

State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault, and Stalking

INTRODUCTION

Survivors of domestic violence, sexual assault, and stalking face increased instability when trying to escape abuse. This often impacts their employment. As a result, survivors can face unique obstacles and may need to plan for their safety at work, seek adjustments to their work schedule or office space, take time off to appear in court or secure childcare. Many risk losing their jobs at a time when their financial independence is paramount. Recognizing these challenges, states and territories are increasingly enacting laws that provide survivors employment protections.

This guide outlines applicable protections in each state, district, or territory within the following four categories:

- Anti-discrimination protections that typically prohibit discrimination either based on status as a survivor or for taking leave to address abuse;
- reasonable accommodation protections that allow employees to request certain adjustments at work to address abuse;
- leave protections, which allow eligible employees to take paid or unpaid time off for certain reasons; and
- unemployment insurance eligibility protections, which allow survivors to qualify for unemployment even if they voluntarily leave their jobs to address abuse.

State, district, or territory-level protections vary significantly. Some have enacted protections in all four categories while others have yet to enact any employment protections for survivors. In addition to their rights under state law, survivors of domestic violence, sexual assault, and stalking may also be eligible for certain protections under federal law. For example, a survivor may qualify to take unpaid job-protected leave under the federal Family and Medical Leave Act (FMLA), may qualify for protections under the federal Americans with Disabilities Act (ADA), or may be entitled to protections against sex discrimination under Title VII of the Civil Rights Act of 1964. In addition to federal protections, there may be local laws that apply to survivors or employer policies may provide additional protections reflected in their employee handbooks or policies.

To access this information, click on a state below for an overview of available employment protections for survivors in that state, district, or territory, or download the full report below for a compilation of protections in all 50 states, Washington D.C., Puerto Rico, U.S. Virgin Islands, and Guam. Note that this resource is for informational purposes only and may not reflect new protections enacted after September 2022.

If you are a survivor in need of legal assistance, or you would like additional information, you can contact the **[Syms Legal Momentum Gender Equality Helpline](https://www.legalmomentum.org/get-help-form)** at (1-800-649-0297), Help@LMHelpline.org, or **<https://www.legalmomentum.org/get-help-form>**.

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Checklist of Considerations When Developing Employment-Related Protections for Survivors of Domestic Violence, Sexual Assault and Stalking

As a result of reviewing every state law providing employment protections for survivors of domestic violence, sexual assault, and stalking, we noticed several common legislative trends across the states. We believe there are some key changes that could be made to these laws to improve their effectiveness and make them more accessible to survivors of domestic violence, sexual assault, and stalking. Below is a compilation of our suggestions to consider when drafting or amending federal, state, or local law or drafting employee policies.

ANTI-DISCRIMINATION PROTECTIONS

Include survivors of domestic violence, sexual assault, and stalking in any anti-discrimination protections. These groups should be included in both employment anti-discrimination statutes and any broader anti-discrimination statutes to ensure survivors of domestic violence, sexual assault and stalking are a protected class in addition to being protected from discrimination in employment situations.

- Define “domestic violence,” “sexual assault” and “stalking”. Use definitions that are not drawn directly from criminal law definitions to (1) ensure that cooperation with the criminal justice system is not tied to asserting anti-discrimination protections and (2) ensure that victims of forms of abuse not adequately captured by criminal laws are covered by these protections (e.g., coercive control). If cross references to criminal definitions are used, ensure the language is clear to cover “acts that could constitute” certain criminal offenses.
- Extend anti-discrimination protections to all adverse job-related actions, not only termination.
- Include retaliation protections that create a separate protection against retaliation for asserting one’s rights under the anti-discrimination protections.
- Include specific training requirements for employers, with separate requirements for supervisory and human resources staff, regarding employers’ obligations under anti-discrimination provisions.

REASONABLE ACCOMMODATIONS

Include reasonable accommodations for survivors of domestic violence, sexual assault, and stalking that is separate from reasonable accommodations for disabilities already required under federal, state, or local law. Mandating accommodations is an essential component of providing meaningful workplace protections for survivors.

- Define “domestic violence,” “sexual assault” and “stalking”. Use definitions that are not drawn directly from criminal law definitions to (1) ensure that cooperation with the criminal justice system is not tied to asserting anti-discrimination protections and (2) ensure that victims of forms of abuse not adequately captured by criminal laws are covered by these protections (e.g., coercive control). If cross references to criminal definitions are used ensure the language is clear to cover “acts that could constitute” certain criminal offenses.

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- When drafting reasonable accommodation provisions, include broad language that affords survivors flexibility to request any accommodation needed to address their specific circumstances and vulnerabilities
 - avoid limiting reasonable accommodations to leave, time off, or an enumerated list.; or
 - ensure the language is clear that any enumerated list of possible accommodations is non-exhaustive.

Reasonable accommodations should include, but not be limited to, periods of absence from work while also encouraging reasonable accommodations short of absence that enable a survivor to continue to perform the essential functions of their job (for e.g., a shift change, a change of phone number or email, location change, removal of employee from public facing websites and communications).

- Avoid an onerous requirement for the survivor to “certify” the abuse. Ideally, laws and employee policies should avoid requiring a survivor to certify their abuse in order to receive protections or accommodations. However, if a certification requirement is included, it should not be automatic but at the request of an employer and should ensure that a broad range of documentation sources is acceptable, e.g., court related records from any related proceeding (family, civil or criminal courts) or certification from a healthcare provider, victim services organization or advocate, mental health provider, clergy, law enforcement or prosecutor’s office, attorney, etc., and an option for a victim to self-certify.
- Require employers to engage in an interactive process and a cooperative dialogue with respect to a survivor’s reasonable accommodation request. Failure to engage in this process should constitute an independent violation.
- Reasonable accommodation protections should be accompanied with a specific anti-retaliation provision that makes the separate protection against retaliation for requesting a reasonable accommodation.
- Build in robust confidentiality provisions ensuring that anyone receiving information regarding a survivor’s status as a survivor of domestic violence, sexual assault or stalking or their residence or location is required to maintain confidentiality.
- Include specific training requirements for employers, with separate requirements for supervisory and human resources staff, regarding employers’ obligations with respect to reasonable accommodations for survivors.

LEAVE FROM WORK

Access to paid safe leave from work is critical to ensure survivors of domestic violence, sexual assault, and stalking maintain economic stability.

- Include survivors of domestic violence, sexual assault, and stalking in legislation or employee policies related to leave from work.
- Define “domestic violence,” “sexual assault” and “stalking”. Use definitions that are not drawn directly from criminal law definitions to (1) ensure that cooperation with the criminal justice system is not tied to asserting anti-discrimination protections and (2) ensure that victims of forms of abuse not adequately captured by criminal laws are covered by these protections (e.g., coercive control). If cross references to criminal definitions are used ensure the language is clear to cover “acts that could constitute” certain criminal offenses.
- It is critical that safe leave is expressly job-protected and subject to a specific anti-retaliation protection, meaning a survivor-employee cannot be terminated or penalized for requesting or taking safe leave and retaliation for requesting or taking leave is separately actionable.
- Permissible purposes for use of safe leave should be broadly available for use to address all effects of the abuse. When drafting legislation or employee policies either:

- avoid an enumerated list of possible uses for safe leave, in favor of broad language that permits use of safe leave for any need connected to the abuse; or
- ensure the language is clear that any enumerated list of possible accommodations is non-exhaustive.

An enumerated list should include use of safe leave to address: medical and/or mental health care; services from a victim services organization or advocate; attorney or legal services provider; law enforcement or prosecution; housing; child care; economic abuse or sabotage by their partner (e.g. meetings at banks); immigration services provider; relocation and activities associated with relocating (e.g. packing, moving, finding new school or child care). This is a non-exhaustive list.

- Consider working within existing paid sick leave and/or paid family leave frameworks, simplifying and aligning requirements, and limiting bureaucratic complexity.
- Avoid an onerous requirement for the survivor to “certify” the abuse. Ideally, laws and employee policies should avoid requiring a survivor to certify their abuse in order to receive protections or accommodations. If a certification requirement is included, it should not be automatic but at the request of the employer and should ensure that a broad range of documentation sources is acceptable, e.g., court related records from any related proceeding (family, civil or criminal courts) or certification from a healthcare provider, victim services organization or advocate, mental health provider, clergy, law enforcement or prosecutor’s office, attorney, etc., and an option for a victim to self-certify.
- Employers should be barred from imposing leave upon a survivor who has not requested it.
- Build in robust confidentiality provisions ensuring that anyone receiving information regarding a survivor’s status as a survivor of domestic violence, sexual assault or stalking or their residence or location is required to maintain confidentiality.
- Include specific training requirements for employers, with separate requirements for supervisory and human resources staff, regarding employers’ obligations related to safe leave.

UNEMPLOYMENT INSURANCE

Include survivors of domestic violence, sexual assault, and stalking when drafting unemployment insurance laws, ensuring survivors can access unemployment insurance if they needed to leave a job related to abuse they were experiencing.

- Define “domestic violence,” “sexual assault” and “stalking”. Use definitions that are not drawn directly from criminal law definitions to (1) ensure that cooperation with the criminal justice system is not tied to asserting anti-discrimination protections and (2) ensure that victims of forms of abuse not adequately captured by criminal laws are covered by these protections (e.g., coercive control). If cross references to criminal definitions are used ensure the language is clear to cover “acts that could constitute” certain criminal offenses.
- Avoid an onerous requirement for the survivor to “certify” the abuse. Ideally, laws and employee policies should avoid requiring a survivor to certify their abuse in order to receive protections or accommodations. If a certification requirement is included, ensure that a broad range of documentation sources is acceptable, for e.g., court related records from any related proceeding (family, civil or criminal courts) or certification from a healthcare provider, victim services organization or advocate, mental health provider, clergy, law enforcement or prosecutor’s office, attorney, etc., and an option for a victim to self-certify.
- Build in robust confidentiality provisions ensuring that anyone receiving information regarding a survivor’s status as a survivor of domestic violence, sexual assault or stalking or their residence or location is required to maintain confidentiality.

SURVIVOR STATE EMPLOYMENT GUIDE

ALABAMA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Alabama law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Alabama has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In Alabama ([Ala. Code § 15-23-81](#)), crime victims can respond to a subpoena to testify in a criminal proceeding or participate in reasonable preparation for a criminal proceeding without losing their job or experiencing threats, intimidation or fear they may lose their job. For this section of the law ([Ala. Code § 15-23-60](#)), a crime victim is defined as a person who has had a criminal offense committed against them or the spouse, sibling, parent, child, or guardian of someone who has been killed or is incapacitated, unless that person is in custody or is the accused. At the time of publication, Alabama law does not require employers to provide paid or unpaid sick leave or leave to address domestic violence, sexual assault or stalking.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Alabama hadn't enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

ALASKA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Alaska law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Alaska law ([AS 12.61.017](#)), an employer can't penalize or threaten to penalize an employee who is a victim of a crime and was requested or subpoenaed by the prosecuting attorney to attend court proceedings to give testimony (see below).

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

REASONABLE ACCOMMODATIONS

At the time of publication, Alaska has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Alaska law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

However, under Alaska law ([AS 12.61.017](#)), an employer can't penalize or threaten to penalize an employee who is a victim of a crime and was requested or subpoenaed by the prosecuting attorney to attend court proceedings to give testimony. Under this law, "penalize" is defined as the employer taking any action to impact the employee's status, wages, or benefits. This includes demoting or suspending the employee, dismissing the employee, or loss of pay or benefits, except if they are related to the employee's absence to go to court, reporting an offense to law enforcement, or participating in a law enforcement agency investigation of the offense.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act (FMLA), which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Alaska Law (**8 A.A.C.095**), an employee can receive unemployment benefits, even if they quit their job, if the employee can show they left “for good cause.” One of the factors that can be considered “good cause” is if the employee left their job “to protect the claimant [person claiming unemployment insurance benefits] or the claimant’s immediate family members from harassment or violence.” An immediate family member includes a person related to the claimant by blood, marriage, or adoption as a parent, child, spouse, brother, sister, grandparent, or grandchild.

- *Do I have to show proof of domestic violence?* The claimant may need to show proof of violence or harassment in to qualify for the good cause exception. According to the **Alaskan Department of Labor and Workforce Development Benefit Policy Manual**, proof of claims of harassment, violence, or fear of violence by a spouse, an ex-spouse, or another person can be requested by the Department when reviewing a claim for unemployment insurance (see VL 155.45, page 50). The manual states “Any qualified professional from whom the individual sought assistance such as a counselor, shelter worker, clergy, attorney, or health worker will suffice. The state must accept any other kind of evidence that reasonably proves domestic violence.”

OTHER RESOURCES

- **Alaska Department of Labor and Workforce Development Benefit Policy**

SURVIVOR STATE EMPLOYMENT GUIDE

ARIZONA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Arizona law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Arizona law an employer cannot retaliate or discriminate against an employee who uses sick or safe days to address domestic violence, sexual violence, abuse or stalking (**A.R.S. 23-373**).

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

REASONABLE ACCOMMODATIONS

At the time of publication, Arizona has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Arizona Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** Under Arizona law (**A.R.S. 23-372**), employers are required to provide paid sick leave. Employees who work for an employer with 15 or more employees accrue at least one hour of earned paid sick time for every 30 hours worked up to 40 hours per year. Employees who work for an employer with less than 15 employees accrue at least one hour of earned paid sick time for every 30 hours worked up to 24 hours per year.

Under (**A.R.S. 23-373**), employees shall be provided earned paid sick time for an absence due to domestic violence, sexual violence, abuse, or stalking. The leave can be used by the employee for themselves or their family member to obtain medical attention to recover from physical or from psychological injury or disability caused by domestic violence, sexual violence, abuse, or stalking, to seek services from a domestic violence organization, sexual violence organization, or victim services organization, obtain psychological or other counseling, for relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking, and legal services related to or resulting from their domestic violence, sexual violence, abuse, or stalking.

In using earned paid sick time of three or more consecutive days, an employer may require the employee to show documentation. Employees taking leave because of domestic violence, sexual violence, abuse, or stalking can use police reports, protective orders (or other evidence from court), signed statement from domestic violence, sexual violence or victim services organization, signed statement from a witness advocate, signed statement from an attorney, member of the clergy, or medical professional, or a signed statement by the employee themselves affirming they or a family member are a victim of domestic violence, sexual violence, abuse, or stalking and leave was taken concerning that.

Under Arizona law ([A.R.S. 23-374](#)), an employer can't retaliate or discriminate against an employee for taking leave. Please review Arizona's Paid Sick Time Law ([A.R.S 23-371 - 23-381](#)) for other relevant information.

- **Time Off for Court:** Under Arizona law ([A.R.S. 23-373](#)), employees who are victims of domestic violence, sexual violence, abuse, or stalking can use paid sick days for themselves or their family members to obtain legal services related to the violence and abuse. This includes both preparing for and attending legal proceedings and applies to both civil and criminal cases.

For earned paid sick time of three or more consecutive days, an employer may require the employee to show documentation. Employees taking leave because of domestic violence, sexual violence, abuse, or stalking can use police reports, protective orders (or other evidence from the courts such as injunctions, general court orders, or evidence), signed statements from domestic violence, sexual violence or victim services organization, signed statement from a witness advocate, signed statement from an attorney, member of the clergy, or medical professional, or a signed statement by the employee themselves affirming they or a family member are a victim of domestic violence, sexual violence, abuse, or stalking and leave was taken concerning that.

Under Arizona law ([A.R.S. 23-374](#)), an employer can't retaliate or discriminate against an employee taking leave. Please review Arizona's Paid Sick Time Law ([A.R.S 23-371 - 23-381](#)) for other relevant information.

