

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:		June 2020					
CONSIDERATION OF ADOPTION OF PERSONNEL POLICIES							
STATUTORY AUTHORITY:							
Section 161.132, RSMo		<input checked="" type="checkbox"/>	Consent Item	<input type="checkbox"/>	Action Item	<input type="checkbox"/>	Report Item
PRIORITY AREA							
Efficiency & Effectiveness							
SUMMARY							
<p>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. Proposed revisions to policies 300-330 Harassment or Discrimination and 500-530 Professional Development are included for your consideration. Additionally, two new proposed policies for 700-720 Reduction in Force and 800-820 Telework are included for your consideration. Policy revisions have been reviewed by a committee composed of employees, executive staff, the human resources section, and legal counsel.</p>							
RECOMMENDATION							
<p>The Department recommends that the State Board adopt the personnel policies as presented.</p>							



EXECUTIVE SUMMARY OF PERSONNEL POLICIES CHANGES REVISED JUNE 2020

The following is a brief explanation of changes to the Department's Personnel Policies.

300-330 Harassment or Discrimination

The Department is proposing to combine Personnel Policy 300-330 Sexual Harassment and 300-335 Harassment or Discrimination to reduce confusion in duplicate information in both policies in regards to retaliation, no tolerance and internal investigations. The Department is also proposing to add language that incorporates Personnel Policy 000-015 Internal Investigations for current procedures on investigating complaints of harassment or discrimination.

The Department clarified executive management will have appropriate procedures to ensure that non-employees (vendors, contractors, consultants, trades people, etc.) on Department premises are also made aware of the Department's policy for harassment or discrimination.

The Department clarified supervisory personnel are responsible for ensuring that allegations of harassment or discriminating behavior be promptly referred to the Division/Office Administrator or his/her designee, or where appropriate, the Commissioner or Deputy Commissioner of Education. For purposes of the policy, a designee must be a member of the Executive Leadership Team of the Department.

500-530 Professional Development

The Department is proposing language to comply with 1 CSR 20-6.010 Leadership Development Rule that requires supervisors and executives to complete required training sessions within the first two (2) and six (6) months of becoming a supervisor, and the training sessions necessary to maintain knowledge of supervisor topics an average of one (1) hour per week.

The Department clarified professional development is learning to maintain and advance skills, knowledge and competencies, specifically as it relates and adds value to the job and workplace. Professional development is a dynamic process and may be achieved not only through participation in formal coursework; but also through experience, collaboration, and participation in activities of professional organizations.

The Department also clarified professional development includes, but is not limited to, formal training sessions, including individual or small groups; online training, MO Learning, participating in conferences, on-the-job training, and job shadowing.

The proposed revisions include the addition that employees are responsible for engaging in the development of plans in partnership with their immediate supervisor, and for participating in the identified learning experiences. The immediate supervisor is responsible for creating a professional development and training plan that will benefit the section as well as the employee.

The Department is proposing to add language to include tracking training sessions, such as webinars and conferences, in the new Team Member Training Portal (TMTP). Training sessions completed through MO Learning and Cyber Security are automatically entered and tracked in the portal.

700-720 Reduction in Force

The Department is proposing a new policy for Reduction in Force (RIF), to establish conditions and procedures to govern separation from employment due to budget constraints, changing statutory obligations or other economic conditions that may necessitate the elimination of state positions. In such circumstances, the Department will eliminate positions in a manner that minimizes the disruption of services to Missouri's citizens and leverages efficiencies across state government. This policy is applicable to all Department employees.

The Department is proposing procedures for Program Elimination and Traditional RIF. Program elimination typically involves the elimination of an organizational unit within an office. Traditional RIF occurs when an organizational unit will remain intact, but the number of FTEs within the organizational unit will be reduced through identification of a class of positions or individual positions following a consistent set of criteria. Each Division/Office Administrator shall prepare a RIF plan that considers factors of position importance to the unit operations, employee productivity, performance, demonstrated improvement and ability to contribute beyond current duties. The Division/Office Administrator shall present a RIF plan to the Commissioner of Education or his/her designee for approval.

In accordance with the policy, prior to initiating a RIF, the Department shall terminate all hourly and intermittent appointments within any affected organizational units before the elimination of full-time or benefit-eligible employees. When it becomes necessary to implement a RIF, the Department is proposing the Division/Office Administrator will notify all employees subject to the RIF at least fourteen (14) days, but no more than thirty (30) days, in advance that their position will be eliminated. Such notice will include information on job centers, job search tools, training opportunities and unemployment benefits.

