

appointing authority [shall] designates or, at the discretion of the appointing authority, the employee may receive straight-time cash compensation, providing the actual time worked does not fall within the definition of overtime to be paid at the rate of time and one-half as provided for by these rules. This compensation [shall] will be computed uniformly on the basis of the standard annual hourly rate of pay of the employee as determined by dividing the employee's annual full-time salary rate by two thousand eighty (2080). For employees of the Missouri School for the Blind, Missouri School for the Deaf, and State Schools for the Severely Handicapped who are employed on a school-term or on a part-time basis, the standard annual hourly rate of pay is determined by dividing the employee's annual salary rate by the total hours in his/her term of employment;

(F) Holidays falling within the period of annual or sick leave [shall] will not be counted as work days in computing that leave;

(G) For purposes of these rules, a holiday [shall be] is considered as a period of eight (8) hours; and

(H) Employees of the Missouri School for the Blind, Missouri School for the Deaf, and State Schools for the Severely Handicapped who are employed for the academic year established for those schools and whose work schedule and attendance are regulated by the class calendar of those schools, [shall be] are exempt from the provisions of this section. In lieu of the holidays as provided in 1 CSR 20-5.010(2)(A), holidays and holiday compensation for these employees [shall be as] are established by the appointing authority in a comprehensive leave policy consistent with the work schedule necessary to accommodate the annual academic calendar of their schools.

*AUTHORITY: section 36.070, RSMo [2000] Supp. 2018. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 9, 2019.*

*PUBLIC COST: This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Melissa K. Theis, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received no later than the date of the public hearing, April 9, 2019, which is fifty-three (53) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 AM, April 9, 2019, at the Harry S. Truman State Office Building, 301 W. High St., Room 430, Jefferson City, MO 65101.*

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of Personnel  
Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED RESCISSION**

**1 CSR 20-5.015 Definition of Terms.** This rule defined the meaning of specific words and terms pertaining to leaves of absence.

*PURPOSE: This rule is being rescinded because its definitions have been moved to 1 CSR 20-1.020.*

*AUTHORITY: section 36.060, RSMo Supp. 2013, and section 36.070, RSMo 2000. Original rule filed July 21, 1994, effective Feb.*

*26, 1995. Amended: Filed Sept. 15, 1999, effective April 30, 2000. Amended: Filed Sept. 11, 2013, effective March 30, 2014. Rescinded: Filed Jan. 9, 2019.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

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**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of Personnel  
Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.020 Leaves of Absence.** The board is amending sections (2), (7), and (8).

*PURPOSE: This amendment revises this rule pursuant to changes to Chapter 36, RSMo made by Senate Bill 1007 (2018), and makes other minor revisions.*

(2) Sick leave shall be governed by the following provisions:  
(A) Except to the extent restricted below, sick leave under these rules is defined to mean a period in which the employee is incapacitated for the performance of assigned duties by sickness or injury, or by pregnancy, childbirth, and recovery from them, 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, and shall also include leave requested and approved for the specific purpose of Personal Wellness Leave under specific conditions set forth in [1 CSR 20-5.020(2)(O)] **1 CSR 20-5.020(2)(O)**;

(7) Leaves of absences without pay shall be governed by the following provisions:

(B) Leaves of absence without pay for family and medical care shall be granted in accordance with the provisions of the federal Family and Medical Leave Act [of 1993].

