

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:		October 2016	
CONSIDERATION OF ADOPTION OF PERSONNEL POLICY 200-210 ANNUAL LEAVE AND PERSONNEL POLICY 200-230 SICK LEAVE			
STATUTORY AUTHORITY:			
Section 161.132, RSMo		<input type="checkbox"/>	Consent Item
		<input checked="" type="checkbox"/>	Action Item
		<input type="checkbox"/>	Report Item
<p>DEPARTMENT GOAL NO. 4:</p> <p>The Missouri Department of Elementary and Secondary Education will improve departmental efficiency and operational effectiveness.</p> <p>SUMMARY:</p> <p>Effective October 1, 2016, the Department implemented a new time and leave system, Enterprise Timekeeping Application (ETA). It is necessary to update the language in Personnel Policy 200-210 Annual Leave and 200-230 Sick Leave as the language is no longer applicable to the ETA system.</p> <p>PRESENTER:</p> <p>Roger Dorson, Deputy Commissioner and Bryan Howard, Director, Human Resources, Division of Financial and Administrative Services, will assist in the presentation and discussion of this agenda item.</p> <p>RECOMMENDATION:</p> <p>The Department recommends that the State Board adopt the personnel policies as presented.</p>			

PERSONNEL POLICIES AND PROCEDURES

Adoption Date: June 15, 2011	Approved By: State Board of Education
Policy No: 200-210	Section: Employee Benefits and Services
Pg. 1 of 4	Subject: Annual Leave

I. PURPOSE

To establish the annual leave available to employees.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

- (A) Employees of the Department who are benefit eligible will accrue annual leave based on pay status, employment hours, and years of State service.
- (B) Employees who work 2,080 hours per year (eight (8) hours per day, twelve (12) months) will accrue annual leave as follows:
 - 1. Employees with less than and including one hundred twenty (120) months of total state service shall accrue annual leave at the rate of five (5) hours per pay period;
 - 2. Employees who have completed one hundred twenty (120) months of state service shall accrue annual leave at the rate of six (6) hours per pay period; or
 - 3. Employees who have completed one hundred eighty (180) months of state service shall accrue annual leave at the rate of seven (7) hours per pay period.
- (C) School term employees will accrue annual leave based upon their number of days worked per year, hours per day, and years of State service. The annual leave accrual is distributed over eighteen (18), twenty (20), or twenty-two (22) pay periods.
- (D) Any month during which an employee is eligible to earn any annual leave credit under this and subsequent sections and any summer month, when school-term salaried employees who were in pay status through the end of their term of employment and are on approved leave of absence, shall be counted as a month of state service to determine eligibility for a higher annual leave earning rate.

- (E) Department employees receive credit for annual leave based on the number of hours worked or in pay status during the pay period. Pay status includes time off taken as a holiday, sick leave, annual leave, compensatory leave or other type of paid leave. Employees in “leave without pay status” during a pay period may receive a prorated annual leave accrual.
- (F) Annual leave accrual is based upon an employee’s standard pay period hours. Standard pay period hours are calculated as follows:
1. Number of hours worked per day X number of days worked per year / twenty four (24) (the number of pay periods per year) = standard pay period hours. For example, eight (8) hour twelve (12) month employee:

$$8 \times 260/24=86.667 \text{ hours per pay period}$$
- (G) A portion of the annual leave accrued by school term employees of the State Schools will be applied in the form of school holidays designated by the State Board of Education during the school term. Annual leave, which is accrued in excess of designated school holidays, may be requested by the employee.
- (H) Annual leave shall not be allowed to employees who are employed in positions of limited duration, whether this is a temporary, limited temporary, hourly, or *per diem* basis. Employees who are ineligible to earn annual leave under this policy shall be identified as such at the time of employment and shall be notified of their ineligibility.
- (I) Work assignments varying from a normal workweek shall be equated to the normal workweek for purposes of determining annual leave accrual in accordance with this policy.
- (J) Annual leave is credited to the employee on the first day after the two-week pay period. For example: annual leave accrual will be credited on the 16th of the month for the pay period of the 1st through the 15th.
- (K) Unless there is an alternate practice developed by the work unit, section, division, office, or Department, employees must request and receive prior approval for annual leave usage, which can reasonably be planned ahead. Approval should be contingent upon ensuring that adequate staff will be available at all times.
- (L) If annual leave requests are not approved and the employee is absent, the absence may be coded into the leave system as leave without pay, upon approval of the Division/Office Administrator, even if the employee has an accrued annual leave balance.

- (M) Annual leave can be accumulated to that which can be earned in two (2) calendar years. On October 31st each year, any excess time above the maximum amount shall lapse, and credit for the excess leave shall not be carried forward. The leave accrual for the pay period October 16th through October 31st will be included in the employee's balance and subject to the maximums. If the employee leaves state employment he/she will not be paid for any annual leave over the amount that he/she is allowed to accumulate in two years.
- (N) If an employee is approved to take annual leave and is subsequently recalled to duty during the leave period because of conditions requiring the employee's services, annual leave credits shall be restored for the time worked. Then, annual leave credits will be restored unless this has the effect of causing accrued annual leave to exceed the maximum accrual allowed under this policy, in which case the employee shall be granted equal compensatory time.
- (O) Employees using annual leave will continue to accrue leave while in pay status. Annual leave shall not be credited to employees who are terminating and are no longer in pay status after their effective termination date. Annual leave shall not accrue to any employee while in leave without pay status.
- (P) An employee entitled to annual leave who has resigned or otherwise terminated from employment shall be entitled to receive reimbursement for all such accrued leave up to the maximum allowed. This reimbursement shall be based on the employee's rate of pay at the time of separation.
- (Q) Absence because of weather or other unusual circumstances not covered by provisions of sick leave shall be counted as annual leave unless the Department is officially closed by order of the Commissioner of Education or designee. If the employee does not have accumulated leave to cover the absence, the employee's pay shall be reduced accordingly.
- ~~(R) Employees on leave will not be charged leave for the period of time in their scheduled workday following the release of the Department's regular workforce from the performance of duties.~~
- (R) Individuals who worked for another state agency and who are employed by the Department without a break in service may request and, if approved by their Division/Office Administrator, be allowed to transfer an accrued annual leave balance up to the amount the employee is eligible to accrue in one (1) year. Any accrued annual leave balance in excess of this amount shall be paid to the employee by the previous employer. However, before accepting annual leave accruals for such employees, it shall be the employee's responsibility to have the previous state employer's personnel office submit to the Department's Human Resources Section, a written statement specifying the basis on which annual leave was accrued and the amount of unused annual leave the employee has requested to be transferred. State agencies, for purposes of the transfer of accumulated annual leave, shall include

state-supported, four-year colleges and universities. Leave shall not be accepted in an amount exceeding that which could have been accrued as a Department employee.

- (S) Employees who transfer from one division/office of the Department to another without a break in service will normally transfer their entire annual leave balance with them. However, the employee may request that the releasing division/office pay off all or part of the annual leave balance, at the discretion of the Division/Office Administrator.

IV. PROCEDURES

- (A) For annual leave usage that can be reasonably planned ahead, employees must request and receive prior approval from their immediate supervisor.
- (B) Annual leave shall be taken on a workday basis. Annual leave shall be approved and used in multiples of fifteen (15) minutes.
- (C) Before credit is given for the months of prior State service, it shall be the employee's responsibility to have the previous state employer's personnel office submit to the Department's Human Resources Section a written statement specifying the dates of employment when the employee was eligible to accrue annual leave, the final accrual rate, and the status of the employee (full- or part-time). State agencies, for prior state service purposes, shall include employment with state-supported, four-year colleges and universities and agencies, which have entered into reciprocity agreements with the Office of Administration.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date: August 12, 2014	Approved By: State Board of Education
Policy No: 200-230	Section: Employee Benefits and Services
Pg. 1 of 4	Subject: Sick Leave

I. PURPOSE

To establish uniform guidelines on accrual and use of employee sick leave.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

- (A) Employees of the Department who are benefit eligible will accrue sick leave based on pay status and employment hours.
- (B) Employees who work 2,080 hours per year (eight (8) hours per day, twelve (12) months) will accrue sick leave at the rate of five (5) hours per pay period.
- (C) School term employees will accrue sick leave based upon their number of days worked per year and hours per day. The sick leave accrual is distributed over eighteen (18), twenty (20), or twenty-two (22) pay periods.
- (D) Department employees receive credit for sick leave based on the number of hours worked or in pay status during the pay period. Pay status includes time off taken as a holiday, sick leave, annual leave, compensatory leave or other type of paid leave. Employees in "leave without pay status" during a pay period may receive a prorated sick leave accrual.
- (E) Sick leave accrual is based upon an employee's standard pay period hours. Standard pay period hours are calculated as follows:
 1. Number of hours worked per day X number of days worked per year / twenty-four (24) (the number of pay periods per year) = standard pay period hours. For example, eight (8) hour twelve (12) month employee:

$$8 \times 260/24=86.667 \text{ hours per pay period}$$

- (F) Sick leave shall not be allowed to employees who are employed in positions of limited duration, whether this is a temporary, limited temporary, hourly, or *per diem* basis. Employees who are ineligible to earn sick leave under this policy shall be identified as such at the time of employment and shall be notified of their ineligibility.
- (G) Work assignments varying from the normal workweek shall be equated to the normal workweek for purposes of determining sick leave accrual in accordance with this policy.
- (H) Sick leave is credited to an employee on the first day after the two-week pay period. For example: sick leave accrual will be credited on the 16th of the month for the pay period of the 1st through the 15th.
- (I) Absence related to an illness or injury of an employee or employee's immediate family will be charged against the employee's accumulated sick leave upon approval of the employee's immediate supervisor or designee.
- (J) Immediate family, for purposes of this policy, shall mean spouse, children, spouse of children, parents, grandparents, grandchildren, brothers, brothers-in-law, sisters, sisters-in-law, spouse's relatives of the same degree as for the employee, and members of the employee's household, or as determined by the Division/Office Administrator. In determining family relationships for this policy, "step" and "half" relationships are considered the same as "whole" and "full" relationships. For example, "step-father" is the same as father; "half-brother" is the same as brother.
- (K) The department reserves the right to send employees who have been diagnosed with a contagious illness home, until such time the employee is no longer contagious as determined by common medical standards. This applies to all employees including employees without any accumulated leave. Employees without accumulated leave will be in leave no pay status.
- (L) When an employee wishes to return to work after absence because of accident or illness, he/she may be required to have a job-related medical examination at his/her expense as a condition of returning to work to provide documentation that he/she can perform the essential functions of the job he/she holds or would not pose a significant risk of substantial harm that could not be reduced to an acceptable level with reasonable accommodation. At the Department's expense, the employee may be required to acquire a second medical opinion.
- (M) Employees shall be allowed to accumulate sick leave without limit.
- (N) Employees using sick leave will continue to accrue leave while in pay status. Terminating employees will not be paid for unused accumulated sick leave. Sick leave shall not accrue to an employee while in leave without pay status.

- (O) If sick leave requests are not approved and the employee is absent, the absence may be coded into the leave system as leave without pay, upon approval of the Assistant Commissioner or Deputy Commissioner, even if the employee has an accrued sick leave balance.
- (P) Sick leave can be used for pregnancy or childbirth on the same terms and conditions as are applied to other temporary disabilities. Adoptive parents may use accrued sick leave, annual leave, compensatory time, or leave without pay to take time off for purposes of arranging for the child's adoption or caring for the child immediately after adoption. *See* §105.271, RSMo.
- ~~(Q) Employees on sick leave will not be charged leave for the period of time in their scheduled workday following the dismissal of the Department's regular workforce from the performance of duties.~~
- (Q) School Term Employees of State Schools may not be compensated for sick leave for periods of illness extending beyond the individual's school term employment except in instances where the illness or disability is due to a job-related condition.
- (R) Employees returning to state service in a benefit eligible position within five (5) years of leaving shall be credited with previously unused sick leave. Sick leave cannot be accepted in an amount exceeding that, which could have been accrued as a Department employee. However, before accepting sick leave accruals for such employees, it shall be the employee's responsibility to request that the previous state employer's personnel office submit to the Department's Human Resource Section a written statement specifying the basis on which sick leave was accrued and the amount of unused sick leave the employee is transferring.
- (S) Employees will be permitted to use one (1) hour of accrued sick leave per month for Personal Wellness Leave. Personal Wellness Leave must be used as a one (1) hour increment and shall not accrue or accumulate. Personal Wellness Leave shall only be used for a program or activity directly related to health promotion or disease prevention for the individual employee. The final decision to grant leave under this section shall rest with the appointing authority and can be denied if operational needs of the Department would be hindered by granting said leave or if the leave is not properly requested or used for permissible purposes under this rule.

IV. PROCEDURES

- (A) For sick leave usage that can be reasonably planned ahead, employees must request and receive prior approval from their immediate supervisor.
- (B) Except in unusual circumstances, unplanned absences must be phoned in to the work unit prior to the beginning of the employee's scheduled time to begin work, following the procedure of the work unit, unless there is an alternate practice developed by the work unit, section, division, or office.

- (C) Sick leave shall be taken on a workday basis. Sick leave shall be requested and used in multiples of fifteen (15) minutes.
- (D) All periods of illness and/or disability may require the employee to obtain a signed statement from the attending physician to include the reason why the employee is unable to work, anticipated return to work, possible job accommodations, and date of next appointment.
- (E) To request the use of the Personal Wellness hour each month, an employee must submit a leave request form for approval prior to using the leave. The leave request must indicate that it is for Personal Wellness and include the activity the employee is leaving to engage in.
 - 1. Personal Wellness Leave qualifying activities include, but are not limited to:
 - (a) attending a gym or a fitness class;
 - (b) taking a walk, jogging, bicycling;
 - (c) attending a class, seminar or webinar on diet, exercise, or wellness-related topics;
 - (d) attending yoga, aerobics, kickboxing, or other health related course; and/or
 - (e) participating in a tobacco cessation, weight management, stress management, or other related disease management session.
 - 2. Inappropriate use of Personal Wellness Leave include, but are not limited to:
 - (a) shopping;
 - (b) running errands;
 - (c) visiting family members and friends; and/or
 - (d) taking extended lunch periods wherein health and wellness is not the focus of the lunch.

V. DEFINITIONS

- (A) The following definitions apply to this policy:
 - 1. Sick Leave: Sick leave is a period in which the employee is incapacitated for the performance of assigned duties by sickness or injury, or by pregnancy, childbirth and recovery there from, or periods of time required for medical, surgical, dental, or optical examination or treatment, or where, through exposure to contagious disease, the presence of the employee on duty would jeopardize the health of others;
 - 2. State Agency: State agencies, for purposes of the transfer of accumulated sick leave, shall include state supported, four (4) year colleges and universities and those agencies that have entered into reciprocity agreements with the Office of Administration.