- **Time Off for Crime Victims:** Under Arizona law ([A.R.S. 13-4439](#)), an employee who is the victim of a crime must be allowed to take leave to exercise their rights at a court proceeding or seek an order of protection, an injunction against harassment, or any other injunctive relief to ensure the health, safety, or welfare of the victim of a crime or their children. This law only applies to employers with fifty or more employees for each working day in each of twenty or more calendar weeks of the current or preceding year and agents of the employers. Under this law, an employer isn't required to pay the employee for taking this leave, but they cannot dismiss the employee for taking the leave. Additionally, the employer can require the employee to use their accrued vacation, personal, or sick time for their crime victim leave. An employee can't lose seniority or precedence in the workplace while they are out taking crime victim leave. An employer may also limit the crime victim leave an employee can take if it will cause an undue hardship (significant difficulty or expense) to the employer's business. Under Arizona law ([A.R.S. 8-420](#)), many of the same protections and limitations also apply to victims of juvenile offenses.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Arizona law ([A.R.S. 23-771](#)), an individual shall not be disqualified from receiving unemployment benefits if they are a victim of domestic violence and left work because of a documented case of domestic violence. Under Arizona law for unemployment insurance, domestic violence is defined by [A.R.S. 13-3601](#) and [13-3](#)

- *Do I have to show proof of domestic violence?* Under Arizona law ([A.R.S. 23-771](#)), the statute states the individual must have left work because of a documented case of domestic violence. However, no other information is given in the statute to determine what documented means and what is required by the individual to prove a documented case of domestic violence.

SURVIVOR STATE EMPLOYMENT GUIDE

ARKANSAS

INTRODUCTION

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ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Arkansas law does not provide specific anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Arkansas law (**A.C.A 16-90-1105**), an employer cannot fire or punish a victim of a crime for participating in preparation for criminal justice proceedings (at the prosecutor's request) or attending criminal justice proceedings (if attendance is reasonably necessary to protect their interests as a victim). "Victim" is defined as "victim of a sex offense or an offense against a victim who is a minor and a victim of any violent crime." This also applies to the representative of a victim, defined as "a member of the victim's family or an individual designated by the victim or by a court in which the crime is being or could be prosecuted."

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

REASONABLE ACCOMMODATIONS

At the time of publication, Arkansas has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Arkansas law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

However, under Arkansas law (**A.C.A 16-90-1105**), an employer cannot fire or punish a victim of a crime for participating in preparation for criminal justice proceedings (at the prosecutor's request) or attending criminal justice proceedings (if attendance is reasonably necessary to protect their interests as a victim). This also applies to a representative of the victim. The law defines "victim" as "victim of a sex offense or an offense against a victim who is a minor and a victim of any violent crime." The law defines a representative of the victim as "a member of the victim's family or an individual designated by the victim or by a court in which the crime is being or could be prosecuted."

Note that individuals may also be eligible to take time off under their employer’s policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Arkansas law (**A.C.A. 11-10-513**), an individual who voluntarily leaves work cannot 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 where the individual left work because it could threaten their safety or the safety of a member of the individual’s immediate family. An immediate family member is defined as a spouse, child, parent, brother, sister, grandchild, or grandparent of the employee.

SURVIVOR STATE EMPLOYMENT GUIDE

CALIFORNIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under California Law (**Cal. Lab. Code § 230**), employers are prohibited from discriminating or retaliating against an employee because of the employee's status as a victim of domestic violence, sexual assault, or stalking. To be covered, an employee must provide notice regarding their status or the employer had actual knowledge of the status.

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

REASONABLE ACCOMMODATIONS

Under California law (**Cal. Lab. Code § 230**), an employer is required to provide reasonable accommodations at work for a victim of domestic violence, sexual assault, or stalking who requests one related to their safety at work, and employers can't retaliate against an employee for requesting an accommodation at work, even if they didn't provide the accommodation. However, an employee can only receive these accommodations if their employer is aware they are a victim of domestic violence, sexual assault, or stalking. To request an accommodation, an employee must submit a signed written statement outlining the accommodation requested, stating that the accommodation is related to domestic violence, sexual assault, or stalking. Employers are required to work with employees to provide an accommodation and to do so in a timely manner. An employer may request additional documentation to establish the need and to verify your status.

- *Examples of reasonable accommodation?* The law includes a non-exhaustive list of examples of reasonable accommodations, including job transfer, job reassignment, a modified schedule, changing a work telephone, changing workstations, installing locks, assisting the survivor in documenting abuse at work, putting in place an office safety procedure, referral to a victim services organization, or other accommodations.
- *Is this process confidential?* Under California law, employers cannot share any written or verbal statements, police or court records, or other materials submitted to prove an employee's status as a victim of domestic violence, sexual assault, or stalking unless required by federal or state court or if necessary to protect an employee's safety at work. Employees must be notified before any information is shared in these scenarios.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under California Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** In California (**Cal. Lab. Code § 246.5**), an employer is required to provide an employee paid sick days if the employee requests a sick day and they are a victim of domestic violence, stalking, and sexual assault. An employer also can't fire, discriminate, or retaliate against anyone who uses their sick days for this purpose. Employees are entitled to paid sick days if they have worked for their employer for more than 30 days within a year. Employees can earn 1 hour for every 30 hours worked, but employers may be able to cap the number of days you can earn by 48 hours/6 days or by 24 hours/3 days for the year.¹
- **Time Off for Court:** In California, an employer can't fire an employee, discriminate against them, or retaliate against them for taking time off to appear in court to comply with a subpoena or court order (**Cal. Lab. Code § 230**) or to obtain any relief, including a temporary restraining order, restraining order, or something else in court related to the health, safety, and welfare of the victim and their family. (**Cal. Lab. Code § 230(b)**). However, the employee needs to provide reasonable advance notice to their employer if possible. **Cal. Lab. Code § 230(c), (d)(1)**. Employees who cannot provide advance notice, can provide certification and may be required to submit verifying documentation (**Cal. Lab. Code § 230(d)(2)**).
- **Time Off for Crime Victims:** In California (**Cal. Lab. Code § 230.1**), employers with 25 or more employees cannot fire or discriminate against employees for taking time off related to being the victim of a crime. The law defines victim as a victim of domestic violence, sexual assault, or stalking, a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or a person whose immediate family member died due to a crime. Employees are required to give their employer reasonable advance notice and employers can ask for certification of an absence that was not scheduled in advance. Covered individuals can take time off for any of the following reasons: to seek medical attention related to the crime or abuse, obtain services from a domestic violence shelter or program, rape crisis center, or other victim services organization related to the crime or abuse, to get psychological counseling or mental health treatment related to the crime or abuse, to participate in safety planning (ex. moving). Further, an employer cannot fire, discriminate against, or retaliate against an employee who takes time off to appear in court if they are the victim of felony domestic violence, felony stalking and sexual assault (**Cal. Lab. Code § 230.5**).

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under California law (**Cal. UIC 1256**), an employee can only get unemployment insurance after quitting a job if they can show they have "good cause." Good cause is determined by the Employment Development Department (EDD) of California. Under California law, a domestic violence survivor who left their job to protect their family or themselves has "good cause" when applying for unemployment insurance. But, in order to show good cause to EDD, a domestic violence survivor must have tried to keep their job. The law doesn't specify how someone must try to keep their job.

- *Do I have to show proof of domestic violence?* According to the EDD, a survivor trying to get unemployment insurance on these grounds will likely need to show proof of the abuse that occurred that led to leaving the job. EDD will also confirm with employers that an employee tried to stay in the job prior to quitting.²

OTHER RESOURCES

https://www.dir.ca.gov/dlse/victims_of_domestic_violence_leave_notice.pdf

¹ Additional resource: <https://www.workplacefairness.org/domestic-violence-workplace#CALIFORNIA>; <https://legalaidatwork.org/factsheet/domestic-violence-and-sexual-assault-guaranteed-leave-to-go-to-court-obtain-services/>

² Additional resources: [Employment Development Department “Services for Victims of Domestic Violence Abuse” Information Sheet](#); [Legal Aid at Work “Domestic Violence, Sexual Violence, and Stalking: Unemployment Insurance if You Must Quit”](#)

SURVIVOR STATE EMPLOYMENT GUIDE

COLORADO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Colorado law ([Colo. Rev. Stat. 24-34-402.7](#)), an employer cannot discriminate or retaliate against an employee who is the victim of domestic abuse, sexual assault, stalking, or other domestic-violence-related crimes for taking time off work to seek a civil protection order, obtain medical care or counseling, locate safe housing or make their home secure, or seek legal assistance or prepare for court-related proceedings. This only applies to employers who employ 50 or more employees and employees who have worked for the employer for twelve months or more.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Colorado has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In Colorado survivors of domestic violence, sexual assault and stalking have several options for taking time off work to address the abuse:

- **Leave to Address Domestic Violence, Sexual Assault or Stalking:** Under Colorado law ([Colo. Rev. Stat. 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 per calendar year, with or without pay, to:
 - seek a civil protection order;
 - obtain medical care or counseling;
 - locate safe housing or make their home secure; or
 - seek legal assistance and prepare for or attend court-related proceedings.

Prior to taking this leave, the employee must exhaust annual or vacation leave, 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.

- **Paid Sick Leave:** Under Colorado law (**Colo. Rev. Stat. 8-13.3-401**), all employers must provide paid sick leave. Employees begin accruing sick leave when they begin employment and accrue one hour of paid sick leave for every 30 hours worked, up to 48 hours. Employees can use sick time as soon as it is accrued, may take leave in hourly increments, and can carry over unused hours to the next calendar year. Employers can require documentation if an employee uses four or more consecutive paid sick days.

Sick leave may be used for:

- The employee has a mental or physical illness, injury or health condition; needs a medical diagnosis, care or treatment related to such illness, injury or condition; or needs to obtain preventive medical care.
 - The employee needs to care for a family member who has a mental or physical illness, injury or health condition; needs a medical diagnosis, care or treatment related to such illness, injury or condition; or needs to obtain preventive medical care.
 - The employee or family member has been the victim of domestic abuse, sexual assault or harassment and needs to be absent from work to:
 - seek a civil protection order;
 - obtain medical care or counseling;
 - locate safe housing or make their home secure; or
 - seek legal assistance and prepare for or attend court-related proceedings.
 - A public official has ordered the closure of the school or place of care of the employee's child or the employee's place of business due to a public health emergency, necessitating the employee's absence from work.
- **Family and Medical Leave:** In Colorado (**C.R.S. 8-13.3-501 et seq.**), eligible individuals can access safe leave through Colorado's family and medical leave insurance program. Under this law, safe leave is defined as leave for a covered individual or the covered individual's family member if they are a victim of domestic violence, a victim of stalking, or victim of sexual assault or abuse. It specifically covers the following:
 - Seeking a civil protection order;
 - Obtaining medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the act of domestic violence, stalking, or sexual assault or abuse;
 - Making his or her home secure from the perpetrator of the act of domestic violence, stalking, sexual assault or abuse, or seeking new housing to escape said perpetrator; or
 - Seeking legal assistance to address issues arising from the act of domestic violence, stalking, sexual assault or abuse, or attending and preparing for court-related proceedings arising from said act or crime.

To receive this benefit, individuals must have earned at least \$2,500 in wages and meet certain requirements. If they do qualify, an individual can receive up to 12 weeks of leave. **Benefits do not begin until January 1, 2024.**

- **Time Off For Crime Victims:** Under Colorado law ([Colo. Rev. Stat 24-4.1-303\(8\)](#)), an employer can't discharge or discipline an employee who is either a victim of a crime or a member of a victim's family for responding to a subpoena or participating in preparation for a criminal proceeding. Under Colorado law ([Colo. Rev. Stat. 24-4.1-302.5\(n\)](#)), crime victims also have a right to "employer intercession services" to help encourage the employer to cooperate with the criminal justice system and minimize the employee losing their job, pay, or benefits related to the court proceedings.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Colorado law ([Colo. Rev. Stat. 8-73-108\(4\)\(r\)](#)), leaving a job because of domestic violence may qualify a worker for full benefits. To qualify, the worker must reasonably believe that staying at that job would jeopardize the safety of the worker or any member of his or her immediate family. Immediate family is defined as an "individual's spouse, a partner in a civil union, parent, or minor child under eighteen years of age; a sibling of the individual who is under eighteen years of age and for whom the individual stands in loco parentis; or a sibling of the individual who is incapable of self-care due to a mental or physical disability or a long-term illness." See [Colo. Rev. Stat. 8-70-103\(14.5\)](#).

- *Do I have to show proof of domestic violence?* No. As of January 2021, Colorado no longer requires documentation of domestic violence to qualify for unemployment insurance benefits. See [Colorado Senate Bill 20-170](#).

SURVIVOR STATE EMPLOYMENT GUIDE

CONNECTICUT

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Connecticut law (**Conn. Gen. Stat. 46a-60(b)(1)**), an employer cannot (1) refuse to hire or employ, (2) bar or discharge an individual from employment, or (3) discriminate against any individual in compensation or terms, conditions or privileges of employment because of their status as a victim of domestic violence. Under this section, an employer is defined as “any person or employer with one or more persons in such person's or employer's employ.” Similar anti-discrimination protections for victims of domestic violence now also apply to employment agencies and labor organizations. **This change is effective October 1st, 2022.**

REASONABLE ACCOMMODATIONS

At the time of publication, Connecticut has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Connecticut has three laws related to leave for domestic violence, a law (**Conn. Gen. Stat. 31-51ss**) providing paid or unpaid leave related to domestic violence, a law (**Conn. Gen. Stat 54-85b**) providing leave for victims or witnesses of crimes, and a law (**Conn. Gen. Stat. 46a-60(b)(13)**) prohibiting discrimination for employees taking leave related to domestic violence. The anti-discrimination law related to leave for domestic violence is effective October 1, 2022. Additionally, many employees in Connecticut are entitled to paid sick leave (**Conn. Gen. Stat. 31-57s**).

- **Paid or Unpaid Leave:** Under Connecticut law (**Conn. Gen. Stat. 31-51ss**), if an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary. An employer can limit unpaid leave to twelve days during any calendar year. Under this law, an employer is defined as a “person engaged in business who has three or more employees.” An employee can take leave to:
 - Seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim;
 - Obtain services from a victim services organization on behalf of the victim;
 - Relocate due to such family violence; or
 - Participate in any civil or criminal proceeding related to or resulting from such family violence.

An employer may require the employee to give advance notice, if possible, that they will be taking leave related to domestic violence. If the employer requires advanced notice, it can't be more than seven days in advance. If the employee can't provide advanced notice, the employer can require the employee to provide notice as soon as practicable.

- *Do I need to show proof of domestic violence?* An employer can also request a signed written statement certifying that the employee is using the leave for a purpose authorized by the law. The employer can request that the employee provide a police or court record related to the family violence or a signed written statement that the employee is a victim of family violence, provided such statement is from an employee or agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, or a licensed medical professional or another licensed professional from whom the employee has sought assistance with respect to the family violence.
- **Crime Victim Leave:** Under Connecticut law (**Conn. Gen. Stat 54-85b**), it is prohibited for an employer to penalize, threaten, or retaliate against an employee who is the victim or witness of a crime who takes leave from work for the following reasons:
 - Obeys a legal subpoena to testify in a criminal proceeding;
 - attends a criminal court proceeding or participates in a police investigation in connection with a crime the employee was a victim of or attends a civil court proceeding in connection with employee's status as a victim of domestic violence;
 - receives a restraining order or protective order; or
 - is a victim of family violence;

Under this law, the definition of "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of a person who suffers such harm and is a minor, physically disabled, or incompetent, or a homicide victim.

- **Job-Protected Leave:** Under Connecticut law (**Conn. Gen. Stat. 46a-60(b)(13)**), it is a discriminatory practice for an employer or the employer's agent to deny an employee a reasonable leave of absence in order to:
 - Seek attention for injuries caused by domestic violence including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child;
 - Obtain services including safety planning from a domestic violence agency or rape crisis center as a result of domestic violence;
 - Obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child;
 - Take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
 - Obtain legal services, assisting in the prosecution of the offense, or otherwise participate in legal proceedings in relation to the incident or incidents of domestic violence.
- *Do I need to show proof of domestic violence?* If an employee is absent from work for one of these reasons, they must provide certification to the employer when requested by the employer within a reasonable amount of time after the absence. Certification can be:
 - A police report indicating that the employee or the employee's child was a victim of domestic violence;
 - A court order protecting or separating the employee or employee's child from the perpetrator of an act of domestic violence;
 - Other evidence from the court or prosecuting attorney that the employee appeared in court; or

- Documentation from a medical professional, domestic violence counselor, or other health care provider, that the employee or the employee's child was receiving services, counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.
- **Paid Sick Leave:** Full- and part-time service workers employed by an employer with more than 50 employees in Connecticut are entitled to accrue one hour of paid sick leave for every 40 hours worked, up to 40 accrued hours of paid leave per year. Eligible service workers encompass a broad list of industries defined in the law (**Conn. Gen. Stat. Sec. 31-57r(7)**). Under this law (**Conn. Gen. Stat. Sec. 31-57t**), accrued paid sick leave can be used for:
 - Illness, injury or health condition of the service worker or their child or spouse;
 - Medical diagnosis, care or treatment of the service worker's, or their child's or spouse's mental illness, physical illness injury or health condition;
 - Preventative medical care for the service worker or their child or spouse;
 - Situations where the service worker is a victim of family violence or sexual assault:
 - 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.

