



MAY 17, 2019

## Westchester County, NY Enacts “Safe Leave” Law

Earlier this month, Westchester County joined NYC in enacting a Safe Leave Law (the “Law”), granting up to 40 hours of paid leave in any consecutive 12-month period to any employee who is a victim of domestic violence.

The Law applies to all businesses of five or more employees, and is quite broad going beyond physical abuse to “emotional or financial manipulation or other kinds of abuse,” according to its sponsor. The 40 hours are separate and in addition to any other employer leave policies.

The bill had “tripartisan” support, was unanimously passed, and has the support of a number of employer groups as well. It becomes effective October 30 at which time posting notices are also required.

An employee wishing to take Safe Leave need not provide advance notice to the employer, but documentation after the fact may be required if requested. The time may be applied to attending any applicable court proceedings or moving to a “safe” house.

The Law has the usual prohibitions against discrimination and retaliation, fines, actual damages, equitable relief, attorneys’ fees, reinstatement and backpay. All proceedings must be confidential and records kept separate from the personnel file. Essentially, Westchester County has now created an additional protected category for its residents.

## **Takeaway for Employers**

Employers should be particularly sensitive to requests for leave under this new law, and be prepared for the proper notice posting and issues of eligibility. The County should issue FAQs in the coming months as guidance.

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If you have any questions regarding the Safe Leave Law, please do not hesitate to contact us.

**[PUTNEY, TWOMBLY, HALL & HIRSON LLP](#)**