

California Employers Must Provide Written Notice of Right to Take Domestic Violence Leave

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On September 14, 2016, Governor Jerry Brown signed AB 2377 into law which expands the employer notice requirements regarding domestic violence employee protections provided by Labor Code section 230.1. Despite the protections under current law, many employees remain uninformed about their employment-related rights when it comes to domestic violence. This new bill requires employers of 25 or more to provide written notice to employees of their rights to take protected leave for domestic violence, sexual assault or stalking. Employers must inform each employee of his or her rights upon hire and at any time upon request. The Labor Commissioner must develop and post online a form that employers may use to satisfy these new notice requirements by July 1, 2017. An employer's obligation to comply with these new disclosure requirements will become effective when the Labor Commissioner posts the new form.

In the interim, employers should review their handbook policies and ensure that employees' existing rights to take time off for domestic violence, sexual assault or stalking are adequately set forth. This includes notifying employees that are victims of domestic violence, sexual assault, or stalking that they may take time off from work to (1) seek medical attention for injuries; (2) obtain services from a domestic violence shelter, program, or rape crisis center; (3) obtain psychological counseling; or (4) participate in safety planning and take other actions to increase safety, including temporary or permanent relocation. Employers are prohibited from discharging, discriminating, or retaliating against an employee because of the employee's known status as a victim of domestic violence, sexual assault, or stalking or for taking domestic violence leave.

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