

## SURVIVOR STATE EMPLOYMENT GUIDE

# WASHINGTON

### 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

Under Washington Law ([RCW 49.76.115](#)), an employer may not refuse to hire an otherwise qualified individual because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking. Further, an employer may not discharge, threaten to discharge, demote, suspend, or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions, or privileges of employment because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking.

### REASONABLE ACCOMMODATIONS

Under Washington Law ([RCW 49.76.115\(3\)](#)), employers must make a reasonable safety accommodation requested by an individual who is a victim of domestic violence, sexual assault, or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer. An “undue hardship” means an action requiring significant difficulty or expense.

- *Examples of a reasonable accommodation?* A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, changed work telephone number, changed work email address, changed workstation, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, or stalking.
- *Do I have to show proof of domestic violence, sexual assault or stalking?* An employer may require verification. The verification can include, but is not limited to a document from law enforcement or the courts, such as a police report or restraining order, a letter or other document from an attorney, counselor, domestic violence or sexual assault victim service provider, health care professional, or clergy member. ([RCW 49.76.040](#))
- *Is this process confidential?* Unless otherwise required by law, any documents provided as certification of the victim's status must be kept confidential.

### LEAVE/TIME OFF WORK

- **Time Off to Address Domestic Violence, Sexual Assault or Stalking:** Under Washington Law ([RCW 49.76.030](#)), an employee may take reasonable leave from work, intermittent leave, or leave on a reduced work schedule, with or without pay, to:
  - Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking

- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

Under Washington Law (**RCW 49.76.040(1)**), an employee must provide advance notice to their employer that they will be taking leave. However, if an employee needs leave because of an emergency or unforeseen circumstance, the employee must give the employer notice of the leave no later than the end of the first day on which the leave is taken. Upon the employee's return, employers must place the employee in the same or similar position that they held prior to taking leave (**RCW 49.76.050(2)**).

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- **Paid Sick Days:** Under Washington law (**RCW §49.46.210**), employees must accrue at least one hour of paid sick leave for every 40 hours worked and the accrued leave can be taken for:
  - An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
  - To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and
  - When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.
  - Employees who are victims of domestic violence, sexual assault or stalking can use this accrued sick leave for missed work due to the reasons set forth in **RCW 49.76.030**.

Employees are eligible to take accrued leave after their 90th day of employment. Employers can require reasonable notice, as long as the notice requirement does not interfere with the employee's ability to use accrued sick leave. For absences exceeding three days, an employer may require verification that an employee's use of leave is for an authorized purpose. If requested, the verification must be provided in a reasonable time period during or after the leave and may not exceed privacy or verification requirements otherwise set out in Washington law. An employer cannot require that an employee taking paid sick leave find their own replacement worker to cover their leave period. Unused sick time may be carried over into the following calendar year, up to 40 hours.

- **Time Off for Crime Victims:** Under Washington Law (**RCW 7.69.030(8)**), a crime victim has the right to be provided with appropriate employer intercession services to ensure that employers of victims, survivors

of crime, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance, though this does not mandate any specific leave requirement.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, 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 Washington Law (**Wash. Rev. Code §§ 50.20.050**), an individual is eligible for unemployment benefits if leaving work was necessary to protect the individual or the individual's immediate family members from domestic violence (as defined in **RCW 7.105.010**) or stalking (as defined in **RCW 9A.46.110**). An individual's mailing address is provided to the former employer and other interested parties when applying for benefits. Victims of domestic violence, stalking, sexual assault, or trafficking, that want their current address to be confidential, can enroll in the **Address Confidentiality Program (ACP)**.