

**Missouri Department of  
Natural Resources  
Administrative Policies and Procedures**

**Chapter 5 Employee Benefits**

<b>Leave with Pay Policy</b>	<b>Effective date</b>	<b>Revised</b>
<b>Number: 5.01</b>	<b>January 18, 2002</b>	<b>December 19, 2008</b>

The Department of Natural Resources will credit and provide leave for eligible employees to address a variety of personal needs. This leave is in accordance with the Merit System Rules and Regulations.

**DEFINITIONS**

*Appointing authority:* An officer having power to make appointments for employment or other personnel related issues or transactions. For personnel related issues the appointing authority is the Human Resources Program Director.

*Break in service:* An interruption of state government service for a time period of more than thirty (30) days.

*Pay status:* The time an employee works that is monetarily compensated. This includes time taken off as: a holiday, sick leave, annual leave, or any other type of paid leave.

*Pay period:* A semi-monthly period on which pay is based that ends on the 15<sup>th</sup> and last day of each month.

*FLSA work period:* A seven day period established in SAM II as an employee’s work week. An employee will account for forty hours a week beginning on Sunday, Friday, or Saturday.

**REFERENCES**

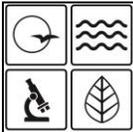
Revised Missouri State Statutes online at <http://moga.mo.gov/>  
Annual and Sick Leave: RSMo 36.350

Leave for adoptive parents and stepparents: RSMo 105.271

Leave of absence granted, state employees, bone marrow or organ donation.  
RSMo 105.266.

Time off for Voting: Section 115.639 (1) RSMo. 1986

Missouri Mentor Initiative-Policies and Procedures Manual  
<http://ltgov.mo.gov/missouri-mentor-initiative/>



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Family and Medical Leave Act (FMLA) of 1993: 29 CFR 825

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

Leaves of Absence: 1 CSR 20-5.020 <http://www.sos.mo.gov/adrules/csr/csr.asp>

SP-10 State of Missouri Background Checks Policy

<http://oa.mo.gov/commissioners-office/policies/statewide>

*Related DNR Policies*

Conduct and Ethics 1.01

Leave without Pay 5.02

Family and Medical Leave Act (FMLA) 5.03

Military Leave: 5.05

**GENERAL PROVISIONS**

**Annual leave**

Staff who are employed at least on a half time basis in positions of continuing or permanent nature are entitled to accrue annual leave.

Annual leave will be accrued as follows:

<i>If the employee is on...</i>	<i>The amount of annual leave accrued:</i>
Leave without pay during the entire pay period	No annual leave accrual
Less than 40 hours pay status in a pay period	No annual leave accrual
Between 40 and 79 hours pay status in a pay period	Annual leave accrual prorated based on the percentage of full time worked
80 hours or more pay status in a pay period	Full annual leave accrual

Annual leave will be credited to eligible employees based on total length of service with any state agency as follows:

<u>Service Completed</u>	<u>Maximum Annual Leave Earned</u>	<u>Maximum Accrual</u>
Zero to 120 months (10 years)	5 hours per pay period	240 hours (30 days)
121 to 180 months (15 years)	6 hours per pay period	288 hours (36 days)
Over 181 months (15 years)	7 hours per pay period	336 hours (42 days)

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The maximum amount of annual leave which may be accumulated before it is forfeited is based on years of service and is equal to the total annual leave that may be earned in two years. Annual leave amounts over the two-year maximum can be retained until October 31<sup>st</sup> of each year before it is lost. If an employee terminates employment with the department, only up to the two-year accrual will be paid to the employee. If the employee works part-time, the maximum amount of leave that may be accumulated is the same as for full time employees.

Annual leave is credited to an employee the last day of the pay period in which it is earned. Employees may use annual leave beginning the first day of the following pay period.

An employee, who transfers or is hired from another state agency without a break in service, may transfer a maximum of two weeks or 80 hours annual leave. Variances to this policy will be considered. Requests for variances must be made through the program director to the division director with justification for the variance. The decision to approve or deny the variance rests with the division director.

An employee entitled to annual leave who has resigned in good standing or whose services have been otherwise terminated, will be entitled to receive reimbursement for all accrued leave up to the two-year maximum accrual. Payment will be made at the rate of pay in effect the last day worked. In the cases of proven theft, destruction, or willful abuse of State property, an employee's annual leave balance may be held against the value of the property which has been stolen or destroyed.

