



January 19, 2016

TO: Sen. Kevin Mullins, Chair  
Sen. Phillip Baruth, Vice-Chair  
Senate Committee on Economic Development, Housing and General Affairs

FROM: Auburn Watersong, Associate Director of Public Policy

RE: H.187 - Earned Sick and Safe Days Bill

Thank you very much for allowing me to speak with you today. As you may know, the Network is the statewide coalition of 14 member programs who serve survivors of domestic and sexual violence and stalking throughout Vermont. I am here speaking as a representative of the Network and on behalf of all of the victims and survivors who cannot be here to tell their own stories for fear of retaliation from their abuser, for fear of losing their job if they speak out publically, or for numerous other reasons related to their victimization.

We at the Network wholeheartedly support the passage of H.187, as written and passed by the house. H.187 would provide critically important paid time off from work to enable victims of domestic and sexual violence and stalking to access potentially life-saving support services.

In particular, section 483 (a)(4) allows that an employee may use earned sick time to cover absence due to domestic or sexual violence or stalking. This is a critical issue which both the legislature and the Governor have already acknowledged as a priority. In the authorizing statute for the Vermont Council on Domestic Violence, the legislature directed the Council to work with many stakeholders to address the issue of domestic violence in the workplace. As a result of that work, in May of 2013, the Governor signed a Domestic and Sexual Violence in the Workplace policy that applies to all Vermont State employees. This policy seeks to support State employees who are victims and to hold perpetrators accountable. H.187 goes further toward that same goal of protecting employees and employers by providing a small window during work hours for survivors to seek services and protections for themselves and their families.

**Earned sick time as a workplace protection:**

It is important to recognize that domestic violence doesn't stay home when its victims go to work. It can follow them, resulting in violence in the workplace. The need for this workplace protection is highlighted by four horrific instances of domestic violence-related homicide linked to workplaces in Vermont in the past two decades:

- Brownington, 1992 - Diane Young Waterman was kidnapped from her place of work and shot by her husband Gerald. He then killed himself.
- Newport, 1999 – Carole Chibani was shot to death in her office by her estranged husband, Moez Chibani, who then shot himself.
- South Burlington, 1999 – Patricia Sears was stabbed to death in a parking lot by her estranged husband Carl while she was on her way to work.
- Essex, 2007 - Christopher Williams, looking for his ex-girlfriend, shot her mother, Linda Lambesis, then went to her workplace at Essex Elementary School where he shot two teachers, killing Alicia Shanks and wounding another.

These cases represent the worst case scenarios, where services and supports fail to keep survivors of domestic and sexual violence safe. These tragedies highlight a much more pervasive problem in our communities and workplaces:

- A 2011 survey of Vermont men convicted of domestic assault demonstrated that domestic violence negatively impacts Vermont workplaces and employees.
- 74% of battered women nationally report experiencing harassment at work. For example, Tina Fontaine, murdered by her boyfriend in Vermont in 2006, was forced to leave two jobs because he repeatedly called and texted her at work.
- At least 1 million women in the U.S. are stalked at work each year.

### **Employer impact:**

Domestic and sexual violence and stalking take a huge toll on our communities; they also have a huge economic impact on employers:

- One third of senior corporate executives in a national poll stated that they thought that the problem of domestic violence has an impact on their bottom lines;
- 66% of these business leaders believed that their company’s financial performance would benefit from addressing the issue of domestic violence among their employees.

It is crucial that domestic abuse be seen as a serious, recognizable, and preventable problem like thousands of other workplace health and safety issues that affect a business and its bottom line.

H.187 *supports* employers in addressing the problem of domestic and sexual violence directly by permitting employees to take a few days to seek services and safety.

### **Work time is often the safest time to pursue life-saving assistance:**

The State of Vermont has worked for decades to develop a comprehensive range of services and protections for survivors of domestic and sexual violence, but survivors need the flexibility to access these services in the safest way possible. Sometimes the *safest* time to seek counseling, health care, or legal protection is during work hours. Court hearings only happen during business hours, which requires many survivors to take time off from work.

### **Economic Abuse and Coercive Control (schedules and paychecks):**

Batterers who also economically abuse their partners may monitor their partner's paychecks and work schedules. When the partner takes time off to file a court document, for example, it may be reflected as less pay or missed time – and this may put her at greater risk. It is not always possible or safe for a victim to simply make up lost time on the weekends if her abuser monitors her schedule.

It is clear that H.187 provides a small, critical window of time for survivors to seek safety and protection for themselves and their children. Without this critical provision, survivors of domestic and sexual violence and stalking may be forced to make an absolutely untenable choice between a paycheck and safety.

### **Earned time:**

The Network would also like to stress the importance that the amount of earned time off in this bill is not nearly enough for one person to address the myriad of needs faced by a victim of domestic violence, sexual violence or stalking. Consider, amidst a crisis how many days it takes to arrange for the safe relocation of a household (one possibly with children), to arrange for access to legal services, appointments for related medical care, meetings with attorneys or advocates, appointments to enroll in emergency assistance and public benefits programs to meet critical financial needs, time to attend court hearings, and opportunities to meet with children's school personnel. The list goes on. **For this reason, the Network strongly recommends that no change be made to the amount of time earned.** Any less than what is currently written will only decrease the opportunity for a victim to secure safety and life-saving services.

**The Vermont Network strongly encourages you to pass H.187 and support the safety and economic security of survivors of domestic and sexual violence and stalking.**