800-820 Telework

The Department is proposing a new policy for telework, which is an alternate, remote work arrangement that permits an employee to temporarily work in an approved location other than the official domicile (e.g., state office building). Telework does not change the employee's official domicile.

In accordance with the policy, telework may be implemented on a temporary basis if the need arises due to hazardous weather, continuity of operations (COOP) activation due to an emergency situation or special projects. The employee's job responsibilities must allow for telework. The procedures outlined in the policy require the employee to submit a request for telework and receive approval from the immediate supervisor and the Division/Office Administrator. The approved telework plan must be reviewed on a regular basis and revised as needed.

PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 300 – 335 330	Section: Standards of Conduct and Employee Corrective Action
Pg. 1 of 4	Subject: Sexual Harassment or Discrimination

I. PURPOSE

To establish the Department's position on the subject of harassment or discrimination, to set forth guidelines to address violations of the policy and to specify the correct procedure to address the complaint.

II. SCOPE

This policy applies to all Department employees. Furthermore, Executive management at each location will have appropriate procedures to ensure that non-employees (vendors, contractors, consultants, trades people, etc.) on Department premises are also made aware of the intent of this policy.

See Personnel Policy 000-070 Personnel Records and Privacy for requirements for reporting sexual misconduct by employees of the Missouri School for the Deaf, Missouri School for the Blind and Missouri Schools for the Severely Disabled.

III. POLICY

- (A) It is the policy of the Department that there will be no harassment or discrimination based upon race, color, religion, sex, gender, age, national origin, sexual orientation, veteran status, mental or physical disability, or any other basis prohibited by statute. In addition, retaliation against someone who exercises their legal rights is prohibited. The Department will promptly investigate allegations of discrimination, harassment or retaliation in violation of the Department policies, state, or federal laws.
- (B) Harassment or discrimination of an employee by any Department employee will not be tolerated. Harassment or discrimination by a non-employee of the Department (e.g., for example, a customer, vendor, visitor or supplier), is also prohibited.
- (C) Employees who feel they have been harassed or discriminated against should immediately report such incidents, following the procedure described below, without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.
- (D) If A Department employee in a supervisory role that witnesses what appears to be, in that employee's a good faith opinion, harassment or discrimination that employee the supervisor is required to immediately report the incident, following the procedures outlined in this policy.

- (E) ~~Retaliation against any Department employee who has filed a complaint of harassment or discrimination is prohibited. There will be no retaliation against employees for reporting harassment, discrimination, or cooperating in the investigation of a complaint. If after investigating any complaint of harassment or unlawful discrimination, it is discovered that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information~~
- (F) Sexual harassment is prohibited by law. Any employee who engages in any of the acts or behavior defined below violates Department policy, and such misconduct will subject an employee to disciplinary action up to and including immediate discharge.

IV. PROCEDURES

- (A) Employees are encouraged to take a proactive stance in preventing harassment by telling the person to stop.
- (B) A complaint of harassment should be filed if the harassment does not stop or the harassed employee is uncomfortable with confronting the harasser. ~~The procedures for filing a harassment complaint is outlined in Personnel Policy 000-015 Internal Investigations. Harassment complaints should be reported to one or more of the following individuals:~~
- ~~1. The immediate supervisor;~~
 - ~~2. The next level of management above the supervisor;~~
 - ~~3. The Division/Office Administrator; or~~
 - ~~4. The Director of Human Resources~~
- ~~Upon receiving a complaint, the above individuals will notify the Division/Office Administrator responsible for the division/office involved.~~
- (C) ~~Allegations may be submitted in written or oral form, although allegations may be subject to subsequent written verification.~~
- (D) ~~Investigative staff shall be appointed by the Division/Office Administrator that is over the division/office involved.~~
- (E) ~~All findings of the investigation shall remain confidential to the extent permitted by the circumstances.~~
- (F) ~~Findings of the investigation shall be forwarded to the appointment authority, and where appropriate, disciplinary action will be taken under the Department's personnel policies.~~

V. DEFINITION

(A) The following definition applies to this policy:

1. Discrimination: To confer, refuse or deny benefits or provide differential treatment to a person or class of persons in violation of law based on actual or perceived race, color, religion, sex, gender, age, national origin, sexual orientation, veteran status, mental or physical disability, or any other basis prohibited by statute.
2. Harassment: A form of discrimination, as defined above, that occurs when the work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the environment.

Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on actual or perceived race, color, religion, sex, gender, age, national origin, sexual orientation, veteran status, mental or physical disability, or any other basis prohibited by statute:

- a. Graffiti;
 - b. Display of written material or pictures;
 - c. Electronic transmissions;
 - d. Name calling;
 - e. Slurs;
 - f. Jokes;
 - g. Gestures;
 - h. Threatening, intimidating or hostile acts;
 - i. Theft; or
 - j. Damage to property.
3. Sexual Harassment: To qualify as sexual harassment, the unwelcome and offensive conduct must be because of the employee's sex and either results in a tangible employment action OR in the absence of a tangible employment action, fosters a sexually objectionable environment that is both subjectively and objectively offensive. A tangible employment action includes a demotion, undesirable reassignment, or termination.
 - a. To determine if there is a sexually objectionable environment, one must look at several factors, including the frequency and severity of the conduct and whether the conduct was physically threatening or humiliating.

- b. Examples of conduct that may create a sexually objectionable environment:
 - 1. Verbal abuse of a sexual nature;
 - 2. Unfilled threats of adverse employment action;
 - 3. Displays of obscene or pornographic material;
 - 4. Repeated unwelcome requests for dates or sexual favors; and/or
 - 5. Offensive physical touching.
- c. A single incident rarely will be sufficient to create a sexually objectionable environment.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 500-530	Section: Training and Development
Pg. 1 of 3	Subject: Professional Development

I. PURPOSE

To have a framework that encourages training and professional development opportunities for both personal and the professional growth of all employees consistent with the mission and needs of the agency.

Professional development is defined as learning to maintain and advance skills, knowledge and competencies, specifically as it relates and adds value to the job and workplace. Professional development is a dynamic process and may be achieved not only through participation in formal coursework; but also through experience, collaboration, and participation in activities of professional organizations.

II. SCOPE

All Department Employees.

III. POLICY

- (A) ~~Both support and professional employees~~ All employees are encouraged to engage in professional development opportunities that will help to assist in their professional development and growth within the agency.
- (B) Immediate supervisors and 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) In general, the Department supports and encourages the following types of professional development, which includes but is not limited to:
1. Formal training sessions, including individual or small groups
 2. Online training, including MO Learning
 3. Participating in conferences
 4. On-the-job training
 5. Job shadowing

- (D) Employees are responsible for engaging in the development of plans in partnership with their immediate supervisor, and for participating in the identified learning experiences.
- (E) The immediate supervisor is responsible for engaging in the development of plans in partnership with the employee, and for creating a professional development and training plan that will benefit the section as well as the employee.
- (F) All employees ~~will need to must 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.~~ are required to take the following trainings upon being hired and then annually:
1. Diversity
 2. Prevention of Unlawful Discrimination
 3. Prevention of Harassment
- (G) Department positions that fall under 1 CSR 20-6.010 ~~Management Training Rule (MTR) Leadership Development Rule (LDR) [Supervisors, Managers, and Executives] will be required to shall 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.~~
1. The required training sessions, per the LDR rule, within the first two (2) months and six (6) months of becoming a supervisor; and
 2. The training sessions necessary to maintain knowledge of supervisor topics an average of one (1) hour per week.
- (H) ~~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~~ the immediate 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.~~
- (C) ~~After attending trainings, completing professional development, and have discussions with immediate supervisors, All employees must complete and submit the Department's Training Tracking Form to their Executive Assistant for the~~

training to be recorded in SAMH. shall enter and track training sessions, such as webinars and conferences, in the Team Member Training Portal (TMTP) in order to track professional development. Training sessions completed through MO Learning and Cyber Security are automatically entered and tracked in the portal.

- (D) ~~The Department will track, measure, and report on the efficiency, effectiveness, and outcomes of the training efforts. Records will be submitted to the Office of Administration no less than annually.~~

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Immediate 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 ~~the~~ Commissioner, Deputy Commissioners, ~~and~~ Assistant Commissioners ~~and~~ Chiefs.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 700-720	Section: Employee Separation
Pg. 1 of 3	Subject: Reduction in Force

I. PURPOSE

To establish conditions and procedures to govern separation from employment due to a Reduction in Force (RIF), which occurs when budget constraints, changing statutory obligations or other economic conditions necessitate the elimination of state positions, including those within the Department.

