

**EMPLOYMENT RIGHTS FOR VICTIMS OF
DOMESTIC OR SEXUAL VIOLENCE**

HEADQUARTERS: 395 HUDSON STREET • NEW YORK, NY 10014 • 212.925.6635 • WWW.LEGALMOMENTUM.ORG

Several states have enacted laws that provide domestic violence victims (and in some states, victims of sexual assault and stalking) time off from work to address the violence in their lives and/or that protect victims from employment discrimination related to the violence. *The details of each state's laws vary significantly.* Some states that have not passed domestic violence leave laws have paid sick leave laws or crime victim protection laws that prohibit an employer from firing crime victims who take time off from work to appear in criminal court.

In addition to rights under these state laws, victims of domestic violence, stalking, or sexual assault may be able to take leave under the federal Family and Medical Leave Act (FMLA) or under comparable state or local laws. For more on FMLA protections, *see* Legal Momentum's Know Your Rights guide "[Medical Leave for Survivors and Family Members.](#)" A victim of domestic violence, sexual assault or stalking who is fired or otherwise discriminated against at work may also have rights under sex discrimination laws or wrongful discharge laws. For more information, *see* Legal Momentum's Know Your Rights guide "[Employment Discrimination Against Abused Women.](#)"

This guide is divided into two main sections. The first section outlines existing laws. The second section outlines proposed legislation on this topic. Each of these sections is further divided into those laws or bills specific to domestic violence and those laws or bills that relate to crime victims more generally.

STATE AND COUNTY LAWS**Domestic and Sexual Violence Employment Rights Laws****CALIFORNIA:** [Cal. Lab. Code §§ 230 & 230.1.](#)

An employer may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to obtain or attempt to obtain a restraining order or any other judicial relief to help ensure his or her health, safety, or welfare or that of his or her child. The employee must give the employer reasonable notice unless advance notice is not feasible. The employer may require that the employee provide documents or other certification verifying that the employee was a victim of domestic violence or sexual assault. The employer is also required, to the extent allowed by law, to maintain the confidentiality of an employee requesting such leave. In addition, employers with 25 or more employees may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or relocate. An employee who is discriminated against or discharged for exercising his or her rights under this law may be entitled to reinstatement and reimbursement for lost wages and benefits. The provisions applying to larger employers do not create a right for employees to take unpaid leave that exceeds the amount of leave allowed under, or is in addition to leave permitted by, the federal FMLA (which permits up to 12 weeks of leave).

COLORADO: [Colo. Rev. Stat. § 24-34-402.7](#) [*on the left hand side, click on the Colorado Revised Statutes, then Title 24, Article 34, then scroll down to 24-34-402.7*]

Employers who employ 50 or more employees must permit an employee of twelve months or more who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes to take up to three days of leave to seek a restraining order; obtain medical care or counseling; locate safe housing or make her home secure; or seek legal assistance and prepare for or attend court-related proceedings. Prior to taking

this leave, the employee must exhaust annual, vacation, personal leave, and sick leave, unless the employer waives this requirement. The employee shall provide appropriate advance notice “except in cases of imminent danger to the health or safety of the employee” and may be required to provide documentation. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

CONNECTICUT: [Conn. Gen. Stat. § 54-85b](#).

An employer may not fire, penalize, or threaten an employee because the employee attended court or participated in a police investigation related to a criminal case in which the employee (or the employee’s minor child) is a victim, or because the employee has a restraining order issued on her or his behalf. An employer who violates this section is guilty of criminal contempt and subject to a fine or up to thirty days’ imprisonment. Additionally, an employee whose rights under this section are violated may bring a civil action against the employer for damages and reinstatement.

DISTRICT OF COLUMBIA: [D.C. Code §§ 32-131.01, 32-131.02](#) [*type “32-131.01” in the search box and click; click on the result “32-131.01.” Do the same for 32.131.02*]

This law provides employees with paid leave that may be used for an absence resulting from the medical condition of the employee or employee’s family member; for obtaining professional medical diagnosis or care for the employee or employee’s family member; where the employee or employee’s family member is the victim of domestic violence, sexual abuse, or stalking, and the absence is directly related to social or legal services pertaining to the violence, such as seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, temporarily or permanently relocating, taking legal action, or other actions to enhance the health or safety of the employee or family member. An employer with 100 or more employees is to provide one hour of paid leave for every 37 hours worked, not to exceed seven days per calendar year; an employer with 25-99 employees shall provide one hour of paid leave for every 43 hours worked, not to exceed five days per calendar year; and an employer with 24 or fewer employees shall provide one hour of paid leave for every 87 hours worked, not to exceed three hours per calendar year. There is a notice and certification requirement.

FLORIDA: [Fla. Stat. § 741.313](#).

Employees who work for employers with 50 or more employees may request and take up to three working days of leave in any 12-month period if the employee or family or household member of the employee is a victim of domestic or sexual violence. The leave may be used to: seek an injunction for protection against domestic violence, dating violence, or sexual violence; obtain medical care or mental health counseling for the employee or family/household member; obtain services from a victim-service organization; make the employee’s home secure from the perpetrator or seek new housing; or to seek legal assistance or to attend and prepare for court-related proceedings. The leave may be unpaid at the employer’s discretion. A private employer must keep all information relating to the leave confidential. Personal identifying information contained in records documenting domestic or sexual violence, submitted to an agency by an employee of that agency in order to obtain leave, is to be confidential. The request for leave will remain exempt from disclosure until one year after the leave has been taken.

FLORIDA, Miami-Dade County: [Miami-Dade Cty., Fla. Code. §§ 11A-60 -- 67](#) [*scroll down to Chapter 11A on the left-hand side, click the box to the left of the title to expand the menu, and click on Article VIII*].

This county law entitles domestic violence victims to up to 30 days of unpaid leave during any 12-month period for medical or dental care, legal assistance, court appearances, counseling or supportive services, or any other arrangements needed because of domestic violence. This law includes leave to obtain orders of protection and for divorce, child custody and child support proceedings. The employee is required to exhaust all paid vacation and personal leave prior to taking leave under this provision, but the employee is entitled to her old position or an equivalent position when she returns from leave. The employer may request certification from a health care provider, attorney of record, counselor, law enforcement agency, clergy, or domestic violence service provider that “the employee is being subjected to domestic or repeat violence and needs time off” for one of the permitted reasons. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

HAWAII: [Haw. Rev. Stat. § 378-72](#).

An employee may take unpaid leave for a “reasonable period of time”—up to 30 days per calendar year if the employer has 50 or more employees, and up to five days for smaller employers—if the employee or the employee’s minor child is a victim of domestic abuse, sexual assault, or stalking, provided the leave is to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, or take legal action. When the leave is sought for medical attention, the employer may request a doctor’s certificate (including an estimate of the number of days of leave needed). When the leave is for non-medical reasons and is not more than five days, the employer may require a signed statement from the employee regarding the violence and establishing that the leave is for one of the enumerated purposes. If non-medical leave exceeds five days, the employer may require (1) a signed written statement from “a victim services organization, from the employee’s attorney or advocate, from a minor child’s attorney or advocate, or a medical or other professional from whom the employee or the employee’s minor child has sought assistance related to the domestic or sexual violence; or (2) a police or court record related to the domestic or sexual violence.” The employee shall provide reasonable notice of intention to take leave unless “not practicable due to imminent danger.” The employee must exhaust all other paid and unpaid leave before these provisions apply. All information provided to the employer is confidential unless the employee consents or disclosure is required by law. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

ILLINOIS: [820 Ill. Comp. Stat. 180](#), amended by [Public Act 096-0635](#) of 2009 (effective August 24, 2009).

