

3.650A Addendum: Victims Leave

I. Policy

It is the RCUH's policy to allow employees the opportunity to take time off from work for personal reasons, including Victims Leave (Addendum to Policy 3.650) under [Chapter 378 \(71-74, 81\)](#) of the Hawai'i Revised Statutes.

II. Responsibilities

A. RCUH Employee

1. Comply with attendance procedures set forth by the Principal Investigator.
2. Request leave of absence without pay in advance of the planned leave (after all vacation hours have been exhausted, unless LWOP is for professional improvement leave, military leave, or family leave).
3. Note the leave of absence without pay on the RCUH Employee Time/Leave Certification Form.
4. If the leave of absence without pay is taken due to a certified disability, submit physician's note with the time report.

B. Principal Investigator

1. Ensure that attendance procedures (i.e., call-in requirements, leave requests, changes in work schedule) are clearly communicated to each employee. Enforce and monitor attendance problems.
2. Submit an ePAF transaction (approved by Principal Investigator) for any LWOP actions.
3. Comply with procedures described below for any matters relating to leave without pay.

III. Applications

This policy applies to all RCUH employees with no less than six (6) consecutive months of service with RCUH, regardless of Full-Time Equivalency (FTE) status.

IV. Details of Policy

A. Purpose/Definitions:

[Chapter 378 \(71-74, 81\)](#) of the Hawai'i Revised Statutes provides protections for employees and prospective employees who are victims of domestic or sexual violence, as well as

those who have a minor child who is a victim of domestic or sexual violence. Refer to [Chapter 378 \(71-74, 81\)](#) for the definitions of the ***bold and italicized*** terms in this policy, and for the complete details of the law.

B. Leave Period:

1. Project must grant a reasonable time period up to thirty (30) days of unpaid leave per calendar year to an eligible employee who is a victim of, or whose ***child*** is a victim of, ***domestic or sexual violence*** provided that the leave is needed for one of the following:
 - a. Seek medical attention for the employee or employee's minor child to recover from physical or psychological injury or disability caused by ***domestic or sexual violence***;
 - b. Obtain services from a ***victim services organization***;
 - c. Obtain psychological or other counseling;
 - d. Temporarily or permanently relocate; or
 - e. Take legal action, including preparing for participating in any civil or criminal legal proceeding related to or resulting from the ***domestic or sexual violence***, or other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's minor child or to enhance the safety of those who associate with or work with the employee.
2. Victims Protections/Leave that also qualifies as Family Leave will be counted against the annual entitlement to both [Policy 3.660 RCUH Family Leave](#) and Victims Protection Leave.

C. Reasonable Accommodations:

1. If an employee does not meet the eligibility requirement stated in the above section, 1) Eligibility, under the Victims Protections/Leave, projects shall make reasonable accommodations in the workplace for an employee who is a victim of ***domestic or sexual violence***, including:
 - a. Changing the contact information, such as telephone numbers, fax numbers, or email addresses, of the employee;
 - b. Screening the telephone calls of the employee;
 - c. Restructuring the job functions of the employee;
 - d. Changing the work location of the employee;
 - e. Installing locks and other security devices; and

- f. Allowing the employee to work flexible hours.
2. Reasonable accommodations shall be provided unless they cause undue hardship on the work operations of the program. Undue hardship means an action requiring significant difficulty or expense on the program's operations. Supervisors/Employees must coordinate the reasonable accommodations process through the RCUH Human Resources Department.

V. Procedures

1. An employee eligible for Victims Protections/Leave must notify their supervisor of the intent to take leave within a reasonable time period and no later than one (1) hour after the time the employee should have reported to work.
2. The employee requesting leave must submit a completed RCUH [Victims Protections/Leave Form](#) and any required supporting documents to their supervisor within a reasonable time period and no later than the earlier of the date the employee returns to work or within two (2) working days. The employee should make every attempt to submit the form prior to taking the leave when possible and practicable.
3. If the employee is a victim of *domestic or sexual violence* and seeks leave for medical attention to recover from the physical or psychological injury or disability caused by domestic or sexual violence, the employee must provide:
 - a. A certificate from a health care provider estimating the number of leave days necessary and the estimated commencement and termination date of leave required by the employee; and
 - b. Prior to the employee's return, a medical certificate from the employee's attending health care provider attesting to the employee's condition and approving the employee's return to work.
4. If the employee's leave will total more than five (5) calendar days in the current calendar year, and the leave is for non-medical reasons (Type ii., iv., or v. as stated in section 3)a) above), the employee must provide one of the following:
 - a. A signed written statement from an employee, agent, or volunteer of a *victim services organization*, from the employee's (or the employee's minor child's) attorney, advocate, or a medical or other professional from whom the employee (or the employee's minor child) has sought assistance related to the *domestic or sexual violence*; or
 - b. A police or court record related to the *domestic or sexual violence*.
 - c. The above supporting documentation generally may be requested not more than once every six (6) months following the date the employer:

- i. Was provided notice by the employee of the employee's status as a domestic or sexual violence victim;
 - ii. Has actual knowledge of the employee's status as a domestic or sexual violence victim; or
 - iii. Received verification that the employee is a domestic or sexual violence victim.
5. If the leave will exceed one (1) week, the employee must contact their supervisor on a weekly basis to notify the supervisor of the current status and intended return to work date.
6. The standard time report must be submitted to RCUH Human Resources along with the [Victims Protections/Leave Form](#) and supporting documents.
7. The employee may request for reasonable accommodations through their supervisor and provide the supporting documentation as stated above in 4) under Procedures. The supervisor and employee must coordinate the interactive *reasonable accommodations* review process with the RCUH Human Resources Department.

Procedures for Principal Investigators/Designees who have an Employee Requesting Leave Without Pay

8. Ensure Attendance Procedures Are Clearly Defined and Communicated: It is the Principal Investigator and/or designee's responsibility to ensure that attendance procedures (i.e., call-in requirements, leave requests, changes in work schedule) are clearly communicated to each RCUH employee.
9. Submit Personnel Action Form: All Leave Without Pay (LWOP) actions must be submitted on the ePAF system for more than one (1) month and approved by the Principal Investigator.
10. Time Reporting: Any employee on an approved LWOP period will not show up on the online timesheet; therefore, Principal Investigators/designees need not submit time for the employee on approved LWOP.
11. Upon return from Victims Protections/Leave, the employee shall return to his/her original job or a position of comparable status and pay.
12. All information provided to the supervisor, project, and RCUH shall be maintained in the strictest confidence and shall not be disclosed, except to the extent that disclosure is requested or consented to by the employee; ordered by a court or administrative agency; or otherwise required by applicable federal or state law.
13. If an ePAF transaction was NOT submitted, "LWP" must be noted on the Other Earnings panel of the RCUH online timesheets for salaried employees so the appropriate earnings can be subtracted from the employee's pay period salary.

“LWP” is not required on the online timesheets for hourly employees, as only the hours worked are recorded.

VI. Contact

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VII. Relevant Documents

[HRS Chapter 378 \(71-74, 81\), Victims Protections](#)
[ePAF System](#)
[Employee/Time/Leave Certification Form](#)
[RCUH Victims Leave Form \(B-21\)](#)
[Policy 3.520 RCUH Health Plans](#)
[Policy 3.545 RCUH Group Long-Term Care Insurance](#)
[Policy 3.640 RCUH Sick Leave](#)
[Policy 3.650 RCUH Leave of Absence Without Pay](#)
[Policy 3.660 RCUH Family Leave](#)

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