

ORDINANCE NO. 077 - 2024

AN ORDINANCE CREATING SECTION 21-37.4 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO AUTHORIZE UP TO FIFTY-SIX (56) HOURS OF PAID LEAVE AND UP TO TWO HUNDRED AND FORTY (240) HOURS OF UNPAID LEAVE PER CALENDAR YEAR FOR CLASSIFIED CIVIL SERVICE EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE OR A CRIME, FOR NEEDS RELATED TO OR RESULTING FROM DOMESTIC VIOLENCE OR THE CRIME, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, the Lexington-Fayette Urban County Government has an interest in ensuring that its employees who are victims of domestic violence or crime receive appropriate physical and mental health care and are afforded the opportunity to participate in court proceedings resulting from domestic violence or the crime; and

WHEREAS, LFUCG recognizes that victims of domestic violence or crime may experience physical and mental health care needs related to such incidents; and

WHEREAS, LFUCG recognizes that victims of domestic violence or crime may experience needs related to the court system, such as the need to file for an emergency protective order, to testify in court, or to otherwise participate in the prosecution of a crime, or other similar needs; and

WHEREAS, LFUCG recognizes that those without protected leave from their place of employment are less likely to seek appropriate physical and mental health care in the wake of domestic violence or a crime, less likely to participate in court proceedings related to the provision of emergency protective orders, and less likely to otherwise participate in the taking of appropriate protective steps against domestic violence or imminent domestic violence or the prosecution of crime; and

WHEREAS, LFUCG desires to support victims of domestic violence and crime in receiving appropriate physical and mental health care related to domestic violence or the crime; and

WHEREAS, LFUCG desires to support victims of domestic violence and crime in meeting any court-related needs resulting from that crime.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 21-37.4 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Sec. 21-37.4 - Leave for Victims of Crime and Domestic Violence.

(a) *Definitions.* The following definitions shall apply to this section:

(1) *Domestic violence* includes any physical injury, serious physical injury, stalking, sexual abuse, strangulation, and/or assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, and/or assault, or abuse in the form of purposeful use of coercive behaviors designed to exercise power or coercive control, between family members or members of an unmarried couple.

(2) *Crime* means any offense punishable as a criminal offense under the Kentucky Revised Statutes or the Code of Ordinances of the Lexington-Fayette Urban County Government.

(3) *Family member* means a spouse, including a former spouse, a qualified adult, a grandparent, a grandchild, a parent, a child, a stepchild, an adult sibling, or any other person living in the same household.

(b) Classified civil service employees shall be eligible to use up to fifty-six (56) hours of paid leave per calendar year if the employee is a victim of domestic violence or a crime for the following purposes related to or resulting from domestic violence or the crime:

(1) To seek medical attention for the employee to recover from physical or psychological injury caused by domestic violence or the crime;

(2) To obtain services from a victim services organization;

(3) To obtain psychological or other counseling;

(4) To temporarily or permanently relocate;

(5) To take legal action, including preparing for or participating in a civil or criminal legal proceeding related to or resulting from the domestic violence or crime; or

(6) To take any other action to meet needs reasonably resulting from the domestic violence or a crime.

(c) If the employee has exhausted the paid leave provided for in subsection (b), and has exhausted any other accrued paid leave specifically including but not limited to sick leave and vacation leave, then the employee shall be eligible to use an additional amount of unpaid leave in an amount up to but not greater than two-hundred and forty (240) hours per calendar year for one or more of the purposes described in subsection (b).

(d) Both the paid leave authorized under subsection (b) and the unpaid leave authorized under subsection (c) are available on an annual basis. Any portion of the leave that remains unused at the end of a calendar year does not accumulate or carry forward to the following calendar year.

(e) In order to be eligible to receive leave under this section, an employee shall comply with the following requirements:

(1) An eligible employee shall give reasonable notice to LFUCG, provided such notice is feasible; and

(2) An eligible employee shall be required to furnish documentation to support the taking of leave under this section, certifying that the employee is a victim of domestic violence or a crime, which shall be furnished no later than two (2) business days after the employee has taken leave under this section; and

(3) An eligible employee shall be required to furnish documentation to support the use of leave for one or more of the purposes described in subsection (b). Examples of appropriate documentation for this purpose include, but are not limited to, the following:

(1) A copy of a criminal complaint; or

(2) A copy of an Emergency Protective Order/Domestic Violence Protective Order; or

(3) Documentation from a victim services organization indicating that the employee utilized its services; or

(4) Documentation that the employee received medical or psychological care resulting from the crime or domestic violence; or

(5) Other documentation reasonably demonstrating the occurrence of domestic violence or a crime or that the employee took actions related to the occurrence of the domestic violence or a crime.

(f) A fraudulent request for leave under this section shall be grounds for disciplinary action, up to and including termination of employment.

(g) To the extent permitted by law, LFUCG shall maintain the confidentiality of any verbal communication, written document, or record submitted by an employee relative to the employee's request for leave pursuant to this section, except when disclosure is required by law.

(h) LFUCG shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of a domestic violence or a crime because the employee takes leave from work under this section.

(i) Leave granted under this section shall run concurrently with protected leave under the Family and Medical Leave Act ("FMLA"), to the extent that the leave is taken for an FMLA-qualifying condition.

(j) Notwithstanding the foregoing, leave granted under this section is not available for (1) work-related incidents, or (2) work-related injuries.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 9, 2024



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 16, 2024-1t
0712-24:MSC:4874-1172-6513, v. 7