MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM: December 2019

CONSIDERATION OF ADOPTION OF PERSONNEL POLICIES

<table>
<thead>
<tr>
<th>STATUTORY AUTHORITY:</th>
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<tbody>
<tr>
<td>Section 161.132, RSMo</td>
<td>☒ Consent Item</td>
<td>☐ Action Item</td>
<td>☐ Report Item</td>
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</tbody>
</table>

**STRATEGIC PRIORITY**

Efficiency and Effectiveness – Create an internal environment of continuous improvement, effective programming, and efficient business operations.

**SUMMARY**

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

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

**RECOMMENDATION**

The Department recommends that the State Board adopt the personnel policies as presented.
The following is a brief explanation of changes to the Department’s Personnel Policies.

**000-090 Employee Background Checks**

Revisions were made to remove the requirement to undergo a Missouri Automated Criminal History Site (MACHS) Open Record/Name Search background check, and in its place, add the requirement to conduct a MACHS fingerprint-based background check for all current and newly hired employees. Additionally, language was added to include the Rap Back Program for automatic criminal history updates for employees who were previously fingerprinted. Revisions were made to clarify that checks through other registries may be required for Disability Determination Services, State Operated Schools and other federal funded programs.

**200-250 Paid Personal Time Off**

Revisions were made to clarify the Missouri Mentor Initiative program through Big Brothers Big Sisters and reference to the policy for Military Leave. A minor revision in the School Leave Visit was made to clarify the child is not required to be the employee’s child.

**300-360 Solicitation**

Revisions were made to clarify the Human Resources office provides information concerning which vendors are approved for payroll deductions and the Division/Office Administrator is responsible for enforcing this policy. Additionally, language stating state facilities can be used only for official benefit programs of the retirement systems was removed.
I. PURPOSE

To ensure the integrity of state government and provide for the safety of students, clients, and staff, the Department will conduct background checks on employees as a condition of their employment or continued employment.

II. SCOPE

This policy applies to all Department employees. Disability Determination Services and State Operated Schools will continue to also follow their own internal background check policies.

III. POLICY

(A) Effective September 2014, all current and newly hired employees will be required to undergo a Missouri Automated Criminal History Site (MACHS) Open-Record/Name Search fingerprint-based background check. After the initial background check, a MACHS check will be conducted on Department employees every other year. Completion of a MACHS fingerprint-based background check is a condition of employment and continued employment. Employment will be terminated for individuals who do not consent to the background check.

(B) Background check results will be reviewed processed by Human Resources, and when necessary, reviewed by the designated individual(s) with authority to access fingerprint-based background checks appropriate Office Administrator and Deputy Commissioner to determine if the person individual is eligible for employment or continued employment with the Department. If circumstances warrant, the Deputy Commissioner may forward the result to legal counsel for review.

(C) Additional 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 Disability Determination Services, State Operated Schools and other federal funded programs.

IV. PROCEDURES

(A) An individual offered employment with the Department will be required to sign a Background Check Notification Form consenting to a background check as a condition of employment. The offer of employment will be withdrawn from individuals refusing to consent to the background check.
(B) New employees may not travel to a school facility or meet with a client unsupervised until the result of their background check is known.

(C) As a condition of continued employment with the Department, employees must agree to be included in the Rap Back Program that provides Human Resources with automatic criminal history updates for employees who have been previously fingerprinted. Notify Human Resources of their respective Office if they have been convicted of, pleaded guilty to, or have been found guilty of any felony or misdemeanor regardless of whether or not sentence is/was imposed. Notification must be made no later than five (5) business days after the event.

(D) In the event the Department is notified of a criminal offense resulting from a fingerprint based background check, and the offense could affect continued employment, Human Resources will give the employee the opportunity to clarify and explain the offense. In determining whether a criminal history bars someone from employment or continued employment with the Department, the following factors will be considered:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct and/or completion of the sentence; and
- Responsibilities of the position in relation to offense or conduct.

(E) Results of an employee’s background check will be maintained by Human Resources in the MACHS system for ninety (90) days, during which time the employee may request a copy of his/her results.
I. PURPOSE

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

II. SCOPE

This policy applies to benefit eligible Department employees.

