

DOMESTIC VIOLENCE PROTECTION LAW

BUREAU OF LABOR AND INDUSTRIES



Val Hoyle, Commissioner

NOTICE DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT OR STALKING PROTECTIONS

ALL EMPLOYERS WITH 6 OR MORE EMPLOYEES IN OREGON ARE REQUIRED TO PROVIDE REASONABLE LEAVE AND ALL EMPLOYERS IN OREGON ARE REQUIRED TO PROVIDE REASONABLE SAFETY ACCOMMODATIONS FOR VICTIMS OF DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT, OR STALKING (DVHSAS).

What qualifies as a Reasonable Safety Accommodation?

"Reasonable safety accommodation" may include, but is not limited to, a transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.

Who is eligible for Reasonable Safety Accommodation protections under this law?

Any employee who is a victim of DVHSAS, or is the parent or guardian of a minor child or dependent who is a victim of DVHSAS, regardless of how long or how many hours he or she has worked for the employer.

When may an employee take leave?

Employees may take leave for the following purposes:

- To seek legal or law enforcement assistance to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to DVHSAS.
- To seek medical treatment for or to recover from injuries caused by DVHSAS to the eligible employee or the employee's minor child or dependent.
- To obtain or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of DVHSAS.
- To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

Is notice required?

A covered employer may require that an eligible employee give reasonable advance notice of the employee's intention to take leave, unless giving the advance notice is not practicable. The covered employer may also require the eligible employee to provide certification that the employee or the employee's minor child or dependent is a DVHSAS victim.

Confidentiality: Any documents or evidence provided as certification of the victim's status, or information obtained by the employer regarding the need for accommodation or leave, must be kept confidential and may not be released without the express permission of the employee.

Paid or unpaid leave?

A covered employer is not required to grant leave with pay to an eligible employee. However, an eligible employee may use any vacation, sick or other paid leave that is available during the period of leave. Subject to the terms of any agreement between the eligible employee and the covered employer or the terms of a collective bargaining agreement or an employer policy, the covered employer may determine the order in which paid accrued leave is to be used when more than one type of paid accrued leave is available to the employee.

Length of leave?

A covered employer must allow an eligible employee to take reasonable leave and may only limit the amount of leave if the employee's leave creates an "undue hardship" on the employer. Undue hardship means a significant difficulty and expense to the organization and includes consideration of the size of the organization and the employer's critical need for the employee.

FOR ADDITIONAL INFORMATION:

Employer Assistance..... 971-673-0824
Portland..... 971-673-0761
Eugene..... 541-686-7623
Salem..... 503-378-3292

www.oregon.gov/BOLI

BOLI
Civil Rights Division
800 NE Oregon, #1045
Portland, OR 97232

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It is an unlawful employment practice for a covered employer to refuse to make a reasonable safety accommodation, discharge, refuse to hire, suspend, retaliate or discriminate in any manner against an individual because they are a victim of DVHSAS.

This is a summary of Oregon's laws relating to Domestic Violence, Harassment, Sexual Assault, or Stalking Protections. It is not a complete text of the law.

THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION