

August 27, 2025

## KEY DOCUMENTS AVAILABLE REGARDING NEW VIOLENCE VICTIMS' LEAVE LAW

A new law effective January 1, 2025 (AB 2499) made significant changes to the employment rights of victims of violence.<sup>1</sup> AB 2499 added Government Code section 12945.8 and expanded leave protections and accommodations for victims of “qualifying acts of violence,” and their family members.

As required by AB 2499, the California Civil Rights Department (CRD) has now published a model notice of employee rights, “Survivors of Violence and Family Members of Victims Right to Leave and Accommodations.”<sup>2</sup> This notice provides a summary of leave and accommodation rights for employees who are victims of violence, or who have family members who are victims of violence, employees’ rights to confidentiality under the law, and employees’ antidiscrimination and antiretaliation protections. Under AB 2499, the notice of employee rights is required to be provide to employees: (1) upon hire, (2) 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. CRD has also issued helpful FAQ guidance regarding AB 2499.<sup>3</sup> Set forth below is a detailed explanation of the new law for your use and reference.

Existing law allowed victims of crime to take time off for specified purposes, such as to comply with a subpoena or to testify in a judicial proceeding and prohibited employers from discharging or otherwise discriminating against employees because of their victim status. The new law recasts violations of these protections as unlawful employment practices, bringing them under the jurisdiction of the Civil Rights Department for purposes of enforcement. It also expands the ability of employees to take time off in connection with their victim status. Employers with more than 25 employees must now grant employees who are victims or have family members who are victims time off in order to:

---

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2499](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2499)

<sup>2</sup> [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)

<sup>3</sup> [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/06/Survivors-Right-to-Time-Off-FAQs\\_English.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/06/Survivors-Right-to-Time-Off-FAQs_English.pdf)

- Obtain or attempt to obtain relief for a family member. Relief includes, but is not limited to, a restraining order or other injunctive relief.
- To seek, obtain, or assist a family member in seeking or obtaining medical attention for injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member in seeking or obtaining, services from a domestic violence shelter, rape crisis center, or victim services agency.
- To seek, obtain, or assist a family member in seeking or obtaining, psychological or mental health services.
- To participate in safety planning to increase safety from future acts of violence.
- To relocate or secure a new residence due to a qualifying act of violence.
- To provide care for a family member who is recovering from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member in seeking or obtaining, civil or criminal legal services in relation to the qualifying act of violence.
- To prepare for, participate in, or attend any legal proceeding related to the qualifying act of violence.
- To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or adult as a result of the qualifying act of violence.

An employee is obligated to give their employer reasonable notice as a condition of taking time off for these specified purposes unless advance notice is not feasible. Employers may limit time off under this section to 12 weeks at maximum. If the victim is a family member who is not deceased as a result of the qualifying act of violence, the employer may limit the total leave to ten days.

When an unscheduled absence occurs, the employer may not take any action against the employee if the employee provides a certification to the employer within a reasonable time after the absence. Acceptable forms of certification include a police report indicating victim status, a court order protecting the employee or family member from the perpetrator, evidence from the court or prosecuting attorney, documentation from a licensed medical professional, counselor, or victim advocate, or any other documentation that reasonably verifies that violence occurred, including a written statement signed by the employee or an individual acting on their behalf.

Employers may not discriminate or retaliate against employees based on their status as victims or family members of victims. To the extent allowed by law, the employer shall maintain the confidentiality of an employee requesting leave for the specified purposes.

In addition to granting employees time off for the purposes specified above, employers also have a duty to provide reasonable accommodations for employees who are victims or have family members who are victims of qualifying acts of violence, provided such an accommodation is requested. These accommodations may include, but are not limited to, the implementation of safety measures, transfer, reassignment, modified schedule, installation of locks, or assistance in documenting qualifying acts of violence that occur in the workplace. Employers are not required

to adopt accommodations that would constitute an undue hardship on business operations, or that would result in a violation of their duties to maintain a safe and healthful place of employment for all employees. If the employer requests, an employee requesting a reasonable accommodation must provide a signed written statement certifying the accommodation is for a purpose authorized by this statute. We recommend that districts request this written certification as often as possible.

For time off authorized under this section, an employee may use vacation time, personal leave, paid sick leave, or compensatory time off, unless otherwise provided by the collective bargaining agreement. An employee is not entitled to take unpaid leave that exceeds the amount allowed by the Family and Medical Leave Act.

SLS is happy to help with any questions that arise as a result of these new employee rights and looks forward to the opportunity to help or resolve any related issues.

*Nicholas Lackie*

*Education Law Updates are intended to alert Schools Legal Service clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Consult legal counsel as to how the issue presented may affect your particular circumstances.*