MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:    October 2019

CONSIDERATION OF ADOPTION OF PERSONNEL POLICIES

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<th>STATUTORY AUTHORITY:</th>
<th>Consent Item</th>
<th>Action Item</th>
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<td>Section 161.132, RSMo</td>
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<th>STRATEGIC PRIORITY</th>
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<td>Efficiency and Effectiveness – Create an internal environment of continuous improvement, effective programming, and efficient business operations.</td>
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<th>SUMMARY</th>
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<td>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.</td>
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<th>RECOMMENDATION</th>
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<td>The Department recommends that the State Board adopt the personnel policies as presented.</td>
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The following is a brief explanation of changes to the Department’s Personnel Policies.

**000-030 Recruitment and Selection of Employees**

Revisions were made to include language that all offers of employment will be required to undergo a Missouri Automated Criminal History Site (MACHS) Open Record/Name Search background check. Checks to the National Instant Criminal Background Check System, the Family Care Safety Registry, and/or the Child Abuse/Neglect Central Registry may also be required for employment at state-operated schools and some federal funded programs. In addition, language was removed regarding preference for vacancies given to Department employees for a position if he/she is equally qualified to a non-Departmental employee.

**100-115 Direct Deposit**

Minor revisions were made to this policy, including the removal of a reference to the obsolete discipline policy.

**200-235 Family Medical Leave**

Revisions were made to clarify the Birth and Bonding and Placement for Adoption and Foster Care policies. Revisions were also made to reorganize the Certification and Recertification information. In addition, language was removed regarding Military Medical Leave in order to make the information easier to find in its own policy, Personnel Policy 200-237.

**200-237 Military Family Leave**

Revisions were made to make the Military Family Leave its own policy so the information is easier to find.

**200-240 Shared Leave**

Revisions were made to add that the determination of the Shared Leave Committee is final.

**200-255 Leave Without Pay**

Revisions were made to include dismissal as a disciplinary action when an employee takes unapproved leave without pay. Assistant commissioner or designee was changed to Division/Office Administrator for consistency purposes.
200-260 Unpaid Leave of Absence

Revisions were made to clarify a leave of absence may be granted for extraordinary reasons, sufficient in the opinion of the Division/Office Administrator to warrant that leave of absence, and to include disciplinary action, up to and including dismissal, when an employee fails to report after the expiration of a leave of absence. In addition, language was removed that stated that the leave may be granted after the depletion of accumulated compensatory leave, annual leave, and/or sick leave if the absence qualifies as sick leave.

200-280 Workers' Compensation

Revisions were made to clarify the policy benefits and procedures and to make changes required by legislative changes (i.e. III (B) changed the reduction of benefits from 15% to 50% for injuries sustained “in conjunction” with the use of alcohol or controlled, non-prescription drugs).

300-345 Tobacco Use

Revisions were made to change disciplinary policy to disciplinary action. In addition, language was removed regarding the person responsible for holding the conference, meeting, or training session is responsible for enforcing the no-tobacco rule, that the person will announce that a no-smoking no-tobacco use policy exists, and that the person will ask that all comply.

700-710 Employee Separation

Revisions were made to state that upon separation, the employee shall return all state property or will be financially responsible for the cost any unreturned equipment or state property.

900-910 Sign Language Proficiency Interview (SLPI)

Revisions were made to provide clearer expectations for employees who are required to be proficient in sign language. It provides employees with timelines and support for meeting their required Sign Language Proficiency Interview level. This policy ensures that employees working at the Missouri School for the Deaf can sign appropriately in the position for which they were hired.
I. PURPOSE

To establish the authority and responsibility of Department management in recruiting and selecting employees, to maximize agency efforts and resources in selecting the best employees available.

II. SCOPE

This policy applies to recruitment and selection of employees for all positions hired by the Department.

III. POLICY

(A) The State Board of Education shall select and appoint a Commissioner of Education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The Board shall prescribe duties and fix compensation; and, upon the Commissioner’s recommendation, shall appoint the staff and fix their compensation. See Mo. Const. Article IX, §2(b) and §161.132, RSMo.

(B) The Department of Elementary and Secondary Education includes the Commissioner of Education, the members of the staff, and other employees essential to the efficient operation of the Department.

(C) The recruitment process is a cooperative effort between the human resource office and those responsible for hiring. Because of the technical nature of some positions, other sections are often directly involved in soliciting applications. Each person involved must be aware of the Diversity Plan and Operating Guidelines on Equal Employment Opportunity.

(D) Depending on the position, a professional license, certification, or degree may be required.

(E) All offers of employment are subject to verification that the applicant has complied with the United States Military Selective Service Act, 50 U.S.C. app. §451, et seq.

(F) All offers of employment will be subject to undergo a Missouri Automated Criminal History Site (MACHS) Open Record/Name Search-a background check, which may include criminal records, FBI fingerprints, child abuse or neglect, and professional license and/or certification or degree requirement for the position. Checks to the National Instant Criminal Background Check System,
the Family Care Safety Registry, and/or the Child Abuse/Neglect Central Registry may also be required for employment at state-operated schools and some federal funded programs.

IV. PROCEDURES

(A) When a personnel vacancy occurs, or is anticipated, the appropriate human resource office shall be advised before recruitment begins. Job descriptions, entry-level qualifications, and salary ranges must be established prior to recruitment and selection.

(B) All vacancies, other than those to be filled by lateral transfers or promotions, must be advertised for a reasonable period of time allowing for the provisions of affirmative action and equal employment opportunity to be utilized. These procedures do not need to be followed when the normal advertising and selection procedures are not practical under the circumstances as determined by the Deputy Commissioner of Education. The circumstances, which justify exemption, include but are not limited to:

1. A position which involves a part-time, intermittent, or temporary work schedule; or

2. Persons employed in an internship capacity as a part of their formal training at a college, university, business, trade, or other technical school.

These procedures may also be waived at the discretion of the Commissioner of Education.

(C) In general, travel expenses for applicants and moving expenses for newly hired employees will not be paid. If reimbursement for expenses is requested, the Commissioner of Education in writing must authorize them in writing prior approval of reimbursement of such expenses.

(D) An employee who is applying for a transfer or promotion within the Department shall be granted time off from duties with compensation for testing and interviews. If a Department employee and a prospective non-departmental applicant are equally qualified for a declared vacancy, the Department employee shall receive preference.

(E) The Department shall recruit personnel in accordance with the provisions of the Diversity Plan and Operating Guidelines on Equal Employment Opportunity as adopted by the State Board of Education. Personnel shall be recruited only for positions with valid job descriptions and established entry-level qualifications.

(F) The Department may hire only United States citizens and alien workers legally authorized to work in the United States. Newly employed individuals shall provide official documents establishing their identity and employment eligibility within the legal, required time. The Department is unable to sponsor applicants in their application for an employment visas through the U.S. Citizenship and Immigration Services.
(G) Individuals shall be made aware of background check procedures during the application process.

1. Background checks, when possible, will be completed before appointing a person to a position. However, if employment is begun prior to receipt of the results of the background check, the employment letter shall state that continued employment is conditional on an acceptable background check result.

