

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**June 2017**

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:

Roger Dorson, 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 JUNE 2017

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.

000-060 Probationary Period

III. POLICY

- (A) Each new employee of the Department will serve a designated period of probation during which the new employee is required to demonstrate his/her ability to satisfactorily perform the duties of the position. The length of the probationary period is stipulated in the letter of employment.
1. **Non-Exempt (Support)** personnel will serve no less than a six (6) month probationary period from the date of hire.
 2. **Exempt (Professional)** personnel, because of the complex nature of their duties, will serve no less than a twelve (12) month probationary period from the date of hire.
 3. **All employees of the State Board Operated Schools will serve no less than a twelve (12) month probationary period from the date of hire.**

V. DEFINITIONS

- (A) The following definitions apply to this policy:
2. Probationary Employee: An employee who is still within his/her probationary period. ~~:- six (6) months for non-exempt and twelve (12) months for exempt personnel.~~

100-120 Overtime

III. POLICY

- (G) If workload or special circumstances (e.g. a conference, training, special project, etc.) require a **non-exempt** employee to work in excess of forty (40) hours in one (1) workweek if they finish out the week according to their regular schedule, supervisors shall adjust a **non-exempt** employee's workweek so that the employee does not work in excess of forty (40) hours in that workweek, unless overtime compensation has been approved in accordance with this policy's guidelines.

- (N) An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the Department. Compensatory time earned after February 2017 must be used before using annual leave for employee absences. Employees should use compensatory time that was earned prior to February 2017 in a timely manner in lieu of annual leave as long as this does not result in the loss of accumulated annual leave. Employees may use compensatory time in lieu of using sick leave.

IV. PROCEDURES

3. Non-exempt employees may be allowed to flex their work schedule during a given Fair Labor Standards Act (FLSA) cycle (Sunday to Saturday) if compensatory time will be accrued, with prior approval. The specific amount of compensatory time that was earned may be flexed at an approved point during that same FLSA cycle (Sunday to Saturday). The flexing of compensatory time during the FLSA cycle (Sunday to Saturday) will be entered into the employee's timekeeping system Enterprise Time Application (ETA) system using codes ADDHR for the extra hours worked and FLEX for the adjusted time off hours. The total ADDHR hours earned and the total FLEX hours used must be the same.
5. All compensatory time must be entered into the employee's ETA timekeeping system by the employee in the pay period that it was worked, approved by the direct supervisor, and correctly calculated by the system.

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 for qualifying events. Effective on January 1, 2015, a "Calendar Year" begins January 1 and ends December 31. An updated Medical Certification Form must be submitted for qualifying events that continue into the next calendar year.
- (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) Eligible employees are entitled to take up to twelve (12) workweeks of FMLA leave in a twelve (12)-month period for the birth or placement of a child and to bond with the child within one year of birth or placement (adoption or foster care). An employee's entitlement to FMLA leave for birth and bonding expires twelve (12) months after the date of the child's entry into the family. Both mothers and fathers

have the same right to take FMLA leave for the birth or placement of a child. Leave to care for or bond with a newborn or newly placed adopted or foster child must be taken in a continuous block of time; leave may be used intermittently only with the employer's approval. A detailed plan outlining the use of intermittent leave may be required.

- (E) 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 twenty-six (26) weeks of unpaid leave to care for:

200-250 Paid Personal Time Off

III. POLICY

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 **one-hundred twenty (120)** hours of leave with pay in a fiscal year to participate in disaster relief services. The law limits participation to **twenty-five (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 **two-hundred (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 **forty (40)** hours annually between September and June of each school year.
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.~~

300-380 Disciplinary Action

IV. PROCEDURES

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 shall be made for future reference and guidance; but these do not become part of the and be made part of the employee's personnel file unless the problem gets worse and a written reprimand is issued;

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 or designee. 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) Investigations of alleged misconduct by employees shall be based upon the following:

4. Suspensions with pay for less than thirty-one (31) days are not grievable. Suspensions with pay for thirty-one (31) days or more may be grieved at the second level and require a hearing, pursuant to § 105.264, RSMo.

400-420 Grievance Procedure

IV. PROCEDURES

2. Second-Level Grievance: If the grievance is not resolved during the first-level grievance or no response is received within the appropriate time to the first-level grievance, the grievant may file a second-level grievance with the Commissioner of Education or a designee in charge of the employee's division within ten (10) workdays of the date of the first-level grievance decision or within ten (10) workdays of the date such decision was due. For other than grievances regarding dismissals, the Commissioner of Education or a designee may either set a date to meet with grievant to discuss the grievance or set a hearing date to hear the grievance within ten (10) workdays of receipt of the grievance. For grievances regarding dismissal or suspensions with pay in excess of thirty (30) days, a hearing shall be held by the Commissioner of Education or a designee.

