

**TOO MUCH, TOO LONG? DOMESTIC VIOLENCE
IN THE WORKPLACE**

HEARING

BEFORE THE

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE
SAFETY

OF THE

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

EXAMINING DOMESTIC VIOLENCE IN THE WORKPLACE

APRIL 17, 2007

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TOO MUCH, TOO LONG? DOMESTIC VIOLENCE IN THE WORKPLACE

TUESDAY, APRIL 17, 2007

U.S. SENATE,
SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in Room 628, Dirksen Senate Office Building, Hon. Patty Murray, chairman of the subcommittee, presiding.

Present: Senators Murray, Isakson, Allard, Clinton, and Brown.

OPENING STATEMENT OF SENATOR MURRAY

Senator MURRAY. This subcommittee will come to order. We are here this morning to focus on domestic violence in the workplace and before I begin, I just want to say that yesterday is a tragedy that is difficult to fathom for the many young lives at Virginia Tech that were touched by this. A lot of families will never be the same and as they mourn, we mourn with them. They are in our thoughts and in our prayers and their loss hangs over everything that we're doing in the Senate today and it will for some time.

I would ask all of us to join in a moment of silence to remember the families, the victims, their friends and everyone who has been involved in this.

[Moment of silence observed.]

Senator MURRAY. Thank you. Clearly, we don't know all the facts and may not for some time but I think this tragedy reminds all of us that violence affects far too many in this country today. We need to do everything we can here in Congress to save lives and to prevent violence from reaching into our schools, our homes and our workplaces and that is why we're holding this hearing today.

Two weeks ago, in my home State, a 26-year-old woman who worked at the University of Washington was killed at her workplace by an ex-boyfriend. She had filed a restraining order and warned her friends and co-workers to be on the lookout for him. The following day at the CNN Building in Atlanta, a hotel employee was killed by an ex-boyfriend. Many other cases of abuse, stalking, harassment and homicide don't make the nightly news but they do end lives, they hurt businesses and they alarm communities.

Each day, we get terrible reminders that domestic violence does not stay at home. It follows people into their workplace, posing safety, financial and legal problems for the victims, employers and

other workers. If we ignore it, the horrible toll of domestic violence in the workplace will continue unchecked. But if we confront it, we can make progress and I believe this is the time to have an informed discussion and in fact, next week will mark the National Crime Victims Rights Week and Lifetime Television will help us to focus attention on ending the violence.

My goal today is to gather the facts about the size and scope of the problem and to discuss solutions, including a bill that I am introducing today called the Survivors Empowerment and Economic Security Act, which I first introduced with my very good friend, the late Senator Paul Wellstone along with his wife and these are people who we owe a great deal to for bringing the Nation's attention to the issue of domestic violence and how we can all work together to deal with it.

Together, we crafted this bill with input from domestic violence survivors, advocates, workplace experts and our Senate colleagues and I want to thank all of our witnesses for coming today, for sharing their expertise and experiences with us.

We will hear testimony this morning from Kathy Rodgers, who is President of Legal Momentum; Laura Fortman, who is Commissioner of the State of Maine Department of Labor—Maine is doing some remarkable things to address DV in the workplace; Yvette Cade, who is a survivor of domestic violence in her workplace—her horrific experience drew national attention in October 2005; Sue Willman is an attorney with Spencer Fane Britt and Brown in Missouri and has over 30 years of experience, both as an employment lawyer and human resources professional. She represents management exclusively.

I've been working on domestic violence for a very long time and we have made progress. We've updated our Federal laws and invested in prevention, intervention and persecution. We've made domestic violence something that no one talked about to something that is everybody's business but I am frustrated that we have not made as much progress addressing the economic factors that allow abuse to continue.

As I discuss domestic violence today, I am referring to domestic violence, dating violence, sexual assaults and stalking. Its victims can be men or women. When domestic violence follows victims into the workplace, it reveals a key connection between safety and economic independence. For many victims of domestic violence, a steady paycheck is the only thing that keeps them from relying on their abuser. We know, in fact, economic security and independence is the most accurate indicator of whether a victim will be able to stay away from an abuser.

But too often, victims are entirely dependent on their abuser for food and shelter for themselves and their families. And too often, abusers try to undermine a victim's ability to work, harass their victims in the workplace or worse. If we want to end domestic violence in the workplace or anywhere else, we need to address the economic barriers that trap victims in abusive relationships.

Let me share a few statistics that show the challenge that we face. Domestic violence impacts the productivity of employees and the success of businesses. Each year, domestic violence results in an estimated 8 million missed days of work nationwide and each

year, domestic violence causes up to 50 percent of victims to lose their jobs, making them more dependent on their abuser. Many times employers just don't know how to handle a situation where an abuser is coming to the workplace or causing an employee to miss their work.

Unfortunately, more than 70 percent of U.S. workplaces have no formal program or policy that addresses workplace violence, let alone domestic violence. Only 4 percent of our employers provide training on domestic violence.

Some companies make the wrong choice and fire the worker. But making the employee go away does not make the problem go away. In fact, it can make it much harder for that person to get help if they do not have the financial security that a job provides. So we need to help our employers understand the right things to do.

If I look at these challenges, I see a series of locked doors. A victim wants to leave an abuser but she can't support herself so the economic door is locked. A survivor wants to go to court to get a protection order but she can't get time off work. Another door is locked. A survivor needs medical insurance or a job but she is discriminated against. More locked doors. My bill will unlock the doors that trap victims in abusive relationships and it will lift the economic barriers that allow abuse to continue.

Let me share four ways the Survivors Empowerment and Economic Security will help. First, it allows victims to take time off from work without penalty from their employers to appear in court, seek legal assistance and get help with safety planning. Second, it ensures that if a victim must leave a job because of abuse, that person is then eligible for unemployment compensation. Third, it prohibits employers or insurance providers from basing hiring or coverage decisions on a victim's history of abuse. Too many victims today cannot get a job or the insurance they need because insurance companies reject abuse victims. Finally, the bill addresses the punitive elements of the welfare system that penalize victims who are fleeing dangerous situations, also called the Family Violence Option.

Those are the main parts of the bill and I want stakeholders to know that if they have concerns or ideas for improving the bill, my door is open and I want to hear from you. We owe it to the millions of victims of domestic violence, sexual violence and stalking to address this problem head on. People should not be forced to choose between financial security and physical security. Together we can help to stop this cycle of violence and the toll it takes on families, on communities and our society but we have to change the law and that's what I hope we can do together, starting with this hearing this morning.

Senator Isakson.

OPENING STATEMENT OF SENATOR ISAKSON

Senator ISAKSON. Well, thank you, Chairman Murray and first of all, I want to associate myself with your remarks regarding the tragedy yesterday in Virginia. We just learned this morning that a young Georgian, Ryan Clark, 22 years old, a distinguished student at Virginia Tech who was to graduate in May and then pursue his Ph.D., was one of the first students that was killed yesterday.

He was a residential advisor who was in that dormitory, trying to help those students and it's a tragedy. This tragedy is going to touch many States and many communities and lives all across this country. I share your concern in the sense that you expressed and I appreciate very much your acknowledgement at this time.

I also appreciate your leadership in bringing this issue forward to the committee and I particularly want to thank Ms. Cade and Ms. Willman for their testimony today. I thank all of our witnesses and Ms. Cade and Ms. Willman both understand domestic violence personally and have been victims themselves and I want to congratulate them on their fortitude, their resilience and their courage to come before this committee and testify today.

Domestic violence is illegal and it's wrong. There is also no doubt that domestic violence can and often does affect the workplace. As Chairman Murray just mentioned, in my hometown of Atlanta, Georgia, just earlier this month, Ms. Clara Riddles was fatally wounded while working at the Omni Hotel in the CNN Center. According to police, her former boyfriend entered the lobby, grabbed her by the hair and then shot her three times.

All of us seek to prevent it. Effective interventions require consistent and coordinated efforts by police and prosecutors, counselors and the courts. The Violence Against Women Act made great strides in this area, originally passed by the Congress in 1995 and reauthorized in 2005, the act authorizes the Department of Justice to coordinate with State governments as well as international governments on matters concerning violence against women.

In 2003, President Bush launched the Family Justice Center Initiative. The Initiative attempts to address the problem of victims having to seek help in an often fragmented system by providing comprehensive services for victims at one single location, including medical care, counseling, legal enforcement assistance, social services, employment assistance and housing assistance.

As an employer for 22 years of almost 1,000 women, 800 independent contractors and 200 employees, I am not unfamiliar with the effect that domestic violence can have on those individuals or the workplace. And I am happy to cooperate in encouraging exactly what Chairman Murray stated in her remarks and that is to help employers to do the right thing.

As an employer, I always tried to do the right thing and quite frankly, I find almost in all cases, employers always try to do the right thing because their assets are their employees.

I look forward to working with the Chairman on this legislation when it is introduced. I haven't had the chance to read it yet. My only cautions that I would raise is first of all, the caution with regard to any provisions on unlimited jury awards or creating an environment where the legal action against the companies takes place because of allegations. Second, I worry about the unintended consequences of people who have been abused not being employed because of the fear that because they were abused, they might be a problem in the workplace.

We don't want to pass a law that has the unintended consequence of causing that to happen by having employers judge people out of fear of either legal action of some consequence and there-

fore, they don't employ someone they might otherwise have employed.

Together, government officials, employers and employees can work to address these very important issues. Employers can establish sound workplace policies that take all disclosures of abuse, whether in or out of the workplace, seriously. Employers can train management supervisors and all employees in how to respond when a co-worker is a victim or a perpetrator of domestic violence. Supervisors can work with domestic violence victims to develop personal safety plans for them while they are at their workplace.

I know many employers of all sizes and all sectors in the American economy. I do not know of one, however, who would be unsupportive or hostile to any employee who was suffering from domestic abuse.

I want to thank Chairman Murray for the introduction of this legislation and the calling of this hearing today and I look forward to working with her as the legislation develops.

Senator MURRAY. Thank you very much, Senator Isakson.

Senator Allard, do you have an opening statement?

STATEMENT OF SENATOR ALLARD

Senator ALLARD. Just a brief comment, Madam Chairman, I just want to compliment you and Ranking Member Isakson for this opportunity to discuss employment and labor issues that will be debated in the 110th Congress. And I'd like to thank the witnesses who have come here to testify before us. It's not always easy to get away from your families or your place of work to be here, to share with us your experiences and your thoughts about this very important issue.

No doubt, domestic violence is a very devastating crime and has an effect on obviously, the families but it can extend into the workplace and we need to make sure that the police and the prosecutors and the counselors and courts are all collaborating together on these types of issues and we need to make sure that the workplace, again, is sensitive to those conditions that would allow those prosecutors and collaborator and what not to do their job and allow the victim an opportunity to get the time off to move an action against whoever that spouse might be where you have domestic violence.

I would side with—or just make a few comments about what Senator Isakson said. We have to be careful here. If you have a small business, all of a sudden, the small businessman, in a sense, becomes a victim, too. So I think we have to be very careful about how we draft this so that we don't create an environment for the real small employer, where they can help the victim if they so desire or in some cases, they find themselves in a position where they become pulled in as the victim because of what is happening in their workplace and how it affects their community and what they are trying to do. Because small business people, sometimes they are very specialized people in that small business and nobody else in that business can do that.

So we need to reach a proper balance here so I'm anxious to hear what all your comments might be in regard to your experiences and your concerns. Thank you very much.

Senator MURRAY. Thank you very much, Senator Allard. And I again want to thank all of our witnesses for being here today as we move forward on this critically important issue. I look forward to hearing from each of you and we will start with Ms. Rodgers on my left and then to Ms. Fortman, Ms. Cade and Ms. Willman.

**STATEMENT OF KATHY RODGERS, PRESIDENT, LEGAL
MOMENTUM, NEW YORK, NEW YORK**

Ms. RODGERS. Good morning and thank you very much, Senator Murray and good morning to the other members of the subcommittee. I am Kathy Rodgers, President of Legal Momentum and that organization was founded in 1970, which makes us the oldest national legal organization fighting to advance the rights of women and girls. Certainly since 1990, we have been deeply involved in issues of violence against women.

So I thank you very much for this opportunity to testify today and also to join you in our collective grief as to what happened at Virginia Tech. It's just unimaginable. Our hearts are with the folks in Virginia and the families of those students.

Today also marks the beginning of a timeframe here in Washington of Lifetime Television's End Violence Against Women Week and Victims Rights Week so it's an appropriate time for this hearing and I look forward to a productive exchange on the best ways to support victims of domestic violence, dating violence, sexual assaults and stalking, especially as these issues carry over into the workplace.

Now, today's headlines indicate that the event today may have been sparked by a dating violence incident. That certainly dramatically reminds us that this issue is not an abstract one. It matters to real people and real families, people like Yvette Cade and her family, whom we are privileged to have here today. And it mattered to three women whom you referred to, Senator Murray—one white, one Latino and one African-American, all who lost their lives in the workplace just in the last month, including in Washington and Georgia, your home States.

It also matters to me and my colleagues at Legal Momentum in the context of our work, both to reauthorize and fund the Violence Against Women Act and in our program on employment and housing rights for victims of domestic violence, two of the key supports that any victim needs.

The issues of the impact of domestic and sexual violence in the workplace becomes visible to all when lives are lost or victims are set on fire but most victims are hidden victims. One in four women will be a victim of domestic violence in her lifetime and you can be sure that many such victims are our fellow employees, whether or not we are aware of it. Many do not speak up and they do not seek employer assistance because they are embarrassed or worse, because they are afraid they'll be fired.

Even more hidden is the issue of employees who are abusers not victims. A recent study found that 78 percent of abusers use their employer's property—a phone, computer, a company car, to keep track of the victim's whereabouts. This is an issue that has to be addressed as well.

Now some employers and States have been working to help employees to maintain their safety and their job stability but far too few. We know from a Bureau of Labor Statistics Study released last year that only 4 percent of employers have policies that explicitly address domestic and sexual violence in the workplace and although many States have passed legislation to address parts of the solution, very few have all the pieces in place.

Among the 13 States represented on this subcommittee, 8 provide unemployment insurance to survivors who must leave their jobs because of the abuse. Five have domestic violence specific leaves. But only two have provisions preventing a victim of violence from being fired and just one, Illinois, has all three provisions.

The good news is, such policies are not, in fact, onerous to employers. They are beneficial to them. They are of significant help to the employee involved, obviously. It also makes other fellow employees feel more secure and satisfied with their employer. But for the employer, it also helps to maintain and increase business productivity and we have worked with many employers on these issues and hope that others and I'm sure, Ms. Willman's organization, will join us.

It is far better to support your valuable, productive employees than to have to recruit and retain new ones. Employers who don't recognize this simple fact are simply short changing themselves and I speak not only as an advocate but as an employer myself. We have two offices and 38 staff and 10 or more interns at any given time.

Legal Momentum voluntarily affords our employees the protections of the FMLA and has a policy to support employees who are victims of violence. But employers are largely unaware of the benefits of violence against women policies and the simple and cost effective practices that can really help their employees who are victims of domestic violence or sexual assault.

There is a need for Federal legislation to establish a floor of protections for all victims, regardless of where they live and work, which is often in two different States. Now the lynch pins of this protection are three. First, provisions that prevent victims of domestic or sexual violence from being fired because they are victims. This is all too common and we have represented such victims around the country. There are, I'm afraid, employers who do not have the best interests of their employees in mind and one example in our case is Angela, a bartender in Wisconsin and she became pregnant and her boyfriend began making death threats against her. In May 2005, she applied for a protective order and when she told her boss about it, her boss told her to drop the protective order or she would be fired because one of the ex-boyfriend's friends had threatened to stop coming to the bar, had threatened to stop bringing his business to the bar. Immediately after she obtained the protective order, she was fired.

The second lynchpin is unpaid leave to allow victims the time to go to court for a protection order, to do safety planning or seek other assistance from a service provider, to have locks changed or to secure a safe home for themselves and their families.

Senator MURRAY. Ms. Rodgers, one thing I didn't say before we all started but if everybody could keep their testimony to the 5-

minute limit so we have an opportunity to ask questions and make sure we have an opportunity to do that. If you could sum up your remaining remarks, I'd appreciate it.

Ms. RODGERS. Thank you. The third is unemployment insurance, if the violence forces them to leave their employment. With those three things, that ends my testimony here today and I look forward to discussing how we can move forward in what are clearly the common interests of employers and employees. Thank you very much and I'm sorry for running over.

[The prepared statement of Ms. Rodgers follows:]

PREPARED STATEMENT OF KATHY RODGERS

I. LEGAL MOMENTUM IS A LEADER IN PROMOTING THE ECONOMIC SECURITY OF VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE

For 37 years, Legal Momentum has advanced the rights of women and girls through the power of the law and effective public policy. As President of Legal Momentum, I am grateful for this opportunity to testify before the HELP Subcommittee on Employment and Workplace Safety and to submit this written testimony on the issue of domestic and sexual violence in the workplace. My colleagues and I, and the women we represent, are also indebted to Senator Murray, her staff and the staff of the subcommittee for their enduring commitment to this important issue.

Legal Momentum's commitment to assisting victims of domestic violence and sexual assault secure economic independence stems from our longstanding dedication to two related goals—ending violence against women and eliminating barriers that deny women economic opportunities. We helped craft and generate support for the Violence Against Women Act of 1994 and its reauthorizations in 2000 and most recently in 2005. We created and currently chair the National Task Force to End Sexual and Domestic Violence Against Women, the umbrella entity under which national, State, and local organizations representing hundreds of thousands of survivors, advocates, and professionals join together to work for VAWA reauthorization. We also chair the workplace subcommittee of the Task Force, which specifically works to ensure that victims of domestic and sexual violence have the economic independence they need to separate effectively from an abuser or recover from a sexual assault. Through our "Employment and Housing Rights for Victims of Domestic Violence" program, we provide information to domestic and sexual violence survivors to help them understand their employment and housing rights and we represent individual women seeking to enforce those rights. Additionally, we work closely with employers to develop best practices for companies that seek to deal with the workplace effects of violence against women.

Our advocacy in both the workplace and housing areas is a direct response to calls we receive every day from real people: women and men seeking guidance in how they can keep their jobs and their housing while they address the effects of domestic violence or a sexual assault, or, worse, women and men who have lost their jobs or their housing because of that violence. A few of their stories are included in the testimony below. More are attached as an appendix. A victim of violence should not need to choose between her physical safety and her economic independence, especially since that economic independence is a linchpin for ensuring that she is able to end an abusive situation.

II. DIMENSIONS OF THE PROBLEM

Since its enactment in 1994, VAWA has dramatically improved the response of the police and the criminal and civil justice systems to victims of domestic and sexual violence and the availability of shelters, counseling, and other essential services for them. But far too many working women and men who are victims of domestic and sexual violence remain unable to access these services simply because they cannot take any time off from work. Many victims are too afraid of losing desperately needed jobs to take the time to pursue legal remedies, seek medical treatment, or to take other essential steps to secure their safety.

I wish I could tell you that this fear is unfounded—but it is not. For example, we represented Sophia Apeossos, a newspaper reporter in Plymouth, MA. On Saturday, July 29, 2000, her day off from work, Sophia's then-husband assaulted her in her home. Sophia fled to the local police department to report the incident and seek assistance. The police immediately arrested her husband, charged him with assault

and battery, and helped Sophia obtain a temporary restraining order. Because the temporary restraining order could not be extended unless Sophia appeared in court during regular business hours, she called her work supervisor and left a message that she would be absent on Monday, July 31, to attend court proceedings relating to domestic violence. When she reported to work on Tuesday morning, the human resources director called Sophia into her office and fired her.¹

Sophia's story is typical. Forty percent of Americans working for private industries have no paid leave.² Thus, taking a single day off from work to go to court to get a protective order can mean that a victim will lose her job—and with it the economic security she needs to separate from her abuser. Additionally, victims of domestic violence and sexual assault often face harassment at the workplace. As many as 96 percent of employed domestic violence victims experience problems at work due to their abuse or abuser, and 70 percent report being harassed by telephone or in person by their abuser.³ The combination of necessary absences related to the violence and harassment or discrimination at work means many victims lose their jobs. According to a 1998 report of the U.S. General Accounting Office, between 25 percent and 50 percent of domestic violence victims in three studies reported that they lost a job due, at least in part, to domestic violence.⁴ Similarly, almost 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.⁵ The prevalence of sexual assault and other violence against women at work is also dramatic. About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999.⁶ Domestic violence also affects perpetrators' ability to work. A recent study found that 48 percent of abusers reported having difficulty concentrating at work and 42 percent reported being late to work.⁷ Seventy-eight percent reported using their own company's resources in connection with the abusive relationship.⁸

Recognizing the need to support survivors of sexual and domestic violence that are seeking to establish or maintain their financial independence, State legislatures and advocates for survivors have worked to enact legislation to ensure that victims can have access to job-protected leave, or if they have to leave a job because of violence, unemployment insurance. Twenty-eight States and the District of Columbia have laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances; some of these laws also explicitly provide benefits to victims of sexual assault or stalking. Thirty-two States have enacted statutes that afford protection to victims of crime who need time off to attend court proceedings, while eight have statutes that specifically afford leave to survivors of intimate partner violence. Three States and New York City protect, at least in certain circumstances, employees who are victims of violence from being fired simply because they are victims or have obtained a protective order.

Experience in States that have enacted these laws demonstrates that these provisions reasonably protect employers' interests and will help make workplaces safer. As Maine Labor Commissioner Fortman discusses in her testimony, implementation of its domestic violence workplace protections were not onerous for employers. Reports from States such as California and Illinois, which have enacted comparable legislation, likewise confirm that implementation has worked well for employers and employees.⁹ Federal legislation is necessary, however, to ensure that all workers have these essential protections.

III. ADDRESSING DOMESTIC AND SEXUAL VIOLENCE IS GOOD FOR BUSINESS

Forward-thinking companies, such as Harman International, Liz Claiborne, American Express, Verizon Wireless, Altria have realized that proactively addressing the effects of violence against women in their workplaces is simply good business practice. They understand that this issue affects their most important asset—their employees—and so undeniably affects their bottom line. Domestic violence costs employers at least \$3 to \$5 billion a year in missed days of work and reduced productivity.¹⁰ These figures do not begin to address the costs of additional security, liability, and employee assistance benefits, or the toll violence takes on women's personal economic security.¹¹ In addition to costs associated with diminished productivity, businesses often lose valuable employees when those employees are victimized.¹² Losing loyal and experienced employees generates substantial hiring and training costs, which would be largely avoided by addressing the impact of domestic and sexual violence in the workplace.¹³

Recognition of the costs that domestic and sexual violence impose on businesses is growing. Sixty-six percent of corporate leaders identified domestic violence as a major social issue and one that affect business functioning and the "bottom line."¹⁴ Seventy-eight percent of human resources professionals consider intimate partner violence a serious workplace issue.¹⁵ Ninety-four percent of corporate security and

safety directors at companies nationwide rank domestic violence as a high security concern.¹⁶ And 44 percent of employed adults report personally experiencing the effects of domestic violence in their workplace.¹⁷ However, according to a 2006 study by the Bureau of Labor Statistics, more than 70 percent of U.S. workplaces have no formal program or policy that addresses workplace violence, including domestic violence that spills into the workplace.¹⁸ In fact, only 4 percent of employers provide training on domestic violence.¹⁹ Sue Willman, who will also be testifying this morning, has written about the importance of employer-employee training in other contexts. To the extent that employers are already providing training on a variety of other subjects, broadening their already-existing curriculum to include domestic and sexual violence would help support employees and would not be unduly burdensome to them.²⁰

Fortunately, we know that there are effective steps that businesses can take to help keep victims and their co-workers safe. Permitting individuals to take time off to take actions outside of work to address the violence—like going to court or moving to a safe location—is one important aspect of supporting employees. Other easy, low-cost or no-cost steps that a company might be able to take include changing a phone extension so that an abuser can no longer harass a victim at work, or letting an employee modify her regular working hours so that her abuser will no longer know when she's likely to be commuting to or from work. If a batterer has threatened to come to the workplace, registering a copy of a protective order with building security or a receptionist, or transferring the employee to another work site, might be appropriate. Companies that make personal information available to other employees, through an internal intranet system or other directories, may need to take steps to protect the location of individuals who have successfully separated from a batterer. Importantly, addressing domestic or sexual violence does not mean that a company must (or should) counsel the individual involved about how to address the violence in her life; instead, generally an employer should simply help her access resources in her community and give her the support she needs at work to take the steps that she (after consultation with appropriate professionals) determines are appropriate.

Many businesses are taking the lead in implementing such policies. Their experience shows that programs can be effective for both victims and their employers. Creating legal mandates that set a reasonable floor of protections to ensure that victims can take necessary time off from work and can safely tell their employers about their situation without jeopardizing their jobs will spur further business leadership in addressing domestic and sexual violence and their effects on the workplace.

IV. THE NEED FOR FEDERAL INVOLVEMENT

As described above, States and some businesses are very actively trying to support survivors of intimate partner violence who are trying to achieve or maintain financial independence. Well over half of the States now have at least some explicit employment-related protections for victims of domestic or sexual violence. States have crafted legislation that appropriately balances employer and employee interests and, perhaps even more important, helps employers and employees work together effectively to keep workplaces safe. Congress can look to these proven models in crafting legislation addressing these issues. But the existing State laws have created an uneven patchwork of protection, where a victim's access to the economic security she needs to separate from an abuser depends on the State in which she happens to live. For the true potential of these statutes to be realized, Federal legislation is needed to ensure that all survivors of sexual and domestic violence receive at least basic economic protections.

Congress began the process of addressing this vital issue as a Federal matter during reauthorization of VAWA. The 2005 VAWA reauthorization bill introduced in the Senate, S. 1197, made up to 10 days job-protected leave available to all eligible employees. Another VAWA 2005 reauthorization bill, H.R. 3171, contained several strong provisions that would promote the economic security of victims, including a right for victims to take up to 30 days off to address the effects of the violence and anti-discrimination protections for victims. A third, H.R. 2876, would have permitted individuals who already had paid leave to use it for purposes related to domestic or sexual violence. Although the leave and anti-discrimination protections were not included in the final bill, Congress took an important step forward by authorizing appropriations to create a workplace resource center to assist employers in learning how to support their employees who are victims of intimate partner violence.

Other Federal agencies, focusing on the domestic violence that spills over into violence in the workplace, have also made addressing the issue a priority. The Centers for Disease Control (CDC), particularly its National Institute on Occupational Safety

and Health (NIOSH) unit which is charged with enforcement of workplace safety rules, and the Occupational Safety and Health Agency each recognize domestic violence and its workplace effects as a significant risk to workplace safety.²¹ In 2004, these agencies worked with leading employers to organize a national conference that brought together experts to develop proposed policies.²² NIOSH has also funded several grants to outside researchers to conduct systematic research into the prevalence of violence and effective prevention mechanisms. These are welcome steps forward, but they are not enough. Congress should continue its commitment to supporting the workplace needs of victims of sexual and domestic violence by building on the successful experience of States and businesses that have made protecting the economic security of victims and the safety of businesses a priority.

V. ANTI-DISCRIMINATION PROTECTIONS ARE NECESSARY TO THE WORKPLACE

Victims of domestic violence, dating violence, sexual assault, and stalking are often afraid that telling their employers what is going on outside work will jeopardize their employment. Again, unfortunately, this fear is quite reasonable. For example, we are currently representing Angela Thoma, a waitress in Wisconsin who was fired after she obtained a protective order because some of her ex-boyfriend's friends said they would stop coming to the tavern where she worked.²³ We were also involved in a case brought by a male bus driver in North Carolina who was fired after he was shot (off work premises) by his ex-wife because the incident "injured" the reputation of his employer.²⁴ Although some such individuals are able to obtain relief under sex discrimination laws or tort-based claims that firing a victim violates public policy, most are left with no legal recourse. For example, in the North Carolina case, the North Carolina Supreme Court denied the bus driver's claim that the termination was a violation of public policy, affirming a lower court decision that held that absent specific legislation it was legal to fire victims simply because of the violence against them.²⁵

The experiences of our clients and of others who call us are typical. As noted above, between 25 and 50 percent of victims of domestic violence, and almost 50 percent of sexual assault survivors, lose their jobs as a result of the violence and almost 50 percent of sexual assault survivors.²⁶ In some cases, this is because of absences or job performance problems. But victims also lose their jobs *simply* because they are victims or because an abusive partner disrupts the workplace. Supervisors or human resources personnel may subscribe to common stereotypes regarding domestic violence, which blame victims for the violence against them. Employers may not realize that there are other steps that they can take against the abuser—such as reporting harassment to the police or, in States that authorize it, seeking a workplace restraining order—to address harassing or disruptive conduct, rather than firing the victim of the violence. Likewise, employers may mistakenly believe that firing a victim is the only way to ensure that the violence does not spill over into the workplace. Again, the success of businesses that have proactively developed programs addressing domestic violence demonstrate that other mechanisms—such as changing an employee's work shift, registering a protective order, alerting security, or transferring an employee—are effective means of addressing any potential threat to the workplace. But employers cannot take safety precautions if they do not know what is going on.

The best way to ensure that victims feel comfortable telling their employers about their situation is enacting legislation that makes clear that victims cannot be fired simply because of their status as victims. Illinois, New York City, and Westchester County have addressed this issue by enacting antidiscrimination protections that include domestic and sexual violence victims as protected classes under their human rights laws.²⁷ Rhode Island and Connecticut specifically prohibit firing victims because they have obtained protective orders.²⁸ Congress has also dealt effectively with a similar problem in the housing context by enacting provisions in the 2005 reauthorization of VAWA that make clear that victims cannot be denied access to or evicted from public housing or terminated from housing assistance based on incidents of violence against them.²⁹ Although privacy laws and good employment practices make clear that victims should never be required to disclose personal experiences such as domestic violence or sexual assault, victims who wish to disclose—or whose victimization is made obvious by physical markers such as bruises or harassment by the abuser at work—should know that the criminal acts against them will not cost them their employment. Anti-discrimination protections are necessary to ensure that victims can talk about their situation with employers without jeopardizing their jobs. Like other anti-discrimination protections, such provisions would not limit the ability of employers to terminate victims for legitimate performance problems. What they would do is ensure that employers and victims can work to-

gether to jointly assess any security risk and take appropriate precautions. These protections also ensure that victims feel comfortable asking for time off or other modifications they may need at work to remain productive while addressing the violence.

VI. VICTIMS CANNOT OBTAIN ESSENTIAL SERVICES WHEN THEY FEAR LOSING THEIR JOBS

The Violence Against Women Act and other legislation that Congress has passed have made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. For example, “Penny,” in St. Claire, MO, called us to ask for advice. She had been fired after 18 years working as a shipping clerk because she had missed work to go to court for a restraining order and get treatment for injuries; although she had provided her employer paperwork from the doctor and the court, she hadn’t been able to provide her employer with the 24-hours advance notice required under her employment policy to use vacation days. She was fired for excessive absences—and unfortunately, there was no law to protect her.

Forty percent of the American workforce has no paid sick leave.³⁰ Low-wage workers, who tend to be at greater risk for domestic and sexual violence, are even less likely to have paid time off—one study found that 76 percent of low-wage workers have no paid sick leave.³¹ Additionally, as Penny’s experience makes clear, even employees who do have sick days or vacation days may not be able to use them to cover the range of needs associated with addressing domestic or sexual violence. Thus, without legislative protection, a victim of domestic violence who misses work to testify at a criminal prosecution, to obtain a civil protective order or to take other steps to address the violence typically knows that her absence could cause her to lose her job. And therefore many victims, knowing their safety depends on an independent income stream even more than other safety-enhancing measures such as a protective order, forego services rather than risk their employment.

Responding to this reality, more than half of the States have passed laws that permit crime victims time off to attend court proceedings and laws specifically addressing the needs of domestic and sexual violence victims. Thirty-two States (AL, AK, AZ, AR, CO, CT, DE, FL, GA, HI, IN, IA, MD, MA, MI, MN, MS, MO, MT, NY, NV, ND, OH, PA, RI, SC, TN, UT, VT, VI, VA, WI, WY) and the Virgin Islands have laws specifically permitting an employee who is a victim of a crime to take time off from work to attend court, at least under certain circumstances.³² These laws obviously can be a great help to some victims of domestic or sexual violence—but they are not sufficient. Many of the laws only apply if the victim is subpoenaed to appear. They do not address the specific needs of victims of these particular crimes to take a range of other steps, such as finding safe housing, in addition to attending court proceedings related to the crime. In fact, since generally a victim can seek a protective order only in civil court (a criminal protective order may sometimes be issued in conjunction with a criminal prosecution, but a victim does not determine whether a given case is prosecuted), crime victim leave laws do not even ensure that a victim may take time off from work to get a protective order. And of course, they offer no protection at all to individuals who live in the 28 States that do not have any kind of crime victim leave law.

As of April 2007, California, Colorado, Hawaii, Illinois, Kansas, and Maine provide an affirmative right to victims of domestic violence (and in some of these States, sexual assault) to take unpaid leave to go to court, seek medical treatment, obtain counseling, or take other steps to address the effects of such violence.³³ New York and North Carolina provide victims time off to seek civil protective orders but do not address the need of victims to take other steps related to the violence.³⁴

These State laws can provide workable models for Federal legislation providing victims time off from work. The State laws have ensured that victims can take necessary steps to address the violence, while appropriately protecting business interests by specifying appropriate forms of certification that victims can use to demonstrate their eligibility for these protections. In most State laws, the leave is unpaid, although victims may use available paid leave in its place. This likewise helps ensure that the provisions are not abused. Survivors who have only unpaid leave need the income to maintain their independence and those who have paid leave tend to safeguard it for crisis situations.

Importantly, the protections provided under the Federal Family and Medical Leave Act (FMLA) are not adequate to meet many of the needs of survivors of domestic or sexual violence. Of course, victims of domestic or sexual violence will in certain circumstances be able to take time off to address medical conditions under

the FMLA. However, many of the typical injuries caused by domestic or sexual violence—such as a badly-swollen eye from a punch in the face or a sprained ankle from a push down the stairs—may not qualify as “serious health conditions” under the FMLA but could nevertheless require that an individual miss a day of work. Additionally, many victims work for employers who are too small to be required to provide FMLA leave.

Federal legislation that simply permitted individuals who have otherwise available leave to use it for purposes related to domestic or sexual violence would also be grossly inadequate. A provision that only permits individuals to use existing leave does nothing for the victims who are most vulnerable—low-wage workers who lack any paid time off at all. It is these workers for whom the loss of employment is most likely to result in the unconscionable choice of returning to an abuser or becoming homeless. To make a real difference for victims of domestic and sexual violence whose jobs are in jeopardy, any contemplated Federal legislation must include provisions that guarantee that all eligible employees have the time off they need to take essential steps to secure their safety, not only those employees who are lucky enough to have otherwise available time off.

VII. UNEMPLOYMENT INSURANCE BENEFITS CAN HELP TRANSITION VICTIMS WITHOUT RAISING COSTS TO BUSINESSES

Sometimes employees choose to leave their jobs to protect themselves, family members that are being victimized, their coworkers, or to take other essential steps to ensure their safety. In most States, the general rule is that individuals are ineligible for unemployment benefits if they leave work voluntarily without “good cause” or if they are discharged for “misconduct” such as absenteeism.³⁵ Such provisions can bar victims who left or lost their jobs because of the violence from receiving benefits. (In fact, in some States, individuals who voluntarily quit a job to relocate with a spouse can receive benefits—but those who are forced to flee an abusive spouse cannot.) In recent years, however, there has been a dramatic growth in State laws explicitly making victims eligible for benefits if they left or were fired from their jobs for reasons relating to domestic violence.³⁶

In 1996, Maine was the first State to amend its unemployment insurance law to acknowledge the effects that domestic violence may have on employment.³⁷ Now 11 years later, 28 States, and the District of Columbia, have amended their unemployment insurance laws to address domestic violence.³⁸ Most of these laws define “good cause” to include leaving a job for reasons related to domestic violence. A few States have laws excluding situations related to domestic violence (e.g., absences or tardiness) from “misconduct.” Experience in States shows that the number of claims made under existing laws is generally very low (typically well under .1 percent of all claims made).³⁹ In most States, claims are not charged to the employers’ accounts, and the number of claims, relative to all claims made in the unemployment insurance system, is quite small. Thus, allowing victims of domestic and sexual violence to receive unemployment benefits generally does not affect employer tax rates.

We urge you to adopt legislation that would make such benefits available to victims regardless of where they live. Provisions such as those that were included in the last Congress in Title VII of the VAWA 2005 bill sponsored by Representative Lofgren (H.R. 3171) and Title II of the Security and Financial Empowerment Act sponsored by Representative Roybal-Allard (H.R. 3185) are good models for Federal legislation in this area. They are drafted to ensure that victims who must leave a job because of domestic or sexual violence can get benefits while permitting States flexibility in how they address the issue. A victim who must leave her job to protect herself, her family, or her coworkers must be able to maintain financial independence at this critical time and to return to the workforce as soon as possible.

VIII. CONCLUSION

In the decade since it was first passed, VAWA has made a world of difference for victims of domestic and sexual violence by opening up the court system and helping ensure that shelters, counseling, and other support services are available. But too many working women and men continue to fear—rightly—that accessing such services could cost them their jobs, and thus the financial independence they need to separate effectively from an abuser. There is a desperate need for economic security provisions that would make unemployment insurance benefits available to victims who must leave their jobs because of the violence. Victims cannot be forced to choose between their economic independence and their physical safety—both are essential if they, and we as a society, are to move forward in our efforts to end domestic and sexual violence.

REFERENCES CITED

1. *Apessos v. Memorial Press Gp.*, No. 15 Mass. L. Rep. 322, 2002 Mass. Super. LEXIS 404, at *10 (Super. Ct. Mass. Sept. 30, 2002).
2. Bureau of Labor Statistics, *Employee Benefits Survey: Most Requested Statistics, Benefits* (2004), available at <http://data.bls.gov/cgi-bin/surveymost?eb>. (Showing 41 percent of workers in private industry in 2004 had no available paid sick leave).
3. Connie Stanley, *Domestic Violence: An Occupational Impact Study* 3 (1992).
4. U.S. Gen. Acct. Office, *Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients* 19 (Nov. 1998).
5. S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. Abnormal Psychology 264 (1981)).
6. United States Cong. Senate. 107th Congress, 1st Session. S. 1249, Victim's Economic Security and Safety Act of 2001, at 8 citing Greg Warchol, U.S. Dep't of Justice, *Workplace Violence, 1992-96* (July 1998).
7. Ellen Ridley, Maine Dep't of Labor & Family Crisis Services, *Impact of Domestic Offenders on Occupational Safety & Health: A Pilot Study* (2004).
8. *Id.*
9. Letter from Elizabeth Kristen, Legal Aid Society-Employment Law Center to Senators Arlen Specter, Joseph Biden, and Orrin Hatch (June 21, 2005) (on file with Legal Momentum); Letter from Wendy Pollock, Sargent Shriver National Center on Poverty Law to Senators Arlen Specter, Joseph Biden, and Orrin Hatch (June 21, 2005) (on file with Legal Momentum).
10. U.S. Cong. Senate. 107th Congress, 1st Session. S. 1249, Victim's Economic Security and Safety Act of 2001, at 19 citing Joan Zorza, *Women Battering: High Costs and the State of the Law*, Clearinghouse Rev., Vol. 28, No. 4, 383, 385 (1994); National Center for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States*, Atlanta: Centers for Disease Control and Prevention, 2003; "Intimate Violence Costs Billions," ABC News, 4/29/2003.
11. See Bureau Of Nat'l Aff., Special Rep. No. 32, *Violence And Stress: The Work / Family Connection* 2 (1990); Jody Raphael, Taylor Inst., *Prisoners Of Abuse: Domestic Violence And Welfare Receipt* 8-9 (1996).
12. Legal Momentum, *The Impact Of Violence In The Lives Of Working Women: Creating Solutions—Creating Change* 5 (2002), available at: <http://www.legalmomentum.org/pub/pubs/CreatingSolutions.pdf>.
13. See generally New York State Office for The Prevention of Domestic Violence, *Domestic Violence—It Is Your Business: Employer Handbook & Resource Guide 2* (2001), available at: <http://www.opdv.state.ny.us/workplace/privatepolicy/q&a.html>.
14. See Patrice Tanaka & Company, Inc., *Corporate Leaders See Domestic Violence As A Major Problem That Affect Their Employees According To Benchmark Survey* By Liz Claiborne, Inc. (October 2002)
15. National Institute for School and Workplace Safety (under the name of National Safe Workplace Institute), *Talking Frankly About Domestic Violence*, (1995).
16. Joseph A. Kinney, Nat'l Safe Workplace Inst., *Domestic Violence Moves into Workplace* (1994).
17. Corporate Alliance to End Partner Violence, National Benchmark Telephone Survey, available at: http://www.caepv.org/about/program_detail.php?refID=5.
18. Bureau of Labor Statistics, *The Survey of Workplace Violence Prevention* (2006).
19. *Id.*
20. Sue K. Willman, "The New Law of Training: Training on Harassment and Discrimination Is Not a Luxury Anymore," *H.R. Magazine* 115 (May 2004).
21. Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, *Workplace Violence Prevent Strategies and Research Needs: Report from the Conference Partnering in Workplace Violence Prevention Nov. 2004*, 4-5 (2006). The vast majority (85 percent) of workplace homicides result from criminal activity such as robberies where the perpetrator has no legitimate relationship with the business or its employees. Domestic violence is estimated to cause about 5 percent of all workplace homicides. *Id.*
22. "Partnering in Workplace Violence Prevention: Translating Research into Practice." Conference held Nov. 15-17, 2004 (Baltimore, MD).
23. *Thoma v. L.J.'s Bad Penny Bar and Grill*, No. CR200600641 (Wisc. Dep't of Workforce Development) (filed February 21, 2006).
24. *Imes v. City of Asheville*, 606 S.E.2d 117 (N.C. 2004).
25. *Id.*

26. U.S. Gen. Acct. Office, *Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients* 19 (Nov. 1998); S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. Abnormal Psychology 264 (1981)).

27. 820 Ill. Comp. Stat. 180/1-180/45; N.Y.C. Admin. Code § 8-107.1; Westchester City Code §§ 700.02, 700.03.

28. Conn. Gen. Stat. § 54-85b; R.I. Gen. Laws § 12-28-10.

29. 42 U.S.C. §§ 1437d(c)(3); 1437f(c)(9); 1437f(d)(1); 1437f(o); 1437d(l)(5).

30. Bureau of Labor Statistics, *Employee Benefits Survey: Most Requested Statistics, Benefits* (2004), available at <http://data.bls.gov/cgi-bin/surveymost?eb>. (Showing 41 percent of workers in private industry in 2004 had no available paid sick leave).

31. Institute for Women's Policy Research, Pub. No. C349, *The Widening Gap: A New Book on the Struggle to Balance Work and Caregiving* 3, Figure 4 (2001) (citing Jody Heymann, *The Widening Gap: Why America's Working Families Are in Jeopardy and What Can Be Done About It* (2000)).

32. Ala. Code § 15-23-81; Alaska Stat. § 12.61-017; Ariz. Rev. Stat. Ann. § 13-4439 and Ariz. Rev. Stat. § 8-420 (2004); Ark. Code Ann. § 16-90-1105; Colo. Rev. Stat. § 24-4.1-303(8); Conn. Gen. Stat. § 54-85b; Del. Code Ann. Tit. 11 § 9409; Fla. Stat. § 92.57; Ga. Code Ann. § 34-1-3; Haw. Rev. Stat. § 621.10.5; Ind. Code § 35-44-3-11.1; Iowa Code § 915.23; Md. Code Ann. Crim. Proc. § 11-102; Mass Gen. Laws ch. 258B, §§ 3(1), 268-14(b); Mich. Comp. Laws Ann. § 780.790; Minn. Stat. Ann § 611A.036; Miss. Code Ann. § 99-43-45; Mo. Rev. Stat. § 595.209(1)(14); Mont. Code Ann. § 46-24-205(3); Nev. Rev. Stat. § 50.070; N.D. Cent. Code § 27-09.1-17; N.Y. Penal Law § 215.14; Ohio Rev. Code Ann. § 2930.18; 18 Pa. Code. § 4957; R.I. Gen. Laws § 12-28-10; S.C. Code Ann. § 16-3-1550; Tenn. Code Ann. § 4-4-122; Utah Code § 78-11-26; Va. Code Ann. § 18.2-465.1; Vt. Stat. Ann. tit 13, § 5313; 34 V.I. Code Ann. § 203 (e); Wis. Stat. § 103.87; Wyo. Stat. Ann. § 1-40-209(a).

33. Cal. Lab. Code §§ 230 & 230.1; Colo. Rev. Stat. § 24-34-402.7; Haw. Rev. Stat. § 378-72; 820 Ill. Comp. Stat. 180/1-180/45; Kan. Stat. Ann. §§ 44-1131, -1132; Me. Rev. Stat. Ann. tit. 26, § 850.

34. N.Y. Penal L. § 215.14; N.C. Gen. Stat. §§ 50-B-5.5, 95-270a.

35. For a good overview of the history of legislation in this area, see Rebecca Smith, Richard W. McHugh, and Robin R. Runge, *Unemployment Insurance and Domestic Violence: Learning from Our Experiences*, 1 Seattle J. Soc. Just. 503 (2002).

36. *Id.*

37. Me. Rev. Stat. Ann. tit. 26, § 1043(23)(B)(3) (providing "misconduct" may not solely be founded on actions taken by an employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment).

38. Ariz. Rev. Stat. § 23-771; Cal. Unemp. Ins. Code §§ 1030, 1032 & § 1256; Colo. Rev. Stat. Ann. § 8-73-108(4)(r); Conn. Gen. Stat. § 31-236(a)(2)(A); Del. Code Ann. tit. 19, § 3314(1); D.C. Code § 51-131; 820 Ill. Comp. Stat. 405/601; Ind. Code § 22-4-15-1(1)(C)(8); Kan. Stat. Ann. § 44-706(a)(12); Me. Rev. Stat. Ann. tit. 26, §§ 1043(23)(B)(3), 1193(A)(4); Mass. Gen. Laws Ann. ch. 151A, §§ 1, 14, 25, 30; Minn. Stat. §§ 268.095(1)(8), 268.095(6)(a)(c); Mont. Code Ann. § 39-51-2111; Neb. Rev. Stat. Ann. § 48-628(1)(a); N.H. Rev. Stat. Ann. tit. 23, § 282-A:32(I)(a)(3); N.J. Rev. Stat. § 43:21-5(j); N.M. Stat. Ann. § 51-1-7 (A); N.Y. Lab. Law § 593(1)(a); N.C. Gen. Stat. § 96-14(1f); Okla. Stat. tit. 40, §§ 40-2-405(5), 40-3-106(G)(8); Or. Rev. Stat. § 657.176(12); R.I. Gen. Laws § 28-44-17.1; 2005 S.C. Acts 50, to be codified at S.C. Code Ann. § 41-35-125; S.D. Codified Laws § 61-6-13.1; Texas Lab. Law. §§ 207.045, 207.046; 2005 Vt. ALS § 49; Wash. Rev. Code §§ 50.20.050, 50.20.100, 50.20.240, & 50.29.020; Wis. Stat. § 108.04(7)(s); Wyo. Stat. § 27-3-311.

39. National Employment Law Project, "Unemployment Benefits for Domestic Violence Survivors: What Are Its Costs?" (March 2005) (on file with Legal Momentum).

LEGAL MOMENTUM,
April 25, 2007.

Senator PATTY MURRAY, *Chair,*
Subcommittee on Employment on Workplace Safety,
Washington, DC. 20510.

Senator JOHNNY ISAKSON, *Ranking Member,*
Subcommittee on Employment on Workplace Safety,
Washington, DC. 20510.

Re: Record of “Too Much, Too Long? Domestic Violence in the Workplace”

DEAR SENATORS MURRAY AND ISAKSON: Thank you for your continued leadership on the issue of domestic violence in the workplace. Legal Momentum was grateful for the opportunity to work closely with your staff, particularly Paula Burg in helping to put together this hearing.

I write to clarify some issues and to submit additional information for the record. During the April 17, 2007 subcommittee hearing, witness Sue Willman testified that mandatory leave policies are unnecessary and suggested that voluntary leave policies are adequate. The statistics do not support her assertion but instead point toward inadequate leave policies.

- 40 percent of working mothers lack both sick and vacation leave.
- Fewer than half of the nation’s private-sector employees are covered by FMLA unpaid leave.
- Nearly two-thirds of employees who need—but do not take—family or medical leave say they cannot afford to use it.
- Nearly 1 in 10 workers who took advantage of FMLA was forced into public assistance while on leave.
- For FMLA users with incomes under \$20,000, that rate doubled to 1 in 5.

I also wanted to notify you of provisions in SEES (S. 1136) similar to Maine’s that prohibit insurers from discriminating against victims of domestic violence. Under §2159-B of the Maine Insurance Code, neither insurers nor HMOs may restrict coverage or refuse to renew coverage for victims of domestic or sexual violence. An insurer may deny coverage to the abuser.¹ In situations where an insurer declines new or continued coverage for an individual who is a victim of domestic violence, they must show in writing that their denial did not arise from the applicant/insured being an actual or perceived victim of domestic violence and that it is permissible, under other law, to deny people with similar medical conditions or disabilities, regardless if the condition or disability is related to domestic or sexual violence.

I am also attaching for the record, copies of letters from the Governors of Arizona and Wisconsin. The references to Title VII of the Violence Against Women Act reauthorization bill endorse provisions that are nearly identical to those contained in SEES.

Finally, I have appended a copy of our “State Law Guide: 50-State Overview—Employment Protections for Victims of Domestic and Sexual Violence” that describes the employment protections available to victims of intimate partner violence. I hope you find these statistics helpful in your deliberations. Again, thank you for your dedication to eradicating domestic and sexual violence. Please feel free to contact me if you need additional assistance or have any further questions.

Sincerely,

LISALYN R. JACOBS,
Vice President for Government Relations.

[Editor’s Note: Due to the high cost of printing, the “State Law Guide: 50-State Overview: Employment Protections for Victims of Domestic and Sexual Violence” was not reprinted. It can be found at www.legalmomentum.org.]

¹See Maine § 2159 (B) (2001).

STATE OF WISCONSIN,
August 9, 2005.

Hon. ARLEN SPECTER, *Chairman*,
Committee on the Judiciary,
U.S. Senate,
Washington, DC. 20510.

Hon. JOSEPH BIDEN,
Committee on the Judiciary,
U.S. Senate.

Hon. ORRIN HATCH,
Committee on the Judiciary,
U.S. Senate.

Hon. JAMES SENSENBRENNER, *Chairman*,
Committee on the Judiciary,
U.S. House of Representatives.

DEAR CHAIRMAN SPECTER, SENATOR BIDEN, SENATOR HATCH, AND CHAIRMAN SENSENBRENNER: I am writing in support of the reauthorization of the Violence Against Women Act (VAWA), S. 1197. VAWA has achieved tremendous success in bringing crimes such as domestic violence, sexual assault and stalking to the forefront of the national consciousness. VAWA has also created opportunities that have improved coordination and service provision among and between larger systems, such as justice and health care, and the grassroots advocacy communities. These achievements, among many others, have led to greatly enhanced responses to violence against women. As the Governor of the State of Wisconsin, former Attorney General for the State of Wisconsin, and former District Attorney for Dane County, Wisconsin, I have long been a champion for the rights of all crime victims. I believe that S. 1197, the VAWA reauthorization bill, is a critical component of each State's response to victims of violent crimes.

While I support VAWA as a whole, I would like to draw attention to and urge your support of several key titles of S. 1197. The law enforcement and justice-related programs under VAWA have long been the cornerstone of a strong response to violence against women crimes. I also believe that several additional titles will build upon these well-developed responses to provide needed support to victims and their children as they recover from the trauma of violence and seek to establish themselves independent of violence and abuse: Title III: Children and Youth; Title IV: Prevention; Title VI: Housing; Title VII: Economic Security, Title VIII: Immigrant Issues, and the Sexual Assault Services Act.

As Governor of Wisconsin, I have crafted an agenda to invest in a strong and secure future for children in Wisconsin. Entitled KidsFirst, the initiative stresses the importance of education, safety, economic security and health of children in order to promote the healthiest of futures for them. Many of the issues identified and addressed in S. 1197 are consistent with my KidsFirst agenda, particularly Titles III and IV but also the titles addressing economic security and housing will greatly contribute to the safety and security of families. It is common sense that by increasing the safety and stability of parents, we will do the same for children. We can stop the inter-generational cycle of violence by crafting interventions that help young people better cope with violence and move beyond traumatic experiences into lives that are healthy, safe and fulfilling. With S. 1197, we can also envision a world in which we can actually prevent violence from happening in the first place.

Making certain that victims of violence and their children are economically secure and living in safe, stable housing should also be a cornerstone of and intervention or responses to violence. S. 1197 addresses both economic security issues and housing for victims of domestic and sexual violence and stalking. Protection from insurance discrimination and access to unemployment compensation should a person have to leave employment due to safety concerns related to domestic violence are already law in Wisconsin. Victims of domestic violence need to gain economic independence from their abusers in order to achieve safety and liberty from violence. The provisions offered in S. 1197 will make it easier for victims to stay employed or to return to work should they be required to temporarily take a leave for safety reasons.

Victims of domestic and sexual violence should also be free from worries of eviction should their abuser commit crimes in or around their housing. Domestic violence is the single largest cause of homelessness among women with children in the United States. The lack of safe, affordable housing, including transitional housing, greatly prohibits victims from establishing economic security and stability for them-

selves and their children. S.1197 provides for increased funding for transitional housing and prohibits discrimination against victims merely because they were victimized.

Some of our State's most vulnerable populations are those who are immigrants and/or refugees. The immigration provisions of S.1197 are designed to remove barriers to safety that keep many immigrant victims from reporting the abuse or leaving the abusive situation. Abusers of immigrant women, either in legitimate relationships or via human trafficking, prey on the vulnerability and fear of deportation of their victims. The immigrant provisions of VAWA help to strip those abusers of their power by providing victims with the opportunity to obtain immigration relief without the knowledge or permission of their abusers. These provisions are critical if we, as a Nation, are to fulfill our promise of liberty and justice for all.

Finally, I urge you to support the Sexual Assault Services Act. There are few funding streams available to meet the needs of sexual assault victims. The proposed remedies included in S.1197 will not only provide for increased services to victims via the first ever Federal funding directed specifically for sexual assault services, they will also support and enhance law enforcement and justice system responses to sexual assault through training and technical assistance.

Support for S.1197 is critical. On behalf of victims of domestic violence, dating violence, sexual assault and stalking, I urge you to commit your support to the reauthorization of VAWA so that victims can heal from their trauma while our society takes a stand against perpetrators of violence. Law enforcement and justice systems' responses are just one element of a coordinated response to violence against women. Preventing and actually ending violence against women will require us to eliminate as many barriers to their safety as possible.

Thank you for your consideration.

Sincerely,

JIM DOYLE,
Governor.

STATE OF ARIZONA,
OFFICE OF THE GOVERNOR,
PHOENIX, AZ 85007,
June 27, 2005.

Hon. ARLEN SPECTER, *Chairman,*
Committee on the Judiciary,
U.S. Senate,
Washington, DC. 20510.

Hon. JOSEPH R. BIDEN,
Committee on the Judiciary,
U.S. Senate.

Hon. ORRIN G. HATCH,
Committee on the Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN, SENATOR BIDEN, AND SENATOR HATCH: I am writing in support of the reauthorization of the Violence Against Women Act (S.1197) and particularly to urge your support for four sections that propose critical improvements to existing law: Title VII Economic Security, Title III Children and Youth, Title IV Strengthening America's Families by Preventing Violence, and Section 202 of Title II the Sexual Assault Services Program. As Governor of the State of Arizona, former U.S. Attorney for the District of Arizona, and Arizona's former Attorney General, I have always been a champion for the rights of crime victims of all ages and view S.1197 as critically important because it enhances the states' response to victims of violence.

I strongly support the leave measure, along with the other economic security measures in Title VII of VAWA. As Arizona Attorney General, I crafted successful crime victim leave legislation to respond to hardships faced by crime victims in the workplace. In 2001, Arizona became one of the first states in the nation to provide workplace protections for crime victims, requiring employers with 50 or more employees to allow employees who are crime victims to attend court-related proceedings. A.R.S. 13-4439. It is vital that employers support employees who need time to attend court or undertake safety planning, and I applaud your inclusion of these provisions in the bill.

I also urge you to support measures to improve services to victims of sexual assault. As Arizona Attorney General I oversaw the creation of statewide Guidelines for a Coordinated Community Response to Sexual Assault to improve the investigation of sexual assault crimes, as well as how crime victims are treated. The need for a dedicated funding stream for sexual assault services is great in Arizona. Not only will the Sexual Assault Services Program increase victims' opportunity for justice and recovery, it will improve reporting of sexual assault to law enforcement, thereby holding offenders accountable and lowering the incidence of repeat crimes.

Finally, I encourage you to support Title III and IV, which titles focus on children, youth, and prevention. By addressing the needs of younger victims we can halt the cycle of violence at its origin, whether it be domestic violence, dating violence, sexual violence, or stalking. When we help young people to cope with and prevent violence in their lives, we put them on track to be healthy, educated and productive adults.

Your support for S. 1197, particularly for the aforementioned provisions, is vitally important. Women, men, children and youth who are victims of domestic violence, dating violence, sexual violence and stalking must be given support to recover from the crimes perpetrated against them. Assisting victims where they are—in the home, workplace, schools and other institutions—is one way we can assure their opportunity for healing and survival.

If you have any questions about Arizona's efforts to support crime victims, please do not hesitate to contact my advisor for crime victims Dan Levey at (602) 364-2235. Thank you for your consideration.

Yours very truly,

JANET NAPOLITANO,
Governor.

Senator MURRAY. Thank you very much.
Ms. Fortman.

**STATEMENT OF LAURA A. FORTMAN, COMMISSIONER, STATE
OF MAINE, DEPARTMENT OF LABOR, AUGUSTA, MAINE**

Ms. FORTMAN. Thank you. Good morning, Senator Murray, Senator Isakson, members of the committee. My name is Laura Fortman. I am the Commissioner of the Maine Department of Labor. Prior to being appointed by Governor Baldacci, I was the Executive Director of the Maine Lobbying, Women's Policy Center for 10 years and in that capacity, I worked with the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault to pass the first in the Nation Victim Leave legislation and the reason I'm so happy to be here today is to talk to you a little bit about what we have seen on the ground in Maine with our experience with the legislation, both victim leave legislation and unemployment insurance compensation legislation. In my capacity as Commissioner of Labor, my agency is responsible for the enforcement of those laws.

It may seem odd to you that a State like Maine, which is always one of the safest States in the country, has placed so much focus on domestic abuse and sexual assault and in fact, our former governor, Angus King, declared domestic violence as public enemy No. 1 in his State of the State address in 2000. He said that for victims, day to day life is a living hell of fear and intimidation, fear of the monstrous violence that takes place behind closed doors and is no respecter of geography or social position. Our present governor, in 2004, passed an Executive order requiring all State agencies to put in place policies addressing domestic and sexual violence in the workplace.

You may be surprised by all of the focus we've put on this but the reality is that in our State, 50 percent of all homicides are related to domestic violence. However it is not just the pain that is

caused, the suffering to the victims, the families, the surviving children that has made an important issue for us. It's also a workplace issue and that's where I'd like to spend a little bit of time.

We are a State made up of small businesses. Only 8 percent of our employers employ over 25 or more employees. So we are very much a small business State. And as we were looking at this issue of domestic violence, much work has been done focused on the victims of sexual assault but we also wanted to look at the impact that perpetrators had in the workplace. Most of the perpetrators are employed and as many other people have already stated, this is an issue that comes into the workplace.

One of the things that we saw was that 78 percent of those perpetrators were using employer resources such as a company car to follow or harass their partners. Eighty-five percent were contacting their partner at the workplace, 75 percent of them were using a company phone. Forty-eight percent reported difficulty concentrating on their jobs due to thinking about how to continue the perpetration. Nineteen percent of the offenders had a workplace accident or near miss and from our small sample of 124 perpetrators who were involved in a batterer's intervention program. From that small sample—they were all volunteers—we found that 15,221 hours of work time were lost to employers due to the arrests of 70 of those men in the study, equaling \$200,000.

I'll skip over to talk a little bit about the legislation. We do not have all of the pieces of legislation that are proposed in your bill, Senator. However, we do have the employment leave, which allows for victims of domestic violence, sexual assault and stalking to take unpaid leave to attend court, receive medical treatment or any other services that are necessary to recover from the crime. This legislation is not limited based on business size and we have had very few complaints from employers about enforcing this. In fact, the Maine State Chamber of Commerce, who initially opposed this victim leave legislation, 2 years later, after the legislation had been in place for 2 years, there was an expansion to cover other family members, for example, if a child of yours had been a victim of sexual assault, this leave would also apply to that. At that time, Peter Core from the Maine Chamber, said despite our original reservations, the bill became law and has been in place for the last 2 years. During this time, this organization has heard no complaints or concerns with its implementation. While we hope that someday we will be in the position that individuals and families do not need to access leave for these very troublesome situations, we recognize that should they need to do so, such leave is appropriate and relatively unburdensome to the workplace. And I have attached additional information from several other employers in my testimony.

Overall, there is strong support among the business community in our State and they have not experienced a negative impact. Thank you.

[The prepared statement of Ms. Fortman follows:]

PREPARED STATEMENT OF LAURA A. FORTMAN

Good morning, Senator Murray and members of the committee. My name is Laura Fortman and I am the Commissioner of the Maine Department of Labor. Prior to being appointed by Governor Baldacci, I was the Executive Director of Maine Women's Lobby a statewide nonprofit, nonpartisan membership organization advocating

for women and girls. During my tenure I, along with Maine's Coalitions against domestic and sexual violence and the leadership of Representative Mike Saxl, worked to pass the country's first victim leave law. In my current position, my agency is responsible for the enforcement of that law.

Therefore, I am especially grateful to you for inviting me to share the experience we have had in Maine in addressing domestic violence. As you know, domestic violence is a multifaceted problem that requires multi-pronged strategies to be addressed. Some of the strategies that I will discuss today include research, employer initiatives as well as State policy and law.

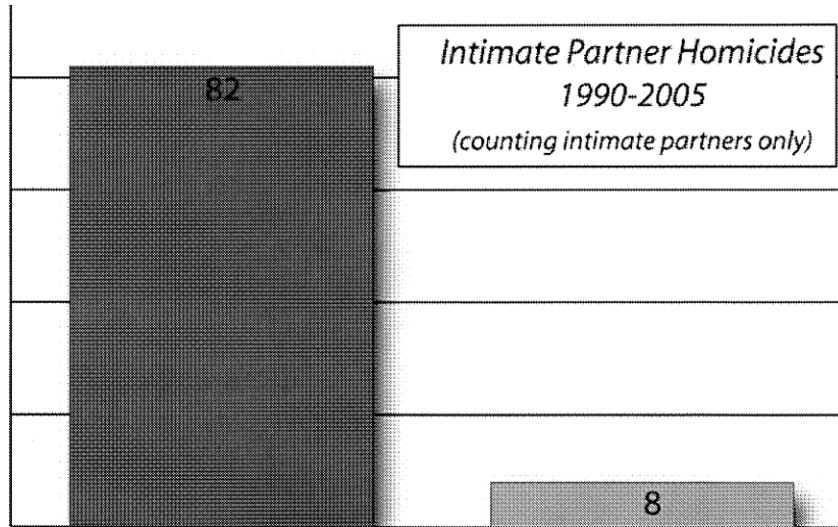
First a quick snapshot of Maine. We are a small State with 1.3 million people spread over roughly 35,000 square miles. Our largest city is Portland with a population of 64,000 people. Maine is consistently rated as one of the safest places to live in the country.

Yet, Maine also has a serious problem with domestic violence.

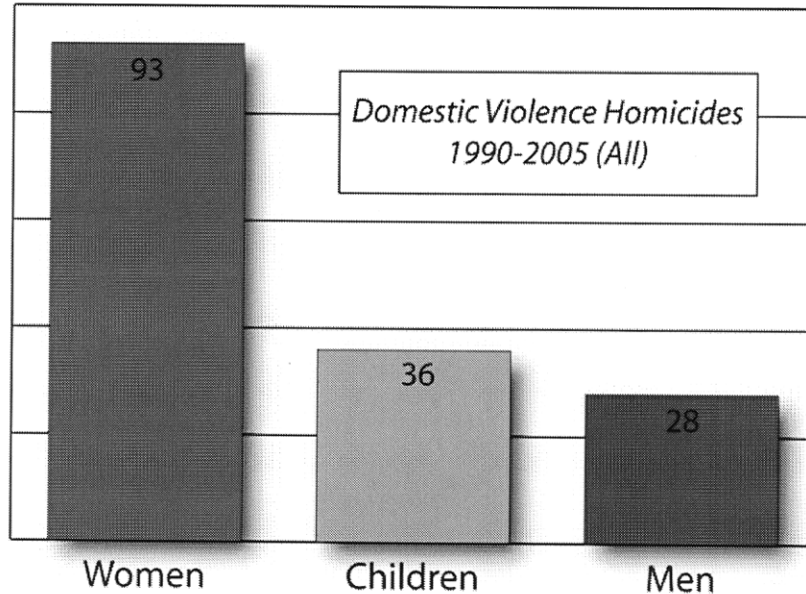
Former Governor Angus King focused on the issue in his 2000 State of the State address. In his remarks he named domestic violence as Maine's Public Enemy Number One. I stated that for victims "day-to-day life is a living hell of fear and intimidation, fear of the monstrous violence that takes place behind closed doors and is no respecter of geography or social position."

Our present Governor, John Baldacci, has continued the State's commitment to take every step to prevent domestic violence and to provide support for victim survivors. Governor Baldacci issued an Executive order requiring all State agencies to develop a policy to address domestic violence. (See Attachment I)

You may be puzzled by the level of attention domestic abuse has received in Maine. I am sorry to say that it is not just because we are a caring, compassionate State. Unfortunately, our concern is prompted by the harsh reality that domestic abuse homicides account for over half of all homicides in Maine. This statistic has been true for the past 15 years. The victims are overwhelmingly adult women. However, 23 percent of victims are children. Of course, this homicide data does not account for the trauma experienced by the surviving children who are left to cope with this pain for the rest of their lives.



Domestic Violence Homicides in Maine
1990-2005
(intimates, family members, and bystanders)



As in other States, Maine has a wonderful network of domestic abuse projects. In 2006 over 13,000 people received services from the Maine Coalition to End Domestic Violence. Nearly 97 percent of the people served were women and children.

However, it is not only because of the tragic loss of life and emotional distress experienced by families that domestic abuse is an important public policy issue. It is also important to grapple with domestic abuse because of the impact it has on the workplace.

Many Americans are developing their strongest friendships and support systems at the workplace. For these workers, their place of employment has become, "the new American neighborhood."

Numerous studies have shown that although domestic abuse may occur behind closed doors—it does not stay there. When either the victim or the perpetrator walks out their front door domestic abuse follows them into their neighborhood—the workplace. And it impacts the employer and other employees. This impact is felt even though domestic abuse is often invisible. It is hidden for a number of reasons, including shame on the part of the victim, and fear that disclosure will result in her being fired.

You may believe that it is sufficient to have a supportive employer. Unfortunately, even when an employer is supportive a victim may still not feel supported.

This "victim perspective" became painfully clear to me in my own workplace. One of my employees came to the office very upset. She had ended an abusive relationship with her husband. She was worried that her abuser was going to follow her to work and was terrified because he had access to a weapon. A co-worker brought the situation to the attention of a supervisor. The woman's supervisor invited her in to his office. His intent was to express his personal support for her, do safety planning and provide contact information for the local domestic violence project. The woman burst into tears—she thought her supervisor was planning to fire her.

This situation had a "happy" ending. The woman was kept safe and is still with the Maine Department of Labor today. Also, staff has received additional training in both domestic violence and workplace violence and we now have a workplace violence policy.

We believe that employers with policies that support victims and encourage disclosure of domestic violence have safer worksites as a result of those practices. The guiding principle of all (OSHA) workplace safety training programs is to recognize hazards in the workplace and develop strategies for prevention. It is impossible to effectively respond to unknown dangers, and we know that domestic violence is an under-reported problem in workplaces. Workplaces that don't actively support and engage employees in disclosing incidences of domestic violence are suppressing reporting of potential workplace hazards and are missing important opportunities to prevent the real hazard of domestic violence spill over in the workplace.

RESEARCH

Two recent studies by the Maine Department of Labor and the Maine Coalition to End Domestic Violence shed more light on the impact of domestic violence in the workplace of both the victim and the perpetrator. The first study interviewed offenders and the second study focused on victim/survivors.

The offender study was one of the first in the Nation where workplace impact of domestic abuse was examined through the lens of the offender's behavior. (See Attachment II)

The offender study included 124 domestic abuse offenders attending a court mandated Batterer Intervention Program. All of the participants were volunteers. One of the most revealing findings of this study was the impact that offender's actions had on their employers. Behaviors that negatively impacted employers included workplace accidents, lost work time, and inappropriate use of business resources.

Some findings from the report are:

- 78 percent were using workplace resources including company car to check up, harass, and threaten their partner;
- 85 percent contacted their victim from the workplace. 75 percent used the company phone;
- 48 percent reported difficulty concentrating due to thinking about how to continue their perpetration;
- 19 percent of offenders had a workplace accident or near miss; and
- 15,221 hours of work time were lost to Maine employers due to arrests of 70 men in the study, equaling over \$200,000.

SURVIVOR STUDY

The survivor study also demonstrated the significant impact of domestic violence in the workplace. Participants in the study were a self selected group of 120 women who were recruited through outreach to employers, press releases, posters, visits to shelters, etc. They were employed by a diverse group of employers and industries in Maine. (See Attachment III)

Highlights from the report include:

- 60 percent of domestic violence victims/survivors lost their job (43 percent fired, 57 percent quit);
- 13 percent reported the abuser assaulted them at work;
- 83 percent were harassed at work by the abuser who repeatedly called their workplace;
- 78 percent reported being late to work as a result of the abuse;
- 47 percent were assaulted before going to work;
- 46 percent reported abuser stalked them at workplace; and
- 23 percent of abusers violated a court order by contacting the victim at work.

MAINE'S ACTION PLAN

Based on the data that we have collected and our experience, Maine has focused efforts in the following areas:

1. Employer Initiative—Developing safety plans at work and an environment that encourages victim/survivors ask for help.
2. Providing a safety net, unemployment insurance, for victims who need to leave their jobs.
3. Providing leave to victim/survivors to receive treatment, attend court or access other necessary services.

MAINE'S LEGISLATION

Maine has some important laws in place to provide employment protections to victims of domestic violence, and a safety net for those who lose their jobs because of abuse.

EMPLOYMENT LEAVE FOR VICTIMS OF VIOLENCE

26 MRSA § 850

Requires employers to grant reasonable and necessary leave from work if an employee or employee's daughter, son, parent, or spouse is a victim of domestic abuse, sexual assault, or stalking.

UNEMPLOYMENT COMPENSATION DISQUALIFICATION CLAUSE

26 MRSA § 1193(1)(A)(4)

States that an individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

UNEMPLOYMENT COMPENSATION MISCONDUCT CLAUSE

26 MRSA § 1043(23)(B)(3)

States that misconduct may not be found solely on actions taken by the employee that were necessary to protect the claimant or an immediate family member from domestic violence if the employee made all reasonable attempts to preserve the employment.

Unemployment claims resulting from domestic violence are charged to the general unemployment fund, not to the individual business in which the worker was employed.

MAINE BUSINESS SUPPORT

Employers in Maine have been supportive of these measures. One of our large employers, Wright Express, asked me to share the following comments with you:

Wright Express Corporation employs over 700 employees with more than 600 employees located in Maine. We have supported Maine legislation to protect the victims of domestic violence and have taken steps to collaborate with local family crisis agencies and law enforcement officials to protect our employees in the workplace who are victims of domestic violence. We understand the devastating impacts of domestic violence and the importance for victims to feel that their workplace can provide safety and support at a time when their lives outside of work may be turned upside down. We have flexible paid time off benefits and employee assistance programs that can be helpful to employees who are dealing with this issue. We support Maine's Victims Leave law that provides for reasonable leave needed to address issues of family domestic violence. We feel this makes good business sense since it helps keep employees productive during times of personal crisis and it is the right thing to do.—*Robert Cornett, Senior Vice President, Human Resources, Wright Express Corporation.*

Human Resource professionals are also supportive. I recently spoke before a group of 40 HR professionals at a breakfast meeting of the Kennebec Valley Human Resources Association. I had been asked to attend and update the group on pending legislation in front of the Maine legislature. Since Senator Murray had just invited me to testify, I used my time with the Kennebec Valley HR group to ask them how our current victim leave law and unemployment insurance program was working from their perspective. In general, they were not experiencing problems administering the leave. However, they felt that there were several things we could do to strengthen the programs. They told me that there was a lack of awareness of both the leave and the possibility of unemployment insurance. In the course of our conversation,

- They strongly recommended an awareness campaign either about the availability of the Maine Department of Labor voluntary domestic violence poster or that the poster becomes a mandatory poster.
- They also recommended that every workplace develop a workplace violence policy and that all supervisors receive training.
- Finally, many raised a concern about a victim's ability to take unpaid leave.

Maine's State Chamber of Commerce has been helpful as well. I have attached a copy of the testimony of Peter Gore, Senior Governmental Affairs Specialist, from the Maine State Chamber of Commerce. This testimony was given in 2002 in support of expanding the 1999 Victim Leave Law to cover family members. I will read a short excerpt from Mr. Gore's testimony. (See Attachment IV)

"Despite our original reservations the bill became law and has been in place for the last 2 years. During this time this organization has heard no complaints or concerns with its implementation. . . . While we hope that someday we will

be in the position that individuals and families do not need to access leave for these very troublesome situations, we recognize that should they need to do so, such leave is appropriate and relatively unburdensome to the workplace.”

Other Employer Initiatives:

Maine Employers Against Domestic Violence is an effort to educate employers about domestic violence in the workplace. The effort is spearheaded by the Maine Coalition Against Domestic Violence and Maine State Government. This initiative encourages major employers to take a leadership role on the issue. It also encourages all employers to develop a plan for their workplace that establishes internal policies, security, safety protocols and employee outreach. CEOs of businesses that join the Leadership Team commit to establish internal policies for their own workplace, sponsor an informational event for businesses, such as a Chamber “Eggs ‘N Issues” breakfast, and encourage other employers to attend educational sessions that are held in the State about the problem. Major Maine businesses have joined the leadership team, including our major shipbuilder, Bath Iron Works, our largest utility, Central Maine Power, and our largest health insurer, Anthem Blue Cross Blue Shield. (See Attachment V)

State Government, which employs thousands of workers, is also working to make our own workplaces safe. As I mentioned earlier in my testimony, in October 2004, Governor Baldacci issued an Executive order requiring each State agency to partner with the Maine Coalition to End Domestic Violence to develop workplace policies for their agency. Workplace plans must be detailed, including training for staff on assisting co-workers who are victims of domestic abuse, training for supervisors on being supportive and understanding even if the situation is affecting the victim’s work performance, providing referrals to local domestic violence projects and employee assistance programs, developing workplace safety plans, offering necessary leave, taking corrective action regarding State employees who perpetrate domestic violence, including disciplinary action if perpetrating domestic abuse while they are working, as well as referring abusers to batterer intervention programs or employee assistance programs.

So far, 9,000 State employees have been trained. Workplace policies have been created across State Government. In addition to making Maine government workplaces safer, an unplanned side effect was the creation of an optional domestic abuse poster by the Maine Department of Labor. This poster is available on-line and may be downloaded by any employer. Online training has been developed and made available and, in general, awareness of the issues surrounding domestic violence in the workplace has been increased.

Yet, more must be done. We know that employees who are victims of domestic violence still feel unsafe, stigmatized and afraid to come forward to ask for help in their workplace. We think that Maine’s efforts would be more effective if there was a coordinated national response to domestic violence.

Your committee has an opportunity to raise awareness of the impact of domestic violence in the workplace and to firmly stand with victims and survivors who need your help. I hope that you can move forward to develop consistent national policies that create workplaces safe from domestic violence and that help businesses develop internal policies, including appropriate safety plans, that keep violence out of the workplace. Business policies must both protect the employee who is a victim and adopt a “zero tolerance” policy with respect to employees who are perpetrators. We would also welcome a consistent, national victim leave policy and encouragement for States to provide a safety net through their unemployment compensation systems.

I have attached copies of all of the key documents that I referenced in my comments to my testimony and want to thank you for your attention to this critical issue.

ATTACHMENT I

October 7, 2004

AN ORDER REGARDING THE ESTABLISHMENT OF DOMESTIC VIOLENCE IN THE
WORKPLACE POLICIES WITHIN THE DEPARTMENTS OF STATE GOVERNMENT

WHEREAS, domestic violence is a serious public policy concern of the State of Maine requiring its participation in the coordinated community response to support victims and hold abusers accountable; and

WHEREAS, employees and citizens of the State of Maine have a right to be safe from harm; and

WHEREAS, the Maine Legislature has recognized an employer's obligation to provide special assistance to victims of domestic violence, sexual assault, and stalking; and

WHEREAS, domestic violence is a pattern of coercive behavior that is used by a person against a current or former partner, or other family or household member, to establish and maintain power or control in the relationship; and

WHEREAS, for more than a decade fifty percent of the homicides in Maine involved domestic violence; and

WHEREAS, domestic violence is a widespread community problem affecting thousands of Maine families that extends beyond the family and into all areas of society including the workplace; and

WHEREAS, abusers will often target victims at their workplaces, endangering the safety and affecting the productivity of victims and co-workers; and

WHEREAS, the State of Maine, as an employer, is additionally affected by domestic violence in the loss of productivity, and increased health care costs, absenteeism, and employee turnover; and

WHEREAS, the State of Maine, as an employer, should provide support and assistance to employees who are victims of domestic violence and should hold abusers accountable; and

WHEREAS, the State of Maine has a responsibility to model a proactive response to domestic violence for other employers in the State; and

WHEREAS, agencies of the State of Maine have partnered with the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault to develop and promote workplace policies and training for State employees; and

WHEREAS, the Maine Commission on Domestic and Sexual Abuse has urged all employers in the State of Maine to develop and implement workplace policies on domestic violence; and

WHEREAS, the State of Maine recognizes that employers can be powerful allies to victims by creating a workplace that offers support, information, and resources;

NOW, THEREFORE, I, John E. Baldacci, Governor of the State of Maine, by the authority vested in me, do hereby order that:

1. For the purpose of this executive order, the following terms shall have the following meanings:

Domestic violence: A pattern of coercive behavior that is used by a person against family or household members to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

Sexual assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.

Stalking: Any conduct as defined in 17-A M.R.S.A. §210-A. Abuser: An individual who commits an act of domestic violence. Victim: An individual subjected to an act of domestic violence.

Workplace: An employee is considered to be in the workplace when the employee is on duty, is traveling on behalf of the State, is in State-owned or leased workspace, is using the facilities or services of the State, is wearing a uniform, or is using a vehicle that is owned or leased by the State or its agencies.

2. Each State agency convenes a diverse team of employees who will, within the next year, develop a workplace domestic violence policy. The team shall partner with the Maine Coalition to End Domestic Violence to provide initial domestic violence training for the team and additional guidance in the development of the policy.

3. Each State agency's domestic violence workplace policy:

a) Incorporates the above definitions of domestic violence, sexual assault, stalking, abuser, victim, and workplace; b) Clearly directs that the agency will not tolerate acts of domestic violence, sexual assault, or stalking in the workplace, including harassment or violent or threatening behavior that may result in physical or emotional injury to any state employee while in state offices, facilities, work sites, vehicles, or while conducting state business; c) Instructs employees on how to offer assistance to co-workers who are domestic violence victims in an expedient and confidential manner; d) Recognizes that victims of domestic violence may have performance or conduct problems related to their victimization and offers support and an oppor-

tunity to correct the problems; e) Provides for assistance to victims to include at a minimum: referrals to local domestic violence projects and the State's Employee Assistance Program, and development of workplace safety plans that seek to minimize the risks to the victims and other employees; f) Recognizes the employer's obligation to grant reasonable and necessary leave pursuant to 26 M.R.S.A. § 850; g) Provides assistance to abusers to include at a minimum: referrals to the State's Employee Assistance Program, and information about local state certified batterer intervention programs; h) Provides that corrective or disciplinary action may be taken against state employees who: misuse state resources to perpetrate domestic violence, sexual assault, or stalking; harass, threaten, or commit an act of domestic violence, sexual assault, or stalking in the workplace or while conducting state business; or are arrested, convicted, or issued a civil order as a result of domestic violence when such action has a nexus to their employment with the State; i) Requires that all agency employees with supervisory responsibility and any other designated individuals who will respond to victims and abusers receive specialized training on best practices for identifying and responding to domestic violence; j) Includes a separate procedure which requires referral to the sexual assault crisis and support centers for employees who have experienced sexual assault or stalking; k) Directs that, to the extent that sexual abuse or stalking is perpetrated as part of domestic violence, employers should be prepared to respond to it utilizing the domestic violence policy; and l) Requires that the policy be distributed to all current employees and to every new hire.

4. To the extent that an agency employs individuals who are authorized to carry firearms as part of their job duties, the policy shall include provisions addressing firearms.

5. Each State agency implements the workplace policy via employee training on the policy delivered in partnership with the Maine Coalition to End Domestic Violence. The training shall include, at a minimum, information as to: the dynamics and effects of domestic violence; available resources for victims and perpetrators; and how an employee can assist a co-worker who is experiencing or perpetrating domestic violence. The Bureau of Human Resources will provide training support and coordinate with the Maine Coalition to End Domestic Violence to make sample policies available for all agencies.

6. Each State agency provides for the conspicuous posting of information about domestic violence and sexual assault and available community resources.

7. Each State agency incorporates reference to the State of Maine Equal Employment Opportunity/Affirmative Action Policy, the State of Maine Harassment Policy and the State of Maine E-Mail Usage and Management Policy in its domestic violence in the workplace policy. Each State agency is also directed to review existing personnel policies and procedures to ensure they do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

The cost to State agencies for implementing the tasks included in this Executive Order will be used from existing resources.

The provisions of this executive order are not intended to alter any existing collective bargaining agreements or to supersede applicable Federal or State law.

Effective Date

The effective date of this Executive Order is October 7, 2004.

ATTACHMENT II

IMPACT OF DOMESTIC VIOLENCE OFFENDERS ON WORKPLACE SAFETY & HEALTH: A PILOT STUDY

Executive summary. In spring of 2003, the Maine Department of Labor and Family Crisis Services conducted an occupational safety and health research project with four certified Batterer Intervention Projects (BIPs) in Maine. The study was part of the Maine Occupational Research Agenda (MORA) focusing on the safety and health of priority populations. The subjects of the study were 152 male domestic abuse offenders attending classes at the BIPs. The purpose of the study was to measure how domestic abuse offenders affect workplace safety and health, productivity, and lost work time. In addition, the study investigated inappropriate use of company resources to harass the intimate partner, as well as how the intimate partner was affected at her place of employment. Finally, the study measured current supervisor responses to knowledge of offenders' arrest and protection from abuse orders, and also queried the study participants on their opinions regarding effective workplace interventions.

Among the significant findings reported by offenders:

- 78 percent of offenders used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten the victim.
- 73 percent of supervisors were aware of the domestic abuse offender's arrest, but only 15 percent reminded the employee that domestic abuse is a crime.
- 74 percent had easy access to their intimate partner's workplace, with 21 percent of offenders reporting that they contacted her at the workplace in violation of a no contact order.
- 70 percent of domestic abuse offenders lost 15,221 hours of work time due to their domestic abuse arrests. At Maine's average hourly wage, this equals approximately \$200,000.

68 percent of offenders said that domestic abuse posters and brochures in the workplace would help prevent domestic abuse from impacting the business.

48 percent of offenders had difficulty concentrating at work, with 19 percent of offenders reporting a workplace accident or near miss from inattentiveness due to pre-occupation with their relationship.

42 percent of offenders were late to work.

The Maine study is a pilot study with a self-selected population. If the same survey design were used and we were assured that the sample represents the population (i.e. subjects were chosen randomly and/or we had demographic data to compare/adjust the sample to the population), then the margin of error for the questions we asked would range from 3.62 percent to 6.12 percent.

While this data cannot be extrapolated to the general population of domestic abuse offenders, it identifies the broad impact the men in this sample had on Maine businesses. More research is needed to further understand how employers can effectively and accountably respond to abusers in the workplace and to create safer working conditions for employed victims and survivors.

ATTACHMENT III

DOMESTIC VIOLENCE SURVIVORS AT WORK: HOW PERPETRATORS IMPACT EMPLOYMENT

Executive Summary

During the summer and early fall of 2004, The Maine Department of Labor and Family Crisis Services conducted a joint research study on domestic violence and the occupational impact to victims/survivors. Subjects of the study were 120 women who met the following criteria: experienced domestic abuse within the last three years, were employed in Maine (not self-employed), and were affected at work by the abuse.

The purpose of the study was to identify ways in which perpetrators of domestic abuse impact victims/survivors at their employment; determine the frequency and methods abusers used to contact the victim/survivor at the workplace; identify and quantify performance and productivity issues, lost work time, absenteeism, workplace delays, and workplace accidents as a result of these events; measure employer responses, including frequency of policies as a prevention tool; and examine survivors' views on how employers can create safer workplaces.

Survivors were invited to participate through a press release, Web site postings, and participation in local domestic violence projects. Information was collected in a survey format during one-on-one, thirty-minute interviews in person or over the telephone. The following findings represent the data from interviews with 120 domestic violence survivors:

- 98 percent reported that domestic abuse caused them to have difficulty concentrating on work tasks.
- 96 percent reported that domestic abuse affected their ability to perform their job duties.
- 94 percent were unaware of statutes that provide unemployment compensation to victims of domestic abuse, and 93 percent were unaware of Maine law that requires employers to provide time off to victims of domestic violence, sexual assault, and stalking.
- 87 percent reported the abuser made harassing phone calls at work, with some survivors receiving between 50-100 phone calls per week.
- 83 percent reported the employer became aware of domestic abuse in employee's life.
- 78 percent reported the abuser showed up at the workplace; 13 percent reported being assaulted at work.
- 78 percent reported being late to work as a result of domestic abuse.

- 77 percent reported they were prevented from getting to work on time because the abuser kept them up late or all night; 47 percent reported being assaulted before work.
- 60 percent reported losing their job due to domestic abuse (fired or quit).
- 56 percent reported the workplace contact changed (increased in frequency or became more threatening) when the victim/survivor attempted to leave.
- 45 percent reported they were concerned they would get fired if they discussed domestic abuse situation with employer.
- 23 percent reported the abuser violated a protection from abuse order or other condition by contacting the victim/survivor at work.
- 5 percent reported their employer had a domestic violence policy in place.

ATTACHMENT IV

MAINE STATE CHAMBER OF COMMERCE,
AUGUSTA, MAINE 04330-9412,
January 10, 2002.

Senator BETH EDMONDS, *Senate Chair,*
Augusta, Maine 04333-001.

Representative GEORGE BUNKER, *House Chair,*
Joint Standing Committee on Labor,
Augusta, Maine 04333-0115.

SENATOR EDMONDS, REPRESENTATIVE BUNKER AND MEMBERS OF THE JOINT STANDING COMMITTEE ON LABOR: I apologize for not being present to deliver this testimony personally, however, business has me out of town for the next few days. On behalf of the Maine State Chamber of Commerce, we would like to voice our support for LA 1960, An act to Promote Safety of Families through the Workplace, sponsored by Speaker Saxl.

As members of this committee may remember that this legislation first appeared before the 119th Legislature in the form of LD 944, and extended unpaid leave from the workplace for employees in the event they are a victim of violence, assault, sex assaults, stalking or any other act that would support an order of protection.

At that time the Maine State Chamber expressed concerns about the bill even though it was greatly altered from its original form and falls under the auspices and rulemaking authority of the Department of Labor.

Despite our original reservations the bill became law and has been in place for the last 2 years. During this time this organization has heard no complaints or concerns with its implementation. It appears that the bill supporters were correct regarding its application and its impact on the workplace.

It is for this reason we believe it is appropriate to extend the same leave opportunities for parents of children who are unfortunate enough to be victims of violence.

We believe this bill, like the current law, is appropriate given the difficult times we now live in. While we hope that someday we will be in the position that individuals and families do not need to access leave for these very troublesome situations, we recognize that should they need to do so, such leave is appropriate and relatively unburdensome to the workplace. It is for these reasons we would again reiterate our support for LD 1960. I will do my best to be present at the work session on this bill and appreciate the opportunity to provide you with our comments. Thank you very much.

PETER M. GORE,
Senior Governmental Affairs Specialist.

ATTACHMENT V

DOMESTIC VIOLENCE AND THE WORKPLACE: THE STATE OF MAINE INITIATIVE
SEPTEMBER 2006

INTRODUCTION

The Maine Coalition to End Domestic Violence and its member projects seek to end domestic violence by creating a culture in which abuse and violence have no place. All community sectors have a role in providing support to people who experience abuse and creating a structure of accountability for people who choose to abuse and use power over other people in their lives. Maine State Government has taken a dramatic step forward in moving us all toward such a culture.

PROJECT SUMMARY

In October of 2004, the Maine Department of Public Safety hosted two day-long conferences in Maine that focused on domestic violence and the workplace. Hundreds of Maine employers attended and received information about the impact of domestic violence on the workplace and the power of developing a comprehensive workplace response. At the start of the session held in Portland on October 7th, Governor John Baldacci signed an Executive Order that required all State agencies to develop and implement a domestic violence and the workplace policy, through collaborative consultation and training with the Maine Coalition to End Domestic Violence, also known as MCEDV. (See Appendix A.)

In the following many months, MCEDV partnered with the many agencies in Maine State Government and collaborated with them through the process of developing policies and training employees on the components of the policies. (See Appendix B.) At the time of this report, nearly all the agencies had a final policy in place and had trained supervisors, voluntary responders, and general employees.

The State of Maine employs approximately 14,000 individuals. To date, MCEDV estimates that 2,800 supervisors and 5,875 general employees have received live training about domestic violence and their specific agencies' policies through this initiative. In addition, The Maine Department of Public Safety and Maine Department of Corrections employees received required training through an on-line, e-learning training tool developed by DPS in collaboration with the Maine Coalition to End Domestic Violence (available at www.myworkplacehelp.org).

POLICY DEVELOPMENT PROCESS

The process that each agency underwent to comply with the Executive Order involved five steps: 1) Create an internal policy development team made up of diverse members of the agency; 2) train that team in collaboration with MCEDV; 3) draft a policy; 4) train all supervisory employees and others who volunteered to be specially-trained "responders" about the draft policy and protocol for response to employees; and 5) implement the final policy via training of all general employees.

During the policy development stage of the process, State agencies did a stellar job of developing new best practices with care and creativity. New best practices generated through policy development included response to employees who are abusers, confidentiality, protocol for abusers carrying state-issued firearms, and several others.

TRAINING CURRICULA COMPONENTS

Through its member domestic violence projects, the Maine Coalition to End Domestic Violence provided all trainings for State supervisors, responders, and general employees. The goal of the training was to prepare State employees to recognize abuse, to reach out to co-workers experiencing abuse, and to refer them to help sources. The training emphasized the particular role that employers and co-workers play in being a bridge to community services.

The curricula initially provided information about why domestic violence is a workplace issue and relied heavily on the findings of two recent research studies completed by Family Crisis Services in collaboration with the Maine Department of Labor. These studies involved interviews with domestic violence offenders and survivors, and revealed how specifically and pervasively abusive behavior undermines a safe and productive workplace. Visit <http://www.maine.gov/labor/bls/> and click on Safety research to download the reports from these two studies.

The trainings then focused on the dynamics and effects of domestic violence, to give employees an understanding of the impact of abuse on an employee. This section included discussion about the challenges people face in creating lives free from abuse. Every employee was also given information about community domestic violence and sexual assault services available to assist employees, concerned co-workers, or supervisors.

Finally, the trainings outlined the components of the policies, relative to appropriate responses to people affected by abuse and perpetrators. This included supervisory responsibility, as well as peer-to-peer or co-worker response. The policies and trainings also addressed the important issues of confidentiality, the process of workplace safety planning, and collaborating with community resources such as the local domestic violence projects.

IMPACT OF THE INITIATIVE

It is clear from the initiative that domestic violence has affected many current and former State employees. In a review of 1000 evaluations gathered from the

State training effort, 10 percent of employees revealed that they were survivors of domestic abuse when asked in Question Two to “describe previous knowledge or experience of domestic violence, if any.” An additional 3.8 percent of respondents indicated they had family members who were currently or had previously been impacted by intimate partner abuse. Despite this, the problem has been largely invisible in that agencies’ responses were not guided by formal policy or protocol, response and documentation was inconsistent, and there was an overall lack of workplace safety planning and referral to helpful community agencies and the Employee Assistance Program when an employee presented domestic violence issues. Both within agencies and between agencies, domestic violence has been an invisible but dangerous and very real presence.

Training evaluations indicated that supervisors and general State employees overwhelmingly embraced the new policies and training. The initiative was very well received in that employees showed an eagerness for the information. They continuously expressed in evaluations and in comments made to trainers that they wished they had the information earlier in their work or personal lives, as well as gratefulness that there are protocols and resources to guide them in the future.

Some of the comments that trainers heard from training participants and read repeatedly in the evaluation forms included:

- An appreciation for knowledge about the broad services of MCEDV’s member domestic violence projects.
- Gratefulness for information about current Maine laws—specifically the Victim’s Leave Act and Maine unemployment provisions—that provide specific protections to victims of domestic violence. Employees often indicated in evaluations that these laws are vital resources for themselves, their co-workers, and also for their clients/consumers. (See Appendix C.)
- A gratefulness to have the information to respond helpfully to a co-worker, family member, or friend who may be a victim or offender. Many people disclosed in the trainings or immediately after the trainings with stories of dangerous domestic violence situations they were currently aware of.
- A shift in thinking that this was a “politically correct” initiative to appreciating the important practical outcomes to a domestic violence policy that increases safety in the workplace for all employees.
- Gratitude that the State of Maine is taking a lead on keeping employees safe at work when domestic violence is present in their personal relationships.
- Overwhelming, Maine State employees reported that this training made them more aware of the issue of domestic violence and provided them with the necessary resources to recognize it in their co-workers and respond to it with sensitivity and effectiveness. In addition, many State workers reported that their attitudes had been altered by the training.
- **“I will try not to say things like ‘I wouldn’t let someone treat me like that’ around other people.”**
- **“I will watch/be more aware of what I say just in case one of my co-workers is a survivor of DV.”**
- **“More folks will have empathy and knowledge that should lead to better support systems for victims and abusers and more appropriate responses to the victim.”**
- **“I will be more careful about what I say at work, and will be more sensitive and aware.”**
- **“[I will] More easily recognize the signs of abuse/abuser. Know not to give advice—before training I might have said ‘why don’t you leave.’”**

Several State workers commented on the need to continue this education throughout the State:

- **“Throughout the presentation I kept thinking about the societal influences that permit and encourage this problem and others like it. I’m so happy to hear the presenter say ‘It’s about a sense of entitlement.’ I think that hits the nail on the head, and I’m so grateful to hear this message and work is going out to schools and to children.”**
- **“Make it mandatory to all State employees and encourage to all business and workplaces in the State.”**
- **“Mak[e] a training like this to everyone an annual, mandatory training.”**
- **“Start educating at High School level to get awareness at earliest level. This should begin as age relationships begin.”**

A number of employees made a specific note of the professional nature of the instruction offered by Maine Coalition to End Domestic Violence trainers:

- “Good mix of training styles utilized. Great, knowledgeable, articulate presenters!”
- “Great presentation with very professional instruction.”
- “Excellent training.”
- “Excellent job! Skit was extremely powerful and moving!”
- “This training was really fantastic! The skit was a particularly good visual and thought provoking.”
- “This is the best presentation I have seen in 22 years of State employment. Superb!”

Some employees commented on their personal experience with abuse:

- **I thought the training was very effective. It brought up many bad personal memories and made me more aware of the numerous characteristics my ex-husband has/had that makes him an abuser. On a happier note, it makes me realize how much more I appreciate my new husband!**

Finally, both State agency coordinators and employees who took the training remarked that the training would help to promote change:

- **“Have already seen new policy making a difference in my office for the good.”**

- **“After the training, several employees approached me to say they thought this would be valuable. Two people indicated that they knew of people who were in a violent relationship and would be passing the resources on to them. They also found it helpful to understand that their friends may be feeling embarrassed and alone . . .”**

- **“A large number of staff commented that they were glad this had been undertaken, and that their own awareness had been increased; and to a certain extent, previous responses to domestic violence situations were validated.”**

- **“. . . [W]e did have several employees who were very resistant and negative to the effort; commenting that it was a waste of time, there wasn't any domestic violence at the [workplace], didn't believe domestic violence was really much of a problem, etc. After the training, these same people came to us, commenting they were astounded and amazed—they had no idea and thanked us for our work . . . several people revealed that domestic violence has touched their lives, either personally or with someone close to them.”**

UNANTICIPATED POSITIVE OUTCOMES WITHIN STATE AGENCIES

This initiative created a momentum that led many agencies to develop additional resources for their employees and employees of other agencies that were not mandated by the Executive Order. These things included:

- The Department of Transportation (DOT) created many printed materials featuring a State logo and informational materials including small laminated resource cards with telephone numbers, an employee brochure, notepads, tent cards for use at trainings, and posters with community domestic violence and sexual assault resources listed. DOT has generously made these materials available to other State agencies at cost. (See attached workplace brochure.)

- The Department of Health and Human Services (as well as the Office of the Attorney General, which created its policy prior to the Executive Order) created a process by which employees can donate comp time to support a victim of domestic violence. The Maine State Housing Authority also created a special pool of time to which employees could donate.

- The Department of Labor created a new optional employment law poster highlighting current Maine laws relating to domestic violence in the workplace and community domestic violence resource providers. This poster can be downloaded free at <http://www.maine.gov/labor/posters/>.

- The State of Maine revised its Employee Assistance Program request for proposals and contract and as of October 1, 2005, has contracted with a new organization that has a domestic violence specialist on staff and offers domestic violence training to its member providers.

- The Department of Public Safety (DPS) utilized grant funding to create a web-based domestic violence and the workplace training for all general employees of the Department. DPS also funded several television public service announcements to promote this initiative and offer the web-based training to any employer in the State. The training can be accessed free at www.mvworkplacehelp.com by signing in as an anonymous guest.

The Department of Conservation has created an internal corresponding policy to protect employees and visitors via a domestic violence and visitors to the park policy.

It is clear that agencies did more than merely respond to a mandate, and an unfunded mandate at that. They took ownership of the policies, went above and beyond in crafting solutions and new best practices, and showed their pride in providing leadership and models to guide other employers in Maine.

NEXT STEPS

While the original work envisioned in the Governor's Executive order is nearly complete, many potential next steps have emerged from the initiative. These include:

- The creation of a schedule of ongoing trainings for new State employees, new State supervisors, or those seeking a refresher course, through the Maine State Training Unit. These trainings will likely begin in the fall of 2006 and will be provided by staff of the member projects of MCEDV.
- Determining outcomes from the initiative. Current ideas for measuring the impact of this initiative include tracking the use of the State policies utilizing both qualitative and quantitative data, providing detail on workplace safety plans, and determining whether there has been an increased use of our domestic violence related unemployment statutes and the Victim's Leave Act. In addition, future focus groups or policy revisions may provide opportunities to capture new best practices emerging from experience.
- Additional topics for future policy revisions include adding critical incident protocol as well as how State agencies can keep and provide documentation for prosecution purposes or to support the enforcement of protection from abuse orders.
- By mandate of the Executive Order, all agencies are required to conspicuously post information about domestic violence resources, and MCEDV would like to provide additional literature and posters to assistance agencies in complying with this provision of the Order.
- The laws currently in place to support employed victims of domestic violence may be ready for review and enhancement. Specifically, the Victim's Leave Act currently does not include domestic partners. In addition, the unemployment statutes may currently have unintended consequence of creating safety issues for claimants when employers are contacted regarding the claim.

CONCLUSION AND CONTACT INFORMATION

For more information about the State of Maine Workplace Initiative or to find out more about how any employer can create a comprehensive workplace response to domestic violence, contact your local domestic violence project which you can locate online at www.mcedv.org. You are also encouraged to contact any of the following people who worked extensively on this initiative:

Kate Faragher Houghton, Family Violence Project, P.O. Box 304, Augusta, Maine 04332-0304, (207) 623-8637 x304, katef@familvviolencenrojectorg; Ellen Ridley, Family Crisis Services, P.O. Box 704, Portland, ME 04104, (207) 767-4952 x105, ellen--refamilycrisis.org; Nicky Blanchard, Maine Coalition to End Domestic Violence, 170 Park Street, Bangor, Maine 04401, (207) 941-1194, nicky@mcedv.org; Francine Stark, Spruce Run, P.O. Box 653, Bangor, ME 04402, (207) 945-5102, fstarkesprucerun.net.

ACKNOWLEDGMENTS

MCEDV has found it a pleasure to work with the State of Maine on the largest outreach effort the Coalition has ever undertaken. The successes within the initiative are many, and on behalf of domestic violence service providers in the State of Maine, we thank the State for its fine work.

This project would not have happened without the exceptional work undertaken by Maine's Attorney General Steven Rowe and his Special Assistant Jessica Maurer, who have continuously placed domestic violence policy and education at the top of their priorities. Prior to this initiative, the Maine Office of the Attorney General underwent a 14-month initiative to develop and implement a domestic violence and the workplace policy and train all of its 200 plus staff across the State. This work created the momentum for doing this policy work throughout all of State Government.

We thank Governor John Baldacci for his leadership in signing the Executive Order requiring all State agencies to develop and implement domestic violence and the workplace policies. We also offer thanks to Daryl Fort, the Governor's Director of Community Development, who has focused persistent attention on issues affect-

ing marginalized and vulnerable Mainers. His particular efforts regarding domestic violence and sexual assault have positively impacted Governor Baldacci's Administration as well as all Mainers impacted by these crimes.

Within State Government many champions moved this initiative forward—one deserves special recognition for her role as coordinator and point person for this project within the State of Maine. This person is the State Equal Employment Opportunity Coordinator Laurel Shippee. Her tireless support of the initiative is greatly appreciated.

Many people within MCEDEV participated in this project and special thanks and recognition are offered to Kate Faragher Houghton of the Family Violence Project who coordinated the initiative for the Coalition, Ellen Ridley of Family Crisis Services who developed much of the curricula and delivered countless trainings, Francine Stark of Spruce Run who partnered with the largest State agency as well as many others, and Nicky Blanchard of the Maine Coalition to End Domestic Violence who provided ongoing coordination of training logistics and countless other types of ongoing support for the initiative. Additional thanks and recognition go to other domestic violence project staff around the State who participated in agency policy development and training of State employees.

Finally, a huge thank you is offered to those agencies and organizations that provided training space, audio-visual equipment, and technical assistance at no cost for the state of general State employee trainings that occurred in the spring of 2006. These trainings were largely held at sites within the University of Maine system, at Anthem Blue Cross in South Portland, and at the Maine Department of Public Safety in Augusta. We offer our gratitude for those organizations' generous support of this initiative.

APPENDIX A: GOVERNOR'S EXECUTIVE ORDER

25 FY 04/05,
OCTOBER 7, 2004.

AN ORDER REGARDING THE ESTABLISHMENT OF DOMESTIC VIOLENCE IN THE WORKPLACE POLICIES WITHIN THE DEPARTMENTS OF STATE GOVERNMENT

WHEREAS, domestic violence is a serious public policy concern of the State of Maine requiring its participation in the coordinated community response to support victims and hold abusers accountable; and

WHEREAS, employees and citizens of the State of Maine have a right to be safe from harm; and

WHEREAS, the Maine Legislature has recognized an employer's obligation to provide special assistance to victims of domestic violence, sexual assault, and stalking; and

WHEREAS, domestic violence is a pattern of coercive behavior that is used by a person against a current or former partner, or other family or household member, to establish and maintain power or control in the relationship; and

WHEREAS, for more than a decade fifty percent of the homicides in Maine involved domestic violence; and

WHEREAS, domestic violence is a widespread community problem affecting thousands of Maine families that extends beyond the family and into all areas of society including the workplace; and

WHEREAS, abusers will often target victims at their workplaces, endangering the safety and affecting the productivity of victims and co-workers; and

WHEREAS, the State of Maine, as an employer, is additionally affected by domestic violence in the loss of productivity, and increased health care costs, absenteeism, and employee turnover; and

WHEREAS, the State of Maine, as an employer, should provide support and assistance to employees who are victims of domestic violence and should hold abusers accountable; and

WHEREAS, the State of Maine has a responsibility to model a proactive response to domestic violence for other employers in the State; and

WHEREAS, agencies of the State of Maine have partnered with the Maine Coalition to End Domestic Violence and the Maine Coalition Against Sexual Assault to develop and promote workplace policies and training for State employees; and

WHEREAS, the Maine Commission on Domestic and Sexual Abuse has urged all employers in the State of Maine to develop and implement workplace policies on domestic violence; and

WHEREAS, the State of Maine recognizes that employers can be powerful allies to victims by creating a workplace that offers support, information, and resources;

NOW, THEREFORE, I, John E. Baldacci, Governor of the State of Maine, by the authority vested in me, do hereby order that:

1. For the purpose of this executive order, the following terms shall have the following meanings:

Domestic violence: A pattern of coercive behavior that is used by a person against family or household members to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

Sexual assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.

Stalking: Any conduct as defined in 17-A M.R.S.A. § 210-A.

Abuser: An individual who commits an act of domestic violence.

Victim: An individual subjected to an act of domestic violence.

Workplace: An employee is considered to be in the workplace when the employee is on duty, is traveling on behalf of the State, is in state-owned or leased workspace, is using the facilities or services of the State, is wearing a uniform, or is using a vehicle that is owned or leased by the State or its agencies.

2. Each State agency convenes a diverse team of employees who will, within the next year, develop a workplace domestic violence policy. The team shall partner with the Maine Coalition to End Domestic Violence to provide initial domestic violence training for the team and additional guidance in the development of the policy.

3. Each State agency's domestic violence workplace policy:

a) Incorporates the above definitions of domestic violence, sexual assault, stalking, abuser, victim, and workplace;

b) Clearly directs that the agency will not tolerate acts of domestic violence, sexual assault, or stalking in the workplace, including harassment or violent or threatening behavior that may result in physical or emotional injury to any State employee while in State offices, facilities, work sites, vehicles, or while conducting State business;

c) Instructs employees on how to offer assistance to co-workers who are domestic violence victims in an expedient and confidential manner;

d) Recognizes that victims of domestic violence may have performance or conduct problems related to their victimization and offers support and an opportunity to correct the problems;

e) Provides for assistance to victims to include at a minimum: referrals to local domestic violence projects and the State's Employee Assistance Program, and development of workplace safety plans that seek to minimize the risks to the victims and other employees;

f) Recognizes the employer's obligation to grant reasonable and necessary leave pursuant to 26 M.R.S.A. § 850;

g) Provides assistance to abusers to include at a minimum: referrals to the State's Employee Assistance Program, and information about local State certified batterer intervention programs;

h) Provides that corrective or disciplinary action may be taken against State employees who: misuse State resources to perpetrate domestic violence, sexual assault, or stalking; harass, threaten, or commit an act of domestic violence, sexual assault, or stalking in the workplace or while conducting State business; or are arrested, convicted, or issued a civil order as a result of domestic violence when such action has a nexus to their employment with the State;

i) Requires that all agency employees with supervisory responsibility and any other designated individuals who will respond to victims and abusers receive specialized training on best practices for identifying and responding to domestic violence;

j) Includes a separate procedure which requires referral to the sexual assault crisis and support centers for employees who have experienced sexual assault or stalking;

k) Directs that, to the extent that sexual abuse or stalking is perpetrated as part of domestic violence, employers should be prepared to respond to it utilizing the domestic violence policy; and

1) Requires that the policy be distributed to all current employees and to every new hire.

4. To the extent that an agency employs individuals who are authorized to carry firearms as part of their job duties, the policy shall include provisions addressing firearms.

5. Each State agency implements the workplace policy via employee training on the policy delivered in partnership with the Maine Coalition to End Domestic Violence. The training shall include, at a minimum, information as to: the dynamics and effects of domestic violence; available resources for victims and perpetrators; and how an employee can assist a co-worker who is experiencing or perpetrating domestic violence. The Bureau of Human Resources will provide training support and coordinate with the Maine Coalition to End Domestic Violence to make sample policies available for all agencies.

6. Each State agency provides for the conspicuous posting of information about domestic violence and sexual assault and available community resources.

7. Each State agency incorporates reference to the State of Maine Equal Employment Opportunity/Affirmative Action Policy, the State of Maine Harassment Policy and the State of Maine E-Mail Usage and Management Policy in its domestic violence in the workplace policy. Each State agency is also directed to review existing personnel policies and procedures to ensure they do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

The cost to State agencies for implementing the tasks included in this Executive Order will be used from existing resources.

The provisions of this executive order are not intended to alter any existing collective bargaining agreements or to supersede applicable Federal or State law.

Effective Date

The effective date of this Executive Order is October 7, 2004.

JOHN E. BALDACCI, GOVERNOR

APPENDIX B: DEPARTMENTS, QUASI-AGENCIES, AND ORGANIZATIONS OF STATE GOVERNMENT THAT PARTICIPATED IN THE INITIATIVE

Atlantic Salmon Commission
 Department of Administrative and Financial Services
 Department of Agriculture
 Department of Conservation
 Department of Corrections
 Department of Defense, Veterans and Emergency Management
 Department of Economic and Community Development
 Department of Education
 Department of Environmental Protection
 Department of Health and Human Services
 Department of Inland Fisheries and Wildlife
 Department of Labor
 Department of Marine Resources
 Department of Public Safety
 Department of Transportation
 Department of Professional and Financial Regulation
 Finance Authority of Maine
 Maine Arts Commission
 Maine Historic Preservation
 Maine State Housing Authority
 Maine State Library
 Maine State Museum
 Maine Warden Service
 Office of Health, Policy and Finance
 Office of the Attorney General
 Office of the Governor
 Public Utilities Commission
 State Planning Office
 State Treasurer's Office
 Worker's Compensation Board

APPENDIX C: IMPORTANT POINTS ON MAINE LAW

DID YOU KNOW? MAINE LAW CAN HELP EMPLOYERS ASSIST VICTIMS WHEN DOMESTIC VIOLENCE COMES TO WORK

Maine law protects employed victims of domestic violence through Bureau of Labor Standards and Bureau of Unemployment Compensation statutes. These laws are useful tools for employers when victims need special assistance in the workplace.

Employers should ensure that their workplaces are in compliance with these laws, and that victims of domestic violence are made aware of the protections available to them.

*Employment Leave for Victims of Violence***Title 26, Chapter 7, Subchapter 6-B, § 850.**

Employers must grant reasonable and necessary leave from work if an employee or employee's daughter, son, parent, or spouse is a victim of domestic violence, sexual assault, or stalking.

The employee can use this leave to prepare for and attend court proceedings; receive medical treatment; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

Exceptions to this would include the following: if the leave would cause the employer to sustain undue hardship from the employee's absence; if the request for leave is not communicated to the employer within a reasonable time under the circumstances; or if the requested leave is impractical, unreasonable, or unnecessary based on the facts then known to the employer.

For more information go to <ftp://ftp.state.me.us/pub/sos/cec/ren/apa/12/170/170c010.doc>.

*Unemployment Compensation***Title 26, Chapter 13, § 1193, #1(A)(4).**

Disqualification: An individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

For more information go to <http://janus.state.me.us/legis/statutes/26/title26sec1193.html>.

Title 26, Chapter 13, § 1043, #23(B)(3).

Misconduct: Misconduct may not be found solely on actions taken by the employee that were necessary to protect the claimant or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

For more information go to <http://janus.state.me.us/legis/statufes/26/title26sec1043.html>.

Please note: Unemployment claims resulting from domestic violence are charged to the general unemployment fund, not to the individual business from which the worker was employed. *For more information contact the Maine Unemployment Benefits Division at (207) 287-3805. To reach an Unemployment Call Center call 1-800-593-7660 or TTY, 1-888-457-8884.*

DEPARTMENT OF LABOR,
AUGUSTA, ME 04330,
April 19, 2007.

Hon. JOHNNY ISAKSON,
120 Russell Senate Building,
Washington, DC. 20510.

Re: Maine's Penalty for Violating the Victim Leave Law

DEAR SENATOR ISAKSON: I enjoyed testifying on Tuesday before the HELP Subcommittee on Employment and Workplace Safety at the hearing "Too Much, Too Long?: Domestic Violence in the Workplace." Thank you very much for your work and attention to this important topic.

You had asked me during the hearing what the penalties in Maine are for violating our law providing unpaid leave for victims of domestic violence. I believe I misspoke when I responded and want to be sure that I give you the correct information. In Maine we have a modest penalty for violating this law of \$200 per violation.

Thank you, again, for your concern about domestic violence in the workplace. If you have any further questions, please do not hesitate to contact me.

Sincerely,

LAURA A. FORTMAN,
Commissioner.

Senator MURRAY. Thank you very much. All of your testimony will be part of the record. Thank you very much.

Ms. Cade.

STATEMENT OF YVETTE CADE, SURVIVOR OF DOMESTIC VIOLENCE IN THE WORKPLACE, TEMPLE HILLS, MARYLAND

Ms. CADE. Thank you. I'd like to begin by thanking my family for all the support they have given me throughout my life and during this recovery period since October 10, 2005.

I'm very honored to appear here today and I'm grateful to Senator Murray and the members and staff of this Senate HELP Subcommittee on Employment and Workplace Safety for inviting me to testify. I want to begin by pointing out the obvious. What happened to me is extreme but as these events of recent weeks suggest, it is by no means isolated.

In the last month, three women from different parts of the country—one was a State employee, one was a national hotel chain employee and one was a local business, were murdered in their workplaces by abusive former partners. Although what happened to me is extreme, I am fortunate that I survived to tell the story of what happened to me in the hope that things could be different for other victims.

I hope that you will join me in working to ensure that no more women have to die needless and senseless deaths in their workplaces or go to work in fear that something may happen to them at work, as they are struggling to be a good and productive employee and to support themselves and their families.

Those of you who are familiar with my story know that when the newspaper began covering it, it was not a case of workplace violence. At that stage in September 2005, I was seeking to have Judge Richard Palumbo of Prince George's County, Maryland District Court, keep in place the protective order that I had obtained against my estranged husband in July of the same year.

After treating me shamefully and suggesting that I should obtain marriage counseling, I had made it clear to the judge that my husband was violating the protective order, that I had no interest in reconciling with him and wanted an absolute divorce. Judge Palumbo rescinded my protective order.

What happened less than a month later is the reason I am appearing before you today. In the fall of 2005, I was employed by T-Mobile and was working at a store in Clinton, Maryland. I had notified my employers during the summer of my concerns about my husband and informed them I had a protective order. They were not supportive. My concerns were not taken seriously.

When my then-husband walked in, I was agitated because I had told him to stay away from me. I was actually a short distance from him. I was picking up paper off the printer. I went and sat down. He approached me and began pouring some sort of liquid from a Sprite bottle on me. Initially, I thought that he was just try-

ing to humiliate me. I threw my hands in the air, trying to protect my face and got up and ran out the back of the store.

He chased me and I ran out the back door. He caught me and stomped on my foot, crushing every bone in it. I fell to my knees and that's when I felt intense heat on my back. I was on fire.

I knew at that point I was on fire. I got up, ran back in the store as fast as I could. I got to the sink and stood and took the sprayer off the sink and began spraying my face. I felt my skin slipping, dripping. The flames covered my entire face so I was just like a great ball of fire. From a little below my waist, part of my right leg on up was completely engulfed in flames. I had burns on my right leg, my behind, stomach, chest, my back—both arms and my face. I've lost parts of my ears and my chin was actually melted. My lip was melted to my chin. So there was a lot of damage.

I suffered third degree burns over 60 percent of my body and my initial hospital stay lasted 92 days. But I am a survivor. Since October 2005, I survived numerous surgeries.

Moving on, I think employers have a significant role to play in helping victims of domestic violence obtain and maintain their independence from their abusive partners. I will admit that I have found the response of my employer, T-Mobile, to be sometimes frustrating and other times, depressing. Employers stand to benefit greatly from supporting many of their victims. In my 3 years at T-Mobile, I was top sales representative for 2 years. In many cases, there is a great value to supporting a good employee. Not only are they productive and good for the bottom line, employers avoid recruiting and retaining costs when they support the employees they already have.

The Congress took an important first step in acknowledging this when they reauthorized the Violence Against Women Act in December 2005. One of the new programs that was created is this resource engine to help learn how to support their employees.

Let me close repeating that as I said earlier, my story is extreme but I was fortunate enough to survive. Not every one is as fortunate as I have been, as we have been reminded recently but regardless of how severe the issue is—it could be someone who repeatedly calls the victim on the job and often checking their whereabouts.

I hope that you will do all in your power to make sure that others don't have to continue to confront the same obstacles that I have.

[The prepared statement of Ms. Cade follows:]

PREPARED STATEMENT OF YVETTE CADE

I'd like to begin by thanking my family for all the support they've given me throughout my life and during this recovery period since October 2005. I am very honored to appear here today, and am grateful to Senator Murray and the members and staff of the Senate HELP Subcommittee on Employment and Workplace Safety for inviting me to testify and to submit this written testimony.

I want to begin by pointing out the obvious: what happened to me is extreme, but as the events of recent weeks suggest, it is by no means isolated. In the last month, three women from different parts of the country, one with a State employer, one with a national hotel chain employer, and one with a local business, were murdered in their workplaces by abusive former partners. So although what happened to me is extreme, I am fortunate. I survived to tell the story of what happened to me in hopes that things could be different for other victims. I hope that you will join me

in working to ensure that no more women have to die needless and senseless deaths in their workplaces.

Those of you who are familiar with my story know that when the newspapers began covering it, it was not a case of workplace violence. At that stage, in September 2005, I was seeking to have Judge Richard Palumbo of the Prince Georges County, Maryland District Court keep in place the protection order that I had obtained against my estranged husband in July of the same year. After treating me shamefully, and suggesting that I should obtain marriage counseling (I had made it clear to the judge that my husband was violating the protection order, that I had no interest in reconciling with him, and that I wanted a divorce), Judge Palumbo rescinded my protection order. What happened less than a month later is the reason I am appearing before you today.

In the fall of 2005, I was employed by T-Mobile and was working in a store in Clinton, Maryland. I had notified my employers during that summer of my concerns about my husband and informed them that I had a protective order. They were not supportive; my concerns were not taken seriously. When my then-husband walked in, I was agitated because I had told him to stay away from me. I was actually a short distance from him, and was picking up paper off the printer. I went and sat down, and he approached me and began pouring some sort of liquid from a Sprite bottle on me. Initially, I thought that he was just trying to humiliate me. I threw my hands in the air, trying to protect my face. And I got up and ran to the back of the store. He chased me, and I ran out the back door. He caught me, and stomped on my foot, crushing all the bones in it. I fell to my knees, and that's when I felt this intense heat on my back, and I knew at that point, that I was on fire.

I got up, ran back into the store as fast as I could. I got to the sink. And I took the sprayer off the sink and began spraying my face. I felt my skin, dripping. The flames covered my face entirely so I was just like a great, big ball of fire. From a little below my waist, part on my right leg on up was completely engulfed in flames. So I have burns on my right leg, my behind, stomach, chest area, my back, both arms and my face. I've lost parts of my ears, and my chin was actually melted. My lip was actually melted to my chin. So there was a lot of damage. I suffered third degree burns over 60 percent of my body, and my initial hospital stay lasted 92 days, but I am a survivor.

Since October 2005, I have survived numerous surgeries, and though I still have many more on the horizon, I am recuperating well at home. I am slowly making progress. My main concern is for my family and making sure that I stay strong and focused on moving forward. I am very thankful and appreciative of all the support I have received from everyone. The thoughts, prayers, and donations I have received were and are deeply appreciated by me and my entire family.

I think that employers have a significant role to play in helping victims of domestic and sexual violence obtain and maintain their independence from abusive partners. I will admit that I have found the response of my employer, T-Mobile to be at some times frustrating, and at others, depressing. Employers stand to benefit greatly from supporting many of their employee victims. In my 3 years at T-Mobile I was top sales representative for 2 years. In many cases there is great value to supporting a good employee. Not only are they productive, and good for the bottom line, employers avoid recruiting and retraining costs when they support the employees they already have.

The Congress took an important first step in acknowledging this when they reauthorized the Violence Against Women Act in December 2005. One of the new programs that was created is a resource center to help employers learn how to support their employees, and provide them with model policies and other materials. Hopefully, these materials will help employers understand how to respond and support their employees who have protection orders, although that did not happen for me. This resource center is a terrific first step, and I hope that it will receive funding. But more remains to be done, and I hope this Congress will continue to lead the way to ensuring that victims of domestic and sexual violence, regardless of where they live, will enjoy the same level of security with regard to domestic and sexual violence in the workplace.

First of all, no one should be fired from their job just because they are a victim of domestic or sexual violence. This will only cause them to remain dependent on the abuser and mired in a situation that, as far as the victim is concerned, is very likely to deteriorate and to be dangerous for herself and her children.

Second, to the extent that victims need a small amount of time off to work with an advocate to ensure their safety, to change their locks, and/or get a protection order, they should be able to take that needed time, and to know that their jobs are secure and will be waiting for them. Third, if someone has to leave a job because of domestic or sexual violence suffered by themselves or a family member, they

should be able to receive unemployment insurance. Each of these three protections is available in some States, but rarely are they all available. I worked for a national company, T-Mobile. If I had worked in Washington, DC., unemployment insurance would have been available to me, but because I work in Maryland, it is not. It is not fair that access to such basic protections should depend on where a victim lives. Every victim deserves a high level of protection. Congress should make sure that every victim of domestic or sexual violence, no matter where she lives, can have the support of her employer for addressing her situation and access to unemployment benefits if she needs to leave a job.

Finally, although I know that this committee is focused on employment issues, I would like to say a word in support of anti-bullying programs. I am particularly supportive of them and feel that making them widely available in school settings will go far in teaching young men and women how to behave appropriately in intimate relationships. If you teach young people about appropriate behavior early, before they begin to engage in destructive patterns that ultimately lead to violence and abusive behavior, everyone will benefit in the long run. At this point, my medical bills are in excess of \$1 million. Surely an investment in prevention is much better than paying a heavier price later with the involvement of the health care, criminal justice and other systems.

For obvious reasons, I also hope the Congress will also fund and support training for judges so that no one else has to endure the type of treatment that I did at the hands of someone who could have done so much to help me escape the abusive situation in which I found myself. When your colleague in the House, Judge Ted Poe was interviewed about my case he said, "in these types of cases, we know that abusers do not change—and [that Judge Palumbo] ought to have granted [my request to have the protection order stay in place]." Judge Palumbo's actions were unconscionable. By improperly rescinding the protective order, Judge Palumbo gave my abuser the courage and confidence to approach me—a decision that, as you know, had disastrous results. But the justice system failed to ensure that similar misconduct does not happen in the future. After public outcry over his actions, Judge Palumbo retired. The Maryland Judicial Disabilities Commission then decided that charges concerning his misconduct should be dropped. Judge Palumbo was permitted to retire with his pension and full State benefits. Judges need to be held responsible for their actions. When justice is not served, all citizens suffer.

Let me close by repeating something that I said earlier: my story is extreme, but I was fortunate enough to survive. Not everyone is so fortunate as we have been reminded recently. But regardless of how severe the issue is—and it could be someone who repeatedly calls the victim on the job, stops by often to check on their whereabouts, or who is constantly e-mailing from their job—workplace violence, and the potential for it is a serious matter. I hope that you will do all in your power to make sure that others do not continue to confront the same obstacles that I did.

Senator MURRAY. Ms. Cade, thank you very, very much for your very compelling story and I know you have a number of suggestions in your written testimony that we will keep as part of the record and I really appreciate your thoughts and all of what you've given us to ponder. Thank you very much.

Ms. CADE. Thank you, Senator Murray.

Senator MURRAY. Ms. Willman.

STATEMENT OF SUE K. WILLMAN, ATTORNEY, SPENCER FANE BRITT AND BROWNE, LLP, ON BEHALF OF SOCIETY FOR HUMAN RESOURCE MANAGEMENT, KANSAS CITY, MISSOURI

Ms. WILLMAN. Chairwoman Murray, Ranking Member Isakson and other distinguished Members of Congress who are present, my name is Sue Willman. I am an employment attorney with the Law Firm of Spencer Fane Britt and Browne in Kansas City. I commend the subcommittee for holding this hearing on domestic violence in the workplace and I appreciate the opportunity to testify.

I have over 30 years of experience, both as an employment lawyer and as a human resource professional. I have spent a good part of my career advising employers on issues relating to leave in the workplace and on domestic violence situations.

I am also a certified human resource professional and I appear today on behalf of the Society for Human Resource Management, also known as SHRM. SHRM is the world's largest organization devoted to human resource management with over 217,000 members in the world. It is well positioned to provide insight on the impact of domestic violence in the workplace as well as the role of employers in responding to this issue.

I also approach this issue from a personal perspective. I am a survivor of domestic violence, having divorced my first husband in 1978, after 3 years of physical abuse, followed by stalking, death threats and an attempt on my life. During the last 15 years, I have been a strong supporter of domestic violence prevention and intervention. I have served on the Board of Directors for Safe Home, Inc., which is a shelter for battered women in the Kansas City area. I have also served on the Board of Directors for the Domestic Violence Network, which is a coalition of shelters and other organizations in Kansas City, devoted to addressing domestic violence issues.

With nearly one in three women reporting abuse at some time in their lives, domestic violence is likely to affect most workplaces. As a result, employers have begun to recognize its impact. Many employers have been leaders in the fight against domestic violence and have long provided support and resources to victims.

At the same time, employers understand there is no one-size-fits-all approach when domestic violence finds its way into the workplace. Each situation has to be evaluated on a case-by-case basis and numerous factors have to be taken into account.

All of us here recognize the importance of assisting victims of domestic violence as they find the path to survivor status. But none of us should be advocating Federal employment legislation without first examining the issue from all perspectives, including the perspectives of the victim and the employer.

With regard to prior legislation introduced by Senator Murray as well as perhaps the most recent bill that will be introduced, which I have not yet had the pleasure of reading, there are four key issues that must be taken into account.

First, any such legislation in the past that has been proposed has been based on the assumption that employers are not adequately addressing domestic violence in the workplace. In my experience, that is not the case. Overall, I find employers to be extremely compassionate about these situations and very willing to voluntarily provide reasonable assistance, including time off from work.

I have also not seen any statistics indicating that employers are refusing to assist victims. In the absence of any reliable data demonstrating that employers are regularly interfering or discriminating against a victim and their efforts to leave an abusive situation, a legislative mandate is simply not warranted.

Second, any such legislation has primarily focused on protecting individual victims of domestic violence and have overlooked the inevitable workplace safety issues that will arise and affect other employees. The victim's welfare is required to be protected even at the risk of the safety of other employees. Unlike the Americans with Disabilities Act, prior legislation in this area includes no direct threat defense when the domestic violence poses a significant risk

of substantial harm to the safety or health of the victim or other employees.

A third area of concern is the questionable necessity of the leave benefit provided in such legislation. There is no data to suggest that current leave programs provided by employers fail to provide adequate time off for victims of domestic violence. Employers nationwide are already committed to and actually providing on a voluntary basis, paid leave for their employees, such as sick days, vacation, personal days and short-term disability. In addition, employers also provide additional unpaid leave under their FMLA, medical and personal leave policies. Therefore, a Federal mandate requiring leave for domestic violence is not necessary.

The fourth major concern I have had in the past with this type of legislation has involved numerous implementation and interpretation challenges. Many of these challenges are listed in my written comments. A significant issue in the past has been lack of coordination and confusion between the Safe Act, the Family and Medical Leave Act and the Americans with Disabilities Act, all of which could arguably apply.

While the purpose of the Safe Act is a laudable one but its unintended consequences suggest that it is not the best approach for helping victims of domestic violence. There are too far better approaches.