Leave provisions

The Victims’ Economic Security and Safety Act (VESSA) provides that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with 50 or more employees—or by a state or local government or school district—may take up to 12 workweeks of unpaid leave during any 12-month period to address the violence. An employee working for an employer with 15 to 49 employees is entitled to up to 8 workweeks of leave during any 12-month period. This leave may be used to seek medical attention or counseling, obtain services from a victim services organization, participate in safety planning or relocation, or seek legal assistance. An employee may use paid leave that is otherwise available for time taken off pursuant to this provision. Unless impracticable, the employee shall provide 48-hour notice of the leave. The employer may request the employee to provide certification of the violence and that the leave is for an enumerated purpose. The certification requirement may be satisfied by the employee’s sworn statement and by documentation from a service provider who has assisted the employee or his or her family member in addressing the violence, by police or court records, or by other corroborating evidence. Upon return from leave, the employee shall be entitled to restoration to the original job or to an equivalent position. Employers cannot discriminate or retaliate against persons who exercise their rights under this law.

General discrimination / reasonable accommodation provisions

A covered employer may not fail to hire, fire, constructively discharge, harass, otherwise discriminate, or retaliate against any individual because the individual is, or is perceived to be, a victim of domestic or sexual violence (defined as domestic violence, sexual assault, or stalking) or has a family or household member who is, or is perceived to be, a victim of domestic or sexual violence. Covered employers (those with 15 or more employees) cannot take actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. The employer must make reasonable accommodations related to the violence – such as a changed telephone number, transfer, modified schedule, assisting in documenting the violence that occurs at the workplace or in work-related settings, or time off – unless such accommodation would pose an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions, regardless of whether the request for the accommodation is granted. This law also provides that public agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above. Any employer that fails to post

the required notice may not claim that the employee failed to notify the employer that they wanted or was eligible for leave.

Confidentiality / enforcement

Absent written consent by the employee or statutory requirements, all information provided to the employer pursuant to this section shall be held in the strictest confidence by the employer. An employee whose rights have been violated may bring an administrative complaint in the state Department of Labor.

KANSAS: K.S.A. §§ [44-1131 & -1132](#). [enter “44-1131” in the statute number search box and click]

An employer may not discharge or in any manner discriminate or retaliate against an employee who is the victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain judicial relief such as a restraining order; seek medical attention; obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or make court appearances in the aftermath of domestic violence or sexual assault. An employee shall give the employer reasonable advance notice of his or her intention to take time off, unless such advance notice is not feasible. Within 48 hours of returning from an absence for which prior notice was provided, the employee shall provide documentation demonstrating that the time off was used for a covered purpose. When prior notice is not feasible, the employer may not take any action against the employee if the employee provides certain specified documentation (a police report, court order, or documentation from a medical professional, health care provider, counselor, domestic violence advocate or advocate for victims of sexual assault) within 48 hours after *the beginning* of the unscheduled absence. The employee’s request for leave and supporting documentation shall be kept confidential to the extent allowed by law. Regardless of any collective bargaining agreement terms and conditions, an employee may use accrued paid leave for these purposes. If the employee does not have any paid leave available, the employee has a right to up to eight days per year of unpaid leave for these purposes.

MAINE: [26 Me. Rev. Stat. § 850](#).

Employers must grant “reasonable and necessary” leave when an employee, or a child, parent or spouse of the employee, is a victim of domestic violence, stalking, sexual assault, violence, or assault. The leave may be used to prepare for and attend court proceedings, receive medical treatment, or obtain other necessary services to remedy a crisis caused by the violence. Employers are prohibited from sanctioning employees for exercising their rights under this section. There is a \$200 civil penalty for violation. The employer is not required to grant leave if the employer would sustain “undue hardship,” if the leave request was not made “within a reasonable time under the circumstances,” or if the “requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.”

NEW MEXICO: [S.B. 68](#), to be codified at [NMSA § 50-4-___](#)).

The Promoting Financial Independence for Victims of Domestic Abuse Act provides that employees who are victims of domestic abuse are entitled to “domestic abuse leave,” which is paid or unpaid leave time for up to 14 days in any calendar year, taken for up to eight hours in one day. The leave may be used to obtain an order of protection or other judicial relief, to meet with law enforcement officials, to consult with attorneys or victim advocates, or to attend court proceedings related to the domestic abuse of the employee or the employee’s family member. The employee must give notice to the employer within 24 hours of commencing the leave. An employer may request verification of the need for the leave, in one of the following: a police report; an order of protection or other court evidence; or the written statement of an attorney, victim advocate, law enforcement official or a prosecuting attorney. The employer shall not disclose verification information and maintain confidentiality about the domestic abuse, unless the employee consents or when otherwise required by federal or state law. The workforce solutions department and the employee have the right to bring an action for violation of the law to enjoin further violations, recover actual damages, costs and attorneys fees. **The law took effect on July 1, 2009.**

NEW YORK STATE: [A.755/S.937-A](#), [S.958-A](#), to be codified at [N.Y. Exec. L. § 296-1\(a\)](#) and [§ 292\(34\)](#).

New York State's Executive Law is amended to add victims of domestic violence to the category of groups protected from employment discrimination. "Domestic violence victim" means a person who is a victim of an act which would be a family offense under the state's Family Court Act. The change takes effect immediately.

NEW YORK CITY: [N.Y., N.Y., Admin. Code § 8-107.1](#) [*scroll down and click on section 8-107.1*].

This provision in New York City's Human Rights Law prohibits an employer from refusing to hire, discharging, or discriminating against an individual because the individual is or is perceived to be a victim of domestic violence, sex offenses or stalking. Under this law, unlawful discrimination includes taking actions against a victim based solely on the acts of a person who has perpetrated acts or threats of violence against the victim. An employer is required to make reasonable accommodations for a victim to permit her or him to perform the "essential requisites" of the job, unless doing so would be an "undue hardship" for an employer. The legislative history of the law makes clear that the Council intended that reasonable accommodations under this provision could include providing victims with time off or a modified schedule. An employer required to make reasonable accommodations may ask the person requesting such accommodations to provide certification that he or she is a victim. This proof requirement may be satisfied by documentation from a victim services agency, attorney, clergy member, medical or other professional services provider; a police or court record; or "other corroborating evidence." The request for accommodations and any documentation provided, including the fact of the domestic violence, must be kept confidential.

NEW YORK, WESTCHESTER COUNTY: [Westchester Cty., N.Y., Code §§ 700.02 & 700.03](#).

This provision in Westchester County's Human Rights Law prohibits employment discrimination (as well as housing discrimination and public accommodations discrimination) against victims of domestic violence, sexual assault, or stalking. It protects victims from being fired, refused employment, or otherwise discriminated against at work based on being a victim of such violence. It also requires employers to make "reasonable accommodations" to permit a victim to perform his or her job, including schedule modifications or security measures, unless doing so would impose an undue hardship on the employer. To claim protections under the law, an individual must provide the employer with documentation certifying that he or she is a victim of such violence. This requirement can be met by providing a police report; court order; or documentation from a medical professional, domestic violence advocate, clergy member, or counselor from whom the individual has sought assistance from in addressing the violence. Documentation must be kept in the "strictest confidence." Documentation is not required if the employer perceives the individual to be a victim of domestic violence, sexual assault, or stalking.

NORTH CAROLINA: N.C. Gen. Stat. [§ 50B-5.5](#) & [§ 95-270\(a\)](#).

An employer is prohibited from discharging, demoting, disciplining, or denying a promotion to an employee who takes "reasonable time off" from work to obtain or attempt to obtain a protective order or other relief under the state's domestic violence law. An employee who is absent to such seek relief must follow the employer's usual leave policy or practices; if the employer generally requires advance notice of absences, an employee must provide advance notice "unless an emergency prevents the employee from doing so." An employer may require the employee to provide documentation showing the reason for the employee's absence.

OREGON: [S.B. 928](#), amending [Or. Rev. Stat. §§ 659A. 270 -.285](#), § 659A.885.

This law allows an employee who is a victim of domestic violence, sexual assault, or stalking, or is the parent or guardian of a minor child or dependent who is a victim, to take reasonable, unpaid time off from work to deal with the violence. To be covered by the law, an employee must work for more than 25 hours a week for at least 180 days before taking leave, and work for an employer with six or more employees during 20 or more work weeks a year. The leave can be used to seek legal or law enforcement assistance or remedies, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking; to seek medical treatment for or to recover from injuries; to obtain, or to assist a minor child or dependent in obtaining, counseling from a

licensed mental health professional; to obtain services from a victim services provider; or to relocate or take steps to secure an existing home. The employer is required to keep the information confidential. The employer may require certification, which can take the form of: a copy of a police report; a copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding; documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

S.B.928, which was signed into law in June 2009, prohibits employers from discharging, discriminating, or retaliating against an employee who is a victim of domestic violence, sexual assault, or stalking because of the employee's status as a victim. The employer is also prohibited from refusing to make reasonable safety accommodations 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 employer. Reasonable accommodation includes, but is not limited to, reassignment, a modified schedule, unpaid leave, reassignment of telephone number and work station, installation of locks, implementation of safety procedures, or any other adjustment to a job structure, workplace facility, or work requirement. Prior to making reasonable accommodations, employers may require certification in the form of a police report, protective order or other evidence from court proceedings, or documentation from an attorney, law enforcement, health care professional, member of the clergy, or victim services provider. An employee whose rights under this section are violated may bring a suit against the employer for reinstatement and damages. **The amendment is effective as of January 1, 2010.**

PHILADELPHIA: Phila. Code §§ [9-1103\(A\)\(6\)](#) & [9-3200](#) [*enter "9-1103 or 9-3200" in search box and click*]

This law provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim whose interests are not adverse to the employee regarding the violence with unpaid leave. The leave may be used to seek medical attention for physical or psychological injuries caused by the violence; obtain services from a victim services organization; obtain psychological or other counseling; participate in safety planning, relocation or other actions to increase safety or economic security; or seek legal assistance or remedies. For an employee with 50 or more employees, the law provides 8 workweeks of leave in a 12-month period; for an employer with less than 50 employees, the law provides 4 workweeks of leave in a 12-month period. The employee shall provide at least 48 hours' notice of the intent to take leave, if practicable. The employer may require certification that the employee or family or household member is a victim and that the leave is for a permitted reason, which can be satisfied by a police or court record, documentation from a victim services organization, attorney, clergy, medical or other professional, or other corroborating evidence.

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#).

This law prohibits an employer from refusing to hire, discharging, or discriminating against an individual solely because the individual seeks or obtains a protective order or refuses to seek or obtain such an order. A court may award actual damages or order injunctive relief in a civil action alleging a violation of the statute.

VERMONT: [15 Vt. Stat. Ann., ch. 21, §§ 1171-73](#).

This law, among other things, creates the Vermont Council on Domestic Violence and requires the Council to study the issue of employment discrimination against victims of domestic violence and suggest model workplace protections and policies.

WASHINGTON: Wash. Rev. Code § [49.76](#).

An employees who is a victim, or whose family member is a victim, of domestic violence, sexual assault, or stalking, may take "reasonable leave" from work, with or without pay, to: (1) seek legal or law enforcement assistance or remedies, including participating in any civil or criminal legal proceeding related to the violence; (2) seek treatment by a health care provider; (3) obtain services from a victim service provider; (4) obtain

mental health counseling; or (5) participate in safety planning, including relation or other actions. Verification of the reason for leave may be provided by: a police report; a court order; documentation that the employee or employee's family member sought assistance from a victim service provider; an attorney, member of the clergy, or medical or other professional; or the employee's written statement. An employee can seek to remedy violation of this law by filing an administration complaint or a civil action in court. The requirements of the law are required to be posted.

Crime Victim Job Protection Laws

Many states have laws that prohibit employers from punishing an employee who is a victim of a crime for taking time off to attend court, at least under certain circumstances, such as responding to a subpoena, responding to a request from the prosecutor, or serving as a witness. In many states, the time off is either unpaid or the employer can require the employee to use accrued sick time, vacation time, or personal time. Some additional states have laws that specifically provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). Below is a list of the states that have such laws and some important features of the laws.

ALABAMA: [Ala. Code § 15-23-81](#) [*click on Title 15, Chapter 23, and then scroll down*](allows victim to respond to subpoena to testify in criminal proceeding or participate in reasonable preparation for a criminal proceeding).

ALASKA: [Alaska Stat. § 12.61.017](#) (allows victim to respond to subpoena and to attend court proceedings to give testimony).

ARIZONA: [Ariz. Rev. Stat. § 13-4439](#) (an employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year must allow an employee who is a victim of a crime to leave work to be present at a proceeding or obtain an order of protection, an injunction against harassment, or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child) & [Ariz. Rev. Stat. § 8-420](#) (specifically for juvenile offenses) (leave may be unpaid or employer may require victim to use accrued paid leave; exception for undue hardship to employer).

ARKANSAS: [Ark. Code Ann. § 16-90-1105](#) [*enter "16-90-1105" in the search box and click on search button*] (prohibits employers from discharging an employee who is absent from work because of attendance at a criminal justice proceeding, if it is reasonably necessary to protect the victim's interests, or because of participation in preparation for a prosecution, at the prosecutor's request).

COLORADO: [Colo. Rev. Stat. § 24-4.1-303\(8\)](#) [*click on Title 24; click on Article 4.1; click on 24-4.1-303*] (allows victim or member of a victim's family to respond to a subpoena or participate in trial preparation).

CONNECTICUT: [Conn. Gen. Stat. § 54-85b](#) (allows employee to attend court or participate in police investigation for crime against employee, employee's immediate family member or employee's minor child) and [Conn. Gen. Stat. § 54-85d](#) (giving similar protection to a family member or designee of a homicide victim).

DELAWARE: [Del. Code Ann. tit. 11, § 9409](#) (allows victim or representative of a victim to respond to a subpoena, participate in trial preparation, or attend trial proceedings as reasonably necessary to protect the victim's interests).

FLORIDA: [Fla. Stat. § 92.57](#) (allows victim to respond to a subpoena only).

GEORGIA: [Ga. Code Ann. § 34-1-3](#) [*scroll down to Title 34 and click open; click open Chapter 1; click open 34-1-3*] (allows victim to respond to court order such as a subpoena or jury duty; employer may require "reasonable notification" by the employee).

HAWAII: [Haw. Rev. Stat. § 621-10.5](#) (allows victim to respond to subpoena, testify, attend court as a prospective witness; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

INDIANA: [Ind. Code § 35-44-3-11.1](#) (allows victim to respond to a subpoena only).

