

State Law Guide

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

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](#); [Cal. Lab. Code §§ 245-249 & 2810.5](#).

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).



In January 2014, the legislature passed and enacted [S.B. 400](#), which amends [Cal. Lab. Code §§ 230 & 230.1](#) to prohibit employers from retaliating against victims of domestic violence who take time off to encompass victims of stalking. Further, it prohibits 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 are 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 are 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 are also permitted to require recertification every six months. Any documentation provided to fulfill the certification requirement must 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 are entitled to a notice in advance of any authorized disclosure. Aggrieved employees can sue their employers in the civil court. If they prevail, they can recover attorney's fees and court costs.

Effective July 1, 2015, employers must provide paid sick time for their employees at the rate of one hour per each 30 hours worked. Employees who are victims of domestic violence, sexual assault or stalking may use paid sick time for any of the authorized purposes noted above. Additionally, employees may use paid sick time for an authorized purpose if the victim is a close family member, such as a child; parent; spouse; registered domestic partner; grandparent; grandchild; or sibling. Employers are prohibited from discriminating against employees who exercise their right to paid sick time. However, employers may limit use of paid sick time to 24 hours or 3 days for each year of employment, calendar year, or on 12-month basis. Employees are entitled to notice of their right to paid sick time.

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.**

DELAWARE: [to be codified as: Del. Code Tit. 19, Ch. 7, § 710](#)

Effective December 30, 2015, employers are prohibited from discriminating against victims of domestic violence, sexual assault or stalking. Employees must verify that they are victims of one of the qualifying crimes by either an

official document, such as a court order, or by a reliable third-party professional, such as a law enforcement agency or office, a domestic violence counselor, or a health care provider. In addition, employers must reasonably accommodate known limitations related to the employee's status as a victim of domestic violence, sexual assault, or stalking. Examples of reasonable accommodations include changes in the schedule or job duties. Employers need not provide the accommodation if doing so would impose an undue hardship on their business.

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.

As of June 2013, Chapter No. [2013-215](#) amended Fla. Stat. 741. 313 to eliminate the scheduled repeal of the statute's confidentiality provisions. Both provisions were scheduled to be repealed on October 2, 2013, but this amendment extended them indefinitely past that date.

FLORIDA, Miami-Dade County: [Miami-Dade Cty., Fla. Code. §§ 11A-60 --67](#) [*click on "Part III – Code of Ordinances" on the left-hand side and scroll down to 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; scroll down to the bottom of the page and click on Chapter 3 titled Fair Labor Standards; 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.

INDIANA: [Ind. Code § 22-5-7](#)

Employers are prohibited from terminating an employee for (1) filing a petition for a protective order or (2) actions taken by the individual against whom the employee has filed a protective order. However, employer and employee may mutually agree to adjust any of the following: (1) the location of employee's employment; (2) employee's compensation or benefits; or (3) a term or condition of employment.

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](#); [26 Me. Rev. Stat. § 850-3](#).

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."

In 2015, the Maine legislature amended the law to strengthen victim's right to take necessary leave from employment. Under the new provisions, employers who deny victims the right to time off may be fined up to \$1,000 dollars for each violation by the Department of Labor. If the fine is assessed, the aggrieved employee has the right to recover monetary compensation three times higher than the fine. Additionally, aggrieved employees who were terminated for taking time off may elect to receive either reinstatement or monetary compensation three times as high as the fine assessed by the Department of Labor.

MASSACHUSETTS: [Mass. Gen. L. Ann. ch. 260 § 10](#).

Effective August 8, 2014, employers who employ 50 or more people must 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 is limited to those employees who are not the perpetrators of such abusive behavior. The employee may 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 may 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 may 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 is prohibited from disclosing records received pursuant to these provisions, excepting cases where the disclosure is either permitted by the employee or authorized by law.

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

Additionally, in November 2014, voters approved a [ballot measure](#) that proposed requiring employers with 11 or more employees to provide one hour of paid sick and safe time for every 30 hours worked, up to 40 hours per year. Employers with fewer than 11 employees must provide unpaid sick time at the same rate and subject to the same annual cap. Employers may use this time to address the psychological, physical or legal effects of domestic violence. If the absence exceeds 24 consecutively scheduled work hours, the employer may require certification in the form of any of the documentation noted above. The employee must provide advance notice when the use of time off is

foreseeable. Employers are prohibited from retaliating or in any discriminating against employees who exercise their rights or support the exercise of other employee's rights under these provisions. Additionally, employers must provide notice of employee's rights in a conspicuous and accessible workplace location. This law became effective in July 2015.

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](#)

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 the tab titled Laws; click on "Laws of New York;" 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.

NORTH DAKOTA: [N.D. Gen. Code § 54-06-14.6.](#)

State employees are entitled to use sick leave up to 40 hours per calendar year when they or their immediate family members are victims of domestic violence, sex offense, stalking or terrorizing. The leave may be used to seek legal or law enforcement assistance or remedies to ensure victim’s health and safety, including preparing for or participating in court proceedings related to or derived from the violence; seek health care treatment for physical or mental injuries caused by the violence; obtain services from a domestic violence shelter, rape crisis center, or other social services program; receive mental health counseling; or participate in safety planning or take other safety-related measures. Immediate family members include spouse; parent; child; or sibling.

OREGON: [Or. Rev. Stat. §§ 659A.256, 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 a dependent who is a victim, to take reasonable, unpaid time off from work to deal with the violence. 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.

Effective July 1, 2013, [Chapter 613](#) (formerly [H.B. 3263](#)) amended [659A.290](#) to require public employers to grant up to 160 hours of annual 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 has 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 applies if such communication had been attempted but had not reached the employee. Lastly, the amendment broadens 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.

