

Definitions of Commonly Used Terms

NOTE: This is a condensed version of some terms that may be helpful for future reference. A more exhaustive list can be found in the State Personnel Law (RSMo 36.020) and in the Regulations of the Personnel Advisory Board and Division of Personnel [1 CSR 20-1.020(1)].

1. **Agency** (state agency or agency of the state) – each department, board, commission or office of the state, except for offices of elected officials, the general assembly, the judiciary and academic institutions.
2. **Allocation** – the assignment of an individual position to an appropriate class, multiple classes, or class and band based upon the basic duties, authority and responsibilities of the position.
3. **Appeal (Disciplinary)** – a formal process by which a Regular employee may request a hearing from the Administrative Hearing Commission to determine whether a dismissal, demotion for cause or suspension of more than five days was for political, religious or racial reasons or not for the good of the service.
4. **Appointing Authority** – an officer or agency subject to the law having power to make appointments to positions under the law.
5. **Appointment** – the lawful hiring of an individual by an appointing authority.
6. **Broad Classification Band** – a grouping of positions with similar levels of responsibility or expertise
7. **Certificate** – a listing of eligibles in grade order sent to agencies in the classified service to be used in filling a current or anticipated vacancy at a specific location.
8. **Certified Eligible** – an individual whose name appears on a certificate, who indicates a willingness to accept appointment under conditions specified and who ranks in the selection group.
9. **Class** (Class of Position) – a group of positions sufficiently alike in duties, authority and responsibility to justify the same class title and qualifications and the same schedule of pay to all positions in the group.
10. **Class Specification** – the written description of a class containing a title, a statement of the customary duties, authority, responsibilities and other significant characteristics of the class and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class based on the specified knowledges, skills and abilities.
11. **Classification** – the systematic analysis, evaluation and grouping of positions, on the basis of their duties, authorities, responsibilities and other significant characteristics into relatively homogeneous classes.
12. **Classified Service** – position in agencies which are subject to Merit System and Uniform Classification and Pay (UCP) provisions contained in the State Personnel Law.

13. **Conditional Employment Period** – a time period, not exceeding three months, in which an employee’s conduct or performance is such that change is required as a condition of employment. Conditional employment periods are part of an employee’s permanent service history.
14. **Corrective Action** – action taken that is neither punitive nor disciplinary in nature for the purpose of identifying performance or behavior that requires attention, and to provide employees with information and opportunities to successfully meet expectations. Examples of corrective action include verbal and written counseling.
15. **Declination** – an individual’s definite refusal to accept an appointment and job assignment after having indicated a desire to be considered for the appointment and assignment.
16. **Demotion** (in the general classification plan) – means a change of an employee from a position in one class to a position in another class which is assigned a lower pay range within the pay plan. In the broad classification bands, demotion means a change of an employee from a position in one band to a position in a lower band. A demotion may also involve the involuntary movement of an employee from a position in a band to a position in a range where the salary is decreased and is adjusted to an available step.
17. **Disciplinary Action** – punitive action taken against an employee as a result of poor conduct or performance. Types of disciplinary action: Written reprimand; unacceptable conduct notice; conditional employment period; suspension; demotion (involuntary for cause); and dismissal.
18. **Dismissal** – a personnel action, for cause, in which an employee is involuntarily separated from state service in the interests of efficient administration and that the good of the service will be served.
19. **Eligible** – a person whose name is on a register or who has been determined to meet the qualifications for a class or position
20. **Exempt Service** – those positions in UCP agencies not subject to the Merit Systems provisions of the State Personnel Law, and which may be filled without regard to the provisions governing classification and pay.
21. **FLSA Exempt** – those positions not required to be compensated for overtime as prescribed by the Fair Labor Standards Act (FLSA). (Some FLSA Exempt positions may be compensated for overtime at straight time as determined by the PAB.)
22. **FLSA Non-Exempt** – those positions required to be compensated for overtime at time and one-half, in accordance with the Fair Labor Standards Act (FLSA).
23. **Layoff** – a personnel action which results in an employee’s separation from state service due to a shortage of work or funds, the abolition of the position, for other material changes in the duties or organization or for other related reasons which are outside the employee’s control and which do not reflect discredit on the service of the employee.
24. **Law** – the State Personnel Law (Chapter 36, RSMo).

