

## SURVIVOR STATE EMPLOYMENT GUIDE

# MISSOURI

### INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Missouri law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, Missouri law does provide job-protected leave for victims of domestic and sexual violence (**Missouri Stat. 285.625-285.670**) and for victims and witnesses of crimes and family members of crime victims who must miss work in order to respond to a subpoena or otherwise participate in the criminal justice system (**Mo. Rev. Stat. § 595.209(1)(14)**).

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### REASONABLE ACCOMMODATIONS

Under Missouri law (**Mo. Rev. Stat. 285.650**), employers with at least 20 employees must make reasonable safety accommodations for their employees for circumstances related to domestic and sexual violence. This applies both to employees who have been subjected to domestic or sexual violence or an employee's family or household member who has been subjected to domestic or sexual violence. An employer does not have to provide the accommodation if it would be an "undue burden" on the employer.

- *Examples of a reasonable accommodation?* Under the law (**Mo. Rev. Stat. 285.625**), a reasonable safety accommodation can include, but is not limited to, the following examples: 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.
- *How do I request a reasonable accommodation?* Under the law (**Mo. Rev. Stat 285.630(10)**), an employer can ask an employee to provide a request for reasonable safety accommodation in writing.

### LEAVE/TIME OFF WORK

- **Leave to Address Domestic or Sexual Violence:** Under Missouri law (**Missouri Stat. 285.625-285.670**), an employee, or an employee's immediate household or family member, may take unpaid leave from work to address domestic or sexual violence. Individuals can take off work for the following reasons:
  - Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

- Obtaining services from a victim services organization for the employee or the employee's family or household member;
- Obtaining psychological or other counseling for the employee or the employee's family or household member;
- Participating 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 domestic or sexual violence or to ensure economic security; or
- Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

An employee working for an employer that employs at least 50 employees can take a total of two workweeks of leave during any twelve-month period. An employee working for an employer that employs at least twenty, but not more than forty-nine employees, can take a total of one workweek of leave during any twelve-month period.

Leave may be taken intermittently or on a reduced work schedule. Employees must give 48-hours of notice of their intention to use this leave unless notice is not practicable.

- *Do I have to show proof of domestic violence?* Under Missouri law (**Missouri Stat. 285.625-285.670**), an employer can request documentation certifying an employee's status as a victim of domestic or sexual violence. A documentation requirement can be satisfied by the employee providing a sworn statement as well as one of the following: 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 to whom the employee or their family member has sought assistance to address domestic or sexual violence; a police or court record; or other corroborating evidence. An employer must keep any such documentation in the "strictest confidence".
- **Time Off for Crime Victims** – Under Missouri law (**Mo. Rev. Stat. § 595.209(1)(14)**), an employer cannot fire or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding. An employer also can't require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participate in the preparation of a criminal proceeding. Under this law (**Mo. Rev. Stat Sec. 595.200(4)**), a family member is defined as a "spouse, child, sibling, parent, grandparent or legal guardian of a victim."

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

## **UNEMPLOYMENT INSURANCE**

At the time of publication, Missouri has not enacted a state law regarding unemployment insurance for domestic violence, sexual assault, or stalking. Please consult federal law.