

**EMPLOYMENT RIGHTS FOR VICTIMS OF
DOMESTIC OR SEXUAL VIOLENCE**

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Several states have enacted laws that provide domestic violence victims (and in some states, victims of sexual assault and stalking) time off from work to address the violence in their lives and/or that protects victims from employment discrimination related to the violence. The details of each state's laws vary significantly. Some states that have not passed domestic violence leave laws have paid sick leave laws or crime victim protection laws that prohibit an employer from firing crime victims who take time off from work to appear in criminal court.

In addition to rights under these state laws, victims of domestic violence, stalking, or sexual assault may be able to take leave under the federal Family and Medical Leave Act (FMLA) or under comparable state or local laws. For more on FMLA protections, see Legal Momentum's Know Your Rights guide "[Medical Leave for Survivors and Family Members.](#)" In certain circumstances, employees may also have additional rights under the federal law. For further guidance on those rights, please see Equal Employment Opportunity Commission's publication titled "[Questions and Answers: The Application of Title VII and the ADA to Applicants or Employees Who Experience Domestic or Dating Violence, Sexual Assault, or Stalking.](#)" Lastly, a victim of domestic violence, sexual assault or stalking who is fired or otherwise discriminated against at work may also have rights under sex discrimination laws or wrongful discharge laws. For more information, see Legal Momentum's Know Your Rights guide "[Employment Discrimination Against Abused Women.](#)"

This guide is divided into two main sections. The first section outlines existing laws. The second section outlines proposed legislation on this topic. Each of these sections is further divided into those laws or bills specific to domestic violence and those laws or bills that relate to crime victims more generally.

STATE AND COUNTY LAWS**Domestic and Sexual Violence Employment Rights Laws****CALIFORNIA:** [Cal. Lab. Code §§ 230 & 230.1.](#)

An employer may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to obtain or attempt to obtain a restraining order or any other judicial relief to help ensure his or her health, safety, or welfare or that of his or her child. The employee must give the employer reasonable notice unless advance notice is not feasible. The employer may require that the employee provide documents or other certification verifying that the employee was a victim of domestic violence or sexual assault. The employer is also required, to the extent allowed by law, to maintain the confidentiality of an employee requesting such leave. In addition, employers with 25 or more employees may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or relocate. An employee who is discriminated against or discharged for exercising his or her rights under this law may be entitled to reinstatement and reimbursement for lost wages and benefits. The provisions applying to larger employers do not create a right for employees to take unpaid leave that exceeds the amount of leave allowed under, or is in addition to leave permitted by, the federal FMLA (which permits up to 12 weeks of leave).

COLORADO: [Colo. Rev. Stat. § 24-34-402.7](#) [on the left hand side, click on the Colorado Revised Statutes, then Title 24, Principal Departments, Article 34, Part 4, then scroll down to 24-34-402.7]

Employers who employ 50 or more employees must permit an employee of twelve months or more who is a

victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes to take up to three days of leave per calendar year to seek a restraining order; obtain medical care or counseling; locate safe housing or make her home secure; or seek legal assistance and prepare for or attend court-related proceedings. Prior to taking this leave, the employee must exhaust annual, vacation, personal leave, and sick leave, unless the employer waives this requirement. The employee shall provide appropriate advance notice “except in cases of imminent danger to the health or safety of the employee” and may be required to provide documentation. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

CONNECTICUT: [Con. Gen. Stat. § 31-51ss](#) amending previous Conn. Gen. Stat. § 54-85b.

Broadens the previous crime victim leave statute to prohibit an employer with three or more employees from terminating or penalizing an employee because the employee is a victim of family violence, or attends or participates in a court proceeding related to a civil family violence case. The law also requires employers to allow family violence victims to take paid or unpaid leave (limited to 12 days per calendar year) during any calendar year in which such leave is “reasonably necessary” to (1) seek medical or psychological care or counseling; (2) to obtain services from a victim services organization; (3) to relocate due to the violence; or (4) to participate in a civil or criminal proceeding related to the violence. An employer may request that the employee provide a signed written statement certifying that the leave is for a purpose authorized by the statute. The employer may also request that the employee provide a police or court record related to the family violence, a signed written statement from a victim services organization, attorney, the Office of Victim Services or the Office of the Victim Advocate, or a medical or other professional from whom the employee has sought assistance with the family violence. Any such documentation shall be maintained as confidential and shall not be disclosed by the employer, unless as required by law or as necessary to protect the employee’s safety in the workplace, provided the employee is given prior notice of the disclosure. **This change is effective October 1, 2010.**

DISTRICT OF COLUMBIA: [D.C. Code §§ 32-131.01, 32-131.02, 32-131.03 & 32.131.04](#) [*type “32-131.01” in the search box and click; click on the result “32-131.01.” Do the same for the remaining three provisions.*]

This law provides employees with paid leave that may be used for an absence resulting from the medical condition of the employee or employee’s family member; for obtaining professional medical diagnosis or care for the employee or employee’s family member; where the employee or employee’s family member is the victim of domestic violence, sexual abuse, or stalking, and the absence is directly related to social or legal services pertaining to the violence, such as seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, temporarily or permanently relocating, taking legal action, or other actions to enhance the health or safety of the employee or family member. An employer with 100 or more employees is to provide one hour of paid leave for every 37 hours worked, not to exceed seven days per calendar year; an employer with 25-99 employees shall provide one hour of paid leave for every 43 hours worked, not to exceed five days per calendar year; and an employer with 24 or fewer employees shall provide one hour of paid leave for every 87 hours worked, not to exceed three days per calendar year. There is a notice and certification requirement.

FLORIDA: [Fla. Stat. § 741.313](#).

Employees who work for employers with 50 or more employees may request and take up to three working days of leave in any 12-month period if the employee or family or household member of the employee is a victim of domestic or sexual violence. The leave may be used to: seek an injunction for protection against domestic violence, dating violence, or sexual violence; obtain medical care or mental health counseling for the employee or family/household member; obtain services from a victim-service organization; make the employee’s home secure from the perpetrator or seek new housing; or to seek legal assistance or to attend and prepare for court-related proceedings. The leave may be unpaid at the employer’s discretion. A private employer must keep all information relating to the leave confidential. Personal identifying information contained in records documenting domestic or sexual violence, submitted to an agency by an employee of that agency in order to obtain leave, is to be confidential. The request for leave will remain exempt from

disclosure until one year after the leave has been taken. These confidentiality provisions will expire on October 2, 2013 unless the Florida Legislature saves them through reenactment.

FLORIDA, Miami-Dade County: [Miami-Dade Cty., Fla. Code. §§ 11A-60 --67](#) [*scroll down to Chapter 11A on the left-hand side, click the box to the left of the title to expand the menu, and click on Article VIII*].

This county law entitles domestic violence victims to up to 30 days of unpaid leave during any 12-month period for medical or dental care, legal assistance, court appearances, counseling or supportive services, or any other arrangements needed because of domestic violence. This law includes leave to obtain orders of protection and for divorce, child custody and child support proceedings. The employee is required to exhaust all paid vacation and personal leave prior to taking leave under this provision, but the employee is entitled to her old position or an equivalent position when she returns from leave. The employer may request certification from a health care provider, attorney of record, counselor, law enforcement agency, clergy, or domestic violence service provider that “the employee is being subjected to domestic or repeat violence and needs time off” for one of the permitted reasons. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

GUAM: [Guam Code Ann. 22-3-3401 through 22-3-3405](#) [click on Title 22; click on Chapter 3; scroll down to Article 4 on page 23 to find relevant provisions].

These sections require the employer to grant reasonable and necessary leave in circumstances where such leave is needed because the employee or the employee’s child, parent or spouse is a victim of a crime of violence. Qualifying offenses include, but are not limited to, domestic violence, assault, sexual assault, stalking or any act that would support granting an order of protection. Employees may use the leave to participate in court proceedings, seek medical treatment or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. Exception applies in circumstances where the employer would sustain an undue hardship, where the request for leave is not communicated within reasonable time or where the requested leave is impractical, unreasonable or unnecessary based on the facts known to the employer.

HAWAII: [Haw. Rev. Stat. § 378-72 & § 378-73](#).

An employee may take unpaid leave for a “reasonable period of time”—up to 30 days per calendar year if the employer has 50 or more employees, and up to five days for smaller employers—if the employee or the employee’s minor child is a victim of domestic or sexual violence, provided the leave is to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, take legal action or implement other measures calculated to enhance the health or safety of the employee or the employee’s minor child or of the safety of those who associate with or work with the employee. When the leave is sought for medical attention, the employer may request a doctor’s certificate (including an estimate of the number of days of leave needed). When the leave is for non-medical reasons and is not more than five days, the employer may require a signed statement from the employee regarding the violence and establishing that the leave is for one of the enumerated purposes. If non-medical leave exceeds five days, the employer may require (1) a signed written statement from “a victim services organization, from the employee’s attorney or advocate, from a minor child’s attorney or advocate, or a medical or other professional from whom the employee or the employee’s minor child has sought assistance related to the domestic or sexual violence; or (2) a police or court record related to the domestic or sexual violence.” If a certificate is required, the right to leave under this section will not be protected until that certificate is provided to the employer. The employee shall provide reasonable notice of intention to take leave unless “not practicable due to imminent danger.” The employee must exhaust all other paid and unpaid leave before these provisions apply. All information provided to the employer is confidential unless the employee consents or disclosure is required by law. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

HAWAII: [Haw. Rev. Stat. § 378-2](#).

This law bars employers from discriminating or in any way retaliating against a current or a potential employee on the basis of that employee's status as a victim of domestic or sexual violence. Employers are permitted to verify that the employee is a victim by requesting that the employee provide them with a police or a court record or with a signed written statement from a victim services organization, attorney or advocate, a health care provider or a member of the clergy from whom the employee has sought assistance in connection with the violence. Excepting cases where the employee submits a copy of their protective order, employers may seek recertification every six months from the date they first became aware of the employee's status.

Further, employers are required to provide reasonable accommodation to an employee who is a victim of domestic or sexual violence. Such accommodation, among other measures, includes changing employee's contact information, screening employee's telephone calls and allowing employee to work flexible hours. Exception is provided for cases where arranging for such accommodations would inflict undue hardship on the employer. Whether this exception applies depends on a number of factors, including, among other things, employer's overall financial resources. Aggrieved employees may file a civil action against the employer. Victorious plaintiffs may recover attorney's fees and costs. This law was passed on 07/11/2011.

ILLINOIS: [820 Ill. Comp. Stat. 180.](#)

Leave provisions

The Victims' Economic Security and Safety Act (VESSA) provides that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with 50 or more employees—or by a state or local government or school district—may take up to 12 workweeks of unpaid leave during any 12-month period to address the violence. An employee working for an employer with 15 to 49 employees is entitled to up to 8 workweeks of leave during any 12-month period. This leave may be used to seek medical attention or counseling, obtain services from a victim services organization, participate in safety planning or relocation, or seek legal assistance. An employee may use paid leave that is otherwise available for time taken off pursuant to this provision. Unless impracticable, the employee shall provide 48-hour notice of the leave. The employer may request the employee to provide certification of the violence and that the leave is for an enumerated purpose. The certification requirement may be satisfied by the employee's sworn statement and by documentation from a service provider who has assisted the employee or his or her family member in addressing the violence, by police or court records, or by other corroborating evidence. Upon return from leave, the employee shall be entitled to restoration to the original job or to an equivalent position. Employers cannot discriminate or retaliate against persons who exercise their rights under this law.

General discrimination / reasonable accommodation provisions

A covered employer may not fail to hire, fire, constructively discharge, harass, otherwise discriminate, or retaliate against any individual because the individual is, or is perceived to be, a victim of domestic or sexual violence (defined as domestic violence, sexual assault, or stalking) or has a family or household member who is, or is perceived to be, a victim of domestic or sexual violence. Covered employers (those with 15 or more employees) cannot take actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. The employer must make reasonable accommodations related to the violence – such as a changed telephone number, transfer, modified schedule, assisting in documenting the violence that occurs at the workplace or in work-related settings, or time off – unless such accommodation would pose an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions, regardless of whether the request for the accommodation is granted. This law also provides that public agencies cannot deny or reduce benefits or otherwise sanction a

victim of domestic or sexual violence for any of the reasons stated above. Any employer that fails to post the required notice may not claim that the employee failed to notify the employer that they wanted or was eligible for leave.

Confidentiality / enforcement

Absent written consent by the employee or statutory requirements, all information provided to the employer pursuant to this section shall be held in the strictest confidence by the employer. An employee whose rights have been violated may bring an administrative complaint in the state Department of Labor.

KANSAS: K.S.A. [§§ 44-1131 & -1132](#) [enter “44-1131” in the statute number search box and click; follow same steps to view 44-1132]

An employer may not discharge or in any manner discriminate or retaliate against an employee who is the victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain judicial relief such as a restraining order; seek medical attention; obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or make court appearances in the aftermath of domestic violence or sexual assault. An employee shall give the employer reasonable advance notice of his or her intention to take time off, unless such advance notice is not feasible. Within 48 hours of returning from an absence for which prior notice was provided, the employee shall provide documentation demonstrating that the time off was used for a covered purpose. When prior notice is not feasible, the employer may not take any action against the employee if the employee provides certain specified documentation (a police report, court order, or documentation from a medical professional, health care provider, counselor, domestic violence advocate or advocate for victims of sexual assault) within 48 hours after *the beginning* of the unscheduled absence. The employee’s request for leave and supporting documentation shall be kept confidential to the extent allowed by law. Regardless of any collective bargaining agreement terms and conditions, an employee may use accrued paid leave for these purposes. If the employee does not have any paid leave available, the employee has a right to up to eight days per year of unpaid leave for these purposes.

MAINE: [26 Me. Rev. Stat. § 850](#).

Employers must grant “reasonable and necessary” leave when an employee, or a child, parent or spouse of the employee, is a victim of domestic violence, stalking, sexual assault, violence, assault or any other act that would support granting an order of protection. The leave may be used to prepare for and attend court proceedings, receive medical treatment, or obtain other necessary services to remedy a crisis caused by the violence. Employers are prohibited from sanctioning employees for exercising their rights under this section. There is a \$200 civil penalty for violation. The employer is not required to grant leave if the employer would sustain “undue hardship,” if the leave request was not made “within a reasonable time under the circumstances,” or if the “requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.”

NEW JERSEY: [S.B. 2177](#), 215th Leg. (N.J. 2012).

This law, titled New Jersey Security and Financial Empowerment Act, requires employers to offer unpaid leave not exceeding 20 days in the course of a year in circumstances where either the employee or the employee’s family or household member is a victim of domestic violence or a sexually violent offense. This leave is available for up to 1 year from the date of the commission of the incident of domestic or sexual violence. Employees are entitled to use time off to seek medical attention or counseling, obtain services from a victim services organization, participate in safety planning, relocate, take legal action or participate in any court proceeding relating to an incident of domestic or sexual violence of which the employee or his family or household member has been a victim.

Employers may seek certification to ensure that the employee is taking leave to accomplish one of the authorized purposes. To satisfy the certification requirement, employees may submit any applicable court-issued documentation, written documentation from the prosecutor, perpetrator’s conviction records, medical

documentation, certification from a Domestic Violence Specialist or the director of a domestic violence agency or Rape Crisis Center, or any other documentation provided by the employee's social worker, member of the clergy, shelter worker or other such professional. Any information gathered from the employee pursuant to these provisions must be maintained in strict confidence; the disclosure is permitted solely where authorized by law or by the affected employee. If the employer commits a violation under this bill, the aggrieved employee has the right to bring a suit in the civil court. The civil suit is the only legal remedy available to the employee. The suit cannot be brought later than 1 year from the alleged violation. This law will become effective on November 1, 2013.

NEW MEXICO: [N.M.S.A. § 50-4A-1-8](#) [*click on "Search Form"; click on "Find New Mexico Statutes" and type 50-4A-1 in the search bar; do the same for all of the remaining sections*]

The Promoting Financial Independence for Victims of Domestic Abuse Act provides that employees who are victims of domestic abuse are entitled to "domestic abuse leave," which is paid or unpaid leave time for up to 14 days in any calendar year, taken for up to eight hours in one day. The leave may be used to obtain an order of protection or other judicial relief, to meet with law enforcement officials, to consult with attorneys or victim advocates, or to attend court proceedings related to the domestic abuse of the employee or the employee's family member. The employee must give notice to the employer within 24 hours of commencing the leave. An employer may request verification of the need for the leave, in one of the following: a police report; an order of protection or other court evidence; or the written statement of an attorney, victim advocate, law enforcement official or a prosecuting attorney. The employer shall not disclose verification information and maintain confidentiality about the domestic abuse, unless the employee consents or when otherwise required by federal or state law. The workforce solutions department and the employee have the right to bring an action for violation of the law to enjoin further violations, recover actual damages, costs and attorneys fees.

NEW YORK STATE: [N.Y. Exec. L. § 296-1\(a\) & § 292\(34\)](#). [*click on EXC; click on Article 15*]

Victims of domestic violence are a group protected from employment discrimination. "Domestic violence victim" means a person who is a victim of an act which would be a family offense under the state's Family Court Act.

NEW YORK CITY: [N.Y., N.Y., Admin. Code § 8-107.1](#) [*scroll down and click on section 8-107.1*].

This provision in New York City's Human Rights Law prohibits an employer from refusing to hire, discharging, or discriminating against an individual because the individual is or is perceived to be a victim of domestic violence, sex offenses or stalking. Under this law, unlawful discrimination includes taking actions against a victim based solely on the acts of a person who has perpetrated acts or threats of violence against the victim. An employer is required to make reasonable accommodations for a victim to permit her or him to perform the "essential requisites" of the job, unless doing so would be an "undue hardship" for an employer. The legislative history of the law makes clear that the Council intended that reasonable accommodations under this provision could include providing victims with time off or a modified schedule. An employer required to make reasonable accommodations may ask the person requesting such accommodations to provide certification that he or she is a victim. This proof requirement may be satisfied by documentation from a victim services agency, attorney, clergy member, medical or other professional services provider; a police or court record; or "other corroborating evidence." The request for accommodations and any documentation provided, including the fact of the domestic violence, must be kept confidential.

NEW YORK, WESTCHESTER COUNTY: [Westchester Cty., N.Y., Code §§ 700.02 \(25\) & 700.03](#).

This provision in Westchester County's Human Rights Law prohibits employment discrimination (as well as housing discrimination and public accommodations discrimination) against victims of domestic violence, sexual abuse, or stalking. It protects victims from being fired, refused employment, or otherwise discriminated against at work based on being a victim of such violence. It also requires employers to make

“reasonable accommodations” to permit a victim to perform his or her job, including schedule modifications or security measures, unless doing so would impose an undue hardship on the employer. To claim protections under the law, an individual must provide the employer with documentation certifying that he or she is a victim of such violence. This requirement can be met by providing a police report; court order; or documentation from a medical professional, domestic violence advocate, clergy member, or counselor from whom the individual has sought assistance from in addressing the violence. Documentation must be kept in the “strictest confidence.” Documentation is not required if the employer perceives the individual to be a victim of domestic violence, sexual assault, or stalking.

NORTH CAROLINA: N.C. Gen. Stat. [§ 50B-5.5](#) & [§ 95-270\(a\)](#).

An employer is prohibited from discharging, demoting, disciplining, or denying a promotion to an employee who takes “reasonable time off” from work to obtain or attempt to obtain a protective order or other relief under the state’s domestic violence law. An employee who is absent to such seek relief must follow the employer’s usual leave policy or practices; if the employer generally requires advance notice of absences, an employee must provide advance notice “unless an emergency prevents the employee from doing so.” An employer may require the employee to provide documentation showing the reason for the employee’s absence.

OREGON: [Or. Rev. Stat. §§ 659A.270-290, 659A.885](#) [scroll down towards the bottom of the page to get to these provisions].

This law allows an employee who is a victim of domestic violence, sexual assault, harassment or stalking, or is the parent or guardian of a minor child or dependent who is a victim, to take reasonable, unpaid time off from work to deal with the violence. To be covered by the law, an employee must work for more than 25 hours a week for at least 180 days before taking leave, and work for an employer with six or more employees during 20 or more work weeks a year. The leave can be used to seek legal or law enforcement assistance or remedies, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking; to seek medical treatment for or to recover from injuries; to obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional; to obtain services from a victim services provider; or to relocate or take steps to secure an existing home. The employer is required to keep the information confidential. The employer may require certification, which can take the form of: a copy of a police report; a copy of a protective order or other evidence from a court, administrative agency or attorney that the eligible employee appeared in or was preparing for a civil, administrative or criminal proceeding; documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

Employers are prohibited from discharging, discriminating, or retaliating against an employee who is a victim of domestic violence, sexual assault, harassment or stalking because of the employee’s status as a victim. The employer is also prohibited from refusing to make reasonable safety accommodations requested by an individual who is a victim of domestic violence, sexual assault, or stalking unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. Reasonable accommodation includes, but is not limited to, reassignment, a modified schedule, unpaid leave, reassignment of telephone number and work station, installation of locks, implementation of safety procedures, or any other adjustment to a job structure, workplace facility, or work requirement. Prior to making reasonable accommodations, employers may require certification in the form of a police report, protective order or other evidence from court proceedings, or documentation from an attorney, law enforcement, health care professional, counselor, member of the clergy, or victim services provider. An employee whose rights under this section are violated may bring a suit against the employer for reinstatement and damages.

PORTLAND, OREGON: [No. 185926](#), 2013 Coun. Sess. (Pd. 2013) [scroll down and click on “Adopted Protected Sick Leave Code 3/13/13].

This ordinance expands rights accorded to employees under the above-discussed section 659.272 to mandate that employees who work in the city of Portland must accrue 1 hour of sick time for every 30 hours of work, with the accrual capped at 40 hours per calendar year. If the employer employs at least 6 people, the accrued sick time must be paid. This sick time may not be used if the employee is not scheduled to work in Portland on the shift for which leave is requested or during the first ninety calendar days of employment. Additionally, employers are required to establish a written policy or a standard that employees may use to notify the employer of their need to take leave under this ordinance. In cases where employer suspects sick leave abuse, including patterns of abuse, employee may be required to provide documentation from a licensed health care provider at employee’s own expense. This ordinance was passed on March 13, 2013, and is scheduled to go into effect on **January 1, 2014**. It is expected to be codified under Title 9, chapter 9.01, sections 9.01.010 through 9.01.140.

PHILADELPHIA: [Phila. Code §§ 9-1103 & 9-3200](#) [*enter “9-1103 or 9-3200” in search box and click*]

This law provides an employee who is a victim of domestic violence, sexual assault or stalking, or who has a family or household member who is a victim whose interests are not adverse to the employee regarding the violence with unpaid leave. The leave may be used to seek medical attention for physical or psychological injuries caused by the violence; obtain services from a victim services organization; obtain psychological or other counseling; participate in safety planning, relocation or other actions to increase safety or economic security; or seek legal assistance or remedies. For an employer with 50 or more employees, the law provides 8 workweeks of leave in a 12-month period; for an employer with less than 50 employees, the law provides 4 workweeks of leave in a 12-month period. The employee shall provide at least 48 hours’ notice of the intent to take leave, if practicable. The employer may require certification that the employee or family or household member is a victim and that the leave is for a permitted reason, which can be satisfied by a police or court record, documentation from a victim services organization, attorney, clergy, medical or other professional, or other corroborating evidence.

PUERTO RICO: [P. R. Stat. Ann. 29-7-146 through 29-7-151](#) [click on Title 29; then Part I; Chapter 7 to get to the text of these provisions]

These provisions prohibit employers from discriminating against a potential or a current employee for being, or appearing to be, a victim of domestic violence, sexual aggression or stalking. The same prohibition applies to employers who control apprenticeship, training or retraining programs, including on-the-job training programs. Employers are required to make reasonable accommodations to protect their employees from a possible aggressor once they are notified of the potential danger. Failure to do so is presumed to be the result of unlawful discrimination. Aggrieved employees may bring civil suits seeking damages and reinstatement. Victorious plaintiffs are entitled to attorney’s fees and costs. Employers who violate these provisions are guilty of a misdemeanor that may lead to imprisonment.

PUERTO RICO: [P. R. Stat. Ann. 21-223-4551](#) [click on Title 21; then subtitle 6; chapter 223]

Municipalities are prohibited from practicing employment discrimination towards victims of domestic violence.

PUERTO RICO: [P. R. Stat. Ann. 21-223-4566 \(a\) \(3\)](#) [click on Title 21; then subtitle 6; chapter 223; provision 4566; scroll down to get to section (a)(3)]

Municipalities are required to provide non-accruable paid leave for up to five working days to employees who are victims of domestic violence or whose family members are victims of domestic violence. Employees may use this leave to obtain the assistance of an attorney or an advisor, pursue a restraining order, seek medical attention or procure other needed services.

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#).

This law prohibits an employer from refusing to hire, discharging, or discriminating against an individual solely because the individual seeks or obtains a protective order or refuses to seek or obtain such an order. A court may award actual damages or order injunctive relief, as well as attorney's fees, in a civil action alleging a violation of the statute.

VIRGIN ISLANDS: [V. I. Code Ann. 16-2-99c](#) [click on Title 16 to expand it; click on Chapter 2 to expand it; click on § 99c].

Employers are prohibited from discriminating against an employee who is either a victim or a witness to a crime for taking time off to appear in court to comply with a subpoena or other court orders. Additionally, employers may not discriminate against an employee who is a victim of domestic violence or sexual assault for taking time off work to seek medical treatment, take legal action, obtain mental health or social services or take any other measure calculated to ensure the safety and welfare of the employee or the employee's child. Lastly, employers may not discriminate against an employee for being harassed or in any way abused by perpetrator while at work. However, employers are permitted to require employees to obtain a protective order after the occurrence of first such incident. Employees who refuse to do so are not protected under this section.

If an employee is absent from work without prior notice to the employer, the employer may require the employee to provide a certification that the leave occurred for reasons related to employee's status as a victim of domestic or sexual violence. To comply with this requirement, the employee may submit documentation from law enforcement, court, religious counselors, counseling professionals or victim advocates who have assisted the employee. Additionally, the employee may provide a copy of a protective order as well as any other evidence from the court or the prosecuting attorney demonstrating that the employee has appeared in court. Information gathered pursuant to these provisions must be kept confidential unless law requires disclosure.

WASHINGTON: Wash. Rev. Code § [49.76](#).

An employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, or stalking, may take "reasonable leave" from work, with or without pay, to: (1) seek legal or law enforcement assistance or remedies, including, but not limited to, participating in any civil or criminal legal proceeding related to the violence; (2) seek treatment by a health care provider; (3) obtain services from a victim service provider; (4) obtain mental health counseling; or (5) participate in safety planning, including relocation or other actions. Verification of the reason for leave may be provided by: a police report; a court order; documentation that the employee or employee's family member sought assistance from a victim service provider; an attorney, member of the clergy, or medical or other professional; or the employee's written statement. An employee can seek to remedy violation of this law by filing an administrative complaint or a civil action in court. The requirements of the law are required to be posted.

SEATTLE, WASHINGTON: [Municipal Code 14.16 \(2012\)](#).

This ordinance provides that all who work in Seattle on both full and part-time basis must accrue at least 1 hour of paid sick and safe leave for every 40 hours worked. The leave may be used from the 180th calendar day following the commencement of employment. Among other purposes, employees may use this leave to address the effects of domestic violence, sexual assault or stalking either with respect to themselves or with

respect to a family member. In particular, they may take time off to seek medical attention, receive services from an applicable social services program, obtain legal or law enforcement assistance, attend counseling and participate in safety planning, including relocating or taking other appropriate safety measures. In cases where the leave is foreseeable, an advance notice must be provided at least ten days prior to its commencement. If the leave is longer than three consecutive work days, employers may verify both that the employee or the employee's family member is a victim of a qualifying offense and that the leave is for an authorized purpose. To satisfy the certification requirement, employees may provide a police report, a court order, a written statement or documentation from a professional who has assisted the employee or the employee's family member in connection with the violence, including an advocate, an attorney, a member of the clergy or a health care provider. All information gathered pursuant to these provisions must be maintained in confidence unless the disclosure is requested or consented to by the employee, ordered by a court or an administrative agency or otherwise required by law.

Employers are barred from retaliating or in any way discriminating against an employee who exercises their rights under this ordinance. Aggrieved employees may submit a complaint against their employers to the Seattle Office for Civil Rights within 180 days of the occurrence of the alleged unlawful conduct. The Director of the Office for Civil Rights is charged with determining whether or not a violation has occurred. If the Director concludes that a violation has occurred and the employer is anyone other than a City department, the case will be forwarded to the City Attorney for further proceedings unless parties reach settlement. In cases involving a City department, the case will be forwarded to the Seattle Human Rights Commission absent settlement. Recovery for mental humiliation and suffering is capped at \$10,000. This ordinance went into effect on September 1, 2012.

Crime Victim Job Protection Laws

Many states have laws that prohibit employers from punishing an employee who is a victim of a crime for taking time off to attend court, at least under certain circumstances, such as responding to a subpoena, responding to a request from the prosecutor, or serving as a witness. In many states, the time off is either unpaid or the employer can require the employee to use accrued sick time, vacation time, or personal time. Some additional states have laws that specifically provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). Below is a list of the states that have such laws and some important features of the laws.

ALABAMA: [Ala. Code § 15-23-81](#) [*click on Title 15, Chapter 23, and then scroll down*](allows victim to respond to subpoena to testify in criminal proceeding or participate in reasonable preparation for a criminal proceeding).

ALASKA: [Alaska Stat. § 12.61.017](#)(allows victim to respond to subpoena and to attend court proceedings to give testimony).

ARIZONA: [Ariz. Rev. Stat. § 13-4439](#) (an employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year must allow an employee who is a victim of a crime to leave work to be present at a proceeding or obtain an order of protection, an injunction against harassment, or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child) & [Ariz. Rev. Stat. § 8-420](#) (specifically for juvenile offenses) (leave may be unpaid or employer may require victim to use accrued paid leave; additionally, this leave may be limited if it creates an undue hardship to the employer's business).

ARKANSAS: [Ark. Code Ann. § 16-90-1105](#) [*enter "16-90-1105" in the search box and click on search button*] (prohibits employers from discharging or disciplining an employee who is absent from work because of attendance at a criminal justice proceeding, if it is reasonably necessary to protect the victim's interests, or because of participation in preparation for a prosecution, at the prosecutor's request).

CALIFORNIA: [Cal. Lab. Code 230.2 \(b\)](#) (employers must allow employees who are either crime victims or victims' immediate family members to take time off to attend judicial proceedings related to that crime).

COLORADO: [Colo. Rev. Stat. § 24-4.1-303\(8\)](#) [*click on Title 24; click on Administration; click on Article 4.1; click on Part 3 to locate provision 24-4.1-303*] (allows victim or member of a victim's family to respond to a subpoena or participate in preparation of a criminal proceeding).

CONNECTICUT: [Conn. Gen. Stat. § 54-85b](#) [click on "browse statutes"; scroll down to find and click on Title 54; click on chapter 961; scroll down to click on 54-85b] (prohibits employer retaliation against an employee who (1) honors a legal subpoena to testify in a criminal proceeding; (2) attends a criminal court proceeding or participates in a police investigation in connection with a crime the employee was a victim of or attends a civil court proceeding in connection with employee's status as a victim of domestic violence; (3) receives a restraining order; (4) receives a protective order; or (5) is a victim of family violence; note that the term "crime victim" is broad enough to encompass employees who are immediate family members of guardians of a homicide victim or a victim who is a minor, physically disabled or incompetent).

DELAWARE: [Del. Code Ann. tit. 11, § 9409](#) (allows victim or representative of a victim to respond to a subpoena, participate in trial preparation, or attend trial proceedings as reasonably necessary to protect the victim's interests).

FLORIDA: [Fla. Stat. § 92.57](#) (allows victim to respond to a subpoena only).

GEORGIA: [Ga. Code Ann. § 34-1-3](#) [*scroll down to Title 34 and click open; click open Chapter 1; click open 34-1-3*] (allows victim to respond to court order such as a subpoena, jury duty or other court order or process which requires employee's attendance; employer may require "reasonable notification" by the employee).

GUAM: [Guam Code Ann. 8-160-160.93](#) [click on Title 8; click on Chapter 160; scroll down to page 8 to find section § 160.93] (employers may not discharge or discipline employees who are victims of crime for responding to a subpoena or a prosecuting attorney's request to attend court in order to provide testimony involving that crime).

HAWAII: [Haw. Rev. Stat. § 621-10.5](#) (allows victim to respond to subpoena, testify, attend court as a prospective witness; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

IOWA: [Iowa Code § 915.23](#) [on the left side of the screen, click to expand Iowa Code; click on 2013 IOWA CODE; at the center of the screen, click on Code by Chapter; scroll to the very bottom of the page to find and click on Title 915 (the very last Title listed); scroll down and click on 915.23] (allows victim to serve as witness in criminal case as well as plaintiff, defendant, or witness in a civil proceeding under the state law; allows reasonable attorney's fees and court costs if an employee sues for violation of this law and prevails).

MARYLAND: [Md. Code Ann. Crim. Proc. § 11-102 & Md. Code Ann. Cts. & Jud. Proc. § 9-205](#) [*to view 11-102: open the drop down box in the "Article" search bar; scroll down to select "Criminal Procedure (gcp)"; following that, in the section search bar, open the drop down box, scroll down to select 11-102 and click on the arrow next to that search bar to view the text of 11-102; to view 9-205: open the drop down box in the "Article" search bar; scroll down to select "Courts and Judicial Proceedings (gcj)"; following that, in the section search bar open the drop down box, scroll down to select 9-205, and click on the arrow next to that search bar to view the text of 9-205*] (allows victim to respond to a subpoena or attend proceedings the employee has a right to attend, as defined by Maryland law; a victim and a victim's representative have the right to attend any proceeding in which the right to appear has been granted to a defendant).

MASSACHUSETTS: [Mass Gen. Laws Ch. 258B, § 3\(I\)](#) & [Mass Gen. Laws ch. 268, § 14B](#) (allows time off to respond to subpoena as long as employee notifies employer).

MICHIGAN: [Mich. Comp. Laws § 780.762](#) & [Mich. Comp. Laws § 780.790](#) (allows victim time off to give testimony in court in response to a subpoena or request from the prosecuting attorney).

MINNESOTA: [Minn. Stat. Ann. § 611A.036](#) (allows a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony reasonable time off from work to attend criminal proceedings related to the victim's case. The employer is also required to allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case).

MISSISSIPPI: [Miss. Code Ann. § 99-43-45](#) [*click open Mississippi Code; click open Title 99, Criminal Procedure; click on Chapter 43; scroll down to and click on 99-43-45*] (allows victim to respond to subpoena or participate in reasonable preparation for court proceedings).

MISSOURI: [Mo. Rev. Stat. § 595.209\(1\)\(14\)](#) (allows a witness, victim, or victim's immediate family to respond to a subpoena, attend a criminal proceeding or to participate in preparation for a criminal proceeding).

MONTANA: [Mont. Code Ann. § 46-24-205\(3\)](#) [*click on Title 46; scroll down to select chapter 24; click on Part 2; click on 46-24-205*] (allows victim or a member of the victim's family to participate at the prosecuting attorney's request in preparation for or attendance at a criminal justice proceeding; also provides for employer intercession services).

NEVADA: [Nev. Rev. Stat. § 50.070](#) [*scroll down and click on § 50.070*] (allows witness or person summoned to appear as a witness to testify; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. § 275:62](#) (entitles employees who are crime victims to leave work to attend court, legal, or investigative proceedings associated with the prosecution of the crime).

NEW YORK: [N.Y. Penal Law § 215.14](#) [*scroll down and click on PEN; click on Article 215; click on § 215.14*] (allows time off on prior-day notice for a victim to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection; employer may seek verification and withhold employee's wages during the period of employee's court attendance).

NORTH DAKOTA: [N.D. Cent. Code § 27-09.1-17](#) [*select "27 Judicial Branch of Government;" scroll down to select 27-09.1; scroll to the page 4 of the document to locate 27-09.1-17*] (makes it a misdemeanor offense for employers to penalize employees who serve as a witness or a juror, and provides a civil remedy for employees who are wrongfully terminated for serving as a witness or juror, including up to six weeks of lost wages and attorney's fees).

OHIO: [Ohio Rev. Code Ann. § 2930.18](#) (allows victim, victim's family, and/or victim's representative to respond to a subpoena or prosecutor's request and participate in a criminal or delinquency proceeding, but does not obligate an employer to pay wages for this leave) & [Ohio Rev. Code Ann. § 2151.211](#) (prohibits employer from discharging or terminating from employment or otherwise punishing or penalizing any employee because of time lost from regular employment as a result of the employee's attendance at any juvenile court proceeding pursuant to a subpoena; if employee is subpoenaed to appear at a proceeding that pertains to an offense involving the employee during the course of the employee's employment, employer must not withhold wages for any time lost as the result of employee's compliance with the subpoena).

PENNSYLVANIA: [18 Pa. Stat. Ann. § 4957](#) [*click on Title 18 Pa. CSA; click on Part II, Article E, Chapter 49, Subchapter B*] (allows employee to testify as witness, victim of a crime or a member of such victims' family; such leave is unpaid).

PUERTO RICO: [P.R. Stat. Ann. 29-9-193 & 29-7-152](#) [for 29-9-193: click on Title 29; Part 1; Chapter 9; for 29-7-152: click on Title 29; Part 1; Chapter 7] (employers are prohibited from taking adverse employment action against employees who serve as jurors or appear in court as witnesses in a criminal case in response to a summons; employees who serve as witnesses must provide their employers with a certificate that documents the length of their court appearance).