Effective Jan. 1, 2016, [S.B. 454](#) amended §§ [653A.256](#) and [659A.885](#) to require all employers with 10 or more people to provide paid sick leave. Employers who employ 6 or more people and are located in a city of 500,000 or more inhabitants are required to comply as well. Employees who are victims of domestic violence, sexual assault, stalking or harassment may use sick leave for any of the purposes that are already authorized under section 659A.290. The leave may be taken in hourly increments, up to 40 paid hours per year. New employees are not eligible to take paid sick time off for the first 90 days of their employment. Employers may not require the employee to work extra hours or to find replacement workers in order to use the sick time employee has accrued. Employees may donate their sick time to a coworker who is a victim of domestic violence, sexual assault, harassment or stalking and needs time off for any of the above-noted authorized purposes.

Where the need for time off is foreseeable, the employer may require the employee to provide an advance notice no more than 10 days in advance of the date of the leave. In case of unforeseeable use of sick time, employee must provide notice as soon as practicable. In addition, if the employee takes more than three consecutive days off, employer may require certification to demonstrate that the leave has been taken for an authorized purpose. Employer may not require that the certification disclose details about the violence the employee has experienced. Employee must provide such certification within a reasonable time after receiving employer's request.

Employer must not in any way discriminate against an employee who requests or uses paid sick time. Additionally, employer must provide notice of employee's rights under these provisions. Aggrieved employees may bring a civil suit against a non-compliant employer.

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.

In addition, [an ordinance passed in 2015](#) provides that employees must accrue 1 hour of paid sick time for every 40 hours worked in Philadelphia, with the accrual capped at 40 hours per year unless the employer selects a higher limit. Such leave may be used for a variety of purposes, including circumstances where the employee needs time off due to domestic or sexual violence or stalking. In particular, the employee may use time off to obtain, either for themselves, or for a family member, medical attention to recover from physical or psychological injury or disability; services from a victim services organization; psychological or other counseling; relocation. or legal services or remedies, including participating in any court proceedings resulting from the violence. The employer would be entitled to a reasonable notice of employee's intent to take leave when the need for it is foreseeable. Additionally, the employer can 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 may submit documentation from a health care provider; a police report; a court order; 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 are barred from retaliating or discriminating against employees who exercise their rights under this ordinance. Additionally, employees are entitled to a notice of their rights. Aggrieved employees may bring civil or administrative action against non-compliant employers. Victorious plaintiffs are entitled to remedies such as back pay, reinstatement and reasonable attorney's fees.

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).

As of October 11, 2013, [Chapter 756](#) amends [California Lab. Code 230.5](#) 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” encompasses employee’s spouse, parent, child, sibling or guardian.

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](#) (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, enter 915.23 in the search box; click on the first search result to open it; 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\(l\) & 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](#) (click on the tab titled “Laws;” click on “Laws of New York;” 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](#) [*scroll down to click on Title 40.1; click on Chapter 3; click on 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\(E\)](#) [*under “View a Specific Law” enter “46 in the search bar titled “Title” and enter “1844” in the search bar titled “Section;” click “View”*]

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.

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. 12/H.B. 124](#), 29th Leg., 1st Sess. (Al. 2015).

Employers who employ 15 or more people would be required to provide paid sick time for their employees at the rate of one hour per each 40 hours worked. Employees would be eligible to use paid sick time in cases where absence from work was related to their, or their family member's, status as a victim of sexual assault, domestic violence or stalking. Family members would include spouse or a domestic partner, as well as a parent, child or sibling, for as long as those members resided with the employee. Employers would be prohibited from discriminating against employees who exercised their right to paid sick time; filed a complaint alleging violations of their right to sick time; or testified in any proceeding related to employer's violation of these provisions. Employers would also be required to post a notice of employee's right to paid sick time. Aggrieved employees would be entitled to monetary compensation. S.B. 12 has been referred to the Senate Committee on Labor and Commerce. H.B. 124 has been referred to the House Committee on Labor and Commerce.

ARIZONA: [H.B. 2505](#), 52nd Leg., 1st Reg. Sess. (Ariz. 2015).

This bill would require employers to provide their employees with paid sick and safe time at the rate of one hour for every 30 hours worked, up to 72 hours total in any given calendar year. Employees would be able to use this time to seek medical attention for themselves or their child, spouse, parent, grandparent or extended family member in order to recover from physical or psychological injury or disability caused by domestic violence, sexual assault or stalking. Additionally, employees who are victims of domestic violence, sexual assault or stalking would be eligible to use paid time off to obtain services from a victim services organization; receive psychological or other counseling; seek relocation; or take legal action, including preparing for or participating in any criminal or civil proceeding related to the violence.

In cases where the use of time off was foreseeable, the employee would need to make a good faith effort to provide advance notice and schedule the absence in a manner that did not unduly disrupt employer's operations. If the absence was longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification in the form of documentation signed by a health professional; a police report; a court order; or a signed statement from a victim and witness advocate affirming that that the employee had been involved in legal action

related to domestic violence, sexual assault or stalking. All records submitted pursuant to these provisions would have to be maintained in strict confidence.

Employers would be prohibited from discriminating or retaliating against employees who exercised their rights under this section; reported violations; or informed others of their potential right to paid safe and sick time. Employers would also be obligated to notify employees of their rights. Aggrieved employees would be entitled to bring an administrative or a court action against non-complaint employers. Employees who prevailed would be eligible for backpay wages and any other appropriate legal or equitable relief. This bill has been referred to the House Committee on Commerce and Rules.

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.

CONNECTICUT: [H.B. 6784](#), Gen. Assemb. Jan. Sess. (Ct. 2015).

This bill would expand the existing right to paid time off for victims of family violence to cover all industries, particularly service workers. Additionally, the bill would decrease the size of the business the victim must work for in order to be covered from 50 to 10 employees. Lastly, the bill would expand covered family members to encompass siblings, parents, grandparents and grandchildren and increase the amount of leave an employee may use in a given year from 40 to 56 hours. This bill has been referred to the Joint Committee on Labor and Public Employees.