1. For the purposes of family and medical care leave, the following words and terms, unless the content clearly requires otherwise, shall have the meaning indicated as follows:

A. Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability;

B. Eligible employee means an employee who has been employed for at least twelve (12) months and who has worked at least one thousand two hundred and fifty (1,250) hours within that time is eligible for a maximum of twelve (12) work weeks of unpaid leave during the year;

C. Employer, for the purposes of the Family and Medical Leave Act [of 1993] and this section, the state of Missouri constitutes a single public employer;

D. Parent means the biological parent of an employee or an individual who stands or stood in *loco parentis* to an employee when the employee was a child. This term does not include parents-in-law;

E. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves—

(I) Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;

(II) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three (3) calendar days, that also involves continuing treatment by, or under the supervision of, a health care provider; or

(III) Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or for prenatal care;

F. Spouse means a husband or wife as defined or recognized under state law for purposes of marriage;

G. Substantially equivalent position means a position that has the same pay, benefits, and working conditions, including privileges, prerequisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority; and

H. Year means the current month and preceding eleven (11) months;/.

2. An eligible employee shall be granted leave without pay for the following causes and under the following conditions:

A. The birth or adoption of a child in accordance with the following provisions:

(I) Entitlement to leave for the purpose of adoption or for the birth of a child is limited to twelve (12) calendar months from the date of the birth or adoption of the child; and

(II) The employee shall request leave in writing at least thirty (30) days prior to the commencement of leave or in the event of an emergency as soon as reasonably practical; also

(III) In the event that both parents are employees of Missouri, leaves for the birth or adoption of a child shall be limited to a period of twelve (12) weeks between parents/employees;

B. To provide care for a child, spouse, or parent with a serious health condition; and

C. For treatment of the employee's serious health condition;/.

3. The following regulations shall apply to any of the family or medical leave requests:

A. The employee may take leave on an intermittent basis with prior approval of the appointing authority;

B. Employees shall be required to provide medical certification as to the need for leave of absence to obtain treatment for themselves or to care for a child, spouse, or parent when requested;

C. At the appointing authority's discretion, employees may be required to transfer to another position to better accommodate an intermittent leave schedule;

D. The appointing authority may require accumulated sick leave or annual leave to be utilized prior to granting leave without pay;

E. Sick leave or annual leave utilized for the purposes of family or medical leave, whether at the employee's option or at the appointing authority's direction, shall be considered part of the twelve (12)-week leave obligation;

F. The employee is entitled to be returned to the position from which leave was granted or to a position that is substantially equivalent;

G. The employee shall suffer no loss in benefits accrued prior to the commencement of the leave of absence without pay;

H. Except as provided in Missouri statute or rules, the employee shall not be eligible to accrue benefits during the period of leave of absence without pay; and

I. The employer shall continue to provide what is currently paid toward the employee's same medical insurance coverage during the period of leave not to exceed twelve (12) weeks.

(8) Time off with compensation shall be governed by the following provisions:

(A) An employee shall be granted time off from duty, with compensation, by the appointing authority for any of the following reasons:

1. In compliance with a subpoena to appear in court or before a judge, any legislative committee or any officer, board, or body authorized to conduct any hearing or inquiry, except when the employee is a plaintiff or defendant in a cause of action not arising out of employment, or for jury service; and

2. For participation in promotional examinations [held by the Personnel Division for positions in the division of service in which the individual is employed or in other examinations] or promotional selection procedures which are offered or required by the division of service in which the individual is employed, provided that requests for this leave are coordinated with the appointing authority, for the purpose of ensuring that proper staffing is maintained within the work unit; and

*AUTHORITY: section 36.070, RSMo [2000] Supp. 2018. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 9, 2019.*

*PUBLIC COST: This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate.*

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**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division**  
**of Personnel**  
**Chapter 5—Working Hours, Holidays and Leaves**  
**of Absence**

**PROPOSED AMENDMENT**

**1 CSR 20-5.025 ShareLeave.** The board is amending sections (1) and (2), adding new sections (3) and (4), and amending the purpose statement.

*PURPOSE: This amendment revises this rule pursuant to changes to Chapter 36, RSMo made by Senate Bill 1007 (2018), moves the rule previously located at 1 CSR 10-10.010 to a more appropriate location, and removes unnecessary language.*

*PURPOSE: This rule prescribes guidelines and standards regarding donated leave programs under the authorization of section 36.350,*