

YOUR PRIVACY MATTERS

Taking domestic abuse leave is a private matter.

Employers cannot share with anyone any of this information, or even the fact that the employee is taking domestic abuse leave.

This information can only be shared if the employee consents, if a court or government agency orders the employer to do so, or when otherwise required by federal or state law.



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YOUR RIGHT TO DOMESTIC ABUSE LEAVE IN NEW MEXICO

southwest
women's
law center



The **Promoting Financial Independence for Victims of Domestic Abuse Act** allows survivors of domestic violence to take off up to fourteen days of work in any calendar year to focus on their legal issues (NMSA 50-4A-1).

KNOW YOUR RIGHTS

This time off may be used for the following:

- to obtain or attempt to obtain a protection order or other judicial relief from domestic abuse,
- meet with law enforcement officials, consult with attorneys, or district attorneys' victim advocates,
- or to attend court proceedings related to the domestic abuse of an employee or an employee's family member (a minor child or a person for whom the employee is a legal guardian).
- When the leave is taken in an emergency, the employee or employee's designee must give notice to the employer within 24 hours of starting the leave.
- Taking time off for domestic abuse leave is a right in New Mexico.
- Employees can take up to 14 days leave in a calendar year for up to 8 hours in one day.
- Employers must allow employees to take this time off and cannot retaliate against employees who take time off work for this purpose.
- For this type of leave, an employee may use accrued sick leave or other available paid time off, compensatory time or unpaid leave time consistent with the employer's policies
- The time an employee takes for domestic abuse leave cannot count against an employee in calculating benefits.



- Employers can ask employees for documents that prove they are survivors of domestic abuse and have a right to take leave from work.
- If requested, employees must give their employer one of the following:
 - a. a police report,
 - b. a protection order or other court evidence, or
 - c. a written statement from an attorney, advocate, or police official/prosecuting attorney giving the details of the situation.
- Employers cannot withhold pay or health coverage that has accrued when an employee takes domestic abuse leave.