In such circumstances, the Department will eliminate positions in a manner that minimizes the disruption of services to Missouri's citizens and leverages efficiencies across state government.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) Area of Reduction

1. Program Elimination. This type of RIF involves the elimination of the services of a program. A program can be a whole office of service, but typically it is an organizational unit within an office. Each Division/Office Administrator shall:
 - a. Evaluate the services and/or programs that can be eliminated without eliminating critical services to citizens.
 - b. Identify statutory requirements associated with the program.
 - c. Identify all positions with duties fully dedicated to the program.
 - d. Identify funding source(s) for the program and potential lost revenue by elimination of the program.
 - e. Once a program has been identified for elimination all permanent and temporary positions, full and part-time shall be eliminated.
 - f. Employees in programs subject to elimination who have demonstrated success and proficiency in skills that can be transferred to other program areas within the Department may be transferred to other positions in those programs to the extent budgetary constraints allow. This may require a RIF of other employees in the other program in accordance with Section III.B of this policy.

- g. All employees who are not retained through transfer as noted in subsection f. above shall be notified of the elimination of their position in accordance with the procedures outlined in Section IV of this policy.

- (B) Traditional RIF. A traditional RIF occurs when an organizational unit will remain intact, but the number of FTEs within the organizational unit will be reduced through identification of a class of positions or individual positions following a consistent set of criteria.

For traditional RIFs, each Division/Office Administrator shall prepare a RIF plan as outlined below and present it to the Commissioner of Education or his/her designee for approval.

1. Each Division/Office Administrator shall prepare a RIF plan for each affected organizational unit identifying an order of reduction based on the below criteria.

With the exception of criteria e. below, these criteria are not required to be applied in any particular order of priority. Criteria e. is only to be applied as a tie-breaker and only when all other factors are equal between two employees being considered for reduction.

- a. The position's (filled or vacant) importance to the organizational unit's operations.
 - b. ENGAGE evaluation scores indicating high performance levels.
 - c. Documented disciplinary or corrective actions with consideration for improved performance and/or conduct, or lack thereof, since the disciplinary or corrective action took place.
 - d. Employee productivity, performance, demonstrated improvement and ability to contribute beyond current duties, following the implementation of the RIF.
 - e. When all other factors are equal, employees with longer Department service will receive the next higher number in the RIF plan listing, immediately following the employee with whom they were tied, and will be retained over the employee with less Department service in the event that the shorter serving employee is or becomes the cut-off point for the RIF plan. In the event the Department service is equal, employees with State of Missouri and/or school service will receive the next higher number in the RIF plan list, immediately following the employee with whom they were tied, and will be retained over the employee with less State of Missouri and/or school service.
2. The Division/Office Administrators shall prepare a RIF plan that does not create a disparate impact based upon race, color, religion, gender, sexual orientation, national origin, age, veteran status, mental or physical disability, or any other basis prohibited by statute.
 3. The RIF plan will serve as a basis to eliminate positions when program elimination opportunities have been exhausted and additional expenses need to be reduced. In

this case, the Department will eliminate positions in order of the RIF plan until the necessary amount of funding has been eliminated from the Department's budget.

IV. PROCEDURES

- (A) Prior to initiating a RIF, the Department shall terminate all hourly and intermittent appointments within any affected organizational units prior to the elimination of full-time or benefit-eligible employees. When the continued use of hourly and intermittent employees creates demonstrated efficiency, reduces overtime cost or ensures compliance with staffing minimums, such employees may be retained when other full-time or permanent part-time employees are subject to a RIF.
- (B) When it becomes necessary to implement a RIF, the Division/Office Administrator will notify all employees subject to the RIF at least fourteen (14) days, but no more than thirty (30) days, in advance that their position will be eliminated. Such notice will include the following:
 - 1. The effective date of the elimination of the employee's position,
 - 2. A list of vacant positions available in executive branch agencies (such listing may consist of links to state job boards such as MO Careers),
 - 3. A listing of all Job Centers available under the Missouri Division of Workforce Development in Missouri, and
 - 4. Information about filing for unemployment benefits through the Division of Employment Security.
- (C) The Human Resources office over the Division/Office involved will contact the Employment Transition Team (ETT) under the Division of Workforce Development to provide displaced employees with job search tools and training opportunities.
- (D) The Human Resources office over the Division/Office involved will provide notice to the Family Support Division of any employee subject to a RIF who is under an active wage withholding for child support within ten (10) days of the effective date of the RIF. Such notice will include the last known address of the employee.
- (E) Prior to implementation of a RIF, the Division/Office Administrator will review the final plan for any unintended impact.