500-510 Employee Performance Appraisal

III. POLICY

- (D) A performance evaluation is not grievable if the employee receives an overall rating of successful/average or above. An employee may place a written statement of rebuttal in their permanent personnel file. **An employee may grieve a performance evaluation rated below successful.**

500-530 Professional Development

New Policy

PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 000-060	Section: Employment
Pg. 1 of 2	Subject: Probationary Period

I. PURPOSE

To establish the timelines and guidelines for the probationary period of new employees of the Department.

II. SCOPE

This policy applies to all new Department employees.

III. POLICY

- (A) Each new employee of the Department will serve a designated period of probation during which the new employee is required to demonstrate his/her ability to satisfactorily perform the duties of the position. The length of the probationary period is stipulated in the letter of employment.
1. **Non-Exempt (Support)** personnel will serve no less than a six (6) month probationary period from the date of hire.
 2. **Exempt (Professional)** personnel, because of the complex nature of their duties, will serve no less than a twelve (12) month probationary period from the date of hire.
 3. **All employees of the State Board Operated Schools will serve no less than a twelve (12) month probationary period from the date of hire.**
- (B) Employees completing their probationary period shall have been evaluated at least once. Continuing employment beyond the probationary period shall require the approval of the Division/Office Administrator. Employees continuing beyond the probationary period serve at the pleasure of the Commissioner of Education and the State Board of Education, subject to the availability of appropriated funds.
- (C) Probationary employees may be terminated any time during the probationary period.
- (D) Lack of approval for continuing employment shall not be grievable.

IV. PROCEDURES

- (A) An employee will be evaluated by the immediate supervisor. The supervisor shall share the evaluation with anyone who assists in reviewing, and they shall be in agreement with the evaluation before sharing it with the employee. The performance evaluation forms shall be used for probationary evaluations.
- (B) The probationary period may be extended a maximum of twelve (12) months. Any extension of a probationary period must be approved by the Division Administrator and documented in the employee's personnel file.
- (C) Effective dates of employment and termination may be determined by the Division Administrator subject to recommendation by the Commissioner of Education and action of record by the State Board of Education.

V. DEFINITIONS

- (A) The following definitions apply to this policy:
 - 1. Probation: That designated period of time in which the new employee of the Department is required to demonstrate his/her ability to perform the duties of the position, for which he/she has been hired, by actual performance of the duties of the position;
 - 2. Probationary Employee: An employee who is still within his/her probationary period. ~~six (6) months for non-exempt and twelve (12) months for exempt personnel.~~



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 100-120	Section: Wage and Salary Administration
Pg. 1 of 4	Subject: Overtime

I. PURPOSE

To establish uniform overtime guidelines for all employees.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

- (A) The Department may compensate overtime to employees. The Division/Office Administrator shall be responsible for authorizing overtime work and overtime compensation. The Division/Office Administrator may require employees to perform reasonable amounts of overtime work to fulfill the responsibilities of the Department, provided this authorized overtime work is compensated in accordance with these policies and applicable state or federal statutes. *See 29 U.S.C. §201 et seq.*
- (B) Forty (40) hours constitute a normal workweek for employees. In general, hours worked include all the time an employee is required to be on duty or at a prescribed workplace for the employer, time spent on incidental activities that are indispensable or an integral part of their principal duties, and all time during which the employee is required or permitted to work for the employer, including work performed at home.
- (C) A workweek is forty (40) hours of regularly scheduled work within a fixed and regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. The workweek for most Department employees will be the same as the calendar week, Sunday through Saturday. The workweek may begin on any day of the week and at any hour of the day. Once established, a workweek may be changed if the change is intended to be permanent and the purpose is not to avoid overtime liability. The Commissioner shall be responsible for establishing the workweek for employees.
- (D) Federal overtime compensation for non-exempt employees is computed at one and one-half (1½) times the number of hours actually worked over forty (40) in a workweek, to be taken as compensatory time off or to be paid at the regular hourly rate-of-pay at one and one-half (1½) times. An agreement shall be reached between the Division/Office Administrator and the employee concerning the method of compensation before performance of the work: payment, compensatory time off, or

a combination thereof. Payment shall require prior approval of the Commissioner. Annual leave, sick leave, holidays, compensatory time off, jury duty, and other types of leave are hours in pay status at straight time and shall not be considered as hours of actual work to be eligible for federal overtime compensation at the rate of one and one-half (1½) times the number of hours worked over forty (40) hours in a workweek.

