

EMPLOYERS TAKE NOTE: NEW EMPLOYEE RIGHTS FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE IN MISSOURI

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In Missouri, the new Victims Economic Safety and Security Act (“VESSA”) allows an employee to request from his/her employer: 1) unpaid leave (for an individual who works for a business employing 20-49 employees—up to one workweek; for an individual who works for a business employing 50 or more employees—up to two workweeks), and/or 2) reasonable safety accommodations. Note that VESSA does not cover employers with 19 or fewer employees. VESSA became effective on August 28, 2021.

Among other things, to be entitled to leave and/or accommodations under VESSA, the employee or his/her family or household member must have experienced domestic or sexual violence. When an employee makes a request under VESSA, an employer is permitted to ask the employee for a statement to help the employer assess the employee’s eligibility.

In addition, the employee’s request for leave and/or accommodations must be related to the domestic or sexual violence. Specifically, an employee 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.

Examples of reasonable safety accommodations include a changed telephone number, new seating assignment, or installation of a lock. Similar to the analysis under other employment laws, an

employer does not have to provide accommodations that would result in undue hardship to the employer.

There are a couple of noteworthy nuances in the law. If an employee is requesting **leave**, an employer can request **supporting documentation** (e.g., police or court record, document from a victim services organization, document from medical professional, etc.). If an employee is requesting an **accommodation, someone besides the employee can make that request on behalf of the employee**, rather than the employee himself/herself.

Covered employers are required to notify employees of their rights under VESSA no later than October 27, 2021. Thereafter, newly hired employees must receive notice when their employment begins.

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