



State Law Guide

EMPLOYMENT RIGHTS FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE

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In recent years, several states have enacted laws that provide domestic violence victims (and in some states, victims of sexual assault and stalking) time off from work to address the violence in their lives and/or that protect victims from employment discrimination related to the violence. *The details of each state's laws vary significantly.* Some laws provide leave only for court appearances; others provide leave to obtain support services, medical or legal assistance, or safe housing as well. In most cases leave is unpaid. Some laws include separate general discrimination provisions; others only explicitly protect individuals from discrimination related to having requested leave. There are also some jurisdictions that have general employment discrimination protections separate from leave provisions. Some states that have not passed domestic violence leave laws have crime victim protection laws that prohibit an employer from firing crime victims who take time off from work to appear in criminal court.

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

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

STATE AND COUNTY LAWS

Domestic and Sexual Violence Employment Rights Laws

CALIFORNIA: [Cal. Lab. Code §§ 230 & 230.1.](#)

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

COLORADO: [Colo. Rev. Stat. § 24-34-402.7.](#)

Employers who employ 50 or more employees must permit an employee of twelve months or more who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes to take up to three days of leave to seek a restraining order; obtain medical care or counseling; locate safe housing or make her home secure; or seek legal assistance and prepare for or attend court-related proceedings. Prior to taking this leave, the employee must exhaust annual, vacation, personal leave, and sick leave, unless the employer waives this requirement. The employee shall provide appropriate advance notice “except in cases of imminent danger to the health or safety of the employee” and may be required to provide documentation. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

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

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

DISTRICT OF COLUMBIA: [A17-0324.](#)

The Accrued Sick and Safe Leave Act of 2008 provides employees with paid leave that may be used for an absence resulting from the medical condition of the employee or employee’s family member; for obtaining professional medical diagnosis or care for the employee or employee’s family member; where the employee or employee’s family member is the victim of domestic violence, sexual abuse, or stalking, and the absence is directly related to social or legal services pertaining to the violence, such as seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, temporarily or permanently relocating, taking legal action, or other actions to enhance the health or safety of the employee or family member. An employer with 100 or more employees is to provide one hour of paid leave for every 37 hours worked, not to exceed seven days per calendar year; an employer with 25-99 employees shall provide one hour of paid leave for every 43 hours worked, not to exceed five days per calendar year; and an employer with 24 or fewer employees shall provide one hour of paid leave for every 87 hours worked, not to exceed three hours per calendar year. There is a notice and certification requirement. **The act was signed on March 19, 2008, and pending Congressional review, will become effective in May 2008 and will apply six months from then.**

FLORIDA: [Fla. Stat. § 741.313.](#)

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

FLORIDA, Miami-Dade County: [Miami-Dade Cty., Fla. Code. § 11A-61](#) [*scroll down to Chapter 11A on the left-hand side, click the box to the left of the title to expand the menu, and click on Article VIII*].

This county law entitles domestic violence victims to up to 30 days of unpaid leave for medical or dental care, legal assistance, court appearances, counseling or supportive services, or any other arrangements needed because of domestic violence. This law includes leave to obtain orders of protection and for divorce, child custody and child support proceedings. The employee is required to exhaust all paid vacation and personal

leave prior to taking leave under this provision. The employer may request certification from a health care provider, attorney of record, counselor, law enforcement agency, clergy, or domestic violence service provider that “the employee is being subjected to domestic or repeat violence and needs time off” for one of the permitted reasons. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

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

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

ILLINOIS: [820 Ill. Comp. Stat. 180/1-180/45.](#)

Leave provisions

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

General discrimination / reasonable accommodation provisions

A covered employer may not fail to hire, fire, harass, otherwise discriminate, or retaliate against any individual because the individual is, or is perceived to be, a victim of domestic or sexual violence (defined as domestic violence, sexual assault, or stalking) or has a family or household member who is, or is perceived to be, a victim of domestic or sexual violence. Covered employers cannot take actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. The employer must make reasonable accommodations related to the violence – such as a changed telephone number, transfer, modified schedule, or time off – unless such accommodation would pose an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions, regardless of whether the request for the accommodation is granted. This law also provides that public

agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above.

Confidentiality / enforcement

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

KANSAS: K.S.A. §§ [44-1131](#) & [-1132](#).

