

What is VESSA?

VESSA became law in Illinois in August 2003. It helps survivors of domestic and sexual violence and their families get help without worrying about losing their jobs. Covered employers must post a notice that explains VESSA and its benefits.

Who is covered by VESSA?

You are covered by VESSA if

- you are a victim of domestic or sexual violence, or you need to help a family or household member who is a victim of domestic or sexual violence;
- you are a full-time or part-time employee of a covered employer.

Domestic Violence includes

- physical violence, such as shaking, slapping, kicking, or restraining;
- verbal violence, such as name calling or yelling;
- harassment at work, school, or home;
- threats to hurt you or your children.

The abuser is usually a former or current spouse or partner, or a member of your family or household.

Sexual Violence includes

- rape;
- sexual assault;
- forced sex;
- child sexual abuse;
- uncomfortable or unwanted touching;
- stalking.

It doesn't matter if it was a stranger, a person you know, or a family member who hurt you.

How does VESSA help?

VESSA protects you in two ways:

1 It requires your employer to let you **take time-off** to deal with the problems you are having because of violence. During a 12-month period, you may take up to 12 workweeks of unpaid job-guaranteed time-off. You do not have to take the leave all at once; you may take time-off, as you need it.

2 It prohibits employers and public agencies from discriminating or retaliating against you as a victim of domestic or sexual violence. For example, your boss is not allowed to fire you because you took time-off to go to court to get a protective order or because your abuser calls to harass you at work.

VESSA does not protect you from being fired or reprimanded for job performance problems not related to domestic or sexual violence, such as being late, taking personal phone calls unrelated to the violence, not doing your work properly, etc.

You do not have to tell the police, file charges, or have an order of protection to take advantage of VESSA.

Your employer is not allowed to tell you to get a police report or a court order before you may take VESSA leave.

Is my employer covered by VESSA?

VESSA covers all employers who have an employee in Illinois and who are

- the State or any agency of the State;
- any local government or a local school district;
- a private company with at least 50 employees. Not all of the employees have to be employed in the same workplace or even in Illinois. Also, if your employer no longer has 50 employees but had at any time in the past year, VESSA may still apply.

What do I need to do to get VESSA leave?

You must tell your employer that you need time-off because of domestic or sexual violence. **If possible, you must tell your employer 48 hours before you need time-off.**

Your boss may ask you for proof. This is called "certification." If asked, you should promptly give your employer a "sworn statement" (a written statement that you sign) saying that you are a victim of domestic or sexual violence.

Your employer must keep all this information **CONFIDENTIAL** unless you give your employer permission to share it or unless the law requires your employer to share the information.

May I get paid time-off under VESSA?

No. VESSA requires your boss to give you only unpaid time-off. You may either take time-off when you need it or ask for a reduced work schedule. You do not have to take vacation or sick time if you do not want to, and your employer is not allowed to make you take time-off, paid or unpaid.

May I take VESSA leave for any reason?

No. You may take time-off only to deal with the domestic or sexual violence you experienced, for example:

- seeing a doctor or a counselor for physical or psychological injuries caused by domestic or sexual violence;
- getting help from a domestic violence shelter or rape-crisis organization;
- seeing a lawyer or going to court;
- securing your future safety by looking for a new place to live or relocating temporarily.

What about my employment benefits?

Your employment status is “on hold” while you take VESSA leave. As long as you return when you are supposed to, your benefits should be the same as when you left. Your employer must continue to provide health insurance benefits while you are on leave.

How do I file a VESSA claim?

Fill out a “**VESSA Complainant Contact Sheet**” and a “**VESSA Complaint Form.**”

Illinois Department of Labor (IDOL)
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601
Phone: (312) 793-6797
<http://www.state.il.us/agency/idol/forms/PD/FS/vessa.pdf>

If your claim is successful, your employer may have to

- pay you to make up for lost wages or benefits;
- give you your job back if you were illegally fired;
- make workplace changes so you are safe;
- pay your costs for the lawsuit.

You may file a VESSA claim on your own, but it is a good idea to get a lawyer who knows about employment law and VESSA claims to help you. A lawyer can also figure out if there are other employment laws or workplace protections that can help you.

The Victims’ Economic Security and Safety Act (VESSA) **A Guide to Employment Law Protections for Victims of Domestic and Sexual Violence**



Sargent Shriver National Center on Poverty Law

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