25. **The Missouri Merit System** – is based on the principles of merit and fitness derived from competitive examinations for employment and advancement, objective and consistent human resource management policies and procedures and the ability of employees to appeal disciplinary actions. The Merit System is designed to provide for recruitment and retention of a qualified work force in order to achieve a more efficient public service.
26. **Open Certificate** – a listing of eligibles for employment in the classified service in grade order, irrespective of employment status, who have indicated that they wish to be considered for employment at a specific work location where a current or anticipated vacancy exists within a specific class.
27. **Pay Plan** – the plan prepared, adopted, maintained and administered by the Division of Personnel under the authority of the Personnel Advisory Board (PAB) which sets forth for each class of positions a pay range or bands with a minimum and a maximum rate and intermediate rates of pay, as well as any pay differentials authorized by the Personnel Advisory Board.
28. **Personnel Advisory Board (PAB)** – has broad rulemaking authority in various areas of personnel administration. Responsibilities also include advising the Division of Personnel on the administration of the Missouri Merit System, meeting with appointing authorities regarding personnel management needs, approving changes to classification and pay plans and making recommendations to the governor and the General Assembly regarding state compensation policy.
29. **Promotional Certificate** – a listing of eligibles for employment in the classified service in grade order which contains the names of regular, reemployment probationary, promotional probationary or reinstatement probationary employees of a division of service.
30. **Promotional Examination** – a test for positions in a particular class, in the classified service, admission to which is open to all persons who meet the stated minimum qualifications and who are employees with regular status, or who are in reemployment probationary, promotional probationary, or reinstatement probationary status in positions in that agency.
31. **Promotional Register** – a list of persons in the classified service who have been found qualified by a promotional examination for appointment to a position in a particular class.
32. **Qualifications** (on the class specification) – means the minimum education, experience, and/or certification or licensure necessary for the satisfactory performance of the duties of the class.
33. **Reallocation** – the change in the allocation of an individual position on the basis of duties, authority and responsibilities of the position or an official change in the classification
34. **Reclassifications** – a classification change of an employee in conjunction with a position reallocation or movement within a multilevel allocated position.
35. **Reemployment** – means appointment, without competitive certification, of an individual who had regular status and left a class or appointment in good standing. Reemployment could be made to a same or comparable class in the general classified service, or to the same class and the same or lower band in the broad classification bands.
36. **Register** – a reinstatement register, a promotional register or a register of eligibles.

37. **Register of Eligibles** – a list of persons who have been found qualified for appointment to a position in the classified service.
38. **Regular Appointment** – a change of employee status given to an employee after successful completion of a probationary period.
39. **Regular Employee** – an employee who has been given a regular appointment and has successfully completed a probationary period.
40. **Reinstatement** – an action which returns an employee to a class in which the employee held regular status in one of the following circumstances: appointment from a reinstatement register, ordered reinstatement or reinstatement to a former or comparable class during a promotional probationary period.
41. **Reinstatement Register** – a list of persons who have been regular employees in the classified service who have been laid off in good standing
42. **Selection Group** – that number of individuals certified to an appointing authority who may be lawfully appointed and who are prepared to accept appointment under condition specified. A selection group will typically number up to fifteen individuals or fifteen percent of all ranked individuals.
43. **Separation** – any personnel action such as resignation, retirement, dismissal or layoff in which an employee's state service is terminated.
44. **Suspension** – an enforced leave without pay to an employee for disciplinary purposes, or pending investigation of charges made against an employee. (Suspensions exceeding five days may be appealed to the Administrative Hearing Commission.)
45. **Transfer** – a change of an employee from one position to another position in the same class or to another class assigned to the same established pay range.
46. **Unacceptable Conduct Notice** – a written notice issued by the appointing authority to an employee that, in the judgment of the appointing authority, the employee's conduct warrants a permanent record but does not warrant suspension, dismissal or demotion.
47. **Unclassified Service** – those positions in agencies subject to the merit system provisions contained in the law, but which may be filled without regard to certain policies regarding classification and pay.
48. **Wavier** – the waving of any right to consideration for certification and appointment to a position and a request for future consideration.
49. **Written Reprimand** – a written notice to an employee to address a problem with his or her conduct or performance and is disciplinary in nature. Written reprimands are included in the employee's official personnel file, but are not part of his or her permanent service history.

