

## SURVIVOR STATE EMPLOYMENT GUIDE

# ARIZONA

### INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Arizona law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Arizona law an employer cannot retaliate or discriminate against an employee who uses sick or safe days to address domestic violence, sexual violence, abuse or stalking ([A.R.S. 23-373](#)).

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### REASONABLE ACCOMMODATIONS

At the time of publication, Arizona has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### LEAVE/TIME OFF WORK

Under Arizona Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** Under Arizona law ([A.R.S. 23-372](#)), employers are required to provide paid sick leave. Employees who work for an employer with 15 or more employees accrue at least one hour of earned paid sick time for every 30 hours worked up to 40 hours per year. Employees who work for an employer with less than 15 employees accrue at least one hour of earned paid sick time for every 30 hours worked up to 24 hours per year.

Under ([A.R.S. 23-373](#)), employees shall be provided earned paid sick time for an absence due to domestic violence, sexual violence, abuse, or stalking. The leave can be used by the employee for themselves or their family member to obtain medical attention to recover from physical or from psychological injury or disability caused by domestic violence, sexual violence, abuse, or stalking, to seek services from a domestic violence organization, sexual violence organization, or victim services organization, obtain psychological or other counseling, for relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking, and legal services related to or resulting from their domestic violence, sexual violence, abuse, or stalking.

In using earned paid sick time of three or more consecutive days, an employer may require the employee to show documentation. Employees taking leave because of domestic violence, sexual violence, abuse, or stalking can use police reports, protective orders (or other evidence from court), signed statement from domestic violence, sexual violence or victim services organization, signed statement from a witness advocate, signed statement from an attorney, member of the clergy, or medical professional, or a signed statement by the employee themselves affirming they or a family member are a victim of domestic violence, sexual violence, abuse, or stalking and leave was taken concerning that.

Under Arizona law ([A.R.S. 23-374](#)), an employer can't retaliate or discriminate against an employee for taking leave. Please review Arizona's Paid Sick Time Law ([A.R.S 23-371 - 23-381](#)) for other relevant information.

- **Time Off for Court:** Under Arizona law ([A.R.S. 23-373](#)), employees who are victims of domestic violence, sexual violence, abuse, or stalking can use paid sick days for themselves or their family members to obtain legal services related to the violence and abuse. This includes both preparing for and attending legal proceedings and applies to both civil and criminal cases.

For earned paid sick time of three or more consecutive days, an employer may require the employee to show documentation. Employees taking leave because of domestic violence, sexual violence, abuse, or stalking can use police reports, protective orders (or other evidence from the courts such as injunctions, general court orders, or evidence), signed statements from domestic violence, sexual violence or victim services organization, signed statement from a witness advocate, signed statement from an attorney, member of the clergy, or medical professional, or a signed statement by the employee themselves affirming they or a family member are a victim of domestic violence, sexual violence, abuse, or stalking and leave was taken concerning that.

Under Arizona law ([A.R.S. 23-374](#)), an employer can't retaliate or discriminate against an employee taking leave. Please review Arizona's Paid Sick Time Law ([A.R.S 23-371 - 23-381](#)) for other relevant information.

- **Time Off for Crime Victims:** Under Arizona law ([A.R.S. 13-4439](#)), an employee who is the victim of a crime must be allowed to take leave to exercise their rights at a court proceeding or seek an order of protection, an injunction against harassment, or any other injunctive relief to ensure the health, safety, or welfare of the victim of a crime or their children. This law only applies to employers with fifty or more employees for each working day in each of twenty or more calendar weeks of the current or preceding year and agents of the employers. Under this law, an employer isn't required to pay the employee for taking this leave, but they cannot dismiss the employee for taking the leave. Additionally, the employer can require the employee to use their accrued vacation, personal, or sick time for their crime victim leave. An employee can't lose seniority or precedence in the workplace while they are out taking crime victim leave. An employer may also limit the crime victim leave an employee can take if it will cause an undue hardship (significant difficulty or expense) to the employer's business. Under Arizona law ([A.R.S. 8-420](#)), many of the same protections and limitations also apply to victims of juvenile offenses.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

## **UNEMPLOYMENT INSURANCE**

Under Arizona law ([A.R.S. 23-771](#)), an individual shall not be disqualified from receiving unemployment benefits if they are a victim of domestic violence and left work because of a documented case of domestic violence. Under Arizona law for unemployment insurance, domestic violence is defined by [A.R.S. 13-3601](#) and [13-3](#)

- *Do I have to show proof of domestic violence?* Under Arizona law ([A.R.S. 23-771](#)), the statute states the individual must have left work because of a documented case of domestic violence. However, no other information is given in the statute to determine what documented means and what is required by the individual to prove a documented case of domestic violence.