- (E) Exempt employees, as defined by the regulations interpreting the Fair Labor Standards Act (FLSA), are exempt from overtime provisions, and are not required to be compensated for overtime. According to this policy, exempt employees may receive compensatory time if authorized by the Division/Office Administrator.
- (F) All overtime must be approved by the employee's direct supervisor and the Division/Office Administrator prior to the employee working overtime. Employees are required to notify their direct supervisors at the earliest possible time the employee knows they will not be able to finish their regularly-scheduled workweek without working overtime, but no later than one (1) day before the workday the employee will be in overtime status if working a full day.
- (G) If workload or special circumstances (e.g. a conference, training, special project, etc.) require a **non-exempt** employee to work in excess of forty (40) hours in one (1) workweek if they finish out the week according to their regular schedule, supervisors shall adjust a **non-exempt** employee's workweek so that the employee does not work in excess of forty (40) hours in that workweek, unless overtime compensation has been approved in accordance with this policy's guidelines.
- (H) Non-exempt employees are prohibited from working more than forty (40) hours in one (1) workweek without prior approval, regardless of whether they report their time. Working more than forty (40) hours in one (1) workweek without approval may result in disciplinary action.
- (I) Employees shall not be allowed to work on holidays to earn Holiday compensatory time (computed at the straight time rate) unless their job responsibilities are deemed essential by the employee's direct supervisor and the Division/Office Administrator (e.g. to attend a conference, legislative hearings, district review, etc.).
- (J) When any Department employee works overtime, time worked shall be recorded on an overtime form. Overtime shall be recorded for the time actually worked, but will be rounded to the nearest fifteen (15) minutes. The fifteen- (15) minute-average rule shall be used to calculate the time worked each day. For example, seven (7) or fewer minutes overtime worked will not be compensated; eight (8) minutes overtime worked will be compensated as fifteen (15) minutes.
- (K) The maximum total Federal compensatory time, which may be accrued by any non-exempt employee, shall be two hundred forty (240) hours. Any federal compensatory time earned by a non-exempt employee over two hundred forty (240) hours will be automatically paid by the HR/Payroll system.

- (L) Compensatory time may be accrued by an exempt employee. After the October 16 through 31 pay period is posted on the payroll system each year, any compensatory time (total combined hours of State and Holiday compensatory time balances) above the eighty (80) hour maximum amount shall be removed from the payroll system.
- (M) Excess compensatory time may be donated to the Department's Shared Leave Pool.
- (N) An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the Department. Compensatory time earned after February 2017 must be used before using annual leave for employee absences. Employees should use compensatory time that was earned prior to February 2017 in a timely manner in lieu of annual leave as long as this does not result in the loss of accumulated annual leave. Employees may use compensatory time in lieu of using sick leave.

IV. PROCEDURES

- (A) Work authorized by the Division/Office Administrator for exempt staff which causes the employee to exceed forty (40) hours in pay status during a workweek, shall not be compensated except in unusual circumstances as determined by the Division/Office Administrator. The compensatory time which may be accrued and the policies concerning its usage are as follows:
 1. All compensatory time will be submitted on the standardized form for advance approval by the Division/Office Administrator;
 2. Weekend travel will provide for a maximum of eight (8) hours of compensatory time per day for conferences or meetings that are directly related to the employee's job and that have been approved in advance. Example: If a conference begins on Sunday and the employee leaves on Saturday to receive lower air fare, compensatory time will be given for actual travel up to eight (8) hours on Saturday and for up to eight (8) hours on Sunday;
 3. Non-exempt employees may be allowed to flex their work schedule during a given Fair Labor Standards Act (FLSA) cycle (Sunday to Saturday) if compensatory time will be accrued, with prior approval. The specific amount of compensatory time that was earned may be flexed at an approved point during that same FLSA cycle (Sunday to Saturday). The flexing of compensatory time during the FLSA cycle (Sunday to Saturday) will be entered into the employee's timekeeping system Enterprise Time Application (ETA) system using codes ADDHR for the extra hours worked and FLEX for the adjusted time off hours. The total ADDHR hours earned and the total FLEX hours used must be the same.
 4. In the event that a disaster affects departmental operations, the Commissioner of Education has the discretion to alter overtime and expenses for key positions in an effort to provide continuity of operations; and

5. All compensatory time must be entered into the **employee's ETA** timekeeping system ~~by the employee~~ in the pay period that it was worked, approved by the direct supervisor, and correctly calculated by the system.
- (B) Exempt employees will not be paid for any compensatory time over the eighty (80) hour maximum accrual upon termination. Employees who transfer from one division/office of the Department to another without a break in service will normally transfer their entire compensatory time balances with them. However, the employee may request that the releasing division pay off all or part of the compensatory time balance at the total discretion of the Division/Office Administrator. This payment shall be based on the employee's rate of pay at the time of termination or transfer.

