

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

Sample Letter Challenging a Firing or Other Job Action Under Illinois's Victims Economic Security And Safety Act (VESSA)

What rights does this letter assert? This letter is drafted to challenge a firing or assert other rights under Illinois's Victims' Economic Security and Safety Act (VESSA). It may be a helpful model for asserting rights under other state or local leave laws or under other state or local laws that prohibit discrimination against victims of domestic violence, sexual assault, or stalking. See Legal Momentum's state law guides, "Time Off from Work for Victims of Domestic or Sexual Violence" and "Employment Discrimination against Victims of Domestic or Sexual Violence" for more information on laws that may apply and what your rights under these laws may be.

What employers are covered by the law? VESSA applies to private companies in Illinois with at least fifty employees and to state and local government employers and school districts.

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

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

What records should you keep? You should keep a copy of the letter you send and record of how and when you delivered it. You should keep a copy of any written response you receive. If a representative of your employer talks to you about your letter, you should take notes on this conversation (either during the conversation or immediately after the conversation) and keep a copy of these notes. Your notes should be as detailed as possible. They should include the date of any conversation, what you said, what your employer said, and the date that you wrote up the notes. Also, if you feel like you are being discriminated against at work because of your request or because you are a victim of domestic violence, sexual assault, or stalking, you should keep records of exactly what happened (including notes on specific words said to you, if possible).

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

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[Insert Date]

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

[Insert your employer's name]

[Insert your employer's address]

Dear [Insert name]:

I am writing regarding your recent decision to *[insert details about the job action you are complaining about; for example, "your recent decision to fire me from my job" or "your recent decision to write me up for absences" or "your recent decision to put me on probation"]* at *[insert your employer's name]*. I have obtained information about my legal rights and I believe that your action was in violation of my rights under Illinois's Victims' Economic Security and Safety Act (VESSA).

[Describe the situation giving rise to the claim. An example follows.] As you know, I have been a loyal employee of *[insert your employer's name]* for the last two years. As your primary receptionist, I have received nothing but positive employment evaluations from you. Over the last six months, I have been forced to use my vacation and sick leave to attend to personal issues and injuries. I recently separated from my husband and requested time off from work to go to court to obtain a civil protection order against him. I shared this very personal information with you so that I could take steps to ensure my safety. You agreed to let me take Monday, April 18, 2005, off from work to attend the court hearing. You also granted my request to take off April 21 and 22 to move into a new apartment with my children. Although you verbally gave me permission to take these days off, when I returned to work on Monday, April 25, 2005, you called me into your office and told me that the company would no longer need my services. You told me that you were sorry that I was going through such a rough time, but that you could not afford to keep me on because I was missing so much work to "deal with it." You asked me to leave the premises immediately and not to return.

Illinois' Victims' Economic Security and Safety Act (VESSA) provides employment rights to victims of domestic violence, sexual assault, and stalking. Among other things, this law requires employers with 50 or more employees to provide job-guaranteed unpaid leave to their employees who are victims of domestic violence to prepare for and attend civil legal proceedings

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related to the domestic violence and to relocate as a part of a safety plan. Since *[insert your employer's name]* employs more than 50 employees, and the reasons that I took leave are covered under VESSA, your termination based on the absences is clearly a violation of the law.

As you might imagine, I would prefer to address this situation informally rather than by filing a claim with the Illinois Department of Labor. I would like to be returned to my job as soon as possible and to receive back pay for my lost wages. Please contact me by *[insert date in one week]* at *[insert phone number]*. If I do not hear from you, I will take further action to enforce my rights to the full extent of the law.

Sincerely,

[insert your name and address]