

The Women's Legal Defense and Education Fund

State Law Guide

UNEMPLOYMENT INSURANCE BENEFITS FOR VICTIMS OF DOMESTIC & SEXUAL VIOLENCE

Some victims of domestic violence, sexual assault, or stalking need to leave their jobs because of the violence in their lives. Others are discharged from their jobs because of the violence. In most states, individuals are ineligible for unemployment benefits if they leave work voluntarily without **“good cause”** or if they are discharged for **“misconduct.”** As of the date of this publication, thirty-five jurisdictions have passed laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances. An additional six jurisdictions make unemployment insurance available to survivors on the basis of statutory interpretation, policies or regulations. The details of each vary. In most cases the applicant must fulfill all other eligibility requirements for unemployment insurance and often the applicant must provide documentation or certification of the violence

For more information on unemployment insurance generally, *see* Legal Momentum's guide [“Eligibility for Unemployment Insurance Benefits.”](#)

FEDERAL LAW

The American Recovery and Reinvestment Act of 2009, [Pub. L. No. 111-5 \(Division B, Title II, Sec. 2003\)](#), contained a provision that grants states extra funding if they extend eligibility for unemployment insurance benefits to workers who leave their jobs for **“compelling family reasons,”** including domestic violence. Subsequently, several states amended their laws or introduced bills to do so. Check the website of your state's legislature for more information.

The Security and Financial Empowerment Act, [H.R.1229](#), would require states to consider an individual who quit a job as a result of domestic violence to be eligible for UC (Unemployment Compensation) benefits. This bill was introduced in House during 113th Congress (2013-2014) session.

STATE LAWS

ALASKA: [8 A.A.C. 85.095](#)

Under the Alaska Administrative Code, “good cause” for voluntarily leaving work includes “leaving work in order to protect the claimant or the claimant’s immediate family from harassment or violence”. The state of Alaska has certified that its provisions do not exclude victims of domestic violence or sexual assault from receiving unemployment insurance. Alaska’s Benefit Policy Manual specifically provides that “harassment, violence or the fear of violence by a spouse, ex-spouse, or another person” may constitute good cause under this provision. The claimant may be required to provide verification of domestic violence from a qualified individual from whom the claimant sought assistance, including a counselor, shelter worker, clergy member, attorney or health worker. The state must accept any other kind of evidence that reasonably proves domestic violence.

ARIZONA: [A.R.S. § 23-771](#).

An individual shall not be disqualified from receiving benefits if the individual is a victim of domestic violence and “leaves employment due to a documented case of a domestic violence offense,” as defined by Arizona law. The employer’s account will not be charged for benefits paid to an individual pursuant to this provision of Arizona law.

ARKANSAS: [Ark. Code § 11-10-513\(b\)](#). [*Click on Title 11; enter 11-10-513 in the search box and search full text*]

An individual who voluntarily leaves work shall not be disqualified from receiving benefits if, after making “reasonable efforts to preserve his or her job rights,” he or she left work “due to domestic violence that causes the individual reasonably to believe that the individual’s continued employment will jeopardize the safety of the individual or a member of the individual’s immediate family” (meaning a “spouse, child, parent, brother, sister grandchild, or grandparent of the employee”).

CALIFORNIA: [Ca. U.I. Code §§ 1030, 1032 & 1256.](#)

“Good cause” includes leaving employment to protect the employee or the employee’s family from “domestic violence abuse.” An employer’s account is not charged, provided that the employer provides sufficient notice of the circumstances to the department within ten days after the department mails notice of the filing of a new or additional claim to the employer.

COLORADO: [Colo. Rev. Stat. Ann. § 8-73-108\(4\)\(r\)](#) [*click on Colorado Revised Statutes; enter 8-73-108 in the search box and click go; then click on 8-73-108*]

Separation from a job because of domestic violence may qualify an individual for full benefits if (1) the worker reasonably believes that continued employment would jeopardize the safety of the worker or any member of his or her immediate family (meaning spouse, parent, or minor child); and (2) the worker provides sufficient documentation. The documentation requirements include: an active or recently issued protective order or other order documenting the domestic violence, a police record documenting recent domestic violence, or a statement substantiating recent domestic violence from a qualified professional from whom the worker sought assistance for the domestic violence, such as a counselor, shelter worker, clergymember, attorney, or health worker. The employer’s account is not charged for any benefits awarded to the claimant under these provisions.

