



Issue: VICTIM'S ECONOMIC SECURITY AND SAFETY ACT

Date: October 12, 2021

Submitted By: Amanda Hunsucker, Director of Human Resources

Background

Effective August 28, 2021, Missouri employers, both private and public, with at least 20 employees are required to provide leave and reasonable safety accommodations to employees who experience domestic and sexual assault under the Victims Economic Safety and Security Act (VESSA). Missouri is joining 34 other states that have enacted similar protections in previous years.

Analysis

This act will provide victims of domestic and/or sexual violence with two (2) weeks of unpaid leave per year to seek medical attention, obtain counseling, participate in safety planning and/or relocation and seek legal assistance.

Recommendation

Staff recommends approval of this bill/resolution.

RESOLUTION NO. 2021-101

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AMENDING
THE CITY'S PERSONNEL POLICIES TO PROVIDE FOR
"VICTIM'S ECONOMIC SECURITY AND SAFETY ACT" LEAVE.**

WHEREAS the City of Nixa maintains its employment policies and procedures in a Personnel Handbook; and

WHEREAS during the 2021 legislative session, the General Assembly adopted the Victim's Economic Safety and Security Act ("VESSA"); and

WHEREAS said Act was approved by the Governor and was made effective on August 28, 2021; and

WHEREAS the Act requires that Missouri employers with at least 20 employees provide unpaid leave and reasonable safety accommodations to employees when they or their family members experience domestic or sexual violence; and

WHEREAS the City Council desires to authorize the modification of the City's employment policies to recognize and implement the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The City's Personnel Handbook is hereby amended by adding thereto a new policy known as the "Victim's Economic Safety and Security Act ("VESSA") Leave" policy. Said policy is set forth in "Resolution Exhibit A," which is attached hereto and incorporated herein by this reference as though fully set forth herein. The City Administrator is authorized to place the policy provided for in "Resolution Exhibit A" within the City's Personnel Handbook.

SECTION 2: This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

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RESOLUTION NO. 2021-101

47 **ADOPTED BY THE CITY COUNCIL THIS 12TH DAY OF OCTOBER 2021.**

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50 **ATTEST:**

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53 **CITY CLERK**

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56 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**

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59 **ATTEST:**

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62 **CITY CLERK**

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65 **APPROVED AS TO FORM:**

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68 **CITY ATTORNEY**

PRESIDING OFFICER

MAYOR

RESOLUTION EXHIBIT A

7.1. __ Victim’s Economic Safety and Security Act (“VESSA”) Leave (as authorized by § 285.630 RSMo.)

Employees who are the victims of domestic or who have a family or household member who is a victim of domestic or sexual violence may take VESSA Leave to address such violence by:

1. 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;
2. Obtaining services from a victim services organization for the employee or the employee’s family or household member;
3. Obtaining psychological or other counseling for the employee or the employee’s family or household member; and
4. 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
5. 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.

The following policies and requirements shall apply to VESSA Leave:

1. The City shall provide two weeks of leave per year to eligible employees.
2. VESSA Leave can be taken intermittently or on a reduced work schedule. However, VESSA Leave will not be provided if the employee has already used all leave allowed under the federal Family and Medical Leave Act.
3. Employees must give 48 hours' notice of their intent to take VESSA Leave.
4. In the event of an unscheduled absence, the City will not take any action against the employee if the employee provides certification within a reasonable time evidencing that their absence qualifies for VESSA Leave.
5. Eligible employees shall provide satisfactory and reasonable certification that their use of VESSA Leave complies with this policy. Employees may satisfy the certification requirement with a sworn statement from the employee and the following:

6. 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 from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;
 - a. A police or court record; or
 - b. Other corroborating evidence.
 - c. All information provided to the City related to VESSA Leave, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the City, except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.
7. Upon returning from VESSA Leave, employees will be returned to the same or equivalent employment position.
8. Eligible employees may request a "reasonable safety accommodation" from the City. Such a request shall be provided to the City and signed by the employee or by an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under § 285.625 RSMo. to § 285.670 RSMo.
9. The City will continue healthcare coverage of the employee during their use of VESSA Leave on the same basis as if the employee had been actively at work. During the periods of VESSA Leave, the employee may maintain their existing group health insurance with the City provided that the employee's premiums are paid in advance. The City will provide notice to the employee whenever they are 15 days behind in payment of the required premiums. An employee's continued failure to make payments shall result in termination of their coverage once the premium is overdue by 30 days.
10. This policy shall be subject to and interpreted according to the provisions of § 285.630 RSMo.