



WASHINGTON STATE ATTORNEY GENERAL
ROB MCKENNA
AG REQUEST LEGISLATION - 2008 SESSION

DOMESTIC VIOLENCE

THE PROBLEM

In a 2002 study, two in three (66 percent of) corporate leaders identified domestic violence as a major social issue. According to the National Institute for Justice statistics, homicide was the second leading cause of death on the job for women in 2003. The NIJ also reports an estimated one million women are stalked each year in the U.S., and about 25 percent of them report missing work as a result of the stalking, missing an average of 11 days.

Domestic violence victims are currently not eligible for the state's shared leave program. Due to their circumstances, these victims may deplete their earned leave balances and may need to take additional time away from work to address important safety concerns, changes in living arrangements or injuries that do not rise to the level that would make the employee eligible for shared leave.

No victim of domestic violence should have to choose between personal safety and continued employment. State employees, upon exhausting existing accrued annual leave, may already apply for donated shared leave for reasons such as extended illness or military deployment abroad. Victims of domestic violence may need time away from work to change residences, place children in new schools or appear in court. In addition, some victims of domestic violence may need to request a transfer to a new work assignment or simply require time away from the office for personal safety reasons.

BACKGROUND

The shared leave program allows an eligible state employee to donate vacation leave, sick leave or personal holiday to an eligible fellow state employee:

- Who has been called to service in the uniformed services
- Who is responding to a state of emergency
- Who is suffering from or has an eligible relative or household member suffering from an extraordinary or severe illness, injury, impairment, physical or medical condition which has caused or is likely to cause the employee to take leave without pay (LWOP) or terminate his or her employment.

Vacation leave, sick leave or personal holidays transferred from a donating employee under these rules must be used solely for one of the conditions outlined above.

ADDING DV VICTIMS TO THE SHARED LEAVE PROGRAM

The Attorney General is requesting changes that would allow a state employee to qualify for shared leave (Ch 41.04 RCW) when he or she is a victim of domestic violence. To qualify, an employee must:

- meet the qualifications of domestic violence as defined in reference to RCW 26.50.010
- be a victim of DV
- need to use leave for that purpose
- have exhausted all accrued annual leave
- not have abused sick leave in the past

The primary purpose of the requested legislation is to provide an economic cushion for victims who need time off but would not otherwise qualify for shared leave. For instance when the employee:

- needs to hide from the abuser for personal safety reasons
- has been injured by the abuser but the injury is not life threatening