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| Policy Name: | Victims Economic Safety and Security Act (VESSA) |
| Effective Date: | January 27, 2022 |
| Last Revision Date: | N/A |
| Last Review Date: | N/A |
| Approving Authority: | Board of Regents |
| Responsible Office: | Human Resources |
| Category: | Personnel |

Purpose

Provide the standard policy and procedures arising out of the Victims Economic Safety and Security Act (VESSA) for employees of Northwest Missouri State University (the “University”).

General Policy

It is policy of the University to provide unpaid leave and reasonable safety accommodations to an employee if that employee, or a family member or household member of that employee, is a victim of domestic violence or sexual violence, in accordance with VESSA. This policy provides information in conjunction with the poster issued by the Missouri Division of Labor Standards – “Victims of Domestic or Sexual Violence Leave Time Allowed.”

Leave Entitlement

The University provides a total of two workweeks of unpaid leave to employees who are:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by such violence; or
- Obtaining services from a victim services organization; or
- Obtaining psychological or other counseling; or
- 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; or
- Seeking legal assistance or remedies to ensure health and safety.

Definitions

For purposes of this policy, the University adopts the same definitions as set out in VESSA, including the following:

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; and

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.

Amount of Leave

An employee is eligible for up to two workweeks of leave during any 12-month period. The 12-month period for an employee is measured using the calendar year as the 12-month period (January – December). VESSA leave runs concurrently with Family and Medical Leave Act of 1993 (FMLA) leave when the reason for VESSA leave also qualifies as an FMLA event – a serious health condition. Further, neither VESSA nor this policy shall create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed under the FMLA.

If the reason for VESSA leave also qualifies as an FMLA event, the employee’s accrued paid leave shall run concurrently with the employee’s VESSA/FMLA leave. If the reason for VESSA does not qualify as an FMLA event, the employee may use unpaid leave concurrently with VESSA leave.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule.

Employee Responsibilities

Employees should provide at least 48 hours advance notice of leave when the need for leave is foreseeable. When 48 hours’ notice is not possible, the employee must provide notice as soon as practicable.

- Employees must provide written certification to the University that the employee or the employee’s family or household member is a victim of domestic or sexual violence. The employee must provide the written certification within a reasonable period of time after it is requested. An employee can satisfy the certification requirement by providing (a) a sworn statement of the employee and (b) 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 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; or
- A police or court record; or
- Other corroborating evidence.

Reasonable Safety Accommodations

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 University will accommodate reasonable requests that do not impose an undue burden on the University.

Non-Discrimination and Non-Retaliation

The University 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 University and retain benefits accrued prior to his or her leave.