V. DEFINITIONS

- (A) The following definitions apply to this policy:
1. Compensatory Time: Time during which an employee is not working, which is not counted as time worked during the applicable workweek and for which the employee is compensated at the employee's regular rate;
 2. Exempt Employees: Employees whose positions meet specific tests established by the FLSA and state law and who are exempt from overtime pay requirements;
 3. Non-Exempt Employees: Employees whose positions do not meet FLSA exemption tests and who are paid a multiple of their regular rate of pay for overtime, as required by federal and state law.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 200-235	Section: Employee Benefits and Services
Pg. 1 of 8	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 for qualifying events. Effective on January 1, 2015, a "Calendar Year" begins January 1 and ends December 31. An updated Medical Certification Form must be submitted for qualifying events that continue into the next calendar year.

(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) Eligible employees are entitled to take up to twelve (12) workweeks of FMLA leave in a twelve (12)-month period for the birth or placement of a child and to bond with the child within one year of birth or placement (adoption or foster care). An employee's entitlement to FMLA leave for birth and bonding expires twelve (12) months after the date of the child's entry into the family. Both mothers and fathers have the same right to take FMLA leave for the birth or placement of a child. Leave to care for or bond with a newborn or newly placed adopted or foster child must be taken in a continuous block of time; leave may be used intermittently only with the

employer's approval. A detailed plan outlining the use of intermittent leave may be required.

(E) 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 twenty-six (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.

(F) 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/Office 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/Office 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/Office 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). 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/Office 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 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/Office 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/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 for children from birth through grade twelve.
 - 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. It is not the intent of this policy to cover:
 - (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 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 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 **one-hundred twenty (120)** hours of leave with pay in a fiscal year to participate in disaster relief services. The law limits participation to **twenty-five (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 **two-hundred (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 **forty (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

Adoption Date:	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~~ **shall** be made for future reference and guidance; ~~but these do not become part of the and be made part of the~~ **employee's personnel file unless the problem gets worse and a 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 or designee. 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 for less than thirty-one (31) days are not grievable. Suspensions with pay for thirty-one (31) days or more may be grieved at the second level and require a hearing, pursuant to § 105.264, RSMo.

- (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.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 400-420	Section: Employee Communications
Pg. 1 of 4	Subject: Grievance Procedure

I. PURPOSE

To establish uniform guidelines for a grievance process.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

- (A) It shall be the policy of the Department to provide an effective means for resolving employee grievances. An employee's use of this grievance procedure will not in any way reflect adversely on the employee. Nothing in this policy should discourage or prevent resolution of problems by informal means at any time.
- (B) Employees may not avail themselves of the first-level grievance until they have discussed and attempted to resolve the issue within their section/school/local office.
- (C) A grievant who fails to process a grievance within the requisite time limits, or extension thereof, shall be deemed to have accepted the last response given.
- (D) Grievances may be withdrawn at any level of the grievance procedure.
- (E) The time limits at any level may be extended by mutual agreement of the Department and the grievant. Such extension of a time limit shall be to a date certain. The postmark of any document mailed pursuant to this policy shall establish the timeline for any grievance, response to a grievance or appeal of a grievance. Should any time limit fall on a Saturday, Sunday, or state holiday, it shall be extended to the next day that is not a Saturday, Sunday, or state holiday.
- (F) The Department may expedite cases to a higher level of process without completion of earlier levels.
- (G) The Department may consolidate grievances, which raise similar issues. However, if such consolidation occurs, the decision as to each grievance shall be issued separately.
- (H) Dismissals, if appealed, shall be heard directly as second-level grievances. To perfect such an appeal, an employee shall file the appeal within ten (10) calendar days of the effective date of dismissal.