If the need to take this leave is foreseeable the service worker should provide notice, not to exceed seven days prior to the leave, of the intention to take the leave or as soon as practicable. If the use of this leave is three or more consecutive days the employer can request reasonable documentation, signed by a treating healthcare provider. If this leave is being taken under the permissible uses related to family violence or sexual assault, such documentation can be a court record or documentation signed by a service worker or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the service worker.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Connecticut law (**Conn. Gen. Stat. Sec. 31-236(a)(2)(A)**), an individual will not be disqualified from receiving benefits for leaving work to protect the individual, or the individual's child, spouse, or parent, from becoming or remaining a victim of domestic violence. The individual must have also made a "reasonable" effort to maintain their employment to not be disqualified for the benefit. Under this section, a victim of domestic violence is defined as "a person who has been abused or subjected to extreme cruelty by: (A) Physical acts that resulted in or were threatened to result in physical injury; (B) sexual abuse; (C) sexual activity involving a child in the home; (D) being forced to participate in non-consensual sexual acts or activities; (E) threats of or attempts at physical or sexual abuse; (F) mental abuse; or (G) neglect or deprivation of medical care." (**Conn. Gen. Stat. 17b-112a**).

SURVIVOR STATE EMPLOYMENT GUIDE

DELAWARE

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Delaware law (**Del. Code. Ann. tit. 19 ch. 17 sec. 711(h)**), it is illegal for an employer to fail or refuse to hire, fire, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because the individual was the victim of domestic violence, a sexual offense, or stalking. Under this section (**Del. Code. Ann. tit. 19 ch. 17 sec. 710(7)**), an employer is defined as a person employing four or more people within the state at the time of the violation. Under this section (**Del. Code. Ann. tit. 19 ch. 17 sec. 710**), the domestic violence, sexual offense, or stalking can be verified by an official document, such as a court order, or by a reliable third-party professional, including a law enforcement agency or officer, a domestic violence or domestic abuse service provider, or health-care provider.

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

REASONABLE ACCOMMODATIONS

Under Delaware law (**Del. Code. Ann. tit. 19 ch. 17 sec. 711(h)**), employers must reasonably accommodate known limitations related to the employee's status as a victim of domestic violence, sexual assault, or stalking unless it would be an "undue hardship" on the operation of the employer's business.

- *Examples of a reasonable accommodation?* Under this section, a reasonable accommodation can be reasonable changes in the schedule or duties that would accommodate the person who was the victim of domestic violence, a sexual offense, or stalking or allowing the individual to use accrued leave to address the domestic abuse, sexual offense, or stalking.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off for Crime Victims:** Under Delaware law (**Del. Code Ann. tit. 11, § 9409**), a victim of a crime and representatives of victims can be granted time off to respond to a subpoena. Please see the statute (**Del. Code. Ann. tit. 11 sec. 9401**) for definitions of a victim of a crime and what constitutes a crime for this section of the law. Under Delaware law, an employer can't discharge or discipline a victim of a crime or a representative of the victim for:

- Participating at the prosecutor's request in preparation for a criminal justice proceeding; or
- Attending a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim or in response to a subpoena.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Delaware law (**Del. Code. Ann. title 19, chapter 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. The circumstances must be one of the following: (1) the individual had a 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 to avoid future domestic violence against the individual or their spouse, a 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, a child under the age of 18, or parent.

- *Do I have to show proof of domestic violence?* The Division of Unemployment Insurance shall require the individual to provide documentation of the domestic violence for compensation purposes. Documentation can include the 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. The Division of Unemployment Insurance cannot disclose the information provided unless the individual gives consent.

SURVIVOR DISTRICT EMPLOYMENT GUIDE**DISTRICT OF COLUMBIA****INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Washington, D.C. law (**D.C. Code 2-1402.11(c-1)**), it is considered an unlawful discriminatory practice for an employer to discriminate against an employee or an employee's family member who is the victim of domestic violence, sexual violence, or stalking. Specifically, the law states an employer can't discriminate based on:

- An employee attending, participating in, preparing for, or requesting leave for a criminal, civil, or administrative procedure related to the domestic violence, a sexual offense, or stalking. This includes meetings with an attorney or law enforcement officials.
- An employee seeking physical or mental health treatment or counseling related to domestic violence, sexual offense, or stalking.
- An individual caused a disruption at the employee's workplace or made a threat to an employee's employment related to the domestic violence, sexual offense, or stalking which the employee or employee's family member was a victim.

Additionally, it is also an unlawful discriminatory practice for an employer to disclose any information related to an employee's status as a victim or family member of a victim of domestic violence, sexual offense, or stalking provided to the employer by the employee. However, there are exceptions to this rule. If an employer has disclosed this information, the employer must notify the employee of the disclosure.

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

REASONABLE ACCOMMODATIONS

Under Washington, D.C. law (**D.C. Code 2-1402.11(c-1)**), it is an unlawfully discriminatory practice for an employer to refuse to provide a reasonable accommodation to victims of domestic violence, a sexual offense, or stalking or the family members of the victim when it is necessary to ensure the employee's security and safety. However, employers can be exempt from providing a reasonable accommodation if the request is an "undue hardship" for them to perform.

- *Examples of reasonable accommodation?* According to Washington, D.C. Office of Human Rights, examples of reasonable accommodations include transfer or reassignment, a modified schedule, leave, change in work station, telephone number or email address, installing a lock, assistance with documenting the violence that occurs in the workplace, or implementing another safety procedure in response to actual or threatened violence.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Sick and Safe Leave:** Under Washington, D.C. law (**D.C. Code 32-531.01-531.17**), an employer must provide an employee with paid sick and safe leave unless the employer is exempted under the law. In addition to other reasons, this leave can be used by the employee if the employee or the employee's family member is a victim of stalking, domestic violence or sexual abuse provided the leave is used for the following reasons:
 - Seeking medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;
 - Obtaining services from a victim services organization;
 - Obtaining psychological or other counseling;
 - Temporarily or permanently relocating;
 - Taking legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence or sexual abuse, or
 - Other actions to enhance the physical, psychological, or economic health or safety of the employee or employee's family member or to enhance the safety of those who associate with or work with the employee.

The size of the employer determines how the leave accrues and how much leave is provided.

- An employer with 100 or more employees is to provide one hour of paid leave for every 37 hours worked and the leave cannot 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.
- An employer with 24 or fewer employees shall provide one hour of paid leave for every 87 hours worked, not to exceed three days per calendar year.

To qualify for leave, the employee must make a written request which includes the reason for the absence and how long they expect to use the paid leave. If the reason for using leave was unforeseeable or there was an emergency, a verbal request can be made. An employer can require an employee to provide proof of why they need the leave if the leave lasts three days or longer. An employee can provide a doctor's note, court order, police report, or signed statement from a victim or witness advocate.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other local laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Washington, D.C. law (**D.C. Code 51-131 through 51-136**), an individual who is otherwise eligible for unemployment benefits 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.

- *Do I have to show proof of domestic violence?* Under Washington, D.C. law (**D.C. Code 51-132**), a person claiming unemployment benefits must provide documentation of the violence, which will be kept confidential, in the form of:
 - A police report or record;

- 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
- A written statement, which affirms that the claimant has sought help for domestic violence from the person writing the statement, a shelter official; social worker; counselor; therapist; attorney; medical doctor; or cleric.

OTHER RESOURCES

Washington D.C. Office of Human Rights “Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018 (Fact Sheet for Employers)”

SURVIVOR STATE EMPLOYMENT GUIDE

FLORIDA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Florida law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Florida law (**Fla. Stat. 92.57**), a person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Florida has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off to Address Domestic Violence or Sexual Assault:** Under Florida law (**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/household member of the employee is a victim of domestic or sexual violence. The employee must have been working for the employer for at least three months.

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
- Seek legal assistance or attend and prepare for court-related proceedings.

The leave may be paid or unpaid at the employer's discretion. An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave that is available to the employee, unless the employer waives this requirement.

Except in cases of imminent danger to the health or safety of the employee or family/household member, an employee seeking leave from work under this section must provide appropriate advance notice to their employer as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.

- **Time Off for Court:** Under Florida law ([Fla. Stat. 92.57](#)), a person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Florida law ([Fla. Stat. 443.101](#)), an individual can be eligible for unemployment insurance benefits if they voluntarily left work and can prove that they left as a direct result of circumstances related to domestic violence. Under this section, domestic violence is defined as "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member." ([See Fla. Stat. 741.28](#)).

To be eligible, the individual must meet these three factors:

- Make a reasonable effort to stay at their job, unless the individual says that doing so would have been futile or increased the risk of future incidents of domestic violence. Examples of reasonable efforts include seeking a protective injunction, relocating to a secure place, or seeking a reasonable accommodation (ex. transfer, change of assignment) from the employer;
 - Provide evidence that reasonably proves that domestic violence has occurred, which can include an injunction, protective order, or other documentation authorized by state law; and
 - Reasonably believe that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment.
- *Do I have to show proof of domestic violence?* Under Florida law [Fla. Stat. 443.101](#), an individual must provide evidence that reasonably proves that domestic violence has occurred. This can be shown through an injunction, a protective order, or other documentation authorized by state law.

SURVIVOR STATE EMPLOYMENT GUIDE

GEORGIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Georgia law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Georgia has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Georgia law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under Georgia law (**O.C.G.A. 34-1-3**), an employer can't discharge, discipline, or otherwise penalize an employee because the employee is absent from work because they are attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires them to go to a judicial proceeding. An employer can require an employee to provide a "reasonable notification" of their absence.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Georgia regulations (**Ga. Comp. R. & Regs. 300-2-9.10**), an individual may be eligible for unemployment insurance benefits if they quit a job due to family violence. Under this law, family violence is defined as "the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

1. Any felony; or
2. Commission of offenses of battery, simple battery, simple assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass."

The individual must show that family violence occurred that directly impacted their employment and provide “reasonable documentation” to verify family violence has occurred. There are two ways an individual can meet those requirements.

- The individual can provide evidence that family violence directly impacted their employment and that leaving the employer was either a condition of receiving services from a family violence shelter or a condition of receiving shelter as a resident of a family violence shelter. The “reasonable documentation” they can provide is a statement provided by a family violence shelter signed by an authorized representative of that family violence shelter stating that leaving the employer was a condition of the claimant either receiving services or receiving shelter as a current resident of the family violence shelter.
- The individual can provide evidence that family violence directly impacted their employment in such a manner that the claimant quit because they reasonably believed that continuing that employment would jeopardize their safety or the safety of an immediate family member. The “reasonable documentation” they can provide is:
 - A certified copy of a restraining order or a certified copy of other Court documentation of equitable relief pertaining to the family violence, related to the individual's reason for quitting, by a court of competent jurisdiction;
 - A certified copy of a police report documenting recent abuse pertaining to the family violence related to the individual's reason for quitting;
 - Documentation that the abuser has been convicted of one or more of the offenses in **O.C.G.A 19-13-1** related to the family violence and for the individual's reason for quitting; or
 - Medical documentation of injuries from abuse concerning the family violence related to the individual's reason for quitting.

If an individual files a claim for unemployment insurance claiming family violence, the Department will contact their former employer to determine whether the individual quit or was fired for cause.

SURVIVOR TERRITORY EMPLOYMENT GUIDE

GUAM

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Guam law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, in Guam (**Guam Code Ann. 8-160-160.93**), an employer can't discharge or discipline employees who are victims of crime for responding to a subpoena or a prosecuting attorney's request to attend court to provide testimony involving that crime. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Guam has not enacted a law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off to Address "Crime of Violence" (Including Domestic Violence, Sexual Assault or Stalking):** In Guam (**Guam Code Ann. 22-3-3401 through 22-3-3405**), an employer is required to grant reasonable and necessary leave in circumstances where such leave is needed because the employee or the employee's child, parent, or spouse is a victim of a crime of violence. A "crime of violence" includes, but isn't limited to, domestic violence, assault, sexual assault, stalking or any act that would support granting an order of protection.

Employees may use the leave for the following reasons:

- Prepare for and attend court proceedings;
- Seek medical treatment or attend medical treatment for the victim's family member; or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

There is an exception to the law if the employer would sustain an undue hardship by granting the leave, if the request for leave is not communicated within reasonable time, or where the requested leave is impractical, unreasonable or unnecessary based on the facts known to the employer.

- **Time Off for Crime Victims:** In Guam (**Guam Code Ann. 8-160-160.93**), an employer can't discharge or discipline employees who are victims of crime for responding to a subpoena or a prosecuting attorney's request to attend court to provide testimony involving that crime.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other local laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Guam has not enacted a law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult the federal or territorial law applicable in Guam.

SURVIVOR STATE EMPLOYMENT GUIDE

HAWAII

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Hawai'i law ([Hawaii Rev. Stat. 378-2](#)), it is illegal for an employer to refuse to hire, employ, fire, discriminate, or retaliate against a current or potential employee on the basis of the employee's status as a victim of domestic or sexual violence if the employee provided notice to the employer of their status or the employer had actual knowledge of their status.

Employers are allowed to verify that the employee is a victim by requesting that the employee provide them with police or a court record or with a signed written statement from a victim services organization, attorney or advocate, a health care provider or a member of the clergy from whom the employee has sought assistance in connection with the violence. Employers may seek recertification every six months from the date they first became aware of the employee's status. There is an exception to recertifying every six months if an employee used a protective order to verify their status. Under that exception, the employer must use the date of the protective order or six months, whichever is later, to recertify the employee's status.

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

REASONABLE ACCOMMODATIONS

Under Hawai'i law ([Hawaii Rev. Stat. 378-81](#)), employers are required to provide reasonable accommodation to an employee who is a victim of domestic or sexual violence unless it would cause an "undue hardship" on the employer. An "undue hardship" is an accommodation that would be significantly expensive or difficult based on the employer's size, budget, and work performed at the organization.

- *Examples of reasonable accommodation?* Under Hawai'i law ([Hawaii Rev. Stat. 378-81](#)) and [Hawaii Civil Rights Commission Guidance](#), examples of reasonable accommodations include, but are not limited to, changing employee's contact information, screening employee's telephone calls, restructuring job function, changing work location, installing locks or other security measures, and allowing the employee to work flexible hours or a modified schedule.
- *Do I need to show proof of domestic violence?* Employers are allowed to verify that the employee is a victim by requesting that the employee provide them with police or a court record or with a signed written statement from a victim services organization, attorney or advocate, a health care provider or a member of the clergy from whom the employee has sought assistance in connection with the violence.

Employers may seek recertification every six months from the date they first became aware of the employee's status. There is an exception to recertifying every six months if an employee used a protective order to verify their status. Under that exception, the employer must use the date of the protective order or six months, whichever is later, to recertify the employee's status.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off for Victims of Domestic and Sexual Violence:** Under Hawai'i law (**Hawaii Rev. Stat. 378-72**), an employee may take unpaid leave for up to 30 days per calendar year (employer has 50 or more employees) or up to five days per calendar year (employer has 49 employees or less), if the employee or the employee's minor child is a victim of domestic or sexual violence. Under Hawai'i law (**Hawaii Rev. Stat. 378-73**), an employee must use all other unpaid or paid leave before they can use domestic or sexual violence leave.

Under Hawai'i law (**Hawaii Rev. Stat. 378-72**), domestic or sexual violence leave must be taken for one of the following reasons:

- For the employee or their minor child to seek medical attention for physical or psychological injuries related to domestic or sexual violence;
- Obtain victim services from a victim services organization;
- Obtain counseling;
- Temporarily or permanently relocate;
- Take legal action, including preparing or participating in criminal or civil legal proceedings related to the domestic or sexual violence; or
- Other actions for the health or safety of the employee, the employee's minor child, or the safety of those who associate with or work with the employee.

When the leave is sought for medical attention, the employer may request a health care provider's certificate estimating how many days off is necessary and approving the employee's return to work. When the employee takes leave for non-medical reasons the leave doesn't last more than five days, the employee must provide a signed statement stating the leave was taken for one of the reasons listed above.