(H) For the purposes of this manual, the Department has five (5) Human Resource offices:

1. Central Human Resource Section
   Department of Elementary and Secondary Education
   P. O. Box 480
   Jefferson City, MO 65102-0480

2. Human Resource Office
   Office of Adult Learning and Rehabilitation Services
   Division of Vocational Rehabilitation
   P. O. Box 480
   Jefferson City, MO 65102-0480

3. Human Resource Office
   Missouri School for the Blind
   3815 Magnolia Avenue
   St. Louis, MO 63110-4099

4. Human Resource Office
   Missouri School for the Deaf
   505 East Fifth Street
   Fulton, MO 65251-1799

5. Office of the Superintendent - Human Resources
   Missouri Schools for Severely Disabled
   P. O. Box 480
   Jefferson City, MO 65102-0480
I. PURPOSE

To establish guidelines for the direct deposit, electronic transfer, of net earnings and expense reimbursements of employees into an employee’s checking or savings account at the financial institution designated by the employee.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) As of January 1, 2008, direct deposit or use of a pay card is mandatory for all State of Missouri executive agency employees. All temporary executive agency employees are required to use direct deposit or a pay card if their employment duration is anticipated to be greater than three months. This requirement may be waived as exceptions are granted by the Commissioner of Office of Administration or his/her designee.

(B) Direct deposit into a bank account or pay card will begin approximately 15 to 31 days after a properly completed application form is received.

(C) Direct deposit or pay card will continue indefinitely for employees once enrolled. The Commissioner of Office of Administration reserves the right in unusual circumstances to cancel an employee’s enrollment in the program at any time. A request for an exception must be made in writing by the Commissioner of Education to the state Director of Accounting. The request must state the reasons for requesting an exception and whether it is intended to be permanent or for a specific period of time. The state Director of Accounting will review the request and recommend to the Commissioner of Office of Administration whether or not to grant the exception.

(D) Use of direct deposit or pay card for payroll and expense reimbursements is a condition of employment and continued employment with the State of Missouri for all department employees. Failure of a department employee to take reasonable steps to comply with this policy shall be deemed misconduct and will lead to disciplinary action according to the department’s discipline policy, which may include dismissal.
IV. PROCEDURES

(A) An employee must complete and submit a Payroll and Employee Reimbursement Direct Deposit Application form upon employment or if not currently enrolled. Once completed, the employee must submit the application to the Department’s Human Resources Office for processing. If the employee does not have a bank account available for direct deposit, then a pay card will be issued to the employee. Payroll representatives will be provided pay card information from the banking institutions that have contracted with the State Treasurer’s Office. An employee has the choice of one of the banking institutions. The use of other pay cards is subject to approval from the state Division of Accounting.

(B) If an employee needs to temporarily stop direct deposit (e.g., change of financial institutions, etc.) the employee shall take all reasonable steps to re-establish direct deposit within two pay cycles.
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: Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

1. Has worked for the State of Missouri for at least twelve (12) months cumulatively within the last seven years; and

2. Have at least 1,250 hours of actual work time during the twelve (12) months immediately preceding the start of the leave.

(B) Covered Eligible employees are entitled to up to twelve (12) workweeks 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.

1. Twelve (12) workweeks of unpaid, job-protected leave in a calendar year (January 1 through December 31) for the following:

   a. The birth of a child and to bond with the newborn child within one year of birth;

   b. The placement of a child with the employee for adoption or foster care and to bond with the newly-placed child within one year of placement;

   c. For a serious health condition that makes the employee unable to perform the essential function of his or her job, including incapacity due to pregnancy; or
To care for a spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy.

Eligible employees are entitled to FMLA leave related to a qualifying family member’s service. This type of leave is referred to as military family leave and is outlined in Personnel Policy 200-237.

If an eligible employee takes time off for a qualifying event, Family and Medical Leave (FMLA) leave must be used. Under the following conditions: birth of a child; placement (adoption or foster care) of a child with an 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.

If requested by Human Resources, employees must submit a medical certification form or documentation from a treating health care provider to support the need for FMLA leave due to the employee’s own serious health condition or to care for a covered family member with a serious health condition.

Birth and Bonding: 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.

1. FMLA leave taken for the birth of a child and to bond with the child must be taken in a continuous block of time. Leave may be used intermittently only with the employer’s prior approval from the Division/Office Administrator. A detailed plan outlining the use of intermittent leave must be submitted prior to the start of the leave;

2. Both mothers and fathers have the same right to take FMLA leave for the birth of a child and to bond with the child; and

3. An employee’s entitlement to FMLA leave for birth and bonding expires twelve (12) months after the date of birth.

Placement for Adoption and Foster Care:

1. FMLA leave taken for the placement of a child and to bond with a child after placement must be taken as a continuous block of leave. Leave may be used intermittently only with prior approval from the Division/Office Administrator. A detailed plan outlining the use of intermittent leave must be submitted prior to the start of the leave;

2. FMLA leave may be taken before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care; and
3. An employee’s entitlement to FMLA leave for the placement of a child for adoption or foster care expires twelve (12) months after the placement.

4. FMLA leave for the 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.

(F) 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.

(G) 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 FMLA leave at least thirty (30) calendar days in advance when the need for 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.

a. In cases where the need for leave is foreseeable, an employee’s failure to provide thirty (30) calendar days’ notice, when it was possible to do so, may result in denial or the delay of FMLA leave. Given unique circumstances, waiver of this notice will be at the discretion of the Division/Office Administrator.

2. When the need for leave is unexpected or unforeseeable, employees must provide notice as soon as possible and practical under the circumstances. The request must provide enough information to reasonably determine whether the leave will meet the requirements for FMLA leave.

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 whether he or she is eligible for FMLA leave and of the employee’s rights and responsibilities under the FMLA within five (5) business days of notice of the initial request, or of learning that an employee’s leave may be for an FMLA-qualifying reason, absent extenuating circumstances. The department will also notify the employee of their rights and responsibilities under the FMLA.

(B) Certification:

1. If requested by Human Resources, employees must submit a medical certification form or documentation from a treating health care provider to support the need for FMLA leave due to the employees’ own serious health condition or to care for a covered family member with a serious health condition.

2. If requested by Human Resources, a medical certification form must be completed and submitted within fifteen (15) calendar days of the need for leave. Failure to submit the medical certification within the designated time period may result in the denial of FMLA leave. Any known delays should be immediately reported to Human Resources.
3. A complete and sufficient medical certification must provide the following:
   a. When the serious health condition began;
   b. How long the serious health condition is expected to last;
   c. Appropriate medical facts about the condition;
   d. Whether the employee is unable to work, and the likely duration of inability;
   e. If a covered family member is the patient, an estimate of the frequency and duration of the leave required to care for the family member;
   f. Whether the need for FMLA leave is continuous or intermittent; and
   g. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty.

4. If the certification is deemed incomplete or insufficient, the employee must provide additional information within seven (7) calendar days of being notified.

5. The Department may require the employee to obtain a second opinion from another health care provider selected by the Department.
   a. If the two opinions differ, a third opinion from a jointly approved health care provider shall be obtained.
   b. The opinion of the third health care provider is final and must be used. The Department is responsible for the expense of the second and third opinion.
   c. None of the health care providers used for this purpose shall be employed on a regular basis by the Department.

6. Employees using FMLA leave because of their own serious health condition are required to provide a return to work certification from the treating physician stating that the employee can return to work and identify the employee’s restrictions, if any.

(C) Recertification: For on-going serious health conditions of the employee or the need to care for a covered family member, recertification of the qualifying health condition may be required:

1. Every thirty (30) days;
2. Upon the expiration of the minimum duration of the condition if the minimum duration is more than thirty (30) days;
3. If the employee requests an extension of leave; or
4. If the circumstances described by the previous certification have changed significantly.
5. Every six (6) months if the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six (6) months.

6. If an employee fails to provide recertification within fifteen (15) calendar days after requested, or as soon as possible and practical under the circumstances, may result in the denial of FMLA leave.

(B)(D) 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 FMLA leave 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 health care 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. Leave taken intermittently or on a reduced work schedule may equal, but not exceed, twelve (12) work weeks total leave.

3. At the discretion of 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)(E) Calculation of Leave:

1. The amount of FMLA leave available to an eligible full-time 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. For eligible employees who work less than a full schedule, the amount of FMLA leave available will be determined by the number of hours regularly worked each week.

3. Any available sick, annual, and compensatory leave will be used concurrently with an employee’s FMLA entitlement.

4. If an employee is awarded Shared Leave as outline in Personnel Policy 200-240, it will be used concurrently with the employee’s twelve (12) week FMLA entitlement.

2.5 When a Department employee and spouse who both work for the State of Missouri, and are eligible for FMLA are limited to a combined total of twelve
(12) weeks of FMLA leave will be allowed for the birth or placement of a child. It is the responsibility of the employee requesting FMLA leave to inform the Division/Office Administrator when a spouse who works for the State has used or will use FMLA leave within the same twelve (12) month-period of time calendar year.

3.6. When a Department employee and spouse who both work for the State of Missouri are each is entitled to twelve (12) weeks of FMLA leave 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.
1. Employees on FMLA leave will, where possible, return to the same job, provided that they return to work at or before the expiration of the approved FMLA leave 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 premiums coverage to salaried employees currently participating in state sponsored health plans and taking FMLA leave. If salaried employees pay any part of the premium, those payments must continue to be made personally by the employee.

3. The Department will not continue to provide state sponsored life insurance at no cost to employees during FMLA leave. Employees have the option of continuing this coverage at their own expense.

4. Employees who exhaust all available leave, and are still unable to return to work, they must submit a written request for an unpaid leave without pay of absence, in accordance with Personnel Policy 200-260, Unpaid Leave of Absence the Time Off (Unpaid) Policy, to the Division/Office Administrator.

V. DEFINITIONS

(B) The following definitions apply to this policy:

1. Child: The biological, adopted, step or foster child, a legal ward, or a child of a person standing in loco parentis, who is either under the age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. 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 any individual who stood in the place of a parent to an employee when the employee was a son or daughter; In Loco Parentis: Those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

3. Incapacity: Inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom.
4. Parent: The biological, adoptive, step or foster father or mother or any other individual who stood in the place of a parent to an employee when the employee was a child. This term does not include parents “in law”.

35. Serious Health Condition: An illness, injury, impairment, 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 that results in:

a. Hospital Care: Inpatient care:

(1) An overnight stay

(2) Any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care the overnight stay.

b. Absence Plus Treatment: A period of incapacity Continuing treatment by a health care provider:

(1) A period of incapacity of more than three (3) full consecutive, full calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1)(a) Treatment 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 for treatment within thirty (30) days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven (7) days of the first day of incapacity; or

(2)(b) Treatment by a health care provider on at least one (1) occasion consultation with a health care provider for treatment within seven (7) days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider;

c. Pregnancy: A period of incapacity due to pregnancy or for prenatal care;

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
e. (c) 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, but requires the continuing supervision of a health care provider. 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; or

f. (f) Multiple Treatments (Non-Chronic Conditions): A period of incapacity 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) if the employee or employee’s family member did not receive the treatment.

e. 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.

6. Spouse: A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage.

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.
I. PURPOSE

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

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

1. Has worked for the state of Missouri for at least twelve (12) months; and
2. Has at least 1,250 hours of actual work time during the twelve (12) month period immediately preceding the leave.

(B) The military family leave provisions of the FMLA entitle eligible employees to take FMLA leave for:

1. Any qualifying exigency arising from the foreign deployment of the employee’s spouse, son, daughter, or parent with the Armed Forces; or
2. To care for a covered servicemember with a serious injury or illness if the employee is the servicemember’s spouse, son, daughter, parent, or next of kin. FMLA leave for this purpose is called military caregiver leave.

(C) Qualifying Exigency Leave:

1. An eligible employee may take up to twelve (12) workweeks of unpaid, job-protected leave within a calendar year for a qualifying exigency when the employee’s spouse, child, or parent who is a member of the Armed Forces (including the National Guard and Reserves) is on covered active duty or has been notified of an impending call or order to covered active duty.
2. Qualifying exigencies include:
a. Issues arising from the military member’s short notice deployment (i.e., deployment within seven (7) or fewer days of notice);

b. To make or update financial and legal arrangements to address a military member’s absence;

c. To attend counseling for the employee, the military member, or a child of the military member when the need for that counseling arises from the covered active duty or call to covered active duty status of the military member and the counseling is provided by someone other than a health care provider;

d. To attend military events and related activities, including official military ceremonies and programs or informational briefings related to the military member’s covered active duty sponsored or promoted by the military or military service organizations;

e. To spend up to fifteen (15) calendar days with a military member who is on rest and recuperation leave;

f. Certain childcare and related activities for the military member’s child while the military member is on covered active duty;

g. To attend post-deployment activities within ninety (90) days of the end of the military member’s covered active duty or to attend to issues arising from the death of a military member while on covered active duty;

h. Certain parental care activities for the military member’s parent who is incapable of self-care; or

i. Any other event that the employee and employer agree is a qualifying exigency. Both the employee and employer must agree to the timing and duration of the leave.

(D) Military Caregiver Leave:

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12)-month period to provide care for the servicemember.

2. The single twelve (12)-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends twelve (12) months later.

3. An eligible employee is limited to a combined total of twenty-six (26) workweeks of leave for any FMLA-qualifying reason during the single twelve
(12)-month period. Up to twelve (12) of the twenty-six (26) workweeks may be for an FMLA-qualifying reason other than to care for a covered servicemember.

IV. PROCEDURES

(A) Notification:

1. Employees should request FMLA leave at least thirty (30) calendar days in advance when the need for leave is foreseeable. When the need for leave is unexpected or unforeseeable, employees must provide notice soon as possible and practical under the circumstances. The request must provide enough information to reasonably determine whether the leave will meet the requirements for FMLA leave.

2. Failure to provide thirty (30) calendar days’ notice, when it was possible to do so, may result in the delay of FMLA leave.

3. The Department will inform the employee whether he or she is eligible for FMLA leave and of the employee’s rights and responsibilities under the FMLA within five (5) business days of the initial request, or of learning that an employee’s leave may be for an FMLA-qualifying reason, absent extenuating circumstances.