PERSONNEL POLICIES AND PROCEDURES

Adoption Date:	Approved By: State Board of Education
Policy No: 800-820	Section: Alternative Workplace
Pg. 1 of 3	Subject: Telework

I. PURPOSE

To establish rules and expectations for Department employees who are participating in telework.

II. SCOPE

Telework may be considered as an option for certain employees who have job duties that can be successfully completed outside of an office setting and with minimum supervision.

III. POLICY

- (A) Telework is an alternate, remote work arrangement that permits an employee to temporarily work in an approved location other than the official domicile (e.g., state office building).
- (B) Telework does not change the employee's official domicile.
- (C) Telework may be implemented on a temporary basis if the need arises due to hazardous weather, continuity of operations (COOP) activation due to an emergency situation or special projects.
- (D) The employee's job responsibilities shall allow for telework.
- (E) The employee shall have the ability to communicate with coworkers and work with minimum supervision.
- (F) The immediate supervisor and employee shall review the approved telework plan on a regular basis (e.g., weekly or monthly) and revise as needed.
- (G) The employee, the immediate supervisor, and Division/Office Administrator shall agree to the telework arrangement.

IV. PROCEDURES

- (A) The employee shall submit a request for telework to the immediate supervisor. The request to telework shall include the following:
1. The work activities to be conducted.
 2. The hours of work, including flexible hours, and duration.
 3. The location of where the work activities will be conducted.
 4. The use of technology for telework (e.g., high-speed Internet, laptop, cell phone, remote access).
 5. The use of state-issued and/or personal equipment in a remote setting (e.g., home), including the use of state-issued equipment other than laptop, tablet or cell phone.
 6. The employee's need for any specialized materials or equipment shall not pose an undue hardship for the Department.
- (B) The immediate supervisor will review and discuss the request with the employee. If the immediate supervisor agrees with the request, then the immediate supervisor shall submit the request to the Division/Office Administrator for approval.
- (C) If the Division/Office Administrator approves the request, then the Division/Office Administrator, or immediate supervisor, notifies designated staff of the telework schedule to ensure communications within the office are maintained.
- (D) The basic terms and conditions of employment with the Department, including salary, benefits, state and Department policies and procedures, does not change with telework.
- (E) The amount of time an employee is expected to work does not change during telework (i.e., employees working full-time will be responsible for 40 hours per week, or use leave according to Department policies). The employee shall follow all applicable policies and procedures, including but not limited to those regarding leave.
- (F) Employees who are eligible to earn overtime shall not work more than 40 hours per week unless they have received prior approval from the immediate supervisor and Division/Office Administrator.
- (G) The employee's telework area shall be considered an extension of the Department workspace.

1. The employee shall safeguard sensitive information at all times and ensure any personally identifiable information (PII) is accessed, viewed and stored in accordance with the Family Educational Privacy Rights Act (FERPA) and Department data policies.
 2. The employee shall only send emails via the official state-issued email account.
 3. Telework does not change the Department's record retention schedule. If the employee uses text messages or creates paper documents when teleworking, then the employee must maintain these records in accordance with the Department's guidance for record retention.
 4. The employee shall manage dependent care and personal responsibilities in a way that allows the employee to successfully conduct job responsibilities in a professional manner.
 5. The Department will not provide support for a personal computer (e.g., hardware, software or installation of software) or printing to non-Department equipment.
 6. The Department is not liable for damage to the employee's personal equipment.
 7. The employee is covered under the Missouri Workers' Compensation Act if injured in the course and scope of employment as defined by statute. Any accident or injury to the employee occurring at the remote work site shall immediately be reported by the employee to their immediate supervisor or Human Resources office. The employee shall complete all required documents and make the site of the incident available to investigation if requested.
 8. The employee shall maintain the telework space in a safe condition and shall cooperate with any injury claims investigations as necessary. By teleworking, an employee consents to onsite inspection of the telework location at a mutually agreed-upon time to ensure the safety of work conditions and appropriate security of state information and property.
- (H) An employee's performance in terms of professionalism, job responsibilities and work output shall not change with telework. If telework adversely affects the employee's performance, then the Office/Division Administrator may discontinue the telework plan.
1. The employee may be required to return to work at the official domicile.
 2. The employee may use leave according to Department policies during the telework period.