

New Missouri Law Provides Job-Protected Leave for Victims of Domestic and Sexual Violence

Alert

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By Robin Carlson and Molly Keppler

Missouri recently enacted the Victims Economic Safety and Security Act (VESSA) requiring employers with at least 20 employees to provide victims of domestic or sexual violence with both job-protected leave and safety accommodations. VESSA defines “domestic violence” as “abuse or stalking committed by a family or household member” and “sexual violence” is defined to include sexual assault and human trafficking. Covered employers must notify all current employees of their right to leave under the law by October 27, 2021, or upon beginning their employment for all future employees. Additionally, the Missouri Department of Labor and Industrial Relations poster should be placed in a common area visible to employees.

JOB-PROTECTED LEAVE

VESSA requires that covered employers provide employees protected leave to:

- Seek medical attention for physical or psychological injuries or to recover from such injuries;
- Obtain services from a victim services organization
- Obtain psychological or other counseling
- Implement safety measures, including participating in safety planning, relocating (temporarily or permanently), or taking other actions to increase the safety of the employee or employee’s family or household
- Seek legal assistance or remedies to ensure health and safety, including preparing for civil or criminal actions resulting from the violence

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VESSA applies not only to employees impacted by domestic or sexual violence, but also any family or household member of an employee who has suffered domestic or sexual violence. The statute defines family and household members to include “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.” R.S.Mo. 285.625(9).

The length of leave depends on the size of the employer. Employers with 20-49 employees must provide qualifying employees with up to one work week of unpaid leave time within any 12-month period. Employers with 50 or more employees are required to provide up to two work weeks of unpaid leave time within any 12-month period. Employers with fewer than 20 employees are not required to provide job-protected leave. Leave can be taken intermittently, and the employee must provide at least 48 hours’ notice of the need for leave unless such notice is not practicable. Leave under VESSA is not required if the employee has already exhausted all allowable leave under the Family and Medical Leave Act (FMLA). Like FMLA, employees taking leave under VESSA must be restored to the same or equivalent position upon their return to work, and employee benefits must be retained during the leave period.

SAFETY ACCOMMODATIONS

In addition to providing leave, covered employers must provide reasonable safety accommodations to employees, including an adjustment to 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. Any exigent circumstances or danger facing the employee or their family or household member shall be considered in determining whether the accommodation is reasonable.

Missouri employers should implement VESSA leave and accommodation policies and prepare to communicate those policies to employees before October 27, 2021. Employers should also train managers on identifying situations that require benefits under VESSA.

CONTACTS

Robin K. Carlson

Molly Walsh Keppler

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