If the non-medical leave lasts longer than five days, the employee must provide one of the following to their employer:

- Certified or exemplified restraining orders, injunctions against harassment, and documents from criminal cases;
- Documentation from a victim services organization or domestic or sexual violence program; or
- Documentation from a medical professional, mental health care provider, attorney, advocate, social worker, or member of the clergy that the employee or employee's minor child got help from in response to the domestic or sexual violence.

If certification or documentation of leave for domestic or sexual violence is required by law, the employee's leave is not protected until they provide it to their employer. The employee shall provide reasonable notice of intention to take leave unless "not practicable due to imminent danger." All information provided to the employer is confidential unless the employee consents or if disclosure is required by law. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

- **Time Off for Crime Victims:** Under Hawai'i law ([Hawaii Rev. Stat. 621-10.5](#)), an employer can't fire or interfere with an employee's employment or threaten to do so because an employee complies with a subpoena, serves as a witness, or attends court as a prospective witness.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Hawai'i law ([Hawaii Rev. Stat 383-7.6](#)), individuals who separate from employment due to "compelling family reasons," such as domestic or sexual violence, can seek unemployment benefits. The individual's domestic or sexual 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 that any member of their immediate family in the following ways:

- The individual has a reasonable fear of the occurrence of future domestic or sexual violence at, going to, or leaving the individual's place of employment, including being a victim of stalking;
 - 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 going to work;
 - 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 going to work;
 - 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
 - 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.
- *Do I have to show proof of domestic violence?* Under Hawaii law ([Hawaii Rev. Stat 383-7.6](#)), the Department may request "reasonable and confidential" documentation of the domestic or sexual violence. These are all considered "reasonable and confidential" documentation under the law:
 - A notarized written statement of the individual certifying their status or the individual's minor child as a victim of domestic or sexual violence and explaining how continued employment creates an unreasonable risk of further violence;
 - A signed written statement from a victim services organization, domestic or sexual violence program, a medical professional, mental health care provider, attorney, advocate, social worker, or member of the clergy from whom the individual or the individual's minor child has sought help in relation to the domestic or sexual violence attesting to the domestic or sexual violence and explaining how the continued employment creates an unreasonable risk of further violence; or
 - Certified or exemplified restraining orders, injunctions against harassment, and documents from criminal cases suggesting or demonstrating that continued employment may cause an unreasonable risk of further violence.

OTHER RESOURCES

[Hawaii Civil Rights Commission FAQ on Employment Laws for Employees Impacted by Domestic and Sexual Violence](#)

SURVIVOR STATE EMPLOYMENT GUIDE

IDAHO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Idaho law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Idaho has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

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

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Idaho has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

ILLINOIS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Illinois law (**820 Ill. Comp. Stat. 180/30**), an employer shall not fail/refuse to hire, fire, constructively discharge, harass, otherwise discriminate, or retaliate against any individual because an employee is, or is thought to be, a victim of domestic, sexual, or gender violence or is the victim of criminal violence. This also applies to an employee's household or family member who is, or is thought to be, a victim of domestic, sexual, or gender violence or a victim of a violent crime. Additionally, an employer can't discriminate against an employee for taking leave to attend or prepare for legal proceedings related to the violence they, or a household or family member, experienced or for requesting a reasonable accommodation. The employer also cannot take actions against an employee because of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual.

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

REASONABLE ACCOMMODATIONS

Under Illinois law (**820 Ill. Comp. Stat. 180/30**), the employer must make a reasonable accommodation related to the violence unless such accommodation would be an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions whether or not the request for the accommodation is granted. The law applies to any employer with at least one employee.

- *Examples of a reasonable accommodation?* Under Illinois law (**820 Ill. Comp. Stat. 180/30**), examples of reasonable accommodation include, but are not limited to, transfers, reassignments, modified schedule, a changed telephone number or seating assignment, installing locks, help documenting the violence experienced, or implementing a safety plan.
- *Is this process confidential?* Under Illinois law (**820 Ill. Comp. Stat. 180/30**), all information provided to the employer shall be confidential unless the employee requests or consents to the release of the information or federal or state law requires the information.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off for Victims of Domestic and Sexual Violence:** Under Illinois law ([820 Ill. Comp. Stat 180](#)), an employee who is a victim of domestic, sexual or gender violence or any other crime of 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. An employee working for an employer with one to 14 employees is entitled to up to four workweeks of leave during any 12-month period. This leave may be used to:
 - seek medical attention, psychological treatment, 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 the time taken off pursuant to this provision. The employee shall provide 48-hour notice of the leave if possible. The employer may request the employee provide certification of the violence and that the leave is for the reasons listed above. The certification requirement may be satisfied by:

- the employee's sworn statement and
- by documentation from a victim services provider, attorney, clergy member, medical or other professional staff 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.

- **Time Off for Crime Victims:** Please note that the Illinois law ([820 Ill. Comp. Stat 180](#)) listed above contains time off for employees or their household or family members who are victims of a crime of violence.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Illinois law ([820 Ill. Comp. Stat. 405/601](#)), an individual is not disqualified from unemployment 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. Under Illinois law ([750 Ill. Comp. Stat 60/103](#)), domestic violence is defined as "physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis." In order to qualify for this exemption, the individual must provide notice to their employer and documentation to the Illinois Department of Employment Security.

- *Do I have to show proof of domestic violence?* Under Illinois law ([820 Ill. Comp. Stat. 405/601](#)), the individual must provide the following to be eligible for unemployment benefits under the domestic violence exemption:
 - Notice to their employer with the reason they are leaving; and
 - Provide documentation to the Illinois Department of Employment Security related to the domestic violence, which can be a protective order, police report, medical records, or evidence of the domestic violence from a counselor, shelter worker, health worker, as well as a clergy member, or attorney.

SURVIVOR STATE EMPLOYMENT GUIDE

INDIANA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Indiana law does not provide broad anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Indiana law (**Ind. Code 22-5-7-2**), employers are prohibited from terminating an employee for: (1) filing a petition for a protective order, whether or not the petition is granted; or (2) based on the actions taken by the individual against whom the employee has filed a protective order. However, the employer and employee may mutually agree to adjust any of the following: (1) the location of employee's employment; (2) the employee's compensation or benefits; or (3) a term or condition of employment.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Indiana has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Indiana law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Indiana law (**Ind. Code 22-4-15-1(1)(c)(8)**), an individual who voluntarily leaves employment or who is discharged "due to circumstances directly caused by domestic or family violence" is not disqualified from receiving unemployment insurance. To apply for benefits using this exemption, the individual will need to provide documentation of domestic or family violence.

All information submitted is to be kept confidential and the individual must be notified before any release of information. Additionally, an individual can apply through the Indiana Attorney General's office to have an address created to use when applying for benefits.

- *Do I have to show proof of domestic violence?* Under Indiana law (**Ind. Code 22-4-15-1(1)(e)**), an individual must provide one of the following documents when applying for benefits to verify the domestic or family violence has occurred:
 - A report of a law enforcement agency;
 - A protection order issued under **Ind. Code 34-26-5**;
 - A foreign protection order; or
 - An affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider.

SURVIVOR STATE EMPLOYMENT GUIDE

IOWA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Iowa law does not provide general anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Iowa law (**Iowa Code 915.23**), an employer cannot discriminate against an employee who is serving as a witness in a criminal case or as plaintiff, defendant, or witness in a civil proceeding under state law. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Iowa has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Iowa law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault, or stalking, or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Iowa law does not explicitly provide that victims of domestic violence, sexual assault or stalking are eligible for unemployment insurance if they voluntarily separate from their employment as a result of domestic violence, sexual assault or stalking. However, under Iowa law (**Iowa Code 96.5(f)**), if a person takes a period of leave (for up to ten working days, or possibly longer if permitted by the employer) for "compelling personal reasons" which had been disclosed to the employer prior to the leave and then, upon their attempted to return to work the person's regular or comparable work is not available then that person will not be disqualified from unemployment insurance benefits. In some circumstances, survivors of domestic violence, sexual assault or stalking may be able to access unemployment insurance benefits under this provision.

SURVIVOR STATE EMPLOYMENT GUIDE

KANSAS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Kansas law ([Kan. Stat. Ann. 44-1132](#)), 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.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Kansas has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Kansas law does not require employers to provide paid sick leave, leave to address domestic violence, sexual assault, or stalking, or leave to participate in the justice system as a crime victim.

However, under Kansas law ([Kan. Stat. Ann. 44-1132](#)), 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.

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.

An employee shall give the employer reasonable advance notice of his or her intention to take time off, unless such advance notice is not possible. 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 possible, 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.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Kansas law (**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:

- the individual's reasonable fear of future domestic violence at or going to or from the individual's workplace;
 - the individual's need to relocate to another geographic area in order to avoid future domestic violence;
 - the individual's need to address the physical, psychological and legal impacts of domestic violence;
 - the individual's need to leave employment as a condition of receiving services or shelter from an agency that provides support services or shelter to victims of domestic violence; or
 - the individual's reasonable belief that termination of employment is necessary to avoid other situations that may cause domestic violence and to provide for the future safety of the individual or the individual's family.
- *Do I have to show proof of domestic violence?* Under Kansas law (**Kan. Stat. Ann. 44-706(a)(12)**), the individual must provide documentation of the violence in order to qualify for this exemption. Documentation can include a police record, restraining order, court order, medical documentation, a statement by a professional who has helped the individual deal with the violence, a sworn statement, or other evidence of the violence. This documentation will remain confidential unless the individual gives consent that it be disclosed.

SURVIVOR STATE EMPLOYMENT GUIDE

KENTUCKY

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Kentucky law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Kentucky has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Kentucky does not have a state law regarding unpaid or paid sick leave or job-protected leave from work for domestic violence, sexual assault, or stalking.

- **Time Off for Crime Victims:** Under Kentucky law (**Ky. Rev. Stat. Ann. 421.500(8)**), a victim or witness of a crime can request law enforcement agencies and attorneys for the Commonwealth help them tell their employer that they will be absent from work because of their involvement in the case. However, this is only suggestive and does not protect survivors from any potential retaliation or discrimination by their employer.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Kentucky has not enacted a state law regarding unemployment insurance protections for domestic violence, sexual assault, or stalking. Please consult federal law and your employer's internal policies.

SURVIVOR STATE EMPLOYMENT GUIDE

LOUISIANA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Louisiana law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Louisiana has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Louisiana law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under Louisiana law ([Louisiana Rev. Stat. 1844\(E\)](#)) a crime victim or witness can request judicial and law enforcement agencies help them notify their employer related to their cooperation on the case and their absence from work.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Louisiana law ([Louisiana Admin. Code IV-503](#)), there is an eligibility exception for individuals who lost their employment due to domestic abuse and would otherwise not be eligible for unemployment insurance benefits. Domestic abuse is defined as including, but not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. Minors are not excluded. Domestic abuse also includes abuse of persons 60 years of age or older and any disabled person 18 years of age or older when committed by an adult child or adult grandchild. Family members mean spouses, former spouses, parents and children stepparents, stepchildren, foster parents and foster children. Household members mean any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse whether married or not.

SURVIVOR STATE EMPLOYMENT GUIDE

MAINE

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

While at the time of publication Maine does not have a broad anti-discrimination in the workplace protection for survivors of domestic violence, sexual assault or stalking, under Maine law (**5 Me. Rev. Stat. Sec. 4572**), an employer cannot fail to hire, refuse to hire, or otherwise discriminate against an applicant for a job because they've sought and obtained a protective order under **19-A Me. Rev. Stat. Sec. 4007**. An employer also cannot fire or discriminate against an existing employee who has sought and obtained a protective order under the same law. There are similar laws for employment agencies and labor organizations.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Maine has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections

LEAVE/TIME OFF WORK

- **Paid Time Off:** Under Maine law (**26 ME Rev. Stat. Sec. 637**) employers with more than 10 employees must provide paid leave to employees (includes full-time, part-time, temporary, and per diem workers). Employees must accrue one hour of paid leave for every 40 hours worked and can accrue up to 40 hours per year. Employees can take this leave for any purpose including emergencies, illness, planned vacations, etc. Employers can require up to four weeks' notice for planned use of this leave unless it is for an emergency or illness use and then notice as soon as practicable is required. This law does not apply to seasonal industries.
- **Time Off for Domestic Violence, Sexual Assault, Stalking:** Under Maine law (**26 Me. Rev. Stat. Sec. 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, assault or any other act that would support granting an order of protection. The leave may be paid or unpaid depending on your employer. The leave may be used to:

- Prepare for and attend court proceedings;
- Receive medical treatment or attend medical treatment for a victim’s child, parent, or spouse; 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 law. 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.”

Note that individuals may also be eligible to take time off under their employer’s policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Maine law (**Maine Rev. Stat. tit. 26 ch. 13 sec. 1193(1)(A)(4)**), an individual who voluntarily leaves work may not be disqualified from receiving benefits if leaving working was necessary to protect the individual, 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.

SURVIVOR STATE EMPLOYMENT GUIDE

MARYLAND

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Maryland has not enacted a state law regarding anti-discrimination employment protections for domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Maryland has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Maryland law, an individual can seek time off related to domestic violence, sexual assault, or stalking under Maryland's paid sick day law or as a witness to certain crimes.

- **Paid Sick Days:** Under Maryland's paid sick day law ([Md. Code Ann. Lab. and Emp. 3-1305](#)), an employee may use leave for an absence related to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member. To qualify, the leave must be used by the employee for themselves or their family member to obtain one of the following:
 - Medical or mental health attention related to domestic violence, sexual assault, or stalking;
 - Services from a victim services organization related to domestic violence, sexual assault or stalking;
 - Legal services or proceedings related to domestic violence, sexual assault or stalking; or
 - During the time that employee has temporarily relocated due to domestic violence, sexual assault, or stalking.

Under Maryland law ([Md. Lab. and Emp. Code Ann. 3-1304](#)) this law applies to employers with 15 or more employees and only applies to certain employees. However, employers with 14 or under employees are required to provide unpaid sick and safe leave to certain employees. An employee accrues earned sick and safe leave at a rate of at least one hour for every 30 hours the employee works. However, an employee is not entitled to earn more than 40 hours of earned sick and safe leave in a year or accrue more than 64 hours of earned sick and safe leave at any time.

- **Time Off for Witnesses:** Under Maryland law (**Md. Code Ann. Cts. and Jud. Proc. 9-205**), an employer cannot terminate an employee solely because they were absent from work for responding to a subpoena to appear as a witness in a civil or criminal legal proceeding or the employee had a right to attend the legal proceeding under Maryland law.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Maryland law (**Md. Code Ann. Lab. and Emp. 8-1001(3)**), the Maryland Secretary of Labor may find that voluntarily leaving employment because of circumstances directly related to domestic violence against the employee, his/her spouse, minor child, or parent is "good cause" for leaving employment meaning the individual could still be eligible for unemployment insurance. In order to qualify, the individual must reasonably believe that continued employment would jeopardize his/her safety and they are required to provide documentation to the Maryland Secretary of Labor.

For this section, "victim of domestic violence" is defined as "an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant." See **Md. Code Ann., Fam. Law Sec. 4-513**.

- *Do I have to show proof of domestic violence:* Under Maryland law (**Md. Code Ann., Lab. and Emp. 8-1001(3)**), an individual must provide either a protective order or a court order documenting domestic violence or a police record documenting domestic violence.

OTHER RESOURCES

Maryland Department of Labor – Healthy Working Families Act FAQ

SURVIVOR STATE EMPLOYMENT GUIDE

MASSACHUSETTS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Massachusetts law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, the employer of an employee who is entitled to paid sick leave under [Mass. Gen. Laws Ch. 149 Sec. 148C](#) (see below), or leave to address abusive behavior under [Mass. Gen. L. Ann. ch. 149 §52E](#) (see below) cannot retaliate or discriminate against the employee for taking such leave.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Massachusetts has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In Massachusetts, survivors of domestic violence, sexual assault and stalking have several ways they might be able to take time off work to address the violence.

- **Time Off to Address Domestic Violence, Sexual Assault, Stalking:** Under Massachusetts law ([Mass. Gen. L. Ann. ch. 149 §52E](#)), employers who employ 50 or more people must permit their employees to take up to 15 days of leave from work in any 12-month period if the employee or the employee's family member is a victim of abusive behavior. The leave is limited to those employees who are not the perpetrators of such abusive behavior. The definition of abusive behavior includes domestic violence, stalking, sexual assault, and kidnapping. The employer will determine whether the leave is paid or unpaid. Employees must exhaust all other leave, unless the employer makes an exception, before taking leave for abusive behavior.

