SURVIVORS OF VIOLENCE AND FAMILY MEMBERS OF VICTIMS RIGHT TO LEAVE AND ACCOMMODATIONS

NOTICE

Civil Rights Department
STATE OF CALIFORNIA

Note: Employers must provide this information to workers when hired, annually, upon request, and to any worker who informs the employer that they are a victim of violence or the family member of a victim of violence. Victims of violence include victims of domestic violence, sexual assault, stalking, violent threats, acts involving the use or presence of a dangerous weapon, or any violence causing injury.

YOUR RIGHT TO TAKE TIME OFF

- You have the right to take time off work for jury service or to appear in court as a witness to comply with a subpoena or court order. All employees have this right, no matter the size of the employer.
- If you are a victim of violence, you have the right to take time off work to get relief (like a restraining order) to protect you or your child's health, safety, or welfare. All employees have this right, no matter the size of the employer.
- If you are a victim of violence or the family member of a victim of violence, and your employer has 25 or more workers, you have the right to take time off work for any of the following reasons:
  - To take part in safety planning or other actions to help keep you or your family member safe from future violence
  - To prepare for, participate in, or attend civil, administrative, or criminal legal proceedings, such as a court hearing, related to the violence
  - To seek, get, or provide childcare or care to a dependent adult if the care is necessary to keep the child or adult safe after an act of violence
  - To care for a family member recovering from injuries caused by violence
  - To get, or help a family member get, the following services relating to the violence: civil or criminal legal services; a restraining order or other relief; medical attention for injuries; services from a domestic violence shelter or program, rape crisis center, or victim services organization or agency; psychological counseling; mental health services; or housing, including relocating, securing temporary or permanent housing, and enrolling children in a new school or childcare
- If you are a victim of violence or the family member of a deceased victim of violence, you can take up to 12 weeks off work for any of these reasons. If you are the family member of a living victim of violence but are not yourself a victim, you may take up to 10 days off work for these reasons, with the exception of relocation, for which you can take up to five days.
- You may use available vacation, paid time off, personal leave, or paid sick leave to take time off for any of the reasons described in this notice.
- You must give your employer advance notice before taking time off, unless it is not possible. If you do not give advance notice, your employer cannot discipline you if you provide documentation to the employer within a reasonable time supporting the reason for your absence.

YOUR RIGHT TO CONFIDENTIALITY

- If you are a victim or the family member of a victim, your employer must keep information about your request for time off or reasonable accommodation confidential unless federal or state law requires disclosure, or disclosure is necessary to protect your safety at work. If your employer plans to disclose information about you or your circumstances, your employer must tell you in advance.

SURVIVORS OF VIOLENCE AND FAMILY MEMBERS OF VICTIMS RIGHT TO LEAVE AND ACCOMMODATIONS

NOTICE

Civil Rights Department
STATE OF CALIFORNIA

YOUR RIGHT TO REASONABLE ACCOMMODATION FOR YOUR SAFETY

- If you or your family member is a victim of violence, you have the right to ask for a reasonable accommodation to make sure you are safe at work. Your employer must work with you to see what changes can be made.
- Your employer can ask you for a statement certifying that your request is related to being a victim or the family member of a victim.

YOUR RIGHT TO BE FREE FROM RETALIATION AND DISCRIMINATION

Your employer cannot discipline you, treat you differently, or fire you because:

- You are a survivor or the family member of a victim or survivor of domestic violence, sexual assault, stalking, violent threats, or violence causing injury.
- You asked for time off work to recover from or get help related to the violence.
- You asked for accommodations to make sure you are safe at work.

