


<p style="text-align: center;">MISSOURI DEPARTMENT OF TRANSPORTATION</p>  <p style="text-align: center;">PERSONNEL POLICY MANUAL</p>	Chapter Title Leaves of Absence		
	Policy Title Domestic and Sexual Violence		
	Policy Number 6508	Page 1 of 5	Effective Date July 15, 2022
Approved By Steve Meystrik, Human Resources Director Signature on File	Supersedes Policy Number	Page 1 of 5	Prior Effective Date N/A

POLICY STATEMENT

This Missouri Department of Transportation (MoDOT) is committed to ensuring a safe and supportive climate for its employees and has established this policy, pursuant to Sections 285.625 – 285.670 RSMo, to aid in the prevention and reduction of the incidence and effects of domestic and sexual violence for its employees.

DEFINITIONS:

Abuse, any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. "Abuse" includes victims of sex trafficking (i.e. recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act) or severe forms of trafficking (i.e. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion; in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery).

Domestic violence, abuse or stalking committed by a family or household member, as such terms are defined in section 455.010, RSMo.

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.

Parent, the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter who is a victim of domestic or sexual violence.

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.

Reduced work schedule, a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Sexual violence, a sexual assault (i.e. causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent) and trafficking for the purposes of sexual exploitation (as described in section 566.209, RSMo).

Son or Daughter, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age.

Undue hardship, significant difficulty or expense, when considered in light of the nature and cost of the requested reasonable safety accommodation.

Victim of domestic or sexual violence, an individual who has been subjected to domestic violence, sexual violence, or abuse.

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, 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.

Workweek, an individual employee's standard workweek.

PROVISIONS / REQUIREMENTS

UNPAID LEAVE

1. An employee who is a victim of domestic or sexual violence or who 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 may take unpaid leave from work to address such violence by:
 - a) 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;
 - b) Obtaining services from a victim services organization for the employee or the employee's family or household member;
 - c) Obtaining psychological or other counseling for the employee or the employee's family or household member;
 - d) 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
 - e) 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.
2. The 12-month period in which employees are entitled to two workweeks of leave under this policy is the 12 months measured backward from the date employees first use any such leave. Unpaid leave taken pursuant to this policy may be taken intermittently or on a reduced work schedule in 15-minute increments. This policy does not create a right for an employee to take unpaid leave that exceeds the amount of total unpaid leave time allowed under Personnel Policy 3215 "Family and Medical Leave."
3. The employee must provide the department with at least 48 hours' advance notice of the employee's intention to take leave under this policy, unless providing such notice is not practicable.
4. The employee is required to provide certification that the employee or the employee's family or household member is a victim of domestic or sexual violence and that the leave is for one of the purposes enumerated in paragraph 1 of this policy. To satisfy this certification requirement, the employee must provide a completed certification form or a sworn statement and the following:

- a) Documentation from the 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 and the effects of violence;
 - b) A police or court record; or
 - c) Other corroborating evidence.
5. All information and documentation provided by the employee related to the unpaid leave outlined in this policy, including the fact that the employee has requested or obtained leave pursuant to this policy, shall be retained in the strictest confidence by the department in accordance with Personnel Policy 0520, "Personnel Files and Employee Records." In accordance with Personnel Policy 2500, "Standard Rules of Conduct," the confidentiality of all MoDOT employees' personally identifiable information (e.g. SSN, DOB, etc.) and medical information must be maintained at all times and may not be shared with anyone except those authorized to have access.
 6. Employees who take leave under this policy shall be entitled, on return from such leave, to be restored to the position of employment held by the employee when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
 7. Taking leave under this policy shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced. However, nothing in this policy shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.
 8. An employee on leave under this policy may be required to periodically report the status and intention to return to work to the department.
 9. An employee must request unpaid leave under this policy by completing a Domestic and Sexual Violence Leave Request and Certification Form. The form should be completed prior to the leave, unless not practicable under the circumstances. Employees must submit their Leave Request and Certification Form to their local Human Resources representative.

REASONABLE SAFETY ACCOMMODATION

10. Unless doing so imposes an undue hardship on the department's operations, reasonable safety accommodations for known limitations resulting from

- circumstances related to domestic or sexual violence will be provided to employees who are victims of domestic or sexual violence or employees who have a family or household member who is a victim of domestic or sexual violence.
11. Any circumstances requiring immediate action or danger facing the employee or their family or household member will be considered in determining whether the accommodation is reasonable.
 12. The employee requesting a reasonable safety accommodation under this policy shall provide their local Human Resources representative with a completed Request for Reasonable Safety Accommodation Form.

CROSS REFERENCES

[Personnel Policy 3215, "Family and Medical Leave"](#)
[Personnel Policy 0520, "Personnel Files and Employee Records"](#)

[285.625 – 268.670 RSMo](#)

ATTACHMENT

[Leave Codes for Domestic or Sexual Violence Leave](#)

FORMS

[Domestic and Sexual Violence Leave Request and Certification Form](#)
[Request for Reasonable Safety Accommodation Form](#)