The employee may use the leave to:

- Seek medical attention, counseling, victim services or legal assistance;
- Secure housing;
- Obtain a protective order;
- Take legal action or attend legal proceedings; or

- Address other issues stemming from the abusive behavior directed at the employee or the employee's family member.
- *Do I need to show proof of domestic violence, sexual assault, or stalking?* The employer may seek proof or documentation that the employee or the employee's family member has been a victim of abusive behavior and that the purpose of the leave is for one of the above listed reasons. The employee may satisfy this requirement by providing one of the following documents:
 - A protective order or another type of court-issued documentation;
 - A police report;
 - Medical documentation;
 - A sworn statement from the employee or the employee's counselor, social worker, health care provider, clergy member, shelter worker, legal advocate or other such professional; or
 - Documentation showing that the perpetrator was either convicted or has admitted to sufficient facts to support a finding of guilt.

Employees must provide their employers with advance notice, except in cases of emergency. When the employee has an unscheduled absence due to abusive behavior, employers may not take adverse action against the employee unless the employee fails to provide any of the documentation listed above within 30 days of that absence.

- **Paid Sick Days:** Under Massachusetts law ([Mass. Gen. Laws Ch. 149 Sec. 148C](#)), employers with 11 or more employees are required to provide one hour of paid sick and safe time for every 30 hours worked, up to 40 hours per year. Employers with fewer than 11 employees must provide unpaid sick time at the same rate and subject to the same annual cap. Employees may use this time to address the psychological, physical or legal effects of domestic violence. If the absence is longer than 24 consecutively scheduled work hours, the employer may require certification in the form of any of the documentation noted above. The employee must provide advance notice when the use of time off is foreseeable. Employers are prohibited from retaliating or discriminating against employees who exercise their rights or support the exercise of other employee's rights under these provisions.
- **Time Off for Crime Victims:** Under Massachusetts law ([Mass Gen. Laws Ch. 258B, § 3\(I\)](#)), a victim or witness of a crime who has received a subpoena to testify cannot be fired, penalized, or be threatened with being fired by their employer for attending the criminal proceeding. However, under Massachusetts law ([Mass Gen. Laws ch. 268, § 14B](#)), the victim or witness must inform their employer the day before they appear in court to receive these protections.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Massachusetts law ([Mass. Gen. L. Ann. ch. 151A §25](#)), an individual is not disqualified from receiving unemployment insurance benefits if they can show that the reason they left their employment was due to domestic violence. All of the following instances are considered as leaving employment due to domestic violence:

- Fear of domestic violence at or on the way to or from the place of employment;
- The individual's need to relocate in order to avoid future domestic violence;
- The individual need to address the physical, psychological, and legal effects of domestic violence;

- The individual's need of leave employment as a condition of receiving services or shelter from an agency that supports domestic violence victims; or
- Another situation where the individual felt it was necessary to leave their job for the future safety of themselves or their family.

Under Massachusetts law (**Mass. Gen. L. Ann. ch. 151A §1**), domestic violence under this section is defined as “abuse committed against an employee or the employee’s dependent child by: (1) a current or former spouse of the employee; (2) a person with whom the employee shares a child in common; (3) a person who is cohabitating with or has cohabitated with the employee; (4) a person who is related by blood or marriage; or (5) a person with whom the employee has or had a dating or engagement relationship.” Under this law, “abuse shall include (1) attempting to cause or causing physical harm; (2) placing another in fear of imminent serious physical harm; (3) causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (4) engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; (5) depriving another of medical care, housing, food or other necessities of life; and (6) restraining the liberty of another.”

- *Do I have to show proof of domestic violence?* Under Massachusetts law (**Mass. Gen. L. Ann. ch. 151A §1**), an individual can show proof of domestic violence by providing one of the following:
 - A restraining order or other documentation similar to this;
 - A police record documenting the abuse;
 - Documentation that the perpetrator of the abuse has been convicted of one or more of the offenses enumerated in **Chapter 265** where the victim was a family or household member;
 - Medical documentation of the abuse;
 - A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
 - A sworn statement from the individual attesting to the abuse.

All evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall not be disclosed by the department unless consent for disclosure is given by the individual.

SURVIVOR STATE EMPLOYMENT GUIDE

MICHIGAN

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Michigan law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Michigan has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Sick Leave:** Under Michigan law ([Mich. Comp. Laws Sec. 408.961 - 408.974](#)), an employer with 50 or more employees must provide paid medical leave to any eligible employee. Only certain employees are eligible for this leave. The leave accrues at a rate of at least one hour for every 35 hours worked and cannot exceed 40 hours in a 12-month consecutive period. This law is effective as of March 29, 2019. Please note, this law is currently in litigation and will likely change in 2023.
- **Leave to Address Domestic Violence or Sexual Assault:** The sick leave described above can be used by the eligible employee if they or their family member is a victim of domestic violence or sexual assault. The eligible employee can specifically use it for the following reasons related to domestic violence or sexual assault:
 - Obtain medical care or psychological or other counseling for physical or psychological injury or disability;
 - Obtain services from a victim services organization;
 - Relocate due to domestic violence or sexual assault;
 - Obtain legal services; or
 - Participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

An employer may require an eligible employee who is using paid medical leave because of domestic violence or sexual assault to provide documentation that the paid medical leave has been used for that reason. These documents can be used to show evidence of domestic violence or sexual assault:

- A police report showing that the eligible employee or the eligible employee's family member was a victim of domestic violence or sexual assault;
 - A signed statement from a victim and witness advocate affirming that the eligible employee or eligible employee's family member is receiving services from a victim services organization; or
 - A court document indicating that the eligible employee or eligible employee's family member is involved in legal action related to domestic violence or sexual assault.
- **Time Off for Crime Victims:** Under Michigan law ([Mich. Comp. Laws § 780.762](#) and [Mich. Comp. Laws § 780.790](#)), a victim or victim representative can take time off to give testimony in court in response to a subpoena or request from the prosecuting attorney.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Michigan has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

MINNESOTA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Minnesota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Minnesota law (**Minn. Stat. 518B.01**), an employer cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain a protective order or a restraining order.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Minnesota has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Minnesota law, survivors may have access to several types of leave from work related to domestic abuse, sexual harassment, stalking, or harassment:

- **Sick and Safe Days:** Under Minnesota law (**Minn. Stat. 181.9413**), an employee may use their sick leave for safety leave. This means an employee can use their sick leave to provide or receive help because of sexual assault, domestic abuse, harassment, or stalking. To be able to use this leave, an employee must have worked for the employer for at least 12 months, the employee must have worked at least half-time for the employer for those 12 months, the employer must have at least 21 or more employees at the place where the employee works, and the employer must already offer personal sick leave. The employee can use the leave for themselves or due to an illness or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. The leave is limited to 160 hours in a 12-month period. The leave is not required to be paid.

- **Time Off for Crime Victims:** Under Minnesota law ([Minn. Stat. 611A.036](#)), a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony must be given 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. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to attend a criminal proceeding under this law.
- **Time Off for a Protective Order:** Under Minnesota law ([Minn. Stat. 518B.01](#)), an employer cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain a protective order or a restraining order. An employee who is absent from the workplace shall give 48 hours advance notice to the employer unless it is impracticable to do so or it would impact the health and safety of the employee.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Minnesota law ([Minn. Stat. 268.095](#)), an otherwise eligible individual can still receive unemployment benefits if he or she quits a job due to domestic abuse, sexual assault, harassment, or stalking of the individual or an immediate family member of the individual. Under this law, "immediate family member" means the individual's spouse, parent, stepparent, child, stepchild, or grandchild. Under this law, "domestic abuse" means physical harm, bodily injury, or assault, the infliction of fear of physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct, sexual extortion, or interference with an emergency call. See [Minn. Stat. 518B.01](#).

- *Do I have to show proof of domestic violence?* Under Minnesota law ([Minn. Stat. 268.101](#)), an individual must provide all information necessary to determine if they are eligible for unemployment insurance.

OTHER RESOURCES

["Job Rights: Victims of Violence and Harassment" by Law Help Minnesota](#)

SURVIVOR STATE EMPLOYMENT GUIDE

MISSISSIPPI

INTRODUCTION

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ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Mississippi law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Mississippi has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Mississippi law does not require employers to provide paid or unpaid sick leave or leave to address domestic violence, sexual assault or stalking. Under Mississippi law, crime victims may take time off to respond to a subpoena or prepare for criminal proceedings.

- **Time Off for Crime Victims:** Under Mississippi law ([Mississippi Code §99-43-45](#)), a person who has been the victim of a crime may respond to a subpoena to testify in criminal proceedings or participate in reasonable preparation for criminal proceedings without losing their job or being intimidated or threatened that they may lose their job for participating.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Mississippi law ([Mississippi Administrative Code for Department of Employment Security 309.01](#)), a claimant (a person filing a claim for benefits) usually cannot file a claim for benefits if they are leaving their job for domestic, child, or marital circumstances. However, there is an exception for domestic violence in Mississippi. A claimant may qualify for benefits if there is sufficient evidence showing that continuing their job would be harmful to their welfare or their underage children's welfare due to domestic violence.

OTHER RESOURCES

“Where Do I Go From Here? A Guide to the Mississippi Court and Legal System for Victims of Family Violence” Mississippi Coalition Against Domestic Violence Report

SURVIVOR STATE EMPLOYMENT GUIDE

MISSOURI

INTRODUCTION

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ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Missouri law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, Missouri law does provide job-protected leave for victims of domestic and sexual violence (**Missouri Stat. 285.625-285.670**) and for victims and witnesses of crimes and family members of crime victims who must miss work in order to respond to a subpoena or otherwise participate in the criminal justice system (**Mo. Rev. Stat. § 595.209(1)(14)**).

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

REASONABLE ACCOMMODATIONS

Under Missouri law (**Mo. Rev. Stat. 285.650**), employers with at least 20 employees must make reasonable safety accommodations for their employees for circumstances related to domestic and sexual violence. This applies both to employees who have been subjected to domestic or sexual violence or an employee's family or household member who has been subjected to domestic or sexual violence. An employer does not have to provide the accommodation if it would be an "undue burden" on the employer.

- *Examples of a reasonable accommodation?* Under the law (**Mo. Rev. Stat. 285.625**), a reasonable safety accommodation can include, but is not limited to, the following examples: an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence.
- *How do I request a reasonable accommodation?* Under the law (**Mo. Rev. Stat 285.630(10)**), an employer can ask an employee to provide a request for reasonable safety accommodation in writing.

LEAVE/TIME OFF WORK

- **Leave to Address Domestic or Sexual Violence:** Under Missouri law (**Missouri Stat. 285.625-285.670**), an employee, or an employee's immediate household or family member, may take unpaid leave from work to address domestic or sexual violence. Individuals can take off work for the following reasons:
 - Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

- Obtaining services from a victim services organization for the employee or the employee's family or household member;
- Obtaining psychological or other counseling for the employee or the employee's family or household member;
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

An employee working for an employer that employs at least 50 employees can take a total of two workweeks of leave during any twelve-month period. An employee working for an employer that employs at least twenty, but not more than forty-nine employees, can take a total of one workweek of leave during any twelve-month period.

Leave may be taken intermittently or on a reduced work schedule. Employees must give 48-hours of notice of their intention to use this leave unless notice is not practicable.

- *Do I have to show proof of domestic violence?* Under Missouri law (**Missouri Stat. 285.625-285.670**), an employer can request documentation certifying an employee's status as a victim of domestic or sexual violence. A documentation requirement can be satisfied by the employee providing a sworn statement as well as one of the following: 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 to whom the employee or their family member has sought assistance to address domestic or sexual violence; a police or court record; or other corroborating evidence. An employer must keep any such documentation in the "strictest confidence".
- **Time Off for Crime Victims** – Under Missouri law (**Mo. Rev. Stat. § 595.209(1)(14)**), an employer cannot fire or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding. An employer also can't require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participate in the preparation of a criminal proceeding. Under this law (**Mo. Rev. Stat Sec. 595.200(4)**), a family member is defined as a "spouse, child, sibling, parent, grandparent or legal guardian of a victim."

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Missouri has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

MONTANA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Montana has not enacted a state law prohibiting discrimination on the basis of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Montana has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In Montana there are a couple of ways an employee may be able to take time off from work as a victim of domestic violence, sexual assault or stalking:

- **Paid Sick Days:** In Montana, ([Mont. Code Ann. § 46-24-205\[3\]](#)) public employees must be provided with paid sick leave which is accrued at a rate based on years of service. Montana private sector employers are not required by law to provide employees with sick leave, paid or unpaid.
- **Time Off for Crime Victims:** In Montana, ([Mont. Code Ann. §46-24-205](#)) law enforcement and/or prosecutors must assist a crime victim, who requests such assistance, in the process of notifying their employer of the need for the victim to be absent from work in order to cooperate with the criminal case. Employers cannot discipline or terminate an employee who is a crime victim (or crime victim family member) for taking time off work in order to, at the prosecuting attorney's request, prepare for or attend the criminal proceedings.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In Montana, ([Mont. Code Ann. §39-51-2111](#)) an individual otherwise eligible for unemployment benefits may not be denied said benefits because the person left work or was discharged because of circumstances

resulting from the individual, or a child of the individual, being a victim of domestic violence, sexual assault or stalking (as defined by Montana's statute) or the person left work or was discharged because of an attempt on the person's part to protect themselves or their child from domestic abuse, sexual assault or stalking.

An individual is limited to 28 weeks of benefits in a 12-month period under this protection. (This does not affect the rights of an individual to receive unemployment benefits to which they are entitled under other provisions of Montana law.)

An individual becomes ineligible for these benefits if they remain in or return to the abusive situation that caused the person to leave work or be discharged.

- *Do I have to show proof of domestic violence?* Yes, by providing one or more of the following: an order of protection, a police record, medical documentation, other documentation or certification of the domestic violence, sexual assault or stalking provided by a social worker, clergy member, shelter worker, or other professional person as defined by Montana law who has assisted the individual in dealing with domestic violence, sexual assault, or stalking.

SURVIVOR STATE EMPLOYMENT GUIDE

NEBRASKA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Nebraska has not enacted a state law regarding anti-discrimination protections for domestic violence, sexual assault and/or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Nebraska has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Sick Days:** In Nebraska, (**Neb. Rev. Stat. § 81-1320**), permanent employees of the State of Nebraska must be provided with paid sick leave which is accrued at a rate based on years of service. In Nebraska, at the time of publication, private sector employers are not required by law to provide employees with sick leave, paid or unpaid.
- **Time Off for Crime Victims:** In Nebraska, there is no law that requires employers to provide time off, either paid or unpaid, to crime victims. However, Nebraska law (**Neb. Rev. Stat. § 81-1848(2)(h)**), does encourage employers not to take any adverse action against employees who are cooperating with the criminal justice system as a victim or witness for missing work and encourages employers to take action ("employer intercession services") to minimize lost pay and benefits as a result of cooperating with the criminal case.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In Nebraska, generally an individual who leaves work without good cause is ineligible for unemployment insurance benefits. However, under **Neb. Rev. Stat. § 48-628.13(1)** an individual who leaves work—after

making all reasonable efforts to preserve their employment—for the necessary purpose of escaping abuse at the place of employment, or **abuse “between household members,”** (sometimes referred to as “spousal abuse”) is considered to have left for “good cause” and therefore is eligible.

- *Do I have to show proof of domestic violence?* While Nebraska law does not include a specific documentation requirement, the Nebraska Department of Labor may request information related to a claim for unemployment benefits to establish eligibility for benefits and/or “good cause” for voluntary separation from employment.

SURVIVOR STATE EMPLOYMENT GUIDE

NEVADA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In Nevada ([NV Rev. Stat. § 613.223](#)) an employer cannot discharge, discipline or discriminate against in any manner, deny employment or a promotion, or threaten to take any such action against an employee because the employee: (a) requested to use leave related to domestic violence (see [NV Rev. Stat. § 608.0198](#)); (b) missed work because they participated as a witness or interested party in court proceedings related to an act of domestic violence; (c) requested an accommodation related to domestic violence (see [NV Rev. Stat. § 613.222](#)); or (d) was subjected to an act of domestic violence at the employee's workplace. In Nevada, domestic violence is defined within [NV Rev. Stat. § 33.018](#) as certain acts committed against a person's current or former spouse, relative by blood or marriage, with whom they are currently or formerly cohabiting, currently or formerly dating, or with whom they have a child in common.

