**WHEREAS**, Louisville Metro Governments seeks to support victims of crime in meeting any court-related needs resulting from that crime.

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

**SECTION I:** A new section of LMCO is hereby created as follows:

**§ 35.015 VICTIMS OF CRIME AND DOMESTIC VIOLENCE.**

(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 LMCO.

(B) Louisville Metro Government 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 Louisville Metro Government will provide the employee an additional 30 days of unpaid leave per calendar year to take any actions described in (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 Government as long as such notice is feasible. Louisville Metro Government 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 Government may also require the employee to provide documentation that the leave is used to take actions described in (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 Government 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 Government 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 ordinance shall run concurrently with Family and Medical Leave Act (“FMLA”) leave to the extent that the leave is taken for an FMLA-qualifying condition.

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O’Connell  
Jefferson County Attorney

BY: \_\_\_\_\_