

Security and Financial Empowerment (SAFE) for Survivors Act of 2024
Section-by-Section

Section 1. Short Title; Table of Contents.

Section 2. Findings.

Section 3. Definitions.

The section defines terms for the bill including a “qualifying act of violence,” which includes domestic violence, family violence, sexual assault, stalking, dating violence, trafficking, communication of an intimate image, and other forms of gender-based violence or harassment. These terms are further defined. A victim of a qualifying act of violence is someone who is experiencing or has experienced a qualifying act of violence or whose family or household member is experienced or has experienced a qualifying act of violence.

Section 4. Rule of construction regarding more protective laws, agreements, programs, and plans.

Includes a rule of construction setting forth that rights for victims of qualifying acts of violence shall not diminish greater rights or benefits available under state or local law, collective bargaining agreements, or employment benefit plans or programs.

Section 5. Arbitration.

This section prevents claims arising from this section from being arbitrated pursuant to a predispute arbitration or predispute joint-action waiver.

Title I – Reauthorization of National Resource Center Grants on Workplace Responses to Assist Victims of Domestic and Sexual Violence

Section 101. Grant Program Reauthorization – Reauthorizes a grant program that provides funds to victims of domestic and sexual violence and establishes that from the amount appropriated for each fiscal year, the Attorney General shall not use more than 2.5% for the administration of such grants. Further, the Director of the Office of Violence Against Women shall not use more than 5% of such sums to award contracts or cooperative agreements to entities to evaluate such programs.

Title II – Safe Leave for Qualifying Acts of Violence

Section 201. Entitlement to Safe Leave for Addressing Qualifying Acts of Violence: Entitles victims of qualifying acts of violence to 40 days of leave to seek assistance from outside medical, psychological, and/or legal resources. At a minimum, 10 of these days must be paid. Qualified uses of leave include time to seek assistance from outside medical, psychological, or legal resources, to make funeral arrangements for an individual who died as a result of a qualifying act of violence, and to make care arrangements without penalty from an employer. Provides that the employee must provide certification to an employer that she is a victim of a qualifying act of violence, and employers must keep that information confidential.

Section 202. Prohibited Acts: Bars employer discrimination and interference for employees who seek to exercise their rights under Section 201 including through firing those employees or using requests for leave as a negative factor in employment. This section also creates a rebuttable presumption of retaliation for adverse actions taken within 12 months of the employee taking leave.

Section 203. Enforcement: Allows employees to pursue violations of Section 201 and 202 to recover (1) damages equal to the greater of \$1,000 or for damages equal to the amount of any wages, salary, employment benefits, or other compensation; (2) interest; and (3) liquidated damages equal the compensatory damages plus interest. Employees may also seek equitable relief where appropriate including reinstatement or promotion. The Secretary of Labor may pursue these same remedies on behalf of employees, and in addition, the Secretary may levy civil monetary penalties of \$1,000 per violation.

Section 204. Existing Leave Usable for a Qualifying Act of Violence: Allows employees who are entitled to take paid or unpaid leave the option to substitute any period of leave for an equivalent period of leave under Section 202.

Section 205. Emergency Benefits: Allows states to use funds provided under the Social Security Act to provide nonrecurrent short-term emergency benefits for any individual who takes leave under Section 201, provided they apply to their respective state. The benefits must be provided not later than seven days after an application is submitted.

Section 206. Regulations: Allows the Secretary of Labor to issue regulations to implement the title. For other employees covered by the Act who are not subject to certain sections of the FLSA, those administrative officers may issue regulations to the extent appropriate consistent with the Secretary of Labor's regulations.

Title III – Survivors Employment Sustainability

Section 301. Short Title

Section 302. Definitions: Defines terms used in this section including “Employee”, “Employer”, “Qualified Employer”, “Discriminate”, “Reasonable Accommodation”, and “Undue Hardship”.

Section 303. Prohibited Discriminatory Acts: Prohibits employers from discriminating against actual or perceived victims of a qualifying act of violence. Requires employers to provide reasonable accommodations to victims of qualifying acts of violence through an interactive process unless doing so would pose an undue hardship to the employer. Examples of accommodations would include transfer or change in job assignment, implementation of a confidentiality or safety protocol, or other adjustments to respond to a qualifying act of violence. This section also includes documentation requirements for the provision of safety accommodations and confidentiality requirements for the relevant documentation. This section further prohibits a public agency denying, reducing, or terminating benefits to an individual because that individual is a victim of a qualifying act of violence.

Section 304. Remedies and Enforcement: Outlines remedies and procedures for protected employees by reference to the existing civil rights statutes. The bill also provides that a public agency that discriminates against victims of qualifying acts of violence may be liable for compensatory benefits, punitive damages of not more than \$100,000, and such equitable relief as appropriate.

Section 305. Rulemaking: Authorizes implementing rulemaking by the Equal Employment Opportunity Commission (EEOC) and parallel regulations by agencies that cover employers and employees that are not covered by the EEOC.

Section 306. Attorney's Fees: Authorizes individuals who bring successful suits vindicating their rights to recoup reasonable attorney's fees and expert witness fees.

Title IV – Entitlement to Unemployment Compensation for Victims of a Qualifying Act of Violence

Section 401. Unemployment Compensation for Victims of a Qualifying Act of Violence: Ensures that states cannot deny individuals unemployment compensation solely on the basis of the individual having a voluntary separation from work if such separation is attributable to that individual being a victim of a qualifying act of violence. This section also provides for training for unemployment insurance personnel to process unemployment claims for victims of qualifying acts of violence and creates a grant program at the Department of Labor to help develop, disseminate, and provide technical assistance on the training program.

Title V – Insurance Protections and Support for Victims of a Qualifying Act of Violence

Subtitle A—Insurance Protections

Section 501. Definitions: Defines the terms “Abuser”, “Insured”, “Insurer”, and “Policy”.

Section 502. Discriminatory Acts Prohibited: Provides that no insurer can deny, restrict or add a premium differential to any insurance policy or health benefit plan for victims of a qualifying act of violence. Further, insurers generally may not deny or limit payments or terminate health coverage for victims of a qualifying act of violence. Protects the privacy of victims of qualifying acts of violence by ensuring that no person employed by or contracting with an insurer or benefit plan can use, disclose, or transfer information related to the status of the victim without their consent unless the information is required to provide insurance coverage or will not endanger the safety of a victim.

Section 503. Insurance Protocols for Victims of a Qualifying Act of Violence: Requires insurers develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents, and brokers for the purpose of protecting the safety and privacy of a victim of a qualifying act of violence.

Section 504. Reasons for Adverse Actions: In the case of action that adversely affects a victim of a qualifying act of violence, an insurer must advise the applicant or insured of the specific reasons for the action in writing.

Section 505. Life Insurance: Makes clear that nothing in this title prohibits insurers from declining to issue the benefits of life insurance to an applicant, prospective owner of the policy, or beneficiary of the policy if that person is known to have committed an act of abuse against the proposed insured.

Section 506. Subrogation Without Consent Prohibited: Bans the subrogation of claims resulting from a qualifying act of violence without consent from the victim of a qualifying act of violence.

Section 507. Enforcement: Allows for enforcement by the Federal Trade Commission and private enforcement by allowing applicants or insured persons who have been adversely affected by an act or practice to seek injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses. With respect to compensatory damages, an award of \$5,000 for each violation is permitted in lieu of actual compensatory damages.

Section 508. Applicability: This subtitle applies to actions taken following the enactment of this legislation.

Subtitle B – Supporting and Empowering Victims

Section 511. Qualifying Acts of Violence Education and Information Programs for Victims: Provides that the Secretary of Labor, in conjunction with the Secretary of Health and Human Services and the Attorney General will coordinate and provide a national public outreach and education campaigns as well as information to employers. Authorizes such sums for the grant.

Section 512. Investing in Public Health Infrastructure to Improve Support for Victims: Authorizes \$15 million for FY25-29 for FVPSA grants that promote best practices and guidelines on prevention of qualifying acts of violence, healthy relationships and communication skills, bystander intervention, and economic security.

Title VI – Severability

Section 601. Severability: States that if any provisions of this act, amendment made by the act, or application of such provision is found to be unconstitutional, then the remainder of the provisions, amendments, and application of such provisions and amendments are not affected.