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.