

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**June 2014**

CONSIDERATION OF ADOPTION OF PERSONNEL POLICIES

STATUTORY AUTHORITY:

Section 161.132, RSMo.

Consent
ItemAction
ItemReport
Item

DEPARTMENT GOAL NO. 4:

The Missouri Department of Elementary and Secondary Education will improve departmental efficiency and operational effectiveness.

SUMMARY:

The Department's complete set of personnel policies was adopted by the State Board of Education on March 21, 2002. Revisions to some policies have been approved in subsequent years. Policies that now need to be revised are included. Policy revisions have been reviewed by a committee composed of employees, executive staff, the Human Resources Section, and legal counsel.

Although changes may become necessary during the year, every effort will be made to present policy revisions to the State Board of Education annually.

PRESENTER(S):

Ron Lankford, Deputy Commissioner, Financial and Administrative Services, will assist in the presentation and discussion of this agenda item.

RECOMMENDATION:

We recommend that the State Board adopt the personnel policies as presented.



SUMMARY OF PERSONNEL POLICIES CHANGES REVISED 2014

The following is a brief summary of changes to the Department's Personnel Policies. The highlighted text are additions and the highlighted strikethrough text are deletions to the policies.

100-110 Salary Program Administration and Hours of Work

III. POLICY

- (I) Core hours when all employees are scheduled to work are 9:00 a.m. to 3:30 p.m. Hours available for flexible work scheduling are 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. Employees are required to be scheduled for a lunch period of thirty (30) minutes, forty-five (45) minutes or an hour. Lunch periods will be scheduled between ~~11:30 a.m. and 1:00 p.m.~~ **11:00 a.m. and 1:30 p.m.** Lunch must be taken at the approved scheduled time unless changed/adjusted temporarily at the immediate supervisor's request (i.e., answering phones during normal scheduled lunch). Flexible work scheduling will provide for scheduling in fifteen (15)-minute increments.

200-230 Sick Leave

III. POLICY

- (S) **Employees returning to state service in a benefit eligible position within five (5) years of leaving shall be credited with previously unused sick leave.** ~~All accumulated and unused sick leave shall be credited to an individual employed by the Department within five (5) years of leaving work with the Department or other state government employment or returning from leave of absence, unless previously transferred to another state agency.~~ 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. **This policy will be applied retroactively for those persons who have not previously received credit for such sick leave and are currently employed by the Department on the date this policy is effective.**
- (T) **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

(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 this 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.

200-235 Family and Medical Leave

III. POLICY

(B) Covered employees are eligible for up to twelve (12) weeks of job protected unpaid Family and Medical Leave (FML) within a twelve (12) month Calendar Year period for qualifying events. Effective on January 1, 2015, a “calendar year” begins January 1 and ends December 31.

IV. PROCEDURES

(C) Calculation of Leave:

1. The amount of FML available to an employee will be calculated at a maximum of twelve (12) weeks (480 hours) per calendar year (January 1 thru December 31). at any given time will be reduced by the amount of FML taken within the twelve month (12) period immediately preceding the requested leave. Any available sick, annual, and compensatory leave will be used concurrently with an employee’s twelve (12) week FMLA entitlement. If an employee is awarded

Shared Leave, it also will be used concurrently with the employee's twelve (12) week FMLA entitlement;

(D) Certification:

1. Eligibility for continued FML will be based on the medical necessity of such leave for the employee or the need to care for the employee's family member. In cases of leave used for the serious health condition of the employee or a covered family member, the Department requires that the employee and attending healthcare provider complete a medical certification form within the first two (2) weeks of the condition requiring absence. **The form must be completed and returned to the appropriate Human Resource Section at a minimum of every six (6) weeks.** The Department may require recertification of the qualifying condition upon the expiration of the minimum duration of the condition, in excess of thirty (30) days, as indicated by the physician on the **most recent medical certification form or every six (6) months.** At minimum, the medical certification must provide the following:

200-250 Paid Personal Time Off - (School Visit Leave)

III. POLICY

8. School Visit Leave: The Department understands and places a premium on the value of family and community involvement in education and considers it an investment in the future of children. Department employees are encouraged to work closely with educators and take an active part in children's learning. Employees are also encouraged to volunteer in Missouri schools and assist teachers in the classroom with curricular activities. This policy allows Department employees to have time off with pay during the regular employment hours which otherwise hinder an employee's opportunity to be actively involved in educational programs. School visit leave is appropriate as listed below:

- c. It is not the intent of this policy to cover:
 - (1) Conferences to visit about extra-curricular activities such as clubs and organizations;
 - (2) Parent helpers or other volunteers for non-curricular activities;
 - (3) Students who have graduated from high school; and/or
 - (4) College visits or college registration.**

300-345 Tobacco Use

III. POLICY

- (B) The smoke-free, tobacco-free policy bans the use of smokeless items such as chewing tobacco, snuff, e-cigarettes, etc., in Department-occupied offices, buildings, state-owned vehicles, schools, and school grounds.**



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 100-110	Section: Wage and Salary Administration
Pg. 1 of 3	Subject: Salary Program Administration and Hours of Work

I. PURPOSE

To establish a process for Department employees to be paid including hours of work.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

- (A) Standard hourly rate of pay for wage and annual leave determination purposes and determining compliance with the minimum hourly wage and overtime compensation provisions shall be calculated by the following formula:
1. Annual salary/2,080 hours or hours in term of employment.
- (B) Salary ranges shall be developed and reviewed periodically to ascertain comparability with appropriate labor markets. When ranges require adjustment in order to be competitive, the Commissioner of Education shall make such recommendation to the State Board of Education.
- (C) Employees of the Department will be paid twice per month on the 15th and the last working day of the month.
- (D) In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the appropriate payroll representative for correction, which may include repayment.
- (E) In general, office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. Variation in office hours for individual employees shall be in accordance with this policy. The Commissioner of Education may give notice of a change of office hours for the Department on any given day.
- (F) Two (2) separate work breaks daily of not more than fifteen (15) minutes each (total time away from work stations) may be observed as workload permits. Work breaks should be arranged so that office operations are attended during the break period. Multiple shorter breaks cannot be substituted for the fifteen (15) minute break.
- (G) Breaks cannot be used to extend the lunch period, to permit late arrival or early departure.

- (H) The Department is committed to providing its employees with a work environment that is practical, productive, and flexible. For flexible work scheduling to be approved, the mission of the Department and the work unit must be the first priority; and work schedules need to provide for the efficient and effective operation of the Department. “Immediate supervisor,” for the purpose of this policy, shall mean director or above; in the Division of Vocational Rehabilitation, it shall also mean district supervisor, etc.
- (I) Core hours when all employees are scheduled to work are 9:00 a.m. to 3:30 p.m. Hours available for flexible work scheduling are 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. Employees are required to be scheduled for a lunch period of thirty (30) minutes, forty-five (45) minutes or an hour. Lunch periods will be scheduled between ~~11:30 a.m. and 1:00 p.m.~~ 11:00 a.m. and 1:30 p.m. Lunch must be taken at the approved scheduled time unless changed/adjusted temporarily at the immediate supervisor’s request (i.e., answering phones during normal scheduled lunch). Flexible work scheduling will provide for scheduling in fifteen (15)-minute increments.
- (J) Standard work hours of 8:00 a.m. until 4:30 p.m. will be staffed within each division or coordinator’s unit. Immediate supervisors or coordinators will be responsible for managing flexible work schedule arrangements without a reduction in productivity.
- (K) The intent of the flexible work schedule is to allow employees to change their work hours from 8:00 a.m. until 4:30 p.m. to other specified time(s) on a monthly basis. Work schedules for the month may vary by the day, but they must be consistent for each week of the month. For example, a schedule, which has an employee working late hours Monday, Tuesday, and Wednesday, and early hours on Thursday and Friday would be acceptable. Variations can be made with at least three (3) days prior approval of the immediate supervisor. The three-day requirement may be waived by the immediate supervisor.
- (L) It is not the intent of flexible work scheduling to supplant or expand Annual Leave or Sick Leave policies. Flexible work schedules will not be followed when employees are on travel status or attending meetings or conferences. Employees are expected to work the hours that are necessary to execute their responsibilities. Abuse of the approved flexible work schedules will result in the employee being placed on the regular office work schedule, usually 8:00 a.m. to 4:30 p.m.
- (M) The policy relating to flexible work schedules is not grievable.
- (N) The following apply to school term employees:
1. In emergency situations requiring work during nonscheduled school hours, the Superintendent may vary school hours;
 2. The Commissioner of Education may give notice of a change of school hours for the Department on any given day; and/or