CONNECTICUT: [Conn. Gen. Stat. § 31-236\(a\)\(2\)\(A\)\(iv\).](#)

An individual will not be disqualified from receiving benefits for leaving work to protect the individual, the individual’s child, or the individual’s spouse or parent, from becoming or remaining a victim of domestic violence, as defined by Connecticut law. The individual must have made “reasonable” efforts to preserve the employment in order to not be disqualified from receiving benefits. The employer’s account will not be charged for an individual’s voluntary leaving that falls under this provision.

DELAWARE: [Del. Code Ann. tit. 19, ch 33, § 3314\(1\).](#)

An individual who leaves work “due to circumstances directly resulting from the individual’s experience of domestic violence” will not be disqualified from receiving unemployment insurance, such as: (1) the individual had reasonable fear of future domestic violence at or en route to or from the individual’s place of employment; (2) the individual relocated to another geographic area in order to avoid future domestic violence against the individual or their spouse, child under the age of 18, or parent; or (3) any other circumstance in which domestic violence causes the individual to reasonably believe that absence from work is necessary for the future safety of the individual or their spouse, child under the age of 18, or parent. Documentation of the domestic violence involved includes a police or court record, or documentation of the domestic violence from a shelter worker, attorney, member of the clergy or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects. All evidence of domestic violence experienced by an individual, including the individual’s statement and any corroborating evidence shall not be disclosed by the Division of Unemployment Insurance unless consent for disclosure is given by the individual. The employer’s account will not be charged.

DISTRICT OF COLUMBIA: [D.C. Code §§ 51-131 – 136.](#) [*click on Title 51; click on Chapter 1, Subchapter 1; then click on Part B, Domestic Violence*]

An otherwise eligible individual 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. A claimant must provide documentation of the violence, which will be kept confidential, in the form of: (1) a police report or record; (2) 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 (3) a written statement, which affirms that the claimant has sought assistance for domestic violence

from the signatory, from a shelter official; social worker; counselor; therapist; attorney; medical doctor; or cleric. The department shall do training of employees on the nature of domestic violence. The department shall submit a report each year indicating the number of individuals who received benefits under this provision. The employer's account will not be charged.

HAWAII: [Hawaii Rev. Stat. § 383-7.6.](#)

This new law provides access to unemployment insurance for individuals who separate from employment due to compelling family reasons, including domestic or sexual violence. The violence must be verified by reasonable and confidential documentation and cause the individual to reasonably believe that their continued employment may jeopardize their safety or any member of their immediate family in the following circumstances: (a) the individual has a reasonable fear of the occurrence of future domestic or sexual violence at, en route to, or en route from the individual's place of employment, including being a victim of stalking; (b) the anxiety of the individual to relocate to avoid future domestic or sexual violence against the individual or the individual's minor child prevents the individual from reporting to work; (c) the need of the individual or the individual's minor child to obtain treatment to recover from the physical or psychological effects of violence prevents the individual from reporting to work; (d) the employer's refusal to grant the individual's request for leave to address domestic or sexual violence and its effects on the individual or the individual's minor child; or (e) any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual, the individual's minor child, or other individuals who may be present in the employer's workplace. "Reasonable and confidential" documentation may be requested by the employer and means: (1) a notarized written statement of the individual attesting to the violence and explaining how continued employment creates an unreasonable risk of further violence; a signed written statement from a victim services organization; the attorney or advocate of the individual or minor child; a medical or other professional from whom the individual or the individual's minor child has sought assistance related to the domestic or sexual violence, attesting to the violence and explaining how the continued employment creates an unreasonable risk of further violence; or a police or court record suggesting or demonstrating that the continued employment may cause an unreasonable risk of further violence.

ILLINOIS: [820 Ill. Comp. Stat. 405/601.](#)

An individual is not disqualified from benefits if the individual left work due to verified domestic violence, where the violence caused the individual to reasonably believe that continued employment would jeopardize their safety or that of their spouse, minor child, or parent. The worker must provide notice (but not limited to written notice) to her employer of the reason for her leaving work and provide documentation to the department of the violence (acceptable documentation includes a protective order, police report, medical records, or evidence from a counselor, shelter worker, health worker as well as a clergy member or attorney). The department shall keep any evidence of the domestic violence confidential unless the individual consents to its disclosure.

