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## UAP 3445: Domestic Abuse Leave

University of New Mexico

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This version was in effect for the period of 11-25-14 to \_\_\_\_\_.

## Administrative Policies and Procedures Manual - Policy 3445: Domestic Abuse Leave

Date Originally Issued: 11-25-2014

Subject to Change Without Notice

Process Owner: Vice President for Human Resources



### 1. General

Under the state's Promoting Financial Independence for Victims of Domestic Abuse Act, NMSA 1978, § 50-4A-2 et seq., faculty, staff, and student employees are granted up to 14 days of domestic abuse leave in any calendar year, and up to eight hours in any one day.

### 2. Use of Domestic Abuse Leave

An employee may use accrued sick leave or annual leave, compensatory time, or leave without pay for domestic abuse leave. Domestic abuse leave may be used to:

- obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse;
- meet with law enforcement officials;
- consult with personal attorneys or district attorneys' victim advocates; or
- attend court proceedings related to the domestic abuse of the employee or the employee's family member ("family member" is defined in the statute as a minor child of the employee or a person for whom the employee is a legal guardian)

### 3. Definition of Domestic Abuse

"Domestic abuse" is defined as an incident of stalking or sexual assault whether committed by a household member or not, or any incident by a household member against another household member that results in:

- physical harm;
- severe emotional distress;
- bodily injury or assault
- a threat causing imminent fear of bodily injury by any household member;
- criminal trespass;

- criminal damage to property;
- repeatedly driving by a residence or work place;
- telephone harassment;
- harassment; or
- harm or threatening harm to children or pets

#### **4. Notification of Supervisors**

Employees in need of domestic abuse leave should notify their supervisors as soon as possible. When domestic abuse leave is taken as an emergency, if possible, employees or their designees should give notice to supervisors within 24 hours of commencing the domestic abuse leave.

#### **5. Verification of Need for Leave**

Supervisors should request that employees provide verification of domestic abuse leave as soon as practicable, by providing:

- a police report indicating that the employee or a family member was a victim of domestic abuse; or
- a copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse; or
- a written statement from employee's attorney, district attorney's victim advocate, law enforcement official, or prosecuting attorney stating that the employee or a family member appeared or is scheduled to appear in court in connection with an incident of domestic abuse

#### **6. Confidentiality of Information**

All information related to the domestic abuse leave should be treated as confidential. This includes any information submitted to supervisors to verify the need for domestic abuse leave, which must be kept in a separate location from the regular departmental personnel file and shared only on a need-to-know basis.

- The fact that the employee or a family member was involved in a domestic abuse incident is confidential.
- The fact that the employee obtained domestic abuse leave is confidential.
- The fact that the employee made any written or oral statement about the need for domestic abuse leave is confidential.
- An employee's information related to domestic abuse leave may only be disclosed when the employee consents in writing, when a court or administrative agency orders the disclosure, or when otherwise required by federal or state law.
- Domestic abuse leave should be reported in Banner as "Leave with Pay" with no additional comments to maintain confidentiality.

#### **7. Retaliation**

Retaliation against an employee for taking domestic abuse leave is forbidden. Anyone who retaliates against an

employee for taking domestic abuse leave will be subject to disciplinary action.

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