

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**June 2016**

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:

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

RECOMMENDATION:

The Department recommends that the State Board adopt the personnel policies as presented.



SUMMARY OF PERSONNEL POLICIES CHANGES REVISED 2016

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.

200-220 Paid Holidays

III. POLICY

- (B) An employee shall be credited for a holiday only if the employee is in pay status the full workday preceding the holiday. ~~An employee whose appointment or return to pay status is effective after a holiday will receive no credit for the holiday, except when the holiday occurs at the start of a month and the employee's appointment or return to pay status is effective the first scheduled working day following the holiday.~~ Employees who are in pay status for a holiday will receive credit for the holiday as follows:

200-250 Paid Personal Time Off

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 school activities ~~educational programs~~ for children from birth through grade twelve. ~~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.~~

b. 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;~~
- (1) Students who have graduated from high school; and/or
- (2) College visits or college registration.

c. 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), **First Steps** 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.

200-245 Adoptive and Foster Placement Leave

New Policy

300-380 Disciplinary Action

IV. PROCEDURES

6. Dismissal:

- c. Dismissals are grievable unless the employee is a probationary employee or the employee is dismissed pursuant to Personnel Policy 700-730, Tax Compliance. See Personnel Policy 400-420 Grievance Procedure.

700-730 Tax Compliance

IV. PROCEDURES

(E) Employees, not on probationary status, who are terminated at the end of the forty-five (45) calendar day period, shall have ten (10) workdays from the effective date of dismissal to appeal the dismissal. See Personnel Policy 400-420 Grievance Procedure.

Dismissals related to tax compliance are not grievable.



PERSONNEL POLICIES AND PROCEDURES

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| Adoption Date: | Approved By: State Board of Education |
| Policy No: 200-220 | Section: Employee Benefits and Services |
| Pg. 1 of 2 | Subject: Paid Holidays |

I. PURPOSE

To specify dates as may be designated by the Governor as paid holidays.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

(A) The following are paid holidays, in addition to days or dates designated by the Governor:

January 1: New Year's Day;
Third Monday in January: Martin Luther King, Jr.'s Birthday;
February 12: Lincoln's Birthday;
Third Monday in February: Washington's Birthday;
May 8: Truman's Birthday;
Last Monday in May: Memorial Day;
July 4: Independence Day;
First Monday in September: Labor Day;
Second Monday in October: Columbus Day;
November 11: Veterans Day;
Fourth Thursday in November: Thanksgiving Day;
December 25: Christmas Day.

When any of the specified holidays fall on Sunday, the holiday shall be observed on the following Monday. When any of these dates or days fall on a Saturday, the holiday shall be observed on the preceding Friday.

(B) An employee shall be credited for a holiday only if the employee is in pay status the full workday preceding the holiday. ~~An employee whose appointment or return to pay status is effective after a holiday will receive no credit for the holiday, except when the holiday occurs at the start of a month and the employee's appointment or return to pay status is effective the first scheduled working day following the holiday.~~ Employees who are in pay status for a holiday will receive credit for the holiday as follows:

| Hours Worked Daily | Hours Worked Weekly | Hours:Minutes Credited for Holiday |
|-------------------------------|--------------------------------|---|
| 4 | 20 | 4:00 |
| 5 | 25 | 5:00 |
| 6 | 30 | 6:00 |
| 7 | 35 | 7:00 |
| 8 | 40 | 8:00 |

Employees, regardless of work schedule, shall receive credit for the same number of paid holidays as employees whose regular workweek is Monday through Friday.

- (C) For purposes of these policies, a holiday shall be considered as a period of eight (8) hours. If an employee's work schedule is for more than eight (8) hours and the employee does not work the holiday, the amount of the scheduled time absent in excess of eight (8) holiday hours shall be charged to another type of leave, such as annual or compensatory time. If the employee requests and the Division/Office Administrator approves, the time absent in excess of eight (8) holiday hours may be worked in the same workweek. If an employee is not on a regular work schedule and not scheduled to work on the state holiday, the employee could be required to take the holiday time off during the same week or be granted compensatory time.
- (D) Employees working on any of the previously listed holidays, with the approval of the Division/Office Administrator or the designee, shall be granted equal compensatory time off from duty or payment, if approved, pursuant to the Overtime Personnel Policy.
- (E) School Term:
1. The school term shall include school attendance days in which classes are to be in session; in-service days in which classes are not to be in session, but attendance of personnel may be required; and designated school holidays;
 2. School holidays shall be defined as those workdays during the school term when attendance of students and school personnel is not scheduled;
 3. If circumstances prevent school from being held during a designated school attendance day, the superintendent shall be authorized to revise or extend the school term to allow for the number of school attendance days designated by the State Board of Education.



