

**What Employers
in New York State
Need to Know**

**Domestic
Violence &
Employers'
Legal
Responsibility***

1. • **You cannot punish an employee who is a victim of domestic violence for taking time off to go to court.** It is illegal to punish or fire an employee who is a victim of a crime for taking time off to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection. You do not need to pay an employee for the time that she is absent and you can ask her to provide documentation that she was in fact in court.

2. • **It is illegal to discriminate against or fire an employee because she is a victim of domestic violence.** The New York State Human Rights Law prohibits employment discrimination against victims of domestic violence. Sometimes abusers harass their victims at work, either by telephone or in person. Although it is unfortunate that this may disrupt your workplace, it may be illegal to punish or fire a victim because of the acts of her abuser. Remember, she does not have control over the acts of her abuser.

3. • **If an employee quits or leaves her job because of the violence, that should not bar her from receiving unemployment insurance benefits.** If domestic violence causes a person to leave a job because they believe that continued employment would jeopardize their safety or that of their immediate family member, that may be “good cause.” Also, judges have held that “misconduct” related to the violence (such as absenteeism or tardiness) may not bar benefits.

4. If you are a New York State public employer, you must perform a workplace evaluation or risk evaluation at each worksite and develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides.

5. New York State agencies are required to formulate and implement a policy to address domestic violence and the workplace. The State Office for the Prevention of Domestic Violence has developed a model policy to aid agencies. The policy should address: education and training on domestic violence for employees, including increasing awareness of domestic violence and informing employees of available resources; ensuring that all personnel policies and procedures are fair to domestic violence victims and responsive to their needs; development of workplace safety response plans; compliance with State and federal laws, including restrictions on firearm possession by a person convicted of a domestic violence-related crime or subject to an order of protection; and holding accountable employees who misuse state resources or authority or violate their job duties in committing an act of domestic violence.

6. Other laws may also give victims important employment rights. These include sex discrimination laws; disabilities laws; the Family and Medical Leave Act; workers' compensation law; the Occupational Safety and Health Act; and common-law claims based on negligent hiring or retention.

RESOURCES

- **New York State Coalition Against Domestic Violence**
1-800-942-6906 • www.nyscadv.org
- **NYS Spanish Domestic Violence Hotline**
1-800-942-6908 • www.vipmujeres.org
- **New York State Office for the Prevention of Domestic Violence**
518-457-5800 • www.opdv.state.ny.us
- **Legal Momentum**
212-925-6635 • www.legalmomentum.org

FOOTNOTE

* This insert only addresses New York State and federal laws. Relevant laws include: New York State Penal Law § 215.14; New York State Executive Law §§ 292, 296; New York State Labor Law § 593(1)(a); New York State Labor Law § 27-b; Executive Order No. 19 (2007); and 42 U.S.C. § 2000e et seq. (2003) (“Title VII”). *New York City law and Westchester County law provide additional protections for employees who are victims of domestic violence, sex offenses, or stalking.* These laws may apply to male as well as female victims, and to victims in both heterosexual and same-sex relationships. For convenience, this summary refers to victims as female.

The Workplace Initiative is a project of the Safe@Work Coalition, created in 2000 by employers, unions, domestic violence advocacy groups, and government organizations to address workplace and domestic violence issues. This card is part of a brochure. To receive a brochure or for more resources, go to: www.safeatworkcoalition.org

The printing of this brochure is made possible through funds from the New York State Department of Labor.

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