First, encourage employers to develop best practices and become trailblazers on this issue by providing incentives in the form of Federal grants, tax credits, training programs, initiatives where they are encouraged to partner with shelters for battered women to get these women into the workplace.

Second, encourage collaborative efforts and joint programs between employer organizations such as SHRM and advocacy groups such as Legal Momentum so that all perspectives are taken into account.

Again, thank you for the opportunity to provide my perspective on an issue that is important to SHRM and to me both personally and professionally. I look forward to answering any questions you have. Thank you.

[The prepared statement of Ms. Willman follows:]

PREPARED STATEMENT OF SUE K. WILLMAN

INTRODUCTION

Chairwoman Murray, Ranking Member Isakson, distinguished members of the committee, my name is Sue Willman, and I am an employment attorney with the law firm of Spencer Fane Britt & Browne LLP. I commend the subcommittee for holding this hearing on domestic violence in the workplace, and appreciate the opportunity to testify. My comments will focus on my experience with workplace violence and legislation that Chairwoman Murray has introduced in previous congresses, known as the Security and Financial Empowerment (SAFE) Act.

By way of introduction, I am a member of my law firm's labor and employment practice group. I have over 30 years of experience both as an employment lawyer and as a human resource (HR) professional, and have spent a good part of my career advising employers on issues relating to leave in the workplace, including the Family and Medical Leave Act (FMLA).

I am also a certified human resource professional, and appear today on behalf of the Society for Human Resource Management (SHRM). SHRM is the world's largest association devoted to human resource management. Representing more than 210,000 individual members, the Society's mission is to serve the needs of HR professionals by providing the most essential and comprehensive resources available.

As an influential voice, the Society's mission is also to advance the human resource profession to ensure that HR is recognized as an essential partner in developing and executing organizational strategy. Founded in 1948, SHRM currently has more than 550 affiliated chapters within the United States and members in more than 100 countries.

SHRM is well positioned to provide insight on the impact of domestic violence in the workplace as well as the role of employers in responding to this issue. HR professionals are responsible for designing and implementing employee benefit programs that meet the needs of workers and contribute to organizational success. HR professionals strive to offer the right mix of benefits to attract and retain top performers while balancing the increasing costs of offering these benefits. Organizations also depend on their respective HR departments to craft policies that help to ensure a safe workplace.

I also approach this issue from a unique perspective, from that of a survivor of domestic violence. I am one of the nearly one-third of American women who report being physically or sexually abused by a husband or boyfriend at some time in their lives.¹ I divorced my first husband in 1978, after 3 years of physical abuse. Wanting to help other women make the journey from victim to survivor, I have served the last 15 years on the Board of Directors for both Safehome, Inc., a shelter for battered women in Kansas City, and the Domestic Violence Network, a coalition of shelters and organizations devoted to preventing domestic violence. These organizations provide invaluable support and education to countless women nationwide.

As employment counsel to hundreds of employers, I have provided legal advice on domestic violence situations for over 10 years. Such counsel has included drafting workplace domestic violence policies and conducting training on best practices for dealing with domestic violence situations at work, including stalking of employees, threats by abusers against employees, and frequent requests for time off. I have also developed a web-based training program on workplace violence for my clients.

DOMESTIC VIOLENCE IN THE WORKPLACE

As a result of my background and experiences, I am extremely sensitive to the perspective of domestic violence victims. With nearly one in three women reporting abuse at some time in their lives, domestic violence is likely to affect most workplaces. Indeed, I believe employers are legitimately concerned about harmful domestic relationships spilling over into the workplace as the number of these incidents continues to grow.

Domestic violence can affect an organization in numerous ways. Certainly, violence in the workplace exposes employees to physical harm, but even the threat of violence can be detrimental to employee output, attendance, morale, well-being, and retention. In a survey of Fortune 1000 companies, 49 percent of corporate leaders said domestic violence had a harmful effect on their company's productivity; 47 percent said it had a harmful effect on attendance; and 44 percent said it had a harmful effect on health care costs. For all these reasons, workplace violence can negatively affect employers' bottom lines. In 2003, the Centers for Disease Control and Prevention estimated domestic/intimate partner violence cost employers \$727.8 million in lost productivity.

Not only does domestic violence affect a victim at work, domestic violence often infiltrates a workplace to the point of placing the safety of other employees in jeopardy. Studies of survivors (cited by the ABA Commission on Domestic Violence) indicate that 67 percent of their abusers came to the victims' workplaces. A recent study in Maine found that 78 percent of surveyed perpetrators used the workplace to check up on, pressure, threaten, or express anger or remorse to their victims. In addition, the SAFE Act states that 94 percent of corporate security and safety directors at companies nationwide rank domestic violence as a "high security" concern, and for good reason, as explained in the following paragraph.

It is not unusual for abusers to threaten the safety of other employees in an effort to control, gain access to, and/or determine the whereabouts of the victim. It is also not unusual for the employer and other employees to become targets of the abuser's violence if the abuser perceives them as providing assistance or protection to the victim. Any measures to address domestic violence in the workplace must appropriately balance the victim's individual interests with the rights of all employees to work in a safe environment.

One of the many situations in which I participated as a domestic violence prevention team member involved a female abuser who threatened the life of a male em-

¹ U.S. Department of Justice, Bureau of Justice Statistics, (2000). Intimate Partner Violence. NCJ 178247.

ployee (her significant other) and other employees who refused to disclose his whereabouts or permit her to speak with him by phone at work. This went on for several weeks, during which time the employer adjusted his work schedule, placed him on paid leave, required that he obtain a restraining order, and imposed other conditions to protect him and the workforce. Notwithstanding these efforts, she persisted in stalking him at work. In the meantime, and while the employer was assisting the victim, he, unbeknownst to the employer, disclosed to her where he was staying while on leave and advised her of all efforts the employer made to help him. She then became extremely angry at the employer for interfering and began making threats, including death threats, against other employees (the receptionist, his supervisor and others), which led the employer to place the receptionist on paid leave in order to protect her. The abuser then showed up on the premises with a loaded gun and threatened to kill employees if her significant other did not come out to see her, while her four small children were in her car observing. Although the employee had obtained a restraining order against her, and although the police were called to subdue the situation and arrest her, she posted bail and later was involved in a drive-by shooting at the victim's resident. She ultimately spent time in jail, but was later released and resumed her relationship with this gentleman, in spite of all the efforts the employer had made to protect him and other employees. Thereafter, the relationship would become volatile (violence and threats) again. The employer finally determined that the only way to protect the safety of the entire workforce was to terminate his employment.

EMPLOYER RESPONSE

Over the last decade, employers have begun to recognize the impact domestic violence has on the workplace and have actively sought to mitigate its potential effect on their organization. Certainly, progress varies across the professional landscape; while some employers are just starting to develop and implement workplace violence programs, other organizations have been leaders in the fight against domestic violence and have long provided support and resources to victims. The SHRM Knowledge Center is frequently contacted in regards to issues relating to domestic violence in the workplace. Specifically, HR professionals are interested in learning how to implement successful workplace policies, make available victim referral services, and establish workplace security measures around workplace violence events.

SHRM strongly believes that every employee is entitled to a safe work environment, and HR professionals play a critical role in ensuring their organizations provide necessary support. HR professionals can help their organizations create and foster a culture that promotes diversity, effective communication and the dignity and respect of all employees.

To reinforce this culture, it is SHRM's view that organizations need domestic violence policies that ensure a consistent and uniform organizational response to domestic violence and limit the occurrence of violent incidents. Employers need policies that outline ways the organization can support victims and the safety of all employees. Once a policy is in place, an employer must make sure all employees are aware of it through communication, training and enforcement. To reduce violence at the workplace, it is critical that employers create workplaces where employees will feel free to come forward by ensuring their situation is handled in a sensitive and confidential manner.

Progressive employers who have addressed this issue realize the complexities of dealing with domestic violence in the workplace. They understand there is no "one-size-fits-all" approach to providing assistance when domestic violence finds its way into the workplace. Each situation must be evaluated on a case-by-case basis. Employers have established multi-disciplinary teams that are charged with evaluating workplace violence issues as they arise. These teams are normally comprised of human resource, security, safety, legal, and operations personnel who have been trained in evaluating and handling workplace violence situations. These teams often have outside consultants on call, such as psychologists and law enforcement personnel who have expertise in domestic violence evaluation and intervention.

When these teams evaluate domestic violence situations, the first issue is to assess whether the domestic violence has infiltrated the workplace, and if not, the likelihood that it might. The next step is to assess the risk to the workplace as a whole. Numerous factors must be taken into account. These factors include: (1) whether the abuser has visited the employer's premises; (2) the abuser's behavior while on any of the employer's property (including parking lots, etc.); (3) whether the abuser has been contacting the victim at work; (4) the nature of any communications the abuser has had with the victim at work; (5) whether the abuser has threatened or attempted to penetrate the employer's security measures; (6) whether

the abuser has threatened other employees or the employer's property; (7) whether the victim has obtained a restraining order; (8) whether the victim is seeking assistance from a lawyer, the courts, domestic violence advocates, a therapist, and other resources; (9) whether the abuser has previously caused physical harm to the victim; (10) whether any efforts by the employer to assist the victim will increase the likelihood, nature, or extent of violence in the workplace; (11) whether the victim has children who are also at risk; and (12) whether the victim will fully cooperate and not undermine any assistance the employer provides.

Psychological experts on domestic violence have advised employers that they must be careful about the steps they take to assist victims when domestic violence finds its way into the workplace. Even seemingly helpful measures such as providing time off to the victim, changing the victim's telephone extension, refusing to allow the abuser to speak with the victim by telephone, requiring the victim to obtain a restraining order, and refusing to tell the abuser whether the victim is or is not at work can jeopardize the safety of the entire workforce. Abusers, who have anger and control problems, often perceive such efforts as a conspiracy between the employer and the victim. They become frustrated, angry, and feel out of control when employers make it difficult for them to access their victims. Unfortunately, and in too many cases, the employer and other employees unwittingly become additional targets of violence because of their good faith efforts to help or protect the victim.

As I mentioned earlier, I have advised numerous employers on workplace violence and workplace domestic violence situations. I have found employers to be extremely compassionate about the challenges facing victims. I have also found them to be more than willing to provide reasonable assistance to victims (including reasonable time off from work), without a government mandate, as long as the assistance did not jeopardize the safety of the rest of the workforce. In fact, a new Federal mandate, as proposed in the SAFE Act, could prevent an employer from properly assessing and reacting to the unique situation they are facing.

I encourage employers and my clients to adopt voluntary policies to address domestic violence in the workplace, as employers need flexibility when providing any particular measures or benefits when domestic violence becomes a workplace issue. Every situation has to be evaluated on a case-by-case basis, with safety of the entire workforce being the top priority.

I am not familiar with any data that demonstrates that employees have been discriminated against by their employers because of their domestic violence situations or that employers are regularly terminating their employment because of the domestic violence. Many of the statistics surrounding the issue of domestic violence come from victim studies. To serve as a useful guide for employers and public policy makers, this information must be combined with the experience of employers and experts on the psychological and safety aspects of domestic violence. Because of the many factors that must be considered when domestic violence enters the workplace, Congress would be remiss in mandating any measures unless adequate research examining the total picture has been done.

The Occupational Safety and Health Administration (OSHA) has studied the issue of workplace violence for many years. However, to date, OSHA has only issued guidelines and elected not to issue regulations because of the difficulty in mandating specific standards when there are no easy answers, many factors are involved, and there is no perfect solution.

Before any Federal employment legislation is considered, the government should thoroughly research best practices already utilized by employers to address domestic violence situations, provide guidelines to employers on how to assess workplace risks of domestic violence, encourage employers to provide victims with referrals and resource materials, encourage employers to take steps to increase workforce awareness of domestic violence issues, and consult with psychological and law enforcement experts on the risks of well-intentioned intervention by employers.

GENERAL COMMENTS ABOUT THE SAFE ACT

The SAFE Act incorporates concepts from the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Fair Labor Standards Act, and various Federal laws on domestic violence (such as the Higher Education Amendments of 1998 and the Violence Against Women Act). It gives enforcement power to the Department of Labor (DOL), rather than the Equal Employment Opportunity Commission (EEOC) or OSHA, who have far more familiarity and expertise in dealing with employment discrimination and safety issues.

SHRM is concerned that the legislation primarily focuses on protecting individual victims of domestic violence and ignores the inevitable workplace safety issues that will arise and affect other employees and entire workforces. SHRM believes that

there needs to be a balance between the interests of a victim and the welfare of all other employees who, due to no fault of their own, often become unintentional, additional victims of the domestic violence.

The other major challenge with the SAFE Act involves numerous implementation and interpretation challenges. In an effort to protect victims, it overlooks the realities of the workplace and the difficulties that employers will have in administering its provisions. SHRM also has concerns with the leave benefit provisions of the legislation. Both of these issues are addressed later in these comments

LEAVE BENEFITS

The SAFE Act would provide a Federal entitlement to workers to emergency leave in the event of domestic or sexual violence. As I understand it, one of the purposes of the SAFE Act is to allow victims of domestic violence to take time off from work to make court appearances, seek legal assistance, and get help with safety planning. However, I question the necessity of a Federal requirement that employers provide an entirely new category of leave when employees virtually always have available other types of leave.

There are no data to suggest that current leave programs fail to provide adequate time off for victims of domestic violence. Employers nationwide are committed to providing *voluntary* paid leave to their employees because offering competitive workplace benefits allows employers to increase employee morale, retention, and productivity, all of which are crucial elements to organizational success.

In fact, a majority of employees view paid time off as one of the more important benefits an employer can offer. For example, employee benefits were cited as the second-most important recruitment and retention factor behind only compensation in the 2005/2006 *SHRM Job Satisfaction Survey Report*. To compete for talent, most employers currently provide voluntary paid vacation, paid sick days, paid personal days, paid time-off (PTO) plans and liberal attendance policies. These benefits come at a significant cost to employers, as roughly 31 percent of payroll is spent on benefits (both voluntary and involuntary benefits). Moreover, the cost of these voluntary benefits increased by 29 percent in 2006 over the previous year.² Even with these benefit cost increases, employers continue to offer these benefits because they are committed to helping their employees balance the demands of both their work and personal lives.

Many employers also offer nontraditional scheduling options to help accommodate employees' work/life balance. According to the 2006 *SHRM Benefits Survey Report*, 35 percent of organizations allow for compressed workweeks, where full-time employees are allowed to work longer days for part of a week or pay period in exchange for shorter days or a day off during the same period. Such scheduling benefits give another dimension of flexibility to employees who are dealing with domestic violence issues.

Since many employers already offer paid leave voluntarily to their employees, a Federal mandate requiring leave for domestic violence could have the opposite effect of its intention. It is likely that some employers would be forced to reduce existing employee benefits in order to comply with a new Federal standard for domestic violence-related leave. In this way, any Federal initiative that limits employer flexibility tends to work against employees. This reality has been well-documented in several congressional hearings since enactment of the Family and Medical Leave Act. Employers that provided generous paid leave benefits prior to the FMLA's enactment have been impacted the most by the act's provisions. The end result has been more organizations rethinking their existing sick leave programs and the voluntary expansion of paid leave policies. Adding a new type of leave system will only heighten this concern, and will discourage employers from implementing additional improvements in their paid leave programs.

Moreover, under current law, employees already have access to job-protected leave under the FMLA, which was established to assist employees in balancing their work and family life. The law guarantees eligible employees 12 workweeks of unpaid leave during any 12-month period for the birth or adoption of a child or for an employee's serious medical condition or to care for a parent or child. Some States have additional family and medical leave requirements as well. Federal law does not require FMLA leave to be paid, but 32 percent of HR professionals responding to the 2006 *SHRM Benefits Survey Report* indicated that their organizations did offer some paid family leave. Twenty-seven percent of HR professionals reported that their organizations offered family leave above required Federal FMLA leave, and 25 percent offered family leave above required State FMLA leave.

²2006 *SHRM Benefits Survey Report*.

The leave benefits proposed in the SAFE Act provide for six (6) weeks of time off. This time off is in addition to any FMLA leave benefits to which the employee is entitled. There is no requirement that these 6 weeks run concurrently with FMLA leave. Being the victim of domestic violence is emotionally and psychologically traumatic, and as a practical matter, it is highly likely that the situation would qualify as a serious health condition under the FMLA, allowing the victim to take up to 12 weeks of leave.

UNEMPLOYMENT BENEFITS

The legislation not only proposes that employers provide 6 weeks of time off, it also requires unemployment benefits for victims of domestic violence who are separated from employment "due to circumstances resulting from the individual's experience of domestic violence." There is no requirement that the victim must actually remove himself/herself from the abuser's household. SHRM is concerned that language in the SAFE Act would allow an abuser to manipulate the victim by forcing a victim to quit his/her job and stay home (in the abuser's household) while collecting unemployment compensation at the same time. Employers should not be required to fund unemployment benefits when the victim has not taken steps to actually remove himself/herself from the abusive situation.

DISCRIMINATION AND ACCOMMODATION BENEFITS

The discrimination provisions in the legislation prohibit discrimination because an applicant or employee: (1) is or is perceived to be a victim of domestic violence; (2) participates in legal proceedings related to the domestic violence; or (3) requests an accommodation to increase his/her personal safety in the workplace. As a result, an employer would also have a "duty to reasonably accommodate" the employee. However, unlike the ADA, the legislation does not provide a process to engage the employee to determine what type of accommodation is necessary. If the employer requires the employee to take a leave of absence because the abuser is harassing or stalking the employee at work, and if the employee refuses to do so, it could be considered a discriminatory practice. If the employer requires the employee to adjust his/her work schedule and the employee refuses, it could be considered discrimination if the employer insists upon it. If the employer refuses to install additional locks or other security measures, it could be considered discrimination. Unlike the ADA, the SAFE Act does not require an interactive process for evaluating accommodations.

More significantly, the SAFE Act specifically states that:

"an employer shall not . . . discharge . . . or otherwise discriminate against any individual . . . because the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic violence, dating violence, sexual assault, or stalking against the individual, or the individual's family or household member."

This language raises serious concerns about an employer's ability to ensure a safe workplace. For example, consider the situation in which an abuser has threatened to kill other employees because they will not disclose the whereabouts of the victim or will not provide telephonic or in person access to the victim. In this situation, the welfare of other employees is certainly being threatened, but under the SAFE Act, employers would be prohibited from terminating or placing on administrative leave the employment of the victim, even when such termination might be the only way to remove the safety risk from the workplace.

IMPLEMENTATION CONCERNS

I understand the desire of members of the subcommittee to help victims of domestic violence. Although well-intentioned, the SAFE Act includes a host of broadly based employment-related provisions that would negatively impact employers. Moreover, these provisions conflict with other Federal and State employment laws, which will cause confusion for both employers and employees. In particular, the bill would invite confusion with the FMLA and State FMLA laws.

The SAFE Act would apply to employers with as few as 15 employees. The bill would be a monumental new requirement on small employers that are not currently covered under the FMLA. Also, unlike the FMLA, there is no service eligibility requirement under the SAFE Act, so an employee who has been with an organization even 1 day would be eligible for the 30 days of leave, and all part-time employees are presumably covered under the proposed legislation as well.

Employers would face many implementation and interpretation problems if the SAFE Act were enacted. I have outlined a number of these issues below.

New Federal Leave Statute.—The SAFE Act proposes an entirely new Federal leave statute for addressing employees, or employees' family members, who are victims of domestic violence. The leave provisions entitle employed victims of domestic or sexual violence to take 30 days (6 workweeks) of leave in any 12-month period to seek medical help, legal assistance, counseling, safety planning, and other assistance. A victim of the kind of domestic violence contemplated by the proposal is under substantial personal stress that normally results in one or more psychological conditions (such as post-traumatic stress syndrome, battered woman syndrome, startle response syndrome, and a host of other related conditions). These conditions would, in all likelihood, qualify as a psychological serious health condition under the FMLA. Therefore, the FMLA already provides adequate leave.

Impact on Small Employers.—The SAFE Act would apply to employers with 15 or more employees, placing significant new requirements on small employers that are not currently covered under the FMLA. Instead of burdening small employers, Congress might consider incentives for employers to provide additional resources or benefits to employees who may be victims of domestic violence.

Coordination with Other Laws.—Many of the SAFE Act provisions are not coordinated with other Federal and State employment laws, which will cause confusion for both employers and employees. Most notably, they are not coordinated with the FMLA or the ADA, or OSHA. They will be administered by the DOL, rather than EEOC or OSHA who have far more experience with discrimination and accommodation issues.

Interaction with Other Laws.—The psychological condition of the victim could potentially qualify as a "serious health condition" under the FMLA and a "disability" under the ADA. This invites confusion as to which law will apply and how they will relate to each other. For example, there is no requirement that domestic violence leave run concurrently with FMLA, when the leave would in all likelihood qualify as FMLA leave. The bottom line is that the SAFE Act expands the FMLA entitlement from 12 weeks to 18 weeks when the additional 30 days of domestic violence leave is added to it. Furthermore, an employee may elect to use paid time off while on domestic violence leave, whereas under the FMLA, an employer can require that paid time off be used. If the victim's psychological condition qualifies for leave under the SAFE Act, FMLA, and ADA, which law will take precedent? Can an individual circumvent each law by stacking leave under each one of them?

Ambiguous Definitions.—Many of the definitions in the SAFE Act are overly broad and could result in interpretation disputes.

1. **"Domestic Violence."**—The definition of "domestic violence" is not clear. The proposal adopts the definition in the Higher Education Act amendments. However, that definition states that domestic violence "includes felony and misdemeanor crimes of violence." What else does it include? Are employers supposed to become experts on what constitutes "crimes of violence?" Must there actually be a conviction for a crime of violence for the abuser's conduct to constitute "domestic violence?"

2. **"Family Member."**—The definition of "family member" includes the abuser and perhaps others not intended by the proposal. The abuser could purportedly take leave to appear in court where he/she is being prosecuted for a crime of domestic violence. The abuser could also take leave for his/her own psychological condition to purportedly attend counseling, but without any required proof that he/she used the time off for that purpose, the abuser could just as likely use the leave to harass, stalk, and threaten the victim.

3. **"Perceive Victims."**—The civil rights protections apply not only to victims, their family and household members, but also to those "perceived" by the employer to be victims even though they had never suffered any actual threats or violence. It is unclear what is meant by "perceived" or how it would have any relevance if the individual is not actually a victim of domestic violence.

4. **"Victim."**—If co-workers become an unintended target of the domestic violence, there is an argument that they may be covered by the proposal as a "victim."

Accommodation Process.—Unlike the ADA, there is no requirement that the victim engage in an interactive dialog with the employer to identify and evaluate the effectiveness of possible accommodations. There is no protection for employers should a victim refuse to cooperate with any protective measures that the employer might feel would be appropriate. For example, if the employer complies with a request by a victim for a different telephone number at work so that the abuser cannot reach him/her directly, and if the employee then turns around and gives the new number to the abuser, should the employer have any further duty to accommodate? Unfortunately, there is no provision in the SAFE Act that would require the victim to have a genuine and demonstrated commitment to improve his/her situation or to refrain from contributing to workplace safety risks.

“Direct Threat”.—As mentioned earlier, an employer is basically prohibited from protecting other employees who may be threatened by the abuser. The victim’s welfare is required to be protected even at the risk of the safety of other employees. SHRM is concerned that the legislation overlooks the effects that the domestic violence may have on other employees, including their overall safety. Unlike the ADA, the SAFE Act includes no “direct threat” defense when the domestic violence poses a significant risk of substantial harm to the safety or health of the victim or other employees. If the victim’s safety or other employees’ safety is at risk, employers should be able to apply the direct threat concept and defense. If the employee does not request an accommodation or believes one is not necessary, and if the employer disagrees because the victim’s or other employees’ safety is in jeopardy, there is no mechanism that would allow an employer to force a needed accommodation without potentially violating the proposal’s anti-discrimination provisions that protect “perceived” or actual victims.

Victim Commitment.—Another concern with the SAFE Act is that it does not require that the victim have actually left the abusive situation and does not require that the victim refrain from conduct that would undermine any assistance provided by the employer. For example, it will apply to victims who stay with their abusers. It is not unusual for victims to pursue avenues for leaving the abusive situation, but then return to the abuser. The bill would allow a victim to prepare to leave over and over again without really doing so, year after year. At some point, an employer should not be required to provide further assistance if the victim is not genuinely committed to permanently removing himself/herself from the abuse.

Certification Requirement.—Another practical concern with the proposal is the certification requirement. The bill allows an employee to simply provide a sworn statement of the employee that he/she is the victim of domestic violence without any corroborating proof. The entire leave entitlement rests solely on an employee’s word or attestation with no verification required from a third party. This raises concerns about fraudulent uses of the leave, as there is nothing preventing anyone from merely claiming he/she is a victim of abuse and receiving the benefit.

Verification Requirement.—The proposed bill does not permit employers to obtain verification that the employee actually spent his/her time off for one of the stated purposes.

Timeframe.—There is no provision requiring that the domestic violence be recent enough to justify any time off. An employee could produce a police report of domestic violence that is 3 years old and still be entitled to take the leave.

Confidentiality Requirement.—Information in connection with domestic violence leave or reasonable accommodation of an employee’s circumstances must be maintained in the “strictest” confidence. Such strict confidentiality is not necessarily in the victim’s best interests or the workforce’s best interests. For example, if the receptionist who answers all calls knows the victim is absent, but does not know the victim has gone to court to get a restraining order or is making arrangements to move to a shelter, the receptionist might inadvertently take a call from the abuser and tell him/her that the victim is not at work that day. The abuser would not have known it in the absence of that disclosure, could get very angry, and could then physically abuse the victim later for not being at work. Also for example, an abuser may have told the victim that he/she would harm or kill any co-worker who interferes with his/her attempts to reach the victim at work. The victim passes along this threat to the HR manager when the victim requests time off. Under the confidentiality provisions of the bill, the HR manager would be prohibited from warning other employees that their safety or lives might be in jeopardy. A better approach would be to require a good faith effort by the employer to maintain confidentiality to the extent reasonably possible under the circumstances, but an employer should not be restricted from disclosing information that it reasonably believes would be beneficial in protecting the victim or other employees.

Purpose of Leave.—Under the proposal, there is a very real possibility that an abuser could take advantage of the situation by requiring his/her victim to take “domestic violence leave” to stay home, go on vacation, or engage in other activities under a threat of violence. Rather than risk physical abuse to self or perhaps his/her children, the victim will be inclined to go along with the abuser’s wishes, knowing that the leave is job-protected. This will only perpetuate the abusive situation, not end it as presumably intended by the bill.

Service Eligibility Requirement.—Unlike the FMLA, there is no service eligibility requirement under the SAFE Act, so an employee who has been with an organization even 1 day would be eligible for the 30 days of leave.

“Hours Worked” Eligibility Requirement.—Unlike the FMLA, there is no “hours worked” prerequisite under the SAFE Act. All employees would be covered, including temporary, seasonal, contract labor, and part-time employees. An employ-

er's efforts to adequately staff to meet business needs can be easily undermined by an employee who simply hires on, even as a temporary employee, knowing that he/she can immediately request time off with guaranteed reinstatement rights.

Duration of Leave.—There is no basis or justification for mandating six (6) weeks of leave, as opposed to a shorter amount of leave, especially given that other leave programs are usually available. Six weeks seems to be an excessive amount of leave and could invite misuse of the leave provisions.

Intermittent Leave.—SHRM is also concerned that the proposal stipulates that the 30 days of leave do not need to be taken continuously, but can be taken on an intermittent basis and advance notice is not required. Leave taken on an intermittent basis under the FMLA has resulted in a host of challenges for HR professionals. It is often difficult to track an employee's intermittent leave usage, particularly when the employee takes leave in small increments. In addition, unscheduled, intermittent leave poses staffing problems for employers. When an employee takes unscheduled, intermittent leave with little or no advance notice, organizations must cover the absent employee's workload by reallocating the work to other employees. For example, 88 percent of HR professionals responding to the *2007 SHRM FMLA Survey Report* indicated that during an employee's FMLA leave, their location attends to the employee's workload by assigning work temporarily to other employees.

Statute of Limitations.—The statute of limitations for filing a claim under the SAFE Act is 2 years, even though it is only 300 days maximum for discrimination under the Civil Rights Act, the ADEA, and the ADA. This could suggest that discrimination based on domestic violence is given more weight than discrimination based on sex, race, national origin, religion, age, and disability.

Leave as an Accommodation.—In light of the fact that the reasonable accommodation provisions require that a leave of absence be considered as an accommodation, there is no reason to mandate 6 weeks of leave. This creates an incredible inconsistency and could also be interpreted to mean that more than 6 weeks of leave might be a reasonable accommodation.

Unemployment Provisions.—The proof of domestic violence required for unemployment purposes is inconsistent with the proof required for the leave and discrimination portions of the proposal. Interestingly, a State would not be required to merely accept a sworn statement by the victim, whereas an employer would be required to do so. There appears to be no legitimate reason why two different standards should be used.

While the purpose of the SAFE Act is a laudable one, the unintended consequences of this legislation suggest that it is not the best approach for helping victims of domestic violence. Another approach that would be far less disruptive to employers and employees would be for Congress to provide Federal grants, tax incentives/credits, or training program initiatives for employers. Under such initiatives, employers would be encouraged to employ and train victims of domestic violence and collaborate with shelters for victims of domestic violence to provide employment and other resources. Such programs would be particularly attractive to larger employers, who are in a better position to employ, provide resources and assistance to, and protect victims. Large employers might very well view such an initiative as an attractive opportunity for contributing to the community on a social issue of great importance. In addition, they could lead the way for developing best practices and evaluating the success and challenges of such initiatives so that other employers could learn and benefit from their experiences.

Again, thank you for the opportunity to provide my perspective on an issue that is important to me both personally and professionally. SHRM is committed to working with members of the subcommittee to formulate policies that will encourage employers to continue to offer reasonable leave benefits that support their employees as they respond to personal needs. I look forward to answering any questions you might have.

Senator MURRAY. Thank you very much. I'm sorry about the time limit. We just want to make sure everybody has an opportunity to ask questions here as well. But we will submit all of your testimony for the record, as I said.

As we sit here today, obviously all stunned by what happened on the campus yesterday, none of us know the facts and we shouldn't jump to conclusions and certainly, we'll all be watching and waiting to see what happens, to see what kind of appropriate response needs to occur. But we do know that in my home State, a University of Washington employee was recently murdered and as we

said, an employee at CNN Atlanta hotel recently and I think the question that is so important, is do we still, in this country, do we see domestic violence as just domestic violence and don't see it as a community response. Is that still a challenge for us today and I'd like to ask each one of you.

Kathy.

Ms. RODGERS. Yes, Senator. I think that is very definitely still a problem. We've made great progress, as you said before and we have a national policy, which recognizes domestic violence as a crime but all of society has not come around to that point of view and I would just say, look at the numbers in terms of employers. Only 4 percent have some sort of voluntary policies that apply to these issues. Clearly, they need to be spending more time thinking about them and providing some kinds of solutions. I'll stop there on that question.

Senator MURRAY. OK, thank you.

Ms. Fortman.

Ms. FORTMAN. Yes, I think we are still seeing that it is not integrated into how we're looking at all aspects of a person's life. I think the workplace is an area that even when we do have supportive employers—I think I would consider myself a supportive employer—and yet we did more after the governor gave us an Executive order. We created a voluntary poster. Our Department of Conservation came up with new strategies for helping victims of domestic violence and sexual assault in their parks. Having that added push really caused us to focus in a different way on this issue and the workplace is the area we need to be looking at now.

Senator MURRAY. Ms. Cade.

Ms. CADE. Could you repeat the question?

Senator MURRAY. Do you think that we see domestic violence today still as too much of just a person's problem rather than as it can grow into something bigger and affect the entire community and needs a community response?

Ms. CADE. Since my attack on October 10, I don't know if I paid very much attention before but it seems like my attack was like a highlight and I received national and international attention. So I believe, through my experience now, yes, that employers are more and more jumping on board and trying to learn about workplace safety. But they do need training to back up, just—even in my case, my manager was in the store but he didn't help me. He didn't call 911, to my knowledge.

My co-worker—she called 911. She knew that I had a protective order but I felt it was my manager's place to contact authorities as well. I've been informed he had not and from my experience, I could have gotten off my job that day, if the law was put in place. He called me at 2:30 in the morning and said he was going to fry me like Crisco grease. I could have contacted my employer instead of me trying to keep my job, showing up to work at 8:30 to open the doors at 9:00, being set on fire at 9:30, instead of me having to choose my job, being fired or going to the courthouse that morning. I had no clue that Judge Richard Palumbo had dropped—I thought dismissed meant the current protective order was still in place. But this is a mark, in December 2005, the Violence Act Against Women, they are taking it seriously. Thank you.

Senator MURRAY. Ms. Willman.

Ms. WILLMAN. Employers have made a great deal of progress in raising their awareness on domestic violence in the workplace as well as violence in the workplace and there is still more room for improvement. I am in favor of employers voluntarily adopting policies, conducting training, offering support groups in the workplace, making an environment where victims feel free to come to their employer for assistance because I do believe employers will be very supportive of that in the absence of legislation.

But if we really want to attack this problem, we also have to look at it from another community angle and that is increasing the educational resources for children in school. This is one of the suggestions Ms. Cade makes in her written comments and I agree with it 100 percent. We have to start educating people about what normal families look like, what abuse is, where these children can go get resources because many of them are going to be the abusers of the future. So if we want to really attack the problem, we have to go to the source of why it's occurring in the first place and a multipronged approach at the school level, in work places, to increase everybody's awareness, is probably the route to go, in my opinion.

Senator MURRAY. Thank you very much. I appreciate it.

Senator Isakson.

Senator ISAKSON. Thank you, Chairman Murray. Ms. Fortman, what are the enforcement provisions that you have in your department in Maine?

Ms. FORTMAN. We have the authority to—it's damages and restoring wages if wages are lost. So there is not a huge incentive to—it's not a huge punishment. One of the things that we have seen is that we're getting very few complaints. So this may mean that people are voluntarily complying. We've looked at the numbers for the past 5 years and in 2003, there were no complaints and we found no violations of the law. In 2004, again, there were no complaints. In 2005, there were only two complaints and one of those complaints, the employer was found to be in violation. So there seems to be fairly either high compliance with the law that is in place or fairly low knowledge that the law exists.

Because that's the other issue, Senator, is that there is no mandatory outreach campaign so there is some concern that both victims and employers may not be aware that this law is in place and when it is brought to the employer's attention, it appears that there is compliance.

Senator ISAKSON. But if I understand it right, you would—in the case that you did make a determination on, you have the ability to force them to restore compensation, things of that nature if somebody was denied that.

Ms. FORTMAN. That's correct, Senator.

Senator ISAKSON. OK. Ms. Rodgers, in the testimony of Ms. Fortman, the printed testimony, she refers to a study that spikes my interest in asking you a question. They had 120 women who volunteered information regarding their story and 60 percent of domestic violence victims or survivors lost their jobs. Forty-three percent were fired and 57 percent quit. That was in the study in your testimony.

My question to you, in your recommendations regarding unemployment compensation, is someone eligible whether they quit or whether they are fired or if they quit, is there some substantiation they have to make in order to be eligible?

Ms. FORTMAN. Well, many States do provide unemployment insurance to women who are forced to leave their jobs, which I think is different than quitting.

Senator ISAKSON. I agree.

Ms. FORTMAN. I think it's a big difference in the sense that they want those jobs and they are forced to leave them and they can get unemployment insurance and different States do things in different ways. Some kind of flexible certification requirements where a woman might have to provide a medical certificate or she may provide something from a service provider—her safety plan—some kind of a system that is flexible. That's fine. I mean, I don't believe that the system is abused because people want their jobs and they want to support their kids.

And when they get fired, the case there is that they have plainly been fired because of the domestic violence and the employer knows that. Certification becomes a different issue there.

Senator ISAKSON. So they become eligible if they're fired. They need substantiating evidence if they decide, if they elect to quit. But they would be eligible either way.

Ms. FORTMAN. Either way, they would be eligible, absolutely. This is firing for cause. They should not be fired because of somebody else's crime.

Senator ISAKSON. Correct. Ms. Willman, you made a statement regarding the—and I have not seen Chairman Murray's legislation either. You said you had some concern about protecting the individual at the risk of safety to others?

Ms. WILLMAN. Yes.

Senator ISAKSON. Would you elaborate on that?

Ms. WILLMAN. Yes. Many times, domestic violence in the workplace affects other employees in the sense that their lives get threatened. They are brought into the dispute. Abusers are very controlling people and that is part of the issue and when they view anybody as assisting the victim, they look at it many times as a conspiracy.

So another employee who may keep the victim's whereabouts private and won't tell the abuser when he or she calls in, will not let the abuser speak to the victim and even the employer who provides time off or other assistance to the victim, can become targets of the violence and that is not unusual in the workplace when it infiltrates to that level where other employees' safety is affected and that's a major concern for employers when they're dealing with any kind of violence in the workplace.

Senator ISAKSON. Thank you. Thank you, Madam Chairman.

Senator MURRAY. Senator Clinton.

OPENING STATEMENT OF SENATOR CLINTON

Senator CLINTON. Thank you very much, Chairman Murray and thank you to Senator Isakson for calling this hearing. I'm really pleased that the scourge of domestic violence is back on the agenda

and certainly the impact of it in the workplace is being seen as a very significant problem for a lot of people.

I want to thank the witnesses particularly for being here and Ms. Rodgers, thank you for all the great work that you do in New York and the results of that great work is that we do have more flexibility and more support for victims of domestic violence in the workplace.

I want to just quickly ask Ms. Rodgers first, for the last couple of years, I have teamed up with Senator Crapo to increase awareness about Liz Claiborne's Love is not Abuse curriculum, which I think is something that Ms. Willman also mentioned. Try to get into the schools to convince young women and young men that just because they see it on TV or they hear about it in a song doesn't mean that they should do it.

So we have a lot of work ahead of us and I'm very familiar with some of the work that you do. How could you sort of marry up some of the points we've made today, Ms. Rodgers? You know, we do need legal protections but we also need outreach and education. Those are not mutually exclusive. In fact, they go hand in hand and perhaps you could explain some of what Legal Momentum has done.

Ms. RODGERS. Well, I agree they go hand in hand and I also agree with Ms. Cade that the sooner that we can start educating our young children that violence is not the solution to the problems that they perceive out there, the better off we all will be. We can also have education programs. There are a number—again, far too few, but companies like Harmon International, American Express, Liz Claiborne, with whom we have partnered, who are doing wonderful training programs with their peers and colleagues and other similar corporations, which is very helpful, although Federal legislation, which applied to these national employers, would set a common standard and it would not be so confusing for people, including employees. So those kinds of training programs are important and corporations that support both—teaching of colleagues and peers and students is wonderful.

But there is another issue here, which is the violence is happening now. Lives are being affected now, today and every day. Sometimes lives are lost. But even if they are not lost, they are scarred and they are ruined in many, many ways. We can't use a voluntary program, we can't use educational programs to replace the need to put programs and policies in place now, which will protect those who are out of school, which will protect the employees who don't have the options about providing training or getting training.

So the multipronged approach has to include these measures for the long-term and also imposing—giving a strong push to employers to do something now, for people who are at risk today.

Senator CLINTON. I agree with that because I think that the impact on the individual and on the workplace and productivity is certainly significant. I wanted to ask you, Ms. Fortman, is Maine one of the States that provides for unemployment insurance to be available in the event of domestic violence forcing someone to leave a job?

Ms. FORTMAN. Yes, it is, Senator and I'd like to just follow up on that a little bit. Earlier it was mentioned about if someone has to voluntarily leave their job. When we were looking at that under other statutes—before we changed the statute, one of the things that would happen is that it would be considered a voluntary quit, if the person felt that they could no longer show up at that workplace because as Ms. Cade pointed out, that's where the abuser knows that you are. So if that person had called in, for example, if Ms. Cade had called in and said, I can't come back to work anymore. In our State, prior to expanding it to cover domestic violence, she would not have been eligible for unemployment.

Now, if she called in, we would be looking at that, looking at whether or not there was a domestic abuse case involved there and she would be if she met the eligibility requirements, be able to collect unemployment in that situation. And again, I believe it was in Ms. Rodgers' written testimony, in the States that do have unemployment insurance for victims of domestic violence that is also not incredibly burdensome. In our State, it's a cost that is shared by all employers and again, it's a very low number. There were approximately 52 people who were eligible for that since approximately 1998.

Senator CLINTON. I think if Ms. Cade had been working in the District of Columbia when she was attacked, she would have been eligible for unemployment insurance compensation. And Ms. Cade, I want to really thank you for your being willing to become a spokesperson on behalf of so many women who are not going to have anybody speaking up for them unless someone like you does. And I think you have some family members here with you, don't you?

Ms. CADE. Yes. My mother and father and two sisters.

Senator CLINTON. And I know how much that family support has meant to you in the last 2 years as well.

Ms. CADE. Yes. I'd just like to make a comment. I know the committee is not focused on employment issues but I would like to say a word in support of anti-bullying programs at all levels of education. Train a child the way they should grow. I don't know if this is particularly a class but somehow they can intertwine the program in health and science classes throughout the year so these children will be able to identify appropriate and inappropriate behaviors.

Senator CLINTON. I think that's very important and if I could, just one final question for Ms. Willman. In your testimony that you just gave, you talked about perhaps some kind of incentives that would assist small employers to address domestic violence. What type of incentives would you suggest, Ms. Willman?

Ms. WILLMAN. Well, incentives—I probably had more in mind—would be ones targeted to the larger employers so that they would absorb more of the burden of being the trailblazers in this area. Some kind of incentives or training money where they would partner with shelters for battered women to get them employed, knowing full well what issues are going to come along with that and the potential safety threats in the workplace as well as to other employers.

The larger employers have more facilities to place somebody to keep them safe. They can transfer them more easily. They can better absorb the time off from work when it's needed. And they would basically go with, let's give training money to them and let them bring a lot of these women into the workforce—and women are not the only victims of domestic violence, men are sometimes, too. Get them trained if they don't have the skills. Many times they don't have the skills. Let them have time off to get back to their shelters for some of the support group activities that they need.

But very much like maybe the Job Training Partnership Act or the old CEDA and thinking along the lines of those kinds of initiatives that would give incentives to large employers to enthusiastically endorse these kinds of programs like they are leading the path on diversity initiatives.

Senator MURRAY. Thank you very much, Senator Clinton. Ms. Willman, let me go back and ask you—you testified that there is no data that employers aren't giving time off for victims to get help but that seems in direct contrast to what Ms. Cade experienced and the cases that Ms. Rodgers has talked about.

We've got all these anecdotes around the country and there is a saying that the plural of anecdotes is data. Don't the cases that have been mentioned today kind of give us the data that victims are, in fact, having trouble getting leave from work?

Ms. WILLMAN. No, I don't think the data—

Senator MURRAY. Specifically to go to court or to go to the police.

Ms. WILLMAN. No, I don't think the data supports that at all and I think it's very important to carefully look at what the data is actually saying. Yes, there are some exceptions to the rule. I do believe, as a general rule, employers are not opposed to helping victims and in fact, do it more than any of us probably know. It is true that a fair number of victims have lost their jobs due, in part, to the domestic violence. That's a lot different than saying that the employer fired them because of the domestic violence.

And I think it's important to make that distinction so we know what statistics we're really talking about. It is possible that in the State of Maine, there have been no employers or very few employers complaining about the mandated time off and there have been few employee or victim complaints under it because maybe it was working all right to begin with before the law was even passed. And maybe employers were providing the time off and that's why they don't complain about the bill and that's why not too many victims are having a problem getting their time off.

But to my knowledge, there is no data that says this is how many employers are firing people simply because they have been victims of domestic violence. However, I acknowledge that there are going to be exceptions to that. I mean, I think there's only been a handful of cases cited in anybody's materials where there was some kind of a nexus between the domestic violence and the employer actually discriminating against the person because they were a victim.

Senator MURRAY. Ms. Fortman, do you have any response to that or Ms. Rodgers?

Ms. FORTMAN. I believe that what we did when we passed the law was heighten the awareness on the part of both employers and

employees. It's true, very few people have complained about it but I think what it did was it allowed a concentrated focus on bringing this issue into the workplace. For the last 30 years, people have been working on domestic abuse and I think it started out very much as women helping women and trying to get people to the emergency room. It moved into being an issue that was dealt with by having partnerships with law enforcement and medical personnel. It moved into being a health issue.

I think at this point in time, we are moving into that area of looking at it in its greater context, which is both the victim and the abuser are frequently employed and as Ms. Willman pointed out, it is an issue that does come into the workplace and what the legislation that we introduced in Maine—as well as the unemployment benefit—did was, it allowed us to have a slightly different conversation and really involve employers in that conversation and it also let victims know that they could come forward.

One of the things we do with the Department of Labor is we're responsible for occupational health and safety laws and as Ms. Willman also pointed out, this is an issue that goes underground. There is no way that we can come up with a safety plan that works in the workplace unless it is an issue that is elevated, is discussed and that that safety planning is done.

Senator MURRAY. Ms. Rodgers.

Ms. RODGERS. Yes, I'd like to make a couple of quick points on that. I think that just leaving this to voluntary programs cannot work. It just reinforces the old "it's not my problem" standard that we have had. It leaves the burden with the victim to always have to come forward. If you have a policy, all employees know that the policy is in place. Other employees can support the victim to use those policies. You can sometimes address the problem much earlier, at a much less dangerous phase than waiting until you get to the point where you are afraid somebody is going to come in and shoot an employee because of a domestic violence issue.

The fact is and I go back to the data we do have. Four percent of employers have workplace violence programs and this is despite the fact that studies show that 65 percent or so of corporate leaders know that domestic violence is a social problem and it's one that comes into the workplace.

People really close to it, 78 percent of human resources people know that this is a serious problem. Ninety-four percent of security directors in companies think this is a very serious problem. With all that knowledge, we're still not getting voluntarily policies. It's time to move.

Senator MURRAY. My time is up but do your employers include the universities when you say employers, 4 percent of employers have policies?

Ms. RODGERS. It includes State employers which would be all of the major State universities and I'm not sure about the private colleges. I believe this is primarily the corporate world.

Senator MURRAY. All right. I'm going to turn to Senator Isakson for questions.

Senator ISAKSON. Just two—well, one comment and then one question. In that last exchange, I found it very interesting. I hear—I think Ms. Cade's case absolutely demonstrates that there is a

problem. I think what Ms. Willman said with regard to her first comment is, you don't want to pass legislation that assumes all employers are not addressing domestic violence. What you want to do is have legislation that addresses those who aren't. In other words, most American businesses—they wouldn't be in business were it not for their employers so they're not all the enemy. But there are some that obviously, and Ms. Cade's case is a perfect example that the consequences should be terrific for the fact that they have not paid any attention to the abuse of a specific individual.

Ms. Rodgers, you said in your testimony at the beginning that 8 of the 13 States represented on this committee had unemployment compensation provisions in their State law, is that correct?

Ms. RODGERS. Yes.

Senator ISAKSON. Do you know what out of the 50 States—well, 50 States and the District of Columbia—what is nationwide?

Ms. RODGERS. Yes, in my testimony—my recollection in my written testimony is around 27 or 28.

Senator MURRAY. Twenty-eight.

Senator ISAKSON. A little over half.

Ms. RODGERS. A little over half.

Senator ISAKSON. And Ms. Fortman, that was the next—you gave a good explanation of the eligibility for that in Maine. I appreciate that. That was very helpful.

Again, I want to start where I began. I want to commend the Chairman on calling this hearing. This is a very important issue and I want to once again thank in particular, Ms. Cade and Ms. Willman for their testimony and their personal courage, having been survivors of domestic violence, to come forward and help us at this time and thank all four of our panelists for the time they've given to the committee.

Senator MURRAY. I think Ms. Cade wanted to make a final remark.

Senator ISAKSON. Yes, ma'am.

Ms. CADE. Yes, listening to their testimony, I wanted to point out that some employers think that it is just a textbook and the problem lies with the lower employee communicating with the manager. We had the manager communicating with the regional manager. I had purchased a recorder. The manager was aware. I was trying to get enough information so that they would understand so I wouldn't have to choose my financial stability versus safety and quit and this will alleviate the problem. But the problem I had was my manager not taking me serious enough and acknowledging that there was a problem. He didn't—managers are supposed to come in to fill your position and he had not. They don't step up to the plate enough and fill in that position so that we can. So I'm hoping that this unemployment insurance will recognize that. Thank you.

Senator ISAKSON. Your personal testimony is going to make a tremendous difference and I again commend you on your courage to be here and thank you for coming.

Ms. CADE. Thank you.

Senator MURRAY. I want to thank all of our witnesses for being here today. I think that we have really seen that domestic violence is an issue that can impact an entire community and thousands of lives beyond just those two. We need to do a lot of work. Education,

as Ms. Willman said, to hopefully looking at legislation like mine that will make it a community response and one that we can all work together and not have that person who is a victim feel like there is no one above them who has some responsibility to help them out and give them a way.

But importantly for this legislation, this hearing is the nexus between the economic stability of someone who has been abused and assuring that they have that, will help us, I believe, in moving a long way toward helping solve this crisis in many homes in our communities.

Senator Isakson, I appreciate your listening carefully and hope that we can work together to move some legislation on this. I again appreciate all of those who are here today to help us work our way through this. I ask unanimous consent for the record to remain open for 7 days to include additional materials and with that, I adjourn this hearing.

[Additional material follows.]

ADDITIONAL MATERIAL

PREPARED STATEMENT OF SENATOR TOM HARKIN

I'd like to start by thanking our subcommittee Chair, Senator Murray, for her strong leadership on this issue. Unfortunately, I believe that as schools have been forced to take serious action to crack down on school shootings, workplaces now must acknowledge that domestic violence is not confined to the home. Just this year, such atrocities have occurred all over the Nation, from Chairman Murray's home State just this month, to Detroit, Philadelphia, and Salt Lake City. We need to put an immediate stop to this epidemic.

More than 2.5 million women are victims of violence each year, and nearly one in every three women experience at least one physical assault by a partner during adulthood. It is not unreasonable to ask for a little compassion and understanding for victims of domestic violence from their employers. If not for altruistic reasons, then at least out of concern for their ability to be productive employees and to protect their fellow workers. Many of the health costs associated with domestic violence are chronic health problems.

It is true that domestic violence costs employers. Victims of domestic violence are distracted at work and have to miss more days due to injury or fatigue. That's why we need to provide services and counseling to prevent this from happening, and to serve those who are affected.

But employers can no longer keep their heads in the sand when it comes to workplace violence. If they want to have a high-functioning, safe, productive workplace, they are going to start facing the reality of domestic violence *without* blaming the victims. Giving women the time they need to take care of themselves will dramatically improve their health in the long run, saving the company time and money as well.

That is why I will be cosponsoring Senator Murray's Survivors' Empowerment and Economic Security Act. It is well past time for employers to do their part to prevent the next Virginia Tech-level tragedy. Senator Murray's bill is simple and straight forward. It merely gives women the right to take 30 days away from work to take care of themselves and their children if they find themselves in an abusive situation in their homes. It also says that employers and insurance companies cannot continue to take the blame for the violent, or potentially violent actions of others.

It is past time that we work to prevent violence in the workplace. Congress must act to enact Senator Murray's legislation as soon as possible.

PREPARED STATEMENT OF CAROLINE FREDRICKSON, DIRECTOR, WASHINGTON LEGISLATIVE OFFICE; LENORA LAPIDUS, DIRECTOR, WOMEN'S RIGHTS PROJECT; AND VANIA LEVEILLE, LEGISLATIVE COUNSEL, WASHINGTON LEGISLATIVE OFFICE, AMERICAN CIVIL LIBERTIES UNION (ACLU)

INTRODUCTION

The ACLU is a national, nonpartisan public interest organization of almost 600,000 members, dedicated to protecting the constitutional rights of individuals. Through its Women's Rights Project, founded in 1972 by Ruth Bader Ginsburg, the ACLU has long been a leader in the legal battles to ensure women's full equality. This commitment includes fighting for equal employment opportunities for women

and working to protect the civil rights of battered women. In recent years, the ACLU Women's Rights Project has taken an active role at the local, State, and national levels in advocating for the employment rights of survivors of domestic violence, sexual assault, and stalking. Through these and other activities, the ACLU has been at the forefront of efforts to establish that discrimination against domestic and sexual violence victims is a form of gender discrimination.

Congress has recognized the destructive impact of domestic and sexual violence on the lives of women. Through passage of the Violence against Women Act of 1994 and its reauthorization in 2000 and 2005, Congress has taken important steps in providing legal remedies and services for survivors of intimate partner abuse, sexual assault, and stalking. However, victims need comprehensive Federal legislation to address the obstacles to employment and economic security caused by violence. Members of the House and Senate previously have introduced the Security and Financial Empowerment ("SAFE") Act¹ and the Victims' Economic Security and Safety Act² to bolster the financial independence of survivors by reducing the likelihood that violence will force survivors out of their jobs and by providing a safety net for those who do lose employment as a result of domestic violence, sexual assault, or stalking.³ The ACLU urges Congress to enact legislation, such as the SAFE Act, that promotes the employment opportunities of survivors of domestic violence, sexual assault, and stalking, including but not limited to provisions for emergency leave, unemployment insurance eligibility, reasonable employment accommodations, and protection from employment and insurance discrimination.

DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE

Intimate partner violence continues to be a pervasive crime, committed primarily against women. A Department of Justice study estimated that intimate partners were responsible for 691,710 instances of rape, robbery and assault in 2001, with 588,490 crimes perpetrated against women and 103,220 against men.⁴ Twenty-two percent of nonfatal violent crimes experienced by women and 30 percent of homicides against them are committed by intimate partners.⁵ Half of those who experience nonfatal violence sustain physical injury as a result.⁶

Domestic and sexual violence can significantly affect the workplace. On average, 1.7 million violent crimes occur at the job.⁷ Approximately 36,500 people each year are raped and sexually assaulted at work, 80 percent of whom are women.⁸ Homicide by an intimate partner constituted 3 percent of workplace murders.⁹

Experiencing domestic or sexual violence is also a direct cause of workplace problems for the vast majority of victims who work. Batterers often exercise control over victims by preventing them from going to work or harassing them on the job.¹⁰ The work lives of survivors are also disrupted if they need to seek housing or medical or legal help in response to abuse. Three studies collected by the U.S. General Accounting Office found that between 24 and 52 percent of victims of domestic violence reported that they were either fired or had to quit their jobs as a result of abuse.¹¹ Up to 96 percent of domestic violence victims have experienced employment difficulties because of abusers and violence.¹² These statistics represent a troubling reality: thousands of employees who are suffering from intimate partner abuse are at great risk of losing their jobs.

Despite the prevalence of domestic and sexual violence, employers have done little in response. More than 70 percent of workplaces in the United States do not have a formal program or policy that addresses workplace violence, and only 4 percent

¹ S. 1796, H.R. 3185, 109th Cong. (2005); S. 1801, H.R. 3420, 108th Cong. (2003).

² S. 1249, H.R. 2670, 107th Cong. (2001).

³ Senator Patty Murray recently introduced the Survivors' Empowerment and Economic Security Act, S. 1136, 110th Cong. (2007), but a bill has not been introduced yet in the House.

⁴ Callie Marie Rennison, U.S. Dep't of Justice, Bureau of Justice Statistics, *Intimate Partner Violence 1993-2001* 1 (2003).

⁵ Shannan Catalano, U.S. Dep't of Justice, Bureau of Justice Statistics, *Intimate Partner Violence in the United States* (2006).

⁶ *Id.*

⁷ Detis T. Duhart, U.S. Dep't of Justice, Bureau of Justice Statistics, *Violence in the Workplace 1993-1999* 2 (2001).

⁸ *Id.* at 2-3.

⁹ *Id.* at 10.

¹⁰ Richard M. Tolman & Jody Raphael, *A Review of Research on Welfare and Domestic Violence*, 56 *J. Soc. Issues* 655, 664-70 (2000).

¹¹ U.S. Gen. Acct. Office, *Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients* 19 (1998).

¹² U.S. Dep't of Labor, Women's Bureau, *Domestic Violence: A Workplace Issue* 1 (1996).

train their employees on domestic violence and its impact on the workplace.¹³ In the absence of such policies and training, employers frequently demonstrate “zero tolerance” for victims of domestic violence, sexual assault, and stalking. They may rely on stereotypes about victims, concluding that survivors enjoy or encourage abuse and thus are mentally ill, will endanger others in the workplace, or are otherwise unfit to work. Many employers refuse to accommodate survivors’ need for time off to attend court dates or doctors’ appointments, making it all but impossible for survivors to address the violence in their lives while financially supporting themselves.

Domestic and sexual violence thus renders women economically vulnerable. When employers are free to discriminate against survivors, battered women are forced to make the difficult choice between suffering in silence and risking loss of their income. Such a choice will be especially stark for the many victims whose abusers have exercised complete control over their finances, a common abusive tactic in violent relationships; thus, many experiencing domestic violence will have little in the way of savings or other financial resources to draw upon. A legal system that tolerates such obstacles to safe employment discourages victims of these crimes from reporting their abuse or otherwise taking steps to protect themselves. And by forcing victims out of work when they need to seek safety, the current legal framework often has the effect of forcing women to turn to public assistance as their only means of sustenance and may cause them to become homeless. In fact, research has shown that a large percentage of Federal public assistance recipients and homeless women and families have experienced domestic violence.¹⁴ Addressing the impact of violence in the lives of employees serves the interest not only of the individual employees, but also of the larger public, by giving workers the tools necessary to remain self-supporting.

Danielle Simmonds, a client of the ACLU, illustrates the compelling need for Federal legislation. Ms. Simmonds, a female corrections officer, was sexually assaulted by a co-worker with whom she had no previous personal interaction. When she reported the crime, her employer, the New York City Department of Correction (“DOC”), neither investigated nor took disciplinary action on her behalf against the perpetrator. Instead, DOC refused to provide her with information about her assailant’s work schedule and his access to firearms—a minimal disclosure necessary for her safety planning—and refused to provide her with reasonable accommodations such as time off for medical treatment. DOC further retaliated against Ms. Simmonds when she inquired about how DOC was responding to her report by transferring her to a less desirable worksite, issuing unwarranted reprimands, and stripping her of the right to work overtime and to exchange shifts with other officers. As a result of these changes to her schedule, Ms. Simmonds was forced to quit her university coursework and to send her children out of State to live with their grandfather. Federal legislation aimed at defending the employment rights of victims of domestic and sexual violence and stalking would assist women like Ms. Simmonds in avoiding financial devastation when they are subjected to violence.

The ACLU strongly supports introduction and passage of legislation enhancing economic security for survivors of domestic violence, sexual violence, and stalking. New legal protections are vital for survivors both to escape violence and to achieve independence from abusers. At a minimum, Federal law should provide for emergency leave and benefits, unemployment insurance compensation, and reasonable employment accommodations for victims of domestic violence or sexual assault, and prohibit employment and insurance discrimination against individuals on the basis of their status as victims of domestic violence or sexual assault.

EMERGENCY LEAVE AND BENEFITS

Survivors of domestic violence, sexual assault, and stalking must be provided with emergency leave to allow them to pursue measures to safeguard themselves and their children. They may need to take off short periods of time from work in order to relocate themselves and their families, obtain an order of protection, meet with law enforcement officials, or receive medical treatment or counseling. Without the option of emergency leave, many victims may decide to endure abuse in order to hold on to their jobs. At present, only eight States provide some form of leave specifically to domestic violence victims, but even in some of those States, leave is restricted to a particular purpose, such as court appearances; thus, a victim who needs time off to address other compelling health and safety issues may be left with-

¹³U.S. Dep’t of Labor, Bureau of Labor Statistics, Survey of Workplace Violence Prevention (2006).

¹⁴See Tolman & Raphael, *supra* note 9; U.S. Conference of Mayors, Hunger and Homelessness Survey 64 (December 2005).

out protection.¹⁵ Congress must step in to ensure that emergency leave is available to all survivors who seek safety for their families.

The previously introduced SAFE Act contained a provision allowing States to use Temporary Assistance to Needy Families (TANF) dollars to provide short-term emergency benefits to an individual for the duration of any emergency leave. Emergency benefits are necessary in order to lessen the economic burden placed on a victim and her family during a leave, especially if it is unpaid. This is particularly essential for survivors who work in low-wage jobs, and who thus have the fewest financial resources, for they are least likely to have access to paid leave through their employers to address these emergencies.

UNEMPLOYMENT COMPENSATION

In many situations, batterers pursue victims at work, forcing them to leave their jobs altogether in order to escape. Other survivors may be fired when violence interferes with their work if, for example, they must search for a new home and do not have the opportunity to take emergency leave in order to do so. These survivors of domestic violence, sexual assault, and stalking need access to unemployment compensation in order to support themselves between jobs. In most States, eligibility for unemployment benefits turns on whether the former employee left work voluntarily without "good cause" or if she was discharged for "misconduct." Twenty-eight States and the District of Columbia have enacted laws that guarantee unemployment compensation to domestic violence victims, but in varying and sometimes limited circumstances.¹⁶ In States without these protections, victims may be deemed as having left employment voluntarily, without good cause, when they needed to leave their jobs for safety reasons; victims may also be denied benefits if they were fired for taking off time to go to court or otherwise address the violence in their lives. A Federal law is necessary to ensure eligibility for unemployment benefits to all victims of domestic violence, sexual assault, and stalking who must leave their jobs because of abuse.

REASONABLE ACCOMMODATIONS IN THE WORKPLACE

Survivors of domestic violence, sexual assault, and stalking should be entitled to obtain reasonable accommodations that permit them to continue to work safely. Because batterers frequently seek to harass victims at work, survivors may need basic accommodations from their employers to ensure their safety, such as a change in telephone number or seating assignment, installation of a lock, a schedule modification, emergency leave, or job reassignment. These accommodations allow survivors to continue to financially support themselves while imposing a minimal burden on their employers. One State, Illinois, requires employers to make reasonable accommodations, beyond providing leave, related to violence.¹⁷ New York City and Westchester County in New York State also require such accommodations.¹⁸ However, this protection should be extended to all victims who struggle to remain employed while escaping violence.

ANTI-DISCRIMINATION PROTECTIONS IN EMPLOYMENT AND INSURANCE

Federal legislation is needed to prohibit employment and insurance discrimination against survivors of domestic violence, sexual violence, and stalking. Currently, a victim is vulnerable to being rejected for or fired from a position when an employer learns that she may have been subjected to abuse. An employer may act on outdated, but commonly held, notions about a victim—that she must enjoy being

¹⁵ See Cal. Lab. Code §§ 230, 230.1; Colo. Rev. Stat. § 24-34-402.7; Haw. Rev. Stat. § 378-72; 820 Ill. Comp. Stat. 180/1-180/45; K.S.A. §§ 44-1131, 44-1132; 26 Me. Rev. Stat. § 850; N.Y. Penal L. § 215.14; N.C. Gen. Stat. §§ 50B-5.5, 95-270(a).

¹⁶ See A.R.S. § 23-771; Ca. U.I. Code §§ 1030, 1032, 1256; Colo. Rev. Stat. Ann. §§ 8-73-107(1)(g), 8-73-108(4)(r); Conn. Gen. Stat. § 31-236(a)(2)(A); Del. Code Ann. tit. 19, § 3314(1); D.C. Code § 51-131; 820 Ill. Comp. Stat. 405/601; Ind. Code §§ 22-4-15-1(1)(C)(8), 22-4-15-1(1)(E), 22-4-15-2(E), 5-26.5-2-2; Kan. Stat. Ann. § 44-706(A)(12); Me. Rev. Stat. Ann. Tit. 26 §§ 1193(A)(4), 1043(23)(B)(3); Mass. Gen. L. Ann. ch. 151A §§ 1, 14, 25, 30; Minn. Stat. §§ 268.095(1)(8), 268.095(6)(a)(c); Mont. Code Ann. § 39-51-2111; Neb. Rev. Stat. Ann. § 48-628(1)(a); N.H. Rev. Stat. Ann. tit. 23 § 282-A:32(I)(a)(3); N.J. Rev. Stat. § 43:21-5(j); N.M. Stat. Ann. § 51-1-7(A); N.Y. Lab. Law § 593(1)(a); N.C. Gen. Stat. § 96-14(f); Okla. Stat. Title 40 §§ 40-2-405(5), 40-3-106(G)(8); Or. Rev. Stat. § 657.176(12); R.I. Gen. Laws § 28-44-17.1; S.C. Cod. Ann. §§ 41-35-125, 41-35-130; S.D. Codified Laws § 61-6-13.1; Texas Lab. Code Ann. §§ 207.045, 207.046; 21 Vt. Stat. Ann. ch. 16A § 1251; Wash. Rev. Code §§ 50.20.050, 50.20.100, 50.20.240, 50.29.020; Wis. Stat. § 108.04(7)(s); Wyo. Stat. 27-3-311.

¹⁷ 820 Ill. Comp. Stat. 180/30.

¹⁸ N.Y.C. Admin. Code § 8-107.1; Westchester County Code §§ 700.02, 700.03.

abused because she stayed in a relationship, or that she invited sexual assault by her attire or behavior. Very few jurisdictions currently deal with this issue. Only the State of Illinois, as well as New York City and Westchester County in New York State, ban discrimination against a victim of domestic violence, sexual assault, or stalking.¹⁹ Connecticut and Rhode Island bar employers from penalizing victims who have attended court or obtained restraining orders.²⁰ Federal anti-discrimination law must intervene to combat these stereotypes about victims of domestic violence, sexual assault, and stalking.²¹

Survivors of domestic violence, sexual assault, and stalking also need protection against insurance discrimination. The ability to obtain and maintain insurance is a fundamental economic issue for all people, but is particularly significant for victims of violence, who often need medical and psychological treatment because of the crimes that have been committed against them. Insurance companies frequently choose to deny, refuse to renew, or cancel a survivor's policy or benefits plan, particularly when originally issued in the name of the abuser. While 41 States have anti-discrimination laws on the books, they vary widely and do not apply to the 36 percent of all employees who receive health insurance coverage through self-funded plans that are governed by the Federal Employee Retirement Income Security Act, and are therefore exempt from State law protections.²² Without confidence that they will not lose their insurance, victims may be reluctant to seek desperately needed medical treatment.

SUCCESS OF LEGISLATION LIKE THE SAFE ACT

Laws containing provisions such as those embodied in the previously introduced SAFE Act already have proven effective in guaranteeing the rights of survivors on the local level. In 2001, New York City amended its Human Rights Law to prohibit employment discrimination against victims of domestic violence—the first jurisdiction in the country to do so.²³ The city extended these protections in 2003 to require employers to make reasonable accommodations—such as allowing time off from work or shifts in schedule—to employees who are experiencing domestic and sexual violence or stalking.

The ACLU relied on these provisions of the Human Rights Law when representing “Kathleen,”²⁴ a long-time employee of the New York City public schools. After her intimate partner assaulted her, Kathleen obtained an order of protection. She needed to take off several days of work in order to attend court proceedings and seek medical attention. When her employer reprimanded her for excessive absences, she disclosed her partner's violence and requested to be transferred to another school for safety reasons. Shortly after this conversation, she was fired. The same day, another woman at the school where Kathleen worked who had also experienced domestic violence was terminated under similar circumstances. Because she lost her job and was unable to find comparable employment, Kathleen was forced to move to substandard housing and send her son to live with a relative.

The ACLU brought suit against the New York City Department of Education on Kathleen's behalf, invoking the anti-discrimination mandate of the city Human Rights Law. Ultimately, the Department of Education agreed to settle the case and to void Kathleen's termination and pay her retroactive compensation and damages. It also agreed to undertake systemic changes, including amending its Equal Employment Opportunity policy to cover victims of domestic violence, sexual assault, and stalking as protected classes, acknowledging that reasonable accommodations must be offered to these survivors, and publicizing its new policies throughout the school system. Had the New York City Human Rights Law not existed, Kathleen may have been out of work with no recourse, as a result of the violent conduct of

¹⁹ 820 Ill. Comp. Stat. 180/30; N.Y.C. Admin. Code § 8-107.1; Westchester County Code §§ 700.02, 700.03.

²⁰ Conn. Gen. Stat. § 54-85b; R.I. Gen. Laws § 12-28-10.

²¹ State legislatures have acted to prohibit discrimination on the basis of one's status as a victim of domestic violence, sexual assault, and stalking in other contexts, notably housing. N.C. Gen. Stat. §§ 42-40, -42.2, -42.3, -45.1; R.I. Gen. Laws §§ 34-37-1, -2, -2.4, -3, -4; Wash. Rev. Code Ann. § 59.18.130(8)(b)(ii). The 2005 reauthorization of the Violence Against Women Act also prohibited discrimination against these survivors in public and Section 8 housing. See 42 U.S.C. §§ 1437d, 1437f.

²² Women's Law Project, F.Y.I. Insurance Discrimination Against Victims of Domestic Violence: 2002 Supplement (2002), available at <http://www.womenslawproject.org/brochures/InsuranceSup-DV2002.pdf>; Women's Law Project, Insurance, http://www.womenslawproject.org/pages/issue_insurance.htm (last visited April 18, 2007).

²³ N.Y.C. Admin. Code § 8-107.1.

²⁴ A pseudonym has been used to protect “Kathleen's” identity.

her partner. Had Kathleen lived almost anywhere else in the country, financial ruin likely would have been her fate.

Enacting Federal protection for the employment rights of victims of domestic violence, sexual assault, and stalking is crucial to building on local progress and ensuring economic security to survivors nationwide. Federal legislation, such as the previously introduced SAFE Act, would enable battered women to seek safety while working towards financial independence.

The ACLU therefore calls on the 110th Congress to pass legislation that would transform the current State-by-State patchwork of laws governing the employment rights of victims of domestic violence, sexual assault, and stalking and allow these survivors to pursue both physical security and economic independence.

LETTERS OF SUPPORT

EUGENE A. RUGALA AND ASSOCIATES LLC,
BEAUFORT, SC. 29902.

Hello Crystal, my name is Gene Rugala and I am a retired FBI Agent and a national advisory board member of the corporate Alliance to End Partner Violence. I was formerly assigned to the FBI'S National Center for the Analysis of Violent Crime where I spent much time studying workplace violence issues. I have been involved in the area since the late 1980's and am now working with a number of corporate clients on prevention issues and still lecture around the United States. I am also the Vice President of the Board of Directors of our local domestic violence shelter in Beaufort, SC. and we have just initiated a new program targeting businesses in our county to discuss workplace violence to include domestic violence in the workplace.

I am very supportive of Senator Murray's bill and would like to offer any testimony and/or other support on this important issue. I have previously testified before the House Education and Workforce Committee in September 2002 on workplace violence. I have also authored a number of articles to include an FBI publication, Workplace Violence: Issues in Response which can be downloaded from the fbi.gov Web site and specifically includes a chapter on Domestic Violence and Stalking in the Workplace and what businesses need to do. Please feel free to "google" my name as to some of the work I have done in this area.

I have included a bio, and my previous testimony. I look forward to working with you on this important issue. Thank You,

GENE RUGALA.

PREVIOUS TESTIMONY OF EUGENE RUGALA, SUPERVISING SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION (FBI) TO THE SUBCOMMITTEE ON EDUCATION AND WORKFORCE

It is an honor to testify before you today about the problem of workplace violence and the scope of the problem in America's workplaces.

Before I speak to the issue of workplace violence, it may be helpful if I briefly explain the roles of the FBI's Critical Incident Response Group (CIRG) and that of the National Center For the Analysis of Violent Crime (NCAVC). The CIRG is an FBI field entity located at the FBI Academy in Quantico, Virginia. Established in May 1994, the CIRG was designed to provide rapid assistance to incidents of a crisis nature. It furnishes emergency response to terrorist activities, hostage situations, barricaded subjects, and other critical incidents.

The CIRG is composed of diverse units that provide operational support and training and conduct research in related areas. Expertise is furnished in cases involving abduction or mysterious disappearance of children; crime scene analysis; profiling; crisis management; hostage negotiations; and, special weapons and tactics.

The NCAVC, is comprised of FBI Special Agents and Professional Support staff who provide advice and support in the general areas of Crimes Against Children; Crimes Against Adults; and, Threat Assessment, Corruption, and Property Crimes. Typical cases received for services include: child abductions or mysterious disappearance of children; serial murder; single homicides; serial rapes; threats and assessment of dangerousness in workplace violence; school violence; domestic violence; and, stalking. Other matters that NCAVC personnel respond to include: extortion; kidnapping; product tampering; arson and bombings; weapons of mass destruction; public corruption; and, domestic and international terrorism. Annually, NCAVC personnel respond to over 1,500 requests for assistance from law enforcement all over the world.

The NCAVC reviews crimes from both a behavioral and investigative perspective. This criminal investigative analysis process serves as a tool for client law enforce-

ment agencies by providing them with an analysis of the crime, as well as, an understanding of criminal motivation and behavioral descriptions of the likely offender. Also, the NCAVC conducts research into violent crime from a law enforcement perspective in an effort to gain insight into criminal thought processes, motivations, and behavior. Results of the research are shared with the law enforcement and academic world through publications, presentations and training, as well as, through application of knowledge to the investigative and operational functions of the center.

The NCAVC, specifically gets involved in matters of workplace violence when contacted by a law enforcement agency, which, when responding to a request by an employer about a potentially dangerous employee, contacts our unit to conduct a threat assessment and render an opinion as to the potential for dangerousness. Once this assessment is done, NCAVC members will recommend intervention strategies to lower the level of threat.

In June of this year, the NCAVC, held a Violence in the Workplace Symposium in Leesburg, Virginia. Approximately 150 recognized experts in workplace violence and violent behavior from law enforcement, private industry, government, law, labor, professional organizations, victim services, the military, academia, and mental health looked at this issue from a multi-disciplinary perspective. Issues discussed included workplace violence prevention, threat assessment and management, crisis management, critical incident response, research, and legislative recommendations. It is through this symposium and the issues discussed that a written monograph will be produced detailing findings and recommendations. This monograph will be available to anyone who has a need, and will be furnished to this committee for review.

For our purposes today at this hearing, workplace violence can be defined as any action that may threaten the safety of an employee, impact the employee's physical and/or psychological well-being, or cause damage to company property. Workplace violence is now recognized as a specific category of violent crime which calls for distinct and specific responses from employers, law enforcement, and the community. However, this recognition is relatively recent. Before the mid-1980's, the few research and preventative efforts that existed were focused on particular issues like patient assaults on healthcare workers, or the high robbery and murder risks facing certain occupations such as taxi drivers or late-night convenience store clerks. It was a number of shootings at U.S. Postal facilities around the country in the mid-1980's, where employees killed other employees, that raised public awareness of the kind of incident that is most commonly associated with the phrase "workplace violence." In fact, the phrase "going postal" has been accepted as part of the public lexicon for this type of activity.

Once workplace killings by unstable employees came to be seen as a trend, incidents tended to attract wider news coverage. Thus, the apparent rise in such cases may have been, in part, an impression created by more media attention. In subsequent years, other mass workplace shootings have occurred with the most recent being seven co-workers slain by a software engineer at the Edgewater Technology company in Wakefield, Massachusetts in December 2000. Four workers were killed at a Navistar plant outside of Chicago in February 2001. There were multiple shootings that occurred at an aircraft parts plant in Indiana earlier this year.

However, sensational multiple homicides represent only a tiny fraction of violent workplace incidents. The vast majority are lesser cases of assaults, threats, harassment and physical or emotional abuse that makes no headlines and, in many cases, are not even reported to company managers or law enforcement. While data on homicides and other assaultive behavior may be captured, specific data as to threats and intimidating behavior are lacking.

In a December 2001, Bureau of Justice Statistics, National Crime Victimization Survey on Violence in the Workplace from 1993-1999, it was found that an average of 1.7 million violent victimizations were committed during that period. The most common being simple assault. This number does not include an average of 900 homicides which occurred in the workplace during that period. Also, this study showed, that along with all violent crime occurring in the United States, there was a decrease in workplace violent crime. Since approximately 1993, workplace homicides have been on the decline. Dropping from a peak of over a 1,000 in the early 1990s to approximately 677 in 2000. It should be noted that the majority of workplace homicides, about 77 percent, are the result of robberies and related crimes. Part of the decline in homicides may be the result of better security programs implemented by companies impacted by this type of crime (i.e., better lighting, bullet proof glass, video cameras, etc.). The remaining homicides are the result of disgruntled employees, clients and customers, domestic violence and stalking situations which spillover in the workplace.

Analysts and other occupational safety specialists have broadly agreed that responding to workplace violence requires attention to more than just an actual physical attack. Direct physical assault is on a spectrum that also includes threats, harassment, bullying, emotional abuse, intimidation, and other forms of conduct that create hurt and fear. All are part of the workplace violence problem; and, workplace violence prevention policies that do not consider threats and harassment, are unlikely to be effective.

Workplace violence falls into four broad categories: (1) violent acts committed by criminals who have no connection with the workplace, but enter to commit robbery or another crime; (2) violence directed at employees by customers, clients, patients, or any others for whom an organization provides service; (3) violence against co-workers, supervisors or managers by a present or former employee; and, (4) violence committed in the workplace by someone who doesn't work there, but has a personal relationship with an employee, an abusive spouse, domestic partner, boyfriend or girlfriend, etc.

While much has been done by the retail industry to lower the risk of violent crime associated with category one type crime, additional efforts should be focused to identify, prevent and/or manage workplace violence that involve the remaining categories.

The impact of violence in the workplace from lost work time and wages, reduced productivity, medical costs, worker compensation payments, legal, and security expenses, is estimated to be in the many millions of dollars. However, the impact of this type of crime goes beyond the workplace. By impacting society as a whole, it damages trust, harms the community, and threatens the sense of security every worker has a right to feel while on the job. In that sense, everyone loses when a violent act takes place within the work environment. Everyone has a stake in efforts to stop violence from happening where they work.

There is no one-size-fits-all strategy. Discussions with the multi-disciplinary group of experts in workplace violence and violent behavior, who attended the NCVACs violence in the workplace symposium in June 2002, suggest that success will depend on several factors. First, employers have a legal and ethical obligation to provide a safe environment for workers; and, as a result, can face economic loss as a result of violence. Second, employees have a right to expect to work in a safe environment, free from violence, threats or harassment. However, employees also have a stake in workplace violence prevention and have to be an integral partner in any such effort. Third, law enforcement, through the community-oriented policing concept, have placed greater emphasis on prevention and responding to threats and violent incidents, rather than the traditional view that law enforcement should be called as a last resort or to effect an arrest.

Fourth, unions should regard workplace safety from violence as an employee's right just as worthy of union defense as wages or any other contractual right. Fifth, occupational, safety, and criminal justice agencies at the Federal and State level have an important role in developing model policies, improving recordkeeping as to number and type of incidents, and reaching out to employers. Especially, those in small companies. Sixth, medical, mental health, and social service communities have a role in assessment of threats and recommending intervention strategies and additional research regarding this issue. Finally, legislators, policymakers and the legal community can review legal questions that have an impact on workplace violence and on preventative efforts such as identifying potentially violent employees.

A multi-disciplinary, broad-based and proactive approach, at all levels, is what is needed to quantify, understand, and prevent and/or manage the potential for violence in the workplace.

I am grateful for the opportunity to contribute to this hearing, and hope that what we do here today helps in dealing with an issue that potentially impacts us all. I am willing to answer any questions that you may have at this time.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: Domestic Violence in the Workplace Hearing of the Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of the victims by ensuring that victims do not lose their jobs be-

cause of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

I often work with victims of domestic violence. Some victims have had to leave work only to be taken to a shelter for their safety and the safety of their children. As you know once in the shelter their protection is paramount. Their employment is at risk the moment they enter the shelter as no one can know where they are. Fortunately, I am able to speak on their behalf with our employer and at least reassure them.

In 2001, New York City was the first jurisdiction in the country to adopt legislation explicitly prohibiting employment discrimination against victims of domestic violence. (Local Law 1 of 2001). In 2003, the city expanded these protections to require employers to make reasonable accommodations, such as permitting time off or a flexible schedule for victims of domestic and sexual violence (Local Law 75 of 2003).

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter service and improving the response of the criminal and civil systems for domestic violence victims. It takes great courage from the victims to admit they are a victim and the added fear is, if they miss work they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment.

Thank you for allowing me to share my thoughts with you. If you have any questions, please do not hesitate to contact me.

Sincerely,

DIANE L. STANGLE,
Executive Vice President,
CWA1118 518 862 0095.

NEWTON BECKER BOUWKAMP PENDOSKI, PC,
INDIANAPOLIS, IN 46240.

As a practitioner of family law for more than 30 years and as one who provides pro bono legal services for domestic abuse victims, I am convinced that victims of domestic violence need additional protection. At a minimum, they need to be free from negative repercussions from their employers when they need time off to go to court and otherwise take action to protect themselves and their family members.

Please support legislation to insulate victims from negative actions taken by employers arising from conduct designed to obtain protection from further domestic violence.

Thank you.

M. KENT NEWTON.

LAW OFFICES OF CHRISTINA M. THOMAS, ATTORNEYS AT LAW,
BLOOMFIELD, NEW JERSEY 07003,
April 10, 2007.

Senator PATTY MURRAY, *Chair,*
Senator JOHNNY ISAKSON, *Ranking Member,*
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am an attorney in the States of New Jersey and New York, a former victim of Domestic Violence, and a former White House staff person, and formerly employed with Corporation Counsel, NYC, under Mayor Guiliani. I am writing to urge you to pass legislation that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits, including the Security and Financial Empowerment Act.

As the pro bono attorney of the year in Essex County, New Jersey, I have come across innumerable victims who have needed this type of help. Having to advise them that "there is nothing in the law to protect them" is truly a heartbreaking ex-

perience, particularly because so many of these women and men are the sole support for their children. Once the litigants learn that there is nothing that I can do to help protect their rights against their employers, they often become unwilling (or unable) to come to Court, and if the victim is not in Court, the charges are dropped, plain and simple. The LACK OF LEGISLATION HELPS THE CYCLE OF VIOLENCE TO CONTINUE, AND THAT SHOULD CAUSE EVERY AMERICAN TO BE ASHAMED.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser and that many victims lose their jobs because of the violence against them. **One victim losing their job because of domestic violence is one too many.** The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

New Jersey is already on the forefront of victim's rights, and has been making certain that there are some basic controls in place, for example, *N.J.S.A. 43:21-5(j)* states that an individual who is otherwise eligible for unemployment will not be denied benefits because the individual left work or was discharged due to circumstances resulting from domestic violence. The employer's account will not be charged, but the individual must provide supporting documentation. Although this is a good start, it is still far from where we should be in this area. We need to understand that domestic violence is ugly, it is embarrassing, and it is something that victims will keep secret for as long as they can, so telling people who are already "at the edge" that they will need documentation of their wounds is often not as easy as we might like to believe. Should a person who told doctors that bruising is from "falling down stairs" or that a black eye was "from a softball game" be turned down just because the medical records don't clearly indicate "domestic violence?" Sometimes, it just takes the right people to get the job done, but one person being "re-victimimized" is one too many.

New York City, too, has long recognized domestic violence as a workplace issue and it has been a leader in ensuring that victims of domestic and sexual violence can maintain stable employment while they take steps to end the violence in their lives. In 2001, New York City was the first jurisdiction in the country to adopt legislation explicitly prohibiting employment discrimination against victims of domestic violence (Local Law 1 of 2001). In 2003, the city expanded these protections to require employers to make reasonable accommodations—such as permitting time off or a flexible schedule—for victims of domestic or sexual violence (Local Law 75 of 2003). Our office has received no complaints from employers alleging employee misuse of this law, and we know that it has helped working women (and men) take essential steps to separate from an abusive or violent relationship.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 201-988-6797.

Respectfully submitted,

CHRISTINA M. THOMAS.

APRIL 12, 2007.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace? Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Victims Employment and Economic Security Act, that would pro-

mote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

I am an employee of Tri-County Council on Domestic Violence and Sexual Assault in Rhinelander, Wisconsin where I work as a victim advocate. This entails giving personal support, making referrals, interacting with other agencies to prevent violence, and educating the public about the nature of domestic abuse. In the course of starting over after an abusive relationship, I see women who, after starting a new job, need to take time off for court proceedings related to past abuse. It is many times intimidating to request the necessary time off from work in these instances. Legislation to aid victims in these matters is needed so that time away from work does not become a deterrent to safety planning measures.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 715-362-6841.

Sincerely,

LYNN FELDMAN,
Oneida County Advocate, Tri-County Council.

HELP OF DOOR COUNTY, INC.,
APRIL 12, 2007.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the VEESA-Victims Employment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

I work for a small rural domestic violence program in Door County, WI. HELP of Door County, Inc. provides the following services to our community: individual and group support for adult and child victims, older adult services, safe home placements, visitation & exchange program, transitional living program, legal advocacy, information & referral, and a 24-hour hotline.

I have had numerous victims in my office that are in need of a safe home placement, but due to our rules of not leaving the safe home while there for her own protection, she may not have a job to return to. I've also had victims unable to leave work in order to go to court for orders of protection or just to come in during office hours to plan for their safety. This intense fear of losing their job is a huge barrier to her leaving the abusive relationship, especially in a small community where good paying jobs and affordable housing are hard to come by.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that

unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 920-743-8785.

Sincerely,

AMY L. JAHNKE,
Domestic Abuse Services Coordinator.

APRIL 13, 2007.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

Brighter Tomorrows provides services to thousands of women each year. Once they leave the abusive situation, not only are they their sole support, but they have to miss work in order to file protective orders and attend court on numerous occasions because of the abuse. Often it is unsafe for them to return to their work because the abuser knows where she is and may come to her place of work, or harass her at work and get her terminated. The need for unemployment insurance benefits is vital so that they have the economic independence they need to stay out of the abusive situation.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 972-263-0506.

Sincerely,

JANA BARKER, LBSW.

APRIL 15, 2007.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
 Senator BERNIE SANDERS,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY, ISAKSON, AND SANDERS: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

First and foremost, I am a survivor of a sexual assault and attempted murder that took place in Warren, Vermont in 1992. Due to the injuries I sustained (communicated decompressed skull fracture) and the time it took to recover (over 6 months), I was unable to work and lost my job. In addition, during the decade that I worked as a victim advocate for the following Vermont domestic and sexual assault programs; Battered Women Services and Shelter (Barre, VT) and WomenSafe (Middlebury, VT), I recall several cases in which the woman was fired due to her husband harassing her at work. I also recall working with woman who had to quit their job due to safety concerns. Many of these women were unable to obtain unemployment insurance. Some of these women chose to return to the abuser because of economic needs and the need to provide for their children. In some of these cases the woman was the sole bread winner and her family depended on her wages to make ends meet.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{2}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

Vermont in 2005 passed the Domestic and Sexual Violence Survivors Employment Transition Fund, which provides temporary economic support for survivors who are forced to leave work as a result of the violence they are experiencing. That initiative has been vitally important for the few survivors who have needed it, and has not had a significant financial impact on the State's general fund. Supports such as this one can be an important component of survivors' efforts to seek physical and economic safety.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 802-476-2669 (w).

Sincerely,

SUSAN S. RUSSELL, M.A.

APRIL 16, 2007.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Survivors Empowerment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic.

Sincerely,

JENNY ROWH FAIRCHILD.

—————
 FAMILY VIOLENCE PREVENTION CENTER,
 ORANGE COUNTY, NC,
 April 16, 2007.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: The staff of the Family Violence Prevention Center of Orange County is writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

We frequently work with victims of domestic violence who are extremely concerned about losing their jobs due to domestic violence. Some of our victims are forced to drop protective orders and/or miss criminal court dates because they fear they will lose their jobs. Many victims we work with are terrified to go to work because they are afraid that their abuser will assault and harass them at their work place. These victims need to know that unemployment benefits are available so that they have the economic independence they need to stay separated from their abusers.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them.

The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing us to share our thoughts with you on this topic. If you have any questions, please do not hesitate to contact us at 919-929-3872

Sincerely,

GENEVIEVE KING,
Court Services Coordinator,
CHRISTINE RAFTER,
Volunteer Services Coordinator,
DONNA KAY SMITH,
Interim Executive Director,
CAROLINE WELLS PENCE,
Support Group Facilitator.

APRIL 16, 2007.

Senator PATTY MURRAY, *Chair,*
Senator JOHNNY ISAKSON, *Ranking Member,*
Senator BERNIE SANDERS,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY, ISAKSON, AND SANDERS: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

Vermont in 2005 passed the Domestic and Sexual Violence Survivors Employment Transition Fund, which provides temporary economic support for survivors who are forced to leave work as a result of the violence they are experiencing. That initiative has been vitally important for the few survivors who have needed it, and has not had a significant financial impact on the State's general fund. Supporters such as this one can be an important component of survivors' efforts to seek physical and economic safety.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass

legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 802-388-1318.

Sincerely,

SARAH NASH.

APRIL 17, 2007.

Senator PATTY MURRAY, *Chair*,
 Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
 428 Senate Dirksen Office Building,
 Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation such as the Security and Financial Empowerment Act that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence. Any such legislation should further ensure that victims who must leave their jobs because of the violence can receive unemployment insurance benefits, a measure in effect in more than 26 States and the District of Columbia.

The D.C. Employment Justice Center (EJC) is a nonprofit organization with a mission to protect, secure, and promote workplace justice in the District of Columbia. Since opening its doors in 2000, the EJC has strived to ensure the rights of frequently unprotected and vulnerable populations, in particular working with minority workers, domestic violence victims, immigrant workers, and other similarly vulnerable populations through our legal services, advocacy, and education work. In just 6 years, the EJC has assisted nearly 6,000 workers, recovered over \$3 million in back wages and damages for EJC clients, achieved many legislative victories, educated thousands of workers about their rights on the job, and built a vibrant community organizing program. Several of our legislative reforms have focused on the intersection of domestic violence and employment, including a law that went into effect in 2004 that requires the District to allow domestic violence victims to access unemployment compensation if they lose their jobs as a result of the violence.

The EJC provides a weekly Workers Rights Clinic where individuals who meet the income guidelines can go to gain free legal advice from volunteer attorneys. Often, we meet women who have been terminated from their job because they needed to take a day off to get necessary medical help, to go to a court hearing, or to change their place of residence to ensure their safety. If legislation such as the Security and Financial Empowerment Act became law, these women would not have to choose between their safety and their job.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or were forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs—and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security. It also clearly affects the greater community as well.

New York City has long recognized domestic violence as a workplace issue. It has been a leader in ensuring that victims of domestic and sexual violence can maintain stable employment while they take steps to end the violence in their lives. In 2001, New York City was the first jurisdiction in the country to adopt legislation explicitly prohibiting employment discrimination against victims of domestic violence (Local Law 1 of 2001). In 2003, the city expanded these protections to require employers to make reasonable accommodations—such as permitting time off or a flexible schedule—for victims of domestic or sexual violence (Local Law 75 of 2003). We are not aware of any complaints from employers alleging employee misuse of this law, and we know that it has helped working women (and men) take essential steps to separate from an abusive or violent relationship.

The Violence Against Women Act and other legislation that Congress has passed have made an enormous difference for victims by creating emergency shelter serv-

ices and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at jgshow@dcejc.org.

Sincerely,

JESSICA GOSHOW,
Legal and Policy Associate,
DC Employment Justice Center.

APRIL 19, 2007.

Senator Patty Murray, *Chair,*
Senator Johnny Isakson, *Ranking Member,*
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

All too often, we receive calls from victims who are worried that they will lose their jobs if they miss work to go to court for a protective order or whose ex-boyfriend/ex-spouse kept harassing her at work location. There has also been occasion where the victim has had to quit their job to escape the violence. They need unemployment insurance benefits so that they have the economic independence they need to stay separated from their abusers.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of the sexual assault survivors lost their jobs or were forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

New York City has long recognized domestic violence as a workplace issue and it has been a leader in ensuring that victims of domestic and sexual violence can maintain stable employment while they take steps to end the violence in their lives. In 2001, New York City was the first jurisdiction in the country to adopt legislation explicitly prohibiting employment discrimination against victims of domestic violence (Local Law 1 of 2001). In 2003, the city expanded these protections to require employers to make reasonable accommodations—such as permitting time off or a flexible schedule—for victims of domestic or sexual violence (Local Law 75 of 2003). Our office has received no complaints from employers alleging employee misuse of this law, and we know that it has helped working women (and men) take essential steps to separate from an abusive or violent relationship.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 718-479-1106 or moneyholland@aol.com.

Sincerely,

ANNE HOLLAND-MCCAULEY,
Secretary-Treasurer, CWA Local 1106.

LIZ CLAIBORNE INC.,
APRIL 20, 2007.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
Senator HILLARY RODHAM CLINTON, *Member*,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY, ISAKSON, AND CLINTON: I wanted to commend you for addressing the issue of domestic violence in the workplace. As proven by the tragic shootings earlier this month at The University of Washington in Seattle and at the Omni Hotel in Atlanta, this is a critical issue that needs immediate attention.

All too often, victims are entirely dependent on their abuser for food and shelter for themselves and their families. I therefore urge Congress to pass the Survivors' Empowerment and Economic Security Act. Victims of domestic violence need to take time off from work to appear in court, seek legal assistance, and get help with safety planning, without the threat of losing their job.

This legislation from Congress is crucial but very little will be accomplished without the support of the private sector. Unfortunately, many companies do not consider domestic violence to be a workplace problem and are reluctant to interfere in what they consider a personal issue. There are nearly 100 corporations and non-profit organizations, which are implementing domestic violence policies, including such diverse companies as Verizon Wireless, American Express, Target, Eastman Kodak and Allstate. But obviously much more action needs to be taken.

Liz Claiborne Inc. has developed a comprehensive program that could easily be replicated and used as a model for other businesses.

Our domestic violence workplace agenda includes a Domestic Violence Response Team that operates on a corporate level to initiate policies and on an operations level to handle specific threat assessments and procedures. Our human resources, security and legal departments work together with managers and employees to introduce policies to help victims and prevent abuse. When a victim requires help, human resources and security are contacted, a security assessment is conducted and the team provides a safety plan which can include screening telephone calls, relocating an employee's work place to a more secure area, and allowing time off so that the employee can seek counseling, housing or legal action.

We have implemented internal training programs for employees, managers and executives so they know what to do if they suspect an employee is in danger from an intimate partner. These trainings never include a counseling role, rather we always suggest reaching out to the National Domestic Violence Hotline, local resources or an Employee Assistance Program to provide adequate assistance and support.

Internal communications focusing on the issue is also an important part of our policy. We know that new employees need to be informed and policies need to be communicated on an ongoing basis to reinforce and remind them that the support, safety procedures and outside counseling services are always available.

Domestic violence is not a personal issue or a workplace issue, it is really a national issue. These recent tragedies should be a catalyst for Congress and employers across the country to act now.

Thank you for allowing me to share my thoughts with you on this topic.

Sincerely,

JANE RANDEL,
Vice President, Corporate Communications.

OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE,
ALBANY, NEW YORK 12205,
April 23, 2007.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: SEES Act/Hearing of the Senate Subcommittee on Employment and Workplace Safety

Employees are at significant risk from intimate partner abuse and homicide in the workplace. A recent article in the American Journal of Industrial Medicine found that although occupational homicides had declined approximately 6 percent per year from 1993–2002, homicides involving a personal relationship between the worker and the offender actually *declined significantly less* than overall workplace homicides, and declined the least of the four homicide types studied.¹ New York and other States have taken steps to address this problem, but Federal legislation is needed to ensure consistent and significant protection to all victims in all workplaces. As the recent incident in the CNN Mall in Atlanta demonstrates, when domestic violence spills over into the workplace, it affects us all.

In 1995, over a decade ago, the NYS Legislature noted that a growing number of studies were identifying a “myriad of issues” that domestic violence victims encountered in the workplace. In response, the Legislature and Governor directed the NYS Department of Labor to issue a report on the impact of domestic violence on the workplace, with particular attention to individuals who lost employment due to domestic violence.²

“Report to the Legislature on Employees Separated from Employment Due to Domestic Violence,” released in 1996, cited a survey by the NYS Department of Social Services, which found that “of clients receiving domestic violence services, 59.9 percent were found to have left a job at some time in their lives due to battering.” The report also outlined concerns of both victims and employers that still ring true today. The victims’ concerns included worries about the ramifications of disclosing their victimization to their employer; lack of confidentiality and safety; absence of job site or employee services; lack of flexible work/leave options, fear of job loss and, at times, actual termination. Employers worried about victims’ diminished productivity, lost work time, turnover and increased health care costs. The report recommended solutions that encouraged collaboration among unions, employers, employees, government and advocates. After this report was issued, New York State enacted legislation that established unemployment insurance eligibility for domestic violence victims who voluntarily separated from employment as a result of domestic abuse.³

The DOL report’s recommendations still make sense: employees and employers should partner on this issue, because their interests are in fact aligned. The solution to both sets of concerns is responsive and appropriate economic security for victims: if victims can safely disclose their situation to their employers, they can obtain the services they need to stay safe, preventing future harm and the need for medical attention, and ensuring their continued ability to perform their jobs.