PERSONNEL POLICIES AND PROCEDURES

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| Adoption Date: | Approved By: State Board of Education |
| Policy No: 200-245 | Section: Employee Benefits and Services |
| Pg. 1 of 4 | Subject: Adoptive and Foster Placement Leave |

I. PURPOSE

To establish uniform guidelines for the donation and dispensation of leave for the Foster and Adoptive placement and care program for the purpose of arranging for a foster or adopted child's placement or for care of the child after placement.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

- (A) As required by Section 105.271 RSMo, the Department has adopted a donated leave pool. Donated leave is annual leave and compensatory time donated by employees to a Department pool to provide additional paid leave to employees who have exhausted all of their accrued leave, and for the purpose of arranging for a foster or adopted child's placement or for care of the child after placement.
- (B) Employees in benefit-eligible positions, who have completed their probationary period, are eligible to be donors or recipients. Employees who currently have an evaluation rated "below average," "improvement expected," or "unsatisfactory" are not eligible to receive donated leave. Probationary, temporary and hourly employees are not eligible to receive donated leave. Employees who have been disciplined in the past six months are not eligible to receive donated leave.
- (C) Annual leave and compensatory time may be donated. Sick leave, which is a grant from the Department and not the property of the employee, may not be donated.
- (D) Donations of annual leave and compensatory time are final, and donated leave will not subsequently be returned to the employee.
- (E) Donations shall not be made to a specific individual but shall be made to the Department's donated leave pool.
- (F) The employee making application for donated leave is not required to have previously contributed to the pool to be eligible to receive donated leave.

- (G) All applicants shall have equal opportunity to apply for donated leave, and recipients will be treated in a non-discriminatory manner. Donated leave shall only be used by the recipient employee for purposes of arranging for the foster or adopted child's placement or for care of the child after placement, which includes, but is not limited to:
1. Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;
 2. Court proceedings;
 3. Required travel;
 4. Training and licensure as a foster parent;
 5. Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or
 6. Any other activities necessary to allow the foster care or adoption to proceed.
- (H) The maximum benefit, which can be authorized for any one (1) employee for any one (1) instance of eligibility shall not exceed the equivalent of three (3) months of the employee's regular salary, approximately 504 hours based on a 21 workday month (63 work days) for a full-time employee.
- (I) If an employee accrues leave during a pay period, the accrued leave must be exhausted before the employee is again eligible to receive donated leave.
- (J) An employee receiving donated leave will be credited with the employee's regular leave (annual and sick) accrual during the period on donated leave.
- (K) No employee may intimidate, threaten, or coerce any other employee with respect to donating annual leave, compensatory time, or receiving donated leave. No employee shall receive remuneration of any kind for a leave donation.
- (L) All individual leave records associated with this program are confidential and, with the exception of processing requirements, only individual employees may reveal their annual leave or compensatory time donations and their donated leave receipts.
- (M) Decisions are not grievable.

IV. PROCEDURES

- (A) Donations shall be made according to established procedures with the employee's signature authorizing his/her annual leave balance or compensatory time balance to be decreased in any pay period and/or by designating an amount to be donated each pay period. The signed document is to be submitted to the employee's Executive Assistant or Recorder of Leave. To change or cancel automatic pay period deductions, the employee should submit another signed request.

- (B) The employee (or a representative) may request donated leave by submitting an Application for Adoptive and Foster Placement Leave and provide adequate documentation to validate the use of this leave. The employee shall be responsible for submitting additional forms and/or information as needed.
- (C) An application for Adoptive and Foster Placement Leave may be made prior to depletion of the employee's accrued leave time (annual and sick) and compensatory time. The employee must have exhausted all of his/her accrued annual leave, sick leave, and compensatory time before being eligible to use donated leave.
- (D) Granted leave hours for Adoption and Foster Placement may be used up to twelve (12) months following the award for qualifying events.
- (E) The final decision to grant leave rests with the Commissioner or designee and is based upon the degree to which the employee is responsible for providing care and attention in connection with the adoption or foster care of the child.
- (F) The employee will be notified whether their request for donated leave is approved or denied.