(B) Certification:

1. When an eligible employee requests FMLA leave for a qualifying exigency, the following must be provided:

   a. A copy of the military member’s active duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or called to covered active duty status, which need be provided only once per deployment;

   b. A statement or description of the appropriate facts regarding the qualifying exigency,

   c. The approximate date on which the leave began (or will begin), and how long and/or how often leave will be needed; and

   d. The contact information for any meeting with a third party and a brief description of the purpose of the meeting.

2. When an eligible employee requests military caregiver leave, a medical certification form completed by an authorized health care provider must be submitted.
a. A second or third opinion of a current servicemember’s serious injury or illness may be requested only when a certification is provided by a non-military-affiliated health care provider.

b. The employee may not be held liable for administrative delays in the issuance of military documents, where the employee has exercised diligent, good-faith efforts to obtain such documents.

(C) Scheduling:

1. Employees are required to work with their supervisors in scheduling planned medical treatment for themselves or for covered family members to prevent disruption of work schedules.

2. An employee may use FMLA leave on an intermittent or reduced work schedule when it is medically necessary as certified by the health care provider. Leave taken intermittently or on a reduced work schedule may equal, but not exceed the FMLA entitlement of twelve (12) or twenty-six (26) total workweeks.

3. At the discretion of the Division/Office Administrator, 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.

(D) Calculation of Leave:

1. The amount of military exigency FMLA leave available to an eligible employee will be calculated at a maximum of twelve (12) workweeks (480 hours) per calendar year (January 1 thru December 31).

2. The amount of military caregiver FMLA leave available to an employee will be calculated at a maximum of twenty-six (26) workweeks (1,040 hours) in a single twelve (12)-month period.

3. A Department employee and spouse who both work for the State of Missouri are limited to a combined total of twelve (12) workweeks of military exigency FMLA leave per calendar year.

4. A Department employee and spouse who both work for the State of Missouri and who are both eligible for FMLA leave, are limited to a combined total of twenty-six (26) workweeks of military caregiver leave in a single twelve (12)-month period.

5. Any available sick, annual, and compensatory leave will be used concurrently with an employee’s FMLA entitlement.

6. If an employee is awarded Shared Leave, it will be used concurrently with the
employee’s military FMLA entitlement.

(E) Job and Benefit Protection:

1. Employees on FMLA leave will, where possible, return to the same job, if they return to work at or before the expiration of the approved FMLA period 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. Employees on FMLA leave are entitled to the continuation of the group health insurance coverage. The Department shall continue to provide the Department’s share of the health insurance premiums. Employees must continue to make any normal contributions to the cost of the health insurance premiums.

3. The Department will not provide state sponsored life insurance at no cost to employees on FMLA leave. Employees have the option of continuing this coverage at their own expense.

4. Employees who exhaust all available leave and are still unable to return to work must submit a written request for an unpaid leave of absence, in accordance with policy 200-260 Unpaid Leave of Absence.

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Authorized Health Care Provider:
   a. United States Department of Defense (DOD) health care provider;
   b. United States Department of Veterans Affairs (VA) health care provider;
   c. DOD TRICARE network authorized private health care provider;
   d. DOD non-network TRICARE authorized private health care provider; or
   e. Any health care provider.

2. Child: Biological, adopted, step or foster child, a legal ward, or a child of a person standing in loco parentis.

3. Covered Active Duty:
   a. For members of the Regular Armed Forces, covered active duty is duty during the deployment of the member with the Armed Forces to a foreign
country; or

b. For members of the Reserve components of the Armed Forces (members of the U. S. National Guard and Reserves), covered active duty is duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

4. Covered Servicemember:

   a. A current member of the Armed Forces, including a member of the U. S. 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; or

   b. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

5. In Loco Parentis: Those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

6. Next of Kin: The nearest blood relative of a covered servicemember, other than the servicemember’s spouse, parent, child, in the following order or priority:

   a. A blood relative designated in writing by the servicemember as his/her nearest blood relative for purposes of caregiver leave;

   b. Blood relatives with legal custody;

   c. Brothers and sisters;

   d. Grandparents;

   e. Aunts and uncles; and

   f. First cousins.

7. Parent: The biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the servicemember when the servicemember was a child.
8. **Serious Illness or Injury:**

   a. A serious injury or illness for a current servicemember is an injury or illness that was incurred by the servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness may also result from the aggravation of a pre-existing condition in the line of duty on active duty; or

   b. A serious injury or illness for a veteran is an injury or illness that was incurred in the line of duty when the veteran was on active duty in the Armed Forces, including any injury or illness that resulted from the aggravation of a preexisting condition in the line of duty on active duty. The injury or illness may manifest itself during active duty or may develop after the servicemember becomes a veteran. A serious injury or illness of a veteran must be either:

      (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating;

      (2) A physical or mental condition for which the veteran has received a United States Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or more and the need for care is related to that condition;

      (3) A physical or mental condition because of a disability or disabilities related to military service that substantially impairs the veteran’s ability to work, or would do so absent treatment; or

      (4) An injury for which the veteran is enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers.

9. **Spouse:** A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage.
I. PURPOSE

To establish a Shared Leave program to provide assistance in the form of paid leave to employees following a life-threatening or catastrophic illness or injury.

II. SCOPE

This policy applies to all benefit eligible Department employees.

III. POLICY

(A) In accordance with the authority granted by 1 CSR 20-5.025, the Department has adopted a Shared Leave program and thereby established a shared leave pool. The shared leave pool shall be comprised of annual leave and compensatory time donated by employees.

(B) Shared leave may be granted to employees who have exhausted all of their accrued leave as the result of their own personal illness or injury, or that of their spouse or child, which at the time of the illness or injury is life-threatening or catastrophic.

(C) Employees who have been employed by the Department for one year may be donors or recipients of shared leave. Temporary, substitute and hourly employees are not eligible to receive shared leave.

(D) Only annual leave and compensatory time may be donated to the pool. Sick leave may not be donated.

(E) Donations to the pool are final, and donated leave will not subsequently be returned to the donor.

(F) Donations of leave shall not be made to a specific individual. All donations shall be made to the pool.

(G) The employee making application for shared leave is not required to have contributed to the pool to be eligible to receive shared leave.
All applications for shared leave shall be given equal consideration and recipients will be treated in a non-discriminatory manner. Determination of eligibility will be based solely on the related medical condition.

The maximum benefit, which can be authorized for any one (1) employee for any one (1) instance of eligibility shall not exceed the equivalent of three (3) months of the employee’s regular salary, approximately 504 hours based on a 21-workday month (63 work days) for a full-time employee. For employees who work less than full time, the maximum benefit will be prorated per the percentage of FTE.

The balance of the shared leave pool and the number of employees receiving shared leave at one time may impact the approval of a request, as well as the number of hours granted per recipient.

Eligible absences, because of the illness or injury, may be either continuous and extended or recurring and episodic. The illness or injury does not have to be job related.

An employee must have exhausted all of his/her accrued annual leave, sick leave, compensatory time, and all Worker’s Compensation indemnity payments (if applicable) to be considered eligible for shared leave.

An employee who is approved for Long-Term Disability benefits will not be eligible to receive shared leave as of the date in which Long-Term Disability benefits begin.