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#) (specific to employment protection for victims who seek, obtain or refuse to seek protective orders) & [R.I. Gen. Laws § 12-28-13](#) (employment protection for victims of crimes to attend court proceedings).

SOUTH CAROLINA: [S.C. Code Ann. § 16-3-1550](#) [select Title 16; select Chapter 3; scroll down close to the very bottom of the page to locate 16-3-1550] (protects a victim or a witness from adverse job consequences for lawfully responding to subpoena).

TENNESSEE: [Tenn. Code Ann. § 4-4-122](#) [*click open Tennessee Code; click open Title 4; click open Chapter 4; click open 4-4-122*] (only applies to state agencies as employers; employers are barred from taking any adverse employment action against an employee who takes any lawful action to cause or assist in causing the arrest, prosecution and conviction of the perpetrator of an offense against that employee).

UTAH: [Utah Code § 78B-1-132](#) (allows employee to respond to a subpoena; creates a civil remedy to include up to six weeks of lost wages and reasonable attorney's fees for a violation).

VERMONT: [Vt. Stat. Ann. tit. 13, § 5313](#) (allows victim, victim's family member, or victim's representative to respond to a subpoena without job consequences).

VIRGIN ISLANDS: [V.I. Code Ann. tit. 34, § 203\(e\)](#) [*click open Virgin Islands Code; click open Title 34, Welfare; click open Chapter 8; click open section 203*] (allows victim or witness to respond to subpoena without fear of retaliation or loss of wages from employer; also provides for employer intercession services).

VIRGINIA: [Va. Code Ann. § 18.2-465.1](#) (allows employee to respond to summons or subpoena and attend future proceedings as required by court in writing; allows employee to serve on a jury) & [Va. Code Ann. § 40.1-28.7:2](#) (requiring every employer to allow an employee who is a victim of crime to take unpaid leave to be present at all criminal proceedings relating to a crime against that employee. The employer may limit the leave if it creates an undue hardship for the employer).

WISCONSIN: [Wis. Stat. § 103.87](#) [*scroll down and click on 103.87*] (prevents an employer from discharging or docking the pay of any employee who misses work to respond to a subpoena; employee must notify employer of need to miss work to testify on or before the first business day after receipt of the subpoena).

WYOMING: [Wyo. Stat. Ann. §§ 1-40-209](#) [*click on Wyoming Statutes Annotated; click on Title I; click on Chapter 40; click on Article 2; click on 1-40-209*] (allows victim or witness to respond to a subpoena; allows employee to request employer intercession services from law enforcement agencies, prosecuting attorney or defense attorney).

Additional states have laws that encourage employers not to take adverse actions against victims for missing work to testify or provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). These laws are suggestive, rather than mandatory.

CALIFORNIA: [Cal. Pen. Code § § 13835.5 \(a\) \(13\) & \(b\) \(1\)](#)
COLORADO: [Colo. Rev. Stat. 24-4.1-302.5\(n\)](#) [click on Colorado revised Statutes folder; click on Title 24; click on Administration; click on Article 4.1; click on Part 3; scroll down and click on 24-4.1-302.5]
FLORIDA: [Fla. Stat. Ann. § 960.001\(i\)](#) [scroll down to the very bottom of the page to select Title XLVII; scroll down to select Chapter 960; click on 960.001; scroll down to locate 960.001 (1) (i)]
ILLINOIS: [725 Ill. Comp. Stat. 120/4.5 \(b\) \(5\)](#)
KENTUCKY: [Ky. Rev. Stat. Ann. § 421.500\(8\)](#)
LOUISIANA: [La. Rev. Stat. Ann. § 46:1844\(E\)](#)
NEBRASKA: [Neb. Rev. Stat. § 81-1848\(2\)\(h\)](#)
NEVADA: [Nev. Rev. Stat. § 178.5694 \(1\)](#) [scroll down and click on § 178.5694]
NEW JERSEY: [N.J. Stat. Ann. § 52:4B-44\(b\)\(13\)](#) [click on Title 52 and click through to 52:4B-44]
NEW MEXICO: [N.M. Stat. Ann. § 31-26-4\(j\)](#) [click on the tab titled “Search Form”; then, click on “Find New Mexico Statutes” at the center of your screen and enter 31-26-4 in the search box] & [N.M. Const. Art. II, Sec. 24\(A\)\(10\)](#) [click on Statutes, Rules and Const.” on the left hand side of the screen to expand it; click on Constitution of the State of New Mexico ; click on Art. II; click on sec. 24] (for victims of specific crimes only)
NORTH CAROLINA: [N.C. Gen. Stat. § 15A-825\(4\)](#)
NORTH DAKOTA: [N.D. Cent. Code § 12.1-34-02\(7\)](#) [click on 12.1 Criminal Code; scroll down to select 12.1-34; scroll down to the page 2 of the document that opens to locate 12.1-34-02 (6)]
OKLAHOMA: [Okla. Stat. Tit. 21, § 142A-2 \(A\)\(8\)](#) [scroll down to page 10 to locate this provision]
RHODE ISLAND: [R.I. Gen. Laws § 12-28-3\(a\)\(7\)](#)
TEXAS: [Tex. Code Crim. Proc. Ann. art. 56.02\(a\)\(10\)](#)
UTAH: [Utah Code Ann. § 77-37-3\(1\)\(g\)](#)
VIRGINIA: [Va. Code Ann. § 19.2-11.01\(A\)\(3\)\(a\)](#)
WASHINGTON: [Wash. Rev. Code § 7.69.030\(8\)](#)
WEST VIRGINIA: [W. Va. Code § 61-11A-6\(a\)\(8\)](#) [pick Chapter 61 from the drop down menu on the left; scroll down and click on part 11A; then scroll down to 61-11A-6]
WISCONSIN: [Wis. Stat. § 950.04\(1v\)\(bm\)](#) [enter 950.04 in the search box]

RECENT LEGISLATIVE PROPOSALS

The following legislation has been introduced in current or prior legislative sessions. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, you may contact Legal Momentum, the legislative information service at your state or local legislature, or consult your legislature’s web page.

Domestic and Sexual Violence Employment Rights Bills

FEDERAL: [H.R. 1229 \(113th Cong., 2013\)](#) [click on Bill PDF towards the center of the screen to view the text of this bill; for Title II, scroll down to page 13; for title III, scroll down to page 40].

Title II of this bill, named Security and Financial Empowerment Act, would require employers to provide an emergency leave of up to 30 days in any 12-month period in circumstances where either the employee or the employee’s family or household member is a victim of domestic violence, dating violence, sexual assault or stalking. Exemption would apply in cases of certain highly paid employees. Employees would be permitted to use time off to seek medical attention, obtain services from a victim services organization, receive counseling, take legal action or participate in safety planning, including relocation as well as any other action designed to increase victim’s safety. Employers would be permitted to seek certification that the employee or the employee’s family or household member is a victim of a qualifying offense, that the leave is for one of the enumerated purposes and, where applicable, that the employee is unable to return to work as the result of the violence. To satisfy the certification requirement, the employee would be permitted to provide a sworn statement, a police or a court record or any other corroborating evidence such as documentation from a victim services organization, an attorney, a clergy member, a health care provider or any other professional

who has assisted the employee. All information gathered pursuant to these provisions would be kept confidential unless disclosure was either permitted by the employee or required by law.

Employers would be prohibited from taking any adverse employment action against an employee who exercised their rights under this bill. Aggrieved employees would be permitted to bring suits in either federal or state civil courts. Victorious plaintiffs would be entitled to attorney's fees and costs.

Title III of this bill would prohibit employers from discriminating against any potential or current employee on grounds of that employee's actual or perceived status as a victim of domestic violence, dating violence, sexual assault or stalking. Additionally, employers would be prohibited from discriminating against victims who took legal action against perpetrators, requested time off in order to take such legal action, sought reasonable accommodation in order to prevent occurrence of violence in the workplace or were subjected to harassing behavior at the hands of their abusers while on the job. The term victim would be broad enough to encompass employees whose family and household members are victims of one of the qualifying offenses.

In addition, Title III would define the term "discriminate" to encompass cases where the employer refuses to make a reasonable workplace accommodation upon victim's request. Exception would apply in cases where providing such accommodation imposes undue hardship on the employer. With some limited exceptions, aggrieved employees would be eligible to bring civil suits against their employers in any federal or state civil court. This bill is currently in subcommittee.

FEDERAL: [H. R. 1286/S. B. 631](#) (113th Cong., 2013).

This bill, known as Healthy Families Act, would allow employees to earn at least 1 hour of paid sick time for every 30 hours worked. Covered employers would include everyone who employs at least 15 people for each working day during 20 or more calendar workweeks. Employees who are victims of domestic violence, sexual assault or stalking could use this time to seek medical attention, obtain services from a victim services organization, receive counseling, relocate or take legal action. Likewise, employees could use their paid sick days for these purposes if their family member was a victim of domestic violence, sexual assault or stalking. In cases where the employee was absent for more than three consecutive work days, the employer would be permitted to verify that the leave was for an authorized purpose. To comply with this requirement, employees would be able to provide a variety of documents, including police reports, court orders or other legal documents, or documentation from a victim services organization, an attorney, a police officer, a medical professional, a social worker, an anti-violence counselor or a member of the clergy from whom they have sought assistance in connection with the violence. All information provided pursuant to the certification requirement would be kept confidential unless the disclosure was required by law or consented to or requested in writing by the affected employee.

Employers would be barred from retaliating against employees who exercised their rights under this bill. Aggrieved employees would be able to bring civil suits in any federal or state court no later than 2 years from the occurrence of the last event constituting the underlying violation. Prevailing plaintiffs would be entitled to attorney's fees and court costs. This bill died in committee. An identical bill was introduced as [H.R. 1876](#) in the 2011 legislative session.

FEDERAL: [H.R. 739/S. 1740](#) (111th Cong., 2009).

H.R. 739/S.1740, the Security and Financial Empowerment (SAFE) Act, would provide victims of domestic violence with up to 30 days emergency unpaid leave to seek medical attention; obtain services from a victim services organization; obtain psychological or other counseling; participating in safety planning or relocation; or to seek legal assistance. Documentation for the leave includes the victim's own sworn statement; documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a

member of the clergy, or a medical or other professional; a police or court record; or other corroborating evidence. It would also explicitly require that any victims who must leave the workplace as a result of violence are eligible for unemployment insurance. The bill would require reasonable accommodations for violence-related needs and would protect actual or perceived victims of domestic violence from employment and insurance discrimination. For violations of this statute, a prevailing plaintiff will have access to reasonable expert witnesses and attorney's fees. The bill was previously introduced in 2007 as H.R. 2395 and died in committee, and in 2005 as H.R. 3185 and S.2796. A companion Senate bill, S. 1136, the Survivors Empowerment and Economic Security (SEES) Act, was introduced in 2007. The Senate Committee on Health, Education, Labor and Pensions held a hearing on S. 1136 in April 2007. The bill died in the Senate Finance Committee. In 2001, a similar bill called the Victims Economic Security and Safety Act (VESSA) was introduced as H.R. 2670 and S.1249 but was not passed.

ALABAMA: [H.B. 557](#), 2010 Reg. Sess. (Ala. 2010).

This bill provides employees with paid sick leave that can also be used for reasons related to domestic violence, sexual assault or stalking, such as: seeking medical attention for the employee or their family member; obtaining services from a victim services organization; obtaining counseling; seeking relocation; or taking legal action. For use of leave for more than three consecutive days, an employer may require reasonable documentation including: documentation signed by a health care professional indicating that sick time is necessary; a police report; a court order; or a signed statement from a victim and witness advocate affirming that the employee is involved in legal action related to the violence. All employees who work in Alabama for more than 2060 hours in a year have the right to paid leave, and shall accrue a minimum of 8.40 hours of paid sick/safe for every 80 hours worked, up to a maximum of 101.20 hours of paid sick/safe time in a calendar year. Employees of small businesses will not accrue more than 202 hours of paid sick and safe time in a calendar year. The bill died in committee.

ALASKA: [S.B. 86](#), 26th Leg., 1st Sess. (Alaska 2009).

This bill would require employers to provide employees with one hour of paid sick leave for every 40 hours worked. The paid sick leave may be used, *inter alia*, for time an employee spends away from work because the employee is a victim of domestic violence, sexual assault or stalking, where a person has been arrested or formally charged. Employers are required to post the provisions of the law in a conspicuous place. The bill died in committee.

ARIZONA: [H.B. 2640](#), 51st Leg., 1st Reg. Sess. (Ariz. 2013). Under this bill, employees would accrue at least 1 hour of paid sick and safe leave for every 30 hours worked, with the caveat that the accrual could not exceed 72 hours per calendar year unless the employer selected a higher limit. In cases where either the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking, such leave could be used to seek medical attention, obtain services from a victim services organization, receive counseling, seek relocation or take legal action. If the leave lasted longer than 3 consecutive work days, employer would be permitted to verify that the leave was for one of the enumerated purposes. To satisfy that request, employee would have the option of providing a variety of documents, including documentation from a health care provider, a police report, a court order or a signed statement from a victim and witness advocate who has assisted the employee in connection with the violence. Employers would be barred from requiring that such documentation divulge details of employee's victimization. All information gathered pursuant to these provisions would be maintained in strict confidence.

If an employer took adverse action against the employee within 90 days of employee's exercise of their rights under this bill, a presumption of unlawful retaliatory conduct would arise. Aggrieved employees would be permitted to bring civil suits against their employers within two years of the last instance of unlawful conduct, or three years in case of a willful violation. Prevailing plaintiffs would be entitled to reasonable attorney's fees and court costs. This bill died in committee.

ARIZONA: [H.B. 2741](#), 49th Leg., 2d Reg. Sess. (Ariz. 2010).

This bill would provide workers with paid sick leave which could also be used for reasons related to domestic violence, sexual assault and stalking. The bill does not yet specify the maximum number of hours of sick time that may be accrued, or the accrual rate. A victim may use their leave to seek medical attention for themselves or a family member; obtain services from a victim services organization, obtain counseling; seek relocation; or take legal action. For use of more than three consecutive days of sick/safe time, the employer can request reasonable documentation, including documentation from a health care professional, a police report, or court order. The bill died in committee.

CALIFORNIA: [A.B. 1000](#), 2009-10 Leg. Sess. (Cal. 2009).

An employee who works in California for seven or more days in a calendar year would be entitled to one hour of paid sick time for every 30 hours worked. A small business can limit an employee's use of sick leave to 40 hours or five days in a calendar year; all other employers may limit the employee to using 72 hours or nine days in a calendar year. The leave may be used, *inter alia*, by an employee who is a victim of domestic violence or sexual assault for the purposes in Sections 230(c) and 230.1(a) (described above). The bill died in committee.

CALIFORNIA: [S.B. 400](#), 2013-14 Leg. Sess. (Cal. 2013).

This bill would expand current law prohibiting employers from retaliating against victims of domestic violence who take time off to encompass victims of stalking. Further, the bill would prohibit employers from discharging, discriminating against or refusing to rehire an employee because of the employee's status as a victim of domestic violence, sexual assault or stalking. Qualifying employees would be entitled to reasonable accommodations such as transfer, reassignment or modified schedule unless providing such accommodation would inflict undue hardship on the employer's business operations. Employers would be entitled to seek certification both to confirm that the accommodation is for an authorized purpose and to ascertain that the employee is indeed a victim of domestic violence, sexual assault or stalking. Additionally, employers would also be permitted to require recertification every six months. Any documentation provided to fulfill the certification requirement would be kept confidential excepting circumstances where the disclosure is necessary to comply with the federal or state law or to protect the employee's safety in the workplace. Employees would be entitled to a notice in advance of any authorized disclosure.

Aggrieved employees would be able to sue their employers in the civil court. If they prevailed, they would be able to recover attorney's fees and court costs. This bill passed Senate on May 13, 2013. It is currently in an Assembly committee and is scheduled for a hearing on June 12, 2013. A similar bill was introduced in the preceding legislative session as [A.B. 1740](#). That bill died in committee.

COLORADO: [H.B. 1210](#), 67th Gen. Assembly (Col. 2009).

This bill would require all private employers in Colorado to provide paid sick leave to employees. For employers with more than 15 employees, one hour of paid sick leave would be accrued for every 30 hours accrued, up to a total of 72 hours of leave in a 12-month period; and for employers with 6-15 employees, one hour of sick leave would accrue for every 60 hours worked, up to a total of 40 hours of leave in a 12-month period. Employees are entitled to use the leave if the employee or a family member is the victim of domestic abuse, sexual assault or stalking and the leave will be used to: (1) seek medical attention for the employee or family member; (2) obtain services from a victim services organization; (3) obtain psychological or other counseling; (4) relocate; or (5) take legal action relating to or resulting from the violence. Employers are required to post the provisions of the law in a conspicuous place. The bill died in committee.

DISTRICT OF COLUMBIA: [B18-796](#) (D.C. City Council 2010).

This bill would amend the Human Rights Law to prohibit employment discrimination against victims and family members of victims of domestic violence, sexual abuse, and stalking. An act is an unlawful

discriminatory practice if it is based wholly or in part upon the individual's attendance at a court proceeding related to the violence or a disruption of or threat to the workplace by the perpetrator, or refusing to make reasonable accommodations for the victim. "Reasonable accommodation" is defined in the bill to include a variety of practices such as transfer, reassignment, leave, a security escort, etc. The bill also requires employers to establish and maintain a corporate policy statement recognizing domestic violence, sexual abuse and stalking in the workplace and to post the policy in a conspicuous place.

FLORIDA: [H.B. 7079/S.B. 304](#), 2013 Reg. Sess. (Fla. 2013) [for each bill, click on the tab titled "Bill Text"; then, click on the PDF link to get to the text of the bill].

This bill, which was initially introduced as [S.B.7000](#), would amend Fla. Stat. 741. 313 to eliminate the scheduled repeal of that statute's confidentiality provisions. (As noted above, the statute currently prohibits disclosure of the personal identifying information contained in an agency's records documenting domestic or sexual violence that is submitted to the agency by its employees in order to obtain leave. Further, the statute provides that a request for leave based on the occurrence of domestic or sexual violence is to be kept confidential for one year following the employee's taking of the leave.) Since both provisions are scheduled to be repealed on October 2, 2013, this bill would extend them indefinitely past that date. The bill passed both House and Senate. It was enrolled on May 1, 2013.

HAWAII: [H.B.6/S.B. 108](#), 27th Leg. (Haw. 2013).

This bill would require employers to provide their employees with a specified minimum amount of paid sick and safe leave if either the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking. The provision would apply to all individuals who work in the State for more than 80 hours a year, with each employee accruing a minimum of 1 hour of leave for every 30 hours worked. Qualifying employees would be entitled to take leave for enumerated purposes, including seeking medical attention, obtaining services from a victim services organization, receiving counseling, or participating in legal action involving domestic violence, sexual assault or stalking of which the employee or the employee's family member has been a victim. In case the employee sought to use the leave for more than three consecutive work days, employer would be permitted to require certification that the leave is intended to fulfill one of the enumerated purposes. The employee would be able to fulfill the certification requirement by submitting a variety of documents, including a statement from the employee's health care provider, a police report, a court order, a signed statement from a victim and witness advocate or documentation from a licensed attorney. Employers would be required to maintain confidentiality of any information they gathered pursuant to the certification requirement.

Additionally, employers would be prohibited from retaliating or discriminating against employees who exercised their rights under this bill. If the employer took adverse action against the employee within 90 days of employee's exercise of these rights, a rebuttable presumption of unlawful retaliation would arise. Aggrieved employees would be permitted to sue their employers for the violation of the provisions of this bill without first filing an administrative complaint. In case they prevailed, they would be entitled to reasonable attorney's fees. The statute of limitations for such civil action would be 3 years from the date of the employer's alleged violation.

A nearly identical set of bills, [S.B. 534](#) and [H.B. 406](#), was introduced in the same legislative session. Additionally, an earlier version of this set of bills, [H.B. 2089/S.B. 2507](#), was introduced in the last legislative session. All of the bills died in committee.

HAWAII: [H.B. 1939/S.B. 2341](#), 25th Leg. (Haw. 2010).

This bill would prohibit employment discrimination against victims of domestic violence. The bill passed the Senate but died in the House.

HAWAII: [S.B. 2369](#), 25th Leg. (Haw. 2010).

This omnibus domestic violence bill contains a section that would prohibit an employer from discriminating against an employee who is or is perceived to be a victim of domestic or sexual abuse. An employee may bring a civil action for damages against the employer if it is violated. The bill also would make it an unlawful discriminatory practice for an employer to refuse to provide an employee who is a domestic or sexual violence victim with a reasonable safety accommodation, examples of which are in the bill. An employer can request certification that the individual requesting the accommodation is a domestic or sexual violence victim. The bill would also amend the current domestic violence leave law to allow an employee to take 30 days of leave within a 12 month period. The bill passed the Senate but died in the House.

ILLINOIS: [H.B. 2763](#), 98 Gen. Assembly (Ill. 2013).

This bill would amend the Human Rights Act to provide that it is a civil rights violation for an employer to refuse to reasonably accommodate an employee protected under an order of protection. Reasonable accommodations would encompass a range of measures, including but not limited to changing employee's workplace contact information, screening employee's telephone calls, restructuring employee's job functions, and changing employee's work location. The bill provides an exemption for employers who would experience undue hardship by accommodating the employee. Whether the exemption would apply to a given employer would depend on a number of factors, including but not limited to the nature and cost of the accommodation, employer's overall financial resources and the type of business at issue. The bill is currently in committee.

INDIANA: [S.B. 198](#), 118th Gen. Assembly, 1st Reg. Sess. (Ind. 2013).

This bill would amend the existing law to prohibit employers from discharging or discriminating against an employee with respect to compensation, benefits, terms and conditions of employment because the employee has filed a petition for a protective order. Further, the bill would also provide that employees may not be disqualified from receiving unemployment benefits if they were discharged from employment on account of circumstances directly related to the employee's application for a protective order. Aggrieved employees would be able to sue their employers for violating these provisions. If they prevailed, they would be eligible for an award of court costs and reasonable attorney's fees. The bill died in committee.

IOWA: [HF 149](#), 85th* Gen. Assembly (Iowa 2013).

This bill would create the Healthy and Safe Families and Workplace Act. Under the Act, all full and part time employees in the state would be entitled to unpaid sick and safe leave not to exceed 144 hours per calendar year unless the employee selected a higher limit. In cases where either the employee or the employee's family member was a victim of domestic abuse assault, sexual abuse or stalking, employee would be entitled to use this leave to seek medical attention, obtain services from a victim services organization, receive counseling, relocate or take legal action. If the leave lasted longer than three consecutive work days, employer would be permitted to require reasonable documentation that the leave was for an authorized purpose. Acceptable documentation would encompass police reports, court orders and signed statements from a victim and witness advocate who could affirm that the employee was involved in a legal proceeding stemming from such violence. Employers would not be permitted to require that the documentation disclose details of employee's victimization. All information gathered pursuant to this provision would be maintained in strict confidence unless the affected employee agreed to the disclosure.

Employers would be barred from retaliating or in any way discriminating against an employee who exercised their rights under this bill. If the employer took adverse employment action against the employee within ninety days of such exercise, a presumption of unlawful retaliatory conduct would arise. Aggrieved employees

would be able to bring civil suits against their employers. In cases of intentional employer violations, victorious plaintiffs would be entitled to attorney's fees. This bill died in committee.

IOWA: [S.S.B. 3176](#), 83rd Gen. Assembly (Iowa 2010) [click to expand "Legislation Archives"; click on "83rd General Assembly"; click on "83rd GA – Session 2"; click on "Session 2"; click on "Other"; click on "Study Bills"; click on "Senate"; scroll down to click on "SSB3176.html"].

This bill would require employers to provide all employees who worked 1,040 or more hours a year, or 20 or more hours per week, with a right to paid sick and safe leave. Employees would be able to take advantage of this leave after working for the employer for 60 days. In cases where the employee was a victim of domestic abuse assault, sexual abuse, or stalking, the leave could be used to seek medical attention, obtain services from a victim services organization, receive counseling, relocate or take legal action. In cases where the leave lasted longer than three consecutive work days, employer would be permitted to verify that the leave was for an authorized purpose. Acceptable documentation would encompass police reports, signed statements from victim and witness advocates, or documentation from the employee's health care provider. At all times, the employer would be barred from requiring that the documentation disclose details of employee's victimization. All information gathered pursuant to these provisions would be treated as confidential unless the employee agreed to the disclosure in writing.

Employers would be required to provide their employees with a notice of employees' rights under this bill. Additionally, employers would be barred from retaliating or in any way discriminating against employees who exercised their rights under this bill. A presumption of retaliation would arise in any case where the employer took adverse employment action within 90 days of employee's exercise of those rights. Aggrieved employees would be able to file a complaint with the commissioner as well as commence a suit in the civil court. Victorious plaintiffs would be entitled to attorney's fees and court costs. This bill died in committee.

KANSAS: [S.B. 612](#), 2007-08 Leg. Sess. (Kan. 2008).

This bill would amend Kan. Stat. Ann. § 44-1132, described above, to change the notice provision concerning unscheduled absences by an employee who is a victim of domestic violence or sexual assault. The victim would be required to provide certification to the employer within seven days, instead of 48 hours in the current law, after the beginning of the unscheduled absence. The bill would also allow the Department of Labor to issue regulations to enforce the law's protections. The bill would also amend § 44-1132 to prohibit employers from discriminating against an employee who is a victim of physical violence (including domestic battery), where the offense is motivated entirely or in part by the victim's actual or perceived race, color, religion, ethnicity, or national origin from taking time off from work for the same reasons as victims of domestic violence and sexual assault. The Senate passed the bill in February 2008, and later by the House, but was stricken from the calendar and did not become law.

LOUISIANA: [H.B. 402](#), 2013 Reg. Sess. (La. 2013) [enter the bill number in the search box and click on Text on the page that opens].

This bill would provide that any suit filed against an employer for an employment discrimination practice that alleges any reason other than those listed in the present law must be dismissed as frivolous. Since the present law does not confer any protection on domestic and sexual violence victims, this bill would make it impossible for employees who have experienced such violence to bring a suit against their employers for taking adverse employment action on the grounds of employee's status as a victim of such violence. This bill is currently in committee.

MAINE: [SP 630/LD 1665](#), 124th Leg., 2d reg. Sess. (Me. 2010).

This bill would require an employer with 25 or more employees to provide its employees with least one hour of paid sick leave for every 42 hours worked, up to a minimum of 52 hours of paid sick per calendar year. An

employer with 24 or fewer employees must provide its employees with one hour of paid sick leave for every 80 hours worked, up to at least 26 hours of paid sick leave per calendar year. The paid sick leave may be used, inter alia, for an absence for obtaining social or legal services related to the employee or the employee's family member being a victim domestic violence, sexual abuse or stalking. These absences include: preparing for and attending court proceedings; receiving medical treatment; or obtaining services. The bill died in the House.

MARYLAND: [H.B. 735/S.B. 698](#), 2013 Reg. Sess. (Md. 2013) [click on "Text" on the left hand side towards the center of the screen to get to the text of either bill].

This bill would create the Maryland Earned Sick and Safe Leave Act. Under the Act, employees would be eligible for paid sick and safe leave if either the employee or the employee's family member suffered domestic violence, sexual assault, or stalking. In particular, employees would be permitted to take time off for specific purposes, including seeking medical attention, obtaining services from a victim services organization, receiving counseling, and taking legal action such as preparing for or participating in a court proceeding involving the domestic violence, sexual assault or stalking. In addition, employees would be eligible to use paid leave during a temporary relocation occasioned by the domestic violence, sexual assault or stalking. If the employee intended to use the leave for longer than three consecutive work days, the employer would be free to require certification that the leave is for one of the enumerated purposes. Permissible documentation would include a police report, documentation of an indictment against the abuser, a court order, a notice from a court, victim's attorney, or state's attorney's office, and a certification by a state's attorney's office, child protective services, law enforcement, victim's attorney or victim's advocate.

Qualifying employees would be required to provide employers with a notice of their intent to use the leave as soon as practicable. Employers would in turn be prohibited from requiring that the employee disclose details of the domestic violence, sexual assault or stalking or of the mental or physical condition of the employee or the employee's family member. Additionally, employers would be required to maintain any records compiled pursuant to these provisions in strict confidence. The disclosure would be permitted only with the affected employee's permission.

Employers would not be allowed to take adverse employment action against any employee who exercised his or her rights under these provisions. If the employer took adverse action within 90 days of employee's exercise of such rights, a rebuttable presumption of unlawful conduct would arise. Aggrieved employees would be permitted to bring a civil action for any violation of these provisions without first exhausting their administrative remedies. Victorious plaintiffs would be able to recover attorney's fees and costs. The statute of limitations would be three years from the date of the employer's alleged violation. This bill was withdrawn from further consideration on May 25, 2013.

MASSACHUSETTS: [S.B. 853/H.B. 1764](#), 188th Gen. Court (Mass. 2013).

This bill would require employers who employ 50 or more people to permit their employees to take up to 15 days of leave from work in any 12-month period if the employee or the employee's family member is a victim of abusive behavior. The leave would be limited to those employees who are not the perpetrators of such abusive behavior. The employee would be permitted to use the leave to seek medical attention, counseling, victim services or legal assistance, secure housing, obtain a protective order, take legal action or address other issues stemming from the abusive behavior directed at the employee or the employee's family member. The employer would be permitted to seek certification that the employee or the employee's family member has indeed been a victim of abusive behavior and that the purpose of the leave is to fulfill one of the enumerated purposes. The employee could satisfy this requirement by providing one of the following documents: a protective order or any other court-issued documentation, a police report, medical documentation, a sworn statement from the employee or the employee's counselor, social worker, health care provider, clergy

member, shelter worker, legal advocate or other such professional, and the documentation showing that the perpetrator was either convicted or has admitted to sufficient facts to support a finding of guilt. The employer would be prohibited from disclosing records received pursuant to these provisions, excepting cases where the disclosure were either consented to by the employee or authorized by law.

Employees would be required to provide their employers with an advance notice, excepting cases of emergency. In case of an unscheduled absence occasioned by the abusive behavior, employers would not be allowed to take adverse action unless the employee failed to provide any of the documentation referenced above within 30 days of that absence. All of these provisions would be enforced by the attorney general who would be entitled to seek equitable relief on employee's behalf. Both bills are in committee.

In addition, two more bills relating to the provision of a job-protected leave for domestic violence victims, [H.B. 1739](#) and [S.B. 900](#), were introduced in the 2013 legislative session. These companion bills would guarantee provision of a job-protected leave in cases where the employee needs time off to address the psychological, physical or legal effects of domestic violence. Both bills are in committee and are scheduled for a hearing on June 25, 2013.

MASSACHUSETTS: [H.B. 1815/S.B. 688](#), 186th Gen. Court (Mass. 2009).

This bill provides that all employees accrue one hour of paid sick leave at the rate of one hour for every 30 hours worked, up to a maximum of seven days. The paid sick leave may be used, inter alia, by an employee to address the psychological, physical or legal effects of domestic violence. The bill died in committee.

MASSACHUSETTS: [S.B. 2405](#), 186th Gen. Court (Mass. 2010).

This bill would require employers to allow employees to take up to 15 days of paid or unpaid leave in a 12 month period if: the employee or a family member (spouse, dating relationship where the couple is living together, having a child in common, parent, child, sibling, grandparent, or guardian) of the employee is a victim of "abusive behavior" (domestic violence, stalking or sexual assault); the employee is not the perpetrator; and the leave is used to seek or obtain medical attention, counseling, victim services or legal assistance, secure housing, obtain a protective order, appear on court, meet with the district attorney or law enforcement, attend child custody proceeding or address other issues directly related to the violence. The employer may request documentation of the violence and the purpose of the leave. The bill passed the Senate but died in the Committee on House Ways and Means on May 17, 2010.

MICHIGAN: [H.B. 4706](#), 2013-14 Leg. Sess. (Mich. 2013).

This bill would require employers to provide paid sick leave in cases where either the employee or the employee's family member is a victim of domestic or sexual violence. In particular, the employee would be able to take time off in order to seek medical care, receive counseling, obtain services from a victim services organization, relocate or take legal action related to such violence. In cases where the employee took more than three consecutive work days off, employer would be permitted to verify that the leave is for one of the enumerated purposes. Documentation that would satisfy the verification requirement would include documentation signed by the employee's health care provider, a police report, a court order or a signed statement from a victim or witness advocate. The employer would be prohibited from disclosing any information compiled pursuant to these provisions without the consent of the affected employee.

The leave would accrue at a rate of one hour of paid sick leave for each thirty hours worked. Employers would be prohibited from interfering with the employees' ability to exercise their rights under this bill or from taking adverse action against employees for doing so. A rebuttable presumption of unlawful conduct would arise if the employer took adverse action against an employee within 90 days of that employee's exercise of their rights under this bill. Aggrieved employees would be able to sue for violations within 3 years of the

occurrence of those violation. Victorious plaintiffs would be eligible to recover attorney's fees and court costs. This bill is currently in committee.

MINNESOTA: [H.F. 612/S.F. 461](#), 86th Leg. Sess. (Minn. 2009).

This bill would require employers with ten or more employees to provide a minimum of one hour of paid sick leave for every 30 hours worked by an employee, up to at least 72 hours of sick leave a year. Those who employ less than ten persons shall provide a minimum of one hour of paid sick leave for every 30 hours worked by an employee, up to at least 40 hours of sick leave per year. Paid sick leave may be used by victims of domestic abuse: to seek medical attention for themselves or a family member to recover from injury caused by domestic abuse or sexual assault; to obtain services from a victim services organization; to obtain counseling; to seek relocation due to domestic abuse, sexual assault or stalking; or to take legal action, including preparing for or participating in any civil or criminal legal proceeding related to the domestic abuse or sexual assault. The employer may not retaliate or discriminate against an employee for requesting or taking paid sick leave. The bill died in committee. Similar bills were introduced in previous sessions as [S.F. 1324 & H.F. 1334](#) (2007) and [S.F. 1438/H.F. 443](#) (2005).

MISSOURI: [H.B. 946](#), 97th Gen. Assembly, 1st Reg. Sess. (Mo. 2013).

This bill would amend the existing law to create a right to an unpaid leave in circumstances where either the employee or the employee's family or household member is a domestic violence victim. Employers who employ 50 or more people would be required to provide at least 12 workweeks of leave in the course of 1 year; employers who employ between 15 and 49 employees would receive a total of 8 weeks within one year. The employee would be able to use the leave to address the violence by seeking medical attention or counseling, obtaining services from a victim services organization, participating in safety planning, relocating, taking legal action or pursuing any other measure calculated to increase the safety of the employee or the employee's family or household member.

The employer would be permitted to verify that the employee or the employee's family or household member is a domestic violence victim, that the purpose of the leave is to address that violence and, where applicable, that the employee is unable to return to work upon the expiry of the leave on account of the violence. To satisfy the verification request, the employee would provide a sworn statement in addition to one of the following: documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional, a police or a court order or any other corroborating evidence. The employer would be prohibited from disclosing the information gathered pursuant to these provisions, except to the extent authorized by law or by the affected employee. Additionally, employers would be required to provide reasonable accommodations to employees who are victims of domestic violence unless such an accommodation posed an undue hardship to employer's operations.

Lastly, employers would be prohibited from taking adverse employment action under the following circumstances: where the employee exercises their rights under these provisions; where the employee is, or is perceived to be, a domestic violence victim; where the employee takes legal action against the perpetrator; where the employee requests a reasonable accommodation in response to the violence; and, where the workplace is disrupted or threatened on account of perpetrator's actions. This bill is currently in committee.

MONTANA: [S.B. 221](#), 63rd Reg. Sess. (Mt. 2013).

This bill would require employers who provide paid leave to include among eligible reasons for leave an employee's need to address situations involving the employee's status as a victim of domestic violence, sexual assault or stalking. All information gathered pursuant to employer's request to verify that the employee is indeed a victim would be maintained in strict confidence. This bill died in committee.

MONTANA: [H.B. 579](#), 61st Reg. Sess. (Mt. 2009).

This bill would require employers with 10 or more employees to provide employees with one hour of paid sick leave for every 30 hours worked, for at least 72 hours of paid sick leave annually. The leave may be used for the protection of the employee or the employee's child from domestic abuse, sexual offenses, or stalking; for medical treatment or counseling; or to participate in any civil or criminal proceeding relating to the domestic abuse, sexual offense or stalking. The bill died in committee.

NEW HAMPSHIRE: [H.B. 662](#), 2009 Leg. Sess. (N.H. 2009).

All full or part-time employees who work in the state for more than six months in the same job in a year may accrue up to 40 hour of paid sick leave in a calendar year. Paid sick leave may be used, inter alia, for absences necessary due to domestic violence, sexual assault or stalking, provided the leave is to: seek medical attention for the employee or employee's family member; obtain services from a victim services organization; obtain psychological or other counseling; see relocation; or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to the violence. If the leave is for more than three consecutive days, the employee may require documentation such as a police report, a court order or a signed statement from a victim and witness advocate, but the employer may not require that the documentation explain the details of the violence. The bill died in committee.

NEW JERSEY: [A.B. 451](#), 214th Leg. (N.J. 2010).

This bill, which would create the Security and Financial Empowerment Act, would permit an employee to take 20 days of leave in any 12-month period to engage in activities related to an incident of domestic or sexual violence of which the employee or employee's family or household member has been a victim. The leave may be used for: seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, participating in safety planning or relocation, seeking legal assistance (including preparing for or participating in a civil or criminal legal proceeding), or attending or participating in a criminal or civil court proceeding. The employee must give written notice of the need for leave and upon the employer's request provide documentation of the violence, in the form of: a restraining order or other evidence of equitable relief issued by a court; a letter or other written documentation from a prosecutor; documentation of the conviction of the perpetrator of the violence; medical documentation; certification from a certified domestic violence specialist or other designated victim service provider; or other documentation from a social worker, member of the clergy, shelter worker or other professional. Employers are required to post notice of employees' rights under the law. The bill died in committee. Similar versions of this bill were introduced in previous sessions, [A.B. 573/S.B. 667](#) in 2009, [A.B. 434](#) and [S.B. 1194](#) in 2006, and [A.B. 3837](#) and [S.B. 2364](#), in 2005.

NEW YORK STATE: [A.B. 7029/S.B. 2509](#), 236th Leg. Sess. (N.Y. 2013).

This bill would require employers to offer 90 days of unpaid leave per year to employees who are victims of domestic or sexual violence. The employee would be able to use leave for a number of purposes, including seeking medical attention, counseling or services for themselves or their child, taking legal action, or engaging in safety planning. Employers would be able to verify that the leave is used for an authorized purpose by seeking certification that the employee has been a victim of domestic or sexual violence. To satisfy this requirement, employees would have the option of submitting a sworn statement, documentation such as police reports, court orders or statements from professionals who have assisted them in addressing the violence, or any other corroborating evidence. Employers would not be permitted to disclose any of the information collected pursuant to this provision unless employees either consented to or requested the disclosure. In case of an unscheduled absence from work, the employer would not be permitted to take adverse action against the employee if the employee provided the employer with certification within a reasonable period of time following such absence.

Employers would be barred from retaliating or taking any adverse action against employees who exercised their rights under this bill. Aggrieved employees would be able to seek remedies either through a private lawsuit in the civil court or by filing a complaint with the industrial commissioner. The lawsuit would have to commence within 2 years of the occurrence of the violation. Both bills are currently in committee. A previous version of this bill, [S.B. 1609](#), was introduced in the 2011-12 legislative session. That bill died in committee.

NEW YORK STATE: [A.B. 898/S.B. 3385](#), 236th Leg. Sess. (N.Y. 2013).

This bill would ensure that domestic violence is on the list of protected traits that employers must not use as a basis for refusing to hire, discharging or in any way discriminating against a potential or a current employee. In addition, the bill would designate refusal to provide reasonable accommodation to a victim of domestic violence in need of time off as an unlawful discriminatory practice. Exception would apply in cases where granting such an accommodation causes undue hardship for the employer. Whether that exception applied would depend on a number of factors, including but not limited to the overall size of the employer's business.

Qualifying employees would be permitted to use time off to seek medical attention, counseling or services, take legal action or participate in safety planning, including relocation. Additionally, employees would be able to use time off to seek help for their child for as long they themselves were not the perpetrators of the domestic violence affecting the child. In cases where employees missed work without prior notice as the result of the violence, they would be required to provide the employer with a certification within reasonable time following such absence. The certification could take the form of a police report, a court order, or other documentation from the court or the prosecuting attorney, or documentation from a medical professional, a health care provider, a counsel or a domestic violence advocate. Employers would be required to maintain all records gathered pursuant to the certification requirement in strict confidence. This bill passed Assembly and is currently in a Senate committee. The companion bill, [S.B. 3385](#), died in committee, as did a similar bill that was introduced in that same session, [S.B. 3371](#).

A set of bills identical to A.B. 898 and S.B. 3385, [A. B. 2348](#) and [S.B. 5526](#), were introduced in the previous legislative session. A bill similar to S.B. 3371, [S.B. 3814](#), was introduced in the previous legislative session as well. All of these bills died in committee.

NEW YORK STATE: [A.438/S.5610, S.4225](#), 232d Leg. Sess. (N.Y. 2009).

These bills would permit victims of domestic violence, sexual offenses, and stalking to take an unpaid leave of absence from employment for up to 90 days in a 12-month period to address ongoing effects of domestic violence, such as seeking medical attention, attending counseling, seeking legal assistance, seeking support services, or for safety planning. The individual could be required to submit certification of the violence, such as the individual's sworn statement, evidence from a professional who assisted the individual, a court proceeding, medical records, or other corroborating evidence. The bills died.

NEW YORK STATE: [A.9018/S.6000/S.55308](#), 232d Leg. Sess. (N.Y. 2009).

This bill, which was passed but then vetoed by the governor, would have amended the existing State Human Rights Law which prohibits employment discrimination against victims of domestic violence. The bill would have amended the definition of "victim of domestic violence," expanded the scope of discriminatory acts, and required employers to provide victims with a reasonable accommodation, limited solely to allowing an absence (either unpaid or use of existing leave). The leave could only be used to seek medical attention or counseling for the victim or their child; obtain services from a service provider; obtain psychological counseling, including for a child who is a victim; participate in safety planning; and obtain or legal services or appear in court, unless time off would constitute an undue hardship on the employer. Certification of the violence and need for the absence can be in the form of a police report; a court order; other evidence from the court or prosecuting attorney; or documentation from a medical professional, advocate, health care provider, or counselor who has provided assistance.

NORTH CAROLINA: [H100/S536](#), 2013-14 Leg. Sess. (N.C. 2013).

With limited exceptions, this bill would entitle all employees working in North Carolina to paid sick time. Such time would accrue at the rate of 1 hour of pay for every 30 hours worked. For small businesses, accrual would be capped at 32 hours per year; for all other employers, accrual would max out at 56 hours per year.

Employees would be permitted to use this leave to address the physical, psychological or legal effects of domestic violence, sexual assault or stalking, either with respect to themselves or with respect to their immediate family member. In cases where leave exceeded 3 consecutive work days, employers would be permitted to verify that it is for an authorized purpose. To satisfy the verification request, employees could submit a variety of documents, including records or files from law enforcement, court or a federal agency or documentation from a domestic/sexual assault program or a religious, medical or other professional from whom they have sought assistance in connection with the violence. All information gathered pursuant to these provisions would be maintained in strict confidence, excepting cases where the affected employee consented to disclosure.

Aggrieved employees would be permitted to bring civil suits within 2 years of the employer's alleged unlawful conduct. Victorious plaintiffs would be able to recover reasonable attorney's fees and court costs. However, in cases where the court determined that the complaint was frivolous, plaintiffs could likewise be required to pay their employer's reasonable attorney's fees and court costs. This bill is in committee.

NORTH CAROLINA: [H.B. 177/S.B. 534](#), 2009-10 Leg. Sess. (N.C. 2009).

Employees would accrue paid sick time at the rate of one hour for every 30 hours worked, up to a limit of 56 hours accrued per calendar year. Employees of small businesses may accrue only 32 hours per calendar year. Paid sick time may be used, inter alia, to allow an employee to address the psychological, physical or legal effects of domestic violence, sexual assault or stalking on the employee or the employee's immediate family member. When the paid sick time covers three consecutive workdays, the employer may require certification of the violence in the form of: law enforcement, court or federal agency records or files; documentation from a domestic violence or sexual assault program; or documentation from a religious, medical or other professional who provided assistance. An employer may not require disclosure of details relating to the violence. The bill died in committee.

OHIO: [H.B. 105](#), 129th Gen. Assembly (Ohio 2011).

This bill would require employers to provide unpaid leave for employees who are victims of domestic violence. Employees who had been employed for less than 12 months would be entitled to 3 days unpaid leave per year; employees who had been employed for at least 12 months would receive 5 days unpaid leave per year. Employees would be able to use this leave to take a variety of enumerated legal actions as well as obtain emergency medical treatment. Further, in cases where employees found it impossible to schedule appointments outside their working hours, they would be permitted to use this leave for a number of additional purposes, including seeking nonemergency medical attention, meeting with police, attending specified legal proceedings and seeking assistance from a counselor, social worker, victim advocate, health care provider or attorney.

Employers would be permitted to require employees to provide documentation of their status as victims of domestic violence. To satisfy this requirement, employees could submit a variety of documents, including

court documentation, information from their health care provider, police reports, or evidence that they have met with a person tasked with providing assistance or services to domestic violence victims. The type of documentation required in a given case would depend on the purpose for which leave was used. Employees would be granted fourteen days to satisfy their employers' documentation request. Aggrieved employees would be able to sue their employers in a civil court no later than 180 days from the date of their discharge. The civil suit would be the only remedy available to the employee whose rights were violated under this bill. This bill died in committee.

OKLAHOMA: [S.B. 728](#), 52d Leg., 1st Sess. (Okla. 2009) [click on Basic Search Form at the right hand side of the screen; enter "SB728" in the Measure Number(s) search box and select 2009 Regular Session from the Session drop down box; click on Introduced at the very top of the screen to view the text of this bill] This bill would allow any state employee to take up to 30 days of unpaid leave per calendar year if the employee or the employee's family or household member is a victim of domestic abuse, sexual assault, or stalking. The leave may be used to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, or to take legal action. The bill died in committee.

OKLAHOMA: [H.B. 1839](#), [S.B. 1038](#), 52d Leg., 1st Sess. (Okla. 2009) [follow the same instructions as for S.B. 728, except enter "HB1839" and "SB1038" in the Measure Number(s) search box to get to either bill] These bills would create the Victims Economic Security and Safety Act. It would require employers with at least 100 employees to allow an employee who is a victim of domestic or sexual violence or is a pregnant woman to take three weeks of unpaid leave during any 12-month period. The leave maybe used to: seek medical attention; obtain services from a victim services organization; obtain psychological or other counseling; participate in safety planning, including relocation; seek legal assistance, including preparing for or participating in a criminal or civil legal proceeding; or for a pregnant woman, seeking medical attention for the pregnancy. The employer may request certification in the form of a police or court record; a victim's protective order; documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional, or for a pregnant woman, documentation of the pregnancy. The Act would also prohibit employment discrimination and public assistance discrimination against an individual who is or is perceived to be a victim of domestic or sexual violence; attended or participated in a court proceeding relating to an incident of domestic or sexual violence against the individual; requested an enumerated accommodation in response to actual or threatened domestic or sexual violence; is pregnant; or when the workplace is disrupted or threatened by the action of a perpetrator of such violence. The bills died in committee.

OHIO: [H.B. 167](#), 128th Gen. Assembly (Ohio 2009).

The bill would prohibit employers (any state or local entity or employer of twenty-five or more employees) from discharging, discriminating, or retaliating against an individual or employee who is perceived to be or is a victim of domestic violence. Employers may not take adverse employment action against employees because of threatened or actual workplace disruptions caused by domestic violence or because an employee requested a reasonable accommodation or took unpaid leave in accordance with the provisions of the bill. Employers must develop a policy providing reasonable accommodations and must allow employees who are victims of domestic violence to take unpaid leave to attend court or seek medical attention. Employers may require employees taking unpaid leave to provide documentation in the form of a sworn statement, law enforcement or court records, the statement of a service provider, or any other corroborating evidence. Employees who do not produce such documentation when required by their employer to do so make be discharged or otherwise disciplined. Employers are not liable for harm suffered by an employee in the workplace due to domestic violence committed against the employee. The bill provides a private right of action against employers who violate the act. The bill would also prohibit discrimination against victims of domestic violence in housing. The bill passed the House but died in the Senate.

OREGON: [H.B. 2903](#), 77th Leg. Assembly (Or. 2013).

This bill would amend the existing law to eliminate the requirement whereby employees must have worked at least 25 hours a week over the preceding 180 days in order to qualify for time off on grounds of their status as a victim of domestic violence, harassment, sexual assault or stalking. In this way, the bill would extend current protections discussed above to new and part-time employees. In addition, the bill would require employers to post, in a conspicuous and accessible place, a summary of statutes and related administrative rules governing employment rights of victims of domestic violence, harassment, sexual assault or stalking. The bill passed both House and Senate and is currently with Governor.

Another measure seeking to amend the existing law regarding the job-protected leave for victims of domestic violence, sexual assault or stalking is [H.B. 3390](#). Under the terms of this proposed measure and its Senate companion bill, [S.B. 801](#), such employees would be entitled to 7 days paid sick leave from employment per year in addition to the rights they already enjoy under current provisions discussed above. A written notice would have to be provided to the employer at least 7 days in advance of the anticipated leave. If the employer sought certification, the employee would provide documentation from the health care provider from whom the employee has sought assistance. This bill is currently in committee.

OREGON: [H.B. 3263](#), 77th Leg. Assembly (Or. 2013).

