



CRIME VICTIM AND JURY/WITNESS DUTY PROTECTIONS

About California Laws

California law protects employees who take **unpaid time off** from work for jury or witness duty, or when the employee is a victim of a crime, as defined. Employers must also make **reasonable accommodations relating to safety at work** for an employee who is, or whose family member is, a crime “victim.”

Employers of 25 or more employees have additional obligations to allow unpaid time off for an employee who is, or whose family member is, a crime victim.

Time-Off Requirements

All Employers

- **Time Off from Work for Jury or Witness Duties:** All employees may take time off to serve on inquest jury or jury trial or to appear in court as a witness under subpoena or other court order.
- **Time Off for Crime Victim of Qualifying Act of Violence to Seek “Relief”:** All employees who are victims of “qualifying acts of violence,” as defined, may take time off to seek “relief” to ensure the health, safety or welfare of themselves or their child. Relief includes, but is not limited to, temporary restraining orders, restraining orders, or injunctive relief.
- **Other Time-Off Protections:** California law also allows employees who are victims or family members of victims of specified crimes to take unpaid time off to attend judicial proceedings relating to certain serious crimes specified by California Government Code 12945.8(j)(8)(c). Judicial proceedings for which employees make take time off include, but are not limited to, delinquency proceedings, proceedings relating to post arrest release decision, plea, sentencing, postconviction release, or any proceeding where the right of a victim is at issue.

Additional Time-Off Requirements for Employers of 25 or More Employees

All employees who are, or whose family member is, a victim of a qualifying act of violence can take unpaid time off for the following reasons:

1. Obtain or attempt to obtain “relief” (described above) for the family member
2. Seek, obtain, or assist a family member to seek or obtain:

- medical attention
 - services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency
 - psychological counseling or mental health services
 - civil or criminal legal services
- 3.Participate in safety planning or take other actions to increase safety.
 - 4.Relocate or engage in the process of securing a new residence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
 5. Provide care to a family member who is recovering from injuries.
 6. Prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
 - 7.Seek, obtain, or provide childcare or care to a care-dependent adult necessary to ensure the safety of the child or dependent adult.

Employers may limit the total time off for these additional reasons to 12 weeks total. When the employee's family member is the victim, so long as they are not deceased, employers may limit leave to **10 days** total, or **5 days** when used for relocation/change in school.

Leave may run concurrently with FMLA or CFRA as applicable.

Pay During Leave

Leave is unpaid, but employers may choose to use available vacation, PTO or paid sick leave. If an exempt employee performs work in the workweek, employers may not make salary deductions, subject to limited exceptions.

Reasonable Accommodation Requirements: All Employers

If an employee who is a victim of a qualifying act of violence, or whose family member is a victim of a qualifying act of violence, requests an accommodation to ensure the employee's safety while at work, employers must engage in an interactive process with the employee and provide reasonable accommodations.

Examples of accommodations include but are not limited to, transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed work station, installed lock, assistance in documenting qualifying act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement, or referral to a victim assistance organization.

Employers do not have to grant accommodations that cause an "undue hardship," as defined, on their business operations, including their duty to maintain a safe workplace.

Documentation/Certification

Employers may require the employee to provide documentation for the crime victim related time-off and accommodation requirements described above. The following documentation is sufficient:

- A police report indicating that the employee or a family member of the employee was a victim
- A court order protecting or separating the employee or a family member from the perpetrator of the qualifying act of violence, or other evidence from a court or prosecuting attorney that the employee or a family member of the employee has appeared in court
- Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee or a family member was undergoing treatment or seeking or receiving services directly related to the qualifying act of violence
- Any other form of documentation that reasonably verifies that the qualifying act of violence occurred, ***including, but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for the purposes described above.***

Employers must maintain confidentiality of employee requests for leave or accommodation, including employee's statements and documentation.

Important Definitions

- "Victim" (for purposes of "qualifying act of violence" leave or accommodation): An individual against whom a *"qualifying act of violence"* has been committed.
 - "Qualifying Act of Violence": Domestic violence, sexual assault, and stalking; acts, conduct or patterns of conduct that include bodily injury or death to another individual; exhibiting, drawing, brandishing or using a firearm or dangerous weapon; using or threatening to use force to cause physical injury or death.
- "Victim" (for purposes of Other Time-Off Protections): the victim of certain serious crimes specified by California Government Code 12945.8(j)(8)(c)i.
- "Family Member": Child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or "designated person"
- "Designated person": Any individual related by blood or whose association with the employee is the equivalent of a family relationship. Employers may limit employees to one designated person per 12-month period.

Notice Requirements

The Civil Rights Department posted a Crime Victims' Rights Notice on July 1, 2025 reflecting updates to the law. Employers must provide this notice:

- To new employees **upon hire**
- To all employees **annually**,
- **Upon request**, and any time an employee **informs** an employer that employee or employee's family member is a victim

The sample Notice is available [here](#) in English and Spanish, as well as many other languages.

Non-Discrimination, Retaliation

Employers may not discriminate or retaliate against employees who take time off or request accommodations.

Employers may not discharge or discriminate or retaliate against an employee because of their status, or their family member's status, as a victim, as long as the employee provides notice to the employer of the status or the employer has actual knowledge of the status.