In 1997, NYS enacted legislation directing the NYS Office for the Prevention of Domestic Violence (OPDV) to develop a model policy for employers.⁴ OPDV collaborated with the NYS Department of Labor to develop the policy and alert employers to the availability of policy information and resource materials (posters, tent cards and employer handbooks). Almost 500,000 letters were mailed out, generating over 20,000 responses from businesses requesting materials. Employer handbooks and materials were also mailed to all Chambers of Commerce in the State. In 2006, New York added to its package of protections legislation to address safety in the workplace.⁵

In a 2005 survey of 1,200 employees, the Corporate Alliance to End Partner Violence found that 21 percent of respondents identified themselves as victims of intimate partner violence (research conducted by Group SJR). Of the self-identified vic-

¹“Trends in Workplace Homicides in the U.S., 1993–2002: A Decade of Decline” Scott A. Hendricks, E. Lynn Jenkins, Kristi R. Anderson; American Journal of Industrial Medicine, March 2007.

²Chapter 527 of the laws of 1995.

³Chapter of 268 of the Laws of 1998.

⁴Chapter 368 of the Laws of 1997.

⁵Chapter 82 of the Laws of 2006.

tims, 21 percent had lost their jobs. In addition, while victims generally reported modest availability of services (12–23 percent for information and referral, counseling, security, etc.), only 8 percent indicated their employers provided “flexible leave and other benefits.”⁶

For many victims, their ability to separate from an abusive relationship is inextricable from their own economic independence. No employee should have to choose between their job and their personal safety. There are many resources available to assist employers in developing policies and services that support victims and increase their physical safety—such as OPDV’s model policy and technical assistance. However, without concrete protections, such as leave, protection from job termination and access to unemployment benefits, victims may not feel they have any realistic opportunity to get safe.

Though OPDV is not a direct service agency, we receive inquiries from distraught victims searching for help, trying to find out what options they have when they fear that their jobs might be at risk. In one current case, our staff is working with a victim who has had to appear in court twice a week for the past 3 weeks. Her court appearances involved violations of an order of protection, as well as a custody battle with her abuser (level 2 sex offender). This victim should not have to worry about losing her job while she takes care of these essential issues. Similar scenarios, and countless others, are repeated in courts and communities across the State.

The NYS Coalition Against Domestic Violence, a coalition of the State’s licensed domestic violence programs and shelters, has identified employment protection issues as their top priority. Numerous national domestic violence policy and advocacy organizations have called for immediate action on these issues. The Survivors’ Empowerment and Economic Security Act, critical to the survival of victims and their families, will also result in long-term benefits for employers.

Thank you for the opportunity to comment on the proposed Survivors’ Empowerment and Economic Security Act.

Sincerely,

AMY BARASCH, ESQ.,
Executive Director.

APRIL 23, 2007.

Senator EDWARD KENNEDY, *Chair*,
Senator MICHAEL ENZI, *Ranking Member*,
Committee on Health, Education, Labor, and Pensions,

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Safety Subcommittee,
428 Senate Dirksen Office Building,
Washington DC., 20510.

Re: Domestic Violence In the Workplace—Senate HELP Subcommittee Hearing
April 17, 2007

DEAR SENATORS: I am writing to help give you an understanding as to how legislation, such as the Survivors’ Empowerment and Economic Security Act (S.1136), would greatly assist victims of domestic violence with respect to the workplace. I have been a practicing family law attorney for 15 years. I have spent the last 7 years working on a VAWA grant through the Wyoming Coalition Against Domestic Violence.

Although Wyoming does not have a great population, unfortunately, we do have many victims of domestic violence. Data from the National Violence Center, based upon FBI data received from our State’s Division of Criminal Investigation, shows that Wyoming is tied with New Mexico as the highest number of women killed by someone they knew. In 2007, we have had two men murdered in Natrona County each related to family violence.

I average helping approximately two victims per week with protection orders. At least one victim a month is worried about losing their job because they have to take off work to file the petition and then, usually in the same week, take another day off to attend the hearing. Additionally, abusers will call victims at their workplace and violate court orders. The employers then retaliate against the worker. *I personally have known several victims who have lost their jobs due to abusive actions by their spouse or intimate partner. I see this happen several times a year in my county.*

⁶ CAEPV Special Edition Newsletter 2006.

There is already a huge economic disparity between female workers and male workers. Again, Wyoming was the highest in the Nation in the wage gap disparity. We are booming in our economy now and bringing in workers from other States. With that boom has been an increase in domestic violence in the counties experiencing the boom.

We desperately need laws that assist victims to becoming economically stable. Wyoming lacks State laws that prohibit the abuser from having a firearm while the protection order is in effect. That is a big issue in our State (the right to have guns) and thankfully, we have the Federal laws that protect our victims. Our State is one of six States that does not fund any civil legal assistance to victims, and again Federal VAWA is the only way victims of domestic violence receive help. Without the Federal laws, victims in Wyoming would be forced to stay with their abusers for economic reasons.

The Wyoming Supreme Court has specifically ruled that alimony is not to be given, but rather the spouse should receive a greater portion of the marital estate. Unfortunately, our State child support enforcement office has taken a position that orders for child support issued in protection orders by our circuit courts cannot be enforced through their agency!!!! Thus, if the abuser does not pay child support, they will not seek to force him to pay. Nor are they willing to issue Income Withholding Orders.

Having a Federal law that employers in this State would have to follow that would allow the victims to keep their jobs if they go to court to seek a protection order, protect them from being fired due to the domestic violence, and ensure that they are able to receive unemployment compensation would be a wonderful step in giving them the economic security and safeguards they need to escape this abuse. *As I previously stated, I see at least one victim a month who loses a job due to the acts of domestic violence. Ironically, it is the bigger employers (rather than the mom & pop operations) who are the worst.*

Thank you for your time and attention to these matters.

Sincerely,

JACQUELINE K. BROWN,
Attorney and Counselor at Law.

TEXAS COUNCIL ON FAMILY VIOLENCE,
APRIL 24, 2007.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Survivors' Empowerment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

The Texas Council on Family Violence (TCFV) is a statewide coalition working to end family violence through partnerships, advocacy and direct services for women, children and men. TCFV has over 650 members. Membership is composed of family violence service providers, supportive organizations, survivors of domestic violence, businesses and professionals, communities of faith and other concerned individuals.

Texas currently offers no job protected leave for victims of family violence who need to address the immediate safety concerns of their families. If a victim must miss a day of work to answer to a subpoena as part of a criminal prosecution or to apply for a protective order to keep an abuser away from home and work, she risks termination. Without job protected leave, victims are forced to choose between their safety and their family's economic stability.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic vio-

lence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at (512) 794-1133.

Sincerely,

SHERYL CATES,
Chief Executive Officer,
Texas Council on Family Violence,
National Domestic Violence Hotline.

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE,
 CONCORD, NH 03302-0353,
April 24, 2007.

Senator PATTY MURRAY, *Chair,*
 Senator JOHNNY ISAKSON, *Ranking Member,*
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace? Hearing of the Senate Subcommittee on Employment and Workplace Safety"

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Survivors Empowerment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

The New Hampshire Coalition Against Domestic and Sexual Violence is a coalition of independent crisis centers across the State working to support victims/survivors of sexual violence, domestic violence, and stalking in their local communities. Each individual center is committed to providing appropriate, quality services that meet the needs of victims/survivors in their own communities. As a group, the independent crisis centers across the State are committed to providing direct services within a victim-based model of advocacy, which honors victims/survivors' experiences as a basis of constructing appropriate services. This model includes working with victims/survivors to provide information and support that empowers them to make decisions that are in their own best interests. These services and the service provision model have developed from grassroots movements born from the idea that violence against women is a systemic and pervasive problem. Sexual violence, domestic violence and stalking include a range of behaviors, some of which are illegal, but all of which degrade and dehumanize victims/survivors. All services provided by each local crisis center are confidential and free of charge.

NHCADSV recognizes that violence and oppression are connected, and promotes social change by holding societal systems accountable for their responses to domestic and sexual violence, and through the empowerment of victims.

The Coalition supports its member programs by providing community education, coordination, training, resources sharing, and advocacy for legislative changes that affect victim/survivors of sexual violence, domestic violence and stalking.

New Hampshire has long been a national leader in our response to domestic violence. In May 2000, New Hampshire recognized these concerns and accepted an invitation by the Family Violence Prevention Fund to join the Corporate Citizenship Initiative (CCI), a nationwide effort designed to address domestic violence in the workplace. To spread awareness of the Initiative, a newly established CCI Steering Committee, along with Governor Jeanne Shaheen, hosted a kickoff meeting for 100 business and community leaders from around the State. The Initiative's momentum propelled significant social change for New Hampshire's public business sector; a

Domestic Violence in the Workplace Policy was drafted and implemented, and hundreds of State employees, including managers, employee assistance professionals, and human resource professionals, received training on successful strategies to help assist affected employees.

Today, the Corporate Citizenship Initiative has emerged as the Domestic Violence in the Workplace Initiative, part of the Governor's Commission on Domestic and Sexual Violence and is reforming in order to share its message with the private business sector. In 2004, one of our area crisis centers for domestic and sexual violence, New Beginnings, served 1,138 individuals. The New Hampshire Initiative aims to increase employers' awareness of domestic violence as a serious workplace issue and to give them the tools they need to address it. Through this project we can build upon existing successes by linking business, governmental, labor, and victim advocate leadership throughout the State and country.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

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Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at (603) 224-8893 ext. 309 or elizabeth@nhcadsv.org.

Sincerely,

ELIZABETH GRUBER,
Technical Assistance Specialist.

NORTHWEST WOMEN'S LAW CENTER,
SEATTLE, WASHINGTON 98101-1818,
April 24, 2007.

Senator PATTY MURRAY, *Chair,*
Senator JOHNNY ISAKSON, *Ranking Member,*
HELP Committee, Employment and Workplace Subcommittee,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety

DEAR SENATORS MURRAY AND ISAKSON: I am writing to urge you to pass legislation, such as the Survivors' Empowerment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence, and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

The Northwest Women's Law Center, founded in 1978 to advance women's legal rights, conducts broad-based advocacy throughout the Pacific Northwest. Law Center staff and volunteers work on virtually any issue that affects women, recognizing that women's lives, issues and concerns are complicated and interrelated, and that we must consider issues that affect women of all ages, backgrounds, and perspectives to truly advance women's legal rights. The Law Center's core issues include economic justice; reproductive freedom; family law; health care and insurance; violence against women; lesbian and gay rights; civil rights; discrimination in employment, education and athletics; public benefits; affirmative action; criminal law and prisoners' rights; and issues of abuse. The Law Center's programs encompass one of the largest geographic areas in the country, working in Alaska, Idaho, Montana,

Oregon and Washington. Our integrated approach to achieving our mission combines three key strategies: impact litigation, legislative advocacy and self help.

We frequently receive calls from victims who have lost their jobs when they have taken time to protect themselves from domestic violence. We are currently litigating a case and awaiting a decision from the Washington Supreme Court on this very issue (*Danny v. Laidlaw*, Washington State Supreme Court Cause No. 78421-3). In this case, Ms. Danny had been employed by Laidlaw for more than 6 years, during which time she had worked her way up through the ranks to a supervisory position. Throughout her employment, she experienced ongoing domestic abuse from her husband. Initially, she did not disclose this abuse to Laidlaw, but in the fall of 2003 requested time off so that she could move herself and her five minor children to a shelter. Laidlaw declined her request. Soon thereafter, Ms. Danny's husband beat their 13-year-old son so badly that he required hospitalization. Ms. Danny again requested a reasonable period of time off to move her family. Laidlaw reluctantly agreed. When Ms. Danny returned to work, however, she was promptly demoted and a few months later fired. We are hopeful that the Washington Supreme Court will positively address this issue for Ms. Danny and other Washingtonians. Survivors of domestic violence would also benefit from legislation such as the Survivors' Empowerment and Economic Security Act to ensure that they are not punished for trying to protect themselves and their families from the bad acts of their abusers.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between $\frac{1}{4}$ and $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or were forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity nationwide. Such violence has a devastating impact on women's physical health, mental health, and financial security.

This year the Northwest Women's Law Center, together with several of its allies, proposed legislation to the Washington State Legislature that would allow victims of domestic violence, sexual assault and stalking to take a reasonable amount of time off from work to obtain social and medical services, appear in court, and deal with the traumatic effects of these crimes. Although this bill did not pass the Legislature this year, it will be considered again next year during the second half of Washington's 2007-2009 biennium.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take the necessary steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at mlawrence@nwwlc.org or 206-682-9552, ext. 107.

Sincerely,

MOLLY LAWRENCE,
Interim Legal & Legislative Counsel.

AMERICAN BAR ASSOCIATION,
WASHINGTON, DC. 20005,
April 16, 2007.

Hon. PATTY MURRAY, *Chair,*
Hon. JOHNNY ISAKSON, *Ranking Member,*
Subcommittee on Employment & Workplace Safety,
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC. 20510.

DEAR CHAIR MURRAY AND SENATOR ISAKSON: On behalf of the American Bar Association, I am submitting this written statement for tomorrow's hearing, "Too Much, Too Long? Domestic Violence in the Workplace," that outlines the Association's

views on this important issue. The ABA would appreciate inclusion of this statement in the hearing record.

Sincerely,

DENISE A. CARDMAN,
Acting Director.

PREPARED STATEMENT OF JUDGE PAMILA BROWN
(ON BEHALF OF THE AMERICAN BAR ASSOCIATION)

Chair Murray, Senator Isakson and Members of the Subcommittee on Employment and Workplace Safety: I am Pamila Brown, Chair of the American Bar Association's Commission on Domestic Violence. I submit this statement at the request of the President of the American Bar Association, Karen Mathis, to voice the Association's views on the important issue of the impact of domestic violence on America's workplaces and the creative responses that employers have taken and should continue to take to meet the needs of their employees who are survivors of domestic violence.

The American Bar Association is the world's largest voluntary professional association with a membership over 413,000 lawyers, judges and law students including a broad cross-section of attorneys representing employers and employees, family lawyers, and those advocating for victims of domestic violence.

I want to first commend the Chair for her strong leadership over the years in raising awareness about the impact of domestic violence on the workplace and the need to provide support and guidance to victims and employers to address this epidemic.

Domestic violence is a pattern of behavior in which one intimate partner uses physical violence, coercion, threats, intimidation, isolation and emotional, sexual or economic abuse to control the other partner in the relationship. The violence is not defined by physical acts, rather it is a combination of factors that impact the entire family and community, which can ultimately affect workplace. Abuse knows no economic, racial, ethnic, religious, age or gender limits—no one can count on not being a victim in their lifetimes. Although anyone, regardless of gender may be a victim of domestic violence, women are at a significantly greater risk of intimate partner violence than men. By conservative estimates, 1.5 million women in the United States are assaulted by their intimate partners every year.

Many survivors and perpetrators of domestic violence are employed and the perpetration of violence impacts their work performance, their co-workers and their workplaces. Research and surveys of employees, victims, and perpetrators of domestic violence in the last few years have allowed us to have a clearer picture of this impact. In 2005, a national benchmark survey of 1,200 employed adults (age 18 plus) by the Corporate Alliance to End Partner Violence found that intimate partner violence has a wide and far-reaching effect on Americans' working lives: 44 percent of employed adults surveyed personally experienced domestic violence's effect in their workplaces; 21 percent of respondents (men and women) identified themselves as victims of intimate partner violence; and 64 percent of victims of domestic violence indicated that their ability to work was affected by the violence.

Studies and surveys of survivors of domestic violence who work indicate that: 30 percent to 53 percent of employed victims of domestic violence lose their jobs due, at least in part, to the domestic violence; 47 percent reported being assaulted before work; 67 percent said the perpetrator came to the workplace and 96–98 percent of employed domestic violence victims experienced problems at work related to the violence. Some of the work-related problems experienced by survivors because of the violence include missing days of work to go to civil or criminal court to obtain a protection order or to testify, and missing days of work to heal from injuries caused by domestic violence. In addition, the perpetrator of domestic violence may stalk, or harass the victim at her workplace including making numerous calls threatening her or coming to the workplace which affects her ability to work effectively. In fact, a survey of perpetrators in Maine found that 78 percent of them used workplace resources at least once to express remorse or anger to, check up on, pressure, or threaten their victim; 74 percent had easy access to their intimate partner's workplace; and 21 percent of offenders reported that they contacted her at the workplace in violation of a no contact order.

America's business community has become increasingly aware of the impact of domestic violence on their workplaces and on the safety of their employees. In the fall of 2002, Liz Claiborne, Inc. completed their second Corporate Leader Survey regarding domestic violence, benchmarking the results of their 1994 survey. According to the survey, 66 percent of corporate leaders say domestic violence is a major problem in today's society, compared to 57 percent who thought so in 1994. Moreover, signifi-

cantly more corporate leaders today than in 1994 say they are aware of employees within their organization affected by domestic violence—56 percent in 2002 versus 40 percent in 1994. In addition, 68 percent of corporate leaders stated that a company's financial performance would benefit if domestic violence were addressed among its employees; 50 percent report that domestic violence has had a harmful effect on their own organization's insurance and medical costs; and one-third (32 percent) said their company's bottom line performance has been damaged. Finally, 91 percent believe that domestic violence affects both the private lives AND the working lives of their employees.

The ABA recognizes the need for employers to take steps to provide support and guidance to their employees who are victims of domestic violence and has been a leader on this issue for over 10 years. In 1996, the ABA adopted a policy urging judges involved in the administration of courts and lawyers engaging in the management operation of a law practice or other place of business to adopt workplace policies to assist employees who are victims of domestic violence and to protect the safety of employees who may come in contact with batterers during the course of business. Then in 1998, the ABA established a policy urging employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats. The report accompanying the ABA's policy recognized that women are particularly affected by violence in the workplace, and specifically, that women who are survivors of domestic violence may experience assaults, harassment and even murder at work by a former husband or boyfriend. The recent tragedies in Atlanta and at the University of Washington only serve to highlight a problem that women have experienced for years.

Finally, in 1999, the ABA Commission on Domestic Violence published the first of its kind Guide for Employers: Domestic Violence in the Workplace. This guidebook promotes employer awareness of domestic violence and suggests safety protocols and strategies to protect and assist employees who are victims of domestic violence. The guidebook also provides employers and their counsel with examples of how to develop and to implement effective policies and procedures in the workplace to ensure the safety and support of all of their employees. It includes recommendations on the need to train staff to better understand domestic violence and its dynamics, how to develop a response plan, and how to use the law and employee benefits to help employees who are victims of domestic violence. Job guaranteed leave, maintenance of health insurance, and access to unemployment insurance are just a few examples of laws and benefits that may provide essential assistance to survivors of domestic violence in the workplace. Increasingly, employers have learned that incorporating this issue into existing workplace policies and safety procedures leads to a more productive workforce and better empowers victims to leave violent relationships because they are able to maintain employment and an independent income source.

For all of these reasons, the ABA strongly supports and encourages employers' development of workplace policies and procedures providing necessary support and safety for victims of domestic violence in the workplace. The ABA appreciates this opportunity to offer its views on this fundamentally important subject. We look forward to working with the committee to increase awareness about the impact of domestic violence and the need for employers to take steps to support all of their employees regarding this epidemic.

For further information, please contact: Kerry Lawrence, Legislative Counsel, lawrencek@staff.abanet.org or Robin Runge, Director, Commission on Domestic Violence, (202) 662-8637 (phone), (202) 662-1594 (fax) runger@staff.abanet.org at the American Bar Association, 1740 15th Street, NW, Washington, DC 20005, www.abanet.org/domviol.

OKLAHOMA COALITION AGAINST DOMESTIC VIOLENCE
AND SEXUAL ASSAULT,
OKLAHOMA CITY, OK 73118,
April 13, 2007.

Senator PATTY MURRAY, *Chair*,
Senator TOM COBURN, *Member*,
HELP Committee, Employment and Workplace Subcommittee,
U.S. Senate,
Washington, DC 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS MURRAY AND COBURN: I am writing to urge you to pass legislation, such as the Security and Financial Empowerment Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

The Oklahoma Coalition Against Domestic Violence and Sexual Assault is the membership organization of Oklahoma's domestic and sexual violence victim service programs. Included in membership are 27 State certified and three tribal programs. Last year these programs provided services to more than 11,000 victims and survivors and their children.

At the Coalition office we often hear from victims who have been forced to quit their jobs or have been fired because recovery from victimization required so much time off work. Victims often require medical and mental health care for themselves and their children and are required to make court appearances and meet with the criminal justice system. I worked with a young mother of two from Poteau, Oklahoma, who was terribly abused and left homeless. The legal proceedings related to her case lasted more than 2 years. She was always able to find employment but could not keep a job because of the necessity of court appearances and because her abuser harassed her at work.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. The General Accounting Office has found that between one-fourth and one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence. In addition, almost half of sexual assault survivors lost their jobs or are forced to quit in the aftermath of the crime. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security.

Oklahoma has a law that allows victims of domestic violence to draw unemployment if they are forced to flee employment due to violence. While few victims have availed themselves of this wonderful benefit, it has been life-saving to those who have. While we have tried very hard for 2 years we have not been successful in passing a victim's economic safety and security act in Oklahoma.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing me to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact me at 405-524-0700 extension 12 or marcia@ocadvs.org.

Sincerely,

MARCIA SMITH, CDSVRP, BA,
Executive Director.

ALTRIA GROUP, INC.,
WASHINGTON, DC. 20001,
April 24, 2007.

Hon. PATTY MURRAY, *Chair,*
Health, Education, Labor, and Pensions Committee,
U.S. Senate,
Washington, DC. 20510.

Hon. JOHNNY ISAKSON, *Ranking Member,*
Health, Education, Labor, and Pensions Committee,
U.S. Senate,
Washington, DC. 20510.

DEAR SENATOR MURRAY AND SENATOR ISAKSON: On behalf of Altria Group, Inc. I am writing to express our support for the passage of the Survivors Empowerment and Economic Security Act (S. 1136) introduced on April 17, 2007. We believe strongly in the value of this legislation and thank you for your continued leadership in the area of domestic violence and the issue of workplace violence.

Altria Group, Inc. is committed to ending the cycle of violence against women by raising awareness about this important issue in communities across the United States, by providing resources to domestic violence service providers that strengthen the safety net available to victims and survivors, and by working with other companies, nonprofit groups and local government agencies to address domestic violence.

As you know, domestic violence costs U.S. employers up to \$13 billion annually, with 94 percent of corporate security and safety directors at companies nationwide ranking domestic violence as a high security concern. Additionally, national studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that, unfortunately, many victims lose their jobs because of the violence against them. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of 32,000 full-time jobs and 5,600,000 days of household productivity. Such violence has a devastating impact on women's physical health, mental health, and financial security and very often women suffer adverse consequences in the workplace as a result of their victimization. S.1136 will ensure that victims do not lose their jobs because of the violence against them or their efforts to address the violence.

At Altria Group, we have created and implemented a domestic violence workplace policy so that employees know their rights and have access to available resources, to empower them to address the violence in their lives.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. The provisions of S.1136 will serve to help victims stay in the workplace while keeping businesses productive.

We respectfully request your favorable consideration of S.1136. Thank you for your ongoing commitment to this important issue.

Sincerely,

JOHN F. SCRUGGS,
Vice President for Government Relations.

THE LEGAL AID SOCIETY,
NEW YORK, N.Y. 10038,
April 24, 2007.

Senator PATTY MURRAY, *Chair*,
Senator HILLARY RODHAM CLINTON, *Member*,
HELP Committee, Employment and Workplace Subcommittee,
Washington, DC. 20510.

Re: "Too Much, Too Long? Domestic Violence in the Workplace" Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS MURRAY AND CLINTON: We are writing to urge you to pass legislation, such as the Security and Financial Empowerment Act introduced in the last Congress, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that victims who must leave their jobs because of the violence can receive unemployment insurance benefits.

The Legal Aid Society's Employment Law Project represents low-wage workers in unemployment insurance proceedings, wage-and-hour cases, and discrimination claims. We currently have a number of cases on behalf of survivors of domestic violence or stalking who lost their jobs because their abusers either harassed them at their workplace or actually contacted their workplace in an attempt to get them fired. Unfortunately, in the cases we have seen, the employers were unsympathetic to our clients' difficult situation and terminated their employment. A statement from one of our clients is attached.

In New York City, we are fortunate to be able to use existing law on behalf of clients who have been fired because of their status as victims. In 2001, New York City adopted legislation explicitly prohibiting employment discrimination against victims of domestic violence (Local Law 1 of 2001). In 2003, the City expanded these protections to require employers to make reasonable accommodations—such as permitting time off or a flexible schedule—for victims of domestic or sexual violence and stalking (Local Law 75 of 2003).

Despite these protections, the ignorance of the law amongst employers is striking. There is a significant need for bringing national attention to this issue, and for expanding these protections to the Federal level. The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for allowing us to share my thoughts with you on this topic. If you have any questions, please do not hesitate to contact us.

Sincerely,

HOLLIS V. PFITSCH, ESQ.,
Staff Attorney.

RICHARD BLUM, ESQ.,
Staff Attorney.

PREPARED STATEMENT

(SUBMITTED WITH LETTER FROM THE LEGAL AID SOCIETY)

I appreciate this opportunity to submit my testimony. Thank you for considering legislation to protect victims of domestic and sexual violence and stalking against workplace discrimination.

In August of 2006, I ended a relationship with an emotionally abusive and physically threatening man. After breaking up with him, he continued to send me disparaging e-mails that contained insults regarding my bi-sexual lifestyle choices, level of education, income and occupation. He referred to these accomplishments as "buying into the white man's system" and "like Halle Berry and Janet Jackson, aspects of a diva personality, who if I look at them, are left alone growing old and cold . . . no man wants them" and further stating that "all diva's fall." I ignored his insults informing him that if he continued to harass me, I would contact the authorities. Two weeks later my employer calls me into the office to inform me that this same ex-boyfriend had been in contact with them suggesting that I received items from him that were meant as gifts for the organization. I emphatically argued that there was never anything he had given me that was meant for the organization, that all things he gave me were gifts, and that they should put him on the phone to prove what I was saying. I was shocked, I was hurt, and in disbelief. I was suspended, "with pay," while they performed an investigation. I was never contacted to come in for further investigation. I sought the advice of an attorney who contacted them about this being a matter of a disgruntled boyfriend and that "my client would just like to return to work." They ignored his request, nor did anyone communicate with me. My ex-boyfriend called me up laughing at me saying he got me. It all felt like a nightmare. Having shared my concerns about the boyfriend and his behavior with my peer, the head of human resources, I am terminated in a one-sentence letter by her 1 month later, the letter being predated, and without receiving any pay for the 1 month I waited for the so-called investigation. My boss, the CEO of the organization, who reassured me that "they've been down this road before, these things always work out," did not attempt to return my phone calls made by my attorney. Instead, upon termination, I was barred from re-entering the offices to collect my personal and some proprietary belongings. Again, instead of protecting me from such a vicious attack from my ex-boyfriend, they mailed my belongings home to me in a box within a separate box that contained garbage and broken glass. I cut my finger on the glass when retrieving items from the box.

These events were the worst thing imaginable. Here I am at what I believed to be the pinnacle of my career, succeeding at leading my division and expanding revenue to help people in need, being terminated for a lie my ex-boyfriend told the agency. To dare question my integrity, sensitivity, and advocacy to the many households in our shelter, poor families in our developments, seniors without a place to live, many of whom they showed little concern for but only rhetoric. To bring the greatest assault that anyone can experience, an attack that is even more violent than any physical blow. To have your identity and financial security stripped from you, snatched from you, without cause or being heard, or proven guilty.

My suffering goes deep. It exists on many levels. My professional career, financial hardship, identity, self-confidence, self-esteem and sense of self have been damaged. I now am seeing a therapist to get that back, yet I am constantly reminded, nightmares of what happened to me. Since when can an employer act as a strong arm

for insecure men who want to “bring diva’s down?” Since when are they justified to exclude you from a process based on hearsay? Again, the blow extends deeper than any physical blow may. It has shaken my entire being at its core.

Again, thank you for the opportunity to submit testimony as you consider important legislation to protect victims of intimate violence from further victimization in the workplace.

OREGON LAW CENTER,
PORTLAND, OR 97205,
April 23, 2006.

Senator PATTY MURRAY, *Chair*,
Senator JOHNNY ISAKSON, *Ranking Member*,
HELP Committee, Employment and Workplace Subcommittee,
U.S. Senate,
Washington, DC. 20510.

Re: “Too Much, Too Long? Domestic Violence in the Workplace” Hearing of the Senate Subcommittee on Employment and Workplace Safety—Letter Submitted for the Record

DEAR SENATORS MURRAY AND ISAKSON: We are writing to urge you to pass legislation, such as the Survivors’ Empowerment and Economic Security Act, that would promote the economic security of victims by ensuring that victims do not lose their jobs because of the violence against them or their efforts to take steps to address the violence and that would allow victims who must leave their jobs because of the violence to receive unemployment insurance benefits.

The Oregon Law Center (OLC) is a nonprofit law firm that was incorporated in the State of Oregon in July 1998 and is the descendant of legal aid offices incorporated in Oregon more than 60 years ago. OLC is a statewide organization and has six offices situated in locations throughout the State. OLC’s mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. In particular, OLC prioritizes the provision of civil legal assistance to battered women and their children.

Oregon Law Center attorneys and others in the State have represented victims of domestic violence and sexual assault who have lost their jobs or been unable to obtain or maintain restraining orders for fear of losing their jobs. In one instance, a victim, who was unable to negotiate time off from work to seek a restraining order, was left without court protection that could have prevented the abuser from snatching her infant child and sequestering him for several weeks. Another victim, who needed time off to participate in contested protection order hearings, was fired for the time she took to protect herself. We have also worked with victims who have been denied crucial unemployment benefits after leaving work in order to escape violence.

National studies confirm that economic security is one of the most important factors in whether victims are able to separate effectively from an abuser—and that unfortunately, many victims lose their jobs because of the violence against them. Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusive partners. More than 29,000 acts of rape or sexual assault are perpetrated against women at work each year. Employers are aware of this economic burden: 44 percent of executives surveyed nationally say that domestic violence increases their health care costs. On a local level, a recent Oregon study found that intimate partner violence costs the State approximately \$9.3 million annually in lost productivity. Domestic and sexual violence have a devastating impact on women’s physical health, mental health, and financial security.

The Oregon Law Center is currently working in the Oregon Legislature to pass SB 946 which will allow victims of domestic violence, sexual assault to take reasonable, unpaid time off from work to seek legal protection and remedies and to redress the impact of such violence. The bill was passed by the Oregon Senate last week and will now move to the Oregon House of Representatives for consideration. There has been bipartisan support for this proposed legislation, and there was no testimony in opposition. Recently passed Oregon law now allows qualifying victims of domestic violence, sexual assault and stalking to obtain unemployment insurance when they have had to leave work for safety reasons. This law was passed with broad bipartisan support, and has not been a burden on businesses.

Passage of Federal legislation on this issue will make a strong statement that it is good public policy to protect the ability of victims to take positive steps to protect themselves and their children from violence without losing their jobs or their in-

come. Implementing this public policy will help save lives, and also makes good business sense.

The Violence Against Women Act and other legislation that Congress has passed has made an enormous difference for victims by creating emergency shelter services and improving the response of the criminal and civil justice systems to domestic and sexual violence. However, too many victims are afraid to access those services because they are worried that if they miss work, they will lose their jobs. Please pass legislation that ensures that victims can take steps to protect themselves without jeopardizing their employment and economic security.

Thank you for consideration of this important issue. If you have any questions, please do not hesitate to contact us at 503-473-8323.

Sincerely,

ROBIN SELIG,
State Support Unit.

SYBIL HEBB,
Director, Legislative Advocacy.

[Whereupon, at 11:15 p.m., the hearing was adjourned.]

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