



## **NEW FLORIDA LAW REQUIRES EMPLOYERS TO PROVIDE LEAVE TO VICTIMS OF DOMESTIC VIOLENCE**

Under a law signed by Florida Governor Charlie Crist, as of July 1, 2007 Florida employers must give employees up to 3 days of leave in a 12 month period if the employee or a family or household member is a victim of domestic violence. This law makes Florida one of only a few states that require leave for victims of domestic violence.

### **Who is Covered by the Law?**

The law covers employers in Florida who employ 50 or more employees. It covers employees who have worked for the employer for 3 months or longer.

### **Is the Leave Paid or Unpaid?**

Under the new law, the requested leave may be paid or unpaid, at the employer's discretion.

### **What Types of Activities Does the Law cover?**

The law covers leave for specific activities including:

- Seeking an injunction for protection against domestic violence or repeat violence, dating violence, or sexual violence
- Obtaining medical care or mental health counseling or both for the employee or a family or household member to address injuries resulting from domestic violence
- Obtaining services from victims services organizations such as a domestic violence shelter or rape crisis center
- Making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator
- Seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence

### **Must the Employee Give Notice of the Need for Leave?**

Yes, the employee must provide the employer with appropriate advance notice of the leave except in cases of imminent danger to the health or safety of the employee or a family member. The employer may also require documentation of the act of domestic violence.

### **May the Employee be Required to Exhaust Other Available Leave First?**

Yes, the law states that the employee must exhaust any available vacation or personal leave and sick leave, unless the employer waives this requirement.

### **What are the Law's Confidentiality Requirements?**

The law requires employers to keep confidential all information relating to leave for domestic violence.

### **What are the Law's Other Provisions?**

Employers are prohibited from interfering with, restraining, and denying the exercise or any attempt to exercise the rights provided by the law. Employers may not discriminate or retaliate against an employee for exercising his or her rights under the law.

**What are the remedies for Violations of the Law?**

The law provides that a person claiming to have been aggrieved by a violation of the law may file a lawsuit in state circuit court, seeking monetary relief or reinstatement or both. The law provides that the person bringing the lawsuit may seek to recover damages for lost wages and benefits to which he or she would have been entitled had the alleged violation of the law not occurred. However, the person may not seek damages for wages or benefits for a period of leave granted without pay.

**In Summary, Employers Need to:**

- **Decide whether the leave will be paid or unpaid**
- **Decide whether the employee will be required to exhaust other types of leave before taking domestic violence leave**
- **Decide what type of substantiation of domestic violence will be required**
- **Take steps to ensure any information regarding the request for domestic violence leave is kept confidential**

**Resource Management, Inc.**

**Human Resources Department**