



Personnel

Policy Name: Victims of Domestic or Sexual Violence Leave

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Domestic or Sexual Violence Victims Date Initiated: Leave Policy

I. POLICY STATEMENT

The purpose of this policy is to inform employees of their rights under the Victims Economic Safety and Security Act ("VESSA"), Mo. Stat. § 285.625-670. Subject to certification requirements outlined below, an employee shall be entitled to two (2) weeks of unpaid leave during any twelve (12) month period for an approved reason if that employee is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

II. DEFINITIONS

For purposes of this policy, Adair County SB40 DD Board ("the Board") adopts the same definitions as set out in Mo. Stat. § 285.625, including the following:

"Domestic violence" - abuse or stalking committed by a family or household member;

"Family or household member" - 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;

"Reasonable safety accommodation" - 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. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable;

"Victim services organization" - a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence or to advocates for such victims, including a rape crisis center, a child advocacy center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services

organization or other organization providing assistance through the legal process.

III. USE OF LEAVE AND ELIGIBILITY

The policy applies specifically to Board employees. New hires are eligible for VESSA leave as of their date of hire.

Eligible employees may take up to two (2) weeks of unpaid leave when the employee or a family member is a victim of domestic or sexual violence, as defined above.

Employees may take the leave either intermittently or on a reduced work schedule. A reduced work schedule is defined as a work schedule that reduces the usual number of hours per workweek, or hours per workday of an employee.

Eligible employees may take unpaid leave from work to address domestic or sexual violence for the following approved reasons:

- To seek medical attention or recover from physical or mental injuries caused by the violence to the employee or the employee's family or household member;
- To obtain services from a victim services organization for the employee or the employee's family or household member;
- To obtain psychological or other counseling for the employee or the employee's family or household member;
- To participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future violence or to ensure economic security; or
- To seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family and household member, including either preparing for or participating in any legal proceeding related to the violence.

Eligible employees may also request reasonable safety accommodations for limitations resulting from circumstances relating to being a victim of domestic or sexual violence or being a family or household member of a victim of domestic or sexual violence. The Board will accommodate reasonable requests that do not impose an undue burden on the Board.

The Board will not discriminate or retaliate against employees who exercise their rights under VESSA. Upon return from leave, the employee shall be restored to the same or a similar position with the Board and retain benefits accrued prior to his or her leave.

Employees may elect to take paid leave, if eligible, in lieu of unpaid leave under VESSA.

IV. NOTICE AND CERTIFICATION

Employees must provide forty-eight hours advance notice of the employee's intention to take leave under VESSA unless providing such notice is not practicable.

The Board may request certification from the employee substantiating the reason for leave.

If requested, certification should be provided to the Human Resources Coordinator or the Executive Director within five business days unless not practicable but must be provided within a reasonable period of time.

An employee may satisfy the certification requirement with a sworn statement of the employee and:

- documentation from an employee, agent or volunteer of a victim services organization, attorney, member of the clergy or medical or other professional who provided assistance to the employee or the employee's family or household member;
- a police or court record; or
- other corroborating evidence.

The Board may also request certification related to a request for a reasonable safety accommodation. Certification may be a written statement certifying the purpose of the reasonable safety accommodation signed by the employee or an individual acting on the employee's behalf.

All information provided to the Board pursuant to this policy shall be retained in the strictest confidence by the Board except for disclosure requested or consented to in writing by the employee or otherwise required by state or federal law.