



PAID SAFE TIME: THE NATIONAL LANDSCAPE AND A LOCAL EXAMPLE

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Legal Aid at Work*

*formerly Legal Aid Society – Employment Law Center

LEGAL AID AT WORK

- Legal Aid's **Project SURVIVE** protects the employment rights of low-income survivors of domestic violence, sexual assault, and stalking.
- Free Legal Advice, Representation, Community Outreach and Education, Policy Advocacy



WORKPLACE IMPLICATIONS OF DOMESTIC AND SEXUAL VIOLENCE

- 71% of survivors reported being employed while experiencing domestic violence.
- DV survivors lost an average of 7.2 days of paid work, sexual assault survivors lost 8.1 days, and stalking survivors lost 10.1 days. (CDC, 2003).
- 96% of employed domestic violence survivors experienced problems at work related to the violence.
- At least 30% of employed domestic violence survivors lose their jobs due at least in part to the domestic violence.



WHAT ARE PAID SAFE DAYS?

- Paid time off for purposes related to domestic violence, sexual assault, or stalking.
 - To seek court relief or services. May include:
 - Medical attention
 - Counseling
 - Moving to shelter
 - Safety planning
- Some laws apply to employee only; others apply to care for family member who is a survivor.



PAID SAFE DAYS AROUND THE COUNTRY

- 8 states (CT, CA, MA, OR, VT, AZ, WA, & RI) & Washington DC.
- Plus 13 localities (San Francisco, Santa Monica, San Diego, Los Angeles, Montgomery County Maryland, Cook County & Chicago, Seattle, Tacoma, Spokane Washington, Philadelphia, Minneapolis, Saint Paul Minnesota).

- Source: A Better Balance, www.abetterbalance.org



SAN FRANCISCO PAID SAFE TIME EXPANSION

- Paid safe time not originally included in SF law.
- In 2014, CA passed statewide paid sick days, including safe time.
- In June 2016, SF voters passed a ballot initiative to amend the paid sick days law to include safe time.





**HOW DOES THE ISSUE OF PAID
SAFE DAYS COME UP IN YOUR
WORK?**

PROJECT SURVIVE OUTREACH & ADVOCACY

- Trainings for SF Advocates & Survivors
- Technical Assistance
- Toll-free Survive helpline:
 - 888-864-8335
- Legal Representation



The flyer features a close-up portrait of a woman with dark hair and a slight smile. The text is overlaid on the image in white and yellow. The logo for the Legal Aid Society-Employment Law Center is in the top left. The main headline is in English, Spanish, and Chinese. The helpline number is repeated at the bottom right. A small note at the bottom left mentions funding from the San Francisco Department on the Status of Women.

**Legal Aid Society—
Employment Law Center**

**FREE LEGAL
HELP FOR
SURVIVORS**

**AYUDA LEGAL
GRATUITA PARA
SOBREVIVIENTES**

**為幸存者提供的
免費法律援助**

**EMPLOYMENT RIGHTS
HELPLINE**

**LINEA DE AYUDA DE
DERECHOS LABORALES**

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THIS SERVICE IS FUNDED IN PART BY
THE SAN FRANCISCO DEPARTMENT
ON THE STATUS OF WOMEN.



OUTREACH & EDUCATION MATERIALS

Know Your Rights Videos



- ✓ English
- ✓ Spanish
- ✓ Cantonese
- ✓ Mandarin
- ✓ Vietnamese
- ✓ Filipino



OUTREACH & EDUCATION MATERIALS

I'm a survivor

domestic violence / sexual assault + my job

see other side for 

of domestic violence, sexual assault or stalking and I have rights related to:

JOB PROTECTION

Need time off from your job?

WAGE REPLACEMENT

Need income while you aren't working?

ACCOMMODATIONS AND EQUALITY

Need workplace accommodations? Facing discrimination?

How this might work

Lena is a survivor of DV and has depression. She needs 12 weeks off from work for treatment. When she returns to work, she needs to change her phone number and email address to prevent contact from her abuser at work.

