

## Rule XI Time Off

---

### Section A. Paid time off (PTO)

#### 1 Accrual of paid time

- a Each full-time permanent or probationary employee in the paid time off plan shall be entitled to earn and accrue paid time off leave in accordance with the provisions of this Section.
- b Each part-time permanent or probationary employee in the paid time off plan shall be entitled to earn and accrue paid time off leave in proportion to the actual time in pay status, provided the employee is regularly engaged on a pay period basis in employment of 40 hours or more, or as otherwise required by law, in accordance with the provisions of this Section.
- c Paid time off shall not be granted to temporary, emergency, seasonal, intermittent or on-call employees or to employees compensated in accordance with session rate schedules, unless otherwise required by law.
- d Paid time off benefits for term employees shall be determined at time of appointment and in accordance with the nature and length of the term of appointment and as may be required by law. These benefits shall be recommended by the Appointing Authority and are subject to approval by the Civil Service Commission.

#### 2 Required employment period for paid time off

If an employee is in the paid time off plan, paid time off leave shall be earned from the effective date of appointment to a permanent position. Any employee appointed or reinstated to a permanent or term position on or after January 1, 2002 shall be enrolled in the paid time off plan.

#### 3 Paid time off allowance

- a Paid time off leave shall be earned by each employee with four years or less of continuous service at a maximum proportional rate of 6.16 paid time off hours for each pay period resulting in an annual paid time off leave of 160.16 hours.
- b Paid time off leave shall be earned by each employee with more than four years and 9 years or less of continuous service at the maximum proportional rate of 7.70 paid time off hours for each pay period resulting in an annual paid time off leave of 200.20 hours.
- c Paid time off leave shall be earned by each employee with more than 9 years and 19 years or less of continuous service at the maximum proportional rate of 9.24 paid time off hours for each pay period resulting in an annual paid time off leave of 240.24 hours.
- d Paid time off leave shall be earned by each employee with more than 19 years and 29 years or less of continuous service at the maximum proportional rate of 10.77 paid time off hours for each pay period resulting in an annual paid time off leave of 280.02 hours.
- e Paid time off leave shall be earned by each employee with more than 29 years of continuous service at the maximum proportional rate of 12.31 paid time off hours for each pay period resulting in an annual paid time off leave of 320.06 hours.

#### 4 Definition of continuous service and required service

An employee in the paid time off plan will accrue paid time off benefits in proportion to time in pay

**Rule XI: Time Off**

status for that pay period. Time in pay status constituting more than eighty hours per pay period shall not be counted in the calculation of entitlement to earn and accrue paid time off leave. Receipt of short-term disability and long-term disability do not constitute pay status for these purposes.

5 Deferment of paid time off

An employee with the approval of the Appointing Authority may defer paid time off but any deferred paid time off accrued may not exceed one and a half times the hours earned annually or 480 hours, whichever is less. The following list is illustrative of years of service and maximum hours of paid time off which may be deferred:

Years of Service	Maximum Deferred Paid Time Off Allowed
< 5 .....	240.24
5 < 10 .....	300.30
10 < 20 .....	360.36
20 < 30 .....	420.03
30+ .....	480.09

6 Application for paid time off

a Application for paid time off should be made by the employee to the Appointing Authority in advance of the absence, when possible. Paid time off for those qualifying shall be scheduled by the Appointing Authority in such manner as to protect the effective operation of the department and the public interest.

b Earned paid time off shall normally be taken as time off. In unusual cases, however, if the workload of the organizational unit makes the granting of paid time off impractical or undesirable, the employee may be granted pay by the Appointing Authority in lieu of paid time off, subject to the approval of the Personnel Director. However, no employee shall be required to work more than one and a half years without using some paid time off.

(1) Any absence chargeable to paid time off leave shall be reported in increments of tenths of an hour.

(2) Only those hours for which an employee normally would have been required to work and receive pay shall be charged against accrued paid time off. A holiday as authorized in these rules falling on a workday within a period of paid time off is not considered as part of the employee's paid time off leave.

7 Effect of transfer, promotion and demotion upon paid time off

An employee who moves from one department or organizational unit to another shall at the time of such move have accrued paid time off leave transferred as an obligation of the new employing department or be paid by the employee's former department.

8 Effect of reinstatement

An employee who is reinstated within two years of separation from work shall accrue paid time under the PTO pay according to years of service at the time of separation. Any previous sick time will not be reinstated.

**Rule XI: Time Off**

## 9 Effect of other leaves upon paid time off

- a All accumulated and unused paid time off shall be credited to any employee returning from a leave of absence.
- b An employee on military leave without pay shall not accrue paid time off during the period of such leave, but the period of such leave shall be counted in the length of continuous service for determining the paid time accrual rate.

## 10 Payment of paid time off upon termination

- a A permanent employee or an employee who has completed six months of service, who leaves County employment, shall receive a lump sum payment for accrued paid time off leave up to and including the last day of employment.
- b Employees who leave County service during the first six months of employment shall not receive payment for accrued paid time off leave.
- c Regardless of the employee's length of service any accrued paid time off leave due an employee who dies in service shall be paid to the employee's estate unless the employee previously had directed the Chief Accounting Officer, in writing, to make the payment in a different manner.

## Section B. Traditional time off plan

## 1 Accrual of vacation time

- a Each full-time permanent or probationary employee in the traditional time off plan shall be entitled to earn and accrue vacation leave with full pay in accordance with the provisions of this Section.
- b Each part-time permanent or probationary employee in the traditional time off plan shall be entitled to earn and accrue vacation with pay in proportion to the actual time in pay status, provided the employee is regularly engaged on a pay period basis in employment of 40 hours or more, in accordance with the provisions of this Section.
- c Vacation shall not be granted to temporary, emergency, seasonal, or on-call employees or to employees compensated in accordance with session rate schedules.
- d Vacation benefits for term employees shall be determined at time of appointment and in accordance with the nature and length of the term of appointment. These benefits shall be recommended by the Appointing Authority and are subject to approval by the Civil Service Commission.

## 2 Required employment period for vacation leave

If an employee is in the traditional time off plan, vacation leave shall be earned from the effective date of appointment to a permanent position but may not be used or paid until an employee has completed six months of continuous service and has met the other requirements specified in this section. Any exceptions to this section must be approved in advance by the Civil Service Commission. However, any employee appointed or reinstated to a permanent or term position on or after January 1, 2002 shall not be allowed to enroll in the traditional time off plan.

## 3 Vacation allowance

- a Vacation leave shall be earned by each employee with four years or less of continuous service at a maximum proportional rate of 3.08 vacation hours for each pay period resulting in an annual

**Rule XI: Time Off**

vacation leave of 80.08 hours.

- b Vacation leave shall be earned by each employee with more than four years and 11 years or less of continuous service at the maximum proportional rate of 4.62 vacation hours for each pay period resulting in an annual vacation leave of 120.12 hours.
- c Vacation leave shall be earned by each employee with more than 11 years and 20 years or less of continuous service at the maximum proportional rate of 6.16 vacation hours for each pay period resulting in an annual vacation leave of 160.16 hours.
- d Vacation leave shall be earned by each employee with more than 20 years and 30 years or less of continuous service at the maximum proportional rate of 7.70 vacation hours for each pay period resulting in an annual vacation leave of 200.20 hours.
- e Vacation leave shall be earned by each employee with more than 30 years of continuous service at the maximum proportional rate of 9.24 vacation hours for each pay period resulting in an annual vacation leave of 240.24 hours.

4 Definition of continuous service and required service

An employee in the traditional time off plan will accrue benefits in proportion to time in pay status. Time in pay status constituting more than 80 hours per pay period shall not be counted in the calculation of entitlement to earn and accrue vacation leave. Receipt of long-term disability does not constitute time earned in pay status.

