

Important notice: Legal Momentum has developed this sample demand letter as a model that may be useful for individuals seeking to enforce their legal rights. However, because laws and legal procedures frequently change and are subject to differing interpretations, Legal Momentum cannot ensure that the information in this letter is current, nor be responsible for any use to which it is put. Before relying on this information, you are advised to consult an attorney or appropriate agency about your legal rights in your particular situation. If you need assistance in finding a lawyer, contact Legal Momentum, the bar association in your state, your local legal services office, domestic or sexual violence coalition, or service provider.

Sample Letter Asking for Time Off under California’s Labor Law

What rights does this letter assert? This letter is drafted to ask for time off under California’s Labor Code §§ 230 and 230.1, which provides employment leave to victims of domestic or sexual violence. It may be a helpful model for asserting rights under other state or local laws that provide time off to domestic or sexual violence victims. See Legal Momentum’s state law guide, “Time Off from Work for Victims of Domestic or Sexual Violence” for more information on laws that may be applicable.

What employers are covered by the law? California’s Labor Law § 230 (which provides time off to get a restraining order or go to court to ensure the health, safety or welfare of a victim of domestic violence or his or her child) applies to all employers in California. California’s Labor Law § 230.1 (which provides time off to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or relocate) applies to employers with at least 25 employees.

Whom should you send your letter to? You should send the letter to your supervisor, human resources representative, or someone else with authority to make accommodations for you, give you time off, or make decisions regarding your employment.

How should you deliver the letter? You may hand deliver the letter or you may mail it. If you mail the letter, it’s a good idea to mail it certified with return receipt requested or by an express mail service that can give you a record of receipt.

What records should you keep? You should keep a copy of the letter you send and record of how and when you delivered it. You should keep a copy of any written response you receive. If a representative of your employer talks to you about your letter, you should take notes on this conversation (either during the conversation or immediately after the conversation) and keep a copy of these notes. Your notes should be as detailed as possible. They should include the date of any conversation, what you said, what your employer said, and the date that you wrote up the notes. Also, if you feel like you are being discriminated against at work because of your request or because you are a victim of domestic violence, sexual assault, or stalking, you should keep records of exactly what happened (including notes on specific words said to you, if possible).

Are there risks to sending a letter? Yes, sometimes employers respond to a request for time off by firing the employee. This is usually illegal. However enforcing the law might be too difficult or time consuming an option for you right now. It might be more important to know you can keep a steady paycheck right now. Additionally, if disclose you are a survivor of domestic violence, sexual assault, or stalking to anyone at work, this information may not be kept confidential. Also, your employer might pressure you to take certain actions to address the situation (such as get a protective order), which may not be right for you at this time.

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Sample Letter Asking for Time Off Under California's Labor Law

[Insert Date]

[Insert your supervisor or human resource representative's name]

[Insert your employer's name]

[Insert your employer's address]

Dear [Insert name]:

I write to inform you of a California law that provides employment protections for employees who are victims of domestic violence or sexual assault. This law prohibits an employer from discharging or discriminating against an employee for taking time off from work to seek a protective order, medical attention or counseling, services from a domestic violence or sexual assault program, to relocate, or to otherwise participate in safety planning to reduce the risk of future violence.

I am giving you formal notice that I am experiencing domestic violence [or sexual assault or stalking] and need to take off to attend to my safety needs. I will need to take _____ [provide specific dates or times] off in order to _____ [For example, *meet with the police; go to court for a protective order; move to a safe location; meet with a counselor*]. If you would like me to provide documentation of my situation, please let me know.

The law also provides that employers must maintain the confidentiality of employees requesting leave to address domestic or sexual violence. This is a very private issue and it is very important to me that my situation be kept confidential. I understand that you may need to consult with a limited number of other managers about my specific situation, but I request that you let me know whom you speak with. Additionally, I expect that, in compliance with the law, you will only discuss the domestic violence and my request for time off with other managers who need to know about the situation, and that you will ensure that they too keep this information confidential.

Additionally, while these are all the needs I know about right now, I cannot know in advance when I might need additional time off or other accommodations to attend to safety needs. Please let me know how you would like me to handle such situations if they should arise.

Thank you.

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[Insert name and address]