IOWA: [Iowa Code § 915.23](#) (allows victim to serve as witness in criminal case; allows reasonable attorney's fees and court costs if an employee sues for violation of this law and prevails).

MARYLAND: [Md. Code Ann. Crim. Proc. § 11-102](#) & [Md. Code Ann. Cts. & Jud. Proc. § 9-205](#) (allows victim to respond to a subpoena or attend proceedings the employee has a right to attend, as defined by Maryland law; a victim and a victim's representative have the right to attend any proceeding in which the right to appear has been granted to a defendant).

MASSACHUSETTS: [Mass Gen. Laws Ch. 258B, § 3\(f\)](#) & [Mass Gen. Laws ch. 268, § 14B](#) (allows time off to respond to subpoena as long as employee notifies employer).

MICHIGAN: [Mich. Comp. Laws § 780.762](#) & [Mich. Comp. Laws § 780.790](#) (allows victim time off to give testimony in court in response to a subpoena or request from the prosecuting attorney).

MINNESOTA: [Minn. Stat. Ann. § 611A.036](#) (allows a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony reasonable time off from work to attend criminal proceedings related to the victim's case. The employer is also required to allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case).

MISSISSIPPI: [Miss. Code Ann. § 99-43-45](#) [*click open Mississippi Code; click open Title 99, Criminal Procedure; click on Chapter 43; scroll down to and click on 99-43-45*] (allows victim to respond to subpoena or participate in reasonable preparation for court proceedings).

MISSOURI: [Mo. Rev. Stat. § 595.209\(1\)\(14\)](#) (allows a witness, victim, or victim's immediate family to respond to a subpoena or to participate in preparation for a criminal proceeding).

MONTANA: [Mont. Code Ann. § 46-24-205\(3\)](#) (allows victim or a member of the victim's family to participate in preparation for or attendance at a criminal justice proceeding; also provides for employer intercession services).

NEVADA: [Nev. Rev. Stat. § 50.070](#) [*scroll down and click on § 50.070*] (allows witness or person summoned to appear as a witness to testify; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. § 275:62](#) (entitles employees to leave work to attend court, legal, or investigative proceedings associated with the prosecution of the crime).

NEW YORK: [N.Y. Penal Law § 215.14](#) [*scroll down and click on PEN; click on Article 215; click on § 215.14*] (allows time off on prior-day notice for a victim to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection).

NORTH DAKOTA: [N.D. Cent. Code § 27-09.1-17](#) (makes it a misdemeanor offense for employers to penalize employees who serve as a witness or a juror, and provides a civil remedy for employees who are wrongfully terminated for serving as a witness or juror, including up to six weeks of lost wages and attorney's fees).

OHIO: [Ohio Rev. Code Ann. § 2930.18](#) (allows victim, victim’s family, and/or victim’s representative to respond to a subpoena or prosecutor’s request and participate in a criminal or delinquency proceeding, but does not obligate an employer to pay wages for this leave) & [Ohio Rev. Code Ann. § 2151.211](#) (prohibits employer from discharging or terminating from employment or otherwise punishing or penalizing any employee because of time lost from regular employment as a result of the employee's attendance at any juvenile court proceeding pursuant to a subpoena).

PENNSYLVANIA: [18 Pa. Stat. Ann. § 4957](#) [*click on Title 18 Pa. CSA; click on Part II, Article E, Chapter 49, Subchapter B*] (allows employee to testify as witness or victim of a crime; such leave is unpaid).

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#) (specific to employment protection for victims who seek protective orders) & [R.I. Gen. Laws § 12-28-13](#) (employment protection for victims of crimes to attend court proceedings).

SOUTH CAROLINA: [S.C. Code Ann. § 16-3-1550](#) (protects a victim or a witness from adverse job consequences for lawfully responding to subpoena).

TENNESSEE: [Tenn. Code Ann. § 4-4-122](#) [*click open Tennessee Code; click open Title 4; click open Chapter 4; click open 4-4-122*] (only applies to state agencies as employers; employers are barred from taking any adverse employment action against an employee who takes any lawful action to cause or assist in causing the arrest, prosecution and conviction of the perpetrator of an offense against that employee).

UTAH: [Utah Code § 78B-1-132](#) (allows employee to respond to a subpoena; creates a civil remedy to include up to six weeks of lost wages and reasonable attorney’s fees for a violation).

VERMONT: [Vt. Stat. Ann. tit. 13, § 5313](#) (allows victim, victim’s family member, or victim’s representative to respond to a subpoena without job consequences).

VIRGIN ISLANDS: [V.I Code Ann. tit. 34, § 203\(e\)](#) [*click open Virgin Islands Code; click open Title 34, Welfare; click open Chapter 8; click open section 203*] (allows victim or witness to respond to subpoena without fear of retaliation or loss of wages from employer).

VIRGINIA: [Va. Code Ann. § 18.2-465.1](#) (allows employee to respond to summons or subpoena and attend future proceedings as required by court in writing; allows employee to serve on a jury) & [Va. Code Ann. § 40.1-28.7:2](#) (requiring every employer to allow an employee who is a victim of crime to take unpaid leave to be present at all criminal proceedings relating to a crime against that employee. The employer may limit the leave if it creates an undue hardship for the employer).

WISCONSIN: [Wis. Stat. § 103.87](#) [*scroll down and click on 103.87*] (prevents an employer from discharging or docking the pay of any employee who misses work to respond to a subpoena; employee must notify employer of need to miss work to testify on or before the first business day after receipt of the subpoena).

WYOMING: [Wyo. Stat. Ann. §§ 1-40-209](#) [*click on Wyoming Code; click on Title I; click on Chapter 40; click on Article 2; click on 1-40-209*] (allows victim or witness to respond to a subpoena; allows employee to request employer intercession services from law enforcement agencies).

Additional states have laws that encourage 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 her employer that she needs to attend court (“employer intercession services”). These laws are suggestive, rather than mandatory.

COLORADO: [Colo. Rev. Stat. 24-4.1-302.5\(n\)](#) [*click on Colorado revised Statutes folder; click on Title 24; click on Article 4.1; scroll down and click on 24-4.1-302.5*]

FLORIDA: [Fla. Stat. Ann. § 960.001\(i\)](#)
ILLINOIS: [725 Ill. Comp. Stat. Ann. 120/5\(a\)\(2\)](#)
KENTUCKY: [Ky. Rev. Stat. Ann. § 421.500\(8\)](#)
LOUISIANA: [La. Rev. Stat. Ann. § 46:1844\(E\)](#)
NEBRASKA: [Neb. Rev. Stat. § 81-1848\(2\)\(h\)](#)
NEVADA: [Nev. Rev. Stat. § 178.5694\(1\)](#) [scroll down and click on § 178.5694(1)]
NEW JERSEY: [N.J. Stat. Ann. § 52:4B-44\(b\)\(13\)](#) [click on Title 52 and click through to 52:4B-44]
NEW MEXICO: [N.M. Stat. Ann. § 31-26-4\(j\)](#) [click on 2008 NMSA; click on Statutory Chapters in New Mexico Statutes; click on Chapter 31; click on Article 26; click on 31-26-4] & [N.M. Const. Art. II, Sec. 24\(A\)\(10\)](#) [click on 2008 NMSA; click on New Mexico Constitution; click on Art. II; click on sec. 24] (for victims of specific crimes only)
NORTH CAROLINA: [N.C. Gen. Stat. § 15A-825\(4\)](#)
NORTH DAKOTA: [N.D. Cent. Code § 12.1-34-02\(6\)](#)
OKLAHOMA: [Okla. Stat. Tit. 19, § 215.33\(8\)](#)
RHODE ISLAND: [R.I. Gen. Laws § 12-28-3\(a\)\(7\)](#)
TEXAS: [Tex. Code Crim. Proc. Ann. art. 56.02\(a\)\(10\)](#)
UTAH: [Utah Code Ann. § 77-37-3\(1\)\(g\)](#)
VIRGINIA: [Va. Code Ann. § 19.2-11.01\(A\)\(3\)\(a\)](#)
WASHINGTON: [Wash. Rev. Code § 7.69.030\(8\)](#)
WEST VIRGINIA: [W. Va. Code § 61-11A-6\(a\)\(8\)](#) [pick Chapter 61 from the drop down menu on the left; scroll down and click on part 11A; then scroll down to 61-11A-6]
WISCONSIN: [Wis. Stat. § 950.04\(1v\)\(bm\)](#) [enter 950.04 in the search box]