- (I) Any hearing or meeting held by a designee for any level grievance shall be for the purpose of submitting findings of fact to that individual responsible for issuing a decision regarding the grievance.
- (J) Any hearing or meeting for any level grievance shall be held at a site and time that minimizes travel time and interference with the work schedules of the participants.
- (K) An employee may have another Department employee of their choice 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/her superiors or co-workers or delay any normal course of questioning or investigation.
- (L) At employee grievance hearings, an employee may have another Department employee of their choice to accompany and advise the employee in the grievance proceedings, provided that the arrangements for such assistance do not delay the proceedings.
- (M) Grievants may present their cases during work hours without loss of pay. If the hearing extends beyond or is held outside the regular workday, such time shall not be considered time worked.
- (N) An employee who accompanies a grievant may do so without loss of pay. If the hearing extends beyond or is held outside the regular workday, such time shall not be considered time worked.
- (O) A grievance filed at any level must be in writing, must set forth the specific reasons for the grievance, including why the grievant believes the application of Department personnel policies to be improper, and must set forth the relief sought.
- (P) Any appeal of a response to a grievance must be in writing and must explain the reason the grievant disagrees with the response to the grievance.
- (Q) Non-disciplinary actions are not grievable beyond the first-level.

IV. PROCEDURES

- (A) The following procedures will apply to this policy:
 1. First-Level Grievance: The Division/Office Administrator or a designee shall meet with grievant within fifteen (15) workdays after receipt of the grievance to discuss the grievance. The designee shall issue a written response to grievant within fifteen (15) workdays of such meeting. The designee's response shall either: (1) set forth the agreed upon basis for resolution of the grievance signed by grievant and the designee; or (2) set forth the designee's decision and rationale;

2. Second-Level Grievance: If the grievance is not resolved during the first-level grievance or no response is received within the appropriate time to the first-level grievance, the grievant may file a second-level grievance with the Commissioner of Education or a designee in charge of the employee's division within ten (10) workdays of the date of the first-level grievance decision or within ten (10) workdays of the date such decision was due. For other than grievances regarding dismissals, the Commissioner of Education or a designee may either set a date to meet with grievant to discuss the grievance or set a hearing date to hear the grievance within ten (10) workdays of receipt of the grievance. For grievances regarding dismissal **or suspension with pay in excess of thirty (30) days**, a hearing shall be held by the Commissioner of Education or a designee.
 - a. A hearing or a meeting shall be held within forty-five (45) calendar days of receipt of the grievance. Within forty-five (45) calendar days after the formal close of the hearing, with briefs and the transcript of the hearing being received, findings of facts and a decision shall be issued by the Commissioner of Education.
 - b. If the Commissioner of Education or a designee meets with the grievant, a decision by the Commissioner shall be issued within forty-five (45) calendar days after that meeting; and/or
3. Third-Level Grievance: If the grievance is not resolved during the second-level grievance, the grievant may request an appeal by the State Board of Education. Said review shall be granted at the sole discretion of the State Board of Education and shall be by record only. Any request for review of the second-level grievance shall be made in writing to the State Board of Education specifying clearly upon what grounds the Commissioner of Education's decision is asserted to be in error. The appeal shall be filed within ten (10) workdays of receipt of the second-level grievance decision or within ten (10) workdays of the date such decision was due. If the request for appeal is accepted, the State Board of Education shall place said appeal on the agenda of the earliest practical regular meeting of the State Board following receipt of the record of the grievance before the Commissioner of Education. The State Board of Education shall affirm, reject, or modify the decision of the Commissioner of Education. The decision of the State Board of Education shall be final for this procedure.

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Grievance: A grievance, for purposes of this policy, shall mean a complaint raised by an employee related to the application of departmental personnel policies, unless otherwise specified in Personnel Policies;
2. Grievant: A grievant shall mean any employee of the Department who files a grievance under this procedure;

3. Section Director: The section director, when used in this policy, shall mean the first-level supervisor below an Assistant Commissioner;
4. Accompany: The word “accompany” means to be present, witness, or passively observe.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 500-510	Section: Training and Development
Pg. 1 of 2	Subject: Employee Performance Appraisal

I. PURPOSE

To establish guidelines for the performance evaluation of employees.

II. SCOPE

This policy applies to all non-probationary Department employees, except where indicated otherwise.