An employee receiving shared leave will accrue sick leave and annual leave at their regular rate of accrual while on shared leave. Accrued leave must be exhausted before shared leave is applied.

On October 31 of each year and/or upon the termination of an employee, annual leave and compensatory time in excess of the allowable maximums will be credited to the pool.

No employee may intimidate, threaten, or coerce any other employee with respect to donating annual leave or compensatory time, or receiving shared leave. No employee shall receive remuneration of any kind for a donation of leave to the pool.

All individual leave records associated with this program are confidential and, with the exception of processing procedures, only individual employees may reveal their donation of annual leave or compensatory time to the pool, or their receipt of shared leave.

A Shared Leave Committee appointed by the Deputy Commissioner or his/her designee will oversee the Shared Leave Program. The committee shall consist of six (6) employees, along with the Director of the Human Resources or his/her designee. Members should be appointed from various division/offices throughout the
Department. The Director of Human Resources or his/her designee will serve as the chairperson. The responsibilities of the Committee include:

1. Ensuring that all matters of the Committee are conducted in a confidential manner and in accordance with this policy;

2. Meeting at least once per month to review applications for shared leave and determine for each applicant whether shared leave should be granted;

3. Determining, each month, the number of hours of shared leave to be granted to each eligible applicant based upon the pool balance and the number of eligible recipients;

   a) If the total amount of shared leave requested by eligible applicants in a given pay period exceeds the pool balance, the Committee shall authorize shared leave to be prorated and distributed equally among all eligible applicants for each pay period in that month.

   b) Applicants will be reviewed monthly. Eligible applicants will continue to receive additional shared leave for each succeeding pay period until his/her maximum is reached or until released by the physician to return to work.

IV. PROCEDURES

(A) Donation:

1. Employees wishing to donate annual leave or compensatory time to the pool must complete and submit the Shared Leave Pool Donation Form or a signed request to their Executive Assistant or Human Resources.

2. Employees may authorize in any pay period a one-time deduction of their annual leave or compensatory time, or may designate specific amount to be deducted each pay period and donated to the pool.

3. To change or cancel automatic pay period deductions, the employee should submit another signed request.

(B) Application:

1. The employee (or a representative) may request shared leave by submitting to Human Resources the Shared Leave Request form along with the Medical Certification form or a statement on the treating physician’s letterhead. The medical documentation must include sufficient information to determine that the illness or injury is life-threatening or catastrophic and should specifically provide the following:

   a) An explicit diagnosis;
b) The anticipated time the employee will need to be off from work; and

c) An 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 amount of time.

2. The employee will be notified whether their request for shared leave is approved or denied. If approved, the number of hours will be provided. The determination of the Shared Leave Committee is final.

3. Medical documentation must be submitted for each month that the leave is requested.

4. The employee or representative shall notify his/her supervisor and Division/Office Administrator when the employee would reasonably be considered no longer eligible for shared leave.

V. DEFINITIONS

(A) The following definitions apply to this policy:

1. **Shared Leave**: Annual leave and/or compensatory leave donated by employees to a Department pool to provide additional paid leave to employees who have exhausted all of their accrued leave.

2. **Life Threatening**: Terminal or potentially terminal conditions. Examples of such conditions include, but not limited to:
   - Advanced or rapidly growing cancers.
   - Chronic life-threatening conditions requiring immediate care.
   - Life-threatening infections.
   - Severe injuries arising from automobile or other serious accidents.
   - Severe or life-threatening conditions involving failure of bodily organs or systems (e.g. heart attack).

3. **Catastrophic**: Injuries that occur suddenly and cause severe long-term or permanent injury which impairs an employee’s ability to work.
I. PURPOSE

To establish uniform guidelines on attendance and utilization of leave without pay.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) Attendance is an essential element of each job. Employees are expected to be in attendance and performing their duties on assigned workdays.

(B) Employees are expected to manage their leave responsibly to ensure that they have available leave for planned and unexpected absences.

(C) Benefit eligible employees accrue annual and sick leave based on pay status to cover normal absences.

(D) Leave without pay is discouraged and should only be used on the rare occasions when other leave has been depleted. Employees are not automatically entitled to leave without pay.

(E) When employees are on leave without pay the accrual of annual and sick leave may be reduced.

(F) Leave can only be used as specified in the Department’s personnel policies. An employee can be placed in leave without pay if the employee has accrued sick leave, but the reason for the absence does not qualify for sick leave. Unapproved annual leave may be designated leave no pay.

(G) Supervisors are not required to approve leave without pay requests including requests made after the absence has occurred.

(H) Unapproved leave without pay may be cause for disciplinary action, up to and including dismissal.
IV. PROCEDURES

(A) Employees must request leave without pay in advance to the absence and receive prior approval from their assistant commissioner or designee Division/Office Administrator. Employees must notify their immediate supervisor if their requested leave includes leave without pay.

(B) Leave without pay will be authorized after the absence has already occurred only if prior notification was not feasible, e.g., a medical emergency.

(C) If leave requests are not approved, and the employee is absent, the absence may be coded into the leave system as leave without pay even if the employee has an accrued leave balance.
I. PURPOSE

To provide a means for employees to secure limited time off when such time is needed for important personal reasons.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) Employees, other than individuals in temporary positions, may obtain a leave of absence without pay upon application in writing to and upon written approval of the Division/Office Administrator. Generally, the leave may be granted after the depletion of accumulated compensatory leave, annual leave, and/or sick leave if the absence qualifies as sick leave. Leave of absence without pay may be granted for extraordinary reasons, sufficient in the opinion of the Division/Office Administrator to warrant that leave of absence.

(B) This leave shall not be granted for more than twelve (12) months, but upon written application, prior to the expiration of such leave, the Division/Office Administrator may grant such extensions of leave, which best serve the interest of the division, office and the Department.

(C) Employees on approved leave will, where possible, return to the same job, provided that they return to work at or before the expiration of the approved leave, 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.

(D) The employee may, upon making written application and with the approval of the Division/Office Administrator, be returned to active duty in the Department prior to the expiration of a leave of absence or any extension of a leave of absence.

(E) Failure on the part of the Division/Office Administrator to approve the individual’s application to return to active duty prior to the expiration of a leave of absence or any extension of a leave of absence shall not affect the individual’s right to return to active duty at the expiration of a leave of absence or any extension of a leave of absence.

(F) Failure on the part of an individual to report after the expiration of a leave of absence or extension of a leave of absence shall be treated as absence without
IV. PROCEDURES

(A) To request an approved leave of absence without pay, an employee must submit a written application, which specifies the reason for the request and the expected date of return. Requests will be evaluated by the employee’s immediate supervisor and other supervisory personnel, up to and including the Division/Office Administrator, taking into account the needs of the work-unit as well as the needs of the employee.

1. Requests for medical reasons must be accompanied by documentation from a physician, unless waived by the Division/Office Administrator and may require further medical documentation as often as the Division/Office Administrator deems necessary.

(B) If leave is taken in excess of available balances, and an employee receives an overpayment, the amount of the overpayment will be recovered from the employee in full.