INDIANA: Ind. Code [§§ 22-4-15-1\(1\)\(c\)\(8\), 22-4-15-1\(1\)\(e\), 22-4-15-2\(e\) & 5-26.5-2-2 & 31-9-2-42.](#)

An individual who voluntarily leaves employment or who is discharged "due to circumstances directly caused by domestic or family violence [which, for the purposes of unemployment insurance, includes stalking or a sex offense, regardless of whether the stalking or sex offense is committed by the family or household member]" will not be disqualified from receiving unemployment insurance. The individual will need to provide verification of the domestic or family violence, in the form of: a report of a law enforcement agency (as defined in IC 10-13-3-10); a protection order issued under IC 34-26-5; a foreign protection order (as defined in IC 34-6-2-48.5; or an affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider. All information submitted is to be kept confidential and the claimant must be notified before any release of information. The determination of "suitable work" for such an individual must "reasonably accommodate" the "physical, psychological, legal and other effects" of the violence. The employer's account is not charged. The law also requires that department employees be trained in the nature and dynamics of domestic and family violence and that the department track the number of claims processed under the domestic violence provisions.

KANSAS: [Kan. Stat. Ann. § 44-706\(a\)\(12\)](#).

An individual shall not be disqualified from benefits for leaving work due to circumstances resulting from domestic violence, including: (i) the individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment; (ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence; (iii) the individual's need to address the physical, psychological and legal impacts of domestic violence; (iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or (v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family. The individual must provide certification of the violence such as a police record, court order, medical documentation, a statement by a professional who has assisted the individual to deal with the violence, or a sworn statement or other evidence. No evidence of domestic violence shall be disclosed by the department without the consent of the individual. The employer's account shall not be charged.

MAINE: Me. Rev. Stat. Ann. tit. 26, ch. 13 §§ [1193\(1\)\(A\)\(4\)](#) & [1043\(23\)\(B\)\(3\)](#).

An individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant or any member of their immediate family from domestic abuse, or the leaving was due to domestic violence that caused the claimant reasonably to believe that their continued employment would jeopardize the safety of the claimant or any member of their immediate family. The claimant must also have made all reasonable efforts to preserve the employment.” “Misconduct” may not solely be founded on actions taken by an employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

MARYLAND: Lab. and Emp. Code Ann. [§8-1001\(3\)](#)

The Secretary of Labor may find that voluntarily leaving employment because of circumstances directly attributable to domestic violence against the employee, his/her spouse, minor child or parent constitutes “good cause.” The employee must reasonably believe that continued employment would jeopardize his/her safety and is required to provide documentation, including an active or recently issue protective order, or other court document attesting to the abuse,; or a police record documenting the abuse.

MASSACHUSETTS: [S.B. 2061](#), amending [Mass. Gen. L. Ann. ch. 151A, §§ 1, 14, 25, 30](#).

Amends ch. 151A, section 30 of the state's existing law regarding application for additional benefits an individual may receive if they need to attend additional vocational training while unemployed if they are dealing with the effects of domestic violence. An individual is not ineligible for unemployment benefits if the individual is discharged or leaves work due to circumstances resulting from domestic violence, including the need to address the physical, psychological, and legal effects of domestic violence. An individual can demonstrate the existence of domestic violence by providing a sworn statement or other evidence. When assessing whether the individual is actively engaged in searching for work, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence. The employer will not be charged.

MINNESOTA: [Women's Economic Security Act](#), HF 2536/SF 2050 (2014) amending [Minn. Stat. §§ 268.095\(1\)\(9\) & 268.095\(6\)\(c\)](#).

Amends Sec. 4. Minnesota Statutes 2012, section 268.095, subdivision 1.

An applicant is not ineligible for unemployment benefits if he or she quits a job due to domestic abuse, sexual assault, or stalking of the applicant or an immediate family member of the applicant. “Immediate family member” means the applicant's spouse, parent, stepparent, child, stepchild, or grandchild. Definition of “domestic abuse,” includes “criminal sexual conduct,” committed against an immediate family member. Additionally, employee conduct that was the result of an individual or individual's child being a victim of domestic violence is not “misconduct.”

MONTANA: [Mont. Code Ann. § 39-51-2111.](#)

An otherwise eligible individual may not be denied unemployment benefits if the individual leaves work or is discharged due to circumstances resulting from either the individual or the individual's child being a victim of domestic violence, sexual assault, or stalking, or if the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from domestic abuse, sexual assault or stalking. The individual must provide corroborative evidence in the form of: (a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction; (b) a police record documenting the domestic violence, sexual assault, or stalking; (c) medical documentation of domestic violence or a sexual assault; or (d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking. The claimant is limited to 10 weeks of benefits in a 12-month period. An individual becomes ineligible for benefits if the individual remains in or returns to the abusive situation that caused her to leave work or be discharged. The employer's account will not be charged.

NEBRASKA: [Neb. Rev. Stat. Ann. § 48-628.01\(1\)\(a\).](#)

An employee who leaves work for the necessary purpose of escaping abuse at the place of employment, or abuse "between household members," after making all reasonable efforts to preserve the employment, shall be deemed to have left for "good cause" and is not disqualified from benefits.

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. tit. 23, § 282-A:32\(I\)\(a\)\(3\).](#)

An individual is eligible for unemployment insurance if the individual reasonably believes that separation from employment is necessary to protect himself or herself or any member of his or her immediate family from domestic abuse, as defined in RSA 173-B:1. The existence of domestic abuse shall be verified by through reasonable documentation, and shall be kept confidential.

NEW JERSEY: [N.J. Rev. Stat. § 43:21-5\(j\)](#)

An individual who is otherwise eligible for unemployment will not be denied benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence as defined in N.J. Rev. Stat. § 2C:25-19. The employer's account will not be charged. The individual must provide supporting documentation in the form of: (1) a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; (2) a police record documenting the domestic violence; (3) documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19); (4) medical documentation of the domestic violence; (5) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or (6) other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence.

NEW MEXICO: N.M.<http://law.justia.com/codes/new-mexico/2011/chapter51/article1/section51-1-7>. Stat. Ann. § 51-1-7 A(1)(b).

An individual who left work voluntarily "because of domestic abuse evidenced by medical documentation, legal documentation or a sworn statement from the claimant" shall not be denied benefits. The employer's account shall not be charged. "Domestic abuse" includes sexual assault and stalking, whether committed by a household member or not.

NEW YORK: [N.Y. Lab. Law § 593\(1\)\(a\)](#). [*click on LAB; click on Article 18, Title 7; click on 593*]

A claimant shall not be disqualified from receiving benefits for separation from employment due to "compelling family reasons," which include domestic violence, verified by reasonable and confidential documentation which causes the individual reasonably to believe that such individual's continued employment would jeopardize their safety or that of any member of their immediate family.

NORTH CAROLINA: Repealed by [Session Laws 2013-2, s. 2\(a\)](#), effective July 1, 2013.

NORTH DAKOTA: [N.D. Cen. Code §52-06-02 \(j\)](#).

An individual is not disqualified from unemployment insurance benefits if the individual left work due to domestic violence or sexual assault that is verified by documentation submitted to job service North Dakota which substantiates the individual's reason for separation from the most recent employment and such continued employment would jeopardize the safety of the individual or of the individual's spouse, parent, or minor child. After receiving a claim for unemployment insurance benefits for which the individual identifies domestic violence or sexual assault as the reason for separation, job service North Dakota shall notify the most recent employer of the reason for separation provided by the individual. Documentation under this provision includes: (a) a court order, protection order, restraining order, or other record filed with a court; (b) a police or law enforcement record; (c) a medical record indicating domestic violence or sexual assault; or (d) a written affidavit provided by an individual who has assisted the claimant in dealing with the domestic violence or sexual assault and who is a: [1] Licensed counselor; [2] Licensed social worker; [3] Member of the clergy; [4] Director or domestic violence advocate at a domestic violence sexual assault organization; or [5] Licensed attorney.

OKLAHOMA: [Okla. Stat. § 40-2-210](#).

An individual may be eligible for benefits if they separated from work due to compelling family circumstances, which includes if the claimant separated from employment due to domestic violence or abuse, verified by any reasonable or confidential documentation, which causes the individual to reasonably believe that the individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family. "Immediate family" means the claimant's spouse, parents and minor children. The employer's account shall not be charged.

OREGON: Or. [Rev. Stat. § 657.176\(12\)](#).

The state's previous law regarding domestic violence and unemployment insurance is substantially amended. An individual is not disqualified from receiving benefits if: (1) the individual or a member of their immediate family is a victim of domestic violence, stalking, or sexual assault, or the individual believes that the individual or a member of their immediate family could become a victim of domestic violence, stalking or sexual assault; and (2) the individual leaves work, fails to apply for available suitable work or fails to accept suitable work when offered in order to protect the individual or their immediate family from violence that the individual reasonable believes will occur as a result of the individual's continued employment or acceptance of work.

RHODE ISLAND: [R.I. Gen. Laws § 28-44-17.1](#).

An individual is eligible for unemployment benefits if she voluntarily leaves work due to qualifying circumstances directly resulting from "domestic abuse." The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs to relocate to avoid future violence, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual's family. The department shall require documentation of abuse, including, but not limited to, police or court records, or other documentation of domestic abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance, and shall keep that documentation confidential. The definition of "domestic abuse," applies to acts between cohabitants, or against a cohabitant's minor child, or between persons who have been in a "substantive dating relationship," or engaged within the previous year. The definition encompasses sexual assault and stalking.

SOUTH CAROLINA: [S.C. Code Ann. §§ 41-35-125 & 41-35-130](#).

An individual is eligible for unemployment compensation if the commission finds that "the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse." The individual must also demonstrate that the individual reasonably fears future domestic abuse at or en route to the workplace, needs to relocate to avoid future domestic abuse, or reasonably believes that leaving work is necessary to ensure the safety of the individual or the individual's family. An individual must provide documentation of domestic abuse including, but not limited to, police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance, which will be kept confidential. The employer's account will not be charged.

SOUTH DAKOTA: [S.D. Codified Laws § 61-6-9.1\(6\)](#).

“Good cause” includes leaving employment because it is “necessary to protect an individual from domestic abuse.” However, this provision only applies if: (a) the employee reports the abusive situation to law enforcement within forty-eight hours of any occurrence and cooperates fully with law enforcement; (b) the employee has left the abusive situation and remains separate from the situation; and (c) the employee made reasonable efforts to preserve the employment before quitting. Any person found to have good cause for leaving employment due to domestic abuse who returns to the abusive situation is ineligible for benefits.

TEXAS: Tex. Lab. Code §§ [204.022\(a\)\(11\)](#) & [207.046\(a\)\(2\)](#).

An individual whose separation from a job results from the employee leaving the workplace to protect the employee from family violence or stalking is not disqualified for benefits. The employee must produce an active or recently issued protective order documenting actual or potential family violence against, or the stalking of, the employee; a police record documenting family violence against or the stalking of the employee; or a physician’s statement or other medical documentation that describes the family violence against the employee that: (i) is recorded in any form or medium that identifies the employee as the patient; and (ii) relates to the history, diagnosis, treatment, or prognosis of the patient. (Tex. Lab. Code § 207.046 previously required that an employee had to provide all three types of documentation, instead of just one). Except as provided by law, evidence regarding the family violence or stalking may not be disclosed without the consent of the employee. The employer’s account will not be charged.

On June 14, 2013, Gov. Perry signed [H.B. 26/S.B. 51](#) into law. It expands the above-described provisions to include sexual assault survivors. The bill contained an additional provision re: documentation that would allow sexual assault survivors to provide written documentation from a family violence center or rape crisis center that described the sexual assault of the employee or a member of the employee’s immediate family.

VERMONT: [Vt. Stat. Ann., tit. 21, ch. 16A § 1251 et seq.](#)

An individual is eligible for 26 weeks of unemployment payments if the individual left work “due to circumstances directly resulting from domestic and sexual violence” (also includes stalking) and if the individual reasonably fears that the violence will continue at or en route to or from the place of employment, intends to relocate in order to avoid violence against the individual or a member of the individual’s family, or reasonably believes that leaving the employment is necessary for the safety of the individual or a member of the individual’s family. Individuals seeking benefits under this statute must have pursued reasonable alternatives to leaving the employment or show that pursuit of such alternatives would likely be futile, increase the likelihood of future violence, or not adequately address the specific circumstances requiring the separation from employment. The individual must provide documentation of the domestic or sexual violence including a sworn statement from the individual attesting to the abuse, law enforcement or court records, or other documentation from an attorney or legal advisor, member of the clergy, or health care provider, as defined in 18 V.S.A. § 9432(8). Information relating to the domestic and sexual violence, including the claimant's statement and corroborating evidence, provided to the department shall not be disclosed by the department unless the claimant has signed a consent to disclosure form.

