



**2024 COMPLIANCE
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Safe Leave Laws- What You Need to Know

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These are educational materials only. Employers should consult their own counsel for obligations for state-mandated leave and disability programs.

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Agenda

- Safe Leave definition
- Eligibility and Qualified Relationships
- Covered Reasons
- Supporting Documents
- Unpaid State Laws
- Coordination with Federal and State Leaves
- State Paid Leaves
- Employee and Management Awareness
- Internal Programs

What is Safe Leave?



Time away from work to seek help when impacted by domestic or sexual violence, stalking and/or the individual is a victim of a crime.

Unpaid State Protections

Applies to employees or their family members

Crime Victim Leave

To care for physical or nonphysical health condition(s) that resulted from a crime.

Domestic Violence

To care for physical or nonphysical health condition(s) that resulted from a family offense.

Bias Crime

For reasons related to a crime where the motivation was based on bias in relation to another person's race, color, disability, religion, nationality, sexual orientation, or gender identity.

Anti-discrimination

Protect people who are victims of domestic and sexual violence or other crimes from discrimination at work

May differ between state or jurisdiction



Poll Question 1

Do you have a Safe program in place for domestic violence and crime victims?

Did You Know?

10 million people
experience domestic violence
every year in the U.S. every year.

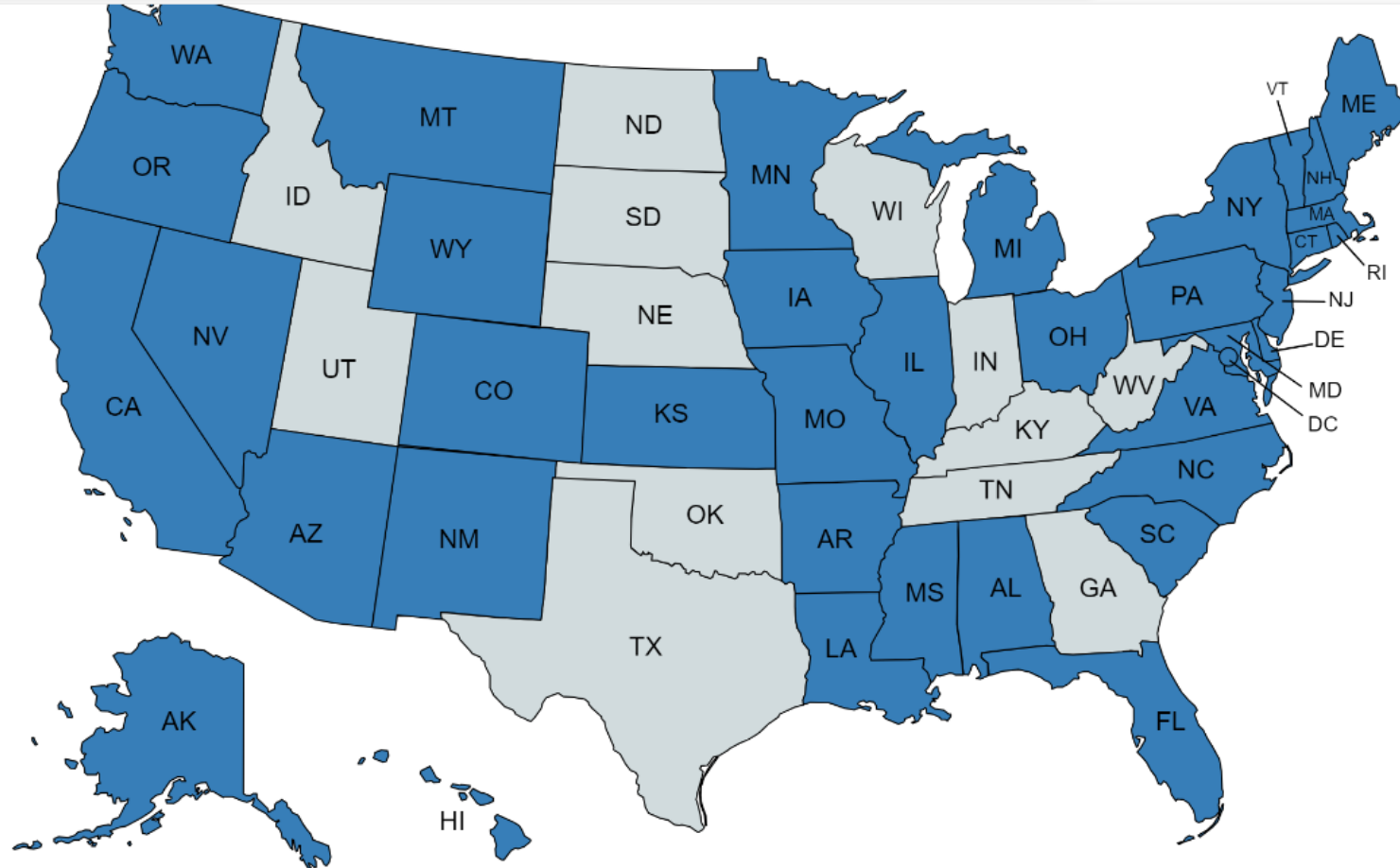
~1 in 4 women and 1 in 9 men
experience severe intimate
partner physical violence, sexual
violence, and/or partner stalking
with injury or physical/mental
impact