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. 1185/S.B. 1490](#), 2015 Reg. Sess. (Fla. 2015).

This bill would require employers who employ 10 or more people to provide paid sick and safe time at the rate of 1 hour per each 30 hours worked, up to 56 hours per year. Employers who employ 9 or fewer people would need to provide unpaid sick and safe time at the same rate. Employees would be authorized to use this time if they, or their family member, were victims of domestic violence, sexual assault or stalking, for any of the following purposes: medical attention for physical or psychological injury or disability; services from a victim services organization; psychological or other counseling; legal services, including preparing for or participating in court proceedings; or relocation. Family members would include child; parent; legal guardian; employee's former primary caregiver; spouse; grandparent; grandparent's spouse; grandchild; sibling; or sibling's spouse. Employees who worked 8 or fewer hours per week would not be included.

Employees would need to notify the employer of their intent to use sick and safe time as soon as practicable. In cases where leave was expected to last longer than two consecutive scheduled shifts, the employer could require the employee to certify that the leave was for an authorized purpose. Acceptable documentation would include any of the following: police report; documentation of an indictment for the violence; certification by a state's attorney's office, child protective services, law enforcement, the victim's attorney, or the victim's advocate; a court order; or, a notice from a court, the victim's attorney, or the state attorney's office that the employee appeared, or had been scheduled to appear, in court in connection with the violence. All documentation related to the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employees would be entitled to a notice of their rights under these provisions. Additionally, employers would be prohibited from discriminating in any way against employees who exercised those rights. Aggrieved employees would be entitled to bring an action in civil court against the non-compliant employer. Some of the possible remedies would include monetary damages, reinstatement and reasonable attorney fees or other costs. H.B. 1185 died in the House Subcommittee on Economic Development and Tourism. S.B. 1490 died in the Senate Committee on Commerce and Tourism.

HAWAII: [S.B. 1025/H.B. 1047](#), 28th Leg. (Haw. 2015).

This bill would require all employers to provide paid sick leave at the rate of 1 hour per each 30 hours worked, up to 56 hours per year for businesses employing 10 or more people, and up to 40 hours per year for employers with fewer than 10 employees. Employees would be authorized to use this time to obtain medical care or psychological or other counseling for themselves or a family member in order to recover from physical or psychological injury or disability caused by domestic or sexual violence. Additionally, employees would be permitted to use sick leave to: obtain services from a victim services organization; receive psychological or other counseling; relocate; or take legal action, including preparing for or participating in any legal proceeding related to the violence. Family members would include child; parent of the employee, employee's spouse or employee's domestic partner; spouse or domestic partner; grandparent of the employee, employee's spouse or employee's domestic partner; grandchild; sibling of the employee, employee's spouse or employee's domestic partner; or any other individual related by blood or affinity such that her or his relationship to the employee was the equivalent of a family relationship.

In cases where the use of time off was foreseeable, the employee would need to make a good faith effort to provide advance notice and schedule the absence in a manner that did not unduly disrupt employer's operations. If the absence was longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification in the form of documentation signed by a health professional; 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 domestic violence, sexual assault or stalking. All documentation related to the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employers would be prohibited from discriminating or retaliating against employees who exercised their right to: use paid sick leave; file a complaint; cooperate in any investigation of an alleged violation; or inform any person of that person's potential rights under these provisions. Additionally, employers would be required to notify employees of their rights. Aggrieved employees would be entitled to bring an action in civil court against the non-compliant

employer. Some of the possible remedies would include monetary damages, reinstatement and reasonable attorney's fees. S.B. 1025 was referred to Senate Committees on Judiciary and Labor and Ways and Means. H.B. 1047 was referred to House Committees on Judiciary, Finance, and Labor and Public Employment.

HAWAII: [S.B. 129](#), 28th Leg Sess. (Haw. 2015).

This bill would expand the right to paid sick leave, as provided for in S.B. 1025/H.B. 1047, to include all service workers who work for employers with 50 or more employees. The leave would accrue at the rate of 1 hour per each 40 hours worked, up to 40 hours per year. Employees who did not work an average of ten or more hours a week would not be included. This bill was incorporated into another bill, [H.B. 496](#), which subsequently passed Senate. After the Senate passage, H.B. 496 was sent back to the House, which had passed it prior to the incorporation of S.B. 129. The legislative session ended before the conference committee could address the differences between the version passed by the Senate and the version passed by the House.

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. 3297](#), 99th Gen. Assembly (Ill. 2015).

Employers with 50 or more employees would be required to provide one hour of paid health care time for every 22 hours worked. Employers with fewer than 50 employees would accrue no less than one hour of paid health care time for every 40 hours worked. The number of hours an employee could accrue in any given year would not exceed 56 hours. If the need for paid health care time was foreseeable, the employer would be required to provide advance notice. For absences longer than three consecutive workdays that are necessitated by domestic violence, sexual assault, or stalking, the employee would need to provide certification in the form of any of the following: her or his own sworn statement; a sworn statement from law enforcement; court records; or other documentation from an attorney, a legal advisor, member of the clergy, or health care provider. Employer would be required to keep all such information in confidence unless disclosure was permitted by employee or required by law. Employers would need to notify their employees of their rights under these provisions. All retaliation against employees who exercised their rights would be strictly prohibited. This bill was referred to the House Executive Committee.

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: [H.B. 1348](#), 119th Gen. Assembly, 1st Reg. Sess. (Ind. 2015).

Employee would be allowed to take safe leave within a year of the incident of domestic or family violence. Unpaid leave would be limited to three consecutive days per absence; paid leave would accrue at the rate of one hour per every 30 days worked. The leave could be used to meet with law enforcement; seek or receive legal assistance; participate in civil or criminal proceedings; receive psychological or other counseling; obtain services from victim assistance programs; or relocate or take other necessary steps to increase the employee's safety. Employer would be allowed to require certification that the leave is for an authorized purpose. Acceptable documentation would include: a copy of an applicable restraining or protective order; a letter from a prosecutor or law enforcement agency; evidence of perpetrator's conviction; medical documentation related to victim's injuries; a letter from a domestic violence or rape crisis center; or documentation from a social worker, clergy member, shelter, worker, or other professional who has assisted the employee following the incident. The employee would be required to give advance notice if the need for time off was foreseeable.

