

RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Employee's Right to Take Time Off:

- You have the right to take time off from work to get help protect you and your children's health, safety, or welfare. You can take time off to get a restraining order or other court order.
- You can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. *Even if you do not have paid leave, you still have the right to time off.*
- You do not have to give your employer proof to use leave credits for these reasons.
- If feasible, notify your employer before you take time off as required by Labor Code Section 230.1(b)(1). However, due to unforeseen circumstances that you cannot inform your employer beforehand, your employer could not discipline you if you provide proof to justify your absence within reasonable time. Proof can be a police report, court order, doctor's or counselor's note, or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying your request is for a proper purpose, and may also request proof showing our need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

ARB cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

Should retaliation or discrimination occur, the employee can file a complaint with ARB's Equal Employment Opportunity Officer: Beverly.bueno@arb.ca.gov or with the California Labor Commissioner's Office:

<http://www.dir.ca.gov/dlse/DistrictOffices.htm>. This complaint must be filed within one year from the date of occurrence of the violation.

Model Notice Reference:

https://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice.pdf

http://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice_spanish.pdf