Types of Leave Defined

NOTE: If there is any discrepancy between the information contained on this document and the regulations, the regulations are the determining factor.

Leaves of Absence with Pay:

Annual Leave

Employees in full-time positions of a continuing or permanent nature shall be entitled to accumulate annual leave as follows:

- Employees with less than ten years of total state service earn 5 hours of annual leave each pay period with a maximum annual leave balance of 240 hours (30 days).
- Employees who have completed ten years of total state service earn 6 hours of annual leave each pay period with a maximum annual leave balance of 288 hours (36 days).
- Employees who have completed fifteen years of total state service earn 7 hours of annual leave each pay period with a maximum annual leave balance of 336 hours (42 days).

Employees may accumulate more annual leave than their allowed maximum until October 31 of any year. After October 31, any excess annual leave over an employee's maximum balance is reduced to the maximum, at which time the employee can begin accumulating above the maximum.

An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation.

Annual leave is prorated for part-time employees in eligible positions who work a minimum of 40 hours in a pay period. Annual leave is granted and approved by the agency appointing authority, or their designee.

Sick Leave

Employees who are employed on a full-time basis in positions of a continuing or permanent nature earn sick leave. Employees receive five hours of sick leave each pay period for each semi-month of service in which they are in pay status for 80 or more hours. Sick leave is also prorated for part-time employees in eligible positions.

Employees can accumulate sick leave without limit. Sick leave can be converted to retirement credit upon retirement. An employee who separates from state service, but returns within five years will have their sick leave balance restored.

Sick leave will be granted and approved by the agency appointing authority.

Military Leave

Employees who are members of the national guard or any of the reserve components of the armed forces of the United States are entitled to leaves of absence from their respective duties without loss of pay or leave, impairment of performance appraisal, or loss of any rights or

benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty under competent orders for a period not to exceed 120 work hours in any federal fiscal year (October 1 through September 30).

Employees who are employed in positions of a continuing or permanent nature and who enter the armed forces of the United States for any of the following reasons can be granted a leave of absence without pay for the period of military training and service required by the employee:

- Because of an order issued under the Military Selective Service Act
- Because of an order issued by a military authority calling an employee to active duty from organized units of the national guard, any component of the armed forces of the United States, or the public health service reserve
- Because an employee enlists in any component of the armed forces of the United States for a period of not more than five years.
- Because an employee who is a member of a component of the armed forces of the United States voluntarily or involuntarily enters active duty, or whose active duty is extended during a period when the President is authorized to order units of the armed forces of the United States to active duty.
- Because an employee is required to report for active duty for training or inactive duty training in the armed forces of the United States, or an organized unit of the national guard.
- Because an employee who is a member of a component of the armed forces of the United States, or an organized unit of the national guard, is ordered to an initial period of active duty for training of not less than 12 consecutive weeks.

Leave for Disaster Relief

Employees who have been 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 approval from the agency appointing authority, be granted leave of absence from their respective duties. This will cover all periods of disaster service during which they are engaged in the performance of duty under an applicable letter of agreement for a period not to exceed a total of 120 hours in any state fiscal year (July 1 through June 30). Other absences in excess of the 120 hours may be charged to accrued annual leave, compensatory time or leave of absence without pay.

No more than 25 state employees may be absent in any state fiscal year.

Leave for Emergency Services

Employees who are certified by the Civil Air Patrol as emergency service specialists or certified to fly counter-narcotics missions may be granted leave of absence from their respective duties. Leave for such service shall not be for more than 15 working days in any state fiscal year.

Leave of Absence without Pay for Family and Medical Care (FMLA)

The Family and Medical Leave Act of 1993 provides up to 12 weeks of unpaid, job-protected leave to employees for certain family and medical reasons. To be eligible for FMLA leave, an employee must be employed with the state for at least one year and must have worked at least 1,250 hours over the previous 12 months. FMLA leave will be granted for the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care

- To care for the employee's spouse, son or daughter (under 18 years of age), or parent who has a serious health condition
- For a serious health condition that makes the employee unable to perform the employee's job

Leave of Absences Without Pay

Upon written request to their agency appointing authority, employees may obtain a leave of absence without pay for the following circumstances:

- Because of medical disability of the employee which is not covered by FMLA
- Because the employee is beginning a course of training or study for the purpose of improving the quality of service to the State of Missouri
- Because of extraordinary reasons, sufficient in the opinion of the agency appointing authority to warrant a leave of absence without pay.

Time Off With Compensation

Time off with compensation, if approved by the agency appointing authority, can be granted for any of the following reasons:

- To comply with a subpoena or for jury service
- For participation in promotional examinations held by the Division of Personnel
- Attendance at professional conferences, institutes, or meetings when attendance may be expected to contribute to the betterment of the employee's service to the state
- Attendance for approved training and other development programs designed to improve the employee's performance or to prepare the employee for career advancement
- Absence due to the bereavement of an employee as a result of 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 not to exceed five consecutive workdays
- Absence for five workdays to serve as a bone marrow donor and for 30 workdays to serve as a human organ donor
- Absence because of extraordinary reasons sufficient in the opinion of the agency appointing authority to warrant such time off with compensation

Share Leave

State agencies may establish share leave programs within their agencies for employees to donate annual leave to a share leave pool. Share leave may be granted to an employee in the agency who has experienced a catastrophic illness or injury and who has used all their accrued leave.

To view the Code of State Regulations (1 CSR 20-5.010) which addresses leaves of absence, visit <http://www.sos.mo.gov/adrules/csr/current/1csr/1c20-5.pdf>

Hours of Work, Overtime and Holidays

NOTE: Following is general information about hours of work, overtime and holidays for state employees. For specific information on how each issue is applied within a specific agency, employees should refer to their agency policy manual, speak to their supervisor, or consult the appropriate individuals in their human resources office.

If there is any discrepancy between the information contained on this document and the regulations, the regulations are the determining factor.

Hours of Work

The appointing authority for each agency (typically the division director or their designee) will determine the work days and hours of attendance for their employees. A full-time employee will normally work forty (40) hours within a fixed and regularly recurring seven-day period. A longer work period may be applied for law enforcement and fire protection employees.

Overtime Compensation

Non-exempt employees who *work* over forty (40) hours within a workweek will be compensated for their time at the rate of time and one-half, either in payment or compensatory time off from work. For most employees, compensatory time is maintained which can then be used as time off or is paid at a later date.

Note: Annual leave, sick leave, holidays and other absences with or without pay are not considered as actual hours of work for computing overtime. For example, if a non-exempt employee works four (4) hours overtime on Monday, but uses four (4) hours of sick leave on Wednesday, the employee will be compensated at straight time or equal compensatory time off because the employee only *worked* forty hours that workweek. In some cases, the agency may not require the employee to use sick leave if the employee has worked an equivalent number of additional hours in the work week.

Exempt employees in supervisory, technical, professional and related categories who exceed forty hours in pay status during a workweek will be compensated at their regular rate of pay, or by allowing an equal amount of compensatory time off.

Top level exempt supervisory, managerial and administrative staff, or very responsible professional, technical or consultative employees that work more than forty (40) hours during a workweek will not be compensated for their time, except in unusual circumstances as determined by their agency appointing authority.

In all instances, compensatory time off with pay is granted and approved by the agency appointing authority.

Holidays

The following and other days or dates as may be designated by the governor or the President of the United States are paid holidays:

New Years Day
Martin Luther King Jr. day
Lincoln's Birthday
Washington's Birthday
Truman's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

Holidays are considered as a period of eight hours.

Employees who work on a holiday will be granted equal time compensatory time off from work at the time(s) the agency appointing authority designates.

To view the regulations (1 CSR 20-5.010) which address hours of work and time off for state employees, visit <http://www.sos.mo.gov/adrules/csr/current/1csr/1c20-5.pdf>