The employer would be prohibited from discriminating in any way against an employee who exercised her or his rights under these provisions. Additionally, employers would be required to post notice of these rights in a conspicuous workplace location. Aggrieved employees would be entitled to bring a civil action against non-compliant employers. This bill was referred to the Committee on Employment, Labor and Pensions.

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) [enter "HF 149" in the search box and unclick "Current Only" option under the search bar; select second search result].

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.

LOUISIANA: [S.B. 81](#), 2015 Reg. Sess. (La. 2015).

This bill would require employers with five or more employees to provide paid sick leave benefits at the rate of one hour per each 40 hours worked up to 52 hours per year. Employers with fewer than five employees would need to provide unpaid sick leave under the same terms. Employee would be permitted to use the leave to address injuries sustained as the result of domestic violence, sexual assault or stalking. Employees would be required to provide notice in advance of using their right to a leave. For absences of three days or longer, the employer would be permitted to require that the employee obtain a reasonable certification from a health care provider or an official related to the use of sick leave benefits.

Employers would be prohibited from retaliating or discriminating in any way against an employee who exercised their right to sick leave. Additionally, employers would be required to post notice of employee's rights in a conspicuous location in the workplace. This bill was referred to the Senate Committee on Labor and Industrial Relations, which voted to defer it.

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. 385/S.B. 40](#), 2015 Reg. Sess. (Md. 2015).

This bill would require employers with 10 or more employees to provide their employees with paid sick leave at the rate of one hour for every 30 hours worked, up to 56 hours total in any given calendar year. Employers with fewer than 10 employees would be required to provide unpaid sick leave at the same rate. Employees would be able to use this time if they or their family member were victims of domestic violence, sexual assault or stalking in order to accomplish any of the following: seek medical attention to recover from physical or psychological injury or disability caused by domestic or sexual violence; obtain services from a victim services organization; receive psychological or other counseling; seek relocation; or take legal action, including preparing for or participating in any criminal or civil proceeding related to the violence. Family members would include: a child; parent, legal guardian, or someone who served as employee's primary caretaker; spouse; grandparent or grandparent's spouse; grandchild; and sibling or sibling's spouse.

Employer would need to provide advance notice of the intent to take leave. For absences longer than two consecutive scheduled shifts, the employer would be entitled to ask that the employee provide a certification in the form of any of the following: police report; documentation of an indictment for the violence; certification by a state's attorney's office, child protective services, law enforcement, the victim's attorney, or the victim's advocate; a court order; or, a notice from a court, the victim's attorney, or the state attorney's office that the employee appeared, or had been scheduled to appear, in court in connection with the violence. All documentation related to

the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employers would be prohibited from discriminating or taking adverse action against employees who exercised their rights under this section. Employers would also be obligated to notify employees of their rights. Aggrieved employees would be entitled to bring an administrative or a court action against non-complaint employers. Employees who prevailed would be eligible for relief such as monetary compensation, reinstatement and reasonable counsel fees. This bill was referred to the Committee on Labor and Industry. H.B. 385 was referred to the House Economic Matters Committee. S.B. 40 was referred to the Senate Finance Committee.

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. 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: [S.B. 256/H.B. 4414](#), 2015-16 Leg. Sess. (Mich. 2015).

This bill would require all employers to provide paid sick and safe time at the rate of 1 hour per each 30 hours worked, up to 40 hours per year for businesses employing 19 or fewer people, and up to 72 hours per year for all other employers. Employees would be authorized to use this time if they, or their family members, were victims of domestic violence or sexual assault for any of the following purposes: medical care or psychological or other counseling for physical or psychological injury or disability; services from a victim services organization; relocation; legal services; or participation in any criminal or civil proceedings related to the violence. Family members would include child; parent; spouse or domestic partner; grandparent or grandparent's spouse or domestic partner; grandchild; sibling or sibling's spouse or domestic partner; or any other individual related by blood or affinity such that her or his relationship to the employee was the equivalent of a family relationship.

Employers would be allowed to require advance notice no earlier than 7 days prior to the date of the leave if the need for the time off was foreseeable. In cases where the need for time off was not foreseeable, employee could be required to give notice as soon as practicable. If leave was expected to last longer than three consecutive days, employer could require employee to certify that the leave was for an authorized purpose. Acceptable documentation would include any of the following: documentation signed by a health care professional; police report; signed statement from a victim and witness advocate; or a court document indicating that the employee, or the employee's family member, is involved in legal action related to the violence. All documentation related to the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employers would be required to notify employees of their rights under this bill. Additionally, employers would be prohibited from discriminating or retaliating against employees who exercised those rights. Aggrieved employees would be entitled to bring an action in civil court against the non-compliant employer. Some of the possible remedies would include monetary damages, reinstatement and reasonable attorney fees or other costs. H.B. 4167 was referred to House Committee on Commerce and Trade. S.B. 101 was referred to Senate Committee on Commerce.

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. 549/S.F. 481](#), 89th Leg. Sess. (Minn. 2015).

This bill would broaden the existing right to safety leave to require employers to provide their employees with paid sick and safe time at the rate of one hour for every 30 hours worked. Employees working for an employer with 19 or fewer employees would accrue up to 40 hours in any given calendar year; all other employees would accrue up to

72 hours total. Employees would be able to use this time to seek medical attention for themselves or their family member in connection with physical or psychological injury or disability caused by domestic violence, sexual assault or stalking. Additionally, these employees would be eligible to use paid time off to obtain services from a victim services organization; receive psychological or other counseling; seek relocation; or take legal action, including preparing for or participating in any criminal or civil proceeding related to the violence. Family members would include spouse; child; regular member of the employee's household; parent; sibling; grandchild; in-law; or grandparent.

