



POLICY AND PROCEDURE MEMO

SUBJECT:

CRIME VICTIM LEAVE

NO. 2.005

DATE: 8-1-13 Approved

D. W. Fitch

CITY MANAGER

I. STATEMENT:

The State of New Hampshire RSA 275:61-65 establishes the Crime Victim Employment Leave Act which requires that employers allow employees who are victims of certain crimes to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime.

II. DEFINITIONS

- Crime - means an offense designated by law as a felony or a misdemeanor
- Immediate family - means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.
- Victim - means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

III. PROCEDURE

Right to Leave Work

- The City shall permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime.
- An employee who leaves work pursuant to this policy will be required to use applicable accrued leave time.
- An employee shall not lose seniority while absent from his or her employment under this policy.
- Before an employee may leave work under this policy, he or she shall provide the City with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency responsible for providing notice to the employee.
- The City shall maintain the confidentiality of any written documents or records submitted by an employee relative to the employee's request to leave work under this policy.



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Limitations of Leave

- The City may limit the leave provided under this policy if the employee's leave creates an undue hardship to the employer's business. "Undue hardship" means a significant difficulty and expense to the City, and includes the consideration of the size of the department, the employee's position and role with the City, and the City's need for the employee.

Enforcement and Penalties:

- The City shall not discharge, threaten, or otherwise discriminate against any employee regarding such employee's compensation, terms, conditions, location, or privileges of employment because the employee has exercised his or her right to leave work as provided under this policy.

-END OF PROCEDURE-