RECENT LEGISLATIVE PROPOSALS

The following 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, you may contact Legal Momentum, the legislative information service at your state or local legislature, or consult your legislature's web page.

Domestic and Sexual Violence Employment Rights Bills

FEDERAL: [H.R. 739](#) (January 2009).

H.R. 739, the Security and Financial Empowerment (SAFE) Act, would provide victims of domestic violence with up to 30 days emergency unpaid leave to seek medical attention; obtain services from a victim services organization; obtain psychological or other counseling; participating in safety planning or relocation; or to seek legal assistance. Documentation for the leave includes the victim's own sworn statement; documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional; a police or court record; or other corroborating evidence. It would also explicitly require that any victims who must leave the workplace as a result of violence are eligible for unemployment insurance. The bill would require reasonable accommodations for violence-related needs and would protect actual or perceived victims of domestic violence from employment and insurance discrimination. For violations of this statute, a prevailing plaintiff will have access to reasonable expert witnesses and attorney's fees. The bill was previously introduced in 2007 as H.R. 2395 and died in committee, and in 2005 as H.R. 3185 and S.2796. A companion Senate bill, S. 1136, the Survivors Empowerment and Economic Security (SEES) Act, was introduced in 2007. The Senate Committee on Health, Education, Labor and Pensions held a hearing on S. 1136 in April 2007. The bill died in the Senate Finance Committee. In 2001, a similar bill called the Victims Economic Security and Safety Act (VESSA) was introduced as H.R. 2670 and S.1249 but was not passed.

ALASKA: [S.B. 86](#), 26th Leg., 1st Sess. (Alaska 2009).

This bill would require employers to provide employees with one hour of paid sick leave for every 40 hours worked. The paid sick leave may be used, *inter alia*, for time an employee spends away from work because the

employee is a victim of domestic violence, sexual assault or stalking, where a person has been arrested or formally charged. Employers are required to post the provisions of the law in a conspicuous place. The bill died in committee.

CALIFORNIA: [A.B. 1000](#), 2009-10 Leg. Sess. (Cal. 2009).

An employee who works in California for seven or more days in a calendar year would be entitled to one hour of paid sick time for every 30 hours worked. A small business can limit an employee's use of sick leave to 40 hours or five days in a calendar year; all other employers may limit the employee to using 72 hours or nine days in a calendar year. The leave may be used, *inter alia*, by an employee who is a victim of domestic violence or sexual assault for the purposes in Sections 230(c) and 230.1(a) (described above).

COLORADO: [H.B. 1210](#), 67th Gen. Assembly (Col. 2009).

This bill would require all private employers in Colorado to provide paid sick leave to employees. For employers with more than 15 employees, one hour of paid sick leave would be accrued for every 30 hours accrued, up to a total of 72 hours of leave in a 12-month period; and for employers with 6-15 employees, one hour of sick leave would accrue for every 60 hours worked, up to a total of 40 hours of leave in a 12-month period. Employees are entitled to use the leave if the employee or a family member is the victim of domestic abuse, sexual assault or stalking and the leave will be used to: (1) seek medical attention for the employee or family member; (2) obtain services from a victim services organization; (3) obtain psychological or other counseling; (4) relocate; or (5) take legal action relating to or resulting from the violence. Employers are required to post the provisions of the law in a conspicuous place. The bill died in committee.

CONNECTICUT: [H.B. 6187](#), 2009 Gen. Assembly, Reg. Sess. (Ct. 2009).

This bill would require employers with 50 or more employees to provide employees with one hour of paid sick leave for each forty hours worked, for a maximum of 32 hours per year for calendar year 2010 and 40 hours for each year thereafter. Employees must have worked a minimum of 520 hours in the previous 12 months, and can begin using leave upon the 1040th hour of employment for the same employer. The bill would allow victims of family violence or sexual assault to use paid sick leave for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to such family violence or sexual assault; or to participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation in the form of a court record, documentation signed by a victim services organization, an attorney, a police officer or other counselor. A similar bill was introduced in the previous session as [S.B. 217](#), and as [S.B. 601](#) in 2007.

HAWAII: [S.B. 2438](#) & [H.B. 2123](#), 21st Leg. (Haw. 2002).

These bills would have prohibited employers from discriminating against any individual because (a) the individual or a family or household member is a victim of domestic violence, sexual assault, or stalking; (b) the individual required leave from work due to domestic violence, sexual assault, or stalking; or (c) the workplace was threatened or disrupted by someone who has committed or threatened domestic violence, sexual assault, or stalking against the individual, provided that the employer may request that the individual prove she has taken appropriate actions to lessen the threat of future violence and possibility of harm to others in the workplace, including reporting to law enforcement or seeking a restraining order. The House and Senate passed different versions of the bill and were unable to resolve the differences in conference. (Although this legislation did not pass, Hawaii passed separate legislation, described above, in 2003 that provides victims of domestic violence, sexual assault, or stalking time off from work).

INDIANA: [H.B. 1032](#), 115th Gen. Assembly, 1st Reg. Sess. (Ind. 2007).

This bill provides that an individual may take unpaid leave from employment to file a petition for an order for protection or, after receiving notice of a hearing, to attend the hearing. The employer may require the individual to furnish proof from the court or the clerk of the court that the individual was absent from employment to obtain an order of protection. An employer that dismisses an employee, deprives the

employee of employment benefits, or threatens a dismissal or deprivation of benefits because the employee filed a petition for an order for protection, received notification of the hearing on the petition, or attended the hearing commits a Class B misdemeanor. The bill died in committee. A similar bill was previously introduced in 2006 as [H.B. 1200](#), and died in committee.

KANSAS: [S.B. 612](#), 2007-08 Leg. Sess. (Kan. 2008).

This bill would amend Kan. Stat. Ann. § 44-1132, described above, to change the notice provision concerning unscheduled absences by an employee who is a victim of domestic violence or sexual assault. The victim would be required to provide certification to the employer within seven days, instead of 48 hours in the current law, after the beginning of the unscheduled absence. The bill would also allow the Department of Labor to issue regulations to enforce the law's protections. The bill would also amend § 44-1132 to prohibit employers from discriminating against an employee who is a victim of physical violence (including domestic battery), where the offense is motivated entirely or in part by the victim's actual or perceived race, color, religion, ethnicity, or national origin from taking time off from work for the same reasons as victims of domestic violence and sexual assault. The Senate passed the bill in February 2008, and later by the House, but was stricken from the calendar and did not become law.