Employers would be allowed to require advance notice no earlier than 7 days prior to the date of the leave if the need for time off was foreseeable. In cases where the need for time off was not foreseeable, employee could be required to give notice as soon as practicable. If the absence was longer than three consecutive days, the employer would be entitled to ask that the employee provide documentation to demonstrate that the leave was for an authorized purpose. Such documentation would include: signed statement by a health care professional; a court record; or documentation signed by a volunteer for, or employee of, a victim services organization, an attorney, a police officer, or an antiviolence counselor. All records related to the violence would have to be maintained in confidence unless employee authorized disclosure.

Employers would be prohibited from retaliating against employees who exercised their right to time off or reported violations. Employers would also be obligated to notify employees of their rights. Aggrieved employees would be entitled to bring an administrative or a court action against non-complaint employers. H.F. 1093 was referred to the House Committee on Job Growth and Energy Affordability Policy and Finance. S.F. 1085 was referred to the Senate Committee on Jobs, Agriculture and Rural Development.

MISSOURI: [S.B. 130](#), 98th Gen. Assembly, 1st Reg. Sess. (Mo. 2015).

This bill would require employers with 15 or more employees to provide unpaid leave in the amount of one workweek per any twelve-month period to victims of domestic violence or a sexual offense. Qualifying employees would be eligible to use this leave to: seek medical attention for, or to recover from, physical or psychological injury caused by the violence; obtain services from a victim services organization; receive psychological or other counseling; participate in safety planning, relocate or take other safety-related measures; or seek legal assistance, including preparing for or participating in any court proceedings related to the violence. Where possible, the employee would provide the employer with an advance notice within at least 48 hours of the date of the leave. Employer would be permitted to require employee to certify that she or he is a victim; that the leave is for an authorized purpose; or that the employee is unable to return to work as scheduled due to violence. Acceptable certification would include employee's sworn statement plus any of the following: documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance; a police or court record; or any other corroborating evidence. All information submitted pursuant to these provisions would be maintained in strict confidence unless disclosure was authorized by the employee or required under federal or state law.

The bill would also prohibit employers from discriminating in any way against prospective or current employees for any of the following reasons: their status as victims of domestic violence or a sexual offense; their request or use of leave for any of the authorized purposes described above; their request for a reasonable workplace accommodation in connection with the violence; or any workplace disruption caused by a person who the employee identifies as a perpetrator of violence against either the employee or the employee's family or household member. Additionally, employers would be required to reasonably accommodate known limitations of an employee who is a victim of domestic violence or a sexual offense. The accommodation would not be required if the employer showed that providing it would cause business to suffer undue hardship.

Attorney general would be empowered to investigate all violations of any of the preceding provisions. Aggrieved employees would be entitled to monetary compensation, injunctive relief and reasonable attorneys' fees and other costs of the action. This bill died in Senate.

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. 197](#), 64th Reg. Sess. (Mt. 2015).
(Link: <http://leg.mt.gov/bills/2015/billpdf/SB0197.pdf>).

This bill would require all employers who provide paid leave, including but not limited to vacation or sick leave, to permit employees to use that leave to address situations related to being a victim of domestic violence, sexual assault or stalking situations. This bill was tabled by the Senate Committee on Business, Labor and Economic Affairs.

NEBRASKA: [L.B. 493](#), 104th Leg., 1st Sess. (Ne. 2015).

This bill would require employers to provide their employees with paid sick and safe time at the rate of one hour for every 30 hours worked, up to 40 hours total in any given calendar year. Employees would be able to use this time to seek medical attention for themselves or their family member in order to recover from physical or psychological injury or disability caused by domestic violence, sexual assault or stalking. Additional authorized purposes would include obtaining services from a victim services organization; receiving psychological or other counseling; relocating; or taking legal action, including preparing for or participating in any criminal or civil proceeding related to the violence. Covered family members would include employee's child; spouse; parent; or spouse's parent.

In cases where the use of time off was foreseeable, the employee would need to make a good faith effort to provide advance notice and schedule the absence in a manner that did not unduly disrupt employer's operations. If the absence was longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification in the form of a police report; a court order or any other court document indicating that the employee, or the employee's family member, is involved in legal action related to the violence; or a signed statement from an advocate attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy affirming that the employee, or the employee's family member, is a victim. All records submitted pursuant to these provisions would have to be maintained in strict confidence unless the disclosure was authorized

by the employee, required under federal or state law or necessary to prevent a clear and definite danger to other employees.

Employers would be prohibited from discriminating or retaliating against employees who exercised their right to paid sick and safe time; reported violations; cooperated in investigations of alleged violations; or informed others of their potential right to paid safe and sick time. Employers would also be obligated to notify employees of their rights. Aggrieved employees would be entitled to bring an administrative or court action against non-compliant employers. Employees who prevailed would be eligible for monetary compensation and attorney's fees and costs. This bill was referred to the Committee on Business and Labor.

NEVADA: [A.B. 235/S.B. 259](#), 78th Reg. Sess. (Nv. 2015).

This bill would require employers to provide their employees with paid sick time at the rate of one hour for every 30 hours worked, up to 48 hours in any given calendar year. Employees would be able to use this time to obtain counseling or assistance or to participate in any court proceedings related to domestic violence or sexual assault. Employers would be permitted to limit the use of sick time to 24 hours per year. Employees would be required to provide advance notice if practicable.

Additionally, employers would be prohibited from denying an employee the right to use sick leave; requiring the employee to find a replacement worker as a condition of using sick leave; or retaliating against an employee for taking sick leave. Employers would also need to post a notice of employee's rights under these provisions in a conspicuous location in the workplace. Violations would be enforced by the Labor Commissioner or an entity designated by the Commissioner. S.B. 259 was referred to the Senate Committee on Commerce, Labor and Energy. A.B. 235 was referred to the Assembly Committee on Commerce and Labor.