(C) If a request for leave of absence is not granted and the employee is absent, the Division/Office Administrator may terminate the employee.
I. PURPOSE

To provide employees with State Workers’ Compensation Insurance through the State of Missouri Central Accident Reporting Office (CARO).

II. SCOPE

This applies to all Department employees.

III. POLICY

(A) All employees of the Department are covered by the Missouri Workers’ Compensation Law, which provides benefits without regard to liability in the case of injury or illness, disability or death arising out of and in the course of employment, for personal injury or death of the employee by accident or occupational disease arising out of and in the course of the employee’s employment. See Chapter 287, RSMo.

(B) Workers’ Compensation benefits may be reduced by fifteen percent (15%) fifty percent (50%) for injuries sustained “in conjunction” with the use of alcohol or controlled, non-prescribed drugs. Benefits may be forfeited if it is shown that the use of alcohol or controlled, nonprescription drugs was the “proximate cause” of the injury. See §287.120, RSMo.

(C) Employees seeking medical treatment on the day of the injury shall not be charged personal leave on the day of injury and shall be paid for their total scheduled work day, regardless of the time in which the injury occurred.

(D) Employees seeking medical treatment directed or arranged by CARO, will be granted workers’ compensation leave with pay to attend scheduled appointments that occur during the employee’s working hours. The employee should report to work before and after the medical treatment, if time permits. Documentation of the appointment must be provided to Human Resources upon the employee’s return to work following the appointment.

1. Leave with pay will be granted only for the appointment and travel time to and from the appointment.

2. Employees on scheduled workers’ compensation leave or unpaid leave at the time of the appointment will not be granted leave with pay for the appointment and travel time to and from attend the appointment.
Compensation through CARO may be provided for lost wages (temporary total
disability) when an employee is unable to work and is authorized to be off work by
the treating physician.

1. Eligibility for compensation begins on the fourth (4th) day of disability.

2. No compensation through CARO is paid for the first three (3) days (waiting
   period) of disability unless the disability extends beyond fourteen days.

3. Employees must use accrued leave for any workdays that occur during the
   three-day waiting period, or unpaid leave if leave balances are depleted.

4. Weekends and holidays are included in the fourteen-day period.

Temporary total disability provides for two-thirds of the employee’s average weekly
earnings up to a maximum determined by law. Employees who are incapacitated
from performing their job due to a work-related injury may use their accrued sick
leave, annual leave or compensation time to supplement their workers’ compensation
time lost benefits and receive full pay.

Employees must use sick leave, annual leave or compensatory leave for medical
services received during their work hours and related to a workplace injury for which
the time is not compensated by CARO. When the employee does not have available
accrued leave, unpaid leave may be approved by the Division/Office Administrator.

IV. PROCEDURES

(A) Personnel offices may be contacted for benefit information. Workers’ Compensation
benefits for Department employees are processed through the employee’s appropriate
personnel office and CARO. The employee may contact any office of the Missouri
Division of Workers’ Compensation for questions or concerns, which cannot be
resolved by CARO.

(B) The employee shall notify the hospital or clinic that the injury is a Workers’
Compensation injury and provide employer information.

(C) In the event of an accident, injury, or occupational disease, the employee must notify
the appropriate personnel office immediately by the quickest available method and
request instructions. The employee shall provide the following information: date,
time, place, names of witnesses, and nature of the injury. If treatment is needed, the
employee will be sent to an authorized medical facility/provider. Employees may
seek their own medical treatment at their expense.

(D) In an emergency, the employee should seek treatment at the nearest hospital
emergency room or medical clinic and notify the appropriate personnel office as
soon as possible.
I. PURPOSE

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

II. SCOPE

This policy applies to all Department employees and visitors.

III. POLICY

(A) The Department has designated all Department-occupied offices, buildings, state-owned vehicles, schools, and school grounds as smoke-free and tobacco-free. Tobacco smoke is recognized as a health hazard to smokers and nonsmokers who breathe second-hand smoke. Tobacco use shall not be permitted by employees, clients, visitors, or students within Department facilities or State vehicles. An employee who fails to comply with the provisions of this policy will be subject to disciplinary action. the Disciplinary Action Policy.

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

(C) The tobacco use policy also applies to common areas, including elevators, stairwells, fire escapes, lobbies, mailrooms, reception areas, break rooms, corridors, and restrooms.

(D) Tobacco use shall be prohibited at any conference, meeting, or training program sponsored by the Department regardless of location. When the Department is a co-sponsor, the Department employee shall encourage the other co-sponsor to adopt a no-tobacco use policy for the activity, which may include The person responsible for holding the conference, meeting, or training session is responsible for enforcing the no-tobacco rule. That person will announce that a no-smoking no-tobacco use policy exists, and will ask that all comply. The designated tobacco use areas and break times will be pointed out at that time.

(E) Department work sites, which are shared with or occupied by another employer, will not be designated tobacco-free. However, Department offices adjoining shared areas will be designated tobacco-free, and Department employees are not allowed to take work to those areas or go to those areas for the sole purpose of tobacco use.
(F) When government property or revenue is involved, the preference of the non-tobacco user will have precedence. When Department employees are traveling on official state business in a privately-owned vehicle, tobacco use will be prohibited if one or more individuals present are non-tobacco users. Every attempt will be made to group tobacco users together with other tobacco users when hotel or motel rooms are shared by employees. If this is not possible and if it is necessary for a non-tobacco user to share a room with a tobacco user, the non-tobacco user preference will prevail.

(G) Housing provided to the Superintendents of the Missouri School for the Blind and the Missouri School for the Deaf will be considered as their private residences for purposes of this policy, with tobacco use at the discretion of the occupants.

IV. PROCEDURES

(A) Supervisory and managerial employees are responsible and accountable for implementing the provisions of this policy. These responsibilities include, but are not limited to:

1. Ensuring that all current and new employees under their supervision have reviewed and been advised of the purpose and intent of this policy;

2. Responding promptly and consistently to any violations of this policy;

3. Ensuring that applicants for employment are aware of the policy during the interview or at the time a job offer is made; and

4. Ensuring that proper “Smoke-free/Tobacco-free” signs are posted in appropriate locations.
I. PURPOSE

To establish guidelines for employee separation.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) The date designated as the effective date of termination, by a resigning employee, must be the employee’s last day in pay status, unless:

1. An employee is on approved leave of absence without pay for the employee’s illness and decides to terminate, the effective termination date is the workday before the date the doctor authorizes the employee to return to work; or

2. If the Department does not approve an extension of leave of absence and terminates an employee who has been on leave of absence without pay for the employee’s illness, the effective termination date is the workday before the date the doctor authorizes the employee to return to work or the date the Department terminates the employee.

(B) An employee who applies and is approved by the applicable state benefit system for long-term disability may be considered as having voluntarily resigned in good standing. The Division/Office Administrator will review the circumstances and decide on a case-by-case basis considering job function, customer service, and other job related duties. Division/Office Administrator shall provide written confirmation of this action to the employee.

(C) Terminating employees shall be compensated for all hours worked and for unused annual leave and compensatory time. See the Annual Leave and Overtime Policies.

(D) Periods of time when the active work force is released from duty are not counted against accrued annual leave or sick leave prior to the last workday, if any employee is terminating.
IV. PROCEDURES

(A) When resigning, an employee should give written notice to the Division/Office Administrator or immediate supervisor at least fourteen (14) calendar days in advance.

