



Illinois Department of Labor

Victims' Economic Security and Safety Act

The Victims' Economic Security and Safety Act ("VESSA") provides an employee who is a victim of domestic or sexual violence, or who has a family or household member who is a victim of domestic or sexual violence, with up to twelve (12) weeks of unpaid leave per any twelve (12) month period to address issues arising from domestic or sexual violence.

VESSA provides that an employee working for an employer with at least 15, but not more than 49 employees, shall be entitled to a total of **8** workweeks of leave during any 12-month period. Employees working for an employer with at least 50 employees are entitled to a total of **12** workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period.

An employee may take VESSA leave to:

1. Seek **medical attention** for, or recovery from, physical or psychological injuries caused by domestic or sexual violence to the employee or employee's family or household member;
2. Obtain **victim services** for the employee or employee's family or household member;
3. Obtain psychological or other **counseling** for the employee or the employee's family or household member;
4. Participate in **safety planning**, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic or sexual violence; or
5. Seek **legal assistance** to ensure the health and safety of the victim, including participating in court proceedings related to the violence.

VESSA leave may be taken intermittently or on a reduced work schedule.

Notice and Certification Requirements

The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take leave, except in such cases where it is not practicable to provide such notice. If an unscheduled absence occurs, the employer may not take action against the employee if the employee, upon request of the employer and within a reasonable period after the absence provides certification.

Employers may require certification that VESSA leave is to be taken for one of the purposes enumerated above and that the employee or employee's family or household member is a victim of domestic or sexual violence. An employee may satisfy such a certification requirement by providing a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

- Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance;
- A police or court record; or
- Other corroborating evidence.

Employers must maintain the confidentiality of all information pertaining to the use of VESSA leave, notice of an employee's intention to take VESSA leave, and certification provided by the employee.

Required Posting

Employers must post a notice in their workplace summarizing the requirements under the Act. Copies of this notice may be acquired by contacting the Illinois Department of Labor or by downloading the notice from the agency's home page (<http://www.state.il.us/agency/idol>).

Jurisdiction

VESSA applies to employers with 15 or more employees, the State of Illinois, and any unit of local government or school district.

Prohibitions

Employers are prohibited from interfering with, restraining, or denying an employee's attempt to exercise any rights under the Act. Specifically, employers are prohibited from discharging, constructively discharging, harassing or otherwise discriminating against any employee with respect to compensation, terms, conditions, or privileges of employment, or retaliating against an employee in any form or manner.

Enforcement

The Illinois Department of Labor administers and enforces the provisions of this Act. The Department has the power to conduct investigations in connection with the administration and enforcement of this Act. Any employee who believes his or her rights under this Act have been violated may, within three (3) years after the alleged violation occurs, file a complaint with the Department.

Penalties

If an employer is found to have violated the Act, the Department may require the employer to:

- Pay damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost with interest;
- Provide equitable relief, including but not limited to, reinstatement, promotion and reasonable accommodations; and
- Pay reasonable attorney's fees, expert witness fees, and other costs of the action.

Any employer who has been ordered by the Director of Labor or the court to pay damages and who fails to do so within 30 days after the order is entered is liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying the damages to the employee.

For more information, contact:

Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-6797

<http://www.state.il.us/agency/idol>