THESE LAWS MAY HELP:	Because they provide for:	Here's what to do:
LAB. CODE CALIFORNIA LABOR CODE § 230(C) • Applies to all employers CALIFORNIA LABOR CODE § 230.1 • 25+ employees	• Job-protected, unpaid leave to attend court to ensure your or your child's health, safety or welfare • Job-protected, unpaid leave for medical attention, safety planning, counseling or other services	Request from your employer (See sample letters at www.las-elc.org)
FMLA/CFRA FAMILY MEDICAL LEAVE ACT / CALIFORNIA FAMILY RIGHTS ACT • 1+ year of service • 1250+ hrs of work in previous year • 50+ employees w/in a 75 mile radius	• 12 weeks of job-protected, unpaid leave for serious health condition (can be taken intermittently) • Continuation of health benefits	Request from your employer
SDI STATE DISABILITY INSURANCE • Unable to work, or working less, due to disability • Paid into SDI fund during base period	• Up to 55% of weekly wages for a max. of 52 weeks, after 1-week waiting period	Apply at www.EDD.ca.gov
UI UNEMPLOYMENT INSURANCE • Able to work but unemployed or working less through no fault of your own, including where forced to leave employment due to domestic violence	• Up to \$450 per week for a max. of 26 weeks, after 1-week waiting period	Apply at www.EDD.ca.gov
LAB. CODE CALIFORNIA LABOR CODE § 230(F) • Applies to all employers CALIFORNIA LABOR CODE § 230(E) • Applies to all employers	• Survivors may request reasonable safety-related accommodations (such as enhanced security, modified schedule or transfer) • Protection from discrimination and retaliation because of domestic violence, sexual assault or stalking	Request from your employer (See sample letters at www.las-elc.org) Go to www.dir.ca.gov/dlse/
ADA/FEHA AMERICANS WITH DISABILITIES ACT • 15+ employees FAIR EMPLOYMENT & HOUSING ACT • 5+ employees; • 1+ employee for harassment	• Changes to the way you do your job, telecommuting, transfer, or more leave as a reasonable accommodation for disability • Protection from discrimination, harassment, and retaliation because of disability	Request from your employer (See sample letters at www.las-elc.org) Go to eeoc.gov or dfeh.ca.gov

job-protected leave (FMLA/CFRA; LAB. CODE; ADA/FEHA)

wage replacement (SDI)

reasonable safety accommodation (LAB. CODE)

Questions? Call: 888-864-8335

www.las-elc.org

LAS-ELC cannot ensure this information is current or be responsible for any use to which it is put. CREATED WITH SUPPORT FROM THE KAISER PERMANENTE NORTHERN CALIFORNIA COMMUNITY BENEFIT PROGRAMS.



I'm a care-giver

domestic violence / sexual assault + my job

see other side for 

for a survivor of domestic violence, sexual assault or stalking and I have rights related to:

JOB PROTECTION

Need time off from your job?

WAGE REPLACEMENT

Need income while you aren't working?

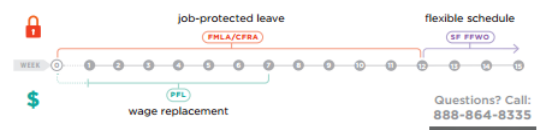
ACCOMMODATIONS AND EQUALITY

Need workplace accommodations? Facing discrimination?

How this might work

Cory needs 12 weeks off to care for his mother who has post traumatic stress disorder (PTSD). After that, he needs a flexible schedule to help her with follow up medical treatment.

