


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** November 14, 2018

**SUBJECT:** Fiscal Impact Statement – Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018

**REFERENCE:** Bill 22-14, Draft Committee Print as shared with the Office of Revenue Analysis on October 29, 2018

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**Conclusion**

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill's implementation will cost \$255,000 in fiscal year 2019 and approximately \$1 million over the four-year financial plan period.

**Background**

The Human Rights Act<sup>1</sup> in the District provides discrimination protections for several protected characteristics<sup>2</sup> of individuals. It is unlawful to discriminate against individuals based on protected characteristics in the arena of employment, housing, public accommodations, educational institutions, and other aspects of the District's economic, cultural, and intellectual life.

The bill adds employment discrimination protections for victims, and their family members, of domestic violence, sexual offenses, or stalking. Employers, employment agencies, and labor organizations are prohibited from taking any hiring or other employment actions that are solely or partially driven by an employee or potential employee's attendance, participation in, preparation

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<sup>1</sup> Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 et seq.).

<sup>2</sup> Protected characteristics include an individual's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status of as a victim of an intrafamily offense, and place of residence or business.

The Honorable Phil Mendelson

FIS: Bill 22-14, "Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on October 29, 2018

for, or request to leave for any criminal, civil, or administrative proceeding related to these offenses. These groups can also not discriminate based on the seeking of physical or medical health treatment or counseling, a request for reasonable accommodations,<sup>3</sup> or a disruption caused by a person who has committed or threatened to commit domestic violence, a sexual offense, or stalking.

The bill prohibits employers from disclosing any statements or documents provided by the victim or a family member of a victim unless authorized in writing by the individual, ordered by a court or administrative agency, provided to law enforcement, as necessary to protect other employees, or to provide a reasonable accommodation to the individual.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. There are thousands of victims of domestic violence, sexual offenses, and stalking working in the District. The DC Superior Court handles over 7,800 filings annually just for domestic violence cases.<sup>4</sup> Any individual in this population or a family member could be subject to discriminatory employment actions based upon the seeking of medical treatment, helping a family member, requesting an accommodation, or attending an official court proceeding. The District's Office of Human Rights (OHR) will need to hire one new intake specialist and two new investigators to receive and investigate cases. These new personnel will cost \$235,000 in fiscal year 2019 and \$961,000 over the four-year financial plan period.

OHR will also need to run public information campaigns at a cost of approximately \$20,000 annually to ensure employers comply with this new prohibition and potential victims know their rights. This cost includes regularly updating guidance and training materials.

<b>Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018 Implementation Costs of Bill 22-14 Fiscal Year 2019 – Fiscal Year 2022 (\$000s)</b>					
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Total</b>
<b>Intake and Investigations Staff</b>	\$235	\$236	\$244	\$246	\$961
<b>Public Outreach and Training</b>	\$20	\$20	\$20	\$20	\$80
<b>Total</b>	<b>\$255</b>	<b>\$256</b>	<b>\$264</b>	<b>\$266</b>	<b>\$1,041</b>

<sup>3</sup> Reasonable accommodations, so long as they do not impose an undue hardship on the employer, include a transfer, reassignment, modified schedule, leave, changed work station, changed telephone number, changed email address, lock installation, or assistance in documenting an incident that occurs in the workplace.

<sup>4</sup> According to DC Superior Court annual reports, this is the annual average of new filings in the domestic violence unit from 2013 to 2017.