5 Deferment of vacation

Vacation should normally be taken annually. However, an employee with the approval of the Appointing Authority may defer vacation but any deferred vacation accrued may not exceed twice the hours earned annually or 320.32 hours, whichever is less. The following list is illustrative of years of service and maximum hours of vacation which may be deferred:

<u>Years of Service</u>	<u>Maximum Deferred Paid Time Off Allowed</u>
0 – 1 .....	80.08
1 – 4 .....	160.16
4 – 5 .....	200.20
5 – 11 .....	240.24
11 – 12 .....	280.28
12+ .....	320.32

6 Application For Vacation

- a Application for vacation must be made by the employee to the Appointing Authority in advance of the absence. Vacations for those qualifying shall be scheduled by the Appointing Authority in such manner as to protect the effective operation of the department and the public interest.
- b Earned vacations shall normally be taken as time off. In unusual cases, however, if the workload of the organizational unit makes the granting of vacation impractical or undesirable, the employee may be granted pay by the Appointing Authority in lieu of vacation, subject to the approval of the Personnel Director. However, no employee shall be required to work more than two years without

**Rule XI: Time Off**

- 161 a vacation.
- 162 (1) Any absence chargeable to vacation leave shall be reported in increments of tenths of an hour
- 163 (2) Only those hours for which an employee normally would have been required to work and
- 164 receive pay shall be charged against accrued vacation. A holiday as authorized in these rules
- 165 falling on a workday within a period of vacation is not considered as part of the employee's
- 166 vacation.
- 167 7 Effect of transfer, promotion and demotion upon vacation
- 168 An employee who moves from one department or organizational unit to another shall at the time of
- 169 such move have accrued paid time off leave transferred as an obligation of the new employing
- 170 department or be paid by the employee's former department.
- 171 8 Effect of other leaves upon vacation
- 172 a Vacation leave shall continue to accrue during authorized paid time off.
- 173 b All accumulated and unused vacation shall be credited to any employee returning from a leave of
- 174 absence.
- 175 c An employee on military leave without pay shall not accrue vacation during the period of such
- 176 leave but the period of such leave shall be counted in the length of continuous service for
- 177 determining the vacation accrual rate.
- 178 9 Payment of vacation upon termination
- 179 a A permanent employee or an employee who has completed six months of service, who leaves
- 180 County employment, shall receive a lump sum payment for accrued vacation leave up to and
- 181 including the last day of employment.
- 182 b Employees who leave County service during the first six months of employment shall not receive
- 183 payment for accrued vacation leave.
- 184 c Regardless of the employee's length of service any accrued vacation leave due an employee who
- 185 dies in service shall be paid to the employee's estate unless the employee previously had directed
- 186 the Chief Accounting Officer in writing to make the payment in a different manner.
- 187 Section C. Sick Leave
- 188 1 Sick leave use
- 189 Sick leave is to be used with the approval of the Appointing Authority when an employee is unable to
- 190 perform job duties because of illness, injury, pregnancy, pregnancy related disabilities; when an
- 191 employee's immediate family member is ill or injured; or other appropriate reasons, including but not
- 192 be limited to:
- 193 a medical, dental or optical examinations and treatment, when such examinations or treatment
- 194 cannot be scheduled outside the employee's work hours;
- 195 b exposure to contagious disease which might jeopardize the health of other employees and/or the
- 196 public they serve.
- 197 c the employee's immediate family member includes spouse, domestic partner, children, domestic
- 198 partner's children, stepchildren, or a relative living in the same household.
- 199 2 Accrual of sick leave
- 200 a Each full-time permanent or probationary employee in the traditional time off plan shall be