KENTUCKY: [H.B. 171](#), 2003 Reg. Sess. (Ky. 2003).

This bill provided that an employer is prohibited from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence and abuse, stalking, or sexual assault for taking time off to obtain or attempt to obtain judicial relief addressing the violence. In addition, employers with 25 or more employees may not discharge, or in any manner discriminate or retaliate against, an employee who is a victim for taking time off from work to seek medical attention; obtain services from a domestic violence shelter, program, or rape crisis center; obtain psychological counseling; participate in safety planning; or relocate. This bill passed the House, but died in the Senate.

LOUISIANA: [H.B. 242](#), 2004 Reg. Sess. (La. 2004).

This bill would have provided that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with over 50 employees—or by a state or local government or school district—may take up to six weeks unpaid leave during any 12-month period to address the violence. It also would have prohibited employers from discriminating against victims or taking actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. This bill also provided that public agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above. The bill died in committee.

MASSACHUSETTS: [S.B. 727](#), [S.B. 673](#), 186th Gen. Court (Mass. 2009).

Employers with 50 or more employees must allow up to 15 days of paid or unpaid leave to employees if an employee, or the employee's family or household member, is a victim of domestic violence, sexual assault, or stalking. The leave must be used to address issues arising from the violence, such as seeking an order of protection, medical attention, counseling, victim services, legal assistance, securing housing, or to appear in court as a witness, attend child custody proceedings, or other issues directly related to the violence. The employer may require the employee to provide certification of the violence and the reason for the leave, which can include: a restraining order or other court document; a police record; documentation that the perpetrator of violence against a family or household member has been convicted of an offense; statement by a counselor, social worker or other professional who has assisted in dealing with the violence; or a sworn statement from the individual.

MASSACHUSETTS: [H.B. 1815](#)/[S.B. 688](#), 186th Gen. Court (Mass. 2009).

This bill provides that all employees accrue one hour of paid sick leave at the rate of one hour for every 30 hours worked, up to a maximum of seven days. The paid sick leave may be used, inter alia, by an employee to address the psychological, physical or legal effects of domestic violence.

MINNESOTA: [H.F. 612/S.F. 461](#), 86th Leg. Sess. (Minn. 2009).

This bill would require employers with ten or more employees to provide a minimum of one hour of paid sick leave for every 30 hours worked by an employee, up to at least 72 hours of sick leave a year. Those who employ less than ten persons shall provide a minimum of one hour of paid sick leave for every 30 hours worked by an employee, up to at least 40 hours of sick leave per year. Paid sick leave may be used by victims of domestic abuse: to seek medical attention for themselves or a family member to recover from injury caused by domestic abuse or sexual assault; to obtain services from a victim services organization; to obtain counseling; to seek relocation due to domestic abuse, sexual assault or stalking; or to take legal action, including preparing for or participating in any civil or criminal legal proceeding related to the domestic abuse or sexual assault. The employer may not retaliate or discriminate against an employee for requesting or taking paid sick leave. Similar bills were introduced in previous sessions as [S.F. 1324](#) & [H.F. 1334](#) (2007) and [S.F. 1438/H.F. 443](#) (2005).

MISSISSIPPI: [H.B. 1426](#), 2006 Reg. Sess. (Miss. 2006).

This bill required employers to grant “reasonable and necessary” leave, with or without pay, to victims of domestic violence, sexual assault, or stalking in order for the victim to prepare for and attend court proceedings, receive medical treatment, or obtain necessary services to remedy a crisis resulting from the violence. The employer has the discretion to deny the leave request if the employer would sustain undue hardship from the victim’s absence or the requested leave is impractical, unreasonable, or unnecessary based on the facts made known to the employer. The bill died in committee. This bill was very similar to [HB 953](#), introduced in 2005, and [H.B. 739](#), introduced in 2002.

MONTANA: [H.B. 579](#), 61st Reg. Sess. (Mt. 2009).

This bill would require employers with 10 or more employees to provide employees with one hour of paid sick leave for every 30 hours worked, for at least 72 hours of paid sick leave annually. The leave may be used for the protection of the employee or the employee’s child from domestic abuse, sexual offenses, or stalking; for medical treatment or counseling; or to participate in any civil or criminal proceeding relating to the domestic abuse, sexual offense or stalking.

NEW HAMPSHIRE: [H.B. 662](#), 2009 Leg. Sess. (N.H. 2009).

All full or part-time employees who work in the state for more than six months in the same job in a year may accrue up to 40 hour of paid sick leave in a calendar year. Paid sick leave may be used, inter alia, for absences necessary due to domestic violence, sexual assault or stalking, provided the leave is to: seek medical attention for the employee or employee’s family member; obtain services from a victim services organization; obtain psychological or other counseling; see relocation; or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to the violence. If the leave is for more than three consecutive days, the employee may require documentation such as a police report, a court order or a signed statement from a victim and witness advocate, but the employer may not require that the documentation explain the details of the violence.

NEW JERSEY: [A.B..573/S.B. 667](#), 213th Leg. (N.J. 2008-09).

This bill, which would create the Security and Financial Empowerment Act, would permit an employee to take 20 days of leave in any 12-month period to engage in activities related to an incident of domestic or sexual violence of which the employee or employee’s family or household member has been a victim. The leave may be used for: seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, participating in safety planning or relocation, seeking legal assistance (including preparing for or participating in a civil or criminal legal proceeding), or attending or participating in a criminal or civil court proceeding. The employee must give written notice of the need for leave and upon the employer’s request provide documentation of the violence, in the form of: a restraining order or other evidence of equitable relief issued by a court; a letter or other written documentation from a prosecutor; documentation of the conviction of the perpetrator of the violence; medical documentation; certification from a certified domestic violence specialist or other designated victim service provider; or other

documentation from a social worker, member of the clergy, shelter worker or other professional. Employers are required to post notice of employees' rights under the law. The bills died in committee. Similar versions of this bill were introduced in previous sessions, [A.B. 434](#) and [S.B. 1194](#) in 2006, and [A.B. 3837](#) and [S.B. 2364](#), in 2005.

NEW YORK STATE: [A.438](#), 232d Leg. Sess. (N.Y. 2009).

A.438 would permit victims of domestic violence, sexual offenses, and stalking to take an unpaid leave of absence from employment for up to 90 days in a 12-month period to address ongoing effects of domestic violence, such as seeking medical attention, attending counseling, seeking legal assistance, seeking support services, or for safety planning. The individual could be required to submit certification of the violence, such as the individual's sworn statement, evidence from a professional who assisted the individual, a court proceeding, medical records, or other corroborating evidence. The bill died in committee.

NEW YORK STATE: [A.9018/S.6000](#), 232d Leg. Sess. & [S.55308](#), 232d Leg. Sess., 6th Ex. Sess. (N.Y. 2009).

These bills would prohibit employers from discriminating against victims of domestic violence in hiring, firing, compensation, conditions, or privileges of employment. Employers would also be prohibited from making any statements or inquiries into an applicant's status as a victim of domestic violence, except if such inquiries or statements are for the purposes of providing assistance or reasonable accommodations to victims. Employers would be required to make reasonable accommodations for victims of domestic violence unless the accommodations would cause an undue hardship, determined by the overall size of the business, type of operation, and composition of the workforce. Reasonable accommodations include allowing leave to obtain medical attention for a victim or a child who is a victim of domestic violence, services from a shelter or rape crisis center, or psychological counseling, participating in safety planning, obtaining legal services, or participating in criminal prosecution. Employers are permitted to require that such leave be charged to an employee's accrued paid leave and, when that is exhausted, unpaid leave, but must continue to provide employees with health benefits. Employees who take leave from employment must provide reasonable advance notice to their employers if feasible; if advance notice is not feasible, employers may require that employees provide certification upon their return in the form of a police report, court order, other evidence of a court appearance, or documentation from a medical professional, domestic violence advocate, healthcare provider, or counselor. Additionally, employees with disabilities resulting from domestic violence shall be protected under existing laws prohibiting discrimination on the basis of disability.

