

POLICY AND PROCEDURES

NUMBER: 139

SUBJECT: Time Off Policy

ACA STANDARDS: None

ACTING DIRECTOR: *Julia Childrey*

EFFECTIVE DATE: 12/5/01 REVISION DATE: 4/03, 12/03, 5/05,
12/05,1/09, 10/12, 6/13, 4/14, 5/15,1/16,
12/17, 1/19



I. POLICY

The St. Louis County Department of Justice Services shall maintain fair and consistent procedures for determining scheduled and unscheduled time off for employees due to PTO, vacation, compensatory time, sickness, Family and Medical Leave Act and funeral leave.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services employees are responsible for the following procedures.

III. DEFINITIONS

Domestic Partner: two (2) people who; declare that they are in a relationship of mutual support, caring and commitment; share a residence; share the common necessities of life; are not related by blood in a manner that would bar marriage according to Missouri State law; are not married or in any other domestic partnership; are at least eighteen (18) years of age; and are competent to enter into a contract. This term includes opposite and same-sex partners.

Paid Time Off Program (PTO): A program in which all vacation and sick leave time are accrued in one account.

Traditional Program: A program in which vacation time and sick leave are accrued separately. This program also includes up to two (2) sick day incentives annually and one (1) annual Personal Holiday.

Scheduled Time Off: Time off requested by an employee for vacation, sick, PTO or compensatory time and approved by the appropriate supervisor. This will also

include vacation, sick, PTO, compensatory time approved by a supervisor, within the first two (2) hours of the working schedule, for staff after arriving to work and requesting vacation, sick, PTO or compensatory time, if staffing allows.

Unscheduled Time Off: Time off due to vacation, sick, PTO or emergency compensatory time that is unapproved or requested and approved less than twenty-four (24) hours prior to date/time needed.

IV. PROCEDURES

A. General Information

1. Employees hired prior to 1-1-02 had a one-time option to choose the Traditional Vacation/Sick Time program or the Paid Time Off (PTO) program. The Paid Time Off (PTO) Program is mandatory for employees hired on or after 1-1-02.

2. Chart of annual Time Off:

<u>Traditional</u>	<u>Paid Time Off</u>
5 years 10 days	5 years 20 days
5-11 years 15 days	5-10 years 25 days
11-20 years 20 days	10-20 years 30 days
20-30 years 25 days	20-30 years 35 days
30+ years 30 days	30+ years 40 days
Sick Leave 9.75 days per year	Sick Leave included

3. It is the goal of the Department for employees to use no more than forty (40) hours of unscheduled time off annually. This includes sick leave, vacation time, compensatory time, PTO and tardiness ([See Policy #123 Tardiness](#)) as well as any other unscheduled time.

4. In the Performance Appraisal, the “Attendance” performance dimension will appear as:

‘Reports to work regularly. Is prompt. Adheres to the designated lunch / breaks schedule. Schedules time off appropriately in consideration of the work schedules of others and maintains a minimal amount of unscheduled hours.’

All unscheduled time off will be placed in the “Feedback” section of the Performance Appraisal. This excludes hours associated with leave under the Family and Medical Leave Act.

5. Employees who exceed forty (40) hours of unscheduled time off, may be subject to disciplinary action and/or being placed on an Action Plan.
6. When the employee is using either scheduled or unscheduled time off he/she will inform the supervisor of the following information:
 - a. Whether he/she is on the Traditional or Paid Time Off Program?
 - b. Why is the time off needed (sick leave, emergency, Family and Medical Leave, vacation, etc.)?

NOTE: If the employee does not voluntarily inform the supervisor of this information, the supervisor is responsible for asking the employee these questions. Supervisors may approve or deny requests due to seniority, staffing or other work related issues.

7. Abuse of unscheduled time off places an added burden on staff when it becomes necessary for the remaining staff to perform additional duties, or unfamiliar duties.
 - a. When evaluating an employee’s performance, the amount of unscheduled time off will be taken into consideration. It will be the supervisor’s responsibility to monitor and discuss with employees, high levels of unscheduled time off or patterns that indicate abuse of unscheduled time off. Patterns include, but are not limited to, taking unscheduled time off in conjunction with vacations, holidays, days off.
 - b. When appropriate, the employee may be subject to actions initiated to resolve problems associated with unscheduled time off abuse including, but not limited to, changes to the employee’s work schedule.