**Rule XI: Time Off**

- 201 entitled to earn and accrue sick leave with pay in proportion to the time in pay status. Time in pay  
202 status constituting more than 80 hours per period shall not be count in the calculation in the  
203 entitlement to earn and accrue sick leave.
- 204 b Each part-time permanent or probationary employee in the traditional time off plan shall be  
205 entitled to earn and accrue sick leave with pay in proportion to time in pay status, provided the  
206 employee is regularly engaged on a pay period basis in employment of 40 hours or more and  
207 provided further that illness or injury interrupts an actual period of scheduled part-time work. Time  
208 in pay status constituting more than 80 hours per period shall not be counted in the calculation in  
209 the entitlement to earn and accrue sick leave.
- 210 c Emergency, on-call, temporary, seasonal employees or employees compensated in accordance  
211 with session rate schedules are not eligible for sick leave with pay. Sick leave benefits for term  
212 employees shall be determined at the time of appointment and in accordance with the nature and  
213 length of the term appointment. These benefits shall be recommended by the Appointing  
214 Authority and be subject to approval by the Civil Service Commission.
- 215 3 Required employment period for sick leave  
216 Sick leave with pay shall be earned from the commencement of employment if the employee is in the  
217 traditional time off plan. An employee in the paid time off plan shall not be eligible to earn sick leave.
- 218 4 Method of accrual and unlimited accumulation  
219 a Sick leave shall be earned by each eligible employee, regardless of service time, at a maximum  
220 proportional rate of three hours per pay period.  
221 b There shall be no limit to the maximum number of sick leave hours an employee may accumulate.  
222 c Sick leave shall continue to accrue during the time an employee is on authorized paid time off.
- 223 5 Application for sick leave  
224 Detailed information regarding use of sick leave will be included in a separate policy.
- 225 6 Annual recognition for exemplary attendance  
226 a A full-time employee who has accrued sick leave in the traditional time off plan in each biweekly  
227 pay period and who has used no more than eight hours of paid sick leave, excluding time covered  
228 under family leave in either eligibility period of January 1 – June 30 or July 1 – December 31 of the  
229 calendar year shall receive an additional eight hours of pay for each eligibility period in which the  
230 employee has qualified for the sick leave recognition award.  
231 (1) At the employee's option, the additional eight hours awarded in each eligibility period may be  
232 taken as time off with pay during the following eligibility period in lieu of a cash payment.  
233 (2) If required for administrative or cost reasons, or for program effectiveness, the Commission  
234 may make such other order relating to increasing or decreasing the recognition award or the  
235 requirements for receiving the award as in its discretion may be proper.
- 236 b Any cash payment under this provision shall be made within six biweekly pay periods after the  
237 employee has qualified for the sick leave recognition award, and no deferment to any subsequent  
238 pay period shall be made unless specifically authorized by the Commission. Payment shall be made  
239 at the employee's current hourly rate including shift differential when applicable.
- 240 c A part-time employee who is regularly engaged on a biweekly basis in employment of 40 hours or  
241 more and who is in the traditional time off plan may qualify and be compensated for the sick leave

