

Bill No. 5005

Ordinance No. _____

Requested by: Steve Ehlmann and Samantha Shadrach

Sponsored by: Mike Elam

AN ORDINANCE ESTABLISHING UNPAID LEAVE ACCESS TO EMPLOYEES WHO ARE VICTIMS OF DOMESTIC OR SEXUAL ABUSE OR WHOSE FAMILY OR HOUSEHOLD MEMBERS ARE VICTIMS OF DOMESTIC OR SEXUAL ABUSE, TO COMPLY WITH THE MISSOURI VICTIMS ECONOMIC SAFETY AND SECURITY ACT (VESSA) AND PAID LEAVE ACCESS TEMPORARILY TO CERTAIN COUNTY EMPLOYEES

WHEREAS, effective on August 28, 2021, the General Assembly enacted the Missouri Victims Economic Safety and Security Act (VESSA) requiring Missouri employers with at least 20 employees to provide unpaid leave and reasonable safety accommodations to employees who are victims of domestic or sexual violence or whose family or household members are victims of domestic or sexual violence; and

WHEREAS, County government is an "Employer" within the definition of the term contained in VESSA, therefore it is required to implement leave policies necessary to comply with VESSA; and

WHEREAS, Emergency Bill No. 4830, Ordinance 20-023, provided for the County Executive to establish and amend leave usage provisions for county employees during the duration of the then declared state of emergency in

response to the extended period of work interruption and to conform with ongoing changes to state and federal law; and

WHEREAS, the last declaration of emergency by the County Executive expired August 31, 2021; and

WHEREAS, County government must continue to provide essential government services to its citizens and provide for the public health and safety of St. Charles; and

WHEREAS, Chapter 115 OSCCMo Personnel Administration Program governs employee unpaid and paid leave policies; and

WHEREAS, Section 115.222 OSCCMo provides for Extended Medical Leave to county employees that may be used when an employee is ill and the employee is required to miss at least three (3) consecutive days of work; and

WHEREAS, it is necessary to continue to protect the general public health, and the health of County employees by providing employees with access to paid leave options when ill, seeking medical diagnosis or unable to work and staying out of the physical workplace by directive of a local public health department; and

WHEREAS, the St. Charles County Human Resources Department has recommended that new policies be implemented to achieve compliance with the requirement of VESSA, and that certain policies in place under the state of emergency related to employee leave remain in place for the foreseeable future; and

WHEREAS, it is in the best interest of county operations and newly hired employees to provide employees that have been recently hired by the county access to paid leave in instances when leave has otherwise not yet been sufficiently accrued to support employees who are on forced leave due to quarantine or COVID-19 symptoms, and access to unpaid leave for those who are victims of domestic or sexual abuse or whose family or household members are victims of domestic or sexual abuse; and

WHEREAS, it is necessary to adjust leave policies in order to continue to provide staffing and ensure that such essential government services can be delivered, and within the bounds of providing those services to allow employees the ability to respond to their individual circumstances; and

WHEREAS, Article III, §3.610 of the St. Charles County Charter provides that the County Executive may recommend to the Council such measures as may, in his opinion, tend to improve County Government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A new section of Chapter 115 of OSCCMo., is hereby enacted as follows:

Section 115.265: Unpaid Leave From Work Due to Domestic Violence or Sexual Violence Under Missouri Victims Economic Safety and Security Act (VESSA)

A. An employee who is a victim of domestic or sexual violence, or whose family or household member is a victim of domestic or sexual violence and whose

interests are not adverse to the employee as it relates to the domestic or sexual violence, may take up to two weeks within a twelve-month period, unpaid leave from work for any of the following reasons:

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 employee's family or household member;
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 the domestic or sexual violence.

- B. Leave described within this section may be taken intermittently or on a reduced work schedule. However, said leave is not available where it would result in an employee taking more leave than the amount of leave allowed under the Family and Medical Leave Act (FMLA). The County will maintain health coverage for an employee while on leave under this section.

- C. The employee shall provide their appointing authority with:
 - 1. At least forty-eight (48) hours advance notice of the employee's intention to take leave under this section, unless providing such notice is not practicable, in which case notice must be given as soon as possible; and

 - 2. Certification that the employee is unable to return to work because of any of the reasons listed in this section by a sworn statement, and documentation of evidence of the stated reason in the form of
 - a. document 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

- b. a police or court record; or
 - c. other corroborating evidence.
- D. Reasonable safety accommodations shall be made available upon request by an employee who is a victim of domestic or sexual violence or whose family or household member is a victim of domestic or sexual violence, in a timely manner, to the known limitations resulting from the domestic or sexual violence. An employee requesting such reasonable safety accommodations shall submit a completed "VESSA Accommodation Request Form", available from the Human Resources Office, to the Human Resources Office for approval processing.

Section 2. Notwithstanding Section 115.222 OSCCMo., employee accrued Extended Medical Leave (EML) is available for use immediately upon either (1) an order of isolation or quarantine by a local health authority, or (2) physician-advised quarantine related to COVID-19, or (3) if employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis. This Section shall cease to be in full force and effect on August 31, 2022, unless further extended by the St. Charles County Council.

Section 3. If an employee is within the first six months of employment and is subject to a federal, state, or local isolation or quarantine order related to COVID-19 or is experiencing COVID-19 symptoms and is actively seeking a medical diagnosis, is unable to work and has exhausted all accrued leave, the employee may apply to the Director of Human Resources for coverage of regular pay during the COVID-19 related absence, paid for

through the American Rescue Plan Act funds. This Section shall cease to be in full force and effect on August 31, 2022, unless further extended by the St. Charles County Council.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval pursuant to the St. Charles County Charter Article II, Section 2.605.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR