

SURVIVOR DISTRICT EMPLOYMENT GUIDE**DISTRICT OF COLUMBIA****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 jurisdiction. 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

Under Washington, D.C. law (**D.C. Code 2-1402.11(c-1)**), it is considered an unlawful discriminatory practice for an employer to discriminate against an employee or an employee's family member who is the victim of domestic violence, sexual violence, or stalking. Specifically, the law states an employer can't discriminate based on:

- An employee attending, participating in, preparing for, or requesting leave for a criminal, civil, or administrative procedure related to the domestic violence, a sexual offense, or stalking. This includes meetings with an attorney or law enforcement officials.
- An employee seeking physical or mental health treatment or counseling related to domestic violence, sexual offense, or stalking.
- An individual caused a disruption at the employee's workplace or made a threat to an employee's employment related to the domestic violence, sexual offense, or stalking which the employee or employee's family member was a victim.

Additionally, it is also an unlawful discriminatory practice for an employer to disclose any information related to an employee's status as a victim or family member of a victim of domestic violence, sexual offense, or stalking provided to the employer by the employee. However, there are exceptions to this rule. If an employer has disclosed this information, the employer must notify the employee of the disclosure.

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

REASONABLE ACCOMMODATIONS

Under Washington, D.C. law (**D.C. Code 2-1402.11(c-1)**), it is an unlawfully discriminatory practice for an employer to refuse to provide a reasonable accommodation to victims of domestic violence, a sexual offense, or stalking or the family members of the victim when it is necessary to ensure the employee's security and safety. However, employers can be exempt from providing a reasonable accommodation if the request is an "undue hardship" for them to perform.

- *Examples of reasonable accommodation?* According to Washington, D.C. Office of Human Rights, examples of reasonable accommodations include transfer or reassignment, a modified schedule, leave, change in work station, telephone number or email address, installing a lock, assistance with documenting the violence that occurs in the workplace, or implementing another safety procedure in response to actual or threatened violence.

Individuals may also 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

- **Paid Sick and Safe Leave:** Under Washington, D.C. law (**D.C. Code 32-531.01-531.17**), an employer must provide an employee with paid sick and safe leave unless the employer is exempted under the law. In addition to other reasons, this leave can be used by the employee if the employee or the employee's family member is a victim of stalking, domestic violence or sexual abuse provided the leave is used for the following reasons:
 - Seeking medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;
 - Obtaining services from a victim services organization;
 - Obtaining psychological or other counseling;
 - Temporarily or permanently relocating;
 - Taking legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence or sexual abuse, or
 - Other actions to enhance the physical, psychological, or economic health or safety of the employee or employee's family member or to enhance the safety of those who associate with or work with the employee.

The size of the employer determines how the leave accrues and how much leave is provided.

- An employer with 100 or more employees is to provide one hour of paid leave for every 37 hours worked and the leave cannot 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.
- 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.

To qualify for leave, the employee must make a written request which includes the reason for the absence and how long they expect to use the paid leave. If the reason for using leave was unforeseeable or there was an emergency, a verbal request can be made. An employer can require an employee to provide proof of why they need the leave if the leave lasts three days or longer. An employee can provide a doctor's note, court order, police report, or signed statement from a victim or witness advocate.

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 local 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 Washington, D.C. law (**D.C. Code 51-131 through 51-136**), an individual who is otherwise eligible for unemployment benefits shall not be disqualified from receiving benefits because the individual was separated from employment by "discharge or voluntary or involuntary resignation due to domestic violence," unless the individual was the perpetrator of domestic violence.

- *Do I have to show proof of domestic violence?* Under Washington, D.C. law (**D.C. Code 51-132**), a person claiming unemployment benefits must provide documentation of the violence, which will be kept confidential, in the form of:
 - A police report or record;

- A governmental agency or court record, such as a court order, a Petition for a Civil Protection Order, or a record or report from Child Services; or
- A written statement, which affirms that the claimant has sought help for domestic violence from the person writing the statement, a shelter official; social worker; counselor; therapist; attorney; medical doctor; or cleric.

OTHER RESOURCES

Washington D.C. Office of Human Rights “Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018 (Fact Sheet for Employers)”