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

REASONABLE ACCOMMODATIONS

In Nevada, ([NV Rev. Stat. § 613.222](#)), an employer must make reasonable accommodations for an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. Domestic violence is defined within [NV Rev. Stat. § 33.018](#) as certain acts committed against a person's current or former spouse, relative by blood or marriage, with whom they are currently or formerly cohabiting, currently or formerly dating, or with whom they have a child in common.

- *What is an example of a reasonable accommodation?* Nevada law provides a non-exhaustive list of examples of accommodations that may be provided: transfer or reassignment; modified schedule; new work telephone number; any other accommodation deemed necessary to ensure the employee's safety and which will not create an undue hardship on the employer.
- *Do I need to show proof of domestic violence?* Under Nevada's reasonable accommodation law, an employer may require an employee to provide documentation that confirms or supports the reason the employee requires the requested accommodation.

Individuals may also be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Leave:** In Nevada, ([NV Rev. Stat. § 608.0197](#)), an employer must provide up to 40 hours of paid leave (accrued at a rate of 0.01923 hours per 1 hour worked). Paid leave is available to be used after 90 days of employment and can be taken for any purpose, including but not limited to: treatment of mental or physical illness, injury or health condition; receiving a medical diagnosis or medical care; receiving or participating in preventative care; participating in caregiving; or addressing other personal needs related to the health of the employee.

An employee can use this accrued leave without providing a reason to their employer; though an employee must give notice of the time off as soon as practicable. An employer cannot deny the use of available leave, require the employee to find a replacement worker as a condition of using the leave or retaliate against the employee for using the available leave.

- **Time Off for Victims of Domestic Violence:** In Nevada, ([NV Rev. Stat. § 608.0198](#)), an employee (who has been employed by an employer for at least 90 days) who is a victim of an act of domestic violence or whose family or household member has been a victim of an act of domestic violence is entitled to time off work (as long as the employee is not the perpetrator of the domestic violence). A qualified employee is entitled to not more than 160 hours of leave in a 12-month period. The leave may be either paid or unpaid; must be used within the 12 months immediately following the act of domestic violence; may be used consecutively or intermittently; and may be deducted from the amount of leave the employee might also qualify for under the federal Family and Medical Leave Act (FMLA). Leave under this law may be taken for:
 - The diagnosis, care or treatment of a health condition related to the act of domestic violence;
 - To obtain counseling or assistance related to the act of domestic violence;
 - To participate in any court proceedings related to the domestic violence;
 - To establish a safety plan, including, without limitation, any action to increase the safety of the employee or family or household member of the employee from a future act of domestic violence.

Under Nevada law, ([NV. Rev. Stat. § 608.0198\(3\)](#)) an employer cannot deny an employee the right to use this leave when applicable. An employer cannot require an employee to find a replacement worker as a condition of using the leave. An employer cannot retaliate against an employee for using this leave.

- *Do I have to show proof of domestic violence?* An employer may require the employee to provide documentation that confirms or supports the reason the employee provided for requesting leave. Documentation may include, but is not limited to, a police report, a copy of an application for an order of protection, an affidavit from an organization which provides services to victim of domestic violence or documentation from a physician. Any documentation provided to an employer is required to be maintained confidentially.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In Nevada ([NV Rev. Stat. §612.3755](#)), unemployment benefits cannot be denied to someone who left their employment to protect themselves or a family or household member from domestic violence (defined within [NV Rev. Stat. § 33.018](#)) and the person actively engaged in an effort to preserve their employment.

- *Do I have to show proof of domestic violence?* Under Nevada law, the administrator of unemployment benefits may request evidence satisfactory to support the person's claim for benefits.

SURVIVOR STATE EMPLOYMENT GUIDE

NEW HAMPSHIRE

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In New Hampshire, ([NH Rev. Stat. § 275.71](#)) it is unlawful for an employer to refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault or stalking. Employers are also prohibited from firing, threatening to fire, demoting, suspending, or in any manner discriminating or retaliating against an individual with regard to promotion, compensation or other terms, conditions, or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault, or stalking.

Additionally, an employer cannot discharge, threaten, or otherwise discriminate against any employee regarding such employee's compensation, terms, conditions, location, or privileges of employment because the employee has exercised their right to take leave to attend proceedings related to the prosecution of a crime to which they are a victim. [NH Rev. Stat. § 275:64](#)

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

REASONABLE ACCOMMODATIONS

At the time of publication, New Hampshire had not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

In New Hampshire there are a couple of ways an employee may be able to take time off of work as a victim of domestic violence, sexual assault or stalking:

- **Paid Sick Leave:** In New Hampshire, employers are not required to provide paid or unpaid sick days.
- **Time Off for Crime Victims:** In New Hampshire, ([NH Rev. Stat. § 275:62](#)) an employer with 25 or more employees¹ must permit an employee who is a victim of a crime to leave work so that the employee can attend court or other legal or administrative proceedings related to the prosecution of the crime. The time off may be unpaid or paid (which can be drawn from the employee's accrued vacation, personal, or sick leave). An employer cannot terminate an employee who takes this leave, and an employee cannot lose

seniority during the time they take leave by exercising this right. An employer cannot threaten or discriminate against an employee in the terms, conditions, location and privileges of their employment for exercising their right to take this leave. (**NH Rev. Stat. § 275:64**). However, an employee can limit the amount of leave if it creates an undue hardship to the employer's business (**NH Rev. Stat. § 275:63**). An employee must provide their employer with a copy of the notice of each scheduled hearing, conference or meeting and such documentation must be kept confidentially by the employer.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In New Hampshire, (**NH Rev. Stat. § 282-A:32(I)(a)(3)**), an individual remains eligible for unemployment benefits when they reasonable believe that separation from their employment is necessary to protect themselves or their immediate family member from domestic abuse as that is defined in **NH Rev. Stat. § 173-B:1**.

- *Do I have to show proof of domestic violence?* Under New Hampshire law, the Department of Employment Security must verify the existence of domestic violence through reasonable documentation, which must be kept confidential.

¹ 25 or more employees for each working day in each of 20 or more weeks during any calendar year.

SURVIVOR STATE EMPLOYMENT GUIDE

NEW JERSEY

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, New Jersey has not enacted a state law regarding anti-discrimination protections for domestic violence, sexual assault and/or stalking.

New Jersey law does prohibit discrimination against an employee who elects to take safe leave to address circumstances related to domestic or sexual violence as is permitted by New Jersey law (see below).

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

REASONABLE ACCOMMODATIONS

At the time of publication, New Jersey has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Paid Sick Days:** In New Jersey, ([NJ Rev. Stat. §34:11D-2; D-3](#)), employers of all sizes are required to provide up to 40 hours of paid sick time for full-time, part-time and temporary employees (to be accrued at 1 hour for every 30 hours worked). The law expressly provides that accrued paid sick leave can be taken to address certain circumstances resulting from domestic violence (defined in [NJ Rev. Stat. §2C:25-19](#)) or sexual violence offense (as defined in [NJ Rev. Stat. §30:4-27.26](#)) perpetrated against themselves or certain family members.¹

The leave may be taken to:

- Seek medical attention for, or recover from, physical or psychological injuries resulting from domestic or sexual violence to the employee or qualifying family member of the employee;
- Obtain services from a victim services organization for the employee or qualifying family member of the employee;
- Obtain psychological or other counseling for the employee or qualifying family member of the employee;
- Participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or qualifying family member of the employee from future acts of domestic or sexual violence or to ensure economic security;

- Seek legal assistance or remedies to ensure the health and safety of the employee or qualifying family member of the employee including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence;
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or qualifying family member of the employee was the victim.
- **Family Leave Insurance and Temporary Disability Insurance:** In New Jersey, eligible individuals also have access to family leave insurance and temporary disability insurance that can be used by survivors of domestic or sexual violence. Survivors may be able to claim benefits related to leave for domestic or sexual violence under either of these programs. Both of these programs provide wage replacement for missed work but do not provide job protection.

Under New Jersey law, temporary disability benefits are available to domestic or sexual violence survivors that can't work due to a physical or mental illness, injury, or disability. An eligible individual can claim this benefit for up to 26 weeks if a medical professional certifies their illness, injury, or disability. To qualify for temporary disability insurance benefits, an individual must earn a certain amount of income and work a certain number of hours. This changes every year. For 2022, an individual must have worked 20 weeks earning at least \$240 weekly or have earned a combined total of \$12,000 in the year. Individuals are paid an amount based on their wages.

Family leave insurance benefits are available to survivors or family members of survivor. Eligible individuals can claim up to 12 weeks or 56 individual days in a 12-month period. An individual can use the leave to: seek medical attention, therapy, victim advocacy, or legal services, safety plan or escape abuse, attend or prepare for court, recover at home. An individual can also be considered a "family caregiver" and care for a loved one who is a survivor and needs assistance. To qualify for family leave insurance an individual must earn a certain amount of income and work a certain number of hours. This changes every year. For 2022, an individual must have worked 20 weeks earning at least \$240 weekly or have earned a combined total of \$12,000 in the year. Individuals are paid an amount based on their wages.

- **Unpaid Leave for Victims of Domestic Violence or Sexual Assault:** In New Jersey, (**NJ Rev. Stat. §34:11C-3**) an employee² may be eligible to take up to 20 days of unpaid leave to address certain circumstances resulting from domestic violence (defined in **NJ Rev. Stat. §2C:25-19**) or a sexual violence offense (as defined in **NJ Rev. Stat. §30:4-27.26**) perpetrated against themselves or certain family members³ within the 12-months following an incident of domestic violence. The leave can be taken intermittently and each incident of domestic violence constitutes a separate incident for which an employee may take leave, so long as the 20 days unpaid leave has not been exhausted in the preceding 12 months.

The leave may be taken to:

- Seek medical attention for, or recover from, physical or psychological injuries resulting from domestic or sexual violence to the employee or qualifying family member of the employee;
- Obtain services from a victim services organization for the employee or qualifying family member of the employee;
- Obtain psychological or other counseling for the employee or qualifying family member of the employee;
- Participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or qualifying family member of the employee from future acts of domestic or sexual violence or to ensure economic security;
- Seek legal assistance or remedies to ensure the health and safety of the employee or qualifying family member of the employee including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence;

- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or qualifying family member of the employee was the victim.

An employee who qualifies for this leave can elect to take accrued paid time off (sick, personal, vacation) but the employer can run that paid leave concurrently with available unpaid safe leave. Likewise, an employer can run unpaid safe leave taken with other eligible leave, such as Family and Medical Leave Act (FMLA).

An employee is required to give advanced notice, if possible. An employer is permitted to request documentation to support the reason for safe leave and one of the following documents must be regarded as sufficient:

- A domestic violence restraining order or other relief ordered by a court;
- A letter or other written documentation from the county or municipal prosecutor documenting the domestic or sexual violence;
- Documentation of conviction of a person for domestic violence or sexual violent offense;
- Medical documentation of domestic or sexual violence;
- Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or rape crisis center, that the employee or qualifying family member of the employee is a victim of domestic violence or a sexually violent offense;
- Documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or qualifying family member of the employee in dealing with the domestic violence or sexually violent offenses.

Any documentation provided must be kept confidentially by the employer.

An employer is prohibited from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested safe leave to which the employee was entitled or because the employee refused to provide documentation that the safe leave law permits to remain confidential.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In New Jersey (**NJ Rev. Stat § 43:21-5(j)**), an otherwise eligible individual cannot be denied unemployment benefits if they left work or were discharged due to circumstances resulting from being the victim of domestic violence (defined in **NJ Rev. Stat. §2C:25-19**).

- *Do I have to show proof of domestic violence?* The individual must provide documentation which can be: a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; a police record documenting the domestic violence; documentation that the perpetrator of the domestic violence has been convicted of domestic violence; medical documentation of the domestic violence; 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 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.

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- ¹ Parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.
 - ² Someone who worked at least 1,000 hours during the immediately preceding 12-month period for an employer who has 25 or more employees for each day during 20 or more workweeks in the then-current or immediately preceding calendar year.
 - ³ Parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.

SURVIVOR STATE EMPLOYMENT GUIDE

NEW MEXICO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, New Mexico law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, New Mexico has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Leave for Domestic Abuse:** Under New Mexico's Promoting Financial Independence for Victims of Domestic Abuse Act, 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. Domestic abuse covers an incident of stalking or sexual assault, whether committed by a household member or not as well as domestic abuse by a household member. 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.
 - *Do I need to show proof of domestic abuse?* 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.
- **Paid Sick Leave:** Under the New Mexico Healthy Workplaces Act of 2021, employers must provide all employees with paid sick leave, either as an annual lump sum of at least 64 hours or accrued at a rate of at least one hour of paid sick leave for every 30 hours worked. Leave can be used for a number of factors including absences necessary due to domestic abuse, sexual assault, or stalking suffered by the employee or their family member to obtain medical or psychological treatment, relocate, or participate in legal proceedings.

- **Leave for Crime Victims:** Under New Mexico law (**NM Stat Ann. 31-26-4(J)**), crime victims also have a right to “employer intercession services” to help encourage the employer to cooperate with the criminal justice system and minimize the employee losing their job, pay, or benefits related to the court proceedings.

Note that individuals may also be eligible to take time off under their employer’s policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In New Mexico (**NM Stat. Ann. § 51-1-7(A)(1)(b)**), an employee who leaves work because of circumstances directly resulting from domestic abuse will not be disqualified from receipt of unemployment benefits. To qualify, claimants must indicate at the time they file for benefits that the reason they left work was domestic abuse. Employers are not required to be notified before separation that their employee is leaving due to domestic abuse.

- *Do I need to show proof of domestic violence?* Yes, to qualify a claimant is expected to provide satisfactory documentation in the form of medical documentation, legal documentation or a sworn statement from the claimant.

SURVIVOR STATE EMPLOYMENT GUIDE

NEW YORK

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under New York law (**N.Y. Exec. Law § 296(1)(a)**), employers are prohibited from treating workers negatively based on one's status as a victim of domestic violence. To qualify, employees must inform their employer regarding their status and may need to provide documentation.

REASONABLE ACCOMMODATIONS

Under New York State law (**N.Y. Exec. Law § 296(22)(c)(2)**), employers must allow reasonable time off as an accommodation for domestic violence for the following reasons: for an employee to seek medical attention for injuries caused by domestic violence; obtain services from a domestic violence shelter, program or rape crisis center; obtain psychological counseling related to an incident of domestic violence; participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; obtain legal services; and assist in the prosecution of the offense or appear in court in relation to the incident of domestic violence.

Note that New York City (**NYC Administrative Code § 8-107.1**) law affords broader model protections, providing that employers must provide a reasonable accommodation based on one's status as a victim of domestic violence, sexual offense, or stalking. Employers must engage in a cooperative dialogue when considering a reasonable accommodation request.

LEAVE/TIME OFF WORK

In New York, survivors of domestic violence, sexual assault and stalking have several ways they may be able to take time off work to address the impacts of the abuse:

- **Paid Sick Leave:** Under New York law (**N.Y. Exec. Law § 196b**), employers are required to provide unpaid or paid sick time, which an employee can accrue at a rate of 1 hour for every 30 hours worked. Employers with less than five employees are required to provide up to 40 hours of unpaid sick time per year. However, if an employer's net income was more than \$1 million in the previous year or an employer has more than 5 employees, the employer must provide up to 40 hours of paid sick leave. Employers with more than 100 employees are required to provide 56 hours of paid sick leave per year. Leave can be used for mental illness, injury, diagnosis, care, and preventative care for you or a covered family member or for absences related to domestic violence, a family or sexual offense, stalking, or human trafficking.
- **Leave to Address Domestic Violence:** As per above, under New York, law (**N.Y. Exec. Law § 296(22)(c)(2)**), employers must provide leave for a number of factors related to domestic violence.

- **Time Off for Crime Victims:** In New York State (**NY Penal Law § 215.40**), it is a crime for an employer to terminate or penalize a victim of a crime for taking time off to appear in court, appear as a witness, consult with the district attorney's office, or obtain an order of protection. This law covers victims of a charged criminal offense, anyone subpoenaed to attend a criminal proceeding as a witness, or anyone exercising rights as a victim under applicable sections of the criminal procedure law, family court act, or the executive law. Employees seeking protection under this law must notify their employer prior to the day of attendance.