3. School term employees, depending on position, may be eligible for flexible work schedules.

IV. PROCEDURES

- (A) The Department shall maintain a schedule of work hours to provide for effective operation. Each division administrator shall be responsible for supervising work assignments in a manner, which complies with departmental policies, statutes, and other applicable regulations.
- (B) Variation in office hours listed above for individual offices may be requested by the division administrator, submitted to the Deputy Commissioner for review and recommendation, and forwarded to the Commissioner of Education for final decision. The Deputy Commissioner's Divisions shall be notified of all offices with approved variation in hours. In emergency situations or work situations requiring work during nonscheduled work hours, the division administrator may vary office hours.
- (C) Division administrators will administer the flexible work scheduling for their sections and programs. Certain positions may not be eligible for flexible work scheduling because of work requirements. Other positions may necessitate scheduling outside Department core hours. The division administrator will determine those positions and establish appropriate work schedules.
- (D) Any flexible work schedule requires the approval of the employee's immediate supervisor. All employee requests within a section or office must be given equal consideration. Flexible work scheduling must not have the effect of causing undue hardship on another employee. If the work operations are impaired, the immediate supervisor may alter the flexible work schedule or return the employee to the regular work schedule. Work hours in which employees are not scheduled to work during the core hours must be approved by the division administrator.
- (E) Employees desiring flexible work scheduling shall submit written requests to their immediate supervisor. Immediate supervisors will maintain the master flexible work schedule, which includes all their employees. The schedule is to be completed one week prior to the first of the month.
- (F) Records of employee requests for flexible work scheduling, cancellations, and section or office work schedules shall be in writing and filed in the leave records for the section or office.

V. DEFINITION

- (A) The following definition applies to this policy:
 1. Salary Range. All positions have an associated pay range. This range has a minimum salary and a maximum salary.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 200-230	Section: Employee Benefits and Services
Pg. 1 of 5	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 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 division administrator, 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.
- (R) 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.
- (S) Employees returning to state service in a benefit eligible position within five (5) years of leaving shall be credited with previously unused sick leave. ~~All accumulated and unused sick leave shall be credited to an individual employed by the Department within five (5) years of leaving work with the Department or other state government employment or returning from leave of absence, unless previously transferred to another state agency.~~ 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. ~~This policy will be applied retroactively for those persons who have not previously received credit for such sick leave and are currently employed by the Department on the date this policy is effective.~~
- (T) 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.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 200-235	Section: Employee Benefits and Services
Pg. 1 of 7	Subject: Family and Medical Leave

I. PURPOSE

To comply with the federal Family and Medical Leave Act (FMLA).

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) Department employees who have worked for the State of Missouri:

1. At least twelve (12) months within the last seven years; and
2. Have at least 1,250 hours of actual work time in the twelve (12) months immediately preceding the leave,

are covered by the federal Family and Medical Leave Act (FMLA).

(B) Covered employees are eligible for up to twelve (12) weeks of job protected unpaid Family and Medical Leave (FML) within a twelve (12) month Calendar Year period for qualifying events. Effective on January 1, 2015, a "Calendar Year" begins January 1 and ends December 31.

(C) If an employee takes time off, Family and Medical Leave (FML) must be used under the following conditions: birth of a child; placement (adoption or foster care) of a child with the employee; caring for a spouse, son, daughter, or parent of the employee when the spouse, son, daughter, or parent has a serious health condition; or for the serious health condition of the employee which makes the employee unable to perform essential job functions. The right to FML taken for the birth or placement of a child expires twelve (12) months after the birth or placement of the child with the employee.

