



New Jersey Institute of Technology
University Policies and Procedures

DATE: April 2019

Subject: HUMAN RESOURCES –Employee Leave for Victims of Violence or Sexual Assault

I. PURPOSE:

The New Jersey Security and Financial Empowerment Act (“NJ Safe Act”) provides unpaid leave to eligible employees who are employed with New Jersey Institute of Technology (NJIT) who suffer from domestic violence or sexually violent offenses.

II. ELIGIBILITY:

This policy applies to all employees of the University who have worked at least 1,000 hours during the immediately preceding 12-month period.

III. POLICY:

Pursuant to the NJ Safe Act, NJIT employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense.

Leave under the NJ Safe Act may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- A. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s child, parent, spouse, domestic partner or civil union partner;
- B. Obtaining services from a victim services organization for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;
- C. Obtaining psychological or other counseling for the employee or the employee’s child, parent, spouse, domestic partner or civil union partner;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or

sexual violence or to ensure the economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

- E. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- F. Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

IV. PROCEDURES:

Employee shall request a leave under this policy with the Department of Human Resources. This notice shall be provided as far in advance as is reasonable and practical under the circumstances. The Department of Human Resources shall inform the employee's supervisor in writing that a request has been submitted and shall specify the beginning and ending dates for the leave.

Leave under the NJ Safe Act must be used in a 12-month period following an instance of domestic violence or a sexually violent offense. If the employee has sufficient sick time available, that time may be used for the absence to the extent that the absence otherwise qualifies for the utilization of sick leave benefits. If the reason for the leave qualifies under both the NJ Safe Act and the Family and Medical Leave Act, the leave shall count simultaneously against the employee's entitlement under each respective law.

Employee rights and obligations pursuant to applicable collective bargaining agreements are not impaired by these procedures.

V. DOCUMENTATION:

As provided for by the NJ SAFE Act, the university may require documentation to support the request of leave provided under the NJ SAFE Act. This documentation shall be submitted to the Department of Human Resources and the employee requesting the leave shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

- A. A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

- B. A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
- C. Documentation of the conviction of a person for the domestic violence or sexually violent offense;
- D. Medical documentation of the domestic violence or sexually violent offense;
- E. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or the employee's child, parent, spouse, domestic partner or civil union partner is a victim of domestic violence or a sexually violent offense; or
- F. Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the employee or the employee's child, parent, spouse, domestic partner or civil union partner in dealing with the domestic violence or sexually violent offense.

All information provided to the university and any information regarding a leave taken pursuant to the NJ SAFE Act, and any failure of an employee to return to work, shall be kept confidential, to the extent permitted under law. Disclosure may be voluntarily authorized in writing by the employee.

VI. RESOURCES:

NJIT's Employee Assistance Provider can support employees with effectively dealing with personal issues pertaining to this policy. For referrals and resources, please contact the Department of Human Resources at (973) 596-3293.

VII. NON-RETALIATION:

The university shall not retaliate against an employee with respect to compensation, terms, conditions or privileges of employment on the basis that the employee took or requested a leave to which the employee was entitled pursuant to the NJ SAFE Act or on the basis that the employee refused to authorize release of information deemed confidential by the NJ SAFE Act.

REVIEW:

Holly C Stern 4/22/19.
Holly C. Stern, Esq. Date
Vice President for Legal Affairs/
General Counsel / Interim VP of HR

APPROVAL:

JSB (for JSB)
Joel S. Bloom Date
President

Fadi P. Deek 4/23/19
Fadi P. Deek Date
Provost & Sr. Executive Vice President

Edward J. Bishof, Sr. 4/23/19
Edward J. Bishof, Sr. Date
Senior Vice President for Finance &
Chief Financial Officer

Andrew P. Christ 4/24/19
Andrew P. Christ Date
Vice President for Real Estate
Development & Capital Operations

Donald H. Sebastian 4/24/19
Donald H. Sebastian Date
Senior Vice President for Technology &
Business Development

Kenneth Alexo, Jr. 4/25/19
Kenneth Alexo, Jr. Date
Vice President for Development & Alumni Relations
President, Foundation at NJIT