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

MAINE: [26 Me. Rev. Stat. § 850](#).

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

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

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

NEW YORK, WESTCHESTER COUNTY: [Westchester County Code §§ 700.02, 700.03.](#)

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

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

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

OREGON: [Or. Rev. Stat. 659A. 270 -285.](#)

This law allows an employee who is a victim of domestic violence, sexual assault, or stalking, or is the parent or guardian of a minor child or dependent who is a victim, to take reasonable, unpaid time off from work to deal with the violence. To be covered by the law, an employee must work for more than 25 hours a week for at least 180 days before taking leave, and work for an employer with six or more employees during 20 or more work weeks a year. The leave can be used to seek legal or law enforcement assistance or remedies, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking; to seek medical treatment for or to recover from injuries; to obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional; to obtain services from a victim services provider; or to relocate or take steps to secure an existing home. The employer is required to keep the information confidential. The employer may require certification, which can take the form of: a copy of a police report; a copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding; documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

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

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

WASHINGTON: [H.B. 2602, Chapter 286, Laws of 2008](#) (60th Leg., 2008 Reg. Sess.), **to be codified at RCW 7.69.030 and RCW Title 49.**

Employees who are victims of domestic violence, sexual assault, or stalking may take “reasonable leave” from work, with or without pay, to: (1) seek legal or law enforcement assistance or remedies, including participating in any civil or criminal legal proceeding related to the violence; (2) seek treatment by a health care provider; (3) obtain services from a victim service provider; (4) obtain mental health counseling; or (5) participate in

safety planning, including relation or other actions. Verification of the reason for leave may be provided by: a police report; a court order; documentation that the employee or employee's family member sought assistance from a victim service provider; an attorney, member of the clergy, or medical or other professional; or the employee's written statement. An employee can seek to remedy violation of this law by filing an administration complaint or a civil action in court. The requirements of the law are required to be posted. **The law was effective as of April 1, 2008.**

Crime Victim Job Protection Laws

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

ALABAMA: [Ala. Code § 15-23-81](#) (allows victim to respond to subpoena to testify in criminal proceeding or participate in reasonable preparation for a criminal proceeding).

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

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

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

COLORADO: [Colo. Rev. Stat. § 24-4.1-303\(8\)](#) (allows victim to respond to a subpoena or participate in trial preparation).

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

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

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

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

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

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

IOWA: [Iowa Code § 915.23](#) (allows victim to serve as witness in criminal case or, **as amended in April 2008 by S.F. 2281, effective July 1, 2008**, as a plaintiff, defendant or witness in a civil proceeding pursuant to the law on domestic abuse; allows reasonable attorney's fees and court costs if an employee sues for violation of this law and prevails).

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

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

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

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

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

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

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

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

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. § 275.62](#) (entitles employees to leave work to attend court, legal, or investigative proceedings associated with the prosecution of the crime).

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

NORTH DAKOTA: [N.D. Cent. Code § 27-09.1-17](#) (makes it a misdemeanor offense for employers to penalize employees who serve as a witness or a juror, and provides a civil remedy for employees who are

wrongfully terminated for serving as a witness or juror, including up to six weeks of lost wages and attorney's fees).

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

PENNSYLVANIA: [18 Pa. Code § 4957](#) (allows employee to testify as witness or victim of a crime; such leave is unpaid).

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

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

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

UTAH: [Utah Code § 78-11-26](#) [*click open Utah Code; click open Title 78; click open Chapter 11 click open 78-11-26*] (allows employee to respond to a subpoena; creates a civil remedy to include up to six weeks of lost wages and reasonable attorney's fees for a violation).

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

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

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

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

WYOMING: [Wyo. Stat. Ann. §§ 1-40-209\(a\)-\(c\)](#) [*scroll down to 1-40-209*] (allows victim or witness to respond to a subpoena; allows employee to request employer intercession services from law enforcement agencies).

Additional states have laws that encourage employers not to take adverse actions against victims for missing work to testify or provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). These laws are suggestive, rather than mandatory.

COLORADO: [Colo. Rev. Stat. 24-4.1-302.5\(n\)](#)
FLORIDA: [Fla. Stat. Ann. § 960.001\(i\)](#)
ILLINOIS: [725 Ill. Comp. Stat. 120/5\(a\)\(2\)](#)
KENTUCKY: [Ky. Rev. Stat. Ann. § 421.500\(8\)](#)
LOUISIANA: [La. Rev. Stat. Ann. § 46:1844\(E\)](#)
NEBRASKA: [Neb. Rev. Stat. § 81-1848\(2\)\(h\)](#)
NEVADA: [Nev. Rev. Stat. § 178.5694\(1\)](#) [scroll down and click on § 178.5694(1)]
NEW JERSEY: [N.J. Stat. Ann. § 52:4B-44\(b\)\(13\)](#) [scroll down and click on “52:4b-44”]
NEW MEXICO: [N.M. Stat. Ann. § 31-26-4\(j\)](#) [click on New Mexico Statutes and Court Rules; click on Statutory Chapters in New Mexico Statutes; click on Chapter 31; click on Article 26; click on 31-26-4] & [N.M. Const. Art. II, Sec. 24\(A\)\(1\)](#) [scroll down and click on New Mexico Statutes and Court Rules; click on New Mexico Constitution; click on Art. II; click on sec. 24] (for victims of specific crimes only)
NORTH CAROLINA: [N.C. Gen. Stat. § 15A-825\(4\)](#)
NORTH DAKOTA: [N.D. Cent. Code § 12.1-34-02\(6\)](#)
OKLAHOMA: [19 Okla. Stat. § 215.33\(8\)](#)
RHODE ISLAND: [R.I. Gen. Laws § 12-28-3\(a\)\(7\)](#)
TEXAS: [Tex. Code Crim. Proc. Art. 56.02\(a\)\(10\)](#)
UTAH: [Utah Code Ann. § 77-37-3\(1\)\(g\)](#)
VIRGINIA: [Va. Code Ann. § 19.2-11.01\(A\)\(3\)\(a\)](#)
WASHINGTON: [Wash. Rev. Code § 7.69.030\(8\)](#)
WEST VIRGINIA: [W. Va. Code § 61-11A-6\(a\)\(8\)](#) [pick Chapter 61 from the drop down menu on the left; scroll down and click on part 11A; then scroll down to 61-11A-6]
WISCONSIN: [Wis. Stat. § 950.04\(1v\)\(bm\)](#) [enter 950.04 in the search box]

RECENT LEGISLATIVE PROPOSALS

The following legislation has been introduced in current or prior legislative sessions. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, you may contact Legal Momentum, the legislative information service at your state or local legislature, or consult your legislature’s web page.

Domestic and Sexual Violence Employment Rights Bills

FEDERAL: [H.R. 2395](#) (May 2007) & [S. 1136](#) (April 2007).

H.R. 2395, the Security and Financial Empowerment (SAFE) Act, would provide victims of domestic violence with up to 30 days emergency unpaid leave to obtain orders of protection; seek medical, legal, or counseling assistance; or find safe housing. It would also explicitly require that any victims who must leave the workplace as a result of domestic violence are eligible for unemployment insurance. The bill would require reasonable accommodations for violence-related needs and would protect actual or perceived victims of domestic violence from employment and insurance discrimination. For violations of this statute, a prevailing plaintiff will have access to reasonable expert witnesses and attorney’s fees. Since July 2007, H.R. 2395 has been in the House Committees on Education and Labor, Ways and Means, and Financial Services. **S. 1136**, the Survivors Empowerment and Economic Security (SEES) Act, provides similar protections. The Senate Committee on Health, Education, Labor and Pensions held a hearing on S. 1136 in April 2007. Since July 2007, it has been in the Senate Finance Committee. In 2005, a previous version of SAFE was introduced as H.R. 3185 and S.1796, but failed to pass. In 2001, a similar bill called the Victims Economic Security and Safety Act (VESSA) was introduced as H.R. 2670 and S.1249 but was not passed.

FEDERAL: [H.R. 4015](#) (October 2007).

H.R. 4015, the Job Protection for Survivors Act, is one of three bills (*see also* H.R. 4014 and 4016) introduced by Rep. Roybal-Allard in October 2007 to address employment issues faced by survivors of domestic, dating

and sexual violence and stalking. H.R. 4015 applies to workplaces with 15 or more employees, and protects employees from discrimination where (1) they are or are perceived to be victims of domestic, dating or sexual violence or stalking; (2) they take leave to attend, participate, or prepare for a criminal or civil court proceeding related to the violence; (3) they request a reasonable safety procedure or job-related modification; or (4) the workplace is disrupted or threatened by the abuser. Employees who are victims are also entitled to take 15 days of unpaid leave during any 12-month period to (1) obtain assistance from a victim service organization; (2) obtain psychological or other counseling; (3) participate in safety planning or relocation; or (4) to seek medical attention. A victim is also entitled to such leave as is necessary to attend or participate in any civil or criminal proceeding related to the violence. Notice and certification are required to take the leave.

CALIFORNIA: [A.B. 2716](#), 2007-08 Leg. Sess. (Ca. 2008).

This bill would require employers to provide their employees who work for seven or more days in a calendar year with 1 hour of paid leave for every 30 hours worked. The employee would be entitled to use this time for diagnosis or treatment of a health condition of the employee or employee's family member, or for leave related to domestic violence and sexual assault. A small business owner (with 10 or fewer employees) may limit the use of paid sick leave to 40 hours or five days in a calendar year, and all other employers may limit the use of leave to 72 hours or nine days per calendar year. Employers are prohibited from retaliating against employees who request paid sick time.

CALIFORNIA: [S.B. 1745](#), 2005-06 Leg. Sess. (Ca. 2006).

This bill was intended to complement California's existing law (discussed above), which prohibits discrimination against employees who take leave to address domestic violence. As introduced, the bill added status as a victim of domestic violence, sexual assault, or stalking to the list of groups protected by the California Fair Employment and Housing Act, Cal. Gov. Code § 12926. By the time the bill was passed by the Senate and Assembly in August 2006, it had been [amended](#) to eliminate any reference to housing and became a bill that would make it against the public policy of California for an employer to discriminate against a victim of domestic violence, sexual assault, and stalking. The bill was [vetoed](#) by the Governor on September 30, 2006.

CONNECTICUT: [S.B. 217](#), 2008 Leg. Sess. (Ct. 2008).

This bill would require employers with 25 or more employees to provide paid sick leave to its employees, accruing from the time of the person's employment at one hour of paid sick leave for every 40 hours worked. The bill would allow victims of family violence, sexual assault or stalking to use paid sick leave for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to such family violence, sexual assault or stalking; or to participate in any civil or criminal proceedings related to or resulting from such family violence, sexual assault or stalking. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation in the form of a court record, documentation signed by a victim services organization, an attorney, a police officer or other counselor. This bill was introduced in the previous session as [S.B. 601](#).

FLORIDA: [H.B. 489/S.B. 994](#), 110th Reg. Sess. (Fla. 2008).

These bills would amend Fla. Stat. § 741.313, described above, to require employers to allow employees to take up to three working days of leave per 12-month period if the employee or employee's family or household member is a victim of sexual violence. (The law already allows victims of domestic violence to take such leave).

FLORIDA: [H.B. 1141/S.B. 2574](#), 110th Reg. Sess. (Fla. 2008).

These bills would amend Fla. Stat. § 741.313, described above, to ensure that personal identifying information contained in records documenting an act of sexual violence that are submitted to an agency by an agency employee are to be confidential. (The law already affords confidentiality to such records documenting domestic violence).

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

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

ILLINOIS: [H.B. 3518](#) ([as amended](#)), 95th Leg. Sess. (Ill. 2007).

This bill would amend the Illinois Human Rights Act to add “order of protection status” (covering a person protected or previously protected under an order of protection issued under Illinois’ Domestic Violence Act) to the list of statuses protected from discrimination in employment, real estate transactions, access to financial credit, or the availability of public accommodations. The House Committee on Judiciary failed to vote the amended bill out in March 2007.

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

This bill provides that an individual may take unpaid leave from employment to file a petition for an order for protection or, after receiving notice of a hearing, to attend the hearing. The employer may require the individual to furnish proof from the court or the clerk of the court that the individual was absent from employment to obtain an order of protection. An employer that dismisses an employee, deprives the employee of employment benefits, or threatens a dismissal or deprivation of benefits because the employee filed a petition for an order for protection, received notification of the hearing on the petition, or attended the hearing commits a Class B misdemeanor. The bill died in committee. A similar bill was previously introduced in 2006 as [H.B. 1200](#), and died in committee.

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

This bill would amend Kan. Stat. Ann. § 44-1132, described above, to change the notice provision concerning unscheduled absences by an employee who is a victim of domestic violence or sexual assault. The victim would be required to provide certification to the employer within seven days, instead of 48 hours in the current law, after the beginning of the unscheduled absence. The bill would also allow the Department of Labor to issue regulations to enforce the law’s protections. The bill would also amend § 44-1132 to prohibit employers from discriminating against an employee who is a victim of physical violence (including domestic battery), where the offense is motivated entirely or in part by the victim’s actual or perceived race, color, religion, ethnicity, or national origin from taking time off from work for the same reasons as victims of domestic violence and sexual assault. The bill was passed by the Senate in February 2008.

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

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

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

This bill would have provided that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with over 50 employees—or by a state or local government or school district—may take up to six weeks unpaid leave

during any 12-month period to address the violence. It also would have prohibited employers from discriminating against victims or taking actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. This bill also provided that public agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above. The bill died in committee.

MASSACHUSETTS: [S.B. 2528](#), 185th Gen. Court, 2007-08 Reg. Sess. (Mass. 2008).

This bill is a new draft of [S.B. 1057](#), introduced in 2007. The bill permits an employee who is, or has a family member who is, a victim of domestic violence, sexual assault, or stalking to take up to 15 days of paid or unpaid leave from work in a 12-month period to seek or obtain a court order of protection, medical attention, counseling, victim services, legal assistance, secure housing, or to appear in court as a witness, attend child custody proceedings, or consult with a district attorney or other law enforcement official, or other issues directly related to the violence. The law applies to businesses with 50 or more employees. Employers can require employees to provide certification of the violence; this requirement can be satisfied by providing a restraining order or other court relief; a police record; documentation that the perpetrator has been convicted of the violence; medical documentation; the statement of a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocated or other professional; or a sworn statement from the employee. The employer would be required to keep all information related to the leave confidential. A similar bill was introduced in 2006 as [S.B. 2338](#) (later amended and substituted by [S.B. 2684](#)).

MASSACHUSETTS: [H.B. 1803](#), 185th Gen. Court, 2007-08 Reg. Sess. (Mass. 2007).

This bill provides employees with seven paid sick days in a 12-month period, which can be used to care for the employee's family member, the employee's own medical condition, to attend a routine medical appointment, or for the employee to address the psychological, physical or legal effects of domestic violence. Paid sick days accrue at the rate of one hour for every 30 hours worked up to a maximum of seven sick days. An employer may require certification of the condition when a paid sick day period covers more than three consecutive workdays.

MINNESOTA: [S.F. 1324](#) & [H.F. 1334](#), 85th Leg. Sess. (Minn. 2007).

These bills would require employers with ten or more employees to provide a minimum of one hour of paid sick leave for every 40 hours worked by an employee, up to 52 hours of sick leave a year. Small employers (those who employ less than ten persons) shall provide a minimum of one hour of paid sick leave for every 80 hours worked by an employee, up to 26 hours of sick leave per year. The sick leave accrues at the commencement of employment and can be used beginning on the 90th day following commencement of employment. Paid sick leave may be used by victims of domestic violence to seek medical attention for themselves or a family member; to obtain services from a victim services provider; to obtain counseling; or to seek relocation. For leave of more than three consecutive days, the employer may request documentation, including a court record or a statement signed by a victim services provider, attorney, police officer, or other anti-violence counselor. The employer may not retaliate or discriminate against an employee for requesting or taking paid sick leave. Various provisions for enforcement include a civil action. The bills died in the House and Senate. A similar bill from the 2005 session, [S.F. 1438](#)/[H.F. 443](#), was passed by the Senate but died in the House.

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

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

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

This bill, which would create the Security and Financial Empowerment Act, would permit an employee to take 20 days of leave in any 12-month period to engage in activities related to an incident of domestic or sexual violence of which the employee or employee’s family or household member has been a victim. The leave may be used for: seeking medical attention, obtaining services from a victim services organization, obtaining psychological or other counseling, participating in safety planning or relocation, seeking legal assistance (including preparing for or participating in a civil or criminal legal proceeding), or attending or participating in a criminal or civil court proceeding. The employee must give written notice of the need for leave and upon the employer’s request provide documentation of the violence, in the form of: a restraining order or other evidence of equitable relief issued by a court; a letter or other written documentation from a prosecutor; documentation of the conviction of the perpetrator of the violence; medical documentation; certification from a certified domestic violence specialist or other designated victim service provider; or other documentation from a social worker, member of the clergy, shelter worker or other professional. Employers are required to post notice of employees’ rights under the law. Similar versions of this bill were introduced in previous sessions, [A.B. 434](#) and [S.B. 1194](#) in 2006, and [A.B. 3837](#) and [S.B. 2364](#), in 2005.

NEW YORK STATE: [A.1222A](#) & [S.3052](#) (anti-discrimination); [A.5367/S.4178](#) (leave), 229th Leg. Sess. (N.Y. 2007-08).

A.1222A and S.3052, which contain different definitions of “domestic violence,” would prohibit employers from discriminating against actual or perceived victims of domestic violence and stalking in hiring, firing, compensation, terms, conditions, or privileges of employment. **A.5367/S.4178** would permit victims of domestic violence, sexual offenses, and stalking to take an unpaid leave of absence from employment for up to 90 days in a 12-month period to address ongoing effects of domestic violence, such as seeking medical attention, attending counseling, seeking legal assistance, seeking support services, or for safety planning. The individual could be required to submit certification of the violence, such as the individual’s sworn statement, evidence from a professional who assisted the individual, a court proceeding, medical records, or other corroborating evidence. The Assembly passed A.1222, and the Senate passed S.3052, but they were unable to reconcile the differences in the bills in 2007. A.5367/S. 4178 died in committee in 2007. In the 2006 session, the Senate passed a version of the anti-discrimination bill (S.2271B), while the Assembly failed to do so (A.4611C); and the leave bill (A.4776/S.3761) died in committee in both houses.

OKLAHOMA: [H.B. 3063](#) & [S.B. 2087](#), 51st Leg., 2d Reg. Sess. (Okla. 2008).

These bills, which are slightly different, would create the Victims Economic Security and Safety Act. Both bills would prohibit employers from discrimination against actual or perceived victims of domestic and sexual violence, because an employee attended or prepared for a criminal or civil court proceeding related to the violence, because an employee request a job accommodation, or because the workplace is disrupted or threatened by the abuser. H.B. 3063 would also prohibit discrimination against pregnant women.

H.B. 3063 would require employers with at least 100 employees to allow an employee who is a victim of domestic or sexual violence or is a pregnant woman to take three weeks of unpaid leave during any 12-month period. The leave maybe used to: seek medical attention; obtaining services from a victim services organization; obtain psychological or other counseling; participate in safety planning, including relocation; seek legal assistance, including preparing for or participating in a criminal or civil legal proceeding; or for a pregnant woman, seeking medical attention for the pregnancy. The employee must provide 48 hours advance notice of the intent to take the leave, unless doing so would endanger the employee. If the absence is

unscheduled, the employer may not take any action against the employee if the employee provides certification within three days after the absence. The employer may request certification in the form of a police or court record; a victim's protective order; documentation from a victim services organization, an attorney, a member of the clergy, or a medical or other professional, or for a pregnant woman, documentation of the pregnancy. **S.B. 2087** would allow an employee to take unpaid leave for a "reasonable period of time," which depends on the size of the employer, if the employee or the employee's family or household member is a victim of domestic abuse, sexual assault or stalking. "Reasonable period" of leave means up to 30 days per calendar year if the employer has 50 or more employees, and five days per calendar year if the employer has less than five employees. The leave may only be used to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, or take legal action. If non-medical leave exceeds five days, the employer may require certification in the form of: a signed written statement from a victim services organization, attorney, advocate, medical or other professional; a police or court record; or other corroborating evidence. Similar bills were introduced as [S.B. 459](#) and [H.B. 1866](#) in 2007, [H.B. 1226](#) in 2006, and H.B. 1699 and S.B. 935 in 2005.

PENNSYLVANIA: [H.B. 1155](#), 190th Gen. Assemb. (Pa. 2007).

This bill would provide employees with paid sick leave, which can be used to address the medical condition of the employee or employee's family member, as well as for absences due to domestic violence. A domestic violence victim may use paid sick leave if it is used to seek medical attention for the employee or employee's family member; obtain services from a victim services organization; obtain psychological or other counseling; relocate; or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to the violence. For leave of more than three consecutive days, the employer may require documentation, which can be a court record or documentation signed by a victim services organization, an attorney, police officer or other antiviolence counselor.

PENNSYLVANIA: [H.B. 89](#) & [S.B. 441](#), 190th Gen. Assemb. (Pa. 2007).

These bills would create the Victims of Domestic Violence Employment Leave Act. They would require employers with more than 50 employees (including state agencies) to provide up to 30 days of unpaid leave during any 12-month period for any employee who has been employed for at least 12 months and with 1250 hours of service. The Senate bill would allow the leave to be used to secure medical treatment, to attend legal proceedings, or to relocate. The House bill also would allow employees to use the leave to obtain counseling or advocacy services, or to assist their minor child who is the victim of domestic violence for any of those reasons. An employer can require the employee to provide certification of the domestic violence and the need for leave. The Senate bill would allow the employee to satisfy this requirement by showing: a police report, a court order, or documentation from a medical professional or counselor. The House bill would also allow a signed statement from a medical professional, therapist, clergy member, counselor or advocate indicating that the employee or minor child is undergoing counseling for injuries resulting from domestic violence; a signed statement from a victim and witness advocate or court personnel affirming that the employee or their minor child is involved in legal proceedings related to domestic violence; or a signed statement from a police officer, victim advocate or other court personnel, medical professional therapist, clergy member, counselor or domestic violence advocate that the employee or their minor child has safety concerns that warrant absence from work. An employee who has paid or unpaid leave, such as family, medical, sick, or vacation leave, may choose to substitute a period of such leave for the 30 days of unpaid leave. Both bills failed to be passed. These bills are similar to two bills from the 2005 session, [H.B. 24](#) and [S.B. 424](#), which were not passed; and H.B. 375 and S.B. 235, which were introduced in 2003 (H.B. 375 was passed by the House in 2004).

TENNESSEE: [H.B. 713](#), [H.B. 315](#) & [H.B. 385](#), 102d Gen. Assemb. (Tenn. 2001).

H.B. 713 would have permitted an employee to be absent for up to four months to address domestic violence if it is impacting the employee's ability to perform the functions of her position or to care for a child or parent of the employee who is addressing domestic violence. **H.B. 315**, which would have also covered victims of sexual assault or stalking, would have permitted employees to take "reasonable and necessary leave

from work” for court proceedings, medical treatment, or support services, unless such leave were “impractical, unreasonable or unnecessary” based on the facts made known to the employer. **H.B. 385** would have prohibited employers from failing to hire, discharging, or discriminating against any individual the individual was a victim, requested a reasonable accommodation, or because the workplace was disrupted by the perpetrator of violence against the victim.

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

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

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

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

VERMONT: [S. 357](#), 2007-08 Leg. Sess. (Vt. 2008).

This bill would amend several provisions of the law concerning domestic violence. It would also create the Vermont Council on Domestic Violence and require the Council to study the issue of employment discrimination against victims of domestic violence and suggest model workplace protections and policies.

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

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

Crime Victim Job Protection Bills

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

H.R. 5845, the Crime Victim Employment Leave Act, would amend the Family and Medical Leave Act to allow victims of violent crime and domestic violence leave to attend court proceedings related to the prosecution of a person for the crime against the employee or employee’s family member. Where the court

proceedings are foreseeable the employee must give the employer 14 days' notice of the absence, or if the proceedings require leave to begin in less than 14 days, such notice as is practicable. An employer may require certification issued by a court or prosecutor relating to the court proceeding for which leave is taken.

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

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

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

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

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

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

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

KENTUCKY: [H.B. 69](#), 2005 Reg. Sess. (Ky. 2005) (would prohibit employers of victims or witnesses from retaliating against or discharging the victims or witnesses based on absence related to investigation or cooperation in the prosecution of the case). This legislation died in committee in 2005.

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

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

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

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

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

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

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