B. Scheduled Time Off/Vacation Time/Holiday Selection

1. Custody staff
 - a. All scheduled time off/vacation requests will be approved according to rank, with senior officers selecting first. The

selection process will continue according to descending level of rank and seniority. ([Policy #119 Scheduling Employee Days Off](#))

- b. After an officer has entered his/her scheduled time off/vacation request, he/she will not be allowed to change those dates to another time period if the period is already filled.
 - c. When approving scheduled time off/vacation requests, the seniority of the employee in his/her current position with the Department of Justice Services will take precedence over County seniority.
 - d. It is recommended that scheduled time off/vacations for the following year shall be submitted by October 25th of current year. Custody staff that is on duty may also request scheduled time off/vacation within the first two (2) hours of the supervisor's work day and supervisors may approve or deny requests due to seniority, staffing or other work related issues. This situation generally occurs and is approved when custody staffing is above "minimum".
 - e. In the first round of scheduling scheduled time off/vacation, each employee may select a minimum of one (1) week or a maximum of two (2) consecutive weeks. Rounds two (2) and three (3) will be used to complete the scheduled time off/vacation selection process for employees with additional scheduled time off/vacation available.
 - f. Each employee may select one holiday per year as his/her preference to be scheduled off. This selection is made during the first round of scheduled time off/vacation scheduling and may be approved or denied based on seniority, staffing or other work related issues.
- 2. Employees other than custody staff that are on duty may request scheduled time off/vacation within the first two (2) hours of the supervisor's work day and supervisors may approve or deny requests due to seniority, staffing or other work related issues.
 - 3. A new employee will not be granted scheduled time off/vacation until he/she has completed the six (6) month probationary period.

- [4. *Any Justice Services employee who wishes to take vacation time must request this time off, in NovaTime, through their supervisor. If the employee has the vacation, PTO, or compensatory time to cover this request when the request is made, the request may be granted. Supervisors may approve or deny requests due to seniority, staffing, or other work related issues.]*
- [5. *The employee must have the time accumulated when the approved request is taken. If a staff member does not have adequate accumulated vacation, PTO, or compensatory time when the actual vacation date arrives, any time taken beyond accumulated balances will be marked as unscheduled time off or “Absence without Pay-Unauthorized”.]*
- [6. *A supervisor may approve time off based on the employee’s current vacation, PTO, and compensatory balance at the time of your request (i.e. the employee requests 40 hours of time off but only has a combined vacation, PTO, and compensatory balance of 32 hours. The supervisor may approved 32 hours and approve any remaining time requested once the time has been accumulated.)]*
- [7. *An employee may request time off without pay to cover any time needed beyond accumulated balances. If granted, the employee will not be charged unscheduled time off and the time card will be marked “Absence without Pay-Approved”. Requests for time off without pay will go through the employee’s supervisor who approves their time off (i.e. Unit Manager, Captain, non-essential supervisor). Final approval or denial for an Absence without Pay-Approved will go through the Director/designee.]*
- [8. *It is the employee’s responsibility to keep track of their accumulated balances and not go in to a no pay status. At any time supervisors become aware of approved vacation day(s) and the staff member does not have enough accumulated time, supervisors can adjust approved vacations. If an approved time off request is rescinded due to not having enough accumulated time and the employee still needs the time off, the employee would need approval for time off without pay.]*
- [9. *Essential staff vacation requests must be submitted the Monday before the schedule is set for the following week (i.e. if you want any days off the week of January 10th, the request must be submitted the Monday the week prior).]*
- [10. *Essential staff vacation requests for five (5) or more days should be presented thirty (30) days prior to the time being requested.]*

[11. *Advance notice for vacation for non-essential staff will be at the discretion of administration and based on assigned duties, tasks, work load, and time of the year.*]

[12. *Supervisors will approve or deny requests (with explanation, if necessary) within 5-7 days of the initial request.*]

C. Employee Compensatory Time

1. All Department of Justice Services' employees are granted ten (10) holidays during a calendar year as compensatory time or paid time off if they are required to work on that day. Employees are also granted one (1) day as a Personal Holiday if on the Traditional Program. The holidays include the following:

- a. New Year's Day
- b. Martin Luther King's Day
- c. President's Day
- d. Memorial Day
- e. Independence Day
- f. Labor Day
- g. Veteran's Day
- h. Thanksgiving Day
- i. Day after Thanksgiving Day
- j. Christmas Day
- k. Personal Holiday (Only for Traditional Program)

NOTE: An employee who is off for unauthorized leave on either the day before, the day of or the day after a holiday forfeits the holiday pay. Unauthorized Leave is defined as "any absence of an employee from duty that is not authorized by the employee's supervisor/manager" (Rule XI, Section F St. Louis County Civil Service Rules). If an employee calls in, inform the supervisor or Watch Commander why you are unable to report for duty. The

employee will be informed at that time if the leave will be unauthorized leave, scheduled or unscheduled time off.

2. Those employees who are scheduled to work on holidays will earn eight (8) hours compensatory time or eight (8) hours of pay as determined by the Director. All other employees will receive the holiday off with pay without using vacation time.]
3. An employee may accumulate no more than eighty (80) hours of compensatory time in a calendar year.
4. All unused compensatory time, not to exceed eighty (80) hours, will be paid to an employee at the end of the year. However, all staff are encouraged to utilize any accumulated compensatory time prior to the end of the year.
5. Employees who are eligible to earn overtime may convert their overtime pay to compensatory time hours at a rate of regular time plus one half, (e.g., someone who works four (4) hours overtime may convert the overtime to compensatory time hours and will earn six (6) hours compensatory time) as determined by the Director.
6. Supervisors may approve or deny the request for compensatory time off due to seniority, staffing or other work related reasons. When a staff member requests scheduled compensatory time the request will be completed by the first two (2) hours of the supervisor's work day, the day before the requested time off.
7. Designated employees not eligible for overtime may accumulate up to sixteen (16) hours compensatory time. Any compensatory time earned over sixteen (16) hours must be used during that pay period or the employee will lose the compensatory time. Compensatory time for these employees is earned at a straight time rate. The Director may determine to pay such employees rather than award compensatory time.
8. All requests for unscheduled time off using compensatory time will be made through the employee's immediate supervisor.
9. When emergency compensatory time is requested supervisors are to determine from the employee the nature of the emergency. If it is a reasonable request it may be granted. If not, the request will be denied and the employee instructed to report for duty. These requests are not automatic. Verification of the emergency may be requested at the discretion of the Division Superintendent. If

emergency compensatory time is denied and an employee refuses to report to work, disciplinary action shall be taken.

D. Scheduled Time Off/Sick Leave

1. If the employee has a Doctor's statement for any days consecutive to the first day sick, the following days will be considered scheduled time off. Employees are expected to call as soon as possible to inform supervisors when they are expected back to work. (This applies to employees using the PTO or Traditional Plan)
2. When an employee calls in to report a sickness, the following will occur:
 - a. Any shift employee who is unable to report to work due to illness or injury, shall speak directly with the Watch Commander and the area supervisor on duty, (e.g., Housing Unit Supervisor, Intake Service Center Shift Supervisor, etc.) at least two (2) hours prior to the time he/she is scheduled to report to duty.
 - b. All other employees shall speak directly with their supervisor, within thirty (30) minutes of the supervisor's starting time. Do not leave a message on voice mail.
 - c. All employees who are unable to report to work due to being ill/injured will call in on a daily basis, unless the employee informs the appropriate supervisors that he/she will provide a doctor's statement (medical excuse) for multiple days. If an employee is ill/injured and is on "PTO", "Sick Leave" or "Family and Medical Leave" for an extended period of time, five (5) days or more, the employee is required to make the necessary calls to the appropriate supervisors for an update every five (5) days.
3. Verification of Injury/Illness
 - a. If it is necessary for an employee to be absent for three (3) or more consecutive days, he/she shall be required to submit a doctor's statement (medical excuse) verifying the need to be absent.
 - b. An employee may be required at any time, in accordance with Civil Service Sick Policy, to produce verification

substantiating an illness/injury resulting in the use of sick leave.

- c. If an employee requests sick leave on the day before, the day of or the day after the holiday, the employee will be required to bring in a doctor's excuse or it will be considered unauthorized leave. The doctor's excuse must be presented within the same pay period as the holiday.
4. Employees who have the Traditional Plan are encouraged to earn semi-annual sick leave incentive award as stipulated in Civil Service Rule XI, Section B, 7a.
 5. Family and Medical Leave Act (FMLA)
 - a. In the case of a serious health condition of the employee or a family member, the employee must request Family and Medical Leave if he/she is eligible under the Family and Medical Leave Act of 1993. (A copy of the FMLA is available from the St. Louis County Division of Personnel.) It is the intent of this policy to comply with the FMLA and all County ordinances and rules related hereto. Accordingly, this policy or portions thereof shall be superseded by applicable provisions of the FMLA and/or County ordinances or rules to the contrary.
 - b. Eligible employees are entitled to a total of twelve (12) work weeks of leave during any twelve (12) month period when leave is taken for one or more of the following circumstances:
 - (1) The birth of a son or daughter of an employee and to care for the child;
 - (2) The placement of a son or daughter with an employee for adoption or foster care;
 - (3) To care for the spouse, domestic partner, son, daughter, domestic partner's son or daughter, or parent of an employee, if the family member has a serious health condition

NOTE: When intermittent or leave on a reduced schedule is requested for care for a sick family member, the employee needs certification from a health care provider that includes a statement that

such a leave is necessary for the care of a family member who has a serious health condition, or will assist in that family member's recovery and the expected duration and schedule of the leave.

