

SB 5900-S - DIGEST

(AS OF SENATE 2ND READING 2/11/2008)

Declares it is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences.

Declares that an employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection.

Declares it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

Provides that an employee may take reasonable leave from work or a reduced leave schedule, with or without pay, to: (1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

(2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;

(3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

(4) Obtain, or assist a family member in obtaining, mental health counseling related to an experience of domestic violence, sexual assault, or stalking; or

(5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

Declares that taking leave under this act shall not result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced.

Provides that, upon an employee's return, an employer shall either: (1) Restore the employee to the position of employment held by the employee when the leave commenced; or

(2) Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Provides that, to the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under this act. The coverage must be maintained, for the duration of such leave, at the level and under the conditions coverage would have been provided if the employee had not taken leave under this act.