NORTH CAROLINA: [H.B. 177/S.B. 534](#), 2009-10 Leg. Sess. (N.C. 2009).

Employees would accrue paid sick time at the rate of one hour for every 30 hours worked, up to a limit of 56 hours accrued per calendar year. Employees of small businesses may accrue only 32 hours per calendar year. Paid sick time may be used, inter alia, to allow an employee to address the psychological, physical or legal effects of domestic violence, sexual assault or stalking on the employee or the employee's immediate family member. When the paid sick time covers three consecutive workdays, the employer may require certification of the violence in the form of: law enforcement, court or federal agency records or files; documentation from a domestic violence or sexual assault program; or documentation from a religious, medical or other professional who provided assistance. An employer may not require disclosure of details relating to the violence.

OKLAHOMA: [S.B. 728](#), 52d Leg., 1st Sess. (Okla. 2009).

This bill would allow any state employee to take up to 30 days of unpaid leave per calendar year if the employee or the employee's family or household member is a victim of domestic abuse, sexual assault, or stalking. The leave may be used to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, or to take legal action.

OKLAHOMA: [H.B. 1839](#), [S.B. 1038](#), 52d Leg., 1st Sess. (Okla. 2009).

These bills would create the Victims Economic Security and Safety Act. **It** would require employers with at least 100 employees to allow an employee who is a victim of domestic or sexual violence or is a pregnant

woman to take three weeks of unpaid leave during any 12-month period. The leave may be used to: seek medical attention; obtain services from a victim services organization; obtain psychological or other counseling; participate in safety planning, including relocation; seek legal assistance, including preparing for or participating in a criminal or civil legal proceeding; or for a pregnant woman, seeking medical attention for the pregnancy. The employer may request certification in the form of a police or court record; a victim's protective order; documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional, or for a pregnant woman, documentation of the pregnancy. The Act would also prohibit employment discrimination and public assistance discrimination against an individual who is or is perceived to be a victim of domestic or sexual violence; attended or participated in a court proceeding relating to an incident of domestic or sexual violence against the individual; requested an enumerated accommodation in response to actual or threatened domestic or sexual violence; is pregnant; or when the workplace is disrupted or threatened by the action of a perpetrator of such violence.

OHIO: [H.B. 167](#), 128th Gen. Assembly (Ohio 2009).

The bill would prohibit employers (any state or local entity or employer of twenty-five or more employees) from discharging, discriminating, or retaliating against an individual or employee who is perceived to be or is a victim of domestic violence. Employers may not take adverse employment action against employees because of threatened or actual workplace disruptions caused by domestic violence or because an employee requested a reasonable accommodation or took unpaid leave in accordance with the provisions of the bill. Employers must develop a policy providing reasonable accommodations and must allow employees who are victims of domestic violence to take unpaid leave to attend court or seek medical attention. Employers may require employees taking unpaid leave to provide documentation in the form of a sworn statement, law enforcement or court records, the statement of a service provider, or any other corroborating evidence. Employees who do not produce such documentation when required by their employer to do so may be discharged or otherwise disciplined. Employers are not liable for harm suffered by an employee in the workplace due to domestic violence committed against the employee. The bill provides a private right of action against employers who violate the act. The bill would also prohibit discrimination against victims of domestic violence in housing.

PENNSYLVANIA: [H.B. 392](#), 2009 Leg. Sess. (Pa. 2009).

An employer with 50 or more employees shall permit, upon request, an employee to take up to 30 days of unpaid leave during any 12-month period where an employee or the employee's minor child is the victim of domestic violence. The leave may be used to secure medical treatment; attend legal proceedings relating to the domestic violence; relocate; or obtain counseling or advocacy services. An employee must give at least five days' notice of the intention to take leave. If the employee is unable to provide such notice because of safety reasons, the scheduling of a legal proceeding, or the availability of counsel or advocacy services, the employer may require certification that the eligible employee or their minor child is a victim of domestic violence, or that the leave is requested for one of the enumerated purposes. The certification requirement may be satisfied by producing a police report; a court order; a signed statement from a medical professional, therapist, clergy, counselor or advocate; a signed statement from a victim/witness advocate or court personnel that the victim or their child is involved in legal proceedings; or a signed statement from a police officer, advocate, or other professional that the employee or their child has ongoing safety concerns that warrant absence from work.

TENNESSEE: H.B. 713, H.B. 315 & H.B. 385, 102^d Gen. Assembly (Tenn. 2001).

H.B. 713 would have permitted an employee to be absent for up to four months to address domestic violence if it is impacting the employee's ability to perform the functions of her position or to care for a child or parent of the employee who is addressing domestic violence. **H.B. 315**, which would have also covered victims of sexual assault or stalking, would have permitted employees to take "reasonable and necessary leave from work" for court proceedings, medical treatment, or support services, unless such leave were "impractical, unreasonable or unnecessary" based on the facts made known to the employer. **H.B. 385** would have prohibited employers from failing to hire, discharging, or discriminating against any individual the

individual was a victim, requested a reasonable accommodation, or because the workplace was disrupted by the perpetrator of violence against the victim. The bills died in committee.

TEXAS: [H.B. 2059](#), 80th Leg. (Tex. 2007).

This bill would require employers to provide 30 days of unpaid leave in a 12-month period to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. The leave may be used to seek medical attention; to obtain services from a victim services organization; to obtain psychological or other counseling; to participate in safety planning or relocation; or to seek legal assistance. An employer may request documentation of the violence and the purpose of the leave in the form of: a sworn statement by the employee and a medical report; a police or court record; or a sworn statement by a family violence program staff person. An employee may elect to use existing vacation, personal, sick or compensatory leave for their time off. An employer may not retaliate or discriminate against an employee who uses leave as provided by the law. A hearing was held on the bill on March 21, 2007. The bill died in the House.

TEXAS: [S.B. 641](#), 80th Leg. (Tex. 2007).

This bill would require businesses with 50 or more employees to provide employees with three or more months of service with up to five days of leave in any 12-month period if the employee or a member of the employee's family or household is a victim of domestic violence. The leave may be paid or unpaid at the employer's discretion. The leave may be used to obtain a protective order or other order; to obtain medical care or mental health counseling; to obtain services from a victim services organization; to make the employee's home secure or to relocate; or to seek legal assistance. An employee seeking this leave must first exhaust all vacation, personal and sick leave, unless waived by the employer. An employer may not retaliate or discriminate against an employee for exercising rights under the law. The sole remedy for violation of the law is a civil suit. The bill died in the Senate.

VERMONT: [H.382](#), 2009-10 Leg. Sess. (Vt. 2009).

