

RESOLUTION 153

RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL RULES
AND REGULATIONS FOR THE CITY OF CHESTERFIELD

WHEREAS, the City of Chesterfield passed Ordinance 492 approving the Personnel Rules and Regulations dated August 13, 1990; and

WHEREAS, said Ordinance provides that amendments to the Rules and Regulations may be incorporated into the Ordinance upon approval.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

That the Personnel Rules and Regulations as adopted in Ordinance 492 dated August 13, 1990 are hereby amended by the Amendments as set out on Attachment "A" which are attached hereto and incorporated herein by reference.

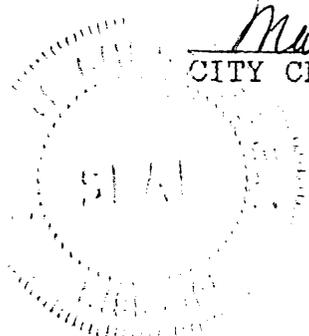
The City Administrator is directed to incorporate the amended rules into the City of Chesterfield Personnel Rules and Regulations.

Passed and approved this 18TH day of JANUARY, 1994.

Jack Leonard
MAYOR

ATTEST:

Marilyn A. DeMay
CITY CLERK



Attachment A

Chapter VI, Leaves of Absence

Section 3. Sick Leave

F. Use of Sick Leave - Sick leave is provided to full-time employees to protect them from endangering their health and that of their co-workers. It is intended to be a protection in case of need and is not to be used as vacation. Sick leave benefits are payable only for an employee's personal illness, incapacity, injury, physician, optical or dentist appointments, maternity, paternity, adoption or foster care leave as defined, or an illness, injury, incapacity, physician, optical or dentist appointments of an employee's immediate family. "Immediate family" for the purpose of this section shall be defined as employee's spouse, children, mother or father, or other relative permanently residing in the same residence.

1. Doctor's Certificate - The City reserves the right in all cases of an employee's immediate family illness, incapacity, injury, physician, optical or dentist appointment to require a physician's certificate or illness report to a supervisor. If the City is not satisfied with the certification, a second opinion from a health care provider of the City's choice may be required at the expense of the City. If the second opinion conflicts, the City may require a third opinion to be obtained from a provider jointly approved by the employee and the City. The third opinion is binding on both the employee and the City. A doctor's certificate may be requested for any sick leave taken the day before or after a holiday.

2. Notification Requirements - To qualify for sick leave, an employee must notify his supervisor prior to the time established for each department start of the work day or immediately as sickness occurs during the work day. Failure to give adequate notice will result in the absence being charged as an unauthorized absence.

When an employee has advance knowledge of an impending physical incapacity, such as elective surgery, an employee shall give at least thirty (30) days notice before commencing sick leave, and submit a statement from the attending physician which shall include:

- a. the condition requiring the leave
- b. the anticipated date the leave should begin
- c. the date on which the physician and employee have agreed the employee might be able to return to work.

- d. if intermittent or a reduced schedule is requested, an explanation of the circumstances of such leave.

When it is not foreseeable or possible under certain circumstances to provide such advance notice, notice must be given as soon as practicable.

3. Maternity/Paternity/Adoption/Foster Care Leave -

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b. Acceptable Conditions - Maternity Leave -

revise 3rd paragraph....

While on maternity leave, an employee may also request Family and Medical Leave without pay. Any such request, however, shall effect City benefits as outlined in Section 15.E.

c. Acceptable Conditions - Paternity Leave -

revise 2nd paragraph....

While on paternity leave, an employee may also request Family and Medical Leave without pay. Any such request, however, shall effect City benefits as outlined in Section 15.E.

d. Acceptable Conditions - Adoption/Foster Care Leave - an employee who is involved in adoption or foster care may take adoption/foster care leave. An employee may use a combination of sick leave, vacation leave, and other paid leave earned. The employee, however, may only be granted paid sick leave for the period of time the employee receives notice about the placement of a child, attending to the delivery, acceptance, and placement of the child in his new home, and for any medical problems experienced by the newly adopted child. A statement by the adoption agency or other placement service regarding proof of placement may be required. A formal agreement between the State and the foster family is required for eligibility for leave for the placement of a foster child. Adoption/Foster Care Leave shall also be an extenuating circumstance to allow additional vacation time over ten (10) days or eighty (80) hours.

While on adoption/foster care leave, an employee may also request Family and Medical Leave without pay. Any such request, however, shall effect City benefits as outlined in Section 15.E.

Eliminate:

Section 8. Non-Duty Disability Leave

Re-number Section 9 to:

Section 8. Jury Duty and Witness Leave

Re-number Section 10 to:

Section 9. Military Leave

Re-number Section 11 to:

Section 10. Military Training Leave

Re-number Section 12 to:

Section 11. Voting Leave

Re-number Section 13 to:

Section 12. Administrative Leave

Re-number Section 14 to:

Section 13. Compensatory Time-Off Leave

Re-number Section 15 to:

Section 14. Leave of Absence

A. Eligibility - any employee may be granted a leave of absence without pay when it will not result in undue hardship to the City. Upon expiration of an approved leave of absence without pay, the employee's position will not be held open. The employee may be eligible for the next available and comparable position to be filled.

This section shall not apply to those situations which are covered by the Family and Medical Leave of Absence without pay provisions.

B. Maximum Leave - An employee may be granted a leave of absence without pay not to exceed a total of thirty (30) calendar days in any one (1) year from the first date the leave commences. Exceptions to the maximum leave may only be granted by the City Administrator.

