

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 712

AN ACT

To amend chapter 285, RSMo, by adding thereto six new sections relating to domestic violence.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Chapter 285, RSMo, is amended by adding thereto  
2 six new sections, to be known as sections 285.625, 285.630,  
3 285.635, 285.640, 285.645, and 285.650, to read as follows:

4           285.625. As used in sections 285.625 to 285.650, the  
5 following terms mean:

6           (1) "Director", the director of the department of labor and  
7 industrial relations;

8           (2) "Domestic violence", the same meaning as in section  
9 455.010;

10           (3) "Employ", the act of employing or state of being  
11 employed, engaged, or hired to perform work or services of any  
12 kind or character within the state of Missouri;

13           (4) "Employee", any person performing work or service of  
14 any kind or character for hire within the state of Missouri;

15           (5) "Employer", the state or any agency of the state,  
16 political subdivision of the state or any person that employs any  
17 employees;

1       (6) "Employee benefit plan" or "plan", an employee welfare  
2 benefit plan or an employee pension benefit plan or a plan which  
3 is both an employee welfare benefit plan and an employee pension  
4 benefit plan;

5       (7) "Employment benefits", all benefits provided or made  
6 available to employees by an employer, including group life  
7 insurance, health insurance, disability insurance, sick leave,  
8 annual leave, educational benefits, pensions, and profit-sharing,  
9 regardless of whether such benefits are provided by a practice or  
10 written policy of an employer or through an "employee benefit  
11 plan";

12       (8) "Family or household member", for employees with a  
13 family or household member who is a victim of domestic violence,  
14 means spouse, former spouses, any person related by blood or  
15 marriage, persons who are presently residing together or have  
16 resided together in the past, any person who is or has been in a  
17 continuing social relationship of a romantic or intimate nature  
18 with the victim, and anyone who has a child in common regardless  
19 of whether they have been married or have resided together at any  
20 time;

21       (9) "Parent", the biological parent of an employee or an  
22 individual who stood in loco parentis to an employee when the  
23 employee was a son or daughter;

24       (10) "Person", an individual, partnership, association,  
25 corporation, business trust, legal representative, or any  
26 organized group of persons;

27       (11) "Public agency", means the government of the state or  
28 political subdivision thereof, any agency of the state, or of a

1 political subdivision of the state, or any governmental agency;

2 (12) "Public assistance", includes cash, food stamps,  
3 medical assistance, housing assistance, and other benefits  
4 provided on the basis of income by a public agency or public  
5 employer;

6 (13) "Son or daughter", a biological, adopted, or foster  
7 child, a stepchild, a legal ward, or a child of a person standing  
8 in loco parentis, who is under eighteen years of age, or is  
9 eighteen years of age or older and incapable of self-care because  
10 of a mental or physical disability;

11 (14) "Victim", an individual who has been subjected to  
12 domestic violence;

13 (15) "Victim services organization", means a nonprofit,  
14 nongovernmental organization that provides assistance to victims  
15 of domestic violence or to advocates for such victims, including  
16 a rape crisis center, an organization carrying out a domestic  
17 violence program, an organization operating a shelter or  
18 providing counseling services, or a legal services organization  
19 or other organization providing assistance through the legal  
20 process;

21 (16) "Work", any job, task, labor, services, or any other  
22 activity for which compensation is provided, expected, or due.

23 285.630. 1. An employee who is a victim of domestic  
24 violence or has a family or household member who is a victim of  
25 domestic violence whose interests are not adverse to the employee  
26 as it relates to the domestic violence may take unpaid leave from  
27 work to address such violence in order to prepare for or  
28 participate in any civil or criminal legal proceeding related to

1 or derived from such domestic violence.

2 2. The employee shall provide the employer with at least  
3 forty-eight hours' advance notice of the employee's intention to  
4 take leave under subsection 1 of this section, unless providing  
5 such notice is not practicable. When an unscheduled absence  
6 occurs, the employer may not take any action against the employee  
7 if the employee, upon request of the employer and within a  
8 reasonable period after the absence, provides certification under  
9 subsection 3 of this section.

10 3. The employer may require the employee to provide  
11 certification to the employer that the employee or the employee's  
12 family or household member is a victim of domestic violence and  
13 that the leave is for one of the purposes enumerated in  
14 subsection 1 of this section. The employee shall provide such  
15 certification to the employer within a reasonable period after  
16 the employer requests certification.

17 4. An employee may satisfy the certification requirement of  
18 subsection 3 of this section by providing to the employer, a  
19 sworn statement of the employee and documentation from an  
20 employee, agent, or volunteer of a victim services organization,  
21 or an attorney, or a court record evidencing that the employee is  
22 involved in a civil or criminal proceeding related to or derived  
23 from domestic violence.

24 5. All information provided to the employer pursuant to  
25 subsection 4 of this section including a statement of the  
26 employee, any other documentation or record, and the fact that  
27 the employee has requested or obtained leave pursuant to this  
28 section, shall be retained in the strictest confidence by the

1 employer, except to the extent that disclosure is requested or  
2 consented to in writing by the employee or otherwise required by  
3 applicable federal or state law.

4 6. Any employee who takes leave under this section shall be  
5 entitled, on return from such leave, to be restored by the  
6 employer to the position of employment held by the employee when  
7 the leave commenced or an equivalent position with equivalent  
8 employment benefits, pay, and other terms and conditions of  
9 employment.

10 7. The taking of leave under this section shall not result  
11 in the loss of any employment benefit accrued prior to the date  
12 on which the leave commenced. Nothing in this section shall be  
13 construed to entitle any restored employee to the accrual of any  
14 seniority or employment benefits during any period of leave or  
15 any right, benefit, or position of employment other than any  
16 right, benefit, or position to which the employee would have been  
17 entitled had the employee not taken the leave. Nothing in this  
18 section shall be construed to prohibit an employer from requiring  
19 an employee on leave under this section to report periodically to  
20 the employer on the status and intention of the employee to  
21 return to work.

22 285.635. 1. During any period that an employee takes leave  
23 under section 285.630, the employer shall maintain coverage for  
24 the employee and any family or household member under any group  
25 health plan for the duration of such leave at the level and under  
26 the conditions coverage would have been provided if the employee  
27 had continued in employment continuously for the duration of such  
28 leave.

1           2. The employer may recover from the employee, the premium  
2 that the employer paid for maintaining coverage for the employee  
3 and the employee's family or household member under such group  
4 health plan during any period of leave under this section if the  
5 employee fails to return from leave after the period of leave to  
6 which the employee is entitled has expired for a reason other  
7 than the continuation, recurrence, or onset of domestic violence  
8 that entitled the employee to leave under section 285.630; or  
9 other circumstances beyond the control of the employee.

10           3. An employer may require an employee who claims that the  
11 employee is unable to return to work because of a reason  
12 described in subsection 2 of this section to provide, within a  
13 reasonable period after making the claim, certification to the  
14 employer that the employee is unable to return to work because of  
15 that reason by providing the employer with:

16           (1) A sworn statement of the employee;

17           (2) Documentation from an employee, agent, or volunteer of  
18 a victim services organization, an attorney, a member of the  
19 clergy, or a medical or other professional from whom the employee  
20 has sought assistance in addressing domestic violence and the  
21 effects of that violence;

22           (3) A police or court record; or

23           (4) Other corroborating evidence.

24           4. All information provided to the employer pursuant to  
25 subsection 3 of this section including a statement of the  
26 employee or any other documentation, record, or corroborating  
27 evidence, and the fact that the employee is not returning to work  
28 because of a reason described in subsection 2 of this section

1 shall be retained in the strictest confidence by the employer,  
2 except to the extent that disclosure is requested or consented to  
3 in writing by the employee; or otherwise required by applicable  
4 federal or state law.

5 285.640. 1. It shall be unlawful for any employer to  
6 interfere with, restrain, or deny the exercise of or the attempt  
7 to exercise any right provided under sections 285.625 to 285.635.

8 2. It shall be unlawful for any employer to discharge or  
9 harass any individual, or otherwise discriminate against any  
10 individual with respect to compensation, terms, conditions, or  
11 privileges of employment of the individual, including retaliation  
12 in any form or manner, because the individual exercised any right  
13 provided under sections 285.625 to 285.635 or opposed any  
14 practice made unlawful by sections 285.625 to 285.635.

15 3. It shall be unlawful for any public agency to deny,  
16 reduce, or terminate the benefits of, otherwise sanction, or  
17 harass any individual, or otherwise discriminate against any  
18 individual with respect to the amount, terms, or conditions of  
19 public assistance of the individual, including retaliation in any  
20 form or manner, because the individual exercised any right  
21 provided under sections 285.625 to 285.635 or opposed any  
22 practice made unlawful by sections 285.625 to 285.635.

23 4. It shall be unlawful for any employer to discharge or in  
24 any other manner discriminate, as provided in subsections 2 or 3  
25 of this section, against any individual because such individual  
26 has:

27 (1) Filed any charge, or has instituted or caused to be  
28 instituted any proceeding under or related to sections 285.625 to

1 285.635;

2 (2) Given, or is about to give, any information in  
3 connection with any inquiry or proceeding relating to any right  
4 provided under sections 285.625 to 285.635; or

5 (3) Testified, or is about to testify, in any inquiry or  
6 proceeding relating to any right provided under sections 285.625  
7 to 285.635.

8 285.645. The attorney general may investigate alleged or  
9 suspected violations of sections 285.625 to 285.635 and shall  
10 have all powers provided by sections 407.040 to 407.090 in  
11 connection with any investigation of an alleged or suspected  
12 violation of sections 285.625 to 285.635 as if the unlawful acts  
13 enumerated in sections 285.625 to 285.635 are unlawful acts  
14 proscribed by chapter 407. The attorney general may serve and  
15 enforce subpoenas related to the enforcement of sections 285.625  
16 to 285.635.

17 285.650. 1. Nothing in sections 285.625 to 285.635 shall  
18 be construed to supersede any provision of any federal, state, or  
19 local law, collective bargaining agreement, or employment  
20 benefits program or plan that provides:

21 (1) Greater leave benefits for victims of domestic violence  
22 than the rights established under sections 285.625 to 285.635; or

23 (2) Leave benefits for a larger population of victims of  
24 domestic violence, as defined in such law, agreement, program, or  
25 plan, than the victims of domestic violence covered under  
26 sections 285.625 to 285.635.

27 2. The rights and remedies established for applicants and  
28 employees who are victims of domestic violence and applicants and



1 employees with a family or household member who is a victim of  
2 domestic violence under sections 285.625 to 285.635 shall not be  
3 diminished by any federal, state or local law, collective  
4 bargaining agreement, or employment benefits program or plan.