

## e-ALERT: New York State amends Domestic Violence Leave



### Background

Effective November 18, 2019, under a newly amended New York State Human Rights Law, employers are required to provide a reasonable accommodation to employees who have been the victims of domestic violence. The new law also amends the definition of “victim of domestic violence” to align with the definition under the state’s [Domestic Violence Prevention Act](#).

### Summary

This new amended Human Rights Law provides employees a reasonable accommodation of leave for the following purposes.

- To seek medical attention for themselves or a child;
- To obtain services from a domestic violence shelter, program, or rape crisis center;
- To obtain psychological counseling for themselves or a child;
- To take action to increase safety from domestic violence in the future, including relocating; or
- To obtain legal services, assist in the prosecution of the offense, or appear in court.

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The new law requires employees to provide their employers with advance notice regarding the leave, when possible. Also, employees who are absent from work without advance notice must provide documentation for the need of an accommodation when requested by the employer.

As an employer, failing to provide this leave as a reasonable accommodation is an unlawful discriminatory practice, except if it would cause an undue hardship to the employer's business, as defined by the law. The New York law defines an undue hardship as any leave accommodation that would cause significant difficulty or expense to the employer. New York employers may require employees to take this leave as an ordinary paid leave, if applicable, or as an unpaid leave, if the employee does not have any time available.

## Employer Next Steps

- Employers should update their employee handbooks with these new revisions to ensure compliance with the new law.
- Employers should also educate their managers and employees on how to handle a domestic violence situation that spills into the workplace and adopt an internal process for administering domestic violence leave.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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