### **Use of annual leave**

Annual leave must be used and requested in multiples of 15 minutes. Requests for annual leave will be made according to established SAMII Human Resources procedures. Requests for annual leave may be written or electronic, as required by the program or division. SAMII Human Resources procedures are provided on the DNR intranet site.

A supervisor may approve applications for annual leave when the employee's absence will not seriously impair work operations or when another employee can cover the workload.

Holidays falling within a period of annual leave will not be counted as workdays and will not be charged against an employee's accrued annual leave balance.

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An employee who is absent on annual leave and is recalled to his or her duties during the leave period will not be charged annual leave for the time worked.

If an employee works over the forty hour FLSA work period, and they have used annual leave, their annual leave usage will be reduced by the number of hours worked, unless the employee has reached their maximum amount of annual leave accrual (240 hours, 288 hours or 336 hours).

An employee unable to work because he/she is in jail may be denied the use of annual leave. The employee may be dismissed due to unauthorized absence if he/she is unable to report for work due to jail time.

### **Sick leave**

Staff who are employed at least on a half time basis in positions of continuing or permanent nature are entitled to accrue sick leave.

Use of sick leave for eligible employees is allowed for any of the following reasons:

- Illness
- Injury
- Pregnancy, childbirth, recovery from childbirth, or care of newborn
- Medical, surgical, dental, or optical examination or treatment
- When the employee's personal care and attention is required in connection with the adoption of a child or foster care with appropriate documentation.
- Where through exposure to contagious disease the presence of the employee on duty would jeopardize the health of others

Loss of time due to illness of an employee's spouse, children, other relatives or members of the employee's household, which requires the employee's personal care and attention shall be charged to the employee's accumulated sick leave. Granting of sick leave shall be based upon the degree to which an employee is responsible for providing personal care and attention. Extraordinary circumstances may warrant approval of sick leave for time off. The final decision concerning use of sick leave for extraordinary circumstances will be through the division director to the appointing authority.

The department allows at least six (6) weeks of extended sick leave for the mother following the birth of a child. The choice for use and duration of sick leave to recover from childbirth rests with the mother. As with any extended use of sick leave, sick leave requested beyond five (5) working days, must be accompanied by a statement from the

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attending physician outlining the need and duration for the use of sick leave. The provisions of the federal Family and Medical Leave Act (FMLA) still apply.

Five (5) hours sick leave per pay period is the maximum amount an employee may earn. Sick leave may be accrued as follows:

<i>If the employee is on...</i>	<i>The amount of sick leave accrued:</i>
Leave without pay during the entire pay period	No sick leave accrual
Less than 40 hours pay status in a pay period	No sick leave accrual
Between 40 and 79 hours pay status in a pay period	Sick leave accrual prorated based on the percentage of full time worked
80 hours or more pay status in a pay period	Full sick leave accrual

Sick leave is credited to an employee the last day of the pay period in which it is earned. Employees may use sick leave beginning the first day of the following pay period.

All accumulated, unused sick leave will be credited to any employee who has:

- a. returned to employment with the department within five (5) years of leaving its service, transferred to or employed by another department; or returning from a leave of absence.
- b. transferred from another state agency, provided the sick leave was earned and accrued on the same basis as DNR employees would earn it.

Holidays falling within a period of sick leave will not be charged against an employee's accrued sick leave.

Sick leave will not be accrued during leave without pay or in any pay period in which the employee is not in pay status for a minimum of forty (40) hours.

Sick leave is accredited at 1/3 rate during periods when employee draws Worker's Compensation benefit.

### **Use of sick leave**

Employees must notify their immediate supervisor as soon as possible when sick leave is used so that arrangements can be made to cover work assignments.

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The application for sick leave should be made as soon as the employee returns to work or, in the case of medical or dental appointments, prior to use. Sick leave may be used and requested in multiples of 15 minutes. Requests for sick leave will be made according to established SAMII procedures. Requests for sick leave may be written or electronic, as required by the program or division. SAMII Human Resources procedures are provided on the DNR intranet site.

Extended sick leave is considered any sick leave requested or taken beyond five (5) working days. Employees are required to submit a statement from the attending physician concerning the reason for extended sick leave and the amount needed. This statement will be provided by a mother recovering from childbirth, a father requesting sick leave to take care of the mother or a newborn, or for parents following adoption or entering into foster care of a child. Such a statement may also be required for a lesser period, when a pattern or frequency of illness develops. An employee returning to work following an extended sick leave must provide a statement from the health care provider stating their fitness to return to work.

If an employee works over forty hours in a FLSA work period, and they have used sick leave, their sick leave usage will be reduced by the number of hours worked.

Other circumstances as warranted will be considered for possible use of sick leave, as approved through the division director by the appointing authority.

### **Bereavement leave**

DNR employees will be granted time off from duty with pay, not chargeable to annual leave or sick leave, not to exceed five (5) consecutive workdays, immediately following the death of the employee's spouse, child, sibling, parent, step-parent, grandparent or grandchild and spouse's child, parent, step-parent, grandparent or grandchild, or a member of the employee's household. Extraordinary circumstances may warrant approval of time off in excess of five working days. The final decision concerning use of bereavement leave for extraordinary circumstances will be through the division director to the appointing authority.

### **Funeral leave**

If an employee is asked to attend a fellow employee's funeral as the department's representative(s), it is considered part of regular work. Attendance and associated expenses as a department representative to attend a funeral should be approved by the program director. Expenses associated with attendance as the department's representative(s) will be reimbursed as work expenses.

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Time off to attend funerals for other than those described in the provisions of this policy is chargeable to annual leave or through an adjusted work schedule for the week. Hourly, intermittent or part time employees may adjust their work schedule for the week or take annual leave if it is earned.

**Time off for voting**

In accordance with Section 115.639 (1) RSMo.1986, all Department of Natural Resources’ employees registered to vote will be entitled to three (3) consecutive hours off duty, during the time the polls are open, for the purpose of voting for any election held in Missouri.

Employees whose work schedules permit them three (3) consecutive hours at the polls will not be permitted time off to vote.

Employees whose work schedules do not permit them three (3) consecutive hours at the polls will be given sufficient time off or will have their work schedule modified to allow three (3) consecutive hours for voting.

The employee must request time off to vote to his or her supervisor before an election day.

**Leave for Disaster Relief**

Employees, who are certified as disaster service specialists by the American Red Cross or certified by a volunteer organization with a disaster service commitment recognized by the State Emergency Management Agency (SEMA), may, with appointing authority approval, be granted up to 120 work hours of administrative leave in the state fiscal year. The employee must present a service agreement for disaster operations issued by the American Red Cross or SEMA.

**Missouri Mentor Initiative (MMI)**

Under this program, up to 300 full-time state employees can volunteer to mentor a Missouri public primary or secondary student for up to 40 hours annually, one hour per week shall be recorded as LWCAA. An employee who has been accepted in the program must receive permission to take paid time off to mentor. At any time this privilege may be withdrawn.

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**Administrative paid leave**

DNR employees will be granted time off from their duties as administrative paid leave, without loss of accrued leave time, by their division director or appropriate supervisor for any of the following reasons:

- a. When called for jury service. Employees serving as jurors will be authorized to receive the per diem allowance for such service.
- b. For examinations or interviews which are approved in advance by the supervisor or the appointing authority as follows:
  - For participation in examinations held by the Office of Administration, Division of Personnel, for positions within the Department of Natural Resources, which would be promotional or in support of the employee's career goals.
  - For participation in an interview process for positions within the Department of Natural Resources, this would be promotional or in support of the employee's career goals.
  - For participation in examinations that are required for the position currently occupied or as required in order to meet the qualifications of positions in "b." such as a professional engineer.
- c. Two (2) hours will be allowed for an employee to donate blood. Four (4) hours will be allowed for an employee to donate platelets. Any time required beyond this must be charged to compensatory time; annual leave; or if appropriate, sick leave.
- d. Five (5) workdays will be allowed to serve as a bone marrow donor as defined in RSMo 105.266. Leave is authorized under these circumstances only when the employee is serving as the donor and written verification is provided to the appointing authority.
- e. Thirty (30) workdays will be allowed to serve as human organ donor as defined in RSMo 105.266. Leave is authorized under these circumstances only when the employee is serving as the donor and written verification is provided to the appointing authority.
- f. Eight hours (8) hours will be allowed for employees that are within 3 years of retirement to attend a MOSERS pre-retirement meeting. Employees will be

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limited to 8 hours Administrative paid leave within the 3 years. Employees must utilize their annual or compensatory balances for additional meetings.

- g. Other leave with pay may be provided for special circumstances as determined appropriate by the appointing authority. The request for such leave should include justification for the request, how it would benefit the employee and the department, and the duration of administrative leave with pay requested.

Please note that you may be required to show documentation for use of administrative leave. Example would be notice from the courts that you are required for jury duty.

Administrative paid leave will not be used in the calculation of overtime. If an employee works more than forty hours in an FLSA work period and they have used administrative leave, the administrative leave will be reduced by the number of hours worked.