III. POLICY

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

1. Bereavement: An employee may be granted paid time off from duty, for absence up to but not to exceed five (5) workdays/fifty (50) hours because of the bereavement of an employee as a result of a death in the employee’s immediate family.

   a. Immediate family, for purposes of this policy shall mean spouse, children, spouse of children, parents, grandparents, grandchildren, brothers, brothers-in-law, sisters, sisters-in-law, spouse’s relatives of the same degree as for the employee, and members of the employee’s household, or as determined by the Division/Office Administrator. In determining family relationships for this policy, “step” and “half” relationships are considered the same as “whole” and “full” relationships. For example, “step-father” is the same as father; “half-brother” is the same as brother.

   b. Absences in excess of the amount allowed for death/bereavement leave, unless approved by the Division/Office Administrator as an unusual case, will be deducted from the employee’s accumulated sick, annual or compensatory leave.

   c. The Division/Office Administrator may grant leave with pay, including travel time, for section or work unit coworkers to attend a funeral. Representatives assigned by the Division/Office Administrator to attend funerals are considered to be on duty; no leave is charged, and mileage and expenses may be claimed.
d. The final decision concerning unusual circumstances shall rest with the Division/Office Administrator.

2. **Time Off to Vote:** Employees of the Department who are registered to vote in any election held within Missouri are entitled to be absent for a period of three (3) successive hours between the time of opening and the time of closing the polls for the purpose of voting as herein described. The polls are open from 6:00 a.m. to 7:00 p.m. Any employee absence for such purpose shall not be reason for discharge of or the threat to discharge any such person from such services or employment. Such employee, if he/she votes, shall not, because of absence, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his/her usual salary or wages. For an employee to be eligible for these protections and for time off from work with pay for the purpose of voting, the requirements herein must be followed:

   a. This policy shall not apply to a voter on the day of election if there are three (3) successive hours while the polls are open in which he/she is not in the service of the Department; and/or

   b. The Division/Office Administrator or his/her designee may specify any three (3) successive hours between the time of opening and the time of closing the polls during which the employee may be absent to vote. Such leave will normally be taken at the beginning or end of the workday so that the employee is ensured of three (3) successive hours in which to vote. See §115.639, RSMo.

3. **Jury Duty:** Employees shall be granted paid time off from duty by the Division/Office Administrator for jury service.

   a. Department employees who are summoned for jury duty may retain the fees and expenses issued to them for their service.

4. **Court Appearances:** When the employee is a plaintiff, defendant, or witness in a cause of action arising out of employment no leave is required to be taken. When the employee is a plaintiff, defendant, or witness in a cause of action not arising out of employment annual leave, compensatory time, or leave no pay may be used.

   a. Employees who appear as witnesses in their official Department capacities may not apply for or retain any witness fees. If witness fees are sent, the employee must endorse the check to the Treasurer, State of Missouri.

   b. Employees who appear as witnesses outside their official Department capacities may retain any witness fees.

5. **Workers’ Compensation Hearings:** A Department employee, who receives notices of conferences or hearings from the Missouri Division of Workers’ Compensation for work-related injuries, will be granted paid time off to attend.
6. **Blood Donation**: At the supervisor’s discretion, up to a maximum of three (3) hours of other payable leave may be granted to Department employees to donate blood. The amount of time allowed shall be the minimum time necessary for completion of the donation and for transportation.

7. **Retirement System Seminars**: Time to attend pre-retirement seminars and other retirement system sponsored information meetings may be charged to other payable leave after receiving approval from the employee’s immediate supervisor. Registration fees and travel expenses are the responsibility of the employee.

8. **School Visit Leave**: The Department understands and places a premium on the value of family and community involvement in education and considers it an investment in the future of children. Department employees are encouraged to work closely with educators and take an active part in children’s learning. Employees are also encouraged to volunteer in Missouri schools and assist teachers in the classroom with curricular activities. This policy allows Department employees to have time off with pay during the regular employment hours which otherwise hinder an employee’s opportunity to be actively involved in school activities for children from birth through grade twelve.

   a. Employees eligible to request school visit leave under other payable leave are employees who: are employed for four (4) or more work hours a day in positions of a continuing nature requiring the equivalent of four (4) months of full-time employment in any twelve (12) month period, and whose scheduled work hours align with or include the hours when the employee needs to make the school visit.

   b. It is not the intent of this policy to cover:

      (1) Students who have graduated from high school; and/or

      (2) College visits or college registration.

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

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

<table>
<thead>
<tr>
<th>Work Hours</th>
<th>Non-disability</th>
<th>*Identified Disability</th>
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<tbody>
<tr>
<td>4</td>
<td>4 Hours</td>
<td>8 Hours</td>
</tr>
<tr>
<td>5</td>
<td>5 Hours</td>
<td>10 Hours</td>
</tr>
<tr>
<td>6</td>
<td>6 Hours</td>
<td>12 Hours</td>
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7 Hours 14 Hours
8 Hours 16 Hours

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


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

   a. A maximum of five (5) workdays is allowed to serve as a bone marrow donor.

   b. A maximum of thirty (30) workdays is allowed to serve as a human organ donor.

   c. Verification letters and any subsequent letters or memos related to the donation and recovery period should be forwarded to Human Resources to be placed in the employee’s personnel file.

11. Disaster Relief Leave: Section 105.267, RSMo provides that employees who are certified by the American Red Cross or certified by a volunteer organization with a disaster service commitment recognized by the state emergency management agency as a disaster service volunteer may, with the Commissioner’s approval, be granted one-hundred twenty (120) hours of leave with pay in a fiscal year to participate in disaster relief services. The law limits participation to twenty-five (25) state employees from all state agencies in a fiscal year.

12. Missouri Mentor Initiative: Executive Order 07-14 created the Missouri Mentor Initiative (MMI) for up to two hundred (200) full-time State employees to provide mentoring services to students in public primary and secondary schools in certain counties within the state. Employees approved to participate in the Missouri Mentor Initiative (MMI) program are eligible for one hour per week of paid time off to provide the mentoring services through Big Brothers Big Sisters. Approved employees are eligible for up to forty (40) hours annually between September and June of each school year. Employees who are interested in participating must complete an application form found on the website of the Lieutenant Governor. Permission from Human Resources and the employee’s supervisor is required to participate. Paid time off may be withdrawn by the State or the department at any time. Participating employees are subject to the rules of the MMI program.
13. Other Allowable Leave: Extraordinary reasons sufficient in the opinion of the Commissioner of Education or designee to warrant time off with compensation may be charged to other payable leave.

IV. PROCEDURES

(A) The following procedures apply to this policy:

1. An employee must request any of these leaves in advance when possible;

2. An employee may request a review of unusual circumstances by the Division/Office Administrator;

3. Documentation must be provided for the following:

   a. Jury Duty/Court Appearances: A copy of the subpoena or order to appear in court, or before a judge; legislative committee; or officer, board, or body; or deposition; or the document requesting the employee’s attendance for jury service shall be placed in the employee’s personnel file unless the employee is acting in the course of their employment;

   b. Workers’ Compensation Hearings: A copy of the employee’s notice to appear at a hearing or conference shall be placed in the employee’s personnel file;

4. School Visit Leave: School visit leave must be approved in advance by the employee’s immediate supervisor or designee by using the established procedure in the work unit to seek approved leave to participate in a called or scheduled school visit with school staff where their the child attends. The employee must provide sufficient information to enable the supervisor to fairly consider the request. If there is cause to question an employee’s request for school visit leave, documentation of the need for the visit leave will be required of the employee.
I. PURPOSE

To ensure the Department’s compliance with the State law which prohibits the use of State facilities for private purposes.

II. SCOPE

This policy applies to all Department employees.

III. POLICY

(A) The Department complies with State law, which prohibits the use of State facilities for private, for-profit purposes. State facilities can be used only for official benefit programs of the retirement systems, the State Deferred Compensation Commission, the Missouri State Cafeteria Plan, and the Missouri State Employees’ Charitable Campaign. The Department prohibits any solicitation of or distribution to employees that is not directly related to the workers’ jobs and the mission of the agency. Employees who fail to comply with this policy may be subject to disciplinary action.

(B) In accordance with §33.103, RSMo., and the State’s Voluntary Payroll Deduction Policy, statewide payroll deductions for group hospital service, life insurance, and medical service are provided if the vendor meets the criteria established in the Missouri Office of Administration deduction policy. The authorization for a vendor to receive payroll deductions in no way suggests endorsement by the State or the Department of the vendor or the vendor’s services.

(C) State facilities and/or employees shall not be used for marketing activities by vendors, regardless of whether or not the vendor is approved for voluntary payroll deductions. The Human Resources Personnel offices will have information concerning which vendors are approved for payroll deductions. Materials will not be distributed to all employees for vendors. No marketing shall take place during business or school hours.
(D) The Department reserves the right to approve or disapprove the scheduling of State facilities for the official benefit programs of the Missouri State Employees’ Retirement System, the State Deferred Compensation Commission, the Missouri State Employees’ Cafeteria Plan, and the Missouri State Employees’ Charitable Campaign, during or outside work hours. The Department will determine if the scheduling of group or individual meetings is advisable, taking into consideration the disruptive effect upon the school or office.

IV. PROCEDURE

(A) Supervisory staff are responsible for enforcing this policy in their respective areas of responsibility, in each school or office.