(D) Leave for the care of injured military family members: The Military Family Leave Act (MFLA) permits a spouse, son, daughter, parent, or next of kin to take up to 26 weeks of unpaid leave to care for:

1. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred by the member in the line of duty on active duty; or

2. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period five years preceding the date the veteran undergoes medical treatment, recuperation, or therapy.

This leave may be taken intermittently, and must be finished within one twelve (12)-month period. Leave not taken in one twelve (12)-month period is forfeited. This is a one-time entitlement that may not be repeated.

- (E) **Military Qualifying Exigency (urgent or emergency) Leave:** The FMLA permits twelve (12) weeks of unpaid leave arising from the active military duty of an employee's spouse, parent or child; or notice that the spouse, parent or child has been called up for active duty.

1. Qualifying exigency as defined by federal regulations may include:
 - a. Short-notice deployment;
 - b. Deployment to a foreign country (active duty) or called to active duty in a foreign country (National Guard or Military Reserves);
 - c. Military events and related activities;
 - d. Childcare and school activities;
 - e. Financial and legal arrangements;
 - f. Counseling;
 - g. Rest and recuperation (up to five days of FML); and/or
 - h. Post-deployment activities.

IV. PROCEDURES

(A) Notification:

1. Employees are required to give notice in writing of their intention to take FML when the leave is foreseeable. This notice should be given as soon as possible, but not later than thirty (30) calendar days in advance of the use of FML. Employees will be given a medical certification form which must be completed and returned within fifteen (15) calendar days. Foreseeable leaves might be for the expected birth, placement of a child or planned medical treatments. In emergency situations where advance notice is not possible, written notice is to be given as soon as is reasonable. In cases where the need for leave is foreseeable, an employee's failure to provide thirty (30) calendar days notice may result in denial or delay of leave. Given unique circumstances, waiver of this notice will be at the discretion of the division administrator.
2. When taking MFL or exigency leave, employees are required to provide:
 - a. A copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on active duty or call to active duty status in support of a contingency operation;
 - b. Proof of dates of military member's active duty service;
 - c. Proof of covered family relationship;

- d. Proof of military member's need for care; and
 - e. A signed statement or description of facts for each particular exigency, which must be sufficient to show that the reason for leave is a qualifying exigency.
3. The department will notify the employee of the employee's eligibility to take FMLA leave within five (5) business days of notice of the request, absent extenuating circumstances. The department will also notify the employee of their rights and responsibilities under the FMLA.

(B) Scheduling:

1. Employees are also required to work with their supervisors in scheduling planned medical treatment for themselves or for covered family members to prevent disruption of work schedules. Healthcare providers should be advised of this policy when scheduling treatment;
2. An employee is entitled to use FML on an intermittent or reduced work schedule for serious health conditions of the employee or covered family members when it is medically necessary as certified by the healthcare provider. In cases of birth or placement of a child, the division administrator has the option to approve or disapprove an intermittent or reduced work schedule. Leave taken intermittently or on a reduced work schedule may equal, but not exceed, twelve (12) work weeks total leave;
3. At the division administrator's option, employees using intermittent or reduced work schedules may be transferred temporarily, with no reduction in pay, to positions where such a schedule is less disruptive to the performance of job duties.

(C) Calculation of Leave:

1. The amount of FML available to an employee will be calculated at a maximum of twelve (12) weeks (480 hours) per calendar year (January 1 thru December 31). ~~at any given time will be reduced by the amount of FML taken within the twelve month (12) period immediately preceding the requested leave.~~ Any available sick, annual, and compensatory leave will be used concurrently with an employee's twelve (12) week FMLA entitlement. If an employee is awarded Shared Leave, it also will be used concurrently with the employee's twelve (12) week FMLA entitlement;
2. When Department employee and spouse both work for the State of Missouri, a combined total of twelve (12) weeks of FML will be allowed for the birth or placement of a child. It is the responsibility of the employee requesting FML to inform the division administrator when a spouse who works for the State uses FML within the same twelve (12) month period of time.
3. When Department employee and spouse both work for the State of Missouri, each is entitled to twelve (12) weeks of FML for a child with a serious health condition.

(D) Certification:

1. Eligibility for continued FML will be based on the medical necessity of such leave for the employee or the need to care for the employee's family member. In cases of leave used for the serious health condition of the employee or a covered family member, the Department requires that the employee and attending healthcare provider complete a medical certification form within the first two (2) weeks of the condition requiring absence. ~~The form must be completed and returned to the appropriate Human Resource Section at a minimum of every six (6) weeks.~~ The Department may require recertification of the qualifying condition upon the expiration of the minimum duration of the condition, in excess of thirty (30) days, as indicated by the physician on the most recent medical certification form or every six (6) months. At minimum, the medical certification must provide the following:
 - a. The date the condition began;
 - b. Probable duration, if known;
 - c. Appropriate medical facts (e.g., if intermittent or reduced schedule is requested by employee, dates of treatment and duration of treatment, if required); and
 - d. Assertion that the employee is unable to perform the employee's job function or that the employee is needed to care for a sick family member for a specified time;
2. The Department may request a second opinion from another healthcare provider at the Department's expense. When those two opinions differ, a third and binding opinion from a jointly approved healthcare provider, also at the Department's expense, shall be obtained. None of the healthcare providers used for this purpose shall be employed on a regular basis by the Department;
3. Employees using FML because of their own serious health conditions are required to provide a release from their healthcare provider stating when they are able to return to work. The release must indicate they are capable of returning to work and identify the employees' restrictions, if any;
4. FML for placement of a child with the employee for adoption or foster care, requires documentation verifying such a placement within six (6) weeks of the start of leave.

(E) Job and Benefit Protection:

1. Employees on FML will, where possible, return to the same job, provided that they return to work at or before the expiration of the approved FML time with the following exception: If the same job is not available, the employee will return to a job with the same pay and with similar responsibilities and duties;

2. The Department shall continue to provide the Department's share of health insurance coverage to salaried employees currently participating in state sponsored health plans and taking FML. If salaried employees pay any part of the premium, those payments must continue to be paid personally by the employee;
3. The Department will not continue to provide state sponsored life insurance at no cost to employees during FML. Employees have the option of continuing this coverage at their own expense;
4. If employees exhaust all available leave, and are still unable to return to work, they must submit a written request for leave without pay, in accordance with the Time Off (Unpaid) Policy, to the division administrator.

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Child: A person under eighteen (18) years, unless he or she is incapable of self-care because of a mental or physical disability;
2. Parent: The biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was a son or daughter;
3. Serious Health Condition: An illness, injury, impairment, or physical or mental condition including, but not limited to: heart attack; heart condition requiring heart by-pass or valve operations; most cancer; back condition requiring extensive therapy or surgical procedures; stroke; severe respiratory condition; spinal injury; appendicitis; pneumonia; emphysema; severe arthritis; severe nervous disorder; injury caused by serious accident on or off the job; pregnancy; miscarriage or other complication related to pregnancy; and childbirth or recovery from childbirth. A "serious health condition" involves either inpatient care or continuing treatment as follows:
 - a. Hospital Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
 - b. Absence Plus Treatment: A period of incapacity of more than three (3) full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - (1) Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

- (2) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - c. Pregnancy: Any period of incapacity due to pregnancy.
 - d. Chronic Conditions Requiring Treatments: A chronic condition which:
 - (1) Must be treated by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider at least twice a year.
 - (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - e. Permanent/Long-term Conditions Requiring Supervision: A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - f. Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).
 - g. Serious illness or injury to qualify for leave for the care of injured military family members: Injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
4. Incapacity: Inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom.
 5. Regimen of Continuing Treatment: Examples include a course of prescription medicine (e.g. antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. Does not include the use of over-the-counter medications or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

6. Next of Kin of a Covered Service member: The nearest blood relative of a covered service member (other than his/her spouse, parent, son, daughter), in the following priority order:
- a. A blood relative designated in writing by the service member as his/her nearest blood relative for purposes of caregiver leave;
 - b. Blood relatives who have been granted legal custody of the service member by court decree or statutory provisions;
 - c. Brothers and sisters;
 - d. Grandparents;
 - e. Aunts and uncles; and
 - f. First cousins.