NEW HAMPSHIRE: [S.B. 156](#), 2015 Leg. Sess. (N.H. 2015).

This bill would broaden the existing employment discrimination statute to prohibit discrimination against potential or current employees who are, or have been, victims of domestic violence, sexual assault or stalking. The term victims would encompass an employee who has obtained a protective order or reported the violence to the law enforcement or a domestic violence center. This bill was tabled in the Senate Committee on Commerce.

NEW JERSEY: [A.2354/S.785](#), 216th Leg. (N.J. 2015).

This bill would require employers to provide their employees with paid sick time at the rate of one hour for every 30 hours worked, up to 40 hours per year for businesses with fewer than 10 employees and up to 72 hours per year for businesses with 10 or more employees. Employees would be permitted to use this time off for any of the purposes the law already lists as acceptable reasons for taking leave. Additionally, the bill would clarify the definition of domestic and sexual violence to include stalking or any sexually violent offense. A. 2354 passed the Assembly Budget Committee on December 15, 2014. S. 785 was referred to the Senate Labor Committee.

NEW YORK: [S.B. 842/A.B. 2853](#), 238th Reg. Sess. (N.Y. 2015).

This bill would permit employees who were victims of domestic or sexual violence to take unpaid leave of up to 90 days in any 12-month period. Employees would be permitted to use this leave to: seek medical attention for physical or psychological injuries sustained by themselves or their child; attending counseling sessions for the victim or the victim's child; seeking legal assistance, including attending court proceedings or communicating with an attorney or a member of law enforcement; seeking services from a domestic or sexual violence service provider; and engaging in safety planning, including relocation, in order to decrease the risk of future domestic or sexual violence. Employers would be allowed to require advance notice if the need for time off was foreseeable. In case of an unscheduled absence, the employee would be required to provide certification of the need for leave within a reasonable period of time following the absence. Employer would be permitted to require certification that the

employee is a victim of domestic or sexual violence. Acceptable certification would include: victim's own sworn statement; documentation of the violence, including a police report; a court order; statement from a shelter worker, law enforcement officer, medical worker, counselor, clergy member, attorney or any other professional from whom the victim has sought assistance in connection with the violence; or any other corroborating evidence, including physical evidence, photographs or statements from individuals who have knowledge of the violence. All records related to the violence would have to be maintained in confidence unless disclosure was authorized by the employee.

Employers would be prohibited from discriminating or retaliating against employees who exercised their right to time off; filed, or participated in the filing of, any charge for violations of these provisions; or testified or gave any information in connection with a proceeding relating to employer's non-compliance with these provisions. Aggrieved employees would be entitled to file a court action. Some of the possible relief would include reinstatement, monetary compensation, and reasonable attorney fees. This bill was referred to Committee on Labor. A similar bill, [S.B. 2636](#), would also mandate time off for victims of domestic or sexual violence, but would limit it to twenty days of unpaid leave during any 12-month period.

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 as 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.

NORTH CAROLINA: [H.270/S.339](#), 2014-15 Leg. Sess. (N.C. 2015).

This bill would require all employers to provide paid sick and safe time at the rate of 1 hour per each 30 hours worked, up to 56 hours per year for businesses employing more than 10 people, and up to 32 hours per year for employers with 10 or fewer employees. Employees would be authorized to use this time to address the psychological, physical or legal effects on themselves, or an immediate family member, of domestic violence, sexual assault or stalking. Immediate family members would include spouse; mother; father; brother; sister; son; daughter; grandmother; grandfather; grandson; and granddaughter, regardless of whether the relationship was biological. In cases where the use of time off was foreseeable, the employee would need to make a good faith effort to provide advance notice and schedule the absence in a manner that did not unduly disrupt employer's operations. If leave was expected to last longer than three consecutive days, employer could require employee to certify that the leave was for an authorized purpose. Acceptable documentation would include any of the following: 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 from whom the employee has sought assistance. All documentation related to the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employers would be required to notify employees of their rights under this bill. Aggrieved employees would be entitled to bring an administrative or court action against the non-compliant employer. Some of the possible remedies would include monetary damages, reasonable attorneys' fees and other court costs. H.B. 270 was referred to Committees on Children, Youth and Families, Judiciary and Appropriations. S.B. 339 was referred to the Committee on Rules and Operations of the Senate.

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.

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.

OREGON: [H.B. 3390/S.B. 801](#), 77th Oregon Leg. Assembly (OR 2013).

This bill seeks to amend the existing law regarding the job-protected leave for victims of domestic violence, sexual assault or stalking. 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.

PENNSYLVANIA: [H.B. 624](#), 2015-16 Leg. Sess. (Pa. 2015).

This bill would require employers with 10 or more employees to provide their employees with paid sick leave at the rate of one hour for every 40 hours worked, up to 52 hours total in any given calendar year. Employers with fewer than 10 employees would be required to provide sick leave at the rate of one hour for every 80 hours worked, up to 26 hours total in any given calendar year. Employees would be able to use this time to seek medical attention for themselves or their child, spouse, parent, grandparent or extended family member in order to recover from physical or psychological injury or disability caused by domestic or sexual violence. Additionally, employees who are victims of domestic or sexual violence would be eligible to use paid time off to obtain services from a victim services organization; receive psychological or other counseling; seek relocation; or take legal action, including preparing for or participating in any criminal or civil proceeding related to the violence.

In cases where the use of time off was foreseeable, the employee would need to give the employer an advance notice not to exceed seven days prior to the date of the leave. If the absence was not foreseeable, the employee would need to notify employer as soon as practicable. For absences longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification in the form of a court order or signed

documentation from a victim services organization, an attorney, police officer or other antiviolenace counselor. All records submitted pursuant to these provisions would have to be maintained in strict confidence.

