

**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 Asking for a Workplace Accommodation under the New York City Human Rights Law**

**What does this letter request?** This letter is drafted to ask for a “reasonable accommodation” under New York City’s Human Rights Law. This letter may be a helpful model for asserting rights under other state or local laws that require employers to make workplace modifications or accommodations to address domestic or sexual violence. See Legal Momentum’s state law guide, “Employment Discrimination against Victims of Domestic or Sexual Violence” for more information on laws that may apply. There are several other state and local laws that provide time off to victims of domestic or sexual violence. If you are trying to use a “time off” law, you should also consult Legal Momentum’s sample “time off” letter.

**What employers are covered by the law?** The New York City Human Rights Law applies to all employers in New York City that have at least four employees.

**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 accommodations for you, give you time off, or 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 a representative of your employer talks to you about your request, you should take notes on this conversation (either during the conversation or immediately after the conversation) and keep a copy of these notes. Your notes should be as detailed as possible. They should include the date of any conversation, what you said, what your employer said, and the date that you wrote up the notes. 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).

**Are there risks to sending a letter?** Yes, sometimes employers respond to a request for time off or other accommodations at work by firing or retaliating against the employee. This is usually illegal. However enforcing the law might be too difficult or time consuming an option for you right now. It might be more important to know you can keep a steady paycheck right now. Additionally, if disclose you are a survivor of domestic violence, sexual assault, or stalking to anyone at work, this information may not kept confidential. Also, your employer might pressure you to take certain actions to address the situation (such as get a protective order), which may not be right for you at this time.

**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.

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## Sample letter requesting an accommodation under the New York City Human Rights Law

[Insert Date]

[Insert your supervisor or human resource representative's name]

[Insert your employer's name]

[Insert your employer's address]

Dear [Insert name]:

I write to inform you of a recent New York City law that provides employment protections for employees who are victims of domestic violence, sex offenses, or stalking. The law is part of the New York City Human Rights Code. It prohibits an employer from discharging or discriminating against an employee because he or she is a victim of domestic or sexual violence or because he or she asked for accommodations at work to address the violence. The law specifically requires that that an employer must make "reasonable accommodations" for a victim to permit him or her to do her job, unless the accommodation would be an undue hardship on the employer.

I am giving you formal notice that I am experiencing domestic violence [or sexual assault or stalking] and need your help in making the following accommodations to address the violence and to help keep the workplace safe. I would like \_\_\_\_\_. [Explain the need, how it relates to the violence and how it interferes with your ability to do your job, and what accommodation you would like. For example: *I am separating from my husband and I would like to take off Monday and Tuesday of next week, October 24 and 25, 2005, to move to a new safe apartment so that he will not be able to find me and I know I will be able to get to work safely. Or Because my ex-boyfriend has been making harassing calls to me at work, I would like to change my phone extension so that his activities will not disrupt my ability to get my job done. Or My boyfriend has been threatening me when I walk to the subway to go to work; I would like to work from 8:30 until 4:30 rather than 9:00 to 5:00 because then I won't be walking from the subway when he expects me to.*] If you would like me to provide documentation of my situation, please let me know. If you think there is a different way to accommodate my need that you would prefer to implement, I am happy to work with you to find a solution that works for all of us. Please note, however, that my situation is urgent, so we need to meet to talk as soon as possible, and no later than \_\_\_\_\_ [name date – consider allowing one week if the situation is not an emergency, but name a sooner date if necessary to protect your safety].

The New York City law also requires you to keep the information I am providing in this letter, including the fact that I am a victim of domestic violence, "in strictest confidence." This is a very private issue and it is very important to me that my situation be kept confidential. I understand that you may need to consult with a limited number of other managers about my specific situation, but I request that you let me know whom you speak with. Additionally, I

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expect that, in compliance with the law, you will only discuss my experience of domestic violence and my request for accommodation with other managers who need to know about the situation, and that you will take appropriate steps to ensure that they too keep this information confidential.

Additionally, while these are all the needs I know about right now, I cannot know in advance when I might need additional time off or other accommodations to attend to safety needs. Please let me know how you would like me to handle such situations if they should arise.

Thank you.

*[Insert your name and address]*