V. DEFINITIONS

- (A) The following definition applies to this policy:
 1. Donated Leave Pool: Donated leave pool is a repository of eligible leave hours that is maintained by the Department for the purposes of arranging for a foster or adopted child's placement or for care of child after placement.
 2. Foster or Adoptive Parent: Foster or adoptive parent is an employee pursuing to foster or adopt a child or an employee who has a foster or adopted child placed in the home.



PERSONNEL POLICIES AND PROCEDURES

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| 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/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.
 - b. Absences in excess of the amount allowed for death/bereavement leave, unless approved by the Division/Office Administrator as an unusual case, will be deducted from the employee's accumulated sick, annual or compensatory leave.
 - c. The Division/Office Administrator may grant leave with pay, including travel time, for section or work unit coworkers to attend a funeral. Representatives assigned by the Division/Office 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/Office 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/Office 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/Office 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 school activities educational programs for children from birth through grade twelve. 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;~~

b. 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;~~
- (1) Students who have graduated from high school; and/or
- (2) College visits or college registration.

c. 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), First Steps 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. A maximum of five (5) workdays is allowed to serve as a bone marrow donor.
- b. A maximum of thirty (30) workdays is allowed to serve as a human organ donor.
- c. 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 the Division/Office 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

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| Adoption Date: June 18, 2013 | Approved By: State Board of Education |
| Policy No: 300-380 | Section: Standards of Conduct and Employee Corrective Action |
| Page 1 of 4 | Subject: Disciplinary Action |

I. PURPOSE

To establish guidelines for uniform employee disciplinary action.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) In general, most employee/employer problems can be resolved with a reasonable amount of positive supervision and counseling. Disciplinary action, when required, must be based on factual considerations and be appropriate in view of the severity of the problem.

IV. PROCEDURES

(A) Appropriate disciplinary actions shall include:

1. Oral Reprimand:

- a. An oral reprimand is a warning; but, at the same time, it is an attempt to get to the root of the problem and overcome the source of difficulty. When a supervisor gives an oral reprimand, brief notes should be made for future reference and guidance; but these do not become part of the employee's personnel file unless the problem gets worse and written reprimands are issued;
- b. An oral reprimand will not be grievable but shall be fully discussed with the employee and the employee given a chance to respond at the time of the oral reprimand;

2. Written Reprimand:

- a. A written reprimand is of a more serious nature and shall contain a description of the reasons for the reprimand. One (1) copy shall be provided the employee either in person or by mail and one (1) shall be made a part of the employee's personnel file. The supervisor will review the written reprimand upon the employee returning to work;

- b. A written reprimand will not be grievable but will be reviewed with the employee, and the employee will be given a chance to respond at the time of issuance;
3. Mandatory Employee Assistance Program (EAP) Referral:
- a. The supervisor may refer an employee to the EAP. Mandatory referrals require the approval of the Division/Office Administrator with a consultation with the appropriate Human Resource office.
 - b. Employees may be disciplined for failure to comply with the requirements of the mandatory referral.
 - c. Mandatory EAP referrals are not grievable.
4. Suspension Without Pay:
- a. The Division/Office Administrator or designee may, for disciplinary purposes, suspend without pay any employee for such length of time as is considered appropriate, not exceeding twenty (20) consecutive workdays except in the case of pending criminal charges as determined by the Commissioner of Education. In the case of suspension without pay, the Division/Office Administrator shall provide the employee with a letter specifically setting forth the reasons for the suspension. A copy shall be made a part of the employee's personnel file;
 - b. Suspensions without pay that exceed three (3) consecutive workdays are grievable.
 - c. Suspensions without pay for three (3) or less consecutive workdays are not grievable. The employee will have five (5) workdays in which he or she has the right to show cause as to why the suspension without pay should be reversed.
5. Demotion:
- a. A demotion is a change of an employee from a position in one classification to a position in another classification, which is assigned a lower salary range.
 - b. The Division/Office Administrator may demote an employee. A written statement of the reasons for any such action shall be provided to the employee prior to the effective date of the action; one (1) copy will be furnished to the Deputy Commissioner, and one (1) copy shall be made a part of the employee's personnel file;
 - c. Demotions are grievable;

