



**50-State Survey:
Employment Discrimination Remedies to Protect Crime Victims (2018)**

PROTECTED LEAVE

STATE	Crime Type	Qualifying Employer/ Employees	Protected Activity	Time Allowed (w/in 12 mos)	Remedy and other Notable Provisions
AK	All	No qualification	“victim is subpoenaed or requested by the prosecuting attorney to attend a court proceeding for the purpose of giving testimony”	Unlimited	Civil relief (civil remedy included within existing crime victim rights statute)
AZ	All	50 or more employees	Time off to exercise right to be present; RFA	Unlimited	Civil relief; Monetary remedy only applies to government entity; undue hardship defense
CA	DV, SV	No qualification	Time off for RFA	Unlimited	Administrative process for civil Relief; EE also entitled to reasonable safety accommodations; Employers with 25 or more EEs must post
		25 or more EEs	Time off to obtain services/housing	Within existing FMLA 12 week limit	
	Serious/Violent Offenses	No qualification	Time off “to be heard at any proceeding” or to attend any proceeding in which right of victim is in issue”	“Reasonable time” – may elect whether to use paid time	Administrative process for civil relief; Criminal misdemeanor
	All	No qualification	Time off to appear in court as a witness at any judicial proceeding	“Reasonable time” – may elect whether to	Administrative process for civil relief; Criminal misdemeanor

				use paid time	
CO	DV, SV, Stalking, DV-related crimes	50 or more EEs AND 12 months employed	Time off for RFA, services, housing, court proceedings	3 days; must exhaust paid leave	Civil relief
CT	All	3 or more EEs	Time off for services (DV/SV), relocation (DV/SV), court proceedings	Up to 12 weeks; may elect whether to use paid time	Civil relief and criminal contempt
DC	DV, SV, Stalking		Time off for social/legal services	May use accrued paid medical leave	Civil relief; Employers of a certain size must also provide small amounts of paid leave for this purpose
DE	DV, SV, Stalking	4 or more EEs	Leave needed "to address the domestic abuse, sexual offense, or stalking"	May use accrued paid leave	Civil relief; Part of "reasonable accommodation" provision with undue hardship exception
FL	DV, SV	50 or more EEs	RFA, services, housing, secure the home, attend and prepare for court	3 days	Civil relief
GA	All	No qualification	Responding to subpoena for judicial proceeding	Unlimited	Civil Relief
HI	DV, SV, stalking	Less than 50 EEs	Services, relocation, legal action	5 days	Civil relief; Undue hardship exception
		50 or more EEs EE worked six months		30 days Must exhaust all other leave	
IA	All	No qualification	Serving as a witness in a criminal proceeding	Unlimited	Civil relief
IL	DV, SV	50 or more EEs OR a public employer	Services, relocation, legal assistance	12 weeks unpaid	Civil relief; EE may elect to use paid leave at their discretion; Posting also required
		15-49 EEs		8 weeks unpaid	
KS	DV, SV		RFA, services, court	8 days; may elect to use	Civil relief

				accrued paid leave	
MA	All	No qualification	Attending as a witness or responding to an employer to testify	Unlimited	Civil relief
ME	DV, stalking, SV, "violence" or "assault"		Court, services	"reasonable and necessary"	\$200 civil penalty; several employer defenses available
MI	All	No qualification	Responds to subpoena or request from prosecuting attorney to testify in court	Unlimited	Criminal misdemeanor (90 days or \$500) or criminal contempt
MN	All (direct victim)	No qualification	Attend all criminal proceedings related to a victim's case	"Reasonable time"	Criminal misdemeanor, criminal contempt, criminal injunctive relief, civil relief
	Violent crime (spouse, immediate family member)		Attend court proceedings	"Reasonable time"	
ND	All	No qualification	Responds to subpoena	Unlimited	Civil relief; criminal misdemeanor
NH	All	25 EEs or more	Attend court, other legal, or investigative proceedings associated with the prosecution of the crime	EE may elect to use paid time unless E requires use of paid time	Administrative relief with civil penalty
NJ	DV, SV	25 or more EEs; EE works more than 1,000 hours	Services, relocation, participating in or preparing for a civil or criminal court proceeding	20 days; EE may elect to use paid time unless E requires use of paid time	Civil relief

NM	DV	No qualification	RFA, meet with law enforcement, consult with attorney or advocate, attend court proceedings	14 days,	Civil relief
NV	DV	EE works more than 90 days	Services, attend court proceedings, safety plan	160 hours, may elect to use accrued paid time	Administrative penalty (\$5000), criminal misdemeanor; Requires reasonable accommodations including schedule, job description, safety; undue hardship exception; posting requirement
	All	No qualification	Responds to subpoena in a judicial or administrative proceeding	Unlimited	Civil relief
NY	All	No qualification	Respond to subpoena, consult with prosecutor, or exercise victim rights	Unpaid	Criminal misdemeanor
NC	DV	No qualification	RFA	Reasonable time off	EE must follow the E's general leave policies and practices
OH	All	No qualification	Prepare for, attend, respond to subpoena	Unpaid only	Criminal contempt; "reasonably necessary to protect interests of victim"
OR	DV, SV, stalking	6 or more EEs	Prepare for or participate in legal proceedings (civil and criminal), services, relocation	"Reasonable leave"	Undue hardship exception; posting requirement
PA	All	No qualification	Attend court proceedings	Unpaid	Criminal "summary" offense; Civil remedy

SC	All	No qualification	Respond to subpoena	Unlimited	Criminal contempt
UT	All	No qualification	Respond to subpoena	Unlimited	Criminal contempt misdemeanor; civil remedy
	DV, SV, Stalking	EE worked 90 days	Services, court proceedings; safety plans	160 hours (4 weeks); EE may elect to use accrued paid time	Criminal misdemeanor, administrative fine; Reasonable accommodations including schedule, job description, safety;
VA	All	No qualification	Respond to subpoena	Unlimited	Criminal misdemeanor
WA	DV, SV, stalking	No qualification	Seek legal or law enforcement assistance or remedies—civil or criminal; services, relocation	“reasonable leave”; EE may elect to use accrued paid time	Administrative enforcement; civil remedy
WI	All	No qualification	Respond to subpoena	Unlimited; unpaid unless testifying against employer	Civil fine; Criminal restitution

PROTECTED CATEGORY

STATE	CRIME TYPE	ADDITIONAL PROVISIONS
CA	DV, SV, stalking	Applies where EE provides notice or employer has actual knowledge
CT	Family violence	3 or more EEs; “terminate or penalize”
DE	DV, SV, stalking	Also requires “reasonable” accommodations to schedules or job duties.
HI	DV, SV	Requires “reasonable” accommodations, including schedules, job duties, and safety measures; undue hardship exception
IL	DV, SV, stalking	“Covered Employer” = 15 or more EEs; reasonable safety accommodations also required
NH	DV	Administrative remedy with civil penalty
NY	DV	Employer = 4 or more EEs; Same protected category status as general employment discrimination
NV	DV	Applies where act of DV was committed in the workplace
OR	DV, SV stalking	Also must make reasonable safety accommodations

RI	DV	Applies to “an individual who seeks or obtains a protective order or refuses to seek or obtain such an order.”
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STATES WITH NO RIGHTS AND/OR ENFORCEMENT REMEDIES: Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Maryland, Missouri, Mississippi, Montana, Nebraska, Oklahoma, South Dakota Tennessee, Texas, Vermont, West Virginia, Wyoming