Additionally, a victim or witness to a criminal case who so requests shall be assisted by law enforcement agencies and district attorneys in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. (**NY Executive Law § 642(4)**).

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In New York (**NY Executive Law § 593**), an employee who leaves work because of circumstances directly resulting from domestic violence can still qualify for unemployment benefits if the employee shows "good cause" for quitting. An employee may have good cause if the employee left their job because the employee or an immediate family member is a victim of domestic violence or the employee believes that staying in their job would risk the employee's safety or the safety of an immediate family member. For more information, visit: **<https://dol.ny.gov/domestic-violence-and-ui-benefits-frequently-asked-questions>**.

- *Do I need to show proof of domestic violence?* Yes, an employee seeking to show "good cause" may be required to provide documentation to verify their status as a victim of domestic violence.

SURVIVOR STATE EMPLOYMENT GUIDE

NORTH CAROLINA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

While there is no broad protection against discrimination based on status as a victim of domestic violence, sexual assault, or stalking, under North Carolina law (**N.C. Gen. Stat. § 50B-5.5 & § 95-270(a)**), an employer cannot discharge, demote, or deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain relief for domestic violence.

REASONABLE ACCOMMODATIONS

At the time of publication, North Carolina has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, North Carolina law does not require employers to provide paid or unpaid sick leave, leave to address sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under North Carolina law (**N.C. Gen. Stat. § 50B-5.5 & § 95-270(a)**), workers can take "reasonable time off" to obtain or attempt to obtain relief for domestic violence. An employee who is absent from work must follow their usual time-off policy or procedure unless an emergency prevents the employee from doing so. An employer may require documentation of the emergency that prevented advanced notice or of the reason for the need for time off. Domestic violence is defined in **N.C. Gen. Stat. § 50B-1**.

Under North Carolina law, (**N.C. Gen. Stat. § 15A-825(4)**), victims of crime are entitled to appropriate employer intercession services (help from the criminal justice system to gain the employer's cooperation) in order to ensure the employee can participate in the criminal justice process while minimizing lost pay or other benefits.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

While North Carolina law used to have a protection in place to prevent victims of domestic violence from being disqualified from receiving unemployment benefits if they left their employment as a result of the abuse, this protection was repealed (**N.C. Gen. Stat. § 96-14.8(2)**) in 2013. No protection exists as of the time of publication of this resource.

SURVIVOR STATE EMPLOYMENT GUIDE

NORTH DAKOTA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, North Dakota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, North Dakota has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, North Dakota law does not require private employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

- **State Employee Sick and Safe Leave:** State of North Dakota employees are entitled to paid sick leave which can be used to address domestic violence, sex offenses, stalking or terrorizing. Under North Dakota law (**N.D. Cen. Code § 54-06-14.6**) state employees can use up to 40 hours of sick leave per calendar year to:
 - Seek legal or law enforcement assistance or remedies to ensure victim's health and safety, including preparing for or participating in court proceedings related to or derived from the violence;
 - Seek health care treatment for physical or mental injuries caused by the violence;
 - Obtain services from a domestic violence shelter, rape crisis center, or other social services program; receive mental health counseling;
 - Or participate in safety planning or take other safety related measures. Immediate family members include spouse; parent; child; or sibling.
- **Time Off for Crime Victims:** Under North Dakota Law (**N.D. Cen. Code § 12.1-34-02(7)**), a crime victim has the right to be provided with appropriate employer intercession services to ensure that employers of victims and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance, though this does not mandate any specific leave requirement.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under North Dakota law (**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.

- *Do I have to show proof of domestic violence or sexual assault?* Yes, an individual may have to provide documentation, that could include: (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.

SURVIVOR STATE EMPLOYMENT GUIDE

OHIO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Ohio has not enacted anti-discrimination protections based on status as a victim of domestic violence, sexual assault, or stalking. However, Ohio law ([Ohio Rev. Code Ann. § 2930.18](#)) does prohibit employers from discharging, disciplining, or otherwise retaliating against a victim, a victim's family member, or a victim's representative for participating, at a prosecutor's request, in preparation for a criminal or delinquency proceeding or for attendance, pursuant to a subpoena, at a criminal or delinquency proceeding if the attendance is reasonably necessary to protect the interests of the victim. An employer who knowingly violates this provision can be held in contempt of court.

REASONABLE ACCOMMODATIONS

At the time of publication, Ohio has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Ohio law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, Ohio law ([Ohio Rev. Code Ann. § 2930.18](#)) does prohibit employers from discharging, disciplining, or otherwise retaliating against a victim, a victim's family member, or a victim's representative for participating, at a prosecutor's request, in preparation for a criminal or delinquency proceeding or for attendance, pursuant to a subpoena, at a criminal or delinquency proceeding if the attendance is reasonably necessary to protect the interests of the victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Ohio has not enacted a state law regarding unemployment insurance benefit protections for domestic violence, sexual assault, or stalking. Please consult federal law and your employer's internal policies.

SURVIVOR STATE EMPLOYMENT GUIDE

OKLAHOMA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Oklahoma law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Oklahoma has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Oklahoma law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, under Oklahoma law ([Okla. Stat. Tit. 21, § 142A-2 \(A\)\(8\)](#)), employers are encouraged not to take adverse actions against crime victims for missing work to testify or provide that the victim may ask for assistance in explaining to an employer the need to attend court ("employer intercession services.")

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Oklahoma law ([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 if the claimant reasonably believed that their continued employment would impact their safety or safety of their immediate family. "Immediate family" means the claimant's spouse, parents, and minor children.

- *Do I need to show proof of domestic violence?* Yes, the domestic abuse must be verified by any reasonable or confidential documentation.

SURVIVOR STATE EMPLOYMENT GUIDE

OREGON

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Oregon Law ([Or. Rev. Stat. § 659A.290](#)), employers are prohibited from discharging, threatening to discharge, demote, suspend, or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions, or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault or stalking.

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

REASONABLE ACCOMMODATIONS

Under Oregon law ([Or. Rev. Stat. § 659A.290](#)), all employers are required to provide reasonable safety accommodations at work for a victim of domestic violence, harassment, sexual assault, or stalking regardless of the number of hours worked per week or length of time worked for the employer. It is an unlawful employment practice for a covered employer to refuse to make a reasonable accommodation, discharge, refuse to hire, suspend, retaliate, or discriminate in any manner against an individual for being a victim of domestic violence, harassment, sexual assault, or stalking. In addition, Oregon employers have to post, in a conspicuous place, a summary of employees' rights to take leave to address domestic violence, harassment, sexual assault, or stalking and maintain summaries of all regulations enforcing the domestic violence leave law.

- *Examples of a reasonable accommodation?* A reasonable safety accommodation could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed work station, installed lock or any other adjustment to the job structure, work place facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault, or stalking.
- *How do I request a reasonable accommodation?* Certification can be a document from law enforcement or the courts, such as a police report or restraining order, a letter or other document from an attorney, counselor, domestic violence or sexual assault victim service provider, health care professional, or clergy member. Any of these forms of documentation is sufficient. An employer has the right to ask the victim for certification that the employee is a victim.
- *Is this process confidential?* Unless otherwise required by law, any documents provided as certification of the victim's status must be kept confidential and may not be released without the victim's express permission.

Individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law, and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

- **Time Off to Address Domestic Violence, Sexual Assault or Stalking:** Under Oregon Law ([Or. Rev. Stat. § 659A.272](#)), employers with six or more employees are required to allow an employee to take reasonable leave from employment for any of the following purposes:
 - To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking.
 - To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault, or stalking of the employee or the employee's minor child or dependent.
 - To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking.
 - To obtain services from a victim services provider for the employee or the employee's minor child or dependent.
 - To relocate or take steps to secure an existing home to ensure the health and safety of the employee or the employee's minor child or dependent.

- **Paid Sick Days:** In Oregon ([Or. Rev. Stat. §§ 653.601–653.661](#)), employers with ten or more employees are required to provide paid sick leave. Employers who employ six or more people and are located in a city of 500,000 or more inhabitants are required to comply as well. Employees who are victims of domestic violence, harassment, sexual assault, or stalking may use sick leave for any of the purposes that are already authorized under section 659A.290. The leave may be taken in hourly increments, up to 40 paid hours per year. New employees are not eligible to take paid sick time off for the first 90 days of their employment. Employers may not require the employee to work extra hours or to find replacement workers in order to use the sick time the employee has accrued. Employees may donate their sick time to a coworker who is a victim of domestic violence, harassment, sexual assault, or stalking and needs time off for any of the above-noted authorized purposes. Where the need for time off is foreseeable, the employer may require the employee to provide an advance notice no more than ten days in advance of the date of the leave. In case of unforeseeable use of sick time, the employee must provide notice as soon as practicable. In addition, if the employee takes more than three consecutive days off, the employer may require certification to demonstrate that the leave has been taken for an authorized purpose. Employers may not require that the certification disclose details about the violence the employee has experienced. Employees must provide such certification within a reasonable time after receiving the employer's request. The employer must not in any way discriminate against the employee who requests or uses paid sick time. Additionally, the employer must provide notice of employee's rights under these provisions. Aggrieved employees may bring a civil suit against a non-compliant employer.
 - **Paid Leave for Public Employees:** In Oregon ([Or. Rev. Stat. § 659A.283](#)), state agencies are required to grant up to 160 hours of paid leave in each calendar year to an eligible employee for the purposes stated above. The paid leave is in addition to any vacation, sick, personal business, or other form of paid or unpaid leave available to the employee. An employee must exhaust all other forms of paid leave before the employee may use the paid leave established by the law. Additionally, in cases where the public employer has, or reasonably ought to have, knowledge that the employee is a victim of a specified offense, the employer has the duty to speak with the employee and offer to contact law enforcement in any instance where the employer knows that a communication regarding the

employee's victimization was made to the employee while the employee was on the job. The same obligation applies if such communication had been attempted but had not reached the employee.

- **Paid Family Leave and Medical Insurance:** Oregon's paid family leave and medical insurance law ([Or Rev Stat 657B.005 et seq.](#)) allows a covered individual to use this benefit for safe leave related to domestic or sexual violence. A covered individual can take safe leave for all the reasons listed above under "Time off to address domestic violence, sexual violence, or stalking." An individual can receive up to twelve weeks of paid family leave and medical insurance benefits per year. An individual must meet certain requirements to qualify for the leave. **Benefits do not begin until September 2023.**

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, or personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Oregon law ([Or. Rev. Stat. § 657.176\(12\)](#)), 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.

OTHER RESOURCES

<https://www.oregon.gov/boli/workers/Pages/domestic-violence-protections-for-workers.aspx>

SURVIVOR STATE EMPLOYMENT GUIDE

PENNSYLVANIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Pennsylvania law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking.

However, under Pennsylvania law ([18 Pa. Stat. Ann. § 4957](#)), an employer cannot deprive an employee of their job, seniority or benefits or threaten or coerce an employee because they attend court as a victim of a crime or witness to a crime against a family member.

Note that federal law, local law (for e.g., [Pittsburgh's Pittsburgh, Pa., Code of Ordinances ch. 651](#)) and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Pennsylvania has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

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

However, under Pennsylvania law ([18 Pa. Stat. Ann. § 4957](#)), an employer cannot deprive an employee of their employment, seniority position or benefits, or threaten or coerce an employee because they attend court as a victim of, or a witness to, a crime. The time off for court attendance does not have to be paid time off.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition (such as [Philadelphia's Philadelphia, Pa., Code ch. 9-3200](#) and [Philadelphia, Pa., Code ch. 9-4100](#).)

UNEMPLOYMENT INSURANCE

Pennsylvania law does not explicitly provide that victims of domestic violence, sexual assault, or stalking are eligible for unemployment insurance if they voluntarily separate from their employment as a result of the domestic violence, sexual assault or stalking. However, under Pennsylvania law (**PA Stat. Ann. § 802**), an individual who leaves their job for reasons of “necessitous and compelling nature” and can prove that they made every reasonable effort to stay in their employment, may be deemed eligible for unemployment benefits.

- *Do I have to show proof of domestic violence?* In order to establish that quitting work as a result of domestic violence, sexual assault or stalking was necessary and compelling, an individual has the burden to establish the nature of the reasons for quitting and that they made every reasonable effort to stay in their job.

SURVIVOR TERRITORY EMPLOYMENT GUIDE

PUERTO RICO

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In Puerto Rico ([29 P. R. Stat. Ann. 146 through 29 P.R. Stat. Ann. 151](#)), it is illegal for an employer to fire, suspend, or discriminate against an employee for being, or appearing to be, a victim of domestic violence, sexual aggression or stalking. This law also applies to employers who control apprenticeship, training or retraining programs, including on-the-job training programs.

REASONABLE ACCOMMODATIONS

In Puerto Rico ([29 P.R. Stat. Ann. 509](#)), all employees may request reasonable accommodation or flexible working conditions to allow them to deal with a situation of abuse.

- *Examples of a reasonable accommodation?* Under the law, examples of reasonable accommodation include, but are not limited to, moving the employees' workspace, modifying tasks assigned to the employee, changing entry, exit, lunch, or break times.
- *How do I request a reasonable accommodation?* Under the law, any accommodation request must be made in writing and can only be denied if it is unreasonable.

LEAVE/TIME OFF WORK

- **Paid Leave:** In Puerto Rico ([29 P.R. Stat. Ann. 250\(d\)](#)), most employees are entitled to accrue paid vacation and sick leave. Employees who work at least 115 hours per month accrue at least 1.25 days per month. Employees who work at least 20 hours per month, but less than 115 hours per month, accrue a half day per month. Accrued time may be taken after one year of employment.
- **Time Off to Address Domestic Violence, Sexual Assault or Stalking:** In Puerto Rico ([29 P.R. Stat. Ann. 509](#)), an employee may take "special leave" if they are the victim of domestic or gender violence, child abuse, sexual harassment in the workplace, sexual assault, lewd acts, or stalking (as defined under federal law). The law offers up to 15 days of unpaid leave in addition to other leave already provided under law. This leave also applies to an employee's family member including children, spouse, partner, parents, minors, elderly people, or a person with disabilities where the employee has custody or guardianship.

An employee can take the leave for the following reasons:

- Obtain a protective order or court order;
- Seek and obtain legal assistance;

- Search for and obtain safe shelter or housing;
- Seek medical treatment; or
- Seek or benefit from other types of related services.

Under the law, an employer must provide this leave to every employee who requests it. The employer also must keep this information confidential and ensure the employee's position is maintained while they are out on this leave.

- *Do I need to show proof of domestic violence?* An employer may ask an employee to provide documentation of the reason needed for the leave and the employee must provide this documentation within a reasonable amount of time (2 business days) unless it would be impracticable to do so.

There are several types of documentation an employee can provide including:

- Protection order or other court document;
 - Documentation on letterhead from the court, agency, or private or public service provider that has attended or assisted with the mistreatment against the employee or their family member;
 - A police report;
 - Documentation showing the perpetrator confessed or admitted to the crime;
 - Documentation of medical treatment received by employee or their family member related to the abuse;
 - Certification from a certified counselor, social worker, health professional, religious leader, director of a shelter, legal advocate, legal representative or other type of qualified professional who has treated or assisted the employee or their family member in relation to the abuse;
 - A sworn statement by another employee who has witnessed the abuse; or
 - Any other document that shows the employee was trying to make arrangements related to the abusive situation.
- **Time Off for Court:** In Puerto Rico (**29 P.R. Stat. Ann. 193**), employers are prohibited from deducting salary or vacation or sick leave from employees who appear in court as witnesses in a criminal case in response to a summons. Employees who serve as witnesses must provide their employers with a certificate that documents the length of their court appearance

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other local laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In Puerto Rico, (**29 P.R. Stat. Ann 704(b)(14)**) unemployment benefits cannot be denied to someone who has resigned from their employment due to "situations or incidents involving domestic violence in which access or regular attendance to work could constitute a risk to his/her own safety or that of members of the family unit." In this instance family unit constitutes one's spouse, parents or underage children.

- *Do I have to show proof of domestic violence?* Yes. Sufficient evidence can include, but is not limited to, a restraining order issued by the court; a police report of the incident of domestic violence; a report or certification from a bona fide organization that offers support services to victims of domestic violence; or a statement from a support professional, such as a counselor, shelter official, lawyer, religious representative or health professional. All such documents are required to be maintained confidentially.