C. Scheduling of Leave of Absence - No leave of absence without pay shall be granted except upon submission of a Leave Request Form, at least thirty (30) days prior to the date(s) requested. Department Heads and the Personnel Director may approve a leave of absence up to five (5) days. Requests over five (5) days must also be signed by the City Administrator. If the leave is not foreseeable, such request shall be made as soon as practicable. The request shall indicate the conditions surrounding the request.

for leave of absence and the scheduled or anticipated date of return to work.

Exceptions to this requirement shall only be approved by the City Administrator.

D. Approval of Leave of Absence - (Note: no change to this section)

E. Effect on Benefits - Benefits including City paid medical, life, disability or any other insurance shall be discontinued after one (1) month of leave of absence without pay. Vacation and sick leave shall not accrue, nor other leaves of absence be available to an employee while on leave without pay for each day absent over ten (10) consecutive working days. Holiday leave shall also not be paid while on leave of absence without pay.

An employee may, subject to insurance policy restrictions, pay the entire portion of any premium for health, life, disability or other group insurance policy offered by the City while the employee is on leave of absence without pay.

F. Failure to Return to Duty - (Note: no change to this section)

Create a new Section 15:

Section 15. Family and Medical Leave

A. Eligibility - any employee shall be eligible for Family and Medical Leave who has performed at least 1,250 hours during the previous 12 month period of or is scheduled to work at least 1,250 hours during the upcoming 12 month period.

B. Maximum Leave - Family and Medical Leave is to provide eligible employees with at least twelve (12) work weeks of **unpaid** leave during a 12 month period to: (1) care for a child after birth, adoption or foster care placement; (2) to care for a spouse, child or parent with a serious health condition, i.e., a child would include someone 18 years of age and older who is incapable of self-care as a result of a mental or physical disability; or (3) to recover from a serious health condition that prevents the employee from performing his or her job. A serious health condition is an illness, injury, impairment, or physical or mental condition that requires either inpatient care or continuing treatment by a health care provider. A serious health condition includes treatment for a serious, chronic health condition which, if left untreated, would likely result in an absence from work of more than 3 days.

The amount of granted leave, however, must first be reduced by any amount of sick leave, vacation leave, or any other paid leave granted so that the total leave granted does not exceed 12 work weeks. Work weeks is defined by calendar days not scheduled work days for an employee.

C. Scheduling of Family and Medical Leave - No Family and Medical Leave shall be granted except upon submission of a Leave Request Form, at least thirty (30) days in advance when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When it is not possible under certain circumstances to provide such advance notice, notice must be given "as soon as practicable." The request shall be signed by the Department Head and the Personnel Director.

The request shall indicate the reason for the Family and Medical Leave and the anticipated date of return to work. While on Family and Medical Leave for birth, adoption or foster care, all employees shall inform the City of their intention to return to work and date of return within 2 weeks of delivery or placement of the child. Failure to do so within 2 weeks shall be presumptive evidence the employee has resigned. Family and Medical Leave for birth, adoption or foster care must be taken within the first 12 months of the baby's birth or child's placement.

Physician certifications may be required for serious health conditions for a spouse, child, parent or the employee. If the submitted medical information is not sufficient, the City may request a second opinion at the City's expense. If the first and second opinions do not agree, the City and the employee will coordinate the selection of a physician for a third opinion at the City's expense. The third opinion will be final and binding. Family and Medical Leave allows an eligible employee to take intermittent leave or to take leave on a reduced schedule when the employee or an employee's spouse, child or parent is seriously ill. If leave is foreseeable, an employee is required to try to schedule the leave so as not to unduly disrupt the City's operations, and the City may place the employee in an alternative position which better accommodates intermittent leave.

The City may request periodic reports from the employee at least every 30 days regarding the status of the employee and the employee's intent to return to work.

If the employee has taken Family and Medical Leave because of their own serious health condition, the employee may be required to submit medical certification on the employee's ability to return to work.

D. Approval of Family and Medical Leave - the approval of a request for Family and Medical Leave shall detail the employee's right to return to duty and be restored to his or her original job, or an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

E. Effect on Benefits - the City is required to maintain paid medical insurance coverage for an employee on Family and Medical Leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued to work.

Employees with paid medical insurance coverage will need to make arrangements to pay their share of any premium expenses while on leave. Payment is due the last day of the month prior to the month of coverage requested. A 30 day grace period for payment is allowed.

The City's obligation to maintain paid medical insurance benefits will stop if and when an employee informs that City of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the Family and Medical Leave entitlement is used up. The City will attempt to recover premiums it paid to maintain health insurance coverage for an employee that fails to return to work from Family and Medical Leave.

Life, disability and other paid benefits will be maintained during Family and Medical Leave. Accrual or earned benefits (such as seniority) will be restored to the employee at the same level upon return to work. However, vacation and sick leave shall not accrue, nor other leaves of absence be available to an employee on Family and Medical Leave without pay for each day absent over ten (10) consecutive working days. Holiday leave shall also not be paid while on leave of absence without pay. Family and Medical Leave cannot be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

G. Light Duty - If family and medical leave is taken for injury, occasionally, light duty is available so that employees may return to work quicker. This duty is available only with the consent of the Department Head, Personnel Director and the City Administrator. Light duty may be assigned in a department other than the employee's own department. If no light duty is available, the employee must remain off the job until released by a doctor for full duty.

H. Long-term Disability and Life (AD&D) Insurance - Full-time employees should review their long-term disability insurance

certificate and life (AD&D) policy booklet for additional information concerning disability coverage.

I. Disability Pension Plan Provisions - Employees covered by the Chesterfield Employee Retirement Plan should review the retirement plan specifications for additional information concerning lump sum payments for a determination of disability.

J. Failure to Return to Duty - Failure, on the part of an employee on Family and Medical Leave without pay, to return to work at the end of the leave period may be deemed cause for discharge.