

Blog Post

New Paid Leave Laws Extend to Domestic Violence

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A new breadth of employee laws are sweeping the nation, and this time they are directed at providing employees paid leave to take care of themselves or a loved one in a domestic violence situation.

The United States has a very serious domestic violence problem. On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men.

To help combat these horrifying statistics, laws have been, and are continuing to be, enacted all over the country to grant domestic violence and sexual assault victims leave to recover, take steps to escape the situation, or seek legal remedies. Previously most of these state laws only permitted employees to take unpaid leave. However, increasingly, the new wave of paid sick leave laws are being amended to include paid safe leave. In addition, states that do not already have paid sick leave are starting to pass paid sick and safe leave as a joint measure.

A case in point: the NYC Paid Safe and Sick Leave Law took effect last month. NYC made headlines when it became one of the first major cities on the east coast to permit employees to take up to 40 hours a year of paid sick leave. NYC now permits these hours to be used for paid safe leave as well. Under the NYC law, employees are permitted to use this

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time to seek legal and social services assistance or take other safety measures if the employee or a family member may be the victim of any act of domestic violence or unwanted sexual contact, stalking, or human trafficking.

The Governor of New Jersey joined New York City by signing the New Jersey Paid Sick Leave Act last month. The bill is scheduled to become effective on October 29, 2018. Like the New York City law, the New Jersey paid sick leave permits employees to take time as a result of their, or a family member's, status as a victim of domestic or sexual violence. Before the statewide bill was enacted, there were 13 local paid sick leave ordinances throughout New Jersey.

Similarly, in July 1, 2018, the Rhode Island Healthy and Safe Families and Workplaces Act goes into effect. The Act permits employees to take paid leave for a purpose related to domestic violence, sexual assault, or stalking that impacts an employee or covered relation.

These states join Maryland, Arizona, California, Connecticut, Massachusetts, Oregon, Vermont, and Washington, which have previously enacted similar bills, bringing the total number of states with these paid safe leave laws up to 10. In addition, many cities around the country are enacting similar laws, as well as Washington D.C. We expect these numbers to keep rising, at the state and municipality level.

While these laws all generally seek to protect employees from domestic violence situations, they vary widely in applicability. Some laws, like the New Jersey Act, apply to all employers, regardless of their number of employees, while most other laws contain a minimum threshold number of employees for applicability. In addition, most states place strict limitations on the type of verifications employers can request from employees to protect the victim's privacy. While some states permit a sworn statement from the employees, others prohibit documentation.

Please note that while many states still have unpaid domestic violence laws on their books, such as Florida, Illinois and Colorado, we do not expect these states to provide paid domestic violence leave unless their state legislatures are considering enacting paid sick leave laws. States will generally not enact a paid safe leave law unless the state already provides paid sick leave to its employees.

It is important for employers to keep abreast of these changes, and update employee leave and confidentiality policies as necessary, especially if you have employees in one of these jurisdictions.

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