



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

EXECUTIVE DIRECTIVE

TO: All North Carolina state agencies, departments, boards, commissions, and committees under the authority of the North Carolina Office of the Governor
From: Governor Roy Cooper
Date: October 23, 2019
Re: Safe Days

Introduction

Domestic violence has devastating impacts on North Carolina residents, families, and workplaces. This administration has taken meaningful steps to raise awareness and provide support, information, and counseling to domestic violence survivors. During the 2018-2019 fiscal year, the North Carolina Council for Women and Youth Involvement served more than 60,000 clients through its grantees, including fielding more than 112,000 crisis calls.

But more work needs to be done. According to the *2019 Status of Women in North Carolina: Health and Wellness* report, 35% of women in North Carolina have experienced at least one type of intimate partner violence or sexual violence. In 2018, the North Carolina Department of Public Safety reported 103 domestic violence related homicides in North Carolina. To date, 47 domestic violence homicides have been committed in North Carolina this year. The effects of domestic violence are also experienced on a national level. In the United States, one in four women and nearly one in ten men have experienced rape, physical violence, or stalking by an intimate partner and reported at least one impact related to these or other violent behaviors in these relationships.

This administration has an obligation to ensure that quality services, policies, and programs are provided to survivors of domestic violence, sexual assault and stalking, including leave. Survivors may need time off work to seek legal counsel, secure a restraining order, relocate to a safe place, or take other actions to secure their safety and that of their families. Taking the necessary time to recover emotionally, physically, and financially from domestic violence, sexual assault, or stalking should not jeopardize a survivor's ability to remain in the workforce.

Therefore, I, Governor Roy Cooper, consistent with the authority vested in the North Carolina Office of the Governor, hereby direct the North Carolina Office of State Human Resources to take the following actions:

Section 1. Definitions

- a. "State Agency" is a North Carolina department, agency, board, commission, or committee for which the undersigned has oversight responsibility.
- b. "Eligible Employee" is a full-time, part-time (half-time or more), permanent, probationary, or time-limited employee of a State Agency.
- c. "Sick Leave" is leave time that is granted to an Eligible Employee that can be used for illness or injury, medical appointments, temporary disability due to childbirth, caring for an immediate family member, a death in the immediate family, the adoption of a child, or donated to an immediate family member who is an approved voluntary shared leave recipient.
- d. "Vacation Leave" is leave time that is granted to an Eligible Employee that can be used for vacation, other periods of absence for personal reasons, absences due to adverse weather conditions, personal illness in lieu of sick leave, illness in the immediate family, time lost for late reporting, or donated to an employee who is an approved voluntary shared leave recipient.

Section 2. Office of State Human Resources Responsibilities

- a. The North Carolina Office of State Human Resources ("OSHR") shall permit Eligible Employees to use earned Sick Leave and Vacation Leave to:
 - i. Receive services from a local domestic violence agency, sexual assault crisis center, or any other intimate partner violence or sexual violence services organization after surviving domestic violence, sexual assault or stalking;
 - ii. Obtain legal services or social services after surviving domestic violence, sexual assault, or stalking, including but not limited to meeting with an attorney, obtaining a restraining order, or preparing for or participating in any civil or criminal legal proceeding related to domestic violence, sexual assault, or stalking;
 - iii. Relocate to protect their safety or their families' safety from domestic violence, sexual assault, or stalking, including but not limited to securing temporary or permanent housing or enrolling their children in a new school; or
 - iv. Take other steps necessary to protect or restore their physical, mental, emotional, and economic well-being or the well-being of an immediate family member who is recovering from domestic violence, sexual assault, or stalking.
- b. OSHR shall work with State Agencies to ensure State Agency management and staff receive information about and understand the obligations and rights established by this Executive Directive. OSHR shall develop and disseminate guidelines to State Agencies on the administration of Sick Leave and Vacation Leave for domestic violence, sexual assault, or stalking.

Section 3. **Miscellaneous**

- a. This Executive Directive is consistent with and does not otherwise abrogate federal or state law.
- b. This Executive Directive does not create a private cause of action.
- c. State entities not subject to the undersigned's oversight are encouraged but not required to comply with this Executive Directive.
- d. This Executive Directive is effective immediately and shall remain in effect until amended or rescinded by future Executive Directive or Executive Order.



Roy Cooper
Governor



Intent/Purpose

The intent of this guideline is to ensure state agencies are supportive of employees who need time away from work due to domestic violence, sexual assault or stalking. The Safe Leave Executive Directive signed by Governor Cooper on October 23, 2019 is intended to permit eligible employees to use earned Sick Leave and Vacation Leave for safe days.

Agency Participation

Employees of North Carolina departments, agencies, boards and commissions under the Governor's oversight are eligible to use earned leave for "safe days." State agencies not subject to the Governor's oversight are encouraged but not required to comply.

Eligibility

Full-time permanent, part-time (half-time or more) permanent, probationary, or time-limited employees who earn sick and vacation leave are eligible to use Safe leave.

Leave Usage

- a. Eligible Employees may use earned Sick Leave and Vacation Leave to:
 - a. Receive services from a local domestic violence agency, sexual assault crisis center, or any other intimate partner or sexual violence services organization;
 - b. Obtain legal services or social services related to addressing domestic violence, sexual assault, or stalking, including but not limited to meeting with an attorney, obtaining a restraining order, or preparing for or participating in any civil or criminal legal proceeding related to domestic violence, sexual assault, or stalking;
 - c. Relocate to protect their safety or their families' safety from domestic violence, sexual assault, or stalking, including but not limited to securing temporary or permanent housing or enrolling their children in a new school; or
 - d. Take other steps necessary to protect or restore their physical, mental, emotional, and economic well-being or their relatives' well-being who are recovering from domestic violence, sexual assault, or stalking.

Employee Responsibility

To request Safe Leave, an employee is expected to follow the agency's leave request procedure. The employee is not required to disclose the specific details; however, the employee must give the agency enough information to understand that the absence is for a Safe Leave-qualifying reason.

Employees must request the use of Safe Leave as far in advance as reasonable and practicable under the circumstances. A covered employee may be required to provide his/her supervisor with confirmation the Safe Leave was used for a qualifying reason. Agencies may take appropriate disciplinary action if there is evidence that the employee fraudulently requested, used or otherwise abused Safe Leave.

Agency Responsibility

The agency is responsible for the administration and dissemination of Safe Leave guidelines. Agencies are expected to support all employee requests for Safe Leave. Denial of Safe Leave is only permissible if:

1. It is for an extended period and causes an undue hardship to the work unit or
2. The employee fails to provide adequate information to convey the absence is for a Safe Leave-qualifying reason.

Note ¹: Please note that NCGS 50B-5.5 also prohibits an employer from retaliating against an employee for taking reasonable time off from work to obtain a protective order under Chapter 50B; An extended period is defined as five or more consecutive days.

The status of victims of domestic violence, sexual assault or stalking shall be treated confidentially and shall not be disclosed. Safe Leave Verification form shall be kept separate from the employee's personnel file and must be maintained in a confidential file for three years after separation.

Note ²: There can be no disciplinary actions taken against an employee for being absent on Safe Leave. Safe Leave, however, does not prevent the employee from receiving disciplinary actions for conduct or performance unless there is evidence of fraudulent use.

OSHR Responsibility

OSHR is responsible for the development and dissemination of Safe Leave guidelines. OSHR shall collaborate with state agencies to ensure management and staff receive information about and understand the obligations and rights of the Safe Leave Executive Directive. OSHR may initiate any additional steps necessary to provide guidance in administering Safe Leave.

Employee Certification for Safe Leave Usage

Employees who will need to exercise the use of their Vacation and Sick leave as safe leave, are required to submit this form certifying that the leave will be used for at least one of the authorized reasons listed below.

Eligible employees are permitted to use earned safe and sick leave to take time off due to:

- Mental illness, or the need for medical diagnosis, care or treatment of a mental illness of employee or the employee's family member due to a domestic situation
- Physical illness, or the need for medical diagnosis, care or treatment of a physical illness of employee or the employee's family member due to a domestic situation
- Injury, or the need for medical diagnosis, care, or treatment of injury to an employee or employee's family member due to a domestic situation
- Physical illness, or the need for medical diagnosis, care or treatment of a physical illness of employee or the employee's family member due to a domestic situation
- Need for preventive medical care for employee or employee's family member due to a domestic situation need to take actions necessary to restore the physical, psychological, or economic health or safety of the employee or employee's family members or to protect those who associate or work with the employee if the employee or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.
- Obtain services from a domestic violence shelter, rape crisis center, or other services program employee or employee's family member
- Participate in safety planning, relocate, or take other actions to protect safety, including enrolling children in a new school employee or employee's family member
- Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; discrimination in employment, housing, or consumer credit employee or employee's family member
- File a domestic incident report with law enforcement or meet with a district attorney's office employee or employee's family member.

I, _____ certify that I have used my sick leave, and or vacation leave for one of the listed reasons above.

Dates Requested: _____

FOR EMPLOYEE

Employee Signature		Personnel #	
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