

Leave for Crime Victims

What is it?

Employees who are victims of a crime, as defined below, are entitled to unpaid, job-protected leave to seek services that protect themselves and their children or to attend court related proceedings as a required witness.

Services may include:

- Medical attention for injuries;
- Services from a domestic violence shelter, program, rape crisis center or victim services program or agency;
- Psychological counseling or mental health services;
- Safety planning and other actions to increase safety from future crime or abuse, including temporary or permanent relocation; or
- Temporary restraining orders, permanent restraining orders or other injunctive relief.

You cannot be fired or retaliated against because you are victim of a crime.

Who is eligible?

Employees who are victims of a crime as defined by Labor Code section 230 and 230.1.

“Victim” includes any of the following:

- A victim of stalking, domestic violence, or sexual assault;
- A victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury.
 - Note: For the purposes of leave to appear as a required witness in court or a court related proceeding, there is no requirement of physical injury.

or

- A person whose immediate family member is deceased as the direct result of a crime.

How long is the leave?

The law does not require a specific duration for such leaves and the reasonableness of the length of a leave will be determined on a case by case basis by each department.

Is it paid?

The leave is unpaid. However, an employee may elect to use accrued paid leave such as sick leave or vacation as appropriate.

How do I request the leave?

Talk to your supervisor, manager or Human Resources. Employees must provide reasonable advance notice of the need for leave unless advance notice is not feasible.

An employee may be required to provide certification of the need for leave. Certification may include a police report, court documents or a note from a healthcare provider who provided treatment for physical or mental injuries incurred as a result of the crime or any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under Labor Code section 230 or 230.1..

Accommodations for victims of domestic violence, sexual assault or stalking

You also have the right to reasonable accommodations that may keep you safe at work. Safety needs may include a new work phone number, a transfer, or a different schedule.

How do I request an accommodation?

You can talk to your supervisor, manager or you can contact the County Disability Unit Manager.

An employee may be required to provide certification of the need for accommodation. Certification may include a police report, court documents or a note from a healthcare provider who provided treatment for physical or mental injuries incurred as a result of the domestic violence, sexual assault or stalking or any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under Labor Code section 230 or 230.1.

Additional resources

- <https://hr.smcgov.org/documents/labor-commissioner%E2%80%99s-office-victims-domestic-violence-sexual-assault-and-stalking-notice>
- <https://hr.smcgov.org/violence-workplace>

Revised Date: 1/1/2021