**Rule XI: Time Off**

- 242 recognition award on a pro rated basis in direct proportion to the employee's regular work hours.
- 243 d An employee in the paid time off plan shall not be eligible for the sick leave recognition award.
- 244 7 Conversion of sick leave balance at employee's retirement
- 245 a No employee shall be reimbursed for accrued sick leave at the time of the employee's termination
- 246 of County employment, except that employees retiring under the provisions of the County
- 247 retirement plan immediately upon their termination of County employment shall have one-half of
- 248 their total sick leave accumulation credited as paid leave immediately prior to retirement or at the
- 249 discretion of the Appointing Authority be paid in cash upon retirement.
- 250 b If an employee, eligible for retirement benefits under the provisions of the County retirement plan,
- 251 dies prior to receiving the sick leave benefits described in subparagraph a. above, such sick leave
- 252 benefits shall be paid to the employee's estate unless the employee previously had directed the
- 253 Chief Accounting Officer in writing to make the payment in a different manner.
- 254 c Any cash payment under these provisions shall be computed on the basis of the employee's basic
- 255 hourly rate at time of retirement or death, not including shift differential pay.
- 256 8 Sick leave and other personnel transactions
- 257 a An employee who is returned to duty from a leave of absence or transferred, promoted, demoted,
- 258 appointed from a layoff list or rehired without an interruption of service as defined by Rule IX,
- 259 Seniority, shall at the time of such action have their accrued sick leave reinstated by the employing
- 260 department.
- 261 b An employee who returns to active County service and who had received upon retirement an
- 262 additional benefit based upon the employee's sick leave accrual shall return with a zero sick leave
- 263 balance.
- 264 9 Workers compensation leave
- 265 a Any merit system employee in pay status who shall suffer from an accident or illness arising out of
- 266 and in the course of County employment shall be compensated in accordance with the provisions
- 267 of the Workers Compensation Laws of the State of Missouri and County ordinances.
- 268 Accrued compensatory time, sick, paid time off or vacation leave shall be used as a supplement to
- 269 b Workers Compensation Temporary Total Disability benefits to retain full pay following the salary
- 270 extension period provided by County Ordinance for a job-related condition.
- 271 c Any merit system employee who is absent from work for more than 40 hours in a pay period due
- 272 to an accident or injury covered under Worker's Compensation shall not be eligible for the sick
- 273 leave recognition award for that eligibility period.
- 274 10 Catastrophic sick leave
- 275 The Civil Service Commission may establish a catastrophic leave policy. Details of such a policy are to
- 276 be included in a separate document.
- 277 Section D. Military leave
- 278 1 Active duty in reserve corps
- 279 In addition to leaves of absence otherwise authorized in these rules, employees who are required to
- 280 participate in periods of training as members of organized units of the Reserve Corps of the Army,
- 281 Navy, Air Force, Marines Corps, Coast Guard, and the National Guard and who are ordered to active
- 282 duty shall be granted leave with full pay for up to a total of one hundred twenty hours in any federal
- 283 fiscal year, upon submission of evidence of receipt of competent orders. Employees engaged in the

**Rule XI: Time Off**

284 performance of duty or training in the service of the State of Missouri at the call of the governor shall  
285 be granted a military leave for the entire period of service without loss of time, pay, regular leave or  
286 any other rights or benefits.

287 2 Physical examinations

288 An employee shall be allowed time off with pay not to exceed one work day when required to take a  
289 pre-induction physical examination by a Selective Service Board having jurisdiction over the employee,  
290 provided that advance notice is given by the employee to the Appointing Authority.

291 3 Military service

292 A permanent or probationary employee who leaves the merit system to enter the armed services of  
293 the United States shall be granted a leave of absence without pay to extend for 90 days beyond the  
294 date of termination of such military service or release from treatment in a veteran's hospital if such  
295 hospitalization immediately follows termination of military service.

296 a Prior to the expiration of such leave of absence the employee shall be reinstated to the job class  
297 occupied at the time military leave was granted, if still qualified to perform the duties of such  
298 position, or to a position of like seniority, status and pay.

299 b If not qualified to perform the duties of their former position by reason of service incurred  
300 disability, but qualified to perform the duties of another position in the County service, the  
301 employee shall be reinstated to another position that will provide like seniority, status and pay, or  
302 the nearest approximation thereof, consistent with the circumstances.

303 c If a job class to which the employee has reinstatement rights has, during the period of military  
304 leave, been in any way divided, altered, combined with other job classes, or abolished, the  
305 employee shall be reinstated to a position in a comparable job class, the duties of which the  
306 employee is capable of performing, which will provide like seniority, status and pay. If no such  
307 vacant position exists, a vacancy shall be created, if necessary, by demotion or layoff of another  
308 employee in accordance with these rules.