This bill would require public employers to grant up to 160 hours of paid leave to employees who are victims of domestic violence, harassment, sexual assault or stalking. In cases where the public employer has, or reasonably ought to have, knowledge that the employee is a victim of a specified offense, the employer would have the duty to speak with the employee and offer to contact law enforcement in any instance where the employer knows that a communication regarding employee's victimization was made to the employee while the employee was on the job. The same obligation would apply if such communication had been attempted but had not reached the employee. Lastly, the bill would broaden the existing definition of a "reasonable safety accommodation" to include use of available paid leave from employment in response to actual or threatened domestic violence, harassment, sexual assault or stalking. This bill is currently in committee.

PENNSYLVANIA: [H.B. 1207](#), 2011-12 Leg. Sess. (Pa. 2011).

This bill would ensure the availability of 30 days unpaid leave per year in circumstances where either the employee or the employee's minor child is a domestic violence victim. Qualifying employees would have to have been employed for at least 12 months preceding their request for such leave. The leave could be used to secure medical treatment, attend legal proceedings related to the violence, relocate, and obtain counseling or advocacy services. Employers would be permitted to verify that the employee or the employee's child is a victim of domestic violence and that the leave is for an authorized purpose. To comply with the verification request, employees could submit a variety of documents, including police reports, court orders, or signed statements from police officers, victim and witness advocates, court personnel, medical professionals, therapists, clergy members, counselors and advocates from whom they have sought help in connection with the violence. Employers would be required to maintain such information in strict confidence, unless the employee consented to, or law required, disclosure.

Employers would not be permitted to discriminate against employees who exercised their rights pursuant to this bill. Aggrieved employees would be permitted to bring civil suits against their employers within 1 year of the occurrence of the last instance of employers' unlawful conduct. Victorious plaintiffs would be able to recover reasonable attorney and expert fees as well as court costs. This bill died in committee.

PENNSYLVANIA: [H.B. 1830](#), 2009 Sess. (Pa. 2009).

This bill requires employers to provide employees with a minimum of one hour of paid sick leave for every 40 hours worked by an employee; employers are not required to provide more than 52 hours of paid sick leave per employee in a calendar year. Paid sick leave may be used, inter alia, for an absence necessary due to domestic violence, if the leave is used to: seek medical attention for the employee or their family member to recover from an injury caused by domestic or sexual violence; obtain services from a victim services organization; obtain counseling; seek relocation; or take legal action. For leave of more than three consecutive days, the employer may request reasonable documentation, including: a court record, documentation signed by a victim services organization, attorney, policy officer or other antiviolenace counselor. The bill died in committee.

PENNSYLVANIA: [H.B. 392](#), 2009 Leg. Sess. (Pa. 2009).

An employer with 50 or more employees shall permit, upon request, an employee to take up to 30 days of unpaid leave during any 12-month period where an employee or the employee's minor child is the victim of domestic violence. The leave may be used to secure medical treatment; attend legal proceedings relating to the domestic violence; relocate; or obtain counseling or advocacy services. An employee must give at least five days' notice of the intention to take leave. If the employee is unable to provide such notice because of safety reasons, the scheduling of a legal proceeding, or the availability of counsel or advocacy services, the employer may require certification that the eligible employee or their minor child is a victim of domestic violence, or that the leave is requested for one of the enumerated purposes. The certification requirement may be satisfied by producing a police report; a court order; a signed statement from a medical professional, therapist, clergy, counselor or advocate; a signed statement from a victim/witness advocate or court personnel that the victim or their child is involved in legal proceedings; or a signed statement from a police office, advocate, or other professional that the employee or their child has ongoing safety concerns that warrant absence from work. The bill died in committee.

PHILADELPHIA, PENNSYLVANIA: [No. 130004](#), 2013 Coun. Sess. (Phila. 2013) [click on the PDF link following "Attachments" towards the left hand corner of the screen].

This ordinance would allow employees to accrue 1 hour of paid sick time for every 40 hours worked in Philadelphia, with the accrual capped at 56 hours per year unless the employer selects a higher limit. (In cases where the employer is a small business, accrual would be capped at 32 hours per year.) Such leave could be used for a variety of purposes, including circumstances where the employee needs time off due to domestic abuse, sexual assault or stalking. In particular, the employee could use time off to obtain, either for themselves, or for a family member, medical attention, services from a victim services organization, counseling, relocation or legal remedies. The employer would be entitled to a reasonable notice of employee's intent to take leave. Additionally, the employer could seek documentation verifying that the leave is for an authorized purpose in cases where the employee intends to take more than two consecutive days off work. To satisfy the certification requirement, the employee could submit documentation from a health care provider, a police report or a signed statement from a victim services organization that has assisted the employee in connection with the violence. All information gathered pursuant to these provisions would be maintained in strict confidence, unless the employee agreed to, or the law compelled, disclosure.

Employers would be barred from retaliating or discriminating against employees who exercised their rights under this ordinance. A presumption of unlawful conduct would arise in all cases where the employer took adverse employment action against the employee within ninety days of employee's assertion of those rights. Aggrieved employees would be permitted to bring civil suits against their employers without first exhausting any of the available administrative remedies. The statute of limitations would be 2 years from the occurrence of the employer's unlawful conduct. Victorious plaintiffs would be entitled to reasonable attorney's fees. This

ordinance was passed by the City Council but vetoed by Mayor. Since the Council was not able to override the veto, the measure is currently dead.

VERMONT: [H.B. 208](#), 2013-14 Leg. Sess. (Vt. 2013) [click on the link titled “Original Version” to view the text of this bill].

This bill would allow employees to accrue 1 hour of paid health care time for every 30 hours worked, with the accrual capped at 56 hours in a 12-month period. Employees would be permitted to use paid health care time to arrange for social or legal services or to obtain medical care or counseling for themselves or for an immediate family member who is either a victim, or in the process of relocating because, of domestic violence, sexual assault, or stalking. Employers would be permitted to require employees to reasonably attempt to avoid using paid health care time for routine or preventative health care, to provide a timely notification of their intent to use paid health care time, and to certify that the leave is for an authorized purpose whenever the employee takes more than three consecutive days off work. To satisfy the certification requirement, employees could provide a sworn statement, police or court records, or documentation from an attorney, legal advisor, member of the clergy or the health care provider from whom they have sought assistance in connection with the violence. All information gathered pursuant to these provisions would be regarded as confidential, excepting cases where disclosure was either consented to by the employee or authorized by law. If law compelled disclosure, employers would need to notify affected employees upon receiving the disclosure request and prior to releasing requested information. This bill is in committee.

VERMONT: [H.382](#), 2009-10 Leg. Sess. (Vt. 2009) [click on the link titled “Original Version” to view the text of this bill].

Employers with ten or more employees would be required to provide employees with parental leave; employers with 15 or more employees would be required to provide employees with family leave; and employers with more than one employee would be required to provide employees with paid health care time, accrued at the rate of one hour of leave for every 30 hours worked up to a maximum of 56 hours per year. Paid health care time may be used for a variety of absences, including (1) obtaining services for the employee or the employee’s family member who is a victim of domestic or sexual violence or stalking, where the absence is directly related to social or legal services; and (2) obtaining medical care for physical or mental injury caused by the violence. If the absence is for more than three consecutive workdays, the employer may require certification, including (1) a sworn statement from the employee attesting to the violence; law enforcement or court records; or (3) other documentation from an attorney or legal advisor, clergy, or health care provider. Information provided to the employer about the violence shall not be disclosed unless the victim has consented in writing to the disclosure. The bill died in committee.

WASHINGTON: [S.B. 5594](#)/[H.B. 1313](#), 63rd Leg. (Wash. 2013).

This bill would establish minimum standards for the provision of sick and safe leave from employment. In particular, it would require employers to provide their employees with safe leave in cases where either the employee or the employee’s family member is a victim of domestic violence, sexual assault or stalking. Employees would qualify for such leave after 180 days of employment. In cases where the employee takes more than 3 consecutive work days off, the employer would be permitted to seek verification that either the employee or the employee’s family member is a victim of domestic violence, sexual assault or stalking and that the leave is for an authorized purpose.

If the leave is foreseeable, the employee would be required to schedule it in a manner that accommodates the employer, make the request in writing and apply for time off at least 10 days in advance of the planned commencement of that leave. If the leave is not foreseeable, the employee would be required to provide notice as soon as practicable. The employer would be required to maintain confidentiality of all information gathered pursuant to these provisions. Disclosure would only be permitted if requested or consented to by the employee, compelled by a judicial order or otherwise required by law. Aggrieved employees would be permitted bring civil suits without exhausting their administrative remedies in advance of those suits. Victorious plaintiffs would be entitled to attorneys' fees and costs. This bill is currently in committee. A nearly identical set of bills was introduced in the preceding legislative session as [H.B. 2508/S.B. 6229](#). That set of bills died in committee.

Crime Victim Job Protection Bills

FEDERAL: [H.R. 5845](#) (April 2008). <http://www.govtrack.us/congress/bills/110/hr5845/text>
H.R. 5845, the Crime Victims Employment Leave Act, would amend the Family and Medical Leave Act to allow victims of violent crime and domestic violence leave to attend court proceedings related to the prosecution of a person for the crime against the employee or employee's family member. Where the court proceedings are foreseeable the employee must give the employer 14 days' notice of the absence, or if the proceedings require leave to begin in less than 14 days, such notice as is practicable. An employer may require certification issued by a court or prosecutor relating to the court proceeding for which leave is taken. The bill died in committee.

ARIZONA: [H.B. 2300](#), 48th Leg., 2d Reg. Sess. (Ariz. 2008) (would amend Arizona's existing crime victim leave law, [Ariz. Rev. Stat. 13-4439](#), to require employers with 50 or more employees to allow a crime victim to leave work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding). The bill died in committee.

CALIFORNIA: [S.B. 288](#), 2013-14 Leg. Sess. (Cal. 2013).

This bill would broaden the existing law to prohibit employers from discharging, discriminating or retaliating against an employee who is a victim of felony domestic violence or felony stalking for taking time off work to appear in any court proceeding in which a right of the victim is at issue. The term "victim" would encompass employee's spouse, parent, child, sibling or guardian. The proposal retains current certification requirement. This bill passed Senate on May 13, 2013. It is currently in an Assembly committee and is scheduled for a hearing on June 12, 2013.

DISTRICT OF COLUMBIA: [B.18-595](#) (D.C. City Council 2009).

This omnibus bill would prohibit employers from taking adverse action against employees who meet with law enforcement or a prosecutor or attend court on account of their status as a victim of, or a witness to, a crime. Identical prohibition would apply in cases where the employee is a member of victim's or witness's family. Employers would not be required to compensate such employees for time lost. The bill died in committee.

ILLINOIS: [H.B. 5426](#), 96th Gen. Assembly (Ill. 2010) (except as otherwise provided by VESSA, would require an employer with 50 or more employees to allow an employee who is a crime victim to leave work to attend certain court proceedings, and to obtain an order of protection, and injunction against harassment or any other injunctive relief to help ensure the safety of the victim or the victim's child). The bill died in committee.

KENTUCKY: [H.B. 97](#), 2013 Reg. Sess. (Ky. 2013) [click on HB 97 link on the left side of the screen].

This bill would prohibit employers from discharging or retaliating against an employee who is a crime victim for taking time off to attend court or other legal or investigative proceedings associated with the crime. The term victim is defined broadly enough to encompass employee's immediate family members who are minors or incompetent, as well as the immediate family of a homicide victim. Employees would have to provide notice within 2 business days after returning to work at the latest, while the employers would be required to maintain confidentiality of any records they received from their employees pursuant to these provisions. This bill passed the House but died in a Senate committee.

KENTUCKY: [H.B. 402](#), 2008 Reg. Sess. (Ky. 2008) (would prohibit employers of victims or from retaliating against or discharging the victims based on absence related to a hearing or court appearance, or the investigation or cooperation in the prosecution of the case). This bill died in committee. It is very similar to H.B. 69 of 2005.

TEXAS: [H.B. 1065](#), 83rd Leg. (Tex. 2013)(this bill would broaden the existing law to confer on employees who are either crime victims or crime victims' parents or guardians the right to take time off work in order to attend court proceedings related to that crime. The employee would be required to notify the employer no later than 24 hours before taking this leave. Additionally, unless the attorney for the state contacted the employer, the employer would have the right to request reasonable documentation that the leave had been taken for an authorized purpose after the employee returned to work. This bill died in committee)

This state law guide, with links to cited laws and bills, is available on the Legal Momentum web site at <http://www.legalmomentum.org/what-we-do/violence/victims-of-violence-employment/state-law-guides>. For more information, contact our Public Education Office (PEO), peo@legalmomentum.org, at (212) 925-6635.

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