If there are multiple family members within the same level of relationship, all are “next of kin” and each can take caregiver leave; if there is a designated next of kin, he/she is the only next of kin.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 200-250	Section: Employee Benefits and Services
Pg. 1 of 6	Subject: Paid Personal Time Off

I. PURPOSE

To provide a means for employees to secure limited paid time off as needed for bereavement, jury duty, voting, and other allowable situations as outlined by the Department.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

(A) The Department grants to benefit eligible employees paid time off for bereavement, jury duty, voting, and other allowable situations as stated in this policy.

1. **Bereavement:** An employee may be granted paid time off from duty, for absence up to but not to exceed five (5) workdays/forty (40) hours because of the bereavement of an employee as a result of a death in the employee's immediate family.
 - a. 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 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.
 - b. Absences in excess of the amount allowed for death/bereavement leave, unless approved by the division administrator as an unusual case, will be deducted from the employee's accumulated sick, annual or compensatory leave.
 - c. The division administrator may grant leave with pay, including travel time, for section or work unit coworkers to attend a funeral. Representatives assigned by the division administrator to attend funerals are considered to be on duty; no leave is charged, and mileage and expenses may be claimed.
 - d. The final decision concerning unusual circumstances shall rest with the division administrator.

2. Time Off to Vote: Employees of the Department who are registered to vote in any election held within Missouri are entitled to be absent for a period of three (3) successive hours between the time of opening and the time of closing the polls for the purpose of voting as herein described. The polls are open from 6:00 a.m. to 7:00 p.m. Any employee absence for such purpose shall not be reason for discharge of or the threat to discharge any such person from such services or employment. Such employee, if he/she votes, shall not, because of absence, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his/her usual salary or wages. For an employee to be eligible for these protections and for time off from work with pay for the purpose of voting, the requirements herein must be followed:
 - a. This policy shall not apply to a voter on the day of election if there are three (3) successive hours while the polls are open in which he/she is not in the service of the Department; and/or
 - b. The division administrator or his/her designee may specify any three (3) successive hours between the time of opening and the time of closing the polls during which the employee may be absent to vote. Such leave will normally be taken at the beginning or end of the workday so that the employee is ensured of three (3) successive hours in which to vote. *See* §115.639, RSMo.

3. Jury Duty: Employees shall be granted paid time off from duty by the division administrator for jury service.
 - a. Department employees who are summoned for jury duty may retain the fees and expenses issued to them for their service.

4. Court Appearances: When the employee is a plaintiff, defendant, or witness in a cause of action arising out of employment no leave is required to be taken. When the employee is a plaintiff, defendant, or witness in a cause of action not arising out of employment annual leave, compensatory time, or leave no pay may be used.
 - a. Employees who appear as witnesses in their official Department capacities may not apply for or retain any witness fees. If witness fees are sent, the employee must endorse the check to the Treasurer, State of Missouri.
 - b. Employees who appear as witnesses outside their official Department capacities may retain any witness fees.

5. Workers' Compensation Hearings: A Department employee, who receives notices of conferences or hearings from the Missouri Division of Workers' Compensation for work-related injuries, will be granted paid time off to attend.

6. Blood Donation: At the supervisor's discretion, up to a maximum of three (3) hours of other payable leave may be granted to Department employees to donate blood. The amount of time allowed shall be the minimum time necessary for completion of the donation and for transportation.
7. Retirement System Seminars: Time to attend pre-retirement seminars and other retirement system sponsored information meetings may be charged to other payable leave after receiving approval from the employee's immediate supervisor. Registration fees and travel expenses are the responsibility of the employee.
8. School Visit Leave: The Department understands and places a premium on the value of family and community involvement in education and considers it an investment in the future of children. Department employees are encouraged to work closely with educators and take an active part in children's learning. Employees are also encouraged to volunteer in Missouri schools and assist teachers in the classroom with curricular activities. This policy allows Department employees to have time off with pay during the regular employment hours which otherwise hinder an employee's opportunity to be actively involved in educational programs. School visit leave is appropriate as listed below:
 - a. Employees eligible to request school visit leave under other payable leave are employees who: are employed for four (4) or more work hours a day in positions of a continuing nature requiring the equivalent of four (4) months of full-time employment in any twelve (12) month period, and whose scheduled work hours align with or include the hours when the employee needs to make the school visit.
 - b. Eligible requests for school visit leave include:
 - (1) An academic conference for children from birth through grade twelve about the children's classroom or curricular performance, including kindergarten screening;
 - (2) Attendance at a school awards presentation and/or ceremony;
 - (3) Assisting a classroom teacher with curricular activities. An employee is expected to make advanced arrangements with the building administrator and the teacher so the time spent in the school will be productive for the employee, the teacher and the students;
 - (4) School registration or orientation through grade twelve;
 - (5) Student discipline issues; and/or
 - (6) Conference with school counselor.
 - c. It is not the intent of this policy to cover:
 - (1) Conferences to visit about extra-curricular activities such as clubs and organizations;
 - (2) Parent helpers or other volunteers for non-curricular activities;
 - (3) Students who have graduated from high school; and/or
 - (4) College visits or college registration.