309 d An Appointing Authority, with the approval of the Commission, may grant an employee returning  
310 from a leave of absence for service in the armed forces of the United States additional leave for the  
311 purpose of receiving further training under federal or state laws applying thereto whenever such  
312 leave is considered to be in the best interest of the County service. Such leave shall not exceed a  
313 period of 12 months. Upon the expiration of the additional leave of absence, the employee shall  
314 be reinstated to the job class occupied at the time the leave was granted or a comparable job class.  
315 Failure of an employee to report for duty promptly at the expiration of the leave of absence shall  
316 result in termination of reinstatement rights.

317 e An employee on military leave receiving a dishonorable discharge from the armed forces shall not  
318 be entitled to reinstatement in the County service.

319 4 Active duty pay supplement

320 a Employees committing to return to County service from Military leave for active duty occasioned  
321 by call-up of reservists or the National Guard in connection with enforcement of a United Nations  
322 Resolution or North Atlantic Treaty Organization (NATO) Obligation shall receive a salary  
323 supplement in an amount equal to their County salary less (a) their military pay and (b) salary paid  
324 under paragraph 1. above. Such persons shall continue to accrue vacation time or paid time off up  
325 to the maximum allowed by these rules and shall continue to accrue sick leave, if the employee is  
326 in the traditional time off plan, and shall be entitled to all other rights and benefits of County



**Rule XI: Time Off**

327 employees not inconsistent with active military duty.

- 328 b The employee shall evidence commitment to return to County service by letter addressed to the  
329 employee's Appointing Authority. The letter shall state the employee's intent to return to County  
330 service, shall promise to provide notice of any change of rank or status affecting the employee's  
331 military compensation, and shall authorize the County to have access to any military records  
332 necessary to implement this program. The employee shall also forward a copy of the employee's  
333 most recent military Leave and Earnings statement or other proof of military pay.
- 334 c An employee's County salary shall be calculated as the salary attributable to the range and rate of  
335 pay occupied by the employee at the time leave commences. For full-time employees, the salary  
336 will be based on a 40-hour workweek. For part-time employees, the salary will be based on the  
337 average hours worked during the preceding five pay periods. Salary shall not include overtime,  
338 shift or weekend and holiday differentials, pay increases for which the employee would be eligible  
339 during the employee's military leave, auto allowance, incentive payments, nor maintenance  
340 allowances.
- 341 d Military compensation shall be calculated as the employee's base pay plus other recurring sums,  
342 such as flight pay and hazardous duty pay, not intended as reimbursement of expenses, but  
343 excluding quarters allowances or other sums designated as reimbursements.
- 344 e Any employee who does not return to County employment at the expiration of this military leave,  
345 if able to do so, shall refund all amounts received. Return to County employment shall be  
346 governed by paragraph 3. above.

347 Section E. Leave of absence without pay

348 1 Reasons for leave of absence without pay

349 A permanent or probationary employee, upon application in writing to and upon written approval of  
350 the Appointing Authority may obtain a leave of absence without pay, whenever such leave is  
351 considered to be in the best interest of the County service or for other reasons, including but not  
352 limited to:

- 353 a physical or mental disability of the employee;
- 354 b pregnancy and/or maternity;
- 355 c the employee has expressed the intent to become a partisan candidate for elective office, or to  
356 take part in the management of a political party or partisan political campaign, or has been  
357 appointed to public office;
- 358 d the employee is entering upon a course of training for the purpose of improving the quality of  
359 service to the County or preparing for promotion;
- 360 e the employee in accordance with any agreement by St. Louis County with a recognized employee  
361 organization is assuming the duties of a regular full-time position with the organization, such leave  
362 of absence being governed by the conditions and limitations specified in the agreement consistent  
363 with Section D of this Rule.
- 364 f because of extraordinary reasons, sufficient in the opinion of the Appointing Authority to warrant  
365 such leave of absence.