YOU MAY ALSO HAVE PROTECTIONS UNDER OTHER LAWS:

- **Wage Replacement:** You may be eligible for wage replacement if you are unable to work because of your health or because you need to care for a family member with a serious health condition. **State Disability Insurance (SDI)** provides short-term wage replacement when you are temporarily disabled from working. **Paid Family Leave (PFL)** provides short-term wage replacement so you can care for a seriously ill family member, among other reasons. Learn more or file a claim for wage replacement by contacting the Employment Development Department (EDD) online (https://edd.ca.gov/) or by phone at 800-480-3287 (for SDI) or 877-238-4373 (for PFL).
- **Family and medical leave:** Under the California Family Rights Act, you may have the right to take time off work for your own or a family member's serious health condition or because of the birth, adoption, or foster care placement of a child. Learn more about family and medical leave by visiting bit.ly/CRD-leave. You can file a complaint with CRD if you believe your rights have been violated.
- **Bereavement leave:** Bereavement leave allows eligible employees to take up to five days off work within three months of the family member's death. Leave does not need to be taken all at once. Learn more about bereavement leave protections by visiting bit.ly/CRD-Bereavement. You can file a complaint with CRD if you believe your rights have been violated.
- **Leave to attend court for certain crimes:** If you are a victim of certain crimes or the family member of a victim of certain crimes, you have the right to take time off work to attend related court proceedings under Labor Code sections 230.2 and 230.5. You can learn more information or file a complaint with the Labor Commissioner's Office within the Department of Industrial Relations by visiting bit.ly/DIR-Retaliation.

TO FILE A COMPLAINT

Contact the Civil Rights Department if you have questions about your rights or to file a complaint:

Civil Rights Department

Online at http://ccrs.calcivilrights.ca.gov/s/
By mail at 651 Bannon Street, Suite 200, Sacramento, CA 95811
By calling 800-884-1684 (voice), 800-700-2320 (TTY), or California's Relay Service at 711

SURVIVORS OF VIOLENCE AND FAMILY MEMBERS OF VICTIMS RIGHT TO LEAVE AND ACCOMMODATIONS

FAQ

The Civil Rights Department (CRD) enforces California laws that protect people from discrimination, harassment, and other civil rights violations. Beginning January 1, 2025, the Fair Employment and Housing Act provides workplace protections for survivors of qualifying acts of violence, as well as people with a family member who has survived a qualifying act of violence. Protections include the right to get reasonable accommodations for the worker or their family's safety. For people who work for an employer with 25 or more employees, protections also include the right to take time off work for certain activities related to the violence. Below are answers to frequently asked questions about these protections.

GENERAL QUESTIONS

1 | What is a qualifying act of violence?

Qualifying act of violence means:

- Domestic violence
- Sexual assault
- Stalking
- Acts, conduct, or a pattern of conduct involving injury or death
- Acts, conduct, or a pattern of conduct involving a firearm (gun) or other dangerous weapon
- Acts, conduct, or a pattern of conduct involving threats of injury or death

It does not matter if anyone has been arrested for, prosecuted for, or convicted of the qualifying act of violence.

2 | Which family member(s) must experience a qualifying act of violence for me to have these protections?

Employees may request leave or accommodations when their child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or designated person experiences a qualifying act of violence. A designated person can be someone related by blood, such as an aunt or uncle, or someone who is the equivalent to a family member, such as a best friend. Employers may limit employees to taking leave for one designated person in a 12-month period.

3 | Can my employer discriminate or retaliate against me or my family member for being a victim of a qualifying act of violence?

No. An employer cannot fire, discriminate against, or retaliate against an employee because they are, or their family member is, a victim of a qualifying act of violence.

TAKING TIME OFF WORK

4 | I need to take time off work because I am the victim of a qualifying act of violence, or my family is the victim of a qualifying act of violence. What are my rights?

All employees who experience a qualifying act of violence are allowed to take time off work to get a restraining order or other relief to ensure their or their child's health, safety, or welfare.

Employees who work for an employer with 25 or more employees and who experience a qualifying act of violence are allowed to take leave to participate in activities for their health and safety, including seeking supportive or health services, participating in civil or criminal proceedings, moving, or caring for family injured because of a qualifying act of violence. This is also true for employees whose family member experiences a qualifying act of violence.

