



# domestic violence

CHICAGO POLICE DEPARTMENT

DOMESTIC VIOLENCE IN CHICAGO

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## Workplace Protection for Victims of Domestic and Sexual Violence

**M**any crime victims worry about losing their jobs if they must take time off to deal with their recovery from injuries, getting appropriate social services, or taking legal steps to protect themselves. This newsletter discusses several Illinois laws designed to protect the employment rights of victims of domestic or sexual violence.

### PROTECTION OF SUBPOENAED EMPLOYEES

Employers are prohibited from firing, threatening to fire, punishing or penalizing any employee who misses work to attend any criminal proceeding if the employee is a subpoenaed witness. 725 ILCS 5/115-13 This statute applies to any criminal offense. In criminal cases, victims are considered to be witnesses.

The Rights of Crime Victims and Witnesses Act requires the State's Attorney's Office to intercede with employers to minimize the loss of pay or benefits of victims and witnesses. 725 ILCS 120/4.5

### THE VICTIM ECONOMIC SECURITY AND SAFETY ACT (VESSA)

The Victim Economic Security and Safety Act (VESSA) allows victims of domestic or sexual violence, or family or household members of victims of domestic or sexual violence, to take unpaid leave from work to address violence.

Employers with 15 or more employees must allow up to 8 weeks of unpaid leave, while employers with 50 or more employees must allow up to 12 weeks of unpaid leave. 820 ILCS

180/20 (a) (2) The leave may be taken as needed, including using a reduced work schedule. 820 ILCS 180/20 (a) (3) The employee may opt to use any paid leave they have available to them. 820 ILCS 180/25 Group health coverage must continue during the leave. 820 ILCS 180/20 (2) (a)

Time can be taken for the following activities, whether for themselves or their family or household member:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence;
- Obtaining services from a victim services organization;
- Obtaining psychological or other counseling;
- Participating in safety planning, relocating temporarily or permanently, or to take other actions to increase safety; or
- Seeking legal assistance or remedies to ensure their health and safety or the health and safety of their family or household member, including preparing for or participating in any civil or criminal legal proceeding related to domestic or sexual violence. 820 ILCS 180/20 (a) (1)

An employer may require certification that the employee or family or household member is a victim of domestic or sexual violence and that the leave is for one of the permitted purposes. An employee may satisfy this requirement by providing the employer with their sworn statement and one of the following:

- Documentation from an employee, agent, or volunteer of a victim services organization,



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an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

- A police or court record; or
- Other corroborating evidence (other proof that supports the employee's statement). 820 ILCS 180/20 (a)

All information given to the employer in connection with VESSA must be retained in the strictest confidence, unless the disclosure is authorized by the employee or required by state or federal law. 820 ILCS 180/20 (d)

Whenever practical, the employee must provide the employer with 48 hours advance notice. When the employee must take unscheduled time off, the employer cannot take any action against the employee if the employee provides certification, within a reasonable amount of time after being asked for it, documenting that the leave was appropriate. 820 ILCS 180/25

When the employee returns to work, they are entitled to be restored to the position they held before the leave began or to a position with equivalent employee benefits, pay and other terms and conditions of employment. 820 ILCS 180/20 (e)

**REASONABLE ACCOMMODATIONS**

In addition to unpaid leave, VESSA also requires employers to make reasonable accommodations in response to actual or threatened domestic or sexual violence, which may include:

- Adjustment to a job structure, workplace facility or work requirement including transfer, reassignment, or modified schedule;
- A changed telephone number or seating assignment;
- Installation of a lock;
- Implementation of a safety procedure; or

- Assistance in documenting domestic or sexual violence that occurs in the workplace or in work-related settings. 820 ILCS 180/30 (c) (3)

The reasonable accommodation must be made in a timely manner, considering the danger faced by the employee or family or household member. 820 ICLS 180/30 (b)

In some cases, an employer can refuse to make an accommodation if it will impose an undue hardship. 820 ILCS 180/30 (c) (4)

**UNEMPLOYMENT INSURANCE 820 ILCS 405/601 (B) (6)**

It is not always possible for a victim to remain or return to their place of employment, forcing them to resign. Usually, a person who leaves their job voluntarily cannot collect unemployment insurance. Illinois law does protect a person who quits their job, because of domestic violence by determining that leaving is not voluntary if the person reasonably believed that continued employment would jeopardize his or her safety or the safety of his or her spouse, minor child, or parent.

The person must give written notice that the reason for quitting is due to domestic violence and must provide proof that they are a victim of domestic violence to the Illinois Department of Employment Security.

Appropriate forms of proof of domestic violence include an order of protection or other court order related to domestic violence; a police report or evidence of criminal charges; medical documentation; evidence of domestic violence from a member of the clergy, attorney, counselor, social worker, health worker, or domestic violence shelter worker.

Further information can be obtained by calling the **Domestic Violence Program at 312-745-6340** or the **City of Chicago Domestic Violence Help Line at 1-877-863-6338 or 1-877-863-6339 (TTY)**, or if you or someone you know needs immediate assistance, **call 911**.

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