THESE LAWS MAY HELP:	Because they provide for:	Here's what to do:
FMLA/CFRA IF CARING FOR FAMILY MEDICAL LEAVE ACT / CALIFORNIA FAMILY RIGHTS ACT • 1+ year of service • 1250+ hrs of work in previous year • 50+ employees w/in a 75 mile radius	• Job-protected, unpaid leave for a max. of 12 weeks to care for a seriously ill family member (can be taken intermittently) • Continuation of health benefits	Request from your employer
PFL CALIFORNIA PAID FAMILY LEAVE • On leave to care for a seriously ill family member • Paid into SDI fund during base period	• Up to 55% of weekly wages for a max. of 6 weeks, after 1-week waiting period (can be taken intermittently)	Apply at www.EDD.ca.gov
SF PD SF PAID SICK DAYS • Work in San Francisco • Worked at least 90 days CA PAID SICK DAYS • Effective July 2015	• SF paid time off (accrued) 9 days (if 10+ employees) 5 days (if less than 10 employees) • CA paid time off (accrued) 6 days (employer may cap use at 3 days per year) • Protection from retaliation	Request from your employer Go to sf.gov.org/olse/psic or www.dir.ca.gov/dlse/
UI UNEMPLOYMENT INSURANCE • Able to work but unemployed or working less through no fault of your own (laid off/fired, leave not granted)	• Up to \$450 per week for a max. of 26 weeks, after 1-week waiting period	Apply at www.EDD.ca.gov
SF FFWD SF FAMILY FRIENDLY WORKPLACE ORDINANCE • Work in San Francisco • Worked at least 6 months • 20+ employees	• Right to request flexible or predictable work arrangements to help with family caregiving • Protection from discrimination and retaliation	Request from your employer (See sample letters at www.las-elc.org) Go to sf.gov.org/olse/ffwo



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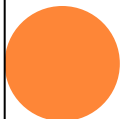
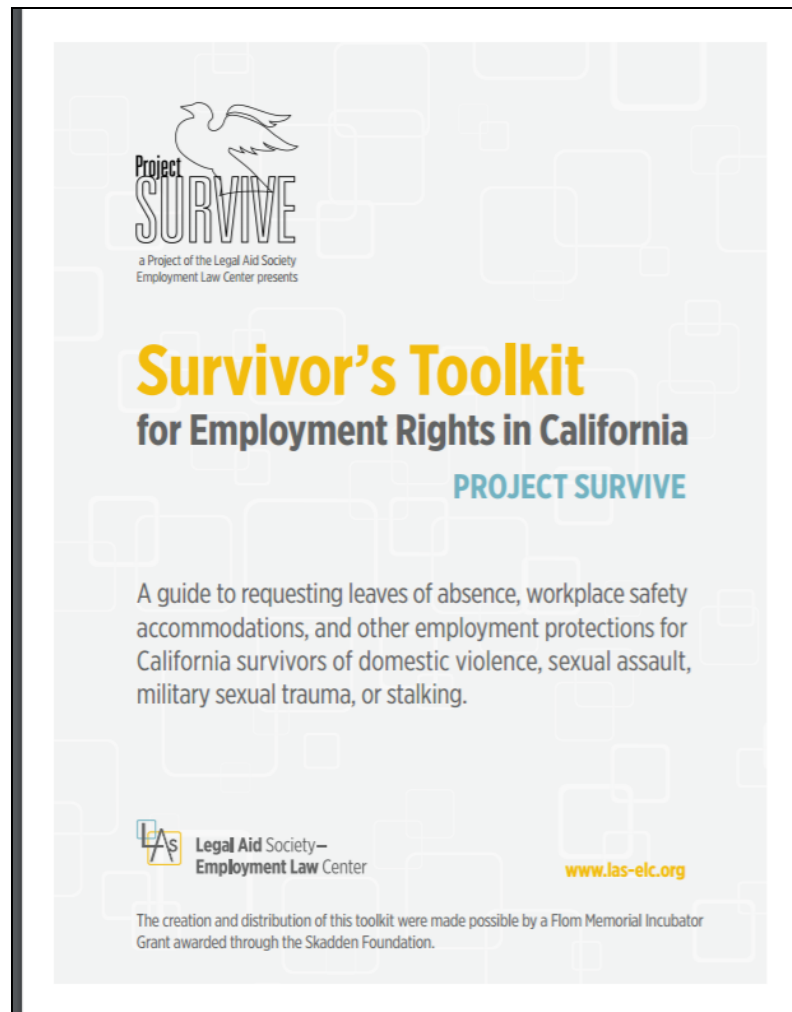
OUTREACH & EDUCATION MATERIALS

- Overview of Survivor's Employment Rights and FAQs
- Sample Request Letters:
 - Reasonable safety-related accommodations
 - Time-off to go to court
 - Time-off to seek services
- Sample Healthcare Provider or Victim Advocate Certifications

Available in Multiple

Languages:

English, Spanish, Chinese,
Vietnamese and Filipino





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