

# New York State to Require Reasonable Accommodation for Victims of Domestic Violence

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New York Governor Andrew Cuomo has [signed into law amendments](#) to the New York State Human Rights Law (NYSHRL) that expand protections for employees who are victims of domestic violence. The amendments will take effect on November 18, 2019.

While the NYSHRL has long prohibited discrimination against victims of domestic violence, the amendments expressly state that the following are unlawful practices with respect to victims of domestic violence: (i) refusing to hire or terminating someone because they are a victim of domestic violence; (ii) discriminating against a victim of domestic violence with respect to compensation or other terms, conditions, or privileges of employment; and (iii) circulating or utilizing a job posting, employment application, or other publication expressing any limitation, specification, or discrimination in hiring or employment based on domestic violence victim status. The new law also amends the definition of “victim of domestic violence” under the NYSHRL to align it with the definition under the state’s Domestic Violence Prevention Act.

In addition, New York State employers will now be required to grant employees who are victims of domestic violence reasonable time off as an accommodation in order to:

- seek medical attention for injuries caused by domestic violence;
- obtain services from a domestic violence shelter, program, or rape crisis center or obtain psychological counseling;
- participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; and/or
- obtain legal services, assist in the prosecution of the offense, or appear in court in relation to the incident of domestic violence.

It is noted that employers covered by the New York City Human Rights Law are already obligated to provide reasonable accommodations to employees who are the victim of domestic violence, sex offenses, or stalking.

As is the case with other reasonable accommodation obligations under the NYSHRL (such as for an employee's disability), employers will be required to provide any requested leave unless the employee's absence would constitute an undue hardship on the business. Employers may charge leave under the law to any paid time off that the employee has available (including, but not limited to, under the New York City Earned Safe and Sick Time Act); otherwise the time off may be unpaid. Employees are entitled to continuation of existing health insurance coverage during any such absence.

Employees requiring leave must provide their employer with advance notice where feasible. If advance notice cannot be provided, the employer may require certification of the need for leave in the form of a police report, court order, or documentation from a medical professional, advocate, or counselor. To the extent consistent with applicable law, employers are required to maintain confidentiality of any information regarding an employee's status as a victim of domestic violence.

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