VIRGIN ISLANDS: [V.I. CODE ANN. tit. 24, Ch. 12 §304\(b\)\(12\)](#) [*SELECT TITLE 24, THEN CHAPTER 12, THEN §304.*]

An individual may not be disqualified for benefits for separating from work because the individual is a victim of domestic violence, which is verified by reasonable and confidential documentation or any other kind of evidence that reasonably proves domestic violence that causes the individual reasonably to believe that the individual’s continued employment would jeopardize the safety of the individual or any member of the individual’s immediate family. Immediate family includes the spouse or domestic partner of the individual, children, including a stepchildren and adoptive children, grandchildren, siblings of the individual, parents and grandparents of the individual and parents and siblings of the individual’s spouse or domestic partner and members of the individual’s household.

WASHINGTON: Wash. Rev. Code §§ [50.20.050](#), [50.20.100](#), [50.20.240](#) & [50.29.020](#).

The amendment did not substantively alter the state's prior law. 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 or stalking. An evaluation of the suitability of available work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking. Individuals qualifying for unemployment under this provision need not keep a job-search log, and the employer's account shall not be charged.

WISCONSIN: [Wis. Stat. § 108.04\(7\)\(s\)](#).

A domestic violence victim may receive unemployment benefits if he or she: (1) terminates work because of the domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee, or concerns about the safety or harassment of other household members; and (2) provides 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 health care professional or a domestic violence shelter. The definition of "domestic abuse" was also amended to include physical abuse by an adult person against an unrelated adult with whom the person has a personal relationship. Benefits will not be charged to the employer.

WYOMING: [Wyo. Stat. § 27-3-311](#).

An individual is eligible for unemployment compensation if "forced to leave the most recent work as a result of being a victim of documented domestic violence."

STATES WITH POLICIES OR REGULATIONS

In its, [Comparison of State Unemployment Insurance Laws: 2013](#), the U.S. Department of Labor (DOL) [identifies](#) a number of states, and territories as having policies, interpretations (I/P), or regulations (R) that hold that leaving employment because of domestic violence-related considerations may constitute "good cause," and qualify an individual to receive unemployment insurance.

States and territories included on this list are: Iowa (I), Mississippi (R), Nevada (I), Pennsylvania (I), Puerto Rico (I), and Utah (I).

RECENT LEGISLATIVE PROPOSALS

The following proposed legislation has been introduced in current or prior legislative sessions. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, consult your legislature's website.

ALABAMA: [H.B. 688](#), 2009 Reg. Sess. (Ala. 2009).

An individual who is a victim of domestic violence will not be disqualified from eligibility for benefits if the individual verifies by "reasonable and confidential documentation" that he or she reasonable believed that the individual's continued employment would jeopardize the safety of the individual or a member of their immediate family. Documentation shall take the form of a statement from a qualified profession from whom the victim has sought assistance such as a counselor or shelter workers. The employer's account shall not be charged. The bill died in the House.

ARIZONA: [H.B. 2749](#), 2d Reg. Sess. (AZ 2012)

An employee shall not be disqualified from receiving unemployment insurance benefits if they leave employment because of a documented case of domestic violence. Benefits paid under this provision shall not be charged against the employer's account. Died in committee.

FLORIDA [S.B.130](#), [H.B.261](#), Reg. Sess. (Fla. 2013)

Under this bill the definition of “good cause” is expanded to include domestic violence that causes the individual to believe that his or her safety or that of his/her immediate family is in jeopardy. Must be substantiated by evidence, such as an injunction, protection order or other documentation authorized by state law. Both the Senate and House bills (identical) died in committee.

GEORGIA: [H.B. 1583](#), 147th Gen. Assembly (Ga. 2004).

“Good cause” includes separation from employment for “undue family hardship” supported by appropriate documentation. The employer’s account shall not be charged. The bill died in the House. This bill previously was introduced in 2003 as [H.B. 591](#).