366 2 Conditions for granting leaves of absence without pay

367 Leaves of absence without pay for any of the above reasons shall be subject to the following

**Rule XI: Time Off**

368 regulations:

- 369 a A copy of the written request for a leave of absence must be filed by the Appointing Authority with  
370 the Personnel Director and sent with the payroll form granting the leave.
- 371 b Such leaves shall not be granted for more than 12 months, but upon written application prior to  
372 the expiration of such leave, the Appointing Authority with the approval of the Personnel Director,  
373 may grant an extension of leave not to exceed 12 months at a time and subject to a total  
374 continuous leave of 48 months if such leave appears to be in the best interest of the County and/or  
375 the employee.
- 376 c The individual may, upon making written application and with the approval of the Appointing  
377 Authority, be returned to active duty prior to the expiration of a leave of absence, provided a  
378 vacancy exists in a job classification which is the same as or comparable to the position held by the  
379 employee prior to the leave or provided the employee's position has been held vacant or filled on a  
380 temporary basis only as recommended in writing by the Appointing Authority and approved by the  
381 Personnel Director.
- 382 d At the expiration of a leave of absence, the employee upon written request shall be returned to  
383 active duty provided a vacancy exists in a job classification which is the same as or comparable to  
384 the position held by the employee prior to the leave or provided the employee's position has been  
385 held vacant or filled on a temporary basis only as recommended in writing by the Appointing  
386 Authority and approved by the Personnel Director. Upon restoration after a leave of absence  
387 without pay, the employee shall be granted the seniority possessed on the date of leave. If a  
388 position in a job classification which is the same as or comparable to the position held by the  
389 employee prior to the leave is not available upon an employee's return from a leave of absence,  
390 the leave of absence shall automatically be extended for an additional 90 calendar days. If after  
391 the conclusion of this extended period a position still is not available in a job classification which is  
392 the same as or comparable to the position held by the employee prior to the leave the employee  
393 shall be terminated.
- 394 e If an appropriate vacancy exists, failure on the part of an individual to report for work within three  
395 consecutive workdays after the expiration of a leave of absence or an extension, except for valid  
396 reasons submitted in writing in advance, shall be considered a resignation without notice.
- 397 f Information regarding the impact of a leave of absence on an employee's benefits is available from  
398 the Division of Personnel.

399 3 Family and medical leave (added July 23, 1993)

- 400 a Any permanent employee is entitled to a total of 12 workweeks of leave during any 12-month  
401 period provided that the employee has at least 1,250 hours in pay status in the 12-month period  
402 immediately preceding the requested leave, and the leave is taken for one or more of the following  
403 reasons:
- 404 (1) an employee is unable to perform the functions of the employee's position because of the  
405 employee's own serious health condition;
  - 406 (2) the birth of a son or daughter of an employee and to care for the child;
  - 407 (3) the placement of a son or daughter with an employee for adoption or foster care; and/or,
  - 408 (4) to care for the spouse, domestic partner, son, daughter, domestic partner's son or daughter, or  
409 parent of an employee, if the family member has a serious health condition.
- 410 b An employee who requests a family and medical leave and whose request is approved will

**Rule XI: Time Off**

411 continue to receive their County paid medical benefits during the leave and will be guaranteed to  
412 return to their position or an equivalent position at the conclusion of the leave. It is the Appointing  
413 Authority's responsibility to designate family and medical leave.

414 c Employees will be required to substitute accrued paid leave for any part of the 12 weeks granted  
415 under the law as follows:

- 416 (1) Employees who request leave under the Family and Medical Leave Act (FMLA) for their own  
417 serious health condition including giving birth to a child will be required to substitute accrued  
418 sick leave, any accrued vacation, any accrued paid time off, and then compensatory time  
419 before receiving unpaid leave;
- 420 (2) Employees who request leave under the FMLA for the serious health condition of others will be  
421 required to substitute accrued sick leave, accrued vacation, accrued paid time off, and then  
422 compensatory time before receiving unpaid leave;
- 423 (3) Employees who request leave under the FMLA for the care of a child after birth or the  
424 placement of a child with the employee for adoption or foster care will be required to  
425 substitute accrued vacation, accrued paid time off, and then compensatory time before  
426 receiving unpaid leave.
- 427 (4) When an employee substitutes paid leave for unpaid leave, and the substituted paid leave is  
428 less than 12 weeks in duration, the Appointing Authority will provide an additional period of  
429 unpaid leave so that the total of paid and unpaid leave provided equals not more than 12  
430 weeks during any 12-month period.
- 431 (5) A husband and wife, or domestic partners who are both employed by St. Louis County and are  
432 both eligible for leave under FMLA are permitted to take only a combined total of 12 weeks of  
433 leave during any 12-month period for birth or placement for adoption or foster care of a child.
- 434 (6) Any compensatory time used for family leave purposes will not count toward the 12 weeks of  
435 time in a 12-month time period.

