

New Missouri Law Requires Employers to Provide Leave to Victims of Domestic or Sexual Violence

By Karen R. Glickstein, Jessica L. Liss and Nina C. Sykora

September 3, 2021

Missouri employers with at least 20 employees will soon be obligated to provide leave to victims of domestic or sexual violence under the Victims Economic Safety and Security Act (VESSA), signed into law by Governor Mike Parson on August 28, 2021. VESSA also requires employers to provide employees notice of the new law no later than October 27, 2021.

VESSA requires any public or private employer with at least 20 employees to provide unpaid leave and safety accommodations if an employee, or a family member or household member of an employee, is a victim of domestic violence or sexual violence.

Domestic violence is defined as “abuse or stalking committed by a family or household member.” Sexual violence is defined as a “sexual assault” or “trafficking for the purposes of sexual exploitation.”

A family or household member is defined as 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.”

Key Provisions

VESSA provides:

- Leave to any employee who seeks medical attention, victim services, psychological or other counseling, safety planning, or legal assistance for themselves, a family or household member, if they are victims of domestic or sexual violence.
- One week’s leave per year for employees of companies with between 20 and 49 employees.
- Two weeks’ leave per year for employees of companies with 50 or more employees.
- Leave can be taken intermittently or on a reduced work schedule. However, unpaid leave under VESSA will not be provided if the employee has already used all leave allowed under the federal Family and Medical Leave Act.
- Employees must give 48 hours’ notice of their intent to take leave.
- In the event of an unscheduled absence, the employer cannot take any action against the employee if the employee provides certification of their absence within a reasonable time.
- An employer may require employees to provide certification in addition to 48 hours’ notice. Employees may satisfy the certification requirement with a sworn statement from the employee *plus* certain other documentation, such as a police report or court record, detailed in VESSA.
- Upon returning from leave, an employee must be returned to the same or equivalent employment position.
- An employee must not lose accrued benefits while on leave.
- Employers must maintain health coverage for employees while they are on leave under VESSA.
- Employers may recover the health plan premium paid by the employer to maintain coverage for the employee or the employee’s family or household member if the employee does not return to work for reasons unrelated to domestic or sexual violence.

Safety Accommodations

Reasonable safety accommodations are 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.

Meet the Authors



Karen R. Glickstein

Principal and Office Litigation Manager
Overland Park 913-251-3729
Email



Jessica L. Liss

Office Managing Principal
St. Louis 314-827-3950
Email



Nina C. Sykora

Associate
St. Louis 314-827-3948
Email

Practices

Disability, Leave and Health Management

Notice

Importantly, employers must notify employees of their rights under VESSA by October 27, 2021. Employers must also post a notice summarizing the requirements of VESSA. After October 27, 2021, newly hired employees must receive notice of VESSA rights at the time their employment begins.

Please contact the Jackson Lewis attorney with whom you work to discuss these developments and steps your organization should take to ensure compliance with the new leave law, including updating handbooks and policies to reflect the new law.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

©2021 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.