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Protecting Your Legal Rights-Illinois Enacts the Victims' Economic Security and Safety Act

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The State of Illinois has enacted the Victims' Economic Security and Safety Act (VESSA). The Act provides that employers (defined as the State or any agency of the State; any unit of local government or school district; or any person that employs at least 50 employees) may not discharge or discriminate against an employee who is a victim of domestic violence or who has a family or household member who is a victim of domestic violence, for taking up to a total of 12 workweeks of unpaid leave from work during any 12-month period to address domestic violence. VESSA prohibits employers from discharging, discriminating, or retaliating against a person taking leave from work as a result of domestic violence to seek medical attention or counseling for injuries or psychological trauma, obtain victim services, relocate, seek legal assistance or participate in a related court proceeding.

The Act provides that the employee shall provide the employer with at least 48 hours advance notice of the employee's intention to take a leave of absence, except where it is not practical to provide such notice. If an unscheduled absence occurs, the employer may not take action against the employee if the employee provides certification within a reasonable time after the absence. While the employer is not required to provide paid leave under this Act, the employer may not suspend group health plan benefits during the leave period. An employee may enforce their rights under the Act by filing a complaint with the Illinois Department of Labor within 3 years after the alleged violation occurs. The Department has the power to conduct investigations and award damages including lost wages, employment benefits, reasonable attorney's fees and costs. As such, if you believe you are entitled to protection under the Act, you are well advised to review the facts and circumstances surrounding the situation with legal counsel. For further information, please visit our web site at www.jettedoran.com.

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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