

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:****August 2014**

## CONSIDERATION OF ADOPTION OF PERSONNEL POLICY 200-230 SICK LEAVE

**STATUTORY AUTHORITY:**

Section 161.132, RSMo.

Consent  
ItemAction  
ItemReport  
Item

## DEPARTMENT GOAL NO. 4:

The Missouri Department of Elementary and Secondary Education will improve departmental efficiency and operational effectiveness.

## SUMMARY:

The Department's complete set of personnel policies was adopted by the State Board of Education on March 21, 2002. Revisions to some policies have been approved in subsequent years. The language in Personnel Policy 200-230 Sick Leave, specifically, III.(S) needs to be revised. Policy revisions have been reviewed by a committee composed of employees, executive staff, the Human Resources Section, and legal counsel.

The Office of Administration policies on leave apply to the Department, including holding over sick leave. Per Chapter 36.350, RSMo. "The regulations shall provide for the hours of work, holidays, attendance, and leaves of absence in the various classes of positions subject to this law. They shall contain provisions for annual leave, sick leave, and special leaves of absence, with or without pay, or with reduced pay, and may allow special extended leaves for employees disabled through injury or illness arising out of their employment, and the accumulation of annual leave and sick leave. Such regulations shall apply in all state agencies." Missouri Code of State Regulations, 1 CSR 20-5.020 (2)(H) states "All accumulated and unused sick leave shall be credited to any employee returned to a benefit eligible position of employment in the state services within five (5) years of leaving the service, transferred to or employed in another division of service, or returning from leave of absence."

## PRESENTER(S):

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

## RECOMMENDATION:

We recommend that the State Board adopt Personnel Policy 200-230 Sick Leave, as presented.



**PERSONNEL POLICIES AND PROCEDURES**

Adoption Date:	Approved By: State Board of Education
Policy No: 200-230	Section: Employee Benefits and Services
Pg. 1 of 4	Subject: Sick Leave

**I. PURPOSE**

To establish uniform guidelines on accrual and use of employee sick leave.

**II. SCOPE**

This policy applies to all benefit eligible Department employees.

**III. POLICY**

- (A) Employees of the Department who are benefit eligible will accrue sick leave based on pay status and employment hours.
- (B) Employees who work 2,080 hours per year (eight (8) hours per day, twelve (12) months) will accrue sick leave at the rate of five (5) hours per pay period.
- (C) School term employees will accrue sick leave based upon their number of days worked per year and hours per day. The sick leave accrual is distributed over eighteen (18), twenty (20), or twenty-two (22) pay periods.
- (D) Department employees receive credit for sick leave based on the number of hours worked or in pay status during the pay period. Pay status includes time off taken as a holiday, sick leave, annual leave, compensatory leave or other type of paid leave. Employees in “leave without pay status” during a pay period may receive a prorated sick leave accrual.
- (E) Sick leave accrual is based upon an employee’s standard pay period hours. Standard pay period hours are calculated as follows:
  - 1. Number of hours worked per day X number of days worked per year / twenty-four (24) (the number of pay periods per year) = standard pay period hours. For example, eight (8) hour twelve (12) month employee:

$$8 \times 260/24=86.667 \text{ hours per pay period}$$

- (F) Sick leave shall not be allowed to employees who are employed in positions of limited duration, whether this is a temporary, limited temporary, hourly, or *per diem* basis. Employees who are ineligible to earn sick leave under this policy shall be

identified as such at the time of employment and shall be notified of their ineligibility.

- (G) Work assignments varying from the normal workweek shall be equated to the normal workweek for purposes of determining sick leave accrual in accordance with this policy.
- (H) Sick leave is credited to an employee on the first day after the two-week pay period. For example: sick leave accrual will be credited on the 16<sup>th</sup> of the month for the pay period of the 1<sup>st</sup> through the 15<sup>th</sup>.
- (I) Absence related to an illness or injury of an employee or employee's immediate family will be charged against the employee's accumulated sick leave upon approval of the employee's immediate supervisor or designee.
- (J) 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 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.
- (K) The department reserves the right to send employees who have been diagnosed with a contagious illness home, until such time the employee is no longer contagious as determined by common medical standards. This applies to all employees including employees without any accumulated leave. Employees without accumulated leave will be in leave no pay status.
- (L) When an employee wishes to return to work after absence because of accident or illness, he/she may be required to have a job-related medical examination at his/her expense as a condition of returning to work to provide documentation that he/she can perform the essential functions of the job he/she holds or would not pose a significant risk of substantial harm that could not be reduced to an acceptable level with reasonable accommodation. At the Department's expense, the employee may be required to acquire a second medical opinion.
- (M) Employees shall be allowed to accumulate sick leave without limit.
- (N) Employees using sick leave will continue to accrue leave while in pay status. Terminating employees will not be paid for unused accumulated sick leave. Sick leave shall not accrue to an employee while in leave without pay status.

- (O) If sick leave requests are not approved and the employee is absent, the absence may be coded into the leave system as leave without pay, upon approval of the division administrator, even if the employee has an accrued sick leave balance.
- (P) Sick leave can be used for pregnancy or childbirth on the same terms and conditions as are applied to other temporary disabilities. Adoptive parents may use accrued sick leave, annual leave, compensatory time, or leave without pay to take time off for purposes of arranging for the child's adoption or caring for the child immediately after adoption. *See* §105.271, RSMo.
- (Q) Employees on sick leave will not be charged leave for the period of time in their scheduled workday following the dismissal of the Department's regular workforce from the performance of duties.
- (R) School Term Employees of State Schools may not be compensated for sick leave for periods of illness extending beyond the individual's school term employment except in instances where the illness or disability is due to a job-related condition.
- (S) Employees returning to state service in a benefit eligible position within five (5) years of leaving shall be credited with previously unused sick leave. ~~All accumulated and unused sick leave shall be credited to an individual employed by the Department within five (5) years of leaving work with the Department or other state government employment or returning from leave of absence, unless previously transferred to another state agency.~~ Sick leave cannot be accepted in an amount exceeding that, which could have been accrued as a Department employee. However, before accepting sick leave accruals for such employees, it shall be the employee's responsibility to request that the previous state employer's personnel office submit to the Department's Human Resource Section a written statement specifying the basis on which sick leave was accrued and the amount of unused sick leave the employee is transferring. ~~This policy will be applied retroactively for those persons who have not previously received credit for such sick leave and are currently employed by the Department on the date this policy is effective.~~
- (T) Employees will be permitted to use one (1) hour of accrued sick leave per month for Personal Wellness Leave. Personal Wellness Leave must be used as a one (1) hour increment and shall not accrue or accumulate. Personal Wellness Leave shall only be used for a program or activity directly related to health promotion or disease prevention for the individual employee. The final decision to grant leave under this section shall rest with the appointing authority and can be denied if operational needs of the Department would be hindered by granting said leave or if the leave is not properly requested or is not used for permissible purposes under this rule.

#### IV. PROCEDURES

- (A) For sick leave usage that can be reasonably planned ahead, employees must request and receive prior approval from their immediate supervisor.
- (B) Except in unusual circumstances, unplanned absences must be phoned in to the work unit prior to the beginning of the employee's scheduled time to begin work, following the procedure of the work unit, unless there is an alternate practice developed by the work unit, section, division, or office.
- (C) Sick leave shall be taken on a workday basis. Sick leave shall be requested and used in multiples of fifteen (15) minutes.
- (D) All periods of illness and/or disability may require the employee to obtain a signed statement from the attending physician to include the reason why the employee is unable to work, anticipated return to work, possible job accommodations, and date of next appointment.
- (E) To request the use of the Personal Wellness hour each month, an employee must submit a leave request form for approval prior to using the leave. The leave request must indicate that it is for Personal Wellness and include the activity the employee is leaving to engage in.

##### 1. Personal Wellness Leave qualifying activities include, but are not limited to:

- (a) attending a gym or a fitness class;
- (b) taking a walk, jogging, bicycling;
- (c) attending a class, seminar or webinar on diet, exercise, or wellness-related topics;
- (d) attending yoga, aerobics, kickboxing, or other health related course; and/or
- (e) participating in a tobacco cessation, weight management, stress management, or other related disease management session.

##### 2. Inappropriate use of Personal Wellness Leave include, but are not limited to:

- (a) shopping;
- (b) running errands;
- (c) visiting family members and friends; and/or
- (d) taking extended lunch periods wherein health and wellness is not the focus of the lunch.

## V. DEFINITIONS

(A) The following definitions apply to this policy:

1. Sick Leave: Sick leave is a period in which the employee is incapacitated for the performance of assigned duties by sickness or injury, or by pregnancy, childbirth and recovery there from, or periods of time required for medical, surgical, dental, or optical examination or treatment, or where, through exposure to contagious disease, the presence of the employee on duty would jeopardize the health of others;
2. State Agency: State agencies, for purposes of the transfer of accumulated sick leave, shall include state supported, four (4) year colleges and universities and those agencies that have entered into reciprocity agreements with the Office of Administration.