Employers would be prohibited from discriminating or retaliating against employees who exercised their rights under this section or made complaints to enforce those rights. Employers would also be obligated to notify employees of their rights by posting a notice in a conspicuous and accessible workplace location. Aggrieved employees would be entitled to bring an administrative or a court action against non-complaint employers. Employees who prevailed would be eligible for monetary compensation, equitable relief and reasonable attorney fees. This bill was referred to the House Committee on Labor and Industry.

PENNSYLVANIA: [S.B. 221](#), 2015-16 Leg. Sess. (Pa. 2015).

This bill would require employers to provide paid sick leave at the rate of 1 hour per each 30 hours worked, up to 56 hours per year. Employee would be permitted to use the leave for diagnosis, treatment, care, counseling or other assistance in relation to a physical, mental or emotional injury suffered by the employee or the employee's family member as the result of abuse or sexual violence. Family members would include child; parent; spouse's parent; spouse or domestic partner; grandparent; grandchild; and sibling. Employees would be required to provide reasonable advance written or verbal notification if the need for time off was foreseeable. In case of an unforeseeable leave, the employee would be required to give written or verbal notice as soon as practicable. Employers would be required to post notice of employee's rights under these provisions in a conspicuous place within the workplace. Additionally, employers would be prohibited from discriminating against employees who exercised their rights under this section; filed a complaint alleging violations; cooperated in the investigation of an alleged violation; or opposed a prohibited policy or practice. Employees would have the right to file an administrative action against non-compliant employers. Employees who prevailed would be entitled to monetary compensation and reinstatement. This bill was referred to the Senate Committee on Labor and Industry.

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.

SOUTH CAROLINA: [S.172/H.3397](#), 121 Gen. Sess. 2015-16 (S.C. 2015).

This bill would require employers who employ 10 or more people to provide paid sick leave at the rate of 1 hour per each 40 hours worked, up to 56 hours per year. Employers who employ between 6 and 10 people would need to

provide paid sick leave up to 40 hours per year. Lastly, employers with fewer than 6 employees would need to provide a minimum of 40 hours of unpaid sick leave.

Employees would be authorized to use this time to address the psychological or physical effects of criminal domestic violence. Prior to using sick leave, the employee would need to make a good faith effort to provide notice unless the need for time off was unforeseeable. Employers would be prohibited from discriminating in any way against employees who exercised these rights. Employees would be entitled to a notice of their rights under these provisions. H.3397 was referred to the House Committee on Labor, Commerce and Industry. S.906 was referred to the Senate Committee on Labor, Commerce and Industry.

SOUTH DAKOTA: [S.B. 156](#), 90th Leg. (S.D. 2015).

This bill would require employers to provide their employees with paid sick leave at the rate of one hour for every 30 hours worked. Employees who are victims of domestic abuse or sexual violence would be able to use this time to obtain medical or psychological care; receive services from a victim services organization; relocate; or participate in any civil or criminal legal proceedings. In cases where the need for time off was foreseeable, the employer would be able to require employees to provide up to seven days advance notice of their intent to use paid sick time. If the reason for taking leave was not foreseeable, the employee could be required to provide notice as soon as practicable. Where the leave was for three or more days, the employer would be permitted to require documentation that verifies that the leave is for an authorized purpose. This bill was referred to the Senate Committee on Commerce and Energy.

VERMONT: [H.187](#), 2015-16 Leg. Sess. (Vt. 2015).

Employers would be required to provide paid sick time for their employees at the rate of one hour per each 40 hours worked. Employees would be eligible to use paid sick time in cases where they, or their family or household member, needed social or legal services due to sexual assault, domestic violence or stalking. Additional authorized purposes would include obtaining medical care; counseling; and relocating. Family or household members would encompass parent; grandparent; spouse; child; brother; sister; parent-in-law; grandchild; foster child; or a person for whom the employee is primarily responsible to arrange or provide care for. Employers could require employees to provide advance notice and make reasonable effort to avoid scheduling routine or preventive health care during regular work hours. Employers would be prohibited from retaliating employees who exercised their rights under these provisions. Additionally, employers would be required to post a notice of employee's right to paid sick time. H.187 passed the full House on April 23, 2015. It was subsequently sent to Senate, but the legislative session ended before Senate took action.

VERMONT: [S.15](#), 2015-16 Leg. Sess. (Vt. 2015).

This bill mirrors H.187, with the caveat that employers would be required to provide paid sick time for their employees at the rate of one hour per each 30 hours worked, up to 56 hours per year. Original H.187 contained equivalent language, but was amended before passing the House. S.15 was referred to the Committee on Economic Development, Housing and General Affairs.

VIRGINIA: [H.B. 1945](#), 2015 Reg. Sess. (Va. 2015).

This bill would permit employees to take reasonable leave from work in cases where they, or their family member, were a victim of domestic violence, sexual assault or stalking. Employees would be permitted to use this leave to: seek legal or law enforcement assistance or remedies to ensure victim's health and safety, including, but not limited to, preparing for or participating in court proceedings related to or derived from the violence; seek health care treatment for physical or mental injuries caused by the violence; obtain services from a domestic violence shelter, rape crisis center, or other social services program; receive mental health counseling; or participate in safety

planning or take other safety-related measures. Family members would include a child; a parent; a spouse; grandparent; grandparent's spouse; grandchild; sibling; and sibling's spouse.

Employers would be allowed to require advance notice if the need for time off was foreseeable. In case of an unscheduled absence, the employee would be required to give notice no later than the end of the first day of leave. Employer would be permitted to require certification that the employee, or the employee's family member, is a victim and that the leave is for an authorized purpose. Acceptable certification would include: a police report; a court order or other court evidence that the victim has appeared, or is scheduled to appear, in court; documentation from an advocate; attorney; a member of the clergy; or a medical or other health care professional from whom the victim has sought assistance in connection with the violence; or employee's own written statement. Employer may not require disclosure of any information that would compromise victim's safety. All records related to the violence would have to be maintained in confidence unless disclosure was authorized by the employee, ordered by a court or an agency, or otherwise required by federal or state law.

