

## BLOGS

Leave; Workplace Policies; Workplace Safety

# New Missouri law mandates unpaid leave and reasonable safety accommodations for employees who experience domestic or sexual violence

On August 28, 2021, Missouri joined the growing list of states with legislation aimed at protecting employees who experience domestic or sexual violence. Missouri's Victims Economic Safety and Security Act ("VESSA") applies to all employers with at least 20 employees. This new law provides unpaid leave and reasonable safety accommodations to employees who are victims of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence. It also requires employers to give notice of the new law to all current employees and newly-hired employees.

**Leave.** Under VESSA, eligible employees may take unpaid leave from work to address such violence by:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by such violence.
- Obtaining services from a victim services organization.
- Obtaining psychological or other counseling.
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or employee's family or household.
- Seeking legal assistance or remedies to ensure health and safety.

An employee who works for an employer with 50 or more employees is entitled to up to two workweeks of unpaid leave within any 12-month period, and an employee who works for an employer employing 20 to 49 employees is entitled to up to one workweek of unpaid leave within any 12-month period.

Leave may be taken all at once or intermittently or on a reduced work schedule. An employee may not take leave if it would result in the employee taking more leave than the amount permitted under the Family and Medical Leave Act.

The employee shall provide the employer 48 hours' notice unless such notice is not practicable. In addition, employers may require employees to provide certification that the employee or the employee's family or household member is

## Related People

### Jill Waldman

Partner

Kansas City

816.460.5614

[jill.waldman@lathropgpm.com](mailto:jill.waldman@lathropgpm.com)

a victim of domestic or sexual violence, and the leave is for a qualifying reason. An employee may satisfy the certification requirement by providing a sworn statement, and the following: (1) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence; (2) a police or court record; or (3) other corroborating evidence. While an employee is on leave, the employer may require periodic reports about the employee's intent to return to work. Employers are required to maintain any collected documentation "in the strictest of confidence."

Further, employers are required to maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided had the employee continued in the employment previously held.

VESSA defines "family or household member" broadly, and the definition includes "a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household."

**Safety Accommodations.** Apart from unpaid leave, employers are required to provide reasonable safety accommodations to employees in a timely manner unless doing so would impose an undue hardship on the employer. A reasonable safety accommodation is defined as "an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence." An employer may require an employee requesting a reasonable safety accommodation to provide a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the requested accommodation is for a purpose authorized under VESSA.

**Notification to Employees.** Covered employers are required to notify their current employees of their rights under VESSA no later than October 27, 2021. Beginning October 27, 2021, employers must provide all newly hired employees with notice of their rights under VESSA at the time of hire. The notice must be in the form prepared by the Missouri DOL, or if some other form is used it must be approved by the DOL. The DOL-prepared notification is found at [https://labor.mo.gov/sites/labor/files/DLS/LS\\_112\\_Poster\\_f\\_0.pdf](https://labor.mo.gov/sites/labor/files/DLS/LS_112_Poster_f_0.pdf)

Based on the above, Missouri employers should consider taking the following steps:

1. Providing the required VESSA notification no later than October 27, 2021;
2. Updating handbooks and policy manuals to ensure VESSA compliance; and
3. Providing training to supervisors and HR personnel on VESSA and specifically as to circumstances that may trigger an employer's obligations under the law.