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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 96 LCM-45

Date: May 13, 1996

Division: S&CD and Temporary
Assistance

TO: Local District Commissioners

SUBJECT: Employees Separated from Employment Due to Domestic Violence

ATTACHMENTS: Report to the New York State Legislature on Employees
Separated From Employment Due to Domestic Violence (not
available on-line)

The purpose of this memorandum is to inform you of the key findings of a report recently issued by the the New York State Department of Labor to the Legislature on Employees Separated from Employment Due to Domestic Violence. The Department of Labor was directed by Chapter 527 of the Laws of 1995 to study the impact of domestic violence on employment. As part of this study the Department of Labor reviewed unemployment insurance case histories involving domestic violence, and consulted with other agencies including the New York State Office for the Prevention of Domestic Violence and the Department of Social Services.

The findings indicate that although New York State's Unemployment Insurance Law does not include a provision specifically relating to an individual who leaves a job due to circumstances involving domestic violence, these individuals may be eligible for unemployment benefits under the current statute. The report indicates that under the current law, voluntary quit situations are reviewed on a case by case basis to determine whether the individual claimant had a compelling reason to quit a job voluntarily. The findings indicate that employees separated from employment due to domestic

violence are generally found eligible for Unemployment Insurance in New York State under the Voluntary Quit provision of New York State Unemployment Insurance Law provided they have made reasonable efforts to protect themselves and their jobs.

These findings have implications for both child welfare and income maintenance workers for diverting domestic violence victims and their children from public assistance. When working with victims of domestic violence on employment related issues, workers should be aware that generally, as this report points out, fact finding by Unemployment Insurance Labor Service Representatives in cases involving domestic violence focus on the following three areas:

- (1) Did the individual have a reasonable fear for his/her safety;
- (2) Did the individual do what could be reasonably expected to protect himself/herself prior to separation through efforts such as obtaining an Order of Protection, filing a police report, seeking emergency shelter at a residential program for victims of domestic violence, and consulting with a physician, social worker, clergy or other professionals; and
- (3) Did the individual do what could reasonably be expected to protect his/her employment by discussing the situation with the employer and considering other options such as obtaining a leave, transfer or alternate work schedule, if appropriate and available.

The report points out that in general, leaving employment due to acts of domestic violence in New York State is considered a compelling and good cause reason to leave a job. It also points out that there appears to be some misconceptions that people losing their jobs due to domestic violence are not eligible for unemployment benefits. Victims of domestic violence as well as many service providers and advocates in the field of domestic violence were not aware of this fact. There was some concern that this misconception may discourage victims of domestic violence from filing a claim for unemployment benefits.

Recognizing that domestic violence is a serious problem with a significant impact on the workplace, the Department of Labor plans to take several steps to address issues raised during their study on employees separated from employment due to domestic violence. These actions will include promoting awareness among domestic violence victims and service agencies that victims may be eligible for unemployment benefits, and taking the lead in working with employers, the community, labor, domestic violence groups and other government entities to assist employers to develop and promote formal

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policies on domestic violence and to suggest ways for helping victims protect themselves in the workplace, maintain their job status and obtain the help they need.

Any questions concerning this memorandum should be directed to your Services and Community Development Regional Office or to your Temporary Assistance Regional Team.

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Division of Services and
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