

A BILL

22-14

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 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:

27 “(7C) “Domestic violence” shall have the same meaning as provided in section
28 3032(1) of the Domestic Violence Hotline Establishment Act of 2013, effective December 24,
29 2013 (D.C. Law 20-61; D.C. Official Code § 4-551(1)).”.

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

31 “(11B) “Family member” means:

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

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

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

41 “(ii) The parents of a spouse;

42 “(iii) Children (including foster children and grandchildren);

43 “(iv) The spouses of children;

44 “(v) Parents;

45 “(vi) Brothers and sisters;

46 “(vii) The spouses of brothers and sisters;

47 “(viii) A child who lives with an individual and for whom the
48 individual permanently assumes and discharges parental responsibility; and

49 “(ix) A person with whom the individual shares or has shared, for
50 not less than the preceding 12 months, a mutual residence and with whom the individual
51 maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits
52 Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-
53 701(1)).”.

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

55 “(27A) “Sexual offense” shall have the same meaning as provided in section
56 101(15) of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118;
57 D.C. Official Code § 4-555.01(15)).”.

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

59 “(29A) “Stalking” means an act prohibited by section 503 of the Omnibus Public
60 Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88;
61 D.C. Official Code § 22-3133).”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 “(iii) Provided to a law enforcement agency;

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

118 or

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

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

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

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

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

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

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

137 Sec. 4. Applicability.

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

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

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

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

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148 Sec. 5. Fiscal impact statement.

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

152 Sec. 6. Effective date.

153 This act shall take effect following approval by the Mayor (or in the event of veto by the
154 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
155 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
156 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
157 Columbia Register.