- d. Employees may request school visit leave, regardless of the number of children, up to a maximum of eight (8) hours, or *if the employee is the parent or guardian of a child who is disabled and under an Individualized Education Program (IEP), Individualized Family Service Plan (IFSP) or identified as a child with a disability under Section 504 of the Rehabilitation Act of 1973 (504) and being served under a 504 educational plan, a maximum of sixteen (16) hours may be requested.

- (1) The following list prorates the maximum amount of school visit leave available by hours worked per day:

<u>Work Hours</u>	<u>Non-disability</u>	<u>*Identified Disability</u>
4	4 Hours	8 Hours
5	5 Hours	10 Hours
6	6 Hours	12 Hours
7	7 Hours	14 Hours
8	8 Hours	16 Hours

- (2) Available school visit leave does not accumulate from one school year to the next school year and runs according to a fiscal year (July 1 through June 30).

9. Military Leave: See personnel policy for military leave.

10. Human Organ and/or Bone Marrow Donation: Section 105.266, RSMo effective August 28, 2001, provides paid leave to all Department salary and wage employees who participate as a human organ and/or bone marrow donor, provided the employee provides advance written verification of the event. Time spent on paid leave for such a donation will not be considered a break in service. Employees requesting or obtaining leave of absence under this policy will not be penalized.

- A maximum of five (5) workdays is allowed to serve as a bone marrow donor.
- A maximum of thirty (30) workdays is allowed to serve as a human organ donor.
- Verification letters and any subsequent letters or memos related to the donation and recovery period should be forwarded to Human Resources to be placed in the employee's personnel file.

11. Disaster Relief Leave: Section 105.267, RSMo provides that employees who are certified by the American Red Cross or certified by a volunteer organization with a disaster service commitment recognized by the state emergency management agency as a disaster service volunteer may, with the Commissioner's approval, be granted 120 hours of leave with pay in a fiscal

year to participate in disaster relief services. The law limits participation to 25 state employees from all state agencies in a fiscal year.

12. Missouri Mentor Initiative: Executive Order 07-14 created the Missouri Mentor Initiative (MMI) for up to 200 full-time state employees to provide mentoring services to students in public primary and secondary schools in certain counties within the state. Employees approved to participate in the program are eligible for one hour per week of paid time off to provide the mentoring services. Approved employees are eligible for up to 40 hours annually between September and June of each school year. Employees who are interested in participating must complete an application form found on the website of the Lieutenant Governor. Permission from Human Resources and the employee's supervisor is required to participate. Paid time off may be withdrawn by the State or the department at any time. Participating employees are subject to the rules of the MMI program.

13. Other Allowable Leave: Time off with compensation may be granted to employees of the Department for reasons, which will contribute to the employee's professional growth, promote the welfare of the community and the state, or for other reasons, which are sufficient to warrant the leave. In all cases, the employee must receive approval as specified below prior to taking other payable leave. This leave refers to time off from duties without loss in pay or accrued leave time and may be granted for a variety of reasons, e.g., miscarriage, most of which are covered under separate sections within these policies.
 - a. Extraordinary reasons sufficient in the opinion of the Commissioner of Education or designee to warrant time off with compensation may be charged to other payable leave.

