

FIRST REGULAR SESSION

HOUSE BILL NO. 429

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CHAPPELLE-NADAL (Sponsor), BAKER (25), LOW (39),
BROWN (50), RUCKER, PARKER AND HUBBARD (Co-sponsors).

Read 1st time February 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1101L.011

AN ACT

To amend chapters 135 and 292, RSMo, by adding thereto four new sections relating to workplace violence, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 135 and 292, RSMo, are amended by adding thereto four new sections, to be known as sections 135.434, 292.660, 292.665, and 292.670, to read as follows:

135.434. 1. This section shall be known as the "Tax Credit for Workplace Violence Safety and Education Programs Act".

2. For all tax years beginning on or after January 1, 2006, each taxpayer who is an employer is entitled to a credit against the tax imposed under chapter 143, RSMo, in an amount equal to forty percent of the workplace violence safety and education costs paid or incurred by the employer during the taxable year. If the amount of the credit exceeds the taxpayer's liability under this section for the year, then the excess shall not be carried forward to apply to a succeeding year or carried back to apply to a prior year.

3. For the purposes of this section, "workplace violence safety and education programs costs" means any cost certified by the department of labor and industrial relations as being for the purpose of:

(1) Ensuring the safety of employees from domestic violence within the workplace;

(2) Implementing human resource or personnel policies initiated to protect employees from domestic violence in the workplace.

4. Costs that may be certified by the department of labor and industrial relations

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 shall include, but not be limited to, any of the following:

17 (1) The hiring of new security personnel in order to address domestic violence in
18 the workplace;

19 (2) The implementation of human resource safety policies in the workplace,
20 including but not limited to, not transmitting an employee's full name on any public
21 address system that is used to announce information to the general public, not providing
22 an employee's work schedule to any person other than the employee or the employee's
23 designee, not providing an employee's personal information such as a home address or
24 telephone number to any person without the employee's previous consent;

25 (3) The creation of buddy systems or escort systems for walking employees to
26 parking lots, parked cars, subway stations, or bus stops in order to address domestic
27 violence in the workplace;

28 (4) The purchase or installation of new security equipment, including surveillance
29 equipment, lighting fixtures, cardkey access systems, and identification systems in order
30 to address domestic violence in the workplace;

31 (5) The implementation of leave policies for the purpose of allowing or
32 accommodating the needs of victims of domestic violence to pursue counseling, legal
33 assistance, or safety planning, including leave from work to attend meetings with attorneys,
34 to give evidentiary statements or depositions, and to attend hearings or trials in court;

35 (6) The implementation of flexible work policies for the purpose of allowing or
36 accommodating the needs of employees who are victims of domestic violence, or employees
37 at risk with respect to those crimes, to avoid assailants;

38 (7) The implementation of transfer policies for the purpose of allowing or
39 accommodating the needs of employees subjected to domestic violence to change office
40 locations within the business in order to avoid assailants or to allow the transfer of an
41 employee who has perpetrated domestic violence in order to protect the victim.

292.660 1. Sections 292.660 to 292.670 shall be known and may be cited as the
2 "Workplace Domestic Violence Safety and Education Program Act".

3 2. As used in sections 292.660 to 292.670 the following terms shall mean:

4 (1) "Abuser", a person who carries out a pattern of coercive tactics against a family
5 or household member;

6 (2) "Department", the department of labor and industrial relations;

7 (3) "Domestic abuse", a pattern of coercive tactics carried out by an abuser against
8 a family or household member with the goal of establishing and maintaining power and
9 control over the victim. These tactics may be physical, psychological, sexual, economic, and
10 emotional;

11 (4) "Family or household member", persons related by consanguinity or affinity;
12 persons legally married to one another; persons formerly married to one another; persons
13 who have a child in common, regardless of whether such persons are married or have lived
14 together at any time, and unrelated persons who are continually or at regular intervals
15 living in the same household or who have in the past continually or at regular intervals
16 lived in the same household;

17 (5) "Victim", the family or household member against whom an abuser directs his
18 or her coercive and violent acts.

292.665. 1. The department shall, in consultation with the department of health
2 and senior services, the Missouri coalition against domestic violence, the Missouri state
3 highway patrol and any other entities interested in participating, develop a model
4 workplace domestic violence safety and education program for use by employers
5 throughout the state.

6 **2.** The model shall provide businesses with the best practices, policies, protocols and
7 procedures in order that they ascertain domestic violence awareness in the workplace,
8 assist affected employees, and provide a safe working environment for employees currently
9 or potentially experiencing the effects of domestic violence. The model plan shall be
10 directed at:

11 (1) Educating employers and employees in the workplace to recognize the signs and
12 effects of domestic violence;

13 (2) Providing training to security personnel about how to handle crimes committed
14 in or around the workplace by perpetrators of abuse;

15 (3) Offering support and safety to victims while in the workplace.

16 **3.** The model shall include but not be limited to:

17 (1) The establishment of a definite corporate policy statement recognizing domestic
18 violence as a workplace issue as well as promoting the need to maintain job security for
19 those employees currently involved in domestic violence disputes;

20 (2) Implementing human resources or personnel policies initiated to protect
21 employees from domestic violence or to support employees who have been victims of
22 domestic violence;

23 (3) Policy and service publication requirements, including posting said policies and
24 service availability pamphlets in break rooms, on bulletin boards, restrooms, and other
25 communication methods;

26 (4) Measures to ensure workplace safety including, where appropriate, designated
27 parking areas, the creation of buddy systems or escort systems;

28 (5) Training programs and protocols designed to educate employees and managers

29 in how to recognize, approach, and assist employees.

30 **292.670. 1. In order to protect the safety and identity of employees and members**
31 **of the public, no employer shall:**

32 **(1) Transmit an employee's or customer's full name on any address system that is**
33 **used to announce information to the general public;**

34 **(2) Provide an employee's work schedule to any person other than the employee or**
35 **the employee's designee;**

36 **(3) Provide an employee's personal information such as a home address or**
37 **telephone number to any person not working for the employer without the employee's**
38 **previous consent.**

39 **2. Any person or entity that violates the provisions of this section is guilty of a class**
40 **B misdemeanor and shall be civilly liable for any damages incurred as a direct result of the**
41 **violation.**

42 **3. No owner, employer, or management personnel of a business or establishment**
43 **subject to the provisions of this section who directs or exercises any authority in a facility**
44 **shall evict, harass, dismiss, or retaliate against an employee or patron of the business or**
45 **establishment because such employee or patron has made a report of any violation or**
46 **suspected violation of this section which the employee or patron has reasonable cause to**
47 **believe has been committed or occurred.**