Scott v. Butler, Ga. Ct. of App., No. A14A0105, June 4, 2014

The Georgia Court of Appeals awarded benefits to a victim of domestic violence. The court held that, as a matter of first impression, the claimant who resigned from her employment because her abusive ex-boyfriend confronted and threatened her at her workplace met her burden to demonstrate good cause. Considering both precedent and complying with Georgia’s public policy favoring the payment of benefits to persons who are unemployed through no fault of their own, the court held that she was eligible to receive unemployment compensation.

INDIANA: [S.B. 250](#), 114th Gen. Assembly, Second Reg. Sess. (Ind. 2006).

This bill would amend the Indiana law described above to add that “good cause” includes a compelling family obligation, sexual harassment of the individual in connection with work, and financial inability to maintain two separate places of residence. The bill died in the Senate.

IOWA: [H.F. 2375](#), [H.F. 2641](#), [H.F. 2675](#), 82d Gen. Assembly (Iowa 2008).

These bills, which are very similar, provide that individuals who leave their employment due to domestic abuse or stalking against them are eligible for benefits. The individuals must reasonably believe that separation from employment was necessary to protect the safety of the individual or the individual’s family. Evidence of the domestic abuse or stalking may include but is not limited to a statement or report from law enforcement, a medical or mental health professional, or a domestic violence shelter or professional; or witness statements regarding an incident that causes the victim to believe that her life or safety or the life or safety of a member of the victim’s family is in danger. The bills died in committee. Similar bills were introduced in previous sessions.

KANSAS: [H.B. 2141](#), 83d Leg., 2009 Reg. Sess. (Kan. 2009).

This bill would repeal the current section 44-706, described above, and replace it with another provision. An individual will not be disqualified for eligibility for benefits if the individual left work “due to circumstances resulting from domestic violence,” including: a reasonable fear of future domestic violence at or en route to or from the place of employment; the need to relocate to avoid future violence; the need to address the physical, psychological and legal impacts of the violence; the need to leave employment as a condition of receiving services or shelter from an agency; or the reasonable belief that termination of employment is necessary to provide for the future safety of the individual or their family. The bill lists the forms of evidence that may be provided to prove the existence of domestic violence, and the evidence shall be kept confidential. The bill died in committee.

KENTUCKY: [H.B. 360](#), 2004 Reg. Sess. (Ky. 2004).

No worker shall be disqualified or held ineligible to receive benefits who “leaves work due to circumstances directly resulting from domestic violence or abuse” if the individual fears violence at or en route to or from work; wishes to relocate; or believes that leaving work is necessary to protect her safety or that of her family or co-workers. The individual needs to provide certification, which will be kept confidential. This bill passed the House but died in the Senate.

LOUISIANA: [H.B. 610](#), 2009 Reg. Sess. (La. 2009).

This bill would substantially amend the state’s existing law to provide that a claimant is eligible for benefits if he or she leaves a job for compelling family reasons, including domestic abuse, verified under the provisions of R.S. 23:1775, which causes the individual to reasonably believe that continued employment will jeopardize the

individual's safety, the safety of a member of the individual's immediate family, or the safety of other employees. "Immediate family" means a spouse, parent, child, stepchild or sibling. The bill died in committee.

MICHIGAN: [H.B. 4641](#), 95th Leg., Reg. Sess. (Mich. 2009).

An otherwise eligible individual is not ineligible for benefits if the individual left work "due to domestic violence," because of: the individual's reasonable fear of future domestic violence at or en route to the or from the workplace; the need to relocate; the need to address the physical, psychological or legal effects of the violence; or the individual's reasonable belief that termination of employment is necessary for the future safety of the individual or the individual's family. An individual may demonstrate the existence of domestic violence by providing one or more of the following types of proof: a restraining order; police record; documentation that the abuser has been convicted of a crime involving domestic violence; medical documentation; statement by a professional who has assisted the individual in addressing the effects of the violence; or a sworn statement from the individual. The bill died in committee.

MISSISSIPPI: [H.B. 31](#), 2006 Reg. Sess. (Miss. 2006).

An otherwise eligible individual shall not be denied unemployment benefits "if the individual establishes that the reason the individual left work was due to domestic violence" against the individual or the individual's dependent child. Circumstances that could qualify under this law include the individual's reasonable fear of future violence; need to relocate; need to address the physical, psychological, and legal impacts of the violence; and need to leave work as a condition of receiving shelter. The individual may establish the existence of violence through a variety of documentation, including a sworn statement from the individual. Department personnel shall be trained. This bill died in committee.

MONTANA: [H.B. 580](#), 61st Leg. (Mont. 2009).

This bill would amend Montana's unemployment insurance eligibility provision for victims of domestic violence, sexual assault, or stalking to eliminate the restriction on the length of benefits that can be received under current law (10 weeks in a 12 month period). The bill died in the House.

NEW YORK: [A.B. 5927](#), [A.B. 6299](#), [S.B. 5636](#) Reg. Sess. (NY 2013)

Adds a new title, 7-B, to the Article 18 of the Labor Law entitled, "Unemployment Insurance for Domestic Violence Survivors." A claimant shall not be disqualified from receiving unemployment insurance if s/he is able to establish that s/he left work due to domestic violence. The definition of domestic violence includes sexual assault and stalking. Domestic violence may be proved by police records, court records, including restraining orders, documentation showing that the abuser has been convicted of criminal offenses against the claimant or his/her family, medical documentation, or a statement by a counselor, clergy person, shelter worker, health worker, legal advocate or other professional who has assisted the claimant in addressing the effects of the abuse. The information is to be kept confidential unless the claimant consents. A training program is to be established for Labor Dept. employees who interact with claimants applying for unemployment insurance due to domestic violence. All bills were referred to the Labor Comm.

SOUTH CAROLINA: [H.B. 4880](#), 118th Gen. Sess. 2009-10 (S.C. 2010).

This bill would amend the current law to replace the definitely of "family" with "immediate family member" to mean the claimant's spouse, parent or child under the age of 18.

TENNESSEE: [H.B. 773/S.B. 820](#), 106th Gen. Assembly (Tenn. 2009).

This bill prohibits denial of unemployment benefits to an individual who leaves work or is discharged due to circumstances resulting from the person being a victim of domestic violence. A person asserting domestic violence victim status must provide one of the following as proof: (1) a restraining order or similar document; (2) a police record documenting domestic violence; (3) documentation that the perpetrator has been convicted of a domestic violence offense; (4) medical documentation of domestic violence; (5) certification of domestic violence victim status from the director of a family violence shelter; or (6) documentation from a social worker, cleric, shelter

worker, or other professional that has assisted the person in dealing with domestic violence. An employer's account would not be charged for payment of unemployment to a person who leaves work because of domestic violence. The bills died in committee. Similar bills were introduced in previous sessions.

TEXAS: [H.B. 3153/S.B. 1569](#), 81st Reg. Sess. (Tex. 2009).

This bill would amend existing law regarding eligibility of victims of family violence and stalking for unemployment insurance. The bill would take out references to family violence in the current law (leaving stalking), and remove the documentation requirement of a physician's statement. The bill would add a new section allowing someone to leave work due to family violence, verified by reasonable and confidential documentation, if the employee reasonable believes that continued employment would jeopardize their safety or that of their immediate family. "Reasonable documentation" includes a statement from a professional from whom the victim sought assistance, an active or recently issued protective order, or a police record. The bill died in the House.

UTAH: [H.B. 428](#), 2009 Gen. Sess. (Utah 2009).

The bill would allow a claimant who separated from a job for a compelling family reason to be eligible for benefits. Compelling family reason includes domestic violence that causes the individual to reasonably believe that continued employment would jeopardize the safety of the individual or any member of the individual's immediate family. The bill died in the House.

VIRGINIA: [H.B. 840](#), 2004 Reg. Sess. (Va. 2004).

Voluntarily leaving work "due to circumstance directly resulting from domestic violence" shall be deemed "good cause" if the individual reasonably fears future violence at work or en route to or from work; wishes to move to avoid future violence; or reasonably believes that leaving work is necessary to protect the individual or her family. This bill died in the House.

WEST VIRGINIA [H.B. 2251](#), Reg. Sess. (2013)

An applicant is not disqualified from receiving benefits if they leave employment for domestic violence related reasons. The survivor must present verification of their status. Benefits are not chargeable to the employer.

This state law guide, with links to cited laws and bills, is available on the Legal Momentum website at <http://www.legalmomentum.org/what-we-do/violence/victims-of-violence-employment/state-law-guides>. For more information, contact our Public Education Office (PEO), peo@legalmomentum.org, at (212) 925-6635.

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