

Important notice: Legal Momentum has developed this sample demand letter as a model that may be useful for individuals seeking to enforce their legal rights. However, because laws and legal procedures frequently change and are subject to differing interpretations, Legal Momentum cannot ensure that the information in this letter is current, nor be responsible for any use to which it is put. Before relying on this information, you are advised to consult an attorney or appropriate agency about your legal rights in your particular situation. If you need assistance in finding a lawyer, contact Legal Momentum, the bar association in your state, your local legal services office, domestic or sexual violence coalition, or service provider.

Sample Letter Challenging a Firing, Demotion or other Punitive Action Because You Are a Victim of Domestic Violence, Sexual Assault, or Stalking

What does this letter do? This letter is drafted to challenge, under New York City’s Human Rights Law, a firing, demotion, or other change in how you are treated at work because your employer knows you are a victim of domestic violence, sexual assault, or stalking. It also requests “reasonable accommodations,” or changes at the workplace, to help you stay safe and do your job.

If you just need time off or changes at work, but aren’t challenging a firing or other punitive action, we have a separate form letter you can use.

What employers are covered by the law? This law applies to all employers in New York City that have at least four employees. Employers in Long Island and Westchester are not covered by this law, but Westchester has a similar law.

Whom should you send your letter to? You should send the letter to your supervisor, human resources representative, or someone else with authority to make decisions regarding your employment.

How should you deliver the letter? You may hand deliver the letter or you may mail it. If you mail the letter, it’s a good idea to mail it certified with return receipt requested or by an express mail service that can give you a record of receipt.

What records should you keep? You should keep a copy of the letter you send and record of how and when you delivered it. You should keep a copy of any written response you receive. If your boss or HR department talks to you about your request, you should keep detailed notes of what each of you said during that conversation. Also, if you feel like you are being discriminated against at work because of your request or because you are a victim of domestic violence, sexual assault, or stalking, you should keep records of exactly what happened (including notes on specific words said to you, if possible).

What are the risks of sending this letter? Once your boss learns of the violence or stalking situation, it is against the law for your boss to fire or demote you, or treat you worse than before, just because of your status as a survivor. However, writing a letter to your boss telling him/her that he/she may have broken the law is very confrontational. Your boss could get angry and fire you (or refuse to give your job back), even though it’s against the law. Think about whether enforcing the law is too difficult or time consuming an option for you. Is keeping a steady paycheck, even if it’s less money, more important to you right now? Your boss might also make your status as a survivor public, even though it’s against the law. On the other hand, a letter challenging your firing, demotion etc. and discussing the New York City law may help your boss realize he/she was wrong, and you may get your job or your former salary back. If you don’t want your job back, the letter could still help you negotiate a severance agreement, or a good recommendation for future employers.

How can I learn more about the law? Legal Momentum’s “Know Your Rights: Employment Rights and Benefits for Survivors of Domestic and Sexual Violence in New York City” tells you more about the law and your rights under it.

Supervisor / Human Resources Representative's Name

Employer's Name

Employer's Street Address

City, State and Zip Code

Date

Dear _____:

I am writing to inform you about a sensitive and serious personal issue. I am currently dealing with a domestic violence/sexual assault/stalking situation (circle all that apply), and I am requesting your assistance. This disclosure comes in response to your recent decision to _____.

(insert employer action, such as reprimand, probation, docked pay, or firing)

I have obtained information about my legal rights under New York City law. Section 8-107.1(2) of the Administrative Code makes it illegal for employers to discriminate against survivors of domestic violence/sexual assault/stalking, and I am taking this opportunity to inform you of said rights. In New York City employees cannot be fired, paid differently or treated worse than they were before because of a domestic violence, sexual assault or stalking situation.

Additionally, New York City law requires employers to provide "reasonable accommodations" to domestic violence/sexual assault/stalking victims so that they can take steps to address the violence and keep their jobs.

As such I ask that you provide me with the following reasonable accommodations (check and circle all that apply):

- time off for a court appearance / to obtain a protective order / to consult an attorney / medical or social work professional
- a change in telephone number / extension
- that my calls be routed through a receptionist
- that you keep my home address and telephone number confidential
- that I be transferred to a different desk / shift / work site
- that a security guard escort me to my car / bus / subway stop
- that security be informed of my protective order and/or be given a picture of my abuser and deny him entry to the premises
- any other specific and reasonable requests, such as _____.

If, before granting my request(s), you would like documentation that I am a domestic violence/sexual assault/stalking survivor, please inform me, and I will provide such documentation.

Please be advised the law requires that you keep my status as a survivor, my request for reasonable accommodations, and any supporting information I provide to you in the strictest confidence. In the interest of maintaining this confidentiality and my safety, please contact me only at _____.

Thank you for your assistance in this crucial matter.

Sincerely,

Your Name