436 d An employee requesting FMLA will do so using the forms provided by the Director of Personnel.

437 e Employees will be required to provide appropriate certification to support a request for leave  
438 under the FMLA.

439 f If an employee requests and is denied a family and medical leave, the employee may file a  
440 grievance directly to the Appointing Authority.

441 Section F. Absence without leave

442 Any absence of an employee from duty that is not authorized by the employee's Appointing Authority  
443 under the provisions of these rules shall be deemed to be an absence without leave. Any such absence  
444 shall be without pay and may constitute grounds for disciplinary action up to and including discharge.  
445 An employee who is absent from duty for three consecutive scheduled work days without  
446 authorization shall be deemed to have resigned without notice from the County service.

447 Section G. Time off with pay

448 An employee shall be granted time off with pay by the Appointing Authority for any of the following  
449 reasons:

- 450 1 For absence due to a death in the employee's immediate family, not to exceed three work days at any  
451 one time, except that time off for death in the family may be extended at the discretion of the  
452 Appointing Authority upon presentation of good and sufficient reason by the employee. "Immediate

**Rule XI: Time Off**

453 family" includes spouse, domestic partner, parents, stepparents, grandparents, grandchildren,  
454 brothers, sisters, children, stepchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law,  
455 brother-in-law, sister-in-law, or domestic partner's parents, stepparents, grandchildren, brothers,  
456 sisters, children, stepchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-  
457 law, sister-in-law, or a relative living in the same household.

- 458 2 For appearance before a court, legislative committee, or other judicial or quasi-judicial body as a  
459 witness in their capacity as a County employee.
- 460 3 For service on a jury, but the employee shall only be paid the difference between regular pay and pay  
461 as a juror.
- 462 4 For participation in promotional examinations held by the Division of Personnel or the Commission or  
463 in other examinations which the employee may be required to take by the ordinance or these rules.
- 464 5 Upon request by the Appointing Authority or employee, the Personnel Director may authorize time off  
465 with pay under other unusual circumstances, in which the grant of the leave would comport with the  
466 intent of this provision.

467 Section H. Administrative time off

468 With the prior approval of the Appointing Authority an employee may be granted time off with pay for  
469 any of the following reasons:

- 470 1 attendance at professional conferences, institutes, or meetings when such attendance in the opinion of  
471 the Appointing Authority may be expected to contribute to the betterment of the County service  
472 and/or the employee's professional development.
- 473 2 attendance at in-service training and other courses designed to improve the employee's performance.

474 Section I. Cancellation of leaves of absence

475 If necessary for the efficient operation of the business of the County, an employee on leave, other than  
476 sick or military leave, may be notified by the Appointing Authority of an early termination of leave and  
477 to return to duty within a reasonable period of time. Failure to return to duty within a reasonable time  
478 after receipt of such notice may result in disciplinary action. Any disciplinary action taken pursuant to  
479 this section may be appealed to the Commission.

480 Section J. Enforcement of leave regulations and records maintenance

481 The Appointing Authority is responsible for the enforcement and effective administration of paid time  
482 off, vacation, sick, military and other leave regulations in that department or organizational unit. The  
483 Personnel Director is responsible for prescribing the form and manner of recording and reporting leave  
484 accumulations and absences and for records maintenance.