III. POLICY

- (A) Professional and support employees shall be evaluated when it becomes evident that the performance pattern has changed significantly from the previous evaluation, but no less than annually. The annual evaluation must be completed by May 31 with the exception of employees of the Division of Vocational Rehabilitation (DVR). Employee evaluations of DVR must be completed by November 30.
- (B) Employees of the State Board Operated Programs evaluations must be completed at least once every third year by the end of the school year. A summary appraisal will be completed each of the other two years. A less than satisfactory appraisal may necessitate a comprehensive evaluation. Probationary employees shall be evaluated as stated in the Probationary Period Personnel Policy. After successfully completing the probationary period employees shall be evaluated with a comprehensive evaluation for two years beyond the end of probation before starting the three year cycle.
- (C) An employee who changes positions within the Department does not serve an additional probationary period, that employee may receive an interim evaluation at the discretion of the Division/Office Administrator. A new employee with less than ninety (90) days service at the required time of the annual evaluation may be evaluated at the discretion of the Division/Office Administrator.
- (D) A performance evaluation is not grievable if the employee receives an overall rating of successful/average or above. An employee may place a written statement of rebuttal in their permanent personnel file. **An employee may grieve a performance evaluation rated below successful.**

IV. PROCEDURES

- (A) The employee's immediate supervisor shall complete the evaluation forms. Before conferencing the evaluation with the employee, the next level supervisor shall review and approve this evaluation. Each original completed performance evaluation report shall be made a part of the employee's personnel file.
- (B) If a non-probationary employee's performance evaluation is assessed as "Unsatisfactory" under "Overall Performance Rating," then an interim performance evaluation shall be conducted within six (6) months, but after a minimum of thirty (30) days has lapsed after the previous performance evaluation. If the next performance evaluation is still rated as "Unsatisfactory," the employee may be dismissed. Demotion may be considered instead of dismissal if deemed appropriate by the Division/Office Administrator.
- (C) An assessment of "Unsatisfactory" under "Overall Performance Rating" for a non-probationary employee shall be based upon at least one (1) record of a conference detailing the basis for that assessment and the performance objectives proposed to remedy the areas needing improvement. The record of each conference shall contain either the signature of the employee or the signature of a third party witnessing the delivery of the conference record to the employee by the supervisor.
- (D) It shall be the responsibility of the Division/Office Administrator to notify the non-probationary employee in writing five (5) work days prior to the effective date of dismissal of the basis for that dismissal. The employee has the right to show cause prior to that date, either in person or in writing, as to why the dismissal should not become effective.
- (E) The non-probationary employee shall be placed in "suspension with pay" status for the five (5) work days following the date of the second unsatisfactory evaluation, during which the employee has the right to show cause as to why the dismissal should not take effect.
 - 1. If the employee is not in pay status at the time of this notice, there will be no pay for the days allowed to show why the dismissal should not take effect.
- (F) The record of dismissal and supporting documentation shall become a part of the employee's permanent personnel file.

Adoption Date:	Approved By: State Board of Education
Policy No: 500-530	Section: Training and Development
Pg. 1 of 2	Subject: Professional Development

I. PURPOSE

To have a framework that encourages training and professional development opportunities for both personal and professional growth to all employees.

II. SCOPE

All Department Employees.

III. POLICY

- (A) Both support and professional employees are encouraged to engage in professional development opportunities that will help assist in their professional development and growth within the agency.
- (B) Division/Office Administrators have flexibility to direct specific training that will best benefit employees under their scope of responsibility. Trainings may be geared toward the entire division/office, specific sections, or specific individual employees.
- (C) Department positions that fall under 1 CSR 20-6.010 Management Training Rule (MTR) [Supervisors, Managers, and Executives] will be required to complete a minimum of forty (40) hours of training within their first year in the position. Thereafter, employees in these positions are required to complete at least sixteen (16) hours of continuing competency-based training annually.
- (D) All employees will need to take the mandated or required trainings, to include diversity and prevention of unlawful discrimination, every two (2) years but not to exceed three (3) years. These hours may be counted toward the MTR requirements when applicable.

IV. PROCEDURES

- (A) An employee may request to attend other professional development courses/training sessions with approval of their direct Supervisor and the Division/Office Administrator.
- (B) After attending trainings, all employees must complete and submit the Department's Training Tracking Form to their Executive Assistant for the training to be recorded in SAMII.

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Supervisor: A person directly and immediately responsible for planning, organizing, directing, coaching, and evaluating the work of employees to accomplish a limited function or activity.
2. Manager: A person responsible for various general management processes including activities such as general program planning, development and coordination, or the organization, direction and evaluation of major program functions and operations or a combination of these.
3. Executive: Senior level managers including Commissioner, Deputy Commissioners, Assistant Commissioners, and Chiefs.