Additionally, unemployment benefits cannot be denied to someone who has resigned from their employment due to the person being a victim or witness to a crime where, as a result, "access or regular attendance to the workplace constitutes a risk to the [person's] physical safety that requires a change or relocation of domicile."

SURVIVOR STATE EMPLOYMENT GUIDE

RHODE ISLAND

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

While Rhode Island does not include domestic violence or sexual assault in its general employment discrimination statute, under Rhode Island law (**R.I. Gen. Laws § 12-28-10**), an employer is prohibited from refusing to hire, discharge, or discriminate against an individual solely because the individual seeks or obtains a domestic abuse protective order or refuses to seek or obtain such an order.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Rhode Island has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Rhode Island law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** Under Rhode Island law (**R.I. Gen. Laws § 28-57-3**), employees have the right to earn sick and safe leave from work. Employers with 18 or more employees must provide paid sick and safe leave. Employers with 17 or fewer employees must provide earned sick and safe leave, but it does not need to be paid. Employees may use earned leave to deal with the impact of domestic violence, sexual assault, or stalking. In addition, employees may use earned leave to assist their child, spouse, domestic partner, or other member of their household for the same purposes. Employees may earn sick/safe leave based on their employer's policy, or, under the law, are entitled to earn at least one hour of sick/safe leave for every 35 hours worked. Time starts accruing on the first day of employment. Full-time employees may earn and use up to 40 hours per year and once the annual cap is reached, accrual stops, but employers may elect to offer more. Potential waiting periods to use earned leave are 90 days for new employees, 180 days for temporary employees, and 150 days for seasonal employees. If the reason for leave has been planned at least 24 hours in advance, the employee must provide notice. In emergencies, notice must be provided as soon as reasonably possible.

- *Do I have to show proof of domestic violence?* Employers cannot ask the reason for expending leave and are required by law to maintain employee confidentiality. Employers may not take adverse action against an employee for attempting to exercise their legal right to use earned sick/safe leave.
- **Time Off for Crime Victims:** Under Rhode Island law, (**R.I. Gen. Laws § 12-28-13**), every employer in the state with 50 or more employees must allow an employee who is a victim of a crime to leave work to attend court proceedings related to the crime. This time off may be unpaid. The employer may not dismiss or demote the employee who is a victim of a crime because the employee exercises the right to leave work pursuant to this law. The employee may elect to use, or the employer may require the employee to use, the employee's accrued paid vacation, personal leave, or sick leave.
 - *Do I have to show proof of domestic violence?* An employer may request a copy of notification of court proceedings.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Rhode Island law (**R.I. Gen. Laws § 28-44-17.1**), an individual is eligible for unemployment benefits if the individual voluntarily leaves work due to qualifying circumstances directly resulting from "domestic abuse." 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 within the qualified relationships. 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.

- *Do I have to show proof of domestic violence?* The Department of Labor 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.

SURVIVOR STATE EMPLOYMENT GUIDE

SOUTH CAROLINA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, South Carolina law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under South Carolina law (**S.C. Code Ann. § 16-3-1550**), employers of victims and witnesses must not retaliate against or suspend or reduce the wages and benefits of a victim or witness who lawfully responds to a subpoena.

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

REASONABLE ACCOMMODATIONS

At the time of publication, South Carolina has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, South Carolina does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking, or leave to participate in the justice system as a crime victim. However, under South Carolina law (**S.C. Code Ann. § 16-3-1550**), employers of victims and witnesses must not retaliate against or suspend or reduce the wages and benefits of a victim or witness who lawfully responds to a subpoena.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under South Carolina law (**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.

- *Do I have to show proof of domestic violence?* 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. Documentation or evidence of domestic abuse acquired by the department must be kept confidential unless consent for disclosure is given, in writing, by the individual.

SURVIVOR STATE EMPLOYMENT GUIDE

SOUTH DAKOTA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, South Dakota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, South Dakota has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, South Dakota law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault, or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under South Dakota law ([S.D. Codified Laws 61-6-9.1\(6\)](#)), an employee who quits their job is eligible for unemployment insurance benefits only if they can demonstrate "good cause". Leaving one's job because it is "necessary to protect the individual from domestic abuse" is considered good cause if:

- The employee reports the abusive situation to law enforcement within forty-eight hours of any occurrence and cooperates fully with law enforcement in any subsequent investigation and criminal charge relating to the abusive situation. Upon request by the department, the law enforcement agency shall complete and return to the department a certification form indicating whether the employee has complied with the requirements of this subdivision;
- The employee has left the abusive situation and remains separate from the situation; and
- The employee made "reasonable efforts" to preserve the employment before quitting.

If the individual returns to the "abusive situation" they become ineligible for unemployment insurance benefits.

SURVIVOR STATE EMPLOYMENT GUIDE

TENNESSEE

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Tennessee law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, employees of the state of Tennessee ([TN Code Ann. 4-4-122](#)) cannot be terminated, dismissed, demoted or be subjected to any other disciplinary action for taking lawful action to report and cooperate with the criminal justice system as a crime victim.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Tennessee has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Tennessee law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Tennessee has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

TEXAS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Texas law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Texas has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Texas law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Texas law ([Tex. Lab. Code §§ 204.022\(a\)\(11\)](#), [207.046\(a\)\(2\)](#)), an employee who left their job in order to protect their family or themselves from domestic violence, sexual assault and stalking is eligible for unemployment benefits.

- *Do I need to show proof of domestic violence?* Under Texas law, a survivor of domestic violence, sexual assault, or stalking who left their job in order to protect their family or themselves will need to show proof of the abuse that occurred that led to leaving the job. Acceptable forms of proof include a protective order, police report, or medical records detailing injuries from the abuse.

SURVIVOR STATE EMPLOYMENT GUIDE

UTAH

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Utah law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, it is illegal for an employer to deprive an employee of employment or threaten or otherwise coerce the employee regarding employment because the employee attends a deposition or hearing in response to a subpoena. ([Utah Stat. Ann § 78B-1-132](#))

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

REASONABLE ACCOMMODATIONS

At the time of publication, Utah has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Utah law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim. However, it is illegal for an employer to deprive an employee of employment or threaten or otherwise coerce the employee regarding employment because the employee attends a deposition or hearing in response to a subpoena. ([Utah Stat. Ann § 78B-1-132](#))

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Utah law does not explicitly provide that victims of domestic violence, sexual assault or stalking are eligible for unemployment insurance if they voluntarily separate from their employment as a result of the domestic violence, sexual assault or stalking. However, under Utah law ([Utah Stat. Ann. 35A-4-405\(1\)\(b\)](#)) a person may not be disqualified from unemployment benefits for voluntarily separating from their employment if they did so "under circumstances where it would be contrary to equity and good conscience to impose a disqualification." It may be possible for survivors of domestic violence, sexual assault or stalking who leave their employment to establish this exception to disqualification.

SURVIVOR STATE EMPLOYMENT GUIDE

VERMONT

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Vermont Fair Employment Practices Act ([21 V.S.A. § 495](#)), employers are prohibited from discriminating or retaliating against an employee because of the employee's status as a crime victim. To be covered an employee must be a crime victim, which is described in [21 V.S.A. § 495d\(15\)](#) as anyone who was granted relief from abuse, stalking, or sexual assault by a court order or a person who experiences emotional, financial, or physical harm, or death from the commission or attempted commission of a crime or delinquent act (which is the definition of crime victim in Vermont's criminal code [13 V.S.A. § 5301](#)) and is named as a crime victim in an affidavit filed by a law enforcement official.

Anti-discrimination protections extend to the crime victim's children (including foster and step children), parents, in-laws, spouse, or other dependent who lives with the victim. The anti-discrimination protection does not apply to any family member or dependent that is named as a defendant by the victim.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Vermont has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. Though, notably, under Vermont's unemployment insurance law, survivors are encouraged to seek reasonable accommodations prior to voluntarily separating from their employment (see below). However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Vermont Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** In Vermont ([21 V.S.A. § 482](#)), employees must accrue at least one hour of paid sick leave for every 52 hours worked up to 40 hours per year. Employers may impose a one-year waiting period for new employees to use accrued time but do not have to. Under Vermont law ([21 V.S.A. § 483](#)), employees may use this accrued sick leave to:

- Recover from illness or injury;
- Seek healthcare;
- Care for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child or take such family member to a healthcare appointment;
- Arrange for social or legal services or obtain medical care or counseling related to domestic violence, sexual assault, or stalking where the employee or the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child is a victim of domestic violence, sexual assault or stalking as defined in Vermont law (**15 V.S.A. § 1151**)

An employer may require advanced notice, if practicable, for the time off work but an employer cannot require the employee to find a replacement worker to cover their time off.

- **Time Off for Crime Victims:** In Vermont (**21 V.S.A § 472c**), an employee is entitled to take unpaid leave (up to 12 weeks) to attend a deposition or court proceeding related to:
 - A criminal proceeding in which the employee is a victim (as defined in **13 V.S.A. 5301**) and has a right or obligation to be present at the proceeding;
 - A hearing related to employee's petition for family abuse relief (as defined in **15 V.S.A. 1103**);
 - A hearing related to employee's petition for relief against sexual assault or stalking (as defined in **12 V.S.A. 5133**);
 - A hearing related to employee's petition for relief against abuse, neglect or exploitation of a vulnerable adult (as defined in **33 V.S.A. Chapter 69**)

An employee taking this leave may elect to use accrued sick leave, vacation leave, or other accrued paid leave concurrently.

The employer must continue all of the employee's benefits during their period of leave and the employee must be offered the same or comparable job at the same compensation level, benefits, seniority or other terms as the employee had when they began leave.

An employer cannot discharge or retaliate against an employee who takes leave as a crime victim (**21 V.S.A. § 473**) and cannot discharge or discipline an employee who is a listed crime victim or is the family member of a crime victim for honoring a subpoena to testify. (**13 V.S.A. § 5313**).

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Vermont's Domestic and Sexual Violence Survivors' Transitional Employment Program (**21 V.S.A. § 1253**), an individual can receive up to twenty-six weekly payments of unemployment insurance after quitting a job resulting from issues related to domestic, sexual violence, or stalking. To qualify the Commissioner of Labor must determine that a person quit their job due to one of the following:

- They reasonably fear that the violence will take place while commuting from work;
- They have plans to relocate to escape the violence;
- They reasonably believe that quitting their job is necessary for their safety or the safety of a member of their family, or
- They are emotionally or physically incapable of working due to the violence as certified in writing by a medical professional. The medical certification must be reviewed every six weeks and is renewable until the person returns to work or has reached the maximum allowable benefits.

To be eligible, a victim of domestic, sexual violence, or stalking must have tried other options before quitting their job including obtaining a protective order, moving to a safe location, or requesting a reasonable accommodation such as a new job location or assignment. A victim may be excused from this requirement if the victim can prove that taking these steps would not be beneficial, increase the likelihood of further abuse or violence, does not remedy the circumstances that created the need to quit their job.

- *Do I need to show proof of domestic violence, sexual assault, or stalking?* Yes, individuals must submit documentation of the abuse to the Labor Department. Acceptable documentation includes a sworn statement from the victim, official court or law enforcement records, or other documentation substantiating the violence from an attorney, legal professional, medical professional, or member of the clergy.

SURVIVOR TERRITORY EMPLOYMENT GUIDE

U.S. VIRGIN ISLANDS

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your jurisdiction. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

In the U.S. Virgin Islands ([V. I. Code Ann. 16-2-99c](#)), employers may not discharge, suspend, or discriminate against an employee who is a victim of domestic violence or sexual assault for taking time off work to seek medical treatment, take legal action, obtain mental health or social services or take any other measure calculated to ensure the safety and welfare of the employee or the employee's child. This also applies to a person who is the victim or witness of a crime that has been subpoenaed to appear in court.

Under the same law, employers also cannot discharge, suspend, or discriminate against an employee who receives an unwanted visit, unwanted telephone calls, harassing emails, packages or is stalked at the job site by a person who perpetrated an act of domestic violence in which the employee was involved as a victim. However, the employer may require an employee to seek a restraining order after the first incident on the job.

REASONABLE ACCOMMODATIONS

At the time of publication, the U.S. Virgin Islands has not enacted a law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

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

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other local laws or protections, or under federal protections available in the U.S. Virgin Islands such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

In the U.S. Virgin Islands ([V.I. Code Ann. tit. 24, Ch. 12 §304\(b\)\(12\)](#)), an individual may not be disqualified from benefits for separating from work because the individual is a victim of domestic violence. This applies to both the individual and the individual's immediate family. Under this law, "immediate family" includes the spouse or domestic partner of the individual, children, including 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.

- *Do I have to show proof of domestic violence?* Under U.S. Virgin Islands law, an individual must provide reasonable documentation or another kind of evidence of the domestic violence that reasonably proves the individual felt continued employment would threaten their safety or their immediate family member's safety.

SURVIVOR STATE EMPLOYMENT GUIDE

VIRGINIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Virginia law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under [Va. Code Ann. § 40.1-28.7:2](#), an employer cannot refuse to hire or employ, to bar or to discharge from employment, or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because the individual is a crime victim and leaves work to attend a criminal proceeding related to the crime.

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

REASONABLE ACCOMMODATIONS

At the time of publication, Virginia has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Virginia Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Time Off for Court:** Under Virginia law ([Va. Code Ann. § 18.2-465.1](#)), an employee who is summoned or subpoenaed to appear in court cannot be discharged from employment, nor have any adverse personnel action taken against them for missed work in order to respond to the summons/subpoena. The employee cannot be required to use sick leave or vacation time for the appearance. The employee must give notice.
- **Time Off for Crime Victims:** Under Virginia law ([Va. Code Ann. § 40.1-28.7:2](#)), every employer is required 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 leave does not have to be paid. The employer may limit the leave if it creates an undue hardship for the employer. However, an employer cannot refuse to hire or employ, to bar or to discharge from employment, or to discriminate against, an individual in compensation or other terms, conditions, or privileges of employment because the individual leaves work to attend a criminal proceeding.

- Additionally, under Virginia law (**Va. Code Ann. § 19.2-11.01(A)(3)(a)**), victims and witnesses shall be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

At the time of publication, Virginia has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.

SURVIVOR STATE EMPLOYMENT GUIDE

WASHINGTON

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

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

REASONABLE ACCOMMODATIONS

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

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

LEAVE/TIME OFF WORK

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

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

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

- *Do I have to show proof of domestic violence, sexual assault or stalking?* An employer may require verification. This verification can include, but is not limited to a document from law enforcement or the courts, such as a police report or restraining order, a letter or other document from an attorney, counselor, domestic violence or sexual assault victim service provider, health care professional, or clergy member. (**RCW 49.76.040**)
- **Paid Sick Days:** Under Washington law (**RCW §49.46.210**), employees must accrue at least one hour of paid sick leave for every 40 hours worked and the accrued leave can be taken for:
 - An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
 - To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and
 - When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.
 - Employees who are victims of domestic violence, sexual assault or stalking can use this accrued sick leave for missed work due to the reasons set forth in **RCW 49.76.030**.

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

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

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

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

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

SURVIVOR STATE EMPLOYMENT GUIDE

WEST VIRGINIA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, West Virginia law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, West Virginia has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, West Virginia law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking, or leave to participate in the justice system as a crime victim. However, West Virginia Law (**W. Va. Code § 61-11A-6(a)(8)**) encourages employers not to take adverse actions against victims for missing work to testify or provide that the victim may ask for assistance in explaining to an employer the need to attend court ("employer intercession services").

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

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

SURVIVOR STATE EMPLOYMENT GUIDE

WISCONSIN

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

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

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

REASONABLE ACCOMMODATIONS

At the time of publication, Wisconsin has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law, and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

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

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

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

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

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

SURVIVOR STATE EMPLOYMENT GUIDE

WYOMING

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Wyoming law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Wyoming law ([Wyo. Stat. Ann. §§ 1-40-209](#)) a crime victim or witness cannot be subjected to any changes in the terms of their employment for responding to a subpoena in the criminal matter by the prosecutor or defense attorney. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Wyoming has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

At the time of publication, Wyoming law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking, or leave to participate in the justice system as a crime victim. However, under Wyoming Law ([Wyo. Stat. Ann. §§ 1-40-209](#)), a victim or witness who responds to a subpoena from either the prosecution or defense in a criminal case during working hours shall not suffer any change in terms of employment solely because of the act of responding to a subpoena. Additionally, a victim or witness is able to request employer intercession services from law enforcement agencies, the prosecuting attorney, or defense attorney.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Wyoming Law ([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."