

## SURVIVOR STATE EMPLOYMENT GUIDE

# WISCONSIN

### **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, Wisconsin law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, Wisconsin law ([Wis. Stat. § 103.87](#)), prohibits an employer from firing an employee who receives a subpoena to appear in court related to a crime.

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

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Wisconsin 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, Wisconsin law does not require employers to provide paid or unpaid sick leave or leave to address domestic violence, sexual assault or stalking.

However, under Wisconsin Law ([Wis. Stat. § 103.87](#)), an employer is prohibited from discharging any employee who misses work to respond to a subpoena related to a criminal proceeding. The employee must notify the employer of the need to miss work to testify on or before the first business day after receipt of the subpoena. Additionally, Wisconsin Law ([Wis. Stat. § 950.04\(1v\)\(bm\)](#)) provides that crime victims may be provided with employee intercession services in order to avoid loss of pay or other benefits as a result of their cooperation with the criminal or juvenile justice system.

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 Wisconsin Law ([Wis. Stat. § 108.04\(7\)\(s\)](#)), a domestic violence victim may receive unemployment benefits if the victim terminates their employment because of the domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of family members who reside with the employee, or concerns about the safety or harassment of other household members.

- *Do I have to show proof of domestic violence?* Yes, an individual must provide a protective order relating to the domestic abuse or concerns about personal safety or harassment, a report by a law enforcement agency documenting the domestic abuse or concerns, or evidence of the domestic abuse or concerns provided by a healthcare professional or a domestic violence shelter.