5 | How much time can I take off work after experiencing a qualifying act of violence?

Employees who experience a qualifying act of violence are allowed to take up to 12 weeks off work for activities protected by law. An employee whose family member dies as a result of a qualifying act of violence is also allowed to take up to 12 weeks off for these activities.

An employee whose family member survived a qualifying act of violence is entitled to up to 10 days off work for activities protected by law. Up to five days may be used to help a family member relocate, which includes searching for housing or enrolling children in a new school or childcare.

6 | Can I use vacation, sick time, or other forms of leave to take time off work after experiencing a qualifying act of violence?

Employees may use available vacation, paid time off, personal leave, or paid sick leave to take time off for any of the reasons described in this FAQ. If an employee is also eligible for leave under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), their time off resulting from a qualifying act of violence runs at the same time. That means employees are not entitled to back-to-back leave. If they use FMLA or CFRA to take time off for any of the reasons described in this FAQ, it may reduce or prevent their ability to use FMLA or CFRA for other reasons (such as after the birth of a child).

7 | How much notice do I have to give my employer before taking time off work after experiencing a qualifying act of violence?

Employees must give reasonable advance notice before taking leave unless advance notice is not possible.

8 | What if I have an unexcused absence from work after experiencing a qualifying act of violence?

An employer cannot discipline or take action against the employee for an unexcused absence if the employee, within a reasonable time, provides information (called certification) that the act of violence occurred if the employer asks for it. Certification can include:

- Police reports
- Court records or other proof of a court appearance
- Documentation from a supportive service provider

- A statement signed by the employee or someone acting on their behalf
- Other documentation verifying that a qualifying act of violence happened

Your employer is required to keep leave requests and documentation related to experiencing a qualifying act of violence confidential. The only exceptions are when federal or state law requires disclosure — for example in response to a valid court order or subpoena — or when disclosure is necessary to protect an employee's safety at work, such as calling the police to report an immediate danger. Employers must notify employees before disclosing their or their family member's information.

SAFETY-RELATED REASONABLE ACCOMMODATIONS

9 | What can I do to feel safe at work after experiencing a qualifying act of violence?

Employees who experience a qualifying act of violence, or whose family member experiences a qualifying act of violence, may request changes to their workplace (called reasonable accommodations) to ensure their safety at work. Examples of accommodations include:

- Transfer, reassignment, or a modified schedule
- Changing your work telephone number
- Permission to carry a telephone at work
- Changing your workstation
- Installing a lock
- Assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace
- Implementing safety procedures
- Adjusting job structure, workplace facility, or work requirement
- Referral to a victim assistance organization

Employers may ask for certification (see question 8) to prove the accommodation request is related to a qualifying act of violence.

10 | Does an employer have to grant my specific accommodation request?

It depends. Employers must work with employees to brainstorm which accommodation is appropriate under the circumstances. This is called the interactive process and is a requirement under the law. When deciding whether to grant an accommodation request under this law, the employer must consider any immediate danger facing the employee or their family member.

Employers may also consider whether a requested accommodation creates an undue hardship (significant time and/or expense) for the employer or would make the workplace unsafe for other employees. If that is the case, the employer does not have to grant the request. But the employer must work with the employee to identify alternative accommodations that still meet the employee's safety-related needs without placing an undue hardship on the employer.

11 | Can I ask for more than one reasonable accommodation for my safety?

There are no limits on the type or number of accommodations an employee may request. If circumstances change and you need a new or different accommodation, let your employer know. Your employer must engage in a brainstorm with the employee (called the interactive process), considering the factors described in question 10.

CIVIL RIGHTS COMPLAINTS

12 | What if an employer violates the law that protects victims (and the family members of victims) of qualifying acts of violence?

If your request for leave or accommodations is denied, or you are treated negatively because you or your family member experienced a qualifying act of violence, you may file a complaint with the Civil Rights Department within three years of the employer's actions.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320

California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit www.calcivilrights.ca.gov/posters/employment

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.