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Keep Your Employees SAFE: Required Leave Time for Victims of Domestic Violence

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The New Jersey Security and Financial Empowerment Act (“SAFE Act”) mandates that New Jersey employers with 25 or more employees must provide leave for domestic violence victims. Under the SAFE Act, covered employees can take up to twenty days of unpaid leave in a twelve-month period to address circumstances resulting from a sexually violent offense or an incident of domestic violence.

Covered Employees

An employee can take leave under the SAFE act if he or she:

- Is the victim of a sexually violent offense or domestic violence incident, or is the parent, child, spouse, or domestic partner of a victim AND
- Has been employed by the employer for at least twelve months and worked 1,000 base hours in the twelve-month period immediately preceding the leave.

Employees can take leave for the following reasons specified in the statute:

- Seek medical attention or recovering from physical or psychological injury;
- Obtain services from a victim services organization;
- Obtain counseling;
- Participate in safety planning or relocating;
- Seek legal assistance or remedies; or
- Attend, participate in, or prepare for a criminal or civil court proceeding.

The employer has the right to require the employee to provide documentation of the underlying incident or offense.

Additional Requirements for Employers

Employers must also display the SAFE Act posting and inform employees about the SAFE Act’s provisions. A copy of the approved posting is available at the New Jersey Department of Labor’s website:

https://www.nj.gov/labor/forms_pdfs/lwdhome/AD-289_9-13.pdf.

Attorney

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