IV. PROCEDURES

(A) The following procedures apply to this policy:

1. An employee must request any of these leaves in advance when possible;
2. An employee may request a review of unusual circumstances by division administrator;

3. Documentation must be provided for the following:
 - a. Jury Duty/Court Appearances: A copy of the subpoena or order to appear in court, or before a judge; legislative committee; or officer, board, or body; or deposition; or the document requesting the employee's attendance for jury service shall be placed in the employee's personnel file unless the employee is acting in the course of their employment;
 - b. Workers' Compensation Hearings: A copy of the employee's notice to appear at a hearing or conference shall be placed in the employee's personnel file;
4. School Visit Leave: School visit leave must be approved in advance by the employee's immediate supervisor or designee by using the established procedure in the work unit to seek approved leave to participate in a called or scheduled school visit with school staff where their child attends. The employee must provide sufficient information to enable the supervisor to fairly consider the request. If there is cause to question an employee's request for school visit leave, documentation of the need for the visit leave will be required of the employee.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 300-345	Section: Standards of Conduct and Employee Corrective Action
Pg. 1 of 2	Subject: Tobacco Use

I. PURPOSE

To provide a healthy and safe environment for all employees, clients, and students.

II. SCOPE

This policy applies to all Department employees and visitors.

III. POLICY

- (A) The Department has designated all Department-occupied offices, buildings, state-owned vehicles, schools, and school grounds as smoke-free and tobacco-free. Tobacco smoke is recognized as a health hazard to smokers and nonsmokers who breathe second-hand smoke. Tobacco use shall not be permitted by employees, clients, visitors, or students within Department facilities or State vehicles. An employee who fails to comply with the provisions of this policy will be subject to the Disciplinary Action Policy.
- (B) The smoke-free, tobacco-free policy bans the use of smokeless items such as chewing tobacco, snuff, e-cigarettes, etc., in Department-occupied offices, buildings, state-owned vehicles, schools, and school grounds.
- (C) The tobacco use policy also applies to common areas, including elevators, stairwells, fire escapes, lobbies, mailrooms, reception areas, break rooms, corridors, and restrooms.
- (D) Tobacco use shall be prohibited at any conference, meeting, or training program sponsored by the Department regardless of location. When the Department is a co-sponsor, the Department employee shall encourage the other co-sponsor to adopt a no-tobacco use policy for the activity. The person responsible for holding the conference, meeting, or training session is responsible for enforcing the no-tobacco rule. That person will announce that a no-smoking no-tobacco use policy exists, and will ask that all comply. The designated tobacco use areas and break times will be pointed out at that time.
- (E) Department work sites, which are shared with or occupied by another employer, will not be designated tobacco-free. However, Department offices adjoining shared areas will be designated tobacco-free, and Department employees are not allowed to take work to those areas or go to those areas for the sole purpose of tobacco use.

- (F) When government property or revenue is involved, the preference of the non-tobacco user will have precedence. When Department employees are traveling on official state business in a privately-owned vehicle, tobacco use will be prohibited if one or more individuals present are non-tobacco users. Every attempt will be made to group tobacco users together with other tobacco users when hotel or motel rooms are shared by employees. If this is not possible and if it is necessary for a non-tobacco user to share a room with a tobacco user, the non-tobacco user preference will prevail.
- (G) Housing provided to the Superintendents of the Missouri School for the Blind and the Missouri School for the Deaf will be considered as their private residences for purposes of this policy, with tobacco use at the discretion of the occupants.

IV. PROCEDURES

- (A) Supervisory and managerial employees are responsible and accountable for implementing the provisions of this policy. These responsibilities include, but are not limited to:
1. Ensuring that all current and new employees under their supervision have reviewed and been advised of the purpose and intent of this policy;
 2. Responding promptly and consistently to any violations of this policy and to any employee grievances relative to tobacco use problems in their work area;
 3. Ensuring that applicants for employment are aware of the policy during the interview or at the time a job offer is made; and
 4. Ensuring that proper “Smoke-free/Tobacco-free” signs are posted in appropriate locations.
- (B) An employee who is adversely affected by an inconsistent application of the tobacco-use policy in his/her workplace may seek relief through the Grievance Procedure Policy. The tobacco-use policy itself is not a grievable issue.