



## California's Crime or Abuse Victims' Leaves Crime Victims Leave Part Two

**California's Crime Victims Leave (Labor Code 230.2)** – The County must provide unpaid time off for a victim of a serious or violent felony to attend judicial proceedings related to the crime. The term “crime victim” applies to an employee who is a victim, the immediate family member of a victim, the registered domestic partner of a victim or the child of a domestic partner of a victim. The employee can take the leave after providing notice of the scheduled proceeding; such notice is provided to victims by the courts, prosecuting offices or victims advocate offices.

### **Time Off for Judicial Proceedings**

Time off from work must be used to attend judicial proceedings related to a:

- Violent felony
- Serious felony
- Felony theft or felony embezzlement

The County must allow an employee to take time off from work to attend judicial proceedings related to one of these serious crimes if the employee is:

- A victim of crime
- A crime victim's “immediate family member”
- A crime victim's domestic partner
- A child of a domestic partner who is a crime victim

Immediate family members under this act include the employee's:

- Child – regardless of age, who is a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor.
- Spouse – person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee.
- Parent – a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee's spouse or domestic partner was a minor child.
- Sibling – a biological, foster, or adoptive sibling, a stepsibling, or a half-sibling.

### **Requesting Leave**

Before taking leave to attend the judicial proceeding, the employee must give their department's leave personnel a copy of the notice of each scheduled proceeding. These notices are provided to the victim by the pertinent government agency. Documentation can come from any of the following sources:

- The Court or government agency setting the hearing.
- The district attorney or prosecuting attorney's office.
- The victim or witness assistance office advocating on the victim's behalf.

When advance notice is not feasible or an unscheduled absence occurs, action against the employee cannot be taken if he/she, within a reasonable time after the absence, gives their department's leave personnel documentation from one of the above sources confirming the judicial proceeding.

**Eligibility**

All County employees are eligible. There are no service or hours worked requirements.

**Duration**

Leave can be of any length.

**Pay**

The leave is unpaid. However, employees can use available sick leave or vacation accruals, or other PTO for victims leave to attend judicial proceedings related to the crime.

**Enforcement**

The County cannot terminate or discriminate against an employee who is absent to attend judicial proceedings related to a crime. The employee is entitled to the conditions and privileges of employment, including seniority.

The department must keep any records regarding this leave confidential.