6. Dismissal:

- a. Immediate dismissal may be ordered by the Division/Office Administrator. Non-probationary employees shall be advised of the charges in writing, delivered in person or if not possible by certified mail, with a return receipt requested. The dismissal letter shall state the effective date of the dismissal and the employee's right to show cause, either in person, by telephone, or in writing, as to why the dismissal should not become effective on that date;
- b. The non-probationary employee shall be placed in "suspension with pay" status for the five (5) workday period prior to the effective date of termination unless the employee is not in pay status at the time of the dismissal. It is during this period that the employee has the right to show cause as to why the dismissal should not take effect. A copy of the show cause and the response to show cause shall be made a part of the employee's personnel file;
- c. Dismissals are grievable unless the employee is a probationary employee or the employee is dismissed pursuant to Personnel Policy 700-730, Tax Compliance. See Personnel Policy 400-420 Grievance Procedure.

(B) Investigations of alleged misconduct by employees shall be based upon the following:

1. Employees may be immediately suspended with pay for an alleged offense, which, if proven, could result in disciplinary action. Alleged offenses will be investigated promptly. The investigation shall be initiated at the earliest possible time and concluded as soon as possible. A period of suspension with pay shall not exceed fifteen (15) work days. The period of suspension with pay may be extended if deemed necessary by the Commissioner of Education;
2. During the period of investigation, the employee is entitled to regular salary and fringe benefits. Suspension with pay may be ordered by the Division/Office Administrator. When suspensions with pay occur, the appropriate Human Resources office shall be advised immediately;
3. Employees may be immediately suspended without pay, on the basis of pending criminal charges, if the pending criminal charges could be detrimental to the good of the service, due to the direct or indirect connection of the criminal charges to the employee's job duties, as determined by the Commissioner of Education. Such suspensions without pay are not grievable; however, the employee will have five (5) workdays in which he or she have the right to show cause as to why the suspension without pay should be reversed.
4. Suspensions with pay are not grievable.

- (C) An employee may have another Department employee of their choice, regardless of union status, to accompany and advise the employee upon request if the employee is questioned by an agency representative about a matter that the employee reasonably believes may lead to demotion, suspension, or dismissal of the employee. However, in no event, may an employee withhold information from his superiors or co-workers or delay any normal course of questioning or investigation.
- (D) When a letter of demotion, suspension, or dismissal is proposed, the employee shall be notified of the charge(s) and shall be entitled to a specification of the charge(s) or complaint(s) and supporting documentation.
- (E) If the investigation reveals no cause for action, the employee shall be returned to work; and, if entries have been made in the personnel record, such entries shall be expunged.



**MISSOURI DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
PERSONNEL POLICIES AND PROCEDURES**

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|------------------------------|---------------------------------------|
| Adoption Date: June 16, 2015 | Approved By: State Board of Education |
| Policy No: 700-730 | Section: Employee Separation |
| Pg. 1 of 2 | Subject: Tax Compliance |

I. PURPOSE

For Department employees to maintain state income tax compliance with the Missouri Revised Statute Chapter 105, section 105.262.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) As a condition of continued employment with the State of Missouri, all persons employed full-time, part-time, or on a temporary or contracted basis by the Department shall file all state income tax returns and pay all state income taxes owed.

IV. PROCEDURES

(A) The Commissioner of Education will receive an annual report from the Missouri Department of Revenue of employees not in compliance. Employees included in this report are in violation of Section 105.262, RSMo. The report lists those employees that have not filed their state income tax return or paid taxes owed under that taxpayer number. The report will be provided to the Department's central Human Resources office.

(B) The central Human Resources office will notify the employee in writing of the tax issue. The employee will be directed to contact the Missouri Department of Revenue with any questions. Upon notification from Human Resources, the employee will have forty-five (45) calendar days to satisfy the tax liability. Payment plans may be in the form of a payroll deduction or as otherwise agreed by the Department of Revenue.

(C) Failure to satisfy the liability within the forty-five (45) calendar days will result in immediate dismissal of the employee from employment with the Department.

(D) If an employee voluntarily suspends or terminates an approved payment agreement without the approval of the Director of Revenue before the tax liability is satisfied, the employee shall be immediately dismissed from the Department.

(E) ~~Employees, not on probationary status, who are terminated at the end of the forty-five (45) calendar day period, shall have ten (10) workdays from the effective date of dismissal to appeal the dismissal. See Personnel Policy 400-420 Grievance Procedure.~~

~~Dismissals related to tax compliance are not grievable.~~