1. The written resignation shall be forwarded upon receipt to the Division/Office Administrator, immediate supervisor, the appropriate human resource office, and other appropriate administrators.

(B) The employee must supply a correct forwarding address to be kept on file with the appropriate human resource office.

(C) Prior to the release of the employee’s last day of employment final paycheck, the employee shall leave and/or return all State property including, but not limited to:

1. Equipment, keys, official identification cards, government-issued credit cards, and/or other instruments of departmental ownership.

2. The employee will be financially responsible for the cost of any unreturned equipment or state property.

(D) Appropriate modification of retirement and insurance plans shall be completed.

(E) Accumulated sick leave status shall be verified and filed in the employee’s personnel record.

(F) An exit interview may be completed, if appropriate. An exit questionnaire shall be given to each terminating employee with directions to return the completed form to the Central Human Resource Office.
I. PURPOSE

To establish sign language proficiency standards for employees who work at the Missouri School for the Deaf.

II. SCOPE

This policy applies to all employees at the Missouri School for the Deaf.

III. POLICY

(A) The Missouri School for the Deaf, (MSD), in recognition of Deaf culture, endorses an established communication philosophy that promotes a bilingual/multicultural school environment. American Sign Language (ASL) is a preferred method of communication at MSD. Therefore, ASL competency evaluation is required for all MSD employees at a proficiency level commensurate with the amount of direct contact with students and staff who are deaf.

(B) The Superintendent will determine and have the authority to adjust the individual employee’s required level as deemed necessary, based on the amount of contact with students/staff who are deaf/hard of hearing or important aspects of performance on the job.

(C) The required evaluation will be conducted through use of the Sign Language Proficiency Interview (SLPI). Each employee has three (3) years from the date of hire to meet the required level.

IV. PROCEDURES

(A) Notice of Interview: Newly hired employees will be notified of a required scheduled interview date within the first year of their employment. All employees will receive notification of a scheduled date for second and third interviews following the timelines set forth in these procedures. The MSD Communication Supervisor will be responsible for providing to employees written notification of all scheduled interviews. Each written notification will include the date, time and location of the interview. Employees who fail to show up for their scheduled interview can be subject to disciplinary action.
(B) A one-to-one conversation between the interviewer (with a SLPI level of Advanced + or higher) and the employee will be videotaped. All interviews are conducted in sign language only and only sign language skills will be evaluated. The employee is interviewed in a conversational format for fifteen (15) to twenty (20) minutes. Interviews shall include conversation about both social and work-related topics.

(C) Following the interview, each employee’s signing skills are evaluated by three (3) trained raters with a SLPI level of Advanced + or higher using a standard scale based on ASL usage as defined in the SLPI rating scale\(^2\). The final score is based on a consensus of the three (3) raters.

(D) SLPI Results: Notification of Interview Results. The Communication Supervisor shall notify the employee by written notification, through campus mail of the employee’s results on the SLPI. The employee may schedule an appointment with the Communication Supervisor for the purpose of discussing the results of the interview. The employee’s supervisor and the Human Resources Office shall also receive a copy of the notice which will include:

1. The level of ASL skill that has been assigned to the employee by the rating team;
2. The level of ASL skill required for the employee’s employment position\(^3\); and,
3. A statement that the employee has met, exceeded, or not met the level of skill designated for his/her position.

   a. Employees, who have reached their required level are not required to retake the evaluation process unless specifically recommended by his/her supervisor. However, the employee may elect to retake the evaluation on a volunteer basis when time permits.

   b. Employees, who have reached their required level through previous testing in another state or facility using the SLPI as an evaluation tool and can provide verification of previous evaluation, will not be required to retake the evaluation unless specifically recommended by his/her supervisor.

   c. For employees who have not reached his/her required level, an indication of the number of levels through which the employee must progress in order to reach the required level of ASL skill will also be included; and

   d. A description of the opportunities available to the employee to aid in the continued development of ASL skills. This will include sign language classes, video tapes, and other instructional materials that can be used by the employee.

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\(^2\) Appendix A  
\(^3\) Appendix B, MSD Employee SLPI Level Requirements
Request for Rating Review:

1. If, after reviewing the SLPI report, an employee believes his/her rating is incorrect, the employee must notify the Communication Supervisor of this within ten (10) working days following the day of the receipt of the rating report.

2. If the employee objects to the first (1st) rating, a review session will be conducted with the Communication Supervisor to determine the justification for a second rating. If a second (2nd) rating is warranted, it is conducted by three (3) raters not involved in the first rating interview; the second rating team is not told the results of the first rating. If the ratings of the first and second rating teams are in agreement, the result is final; if these ratings differ, the employee will be given the higher of the two ratings.

3. If an employee has concerns as to how the interview was conducted, he/she should contact the Communications Supervisor within ten (10) working days of the interview and another interview will be scheduled with a different interviewer. This process is allowed once per year.

SLPI results and Performance Based Evaluation:

1. For newly hired employees, the Communication Supervisor will schedule an initial interview for the employee within his/her first year of employment. If the required level has not been met, a second interview will be scheduled approximately one year after the first interview. Approximately one (1) year from the date of the second interview in which the employee did not meet the required level, a third SLPI interview and rating will be performed. If the employee fails to reach the required level, the employee will be subject to termination unless an extension has been granted under Section H of this policy.

2. Employees failing to meet the required SLPI level for their position, may request an extension of the deadline to meet the required SLPI level.

Extension Requests: In the event that an employee does not achieve the skill level required for his/her employment position within the required time frame the employee may request an extension. A request for an extension must be in writing to the school Superintendent no later than thirty (30) days after receiving the second unsatisfactory overall rating. The written request shall include a statement of the employee’s rationale for requesting an extension and verification from the Communication Supervisor that progress in developing ASL communication skills has been made by the staff member, unless this latter requirement is waived by the school Superintendent for good cause.

Extension Determinations: The school Superintendent will review the request for the extension and make a decision based on, but not limited to the following:

1. A review of the employee’s progress in American Sign Language skill development;
2. A review of the employee’s attendance at American Sign Language instructional opportunities;

3. Recommendations of the employee’s supervisor; and,

4. Recommendations of the school Communication Supervisor’s supervisor.

Within fifteen (15) working days of receiving an employee’s written request for an extension, the school Superintendent will notify the employee, in writing, of the decision on the request for an extension. A copy of this notification will be sent to the employee’s supervisor and the Human Resources file. If the request for an extension is granted, the written notification will inform the employee of the new time frame established for achieving the required proficiency level. If the extension is denied, the employee will be terminated.

All position vacancy announcements will include the required SLPI level for that position and the length of time provided to reach the required level. The Human Resources office will inform newly hired employees of the required communication level for their position and of the three-year time length to reach that required level.

V. ADDENDUM

(A) As of July 1, 2019, employees hired prior to July 1, 2016, will be granted a two (2) year period to complete the evaluation(s) and meet the required level for their position.

(B) Employees who have taken the evaluation three (3) times and not reached their required level will be offered a final evaluation during the 2019-2020 school year. If employees fail to meet the required level, they will be terminated from employment.

