

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to protect victims and family members of victims of domestic violence, sexual offenses, and stalking against discrimination by employers, employment agencies, and labor organizations; and to amend the Office of Human Rights Establishment Act of 1999 to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase “and place of residence or business” and inserting the phrase “place of residence or business, and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking” in its place.

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended as follows:

(1) A new paragraph (7C) is added to read as follows:

“(7C) “Domestic violence” shall have the same meaning as provided in section 3032(1) of the Domestic Violence Hotline Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 4-551(1)).”.

(2) Paragraph (11B) is amended to read as follows:

“(11B) “Family member” means:

“(A) With respect to an individual and genetic information, the spouse or domestic partner of the individual, dependent child (whether born to or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, domestic partner, or child; and

“(B) With respect to an individual’s status as a family member of a victim of domestic violence, sexual abuse, or stalking:

“(i) A spouse, including the person identified by an individual as his or her domestic partner, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

“(ii) The parents of a spouse;
“(iii) Children (including foster children and grandchildren);
“(iv) The spouses of children;
“(v) Parents;
“(vi) Brothers and sisters;
“(vii) The spouses of brothers and sisters;
“(viii) A child who lives with an individual and for whom the individual permanently assumes and discharges parental responsibility; and
“(ix) A person with whom the individual shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the individual maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(1)).”.

(3) A new paragraph (27A) is added to read as follows:

“(27A) “Sexual offense” shall have the same meaning as provided in section 101(15) of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.01(15)).”.

(4) A new paragraph (29A) is added to read as follows:

“(29A) “Stalking” means an act prohibited by section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133).”.

(c) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead in language is amended by striking the phrase “or credit information” and inserting the phrase “status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information” in its place.

(B) Paragraph (1) is amended by striking the word “his” wherever it appears and inserting the phrase “his or her” in its place.

(C) Paragraph (3) is amended by striking the word “his” and inserting the phrase “his or her” in its place.

(D) Paragraph (4)(B) is amended by striking the phrase “or credit information” and inserting the phrase “status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information” in its place.

(2) Subsection (b) is amended by striking the phrase “or credit information” and inserting the phrase “status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking, or credit information” in its place.

(3) A new subsection (c-1) is added to read as follows:

“(c-1) Victims and family members of victims of domestic violence, a sexual offense, or stalking. –

“(1) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsection (a) or (b) of this section based wholly or partially on the fact that:

“(A) An employee attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal, civil, or administrative proceeding relating to domestic violence, a sexual offense, or stalking of which the employee or employee’s family member was a victim, including meetings with an attorney or law enforcement officials;

“(B) An employee sought physical or mental health treatment or counseling relating to domestic violence, a sexual offense, or stalking of which the employee or employee’s family member was a victim; or

“(C) An individual caused a disruption at the employee’s workplace or made a threat to an employee’s employment, relating to domestic violence, a sexual offense, or stalking of which the employee or employee’s family member was a victim.

“(2) It shall be an unlawful discriminatory practice for an employer to refuse to make a reasonable accommodation for an employee who is a victim or a family member of a victim of domestic violence, a sexual offense, or stalking when an accommodation is necessary to ensure the person’s security and safety, unless such an accommodation would cause the employer undue hardship.

“(3)(A) It shall be an unlawful discriminatory practice for an employer to disclose any information related to an employee’s status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking provided to the employer by the employee, including a statement or any other documentation, record, or corroborating evidence.

“(B) It shall not be a violation of subparagraph (A) of this paragraph to make a disclosure that is:

“(i) Requested or voluntarily authorized in writing by the employee;

“(ii) Ordered by a court or administrative agency or otherwise required by law;

“(iii) Provided to a law enforcement agency;

“(iv) Necessary to protect other employees from imminent harm; or

“(v) To the extent necessary, to provide a reasonable accommodation to the victim.

“(C) In the event of a disclosure, the employer shall notify the employee of the disclosure.

“(4) For the purposes of this subsection, the term:

“(A) “Reasonable accommodation” includes a transfer, reassignment, modified schedule, leave, changed work station, changed work telephone or email address, installed lock, assistance in documenting domestic violence, a sexual offense, or stalking that occurs in the workplace, or the implementation of another safety procedure in response to actual or threatened domestic violence, a sexual offense, or stalking.

“(B) “Undue hardship” means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the employer, its financial resources, and the nature and structure of its operation.”.

(d) Section 224 (D.C. Official Code § 2-1402.24) is amended as follows:

(1) Subsection (a) is amended by striking the word “his” and inserting the phrase “his or her” in its place.

(2) Subsection (c)(1) is amended by striking the word “his” and inserting the phrase “his or her” in its place.

(e) Section 273 (D.C. Official Code § 2-1402.73) is amended by striking the phrase “or place of residence or business” and inserting the phrase “place of residence or business, or status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking” in its place.

Sec. 3. Section 203 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.02), is amended by striking the phrase “and place of residence or business” and inserting the phrase “place of residence or business, and status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking” in its place.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia