

SURVIVOR STATE EMPLOYMENT GUIDE

GEORGIA

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, Georgia law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Georgia 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

At the time of publication, Georgia law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under Georgia law (**O.C.G.A. 34-1-3**), an employer can't discharge, discipline, or otherwise penalize an employee because the employee is absent from work because they are attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires them to go to a judicial proceeding. An employer can require an employee to provide a "reasonable notification" of their absence.

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 Georgia regulations (**Ga. Comp. R. & Regs. 300-2-9.10**), an individual may be eligible for unemployment insurance benefits if they quit a job due to family violence. Under this law, family violence is defined as "the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

1. Any felony; or
2. Commission of offenses of battery, simple battery, simple assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass."

The individual must show that family violence occurred that directly impacted their employment and provide “reasonable documentation” to verify family violence has occurred. There are two ways an individual can meet those requirements.

- The individual can provide evidence that family violence directly impacted their employment and that leaving the employer was either a condition of receiving services from a family violence shelter or a condition of receiving shelter as a resident of a family violence shelter. The “reasonable documentation” they can provide is a statement provided by a family violence shelter signed by an authorized representative of that family violence shelter stating that leaving the employer was a condition of the claimant either receiving services or receiving shelter as a current resident of the family violence shelter.
- The individual can provide evidence that family violence directly impacted their employment in such a manner that the claimant quit because they reasonably believed that continuing that employment would jeopardize their safety or the safety of an immediate family member. The “reasonable documentation” they can provide is:
 - A certified copy of a restraining order or a certified copy of other Court documentation of equitable relief pertaining to the family violence, related to the individual's reason for quitting, by a court of competent jurisdiction;
 - A certified copy of a police report documenting recent abuse pertaining to the family violence related to the individual's reason for quitting;
 - Documentation that the abuser has been convicted of one or more of the offenses in **O.C.G.A 19-13-1** related to the family violence and for the individual's reason for quitting; or
 - Medical documentation of injuries from abuse concerning the family violence related to the individual's reason for quitting.

If an individual files a claim for unemployment insurance claiming family violence, the Department will contact their former employer to determine whether the individual quit or was fired for cause.