

## **AB 2499 Expands Leave Protections and Reasonable Accommodations for Employees Who Are Victims or Whose Family Members Are Victims of “Qualifying Acts of Violence”**

On September 29, 2024, Governor Newsom signed Assembly Bill 2499 into law, adding Government Code section 12945.8 (“Section 12945.8”) to expand leave protections and accommodations for victims of “qualifying acts of violence,” and their family members. Effective January 1, 2025, these protections, which previously fell under Labor Code sections 230 and 230.1, are expanded and recast as unlawful employment practices within the Fair Employment and Housing Act and will be enforced by the California Civil Rights Department (“CRD”). Notably, Section 12945.8 applies the leave and accommodation requirements to public entity employers, including K-12 school districts and community college districts.

Section 12945.8 expands the previous leave and accommodation protections provided under the Labor Code by replacing “crime or abuse” with the term “qualifying acts of violence,” which encompasses any of the following, regardless of whether there is an arrest, prosecution, or conviction:

- Domestic Violence
- Sexual Assault
- Stalking
- An act, conduct, or pattern of conduct that includes:
  - An individual causing bodily injury to another;
  - An individual exhibiting, drawing, brandishing, or using a firearm or other dangerous weapon against another; or
  - An individual using or making a reasonably perceived or actual threat to use force against another individual to cause physical injury or death.”

### **Documentation and Employee Notice Requirements**

As a condition to taking leave under Section 12945.8, the employee shall provide the employer reasonable advance notice unless advance notice is not feasible. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee supplies certification to the employer upon request. Upon the request by the employer, an employee requesting a reasonable accommodation shall provide a written statement signed by the employee or an individual acting on their behalf, certifying that the accommodation is for a purpose authorized by Section 12945.8.

The following documentation is sufficient certification of the need for absence or a reasonable accommodation: a police report indicating the employee or family member is a victim; a court order or other evidence from a court or prosecuting attorney that the employee or family member appeared in court; documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee or family member was undergoing or seeking treatment or services related to the qualifying act of violence; or any other form of documentation that reasonably verifies the qualifying act of violence occurred, such as a written statement by the employee or individual acting on their behalf that certifies the need for the absence.

An employer who requests such certification may request recertification every six months. The employer must maintain confidentiality of any leave request to the extent allowed by law.

Employers must provide notice of employee rights under Section 12945.8: (1) to new employees upon hire, (2) to all employees annually, (3) at any time upon request, and (4) any time an employee informs an employer that the employee or their family member is a victim. A copy of the CRD model notice is available at: [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/07/Survivors-Right-to-Time-Off\\_English-B.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/07/Survivors-Right-to-Time-Off_English-B.pdf).

**STEP 1: IS THE EMPLOYEE  
SEEKING LEAVE OR AN  
ACCOMMODATION?**

**LEAVE**

Gov. Code section 12945.8 allows an employee who is a victim to take up to 12 workweeks of protected time off, and an employee who has a family who is a victim to take up to 10 days (or 5 days) of protected time off for any of the following reasonings:

- To obtain or attempt to obtain any relief for a family member, including but not limited to a temporary or permanent restraining order, or other injunctive relief, to ensure the health, safety, or welfare of the family member of the victim.
- To seek, obtain, or assist a family member to seek or obtain: medical attention for or to recover from injuries; services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency; or psychological counseling or mental health services; related to qualifying “acts of violence” (as defined above).
- To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare. In circumstances where the employee is not the victim and the family member who is a victim is not deceased as a result of a crime, the employer **may limit leave** taken for this reason to **five (5) days**.
- To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services; to attend any civil, administrative, or criminal legal proceedings; or to provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult; related to, or as a result of, a qualifying act of violence.

**“Family Member.”** for purposes of the above leave entitlements includes the following family members, as those terms are defined in the California Family Rights Act (“CFRA”): an employee’s “child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or a designated person.”

Employees may use paid leave “that is otherwise available to the employee,” including vacation, sick leave (when the employee/victim requires time off for a medical reason), and personal necessity leave. Leave taken by the employee pursuant to AB 2499 **runs concurrently** with leave taken pursuant to the Family and Medical Leave Act of 1993 (“FMLA”) and/or CFRA, if the employee would be eligible for such leave.

**ACCOMMODATION**

Similar to employee disability accommodations under the ADA and FEHA, employers are required to engage in a timely, good faith, interactive process with, and provide reasonable accommodations for, an employee who is a victim or whose family member is a victim of a qualifying act of violence when that employee requests an accommodation for the safety of the employee while at work. Examples of reasonable accommodations include, but are not limited to:

- Implement safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed workstation, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another qualifying act of violence that occurs in the workplace.
- Implement safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other qualifying act of violence.
- Referral to a victim assistance organization.

**ACCOMMODATION DETERMINATION:**

In determining whether an accommodation is reasonable, the employer ***must consider*** an exigent circumstance or danger facing the employee or their family member.

**UNDUE HARDSHIP:**

Employers are not required to provide accommodations that would pose an undue hardship to its business operations or would violate the employer’s duty to maintain a safe and healthful workplace. If circumstances change and an employee needs a new accommodation, the employee must request a new accommodation from the employer, and the employer must timely reengage in the interactive process. If an employee no longer needs an accommodation, the employee must notify the employer.