Employers would be prohibited from discriminating against employees who exercised their right to time off. Aggrieved employees would be entitled to reinstatement, monetary compensation, and attorney fees and court costs. This bill was referred to Committee on Commerce and Labor.

VIRGINIA: [H.B. 2008/S.B. 1407](#), 2015 Reg. Sess. (Va. 2015).

This bill would require employers to provide their employees with paid sick leave at the rate of one hour for every 50 hours worked in 2016. In 2017, the accrual rate would increase to one hour of paid sick leave for every 30 hours worked. The annual accrual cap would stand at 48 hours. Employees would be able to use this time to participate in any legal proceeding relating to their, or their family member's, status as a victim of domestic or sexual violence. Covered family members would include child; parent; spouse; grandparent; grandchild; or a sibling.

In cases where the use of time off was foreseeable and the employee was not able to schedule the leave in a manner that did not unduly disrupt employer's operations, the employee would need to give the employer an advance notice not to exceed seven days prior to the date of the leave. If the absence was not foreseeable, the employee would need to notify employer as soon as practicable. For absences longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification in the form of appropriate court records. The employer would be permitted to offer the employee the opportunity to reschedule work hours for which the employee sought to use paid sick leave. The employee would be prohibited from unreasonably refusing such an offer. Employees who unreasonably refused to work proposed hours would not be eligible to use paid sick leave. Such refusal would not be deemed unreasonable if working hours in question caused an undue hardship for the employee.

The Commissioner would be charged with enforcing these provisions and could institute a court action with aggrieved employee's written and signed consent. H.B. 2008 was tabled in the House Committee on Commerce and Labor. S.B. 1407 was defeated on a 4-11 vote on February 2, 2015 by the Senate Committee on Commerce and Labor.

WASHINGTON: [H.B. 1356/S.B. 5306](#), 64th Leg. (Wash. 2015).

This bill would amend the existing right to time off to mandate employers to pay for that time off in accordance with the size of the business. Employees working for employers with anywhere between 5 and 49 workers would accrue one hour of leave for every 40 hours worked, up to 46 hours per year. Employees working for employers with anywhere between 50 and 249 workers would accrue one hour of leave for every 30 hours worked, up to 56 hours per year. Finally, employees working for employers with 250 or more workers would accrue one hour of leave for every 30 hours worked, up to 72 hours per year. If the leave was foreseeable, the employee would need to provide notice at least 10 days in advance of the date of the leave, or as early as possible. In case of unforeseeable leave, the employee would need to give advance notice as soon as practicable. For leaves longer than three days,

employers would be allowed to seek certification that the employee, or the employee's family member, is a victim and that the leave is for an authorized purpose. Acceptable certification would entail the same documents as the law currently requires for victims who request time off. All information collected pursuant to these provisions would be maintained in confidence. Disclosure would only be permitted if authorized by the employee or required by law.

Employers would be prohibited from retaliating against employees who exercised their rights under these provisions; filed or communicated an intent to file a complaint alleging violations; or participated or assisted in another employer's attempt to exercise their rights. Aggrieved employees would be entitled to bring an administrative or court action. Employees who prevailed would be eligible for damages, reinstatement and attorneys' fees and costs. H.B. 1356 passed the House and was sent to Senate. After a committee hearing in the Senate, the bill did not advance further. The bill was last reintroduced for the legislature's first special session on April 29, 2015.

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.

WEST VIRGINIA: [H.B. 2874/S.B. 528](#), Reg. Sess. (W.V. 2015).

This bill would require all employers with fewer than 25 employees to provide unpaid earned sick time at the rate of 1 hour per each 40 hours worked, up to 40 hours per year. Employers with 25 or more employees would need to provide paid earned sick time at the same rate. Employees would be authorized to use this time to obtain medical attention for themselves or a family member in order to recover from physical or psychological injury or disability caused by domestic violence. Additional authorized purposes would include: obtaining services from a domestic violence program or a victim services organization; receiving psychological or other counseling; relocating; or taking legal action, including preparing for or participating in any legal proceeding related to the violence. Family members would include child; parent of the employee or employee's spouse; spouse; grandparent; grandparent's spouse; grandchild; sibling; sibling's spouse; or any other individual related by blood or affinity such that her or his relationship to the employee was the equivalent of a family relationship.

In cases where the use of time off was foreseeable, the employee would need to make a good faith effort to provide advance notice and schedule the absence in a manner that did not unduly disrupt employer's operations. If the absence was longer than three consecutive days, the employer would be entitled to ask that the employee provide a certification that the leave is for an authorized purpose. Acceptable documentation would encompass documentation signed by a health care professional; a police report; a court order; a signed statement from a domestic violence program or victim services organization affirming that the employee is receiving services related

to domestic violence; or a signed statement from a victim and witness advocate affirming that the employee is involved in legal action or relocation related to domestic violence. All documentation related to the violence would be maintained in confidence, and the employer would not be permitted to disclose it without employee's consent.

Employers would be prohibited from interfering with the rights of employees under this section, as well as from retaliating against employees who exercised those rights. Additionally, employers would be required to notify employees of their rights. Aggrieved employees would be entitled to bring an administrative or court action against the non-compliant employer. Some of the possible remedies would include monetary damages, reinstatement and reasonable attorney's fees for intentional or willful violations. H.B. 2874 was referred to the Industry and Labor and Judiciary Committees. S.B. 528 was referred to the Labor, Judiciary and Finance Committees.

Crime Victim Job Protection Bills

ILLINOIS: [H.B. 5426](#), 96th Gen. Assembly (Ill. 2010)

Except as otherwise provided by VESSA, this bill 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.

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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