(C) Any employee hired after July 1, 2019, will follow the current policy.

(D) In addition to the formal SLPI evaluation, an internal interview will be conducted to provide the employee with current information related to skill level. Recommendations will be made to assist with improving skills.

(E) Employees required to meet the Intermediate or Advanced levels will be reimbursed for classes at William Woods University. One class for the Intermediate level and two classes for the Advanced Level. An “A” will result in 100% reimbursement for the course. A “B” will result in 75% reimbursement for the course. A “C” will result in 50% reimbursement for the course. Any grade below a “C” will not be reimbursed.
<table>
<thead>
<tr>
<th>RATINGS</th>
<th>FUNCTIONAL DESCRIPTORS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10 Superior Plus</strong></td>
<td>Able to have a fully shared and natural conversation, with in-depth elaboration for both social and work topics.</td>
</tr>
<tr>
<td><strong>9 Superior</strong></td>
<td>Able to have a fully shared conversation, with in-depth elaboration for both social and work topics. Very broad sign language vocabulary, near native-like production and fluency, excellent use of sign language grammatical features, and excellent comprehension for normal signing rate.</td>
</tr>
<tr>
<td><strong>8 Advanced Plus</strong></td>
<td>Exhibits some superior level skills, but not all and not consistently.</td>
</tr>
<tr>
<td><strong>7 Advanced</strong></td>
<td>Able to have a shared conversation with good, spontaneous elaboration for both social and work topics. Broad sign language vocabulary knowledge and clear, accurate production of signs and fingerspelling at a normal/near normal rate; occasional misproductions do not detract from conversation flow. Good use of many sign language grammatical features and comprehension good for normal signing rate.</td>
</tr>
<tr>
<td><strong>6 Intermediate Plus</strong></td>
<td>Exhibits some advanced level skills, but not all and not consistently.</td>
</tr>
<tr>
<td><strong>5 Intermediate</strong></td>
<td>Able to discuss with some confidence routine social and work topics within a conversational format with some elaboration. Good knowledge and control of everyday/basic sign language vocabulary (may have several sign misproductions), with fluency generally characterized by moderate signing pace and some inappropriate pauses/hesitations. Demonstrates use of some sign language grammatical features in connected discourse, but not controlled. Fairly good comprehension for a moderate-to-normal signing rate; a few repetitions and rephrasing of questions may be needed.</td>
</tr>
<tr>
<td><strong>4 Survival Plus</strong></td>
<td>Exhibits some intermediate level skills, but not all and not consistently.</td>
</tr>
<tr>
<td><strong>3 Survival</strong></td>
<td>Able to discuss basic social and work topics with responses generally 1-to-3 sentences in length. Some knowledge of basic sign language vocabulary with many sign vocabulary errors. Slow-to-moderate signing rate with (some) inappropriate pausing. Basic use of a few sign language grammatical features. Fair comprehension for signing produced at a slow-to-moderate rate with some repetition and rephrasing.</td>
</tr>
<tr>
<td><strong>2 Novice Plus</strong></td>
<td>Exhibits some survival level skills, but not all and not consistently.</td>
</tr>
<tr>
<td><strong>1 Novice</strong></td>
<td>Able to provide single sign and some short phrase/sentence responses to basic questions signed at a slow-to-moderate rate with frequent repetition and rephrasing. Vocabulary primarily related to everyday work and/or social areas such as basic work-related signs, family members, basic objects, colors, numbers, names of weekdays, and time. Production and fluency characterized by many sign production errors and by a slow rate with frequent inappropriate pauses/hesitations.</td>
</tr>
<tr>
<td><strong>0 No Functional Skills</strong></td>
<td>(May be) Able to provide short single sign and “primarily” finger spelled responses to some basic questions signed at a slow rate with extensive repetition and rephrasing.</td>
</tr>
</tbody>
</table>

1 Adapted from US Foreign Service Institute & ACTFL LPI Rating Scales by William Newell & Frank Caccamise
<table>
<thead>
<tr>
<th>POSITION</th>
<th>REQUIRED LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Education/Student Support Services &amp; Outreach Personnel Such As:</strong></td>
<td></td>
</tr>
<tr>
<td>Superintendent, Assistant Superintendent, Director of Student Services &amp;</td>
<td>Advanced</td>
</tr>
<tr>
<td>Ancillary Services, Curriculum Supervisors, Teachers, Social Workers,</td>
<td></td>
</tr>
<tr>
<td>Psychologists, School Supervisors, Counselors, Deaf Education Specialists,</td>
<td></td>
</tr>
<tr>
<td>Adaptive Behavior Specialists and other positions with similar student/staff contact.</td>
<td></td>
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<tr>
<td>Audiologists, Speech Therapists, Early Intervention Supervisors, Librarians,</td>
<td>Intermediate</td>
</tr>
<tr>
<td>Teacher Aides, School Secretaries, Registered Nurses, and other positions</td>
<td></td>
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<tr>
<td>with similar student/staff contact.</td>
<td></td>
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<tr>
<td>Licensed Practical Nurse, Nursing Assistant and other positions with</td>
<td>Survival +</td>
</tr>
<tr>
<td>similar student/staff contact.</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Life Personnel Such As:</strong></td>
<td>Advanced</td>
</tr>
<tr>
<td>Student Life Director, Dormitory Directors, Assistant Dormitory Directors,</td>
<td></td>
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<tr>
<td>Residential Advisors III and other positions with similar student/staff</td>
<td></td>
</tr>
<tr>
<td>contact.</td>
<td></td>
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<tr>
<td>Residential Advisors I and II and other positions with similar student/staff</td>
<td>Intermediate</td>
</tr>
<tr>
<td>contact.</td>
<td></td>
</tr>
<tr>
<td><strong>Support Personnel Such As:</strong></td>
<td>Novice</td>
</tr>
<tr>
<td>Business Managers, Assistant Business Managers, Human Resources Analysts,</td>
<td></td>
</tr>
<tr>
<td>Food Service Managers, Media Supervisors, Teacher Aides (Media), Custodial</td>
<td></td>
</tr>
<tr>
<td>Supervisors, Procurement Specialists, Accounting Specialists, Data</td>
<td>No Functional Skills</td>
</tr>
<tr>
<td>Specialists, Cooks, Administrative Assistants, Secretaries, and other</td>
<td></td>
</tr>
<tr>
<td>positions with similar student contact – other than school secretaries.</td>
<td></td>
</tr>
<tr>
<td>Supply Managers, Storekeepers, Laundry Workers, Custodial Workers, Bus</td>
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<tr>
<td>Drivers, Security Night Watch, and other positions with similar student/staff</td>
<td></td>
</tr>
<tr>
<td>contact.</td>
<td></td>
</tr>
<tr>
<td><strong>Communications Personnel Such As:</strong></td>
<td>Advanced +</td>
</tr>
<tr>
<td>Communication Supervisor, Interpreter and other positions with similar</td>
<td></td>
</tr>
<tr>
<td>communication facilitation responsibilities.</td>
<td></td>
</tr>
</tbody>
</table>

*Individual employees within a classification may be adjusted depending on the student/staff contact involved or important aspects of performance on the job.*