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**HOUSE BILL NO. 833**

Offered January 8, 2014

Prefiled January 8, 2014

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:5, relating to the duty of employers to provide employees with safe days.*

Patrons—Keam and Simon

Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:5 as follows:**

**§ 40.1-28.7:5. Employers to provide employees with safe days.**

A. As used in this section, unless the context requires a different meaning:

"Domestic violence" means the occurrence of one or more of the following acts by a current or former family member, household member as defined in § 16.1-228, person against whom the victim obtained a protective order, or caretaker:

1. Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

2. Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

3. Subjecting another person to false imprisonment; or

4. Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"Family member" means:

1. A biological, adopted, or foster child or a stepchild;

2. A biological, foster, or adoptive parent, a stepparent, or a legal guardian of an employee or an employee's spouse;

3. An employee's spouse;

4. A grandparent or a spouse of a grandparent;

5. A grandchild; or

6. A biological, foster, or adopted sibling or spouse of a biological, foster, or adopted sibling.

"Safe days" means leave from work provided to an employee who is (i) a victim of domestic violence, sexual assault, or stalking or (ii) a family member of a victim of domestic violence, sexual assault, or stalking, which leave is used to allow the employee to obtain for the employee or the employee's family member, as applicable:

1. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault;

2. Psychological or other counseling;

3. Relocation due to the domestic violence, sexual assault, or stalking; or

4. Legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual assault, or stalking.

"Sexual assault" means an act prohibited pursuant to § 18.2-61, 18.2-67.1, 18.2-67.3, or 18.2-67.4.

"Stalking" means conduct that is prohibited under § 18.2-60.3.

B. On July 1, 2014, and thereafter on each July 1, every employer shall provide to each of its employees a number of safe days based on the number of consecutive months of employment the employee has with the employer, as follows:

Months of employment	Number of hours
Less than 120	32
120 or more	40

Any partial calendar month during which an employee was employed shall constitute one month of employment for purposes of this section. Employees shall not be paid or otherwise compensated upon leaving employment for any balance of unused safe days provided to them under this section. Unused balances of safe days granted under this section shall not be carried forward beyond the 12-month period of July 1 through June 30 in which the safe days were granted.

C. Employers shall allow an employee to one or more safe days, with pay, provided (i) the employee has provided the employer, prior to taking a safe day, with a copy of a court order, summons, warrant,

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HB833

59 *or writ that evidences that the employee, or a family member of the employee, is a victim of domestic*  
60 *violence, sexual assault, or stalking and (ii) an employer shall not be required to allow an employee to*  
61 *take a safe day if taking the safe day would exceed the balance of the employee's safe days provided*  
62 *pursuant to subsection B.*

63 *D. An employer shall not discharge from employment, or discriminate in compensation or other*  
64 *terms, conditions, or privileges of employment, because the employee exercises the right to safe days*  
65 *pursuant to subsection C.*

66 *D. Any employee who is discharged, demoted, or suspended because the employee has taken safe*  
67 *days is entitled to reinstatement and reimbursement for lost wages and work benefits caused by the*  
68 *violation of this section. If the employee prevails in a proceeding under this section, he also may be*  
69 *awarded reasonable attorney fees and court costs.*