



EMPLOYEE LEAVE OF ABSENCE FOR DOMESTIC OR SEXUAL VIOLENCE

PURPOSE

Hawai'i law ([HRS §378-72](#)) states that an employee has the right to unpaid leave from work to care for themselves or a minor child if they are a survivor of domestic or sexual violence.

An employee denied leave by an employer in violation of this statute may file a civil action against the employer to grant leave and recover costs of the civil action, like lawyer fees.

AMOUNT OF LEAVE

- 30 days (if the employer employs 50 or more employees) or
- 5 days (if the employer employs less than 50 employees).

LEAVE MUST BE USED TO:

1. Seek medical attention (physical or psychological) for injuries resulting from domestic or sexual violence,
2. Get services from a victim services organization,
3. Seek counseling,
4. Relocate, and/or
5. Take legal action

AN EMPLOYER MAY ASK THE EMPLOYEE TO PROVIDE:

1. A certificate from an appropriate professional stating the number of leave days required,
2. A statement from a medical professional clearing the employee to return to work,
3. A signed statement from the employee that they used leave days for one of the allowed reasons (for employees taking 5 days of leave or less), and/or
4. Documents from legal matters, victim services organizations, medical professionals, advocates, or lawyers stating the reason for the leave was related to domestic or sexual violence (if leave is more than 5 days).

Any information or documentation provided shall not be disclosed by the employer unless it is with the consent of the employee, ordered by a court or administrative agency, or required by law.