- c. An employee is unable to perform the functions of his/her position because of the employee's own serious health condition

NOTE: In order for an employee's serious health condition to be considered under the Family Leave and Medical Act, the following conditions must be satisfied:

- (1) The employee must be incapacitated and unable to work for more than three consecutive calendar days. The employee visits their health care provider during this time. The employee must follow a regimen of care prescribed by the health care provider; or
- (2) The employee must have an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment in conjunction with inpatient care in a hospital, hospice or residential medical care facility; or
- (3) Prenatal care.

- d. The Department of Justice Services has an obligation to provide Family Medical Leave forms to employees in order to determine whether the employee is eligible for benefits under FMLA.

- e. The Unit Manager/Superintendent will notify the Personnel Specialist, immediately of any employee who has been absent from work three (3) or more days with a serious health condition. The Personnel Specialist will send FMLA papers to the address on file for the employee.

NOTE: Refer to the FMLA Definitions for determining a serious health condition. (See Attachment 1)

- (1) Staff will notify their Unit Manager/Division Head, along with the Personnel Specialist that they need Family Medical Leave (FMLA) papers and state if

they are for self or family member. The Personnel Specialist will send the FMLA papers to the employee with notification that the department expects the paperwork to be completed and returned within fifteen (15) calendar days of the first day of use.

- (2) The Personnel Specialist will send a letter to the employee, signed by the Director, regarding the Department's expectation that the Family Medical Leave (FML) paperwork is to be completed and returned within fifteen (15) calendar days. A copy of the letter will be sent to the respective Unit Manager/Superintendent and to the employee's Department file
- (3) All completed FMLA forms will be turned into the Personnel Specialist.
- (4) The Personnel Specialist will, in turn, forward the forms to the Director for approval/disapproval. The original forms will then be placed in the employee's file. The Personnel Specialist will send copies to the employee and Unit Manager/Superintendent.
- (5) The Personnel Specialist is responsible for monitoring the fifteen (15) calendar day period to ensure the employee turns in the forms as stated. The Personnel Specialist will notify the Unit Manager/Superintendent and Director of employees who fail to turn in the forms in the allotted time.
- (6) If the employee fails to return the FML form and/or maintain proper contact with the Department, disciplinary action may be taken due to the employee's failure to obey a reasonable order

NOTE: The Department of Justice Services may require that the eligible employee obtain subsequent re-certifications every thirty (30) days. The Director of the Department of Justice Services will make this determination.

6. An employee with a medical emergency whose sick leave, vacation leave and compensatory leave have been exhausted to cover a medical emergency may apply to the Catastrophic Leave

Pool for additional paid leave to assist in covering the employee throughout the emergency (Traditional Plan only). All requests will be supported by verification from the employee's health care provider and submitted to the Catastrophic Leave Committee. (A copy of the Catastrophic Leave Policy is available from the St. Louis County Division of Personnel.)

7. If an employee has exhausted his/her PTO, sick leave, compensatory leave, vacation leave, Family Medical Leave and Catastrophic Leave, if applicable, and is still unable to return to duty, he/she has the option to apply for a Medical Leave of Absence for up to twelve (12) months, without pay. This leave may be granted by the Department of Justice Services, according to Civil Service Guidelines. Verification of the medical conditions will be required and the final decision will be made by the Director.
8. Termination and Reinstatement
 - a. If an employee is unable to return to duty at the expiration of the medical leave and/or a Director's extension, his/her employment will be terminated.
 - b. The Civil Service Commission grants the Department the right to fill vacancies created by personnel on medical leave.
 - c. When the individual who has been terminated is medically able to return to duty, he/she may be reinstated by the Department of Justice Services for up to two (2) years after the employee was terminated. Benefits, seniority, pay range, etc., will be determined in accordance to Civil Service Rule XIII, Section F, 5d. If the terminated employee would want to be re-employed after two (2) years from termination the employee must reapply through the Division of Personnel.

E. Funeral Leave

1. In case of the death of your spouse, domestic partner, parent, step-parent, grandparent, grandchild, brother, sister, child, step-child, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or domestic partner's parents, step-parents, grandchildren, brothers, sisters, children, stepchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law,

sister-in-law, or a relative living in the same household, time off with pay not to exceed three (3) work days will be given to a staff member. Additional paid time may be granted at the discretion of the Director.

NOTE: Time off for this purpose will be limited to the funeral or some aspect of the funeral arrangements.

2. Upon the death of one of the above relatives, the staff member will complete a Funeral Leave Request ([See Attachment 2](#)) and give the request to the appropriate supervisor.
3. If the death occurs during the staff member's day off and the staff member is unable to return to work prior to using the needed days off, the staff member will call the appropriate supervisor and inform the supervisor of the necessary information. If the supervisor authorizes the days off, the supervisor will also complete the Funeral Leave Request and the staff member will sign the form upon returning to work.
4. The authorizing supervisor will ensure the Funeral Leave Request is placed in the staff member's Department personnel file.

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