

What Employers in New York State Need to Know about Domestic Violence and their Legal Responsibility¹

■ **You cannot punish an employee who is a victim of domestic violence for taking time off to go to court.** It is illegal to punish or fire an employee who is a victim of a crime for taking time off to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection. You do not need to pay an employee for the time that she is absent and you can ask her to provide documentation that she was in fact in court.

■ **It may be illegal to discriminate against or fire an employee because she is a victim of domestic violence.** Discrimination against a victim of domestic violence may violate sex discrimination laws such as Title VII and the New York State Human Rights Law. Sometimes abusers harass their victims at work, either by telephone or in person. Although it is unfortunate that this may disrupt your workplace, it may be illegal to punish or fire a victim because of the acts of her abuser. Remember, she does not have control over the acts of her abuser.

■ **If an employee quits or leaves her job because of the violence, that should not bar her from receiving unemployment insurance benefits.** Under the law, circumstances related to domestic violence may be “good cause” for voluntarily quitting a job. Also, judges have held that “misconduct” related to the violence (such as absenteeism or tardiness) may not bar benefits. →

■ **Other laws may also give victims important employment rights.** These include sex discrimination laws; disabilities laws; the Family and Medical Leave Act; workers' compensation law; the Occupational Safety and Health Act; and common-law claims based on negligent hiring or retention.

HOTLINES

New York State Coalition
Against Domestic Violence
1-800-942-6906, www.nyscadv.org
En español 1-800-942-6908

New York State Office for the
Prevention of Domestic Violence
518-457-5800
www.opdv.state.ny.us

Employment Rights for
Survivors of Abuse (ERSA)
212-925-6635
www.legalmomentum.org
*A national project providing free
employment-related legal services.*

FOOTNOTE

1. This insert only addresses New York State and federal laws. Relevant laws include: New York State Penal Law § 215.14; New York State Labor Law § 593(1)(a); 42 U.S.C. § 2000e et seq. (2003) ("Title VII"); and New York State Executive Law, art. 15. *New York City law provides additional protections for employees who are victims of domestic violence, sex offenses, or stalking.* These laws may apply to male as well as female victims, and to victims in both heterosexual and same-sex relationships. For convenience, this summary refers to victims as female.

The Small Business Initiative is a project of the Safe@Work Coalition, created in 2000 by employers, unions, domestic violence advocacy groups, and government organizations to address workplace and domestic violence issues. This card is part of a brochure. To receive a brochure or for more resources, go to: www.safeatworkcoalition.org

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