Employers with ten or more employees would be required to provide employees with parental leave; employers with 15 or more employees would be required to provide employees with family leave; and employers with more than one employee would be required to provide employees with paid health care time, accrued at the rate of one hour of leave for every 30 hours worked up to a maximum of 56 hours per year. Paid health care time may be used for a variety of absences, including (1) obtaining services for the employee or the employee's family member who is a victim of domestic or sexual violence or stalking, where the absence is directly related to social or legal services; and (2) obtaining medical care for physical or mental injury caused by the violence. If the absence is for more than three consecutive workdays, the employer may require certification, including (1) a sworn statement from the employee attesting to the violence; law enforcement or court records; or (3) other documentation from an attorney or legal advisor, clergy, or health care provider. Information provided to the employer about the violence shall not be disclosed unless the victim has consented in writing to the disclosure.

VIRGIN ISLANDS: 27-0144, 27th Leg. Assembly (V.I. 2007).

This bill would provide several employment and housing protections to victims of domestic violence and sexual assault. On the employment side, the bill would prohibit employers from discriminating against employees who are victims of crime who are absent from work to comply with a subpoena or other court order to appear as a witness in any judicial proceeding. The bill would also prohibit employers from discriminating against employees who are victims of domestic violence or sexual assault (1) because they take time off work to attempt to obtain "any relief," including medical treatment, social services or a restraining order, or (2) because they receive an "unwanted visit" at the job site by the perpetrator. The employee must give the employer reasonable advance notice of the intent to take leave, and if an unscheduled absence occurs, the employer may not take action against the employee if the employee provides the employer with certification in the form of a police report; a court order or other evidence that the employee has appeared in court; or documentation from a medical professional, victim advocate, health care provider or counselor. .

Crime Victim Job Protection Bills

FEDERAL: [H.R. 5845](#) (April 2008).

H.R. 5845, the Crime Victim Employment Leave Act, would amend the Family and Medical Leave Act to allow victims of violent crime and domestic violence leave to attend court proceedings related to the prosecution of a person for the crime against the employee or employee's family member. Where the court proceedings are foreseeable the employee must give the employer 14 days' notice of the absence, or if the proceedings require leave to begin in less than 14 days, such notice as is practicable. An employer may require certification issued by a court or prosecutor relating to the court proceeding for which leave is taken. The bill died in committee.

ALASKA: [H.B. 391](#), 23rd Leg., 2d Sess. (Alaska 2003) (would broaden Alaska's existing victim leave statute, [Alaska Stat. § 12.61.017](#), to provide leave for any proceeding where the victim has a right to be present). The bill died in committee.

ARIZONA: [H.B. 2300](#), 48th Leg., 2d Reg. Sess. (Ariz. 2008) (would amend Arizona's existing crime victim leave law, [Ariz. Rev. Stat. 13-4439](#), to require employers with 50 or more employees to allow a crime victim to leave work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding). The bill died in committee.

CONNECTICUT: [S.B. 1125](#), 2009 Gen. Assembly, Reg. Sess. (Ct. 2009) (would repeal § 54-85b and replace it with a provision that protects employment where: (1) the employee obeys a legal subpoena to appear as a witness in any criminal proceeding; (2) the employee attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim (including where the employee is an immediate family member or guardian of a crime victim); (3) a restraining order has been issued on the employee's behalf; or (4) a protective order has been issued on the employee's behalf by a Connecticut or other states' court)

DELAWARE: [H.B. 276](#), 141st Gen. Assembly (Del. 2001) (would allow eligible employees who are victims of violent crime up to 30 days leave for medical treatment, legal proceedings, relocating, or therapy). H.B. 276 died in the House in 2001.

GEORGIA: [H.B. 52](#), 149th Gen. Assembly (Ga. 2005) (would amend Chapter 1 of Title 34, the section of the Georgia Code dealing with general labor issues, to allow an employee who is a victim of a crime to be absent from employment to attend judicial proceedings when such presence is not required by subpoena, summons, or other court order). This bill died in the House.

INDIANA: [H.B. 1175](#), 115th Gen. Assembly, 1st Reg. Sess. (Ind. 2007) (would require employers with 50 or more employees to allow employees who are crime victims to take unpaid leave from work to be present at a court proceeding, seek an order of protection, attend a hearing, and confer with a prosecutor's office, unless the absence would cause significant difficulty or expense to the employer). The bill was passed by the House but died in the Senate. A similar bill in the previous session, [H.B. 1185](#), was not passed.

INDIANA: [S.B. 44](#), 115th Gen. Assembly, 1st Reg. Sess. (Ind. 2007) (would allow employee who works for an employer with 50 or more employees who is a victim of crime to leave work to: exercise the employee's rights as a victim to be present and heard at court proceedings; file a petition for an order of protection; attend a hearing on a petition on an ex parte order of protection; or confer with the prosecutor). The bill was passed by the Senate, but a House [conference committee removed](#) the crime victim job protection provisions. Accordingly, [the version signed by the Governor](#) did not include the piece granting employment leave for crime victims.

IOWA: [H.F. 179](#), 81st Gen. Assembly (Iowa 2005) (would require employers to grant leaves of absence, without pay, for crime victims to attend court proceedings). This legislation died in committee.

KENTUCKY: [H.B. 402](#), 2008 Reg. Sess. (Ky. 2008) (would prohibit employers of victims or from retaliating against or discharging the victims based on absence related to a hearing or court appearance, or the investigation or cooperation in the prosecution of the case). This bill died in committee. It is very similar to H.B. 69 of 2005.

NEW MEXICO: [H.B. 193](#), 48th Leg., 1st Sess. 2007 (N.M. 2007) (would require employers with more than four employees to provide paid or unpaid leave to employees who are crime victims to attend any judicial proceeding that relates to a crime committed against the victim). The bill was passed by the House but died in the Senate. A similar bill introduced in 2005, [H.B. 356/578](#), was passed by the House but not the Senate.

OKLAHOMA: [H.B. 1866](#), 51st Leg., 1st Reg. Sess. (Okla. 2007) (would require employers with 100 or more employees to allow employees who are victims of crime to take up to 12 weeks of unpaid leave during a 12-month period. The employer can request certification, in the form of a sworn statement of the employee plus documentation from an attorney; a police or court record; or other corroborating evidence. The employee may elect to substitute existing leave for the crime victim leave). The bill died in the House.

SOUTH CAROLINA: [H.B. 4651](#), 115th Sess. (S.C. 2004) (would require the State to grant paid leave for a state employee who was a victim of a violent crime or whose immediate family member was a victim of a violent crime to attend the court proceedings related to that crime). This bill passed the House, but died in the Senate.

TEXAS: [H.B. 1750](#), 79th Leg. (Tex. 2005) (would allow eligible employees who are crime victims unpaid time off to attend to a legal or investigative proceeding associated with the prosecution of the crime, or a counseling session conducted by a certified psychiatrist, psychologist, pastoral psychologist, clinical social worker, or clinical mental health counselor). The bill died in committee.

WISCONSIN: [A.B. 269](#), 96th Leg. (Wisc. 2003) (would allow an employee who is the victim of a crime leave to attend proceedings related to the crime that the victim “has a right to attend” and up to 12 hours counseling). The bill died in the Assembly.

VIRGIN ISLANDS: 27-0144, 27th Leg. Assembly (V.I. 2007) (as described above, would prohibit employers from discriminating against employees who are victims of crime who are absent from work to comply with a subpoena or other court order to appear as a witness in any judicial proceeding). This bill died in committee.

This state law guide, with links to cited laws and bills, is available on the Legal Momentum web site at <http://www.legalmomentum.org/our-work/domestic-violence/state-law-guides.html>. For more information, contact Senior Staff Attorney Maya Raghu, mraghu@legalmomentum.org, at (212) 925-6635.