

Councilmember Kenyan R. McDuffie

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Human Rights Act of 1977 to protect victims and family members of victims of domestic violence, sexual abuse, and stalking against discrimination by employers, employment agencies, and labor organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Protecting Victims of Gender-Based Violence Amendment Act of 2017”.

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

(a) 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” means “domestic violence” as defined in Sec. 3032(1) of the Fiscal Year 2014 Budget Support Act of 2013 (D.C. Act 20-157; 60 DCR 12472), “intimate partner violence” as defined in D.C. Official Code § 16-1001(7), and “intrafamily violence” as defined in D.C. Official Code § 16-1001(9).

(2) A new paragraph (11C) is added to read as follows:

(11C) “Family member” means, with respect to an individual’s status as a family member

1 of a victim of domestic violence, sexual abuse, or stalking, a person as defined in the Accrued
2 Sick and Safe Leave Act of 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01(4)).

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

4 (27A) “Sexual abuse” means any offense described in Chapter 30 of Title 22.

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

6 (29B) “Stalking” shall have the same meaning as provided in D.C. Official Code § 22-
7 3133.

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

9 (1) Subsection (a) is amended by striking the phrase “or political affiliation of any
10 individual” and inserting in its place the phrase “political affiliation, or status as a victim or
11 family member of a victim of domestic violence, sexual abuse, or stalking, of any individual.”.

12 (2) Subsection (b) is amended by striking the phrase “or political affiliation of any
13 individual” and inserting in its place the phrase “political affiliation, or status as a victim or
14 family member of a victim of domestic violence, sexual abuse, or stalking, of any individual.”.

15 (3) A new subsection (d) is added to read as follows:

16 “(d) Domestic violence, sexual abuse, and stalking.

17 “(1) For purposes of subsection (a) and (b) of this section, it shall be an unlawful
18 discriminatory practice if an act is based wholly or partially upon:

19 “(A) The individual’s attendance, participation in, preparation for, or
20 request for leave to attend, participate in, or prepare for a criminal, civil, or administrative court
21 proceeding relating to domestic violence, sexual abuse, or stalking of which the individual or the
22 individual’s family member or household member was a victim; or

23 “(B) A disruption or threat to the individual’s job or workplace by a

1 person who has committed or threatened to commit domestic violence, sexual abuse, or stalking
2 against the individual or the individual's family member or household member.

3 “(2)(A) It shall be an unlawful discriminatory practice to deny an individual's
4 request for a reasonable accommodation for the individual's safety and security if the individual
5 is a victim of domestic violence, sexual abuse, or stalking.

6 “(B) Notwithstanding Section 261, it shall be an unlawful discriminatory
7 practice to retaliate against an individual for making a request for a reasonable accommodation
8 under this subsection.

9 “(C) For the purposes of this paragraph, the term “reasonable
10 accommodation” includes, but is not limited to, a transfer, reassignment, modified schedule, or
11 leave, or implementation of a safety procedure in response to actual or threatened domestic
12 violence, sexual abuse or stalking.

13 “(3)(A) All information provided by the individual pursuant to this subsection,
14 including a statement or any other documentation, record, or corroborating evidence, shall not be
15 disclosed by the employer.

16 “(B) It shall not be a violation of the nondisclosure requirement to make a
17 disclosure that is:

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

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

21 “(iii) Provided to the police department or other law enforcement
22 agency;

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

1 or

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

4 “(C) In the event of a disclosure, the employer shall notify the victim or
5 family member of the imminent or future disclosure.

6 “(4)(A) Notwithstanding Section 251, every employer and employment agency
7 subject to this chapter shall make available to individuals the employer or employment agency’s
8 policy on workplace violence, domestic violence, sexual abuse, and stalking, if available, and a
9 notice of the rights provided under this act.

10 “(B) The Mayor, in consultation with the District of Columbia federally
11 recognized domestic violence coalition, shall develop and disseminate the notice required by
12 subsection (d)(4)(A) to all employers and employment agencies in the District of Columbia.

13 “(C) Failure to post such notice by an employer or employment agency
14 shall be punishable by a fine of \$100 per day, not to exceed \$500, to be deposited into the Crime
15 Victim Assistance Fund established in § 4-515.01, beginning on the day failure to post said
16 notice is reported to the Office of Human Rights.

17 “(5) The Mayor shall develop and make electronically available guidance to assist
18 employers, employment agencies, and labor organizations in complying with this act.

19 “(6) In addition to any other civil, criminal, or administrative remedy available,
20 each violation of this section shall result in a penalty of \$500 for the first offense, \$750 for a
21 second offense, and \$1,000 for each subsequent offense, not to exceed \$5,000, to be deposited in
22 the Crime Victim Assistance Fund established in § 4-515.01.”

23 (c) Section 273 (D.C. Official Code § 2-1402.73) is amended by striking the phrase “or

1 place of residence or business” and inserting in its place the phrase “place of residence or
2 business, or status as a victim or family member of a victim of domestic violence, sexual abuse,
3 or stalking”.

4 Sec. 3. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the fiscal
6 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
7 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

8 Sec. 4. Effective date.

9 This act shall take effect following approval by the Mayor (or in the event of veto by the
10 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
11 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
12 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
13 Columbia Register.