~20 people
are physically abused by an intimate
partner per minute.

61+ million women and 53 million men
have experienced psychological
aggression by an intimate partner in
their lifetime



Unpaid State Leave Laws



50 different Safe Leave laws in **39** different states or jurisdictions

Full list included in the appendix

■ States or jurisdictions with safe leaves



Employee Eligibility and Qualified Relationships

May differ between state or jurisdiction

State and local laws set eligibility requirements

- Approximately 78% of state laws do not have service requirements, such as length of service, employment status, etc.
- Leave does not apply to an employee who is the accused or is in custody for an offense

Common Qualified Relationships

- The employee is the victim
- The victim is the employee's
 - Spouse, former spouses, domestic partner
 - People in a substantive dating or engagement relationship and who reside together or have resided together
 - People related by blood
 - Parent, step-parent
 - Child, step-child, adoptive, foster
 - In Loco Parentis
 - Sibling
 - Grandchild or Grandparent
 - Persons in a guardianship relationship
 - People having a child in common regardless of whether they have ever married or resided together

Allowable Reasons



Seeking medical attention for or recovering from physical injuries inflicted by domestic or sexual violence and other crimes;



Obtaining services from a victim services organization;



Obtaining psychological or other counseling;



Participating in safety planning; (temporarily or permanently relocating, taking other actions to increase the victim's safety from future domestic or sexual, violence, or to ensure economic security, obtaining a restraining order)



Seeking legal assistance or remedies. (Preparing or participating in any civil or criminal legal proceeding and child custody proceeding.)

Supporting Documents

Dependent on the state's law, Employers **may** ask for:

- **Documentation**

- Documents from law enforcement (i.e., police reports);
- Court Orders (i.e., order of protection, restraining orders);
- Documents from a medical professional or domestic violence counselor ;
- Documents from victim advocates relating from domestic violence or sexual assault;
- Documents from an attorney.

- **Attestations**

- **Employers may choose to not require any documentation**

California- Crime Victims Cal. Lab. Code §§ 230.2, 230.5.

Applies to employees or their family members: child, stepchild, spouse, registered domestic partner and their child, sibling, step-sibling, parent, and step-parents

Cause

Victim of vehicular manslaughter, hit and run resulting in death, injury and felonies (i.e., DUI, domestic violence, child or elder abuse, stalking, and any other serious felony defined in Penal Code (1192.7))

Reason

Court appearance to be heard at any proceeding (delinquency proceeding, post-arrest release decision, plea/sentencing, etc.)

Certification

Police report, court order, document validating court appearance or document of employee/family member receipt of treatment

Scheduling

Foreseeable: a copy of the notice before each scheduled proceeding

Unforeseeable: A document from court or govt agency setting the hearing, district attorney or prosecuting attorney's office; or victim/witness office

California- Stalking, Domestic Violence, or Sexual Assault

Cal. Lab. Code §§ 230(c)

Applies to employees and covered relationships (child, parent, spouse, domestic partner and sibling - biological, adoptive, foster, in loco parentis, legal ward/guardian, step, half-sibling, and individuals whose relationship is the equivalent of a family member.)

Cause

Victim of stalking, domestic violence, or sexual assault, crime (caused physical or mental injury and a threat to physical injury or resulted in death)

Reason

Police report, court order, documentation from a professional that validates employee/family member treatment or reasonable documentation validating the crime or abuse (can be the employee's/family's written statement)

Certification

Serve by law, on an inquest or trial jury, court appearance due to a subpoena, and obtain or attempt to obtain relief including but not limited to a restraining order or other injunctive relief

Scheduling

Foreseeable: reasonable notice in advance of the time off needed

Unforeseeable: An employer may request one of the allowable certifications

California- Stalking, Domestic Violence, or Sexual Assault- 25 or more Employees

Cal. Lab. Code §§ 230.1

Qualified relationships, Certification and Scheduling are the same as listed in Cal. Lab. Code §§ 230(c)

Cause

Victim of stalking, domestic violence, or sexual assault or crime that caused physical or mental injury, a threat to physical injury or resulted in death

Reason

Medical attention for physical or psychological injuries or to obtain services from domestic violence shelter, crisis centers, programs or victim service organization and safety planning

Compensation

California Healthy Workplaces, Health Families Act (HWHFA) allows an employee to use their paid time off for the allowable reasons we've described for each of the laws

Illinois

Domestic Violence and Bereavement

Illinois Victim's Economic Safety and Security Act (VESSA)

- 1-14 employees: 4 workweeks
- 15-49 employees: 8 workweeks
- 50+ employees: 12 workweeks

Family Bereavement Leave Act ("Act")

- 2 workweeks (10 workdays)

Child Extended Bereavement Act

- 50-249 employees: 6 weeks
- 250+ employees: 12 weeks

Coordination with Federal and State Leave



Concurrency is dependent on eligibility requirements and reasons for leave



Physical or Psychological Recovery may be considered a Serious Health Condition or a disability

Current Paid State Leave Laws- Safe Leave



Safe leave for domestic violence, stalking, abuse, sexual assault, etc.



Family violence leaves are limited to 12 days of paid benefits



Domestic or sexual violence leaves



Safe leave for sexual assault, domestic violence, harassment, or stalking

Future Paid State Leave Laws include Maine and Minnesota

Paid State Leave Laws

Workers may qualify for state paid leave when they or their family is being treating for a physical or mental health condition.

- CA Disability and Paid Family leave
- MA Paid Family and Medical leave
- NY Disability and Paid Family Leave
- RI Temporary Disability and Temporary Caregiver Insurance
- WA Paid Family Leave
- DC Universal Paid Family Leave

In addition, several states have mandatory paid Sick Leave laws that allow a worker to use sick leave for the purposes of seeking remedies related to domestic violence and crime victim.

Statistics



What You Can Do

Educating your Employee and Management

- Required Employer Notices (Employee Handbook, Poster, Written notice upon hire)
- Employee Orientation
- New Management Training
- Annual Management Training
- Annual Benefit Enrollment

Internal Programs

- Involvement
 - Security Department
 - Partner with your local law enforcement and fire departments
 - Create a Safe Workplace
- Resource Familiarization
 - Local and National Resources
 - National Domestic Violence Hotline - **800-799-SAFE (800-799-7233)**
 - Leave and Benefit Care Management Programs
- Intranet Resources
 - Safety Plan Tips
 - Include links to shelters, domestic violence hotlines, food pantries
 - National Violent Death Reporting System (NVDRS) CDC
 - [Resources for Action | Violence Prevention | Injury Center | CDC](#)
- Host sessions with guest speakers from law enforcement, domestic violence agencies and other professionals

Thank you



Appendix

Unpaid State Leave Laws

- Alabama Crime Victims
- Alaska Crime Victims
- Arizona Crime Victims
- Arkansas Crime Victim
- California Crime Victims
- California Victims of Domestic or Sexual Violence
- Colorado Crime Victims
- Colorado Domestic Abuse and Sexual Violence
- Connecticut Crime Victims
- Connecticut Family Violence
- Connecticut Human Rights and Opportunities Act
- Delaware Crime Victim
- Delaware Domestic Violence
- District of Columbia
- Florida Sexual or Domestic Violence
- Hawaii Domestic Violence, Sexual Assault, or Stalking
- Illinois Victims' Economic Safety and Security Act (VESSA)
- Illinois Family Bereavement Leave Act
- Iowa Employment discrimination against witnesses prohibited. Victim Rights
- Kansas Victims of Domestic Violence or Sexual Assault
- Louisiana Crime Victims
- Maine Employment Leave for Victims of Violence
- Maryland Crime Victims
- Massachusetts Crime Victims
- Massachusetts Domestic Violence
- Michigan Crime Victims
- Mississippi Crime Victim
- Minnesota Domestic Abuse Act
- Minnesota Time off to Obtain Restraining Order
- Minnesota Time off to Participate in Criminal Proceedings
- Missouri Crime Victims
- Missouri Domestic Violence
- Montana Crime Victims
- Nevada Domestic Violence
- New Hampshire Victims of Crime
- New Jersey SAFE Act
- New Mexico Crime Victims
- New York Crime Victims
- North Carolina Crime Victims
- Ohio Crime Victims
- Oregon Crime Victims
- Oregon Victims of Domestic or Sexual Violence
- Pennsylvania Crime Victims
- Puerto Rico Crime Victims
- Rhode Island Crime Victims
- South Carolina Crime Victims
- Vermont Crime Victims
- Virginia Crime Victims
- Washington Crime Victims
- Wyoming Crime Victims