

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **WEST VIRGINIA**

### **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 employment handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

At the time of publication, West Virginia 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. employers' internal policies.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, West Virginia had 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, West Virginia 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, West Virginia Law (**W. Va. Code § 61-11A-6(a)(8)**) encourages 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 an employer the need to attend court ("employer intercession services").

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**

At the time of publication, West Virginia had not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking.