

St. Louis City Ordinance 64306

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 330

INTRODUCED BY ALDERMAN JAMES SONDERMANN

An ordinance to the position classifications and salaries of the Medical Examiner's Office employees and to enact in lieu thereof certain new sections relating to the same subject matter and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION 1. The following positions of the Medical Examiner's Office whose duties shall be those indicated by their respective titles and codes, are hereby allocated as listed below and adopted as the pay classification plan of the Medical Examiner's Office:

Title	Class Code	Grade/Ovtm
Executive Assistant to the Chief Medical Examiner	1635	30M 1
Medicolegal Investigation Supervisor	2355	21M 1
Medicolegal Investigator I	2351	18G 3
Medicolegal Investigator II	2352	20G 3
Medicolegal Investigator III	2353	21G 2
Autopsy Technician Supervisor	5412	10G 3
Autopsy Technician	5411	08G 3
Morgue Attendant	5410	06G 3
Secretary I	1131	09G 3
Medical Transcriptionist	1122	09G 3
Record File Clerk	1111	09G 3
Custodian/Courier	3711	05G 3
Forensic Office Administrator I	1621	16G 3
Forensic Officer Administrator I	1622	20M 1
Forensic Office Administrator III	1623	25M 1
Administrative Secretary	1137	14G 3
Telephone Operator	1161	05G 3
Computer Operator I	1323	11G 3
Computer Operator II	1324	13G 3
Computer Operator III	1325	16G 3

Computer Programmer I	1331 16G	3
Computer Programmer II	1332 18G	3
Computer Programmer III	1333 20G	3
X-Ray Technician	5441 11G	3
Intern - Level 1	9991 00I	3
Intern - Level 2	9992 00I	3
Intern - Level 3	9993 00I	3
Intern - Level 4	9994 00I	3
Intern - Level 5	9995 00I	3
Intern - Level 6	9996 00I	3

SECTION 2. PAY SCHEDULE

(a) There is hereby adopted as the compensation schedule for all grades established in Section One of this ordinance, the following ranges of salary beginning with the bi-weekly pay period June 21, 1998.

GRADE	MINIMUM	MAXIMUM
5G	633	852
6G	661	890
8G	726	977
9G	759	1025
10G	796	1071
11G	833	1125
13G	915	1233
14G	957	1292
16G	1053	1415
18G	1157	1556
20G	1271	1710
21G	1330	1789
20M	1271	1886
21M	1330	1976
25M	1609	2394
30M	2041	3042

(b) There is hereby adopted as the compensation schedule for all grades established in Section One of this ordinance, the following ranges of salary, beginning with the bi-weekly pay period starting June 20, 1999.

GRADE MINIMUM MAXIMUM

5G	652	878
6G	681	917
8G	748	1006
9G	782	1056
10G	820	1040
11G	858	1159
13G	942	1270
14G	986	1331
16G	1085	1457
18G	1192	1603
20G	1309	1761
21G	1370	1843
20M	1309	1943
21M	1370	2035
25M	1657	2466
30M	2102	3133

(c) **SHIFT DIFFERENTIAL:** Shift differential compensation shall be paid for certain work assignments. The Appointing Authority shall determine the work assignments or activity performed for which shift differential compensation will be paid. The assignment or removal of an employee from a work assignment having a shift differential shall be determined by the appointing authority and will not constitute promotion, demotion, advancement or reduction in pay. The shift differential premium shall be added to the employee's regular bi-weekly rate. In order for a work assignment to be eligible for shift differential compensation, the following requirements shall be met:

(1) In order for an employee to be eligible for shift differential compensation for a work shift, the employee must regularly work a shift which requires the completion of five (5) hours of work between the hours of 4:00 p.m. and 8:00 a.m. the following morning. Employees who are regularly assigned to work schedules which involve rotating shifts among all three shifts (day, evening,

night) where shift changes occur on a monthly or more frequent basis shall be eligible for shift differential compensation for all three shifts worked.

For employees whose pay range is established in Section 1, the shift differential premium shall be 0.85% of the employee's regular base bi-weekly rate for each eligible shift worked in a bi-weekly pay period.

(2) No premium pay for shift differential shall be paid to employees compensated on an hourly or per performance basis or to bi-weekly paid employees who work part-time. An employee whose pay range is established in Section 1 shall not receive shift differential compensation for working a portion of an eligible shift or for overtime work which is not part of their regular schedule.

(d) Per Performance Rates: The appointing authority may establish per performance rates of pay, hourly rates of pay, or rates of pay for units of work and the conditions for making any such payments. Such per performance, hourly, or unit-of-work rates may be computed from the bi-weekly scales established in this ordinance. Per Performance, hourly or unit-of-work rates shall be established considering the nature of employment, community practices in compensating similar employment, and the purpose of the program for which the rate is established.

Employees paid per performance, hourly, or unit-of-work rates of pay shall not be entitled to vacation, sick leave or holiday leave with pay or other benefits accorded employees paid on a bi-weekly basis except that an appointing authority, when funds have been appropriated, may establish a modified level or type of benefit program when the provision of such benefit is needed in order to attract and retain sufficient qualified employees to work in specific per performance, hourly, or unit-of-work assignments.

Appointing authorities are not permitted to utilize per performance and hourly employees simply as a method of replacing bi-weekly paid employees who would be entitled to employee benefits. Therefore, per performance and hourly employees will be limited to an equivalent of ten(10) months of full time employment per year.

SECTION 3. SALARY RANGE LIMITATIONS

No employee shall be paid at a rate lower than the minimum or higher than the maximum of the salary range established for the class to which his or her position has been allocated, except as otherwise provided in this ordinance. To

compute the monthly equivalent of a bi-weekly rate, the bi-weekly rate shall be multiplied by 26 and divided by 12.

SECTION 4. STARTING SALARY

The minimum rate of pay for a position shall be paid upon appointment to the class.

SECTION 5. PROMOTION, DEMOTION AND REALLOCATION

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with a higher pay grade.

(1) When an employee is promoted to a position which is only one grade higher, the employee's salary shall be set at a rate which is five percent (5%) higher than the rate received immediately prior to promotion. If the position to which the employee promoted is two (2) or more grades higher than the original position, the employee's salary shall be set at a rate which is ten percent (10%) higher than the rate received immediately prior to promotion. An appointing authority may approve up to a 15 percent (15%) salary adjustment for a one-grade promotion, and up to a 20 percent (20%) salary adjustment for a two-grades or more promotion when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion.

However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(b) Demotion: This shall be defined as a change of an employee from a position of one class to a position of another class which has a lower pay grade.

(1) If an employee is demoted for disciplinary reasons his or her rate of pay shall be established at a rate within the range for the new position to be determined by the appointing authority.

(2) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position which is five percent (5%) lower than the rate received immediately prior to demotion. An appointing authority may approve up to a ten percent (10%) salary decrease upon demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(c) Reallocation:

(1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

(2) If the employee's position is reallocated to a class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain unchanged.

(3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 5 relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same pay grade, regardless of pay schedule, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

SECTION 6. SALARY ADJUSTMENT

Salary adjustments shall be based on considerations of merit or successes in fulfilling predetermined goals and objectives as herein provided.

1. Any employee whose salary is established in the General Pay Schedule shall receive a service rating in accordance with the City's Service Rating Manual. Any employee whose salary is established in the Management Pay Schedule shall receive a rating in accordance with the City's Management Performance Appraisal Manual. The rating, together with the standards of performance established in the applicable rating manual shall determine eligibility for one

percent 1.0% within-range increases at intervals as outlined in the City's Service Rating Manual and Management Performance Manual.

2. Any employee whose salary is established in Section 1 and whose services fail to meet the standards of performance necessary to qualify for increases in pay as established in the Service Rating Manual shall not receive the within-range increase otherwise allowed by this Section 6. An employee who receives an Overall Rating of **Must Improve to Maintain Employment** as defined by the Service Rating Manual, or **Unsatisfactory** as defined by the Management Performance Appraisal Manual, shall have his or her salary reduced as determined by the standards of performance established in the applicable rating manual

(a) The effective date of any within-range increase granted under provisions of Section 6 shall be effective at the beginning of the first bi-weekly pay period following the employee's anniversary date, as defined in this Section 6 (a) subject to any other restrictions or provisions of the City's Service Rating Manual. For purposes of computing anniversary dates for eligibility for these within-range increases, the anniversary date shall be the date following 52 weeks of continuous service from the date of original appointment or from the date of the last salary adjustment, if other than a demotion or an across-the-board ordinance increase or upgrade of the classification concurrent with adoption of the ordinance. Absence from service as a result of any authorized paid leave, suspensions, military leave, or family/medical leave will not interrupt continuous service. Absence from service for any other cause shall result in breaking continuity of service and establishment of a new anniversary date.

(b) An appointing authority may evaluate the performance of an employee whose salary is established in Section 1 of this ordinance for the purpose of a salary adjustment only at intervals as described above except in the case of:

(1) Exceptional performance of duties:

The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may, advance the employee by not more than five percent (5%) after twenty-six(26) weeks of employment at the same rate in the salary range.

(2) Substandard performance of duties:

The appointing authority of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range in accordance with the provisions of the applicable service rating manual.

The granting of any such increase or decrease in salary shall be made at the beginning of a payroll period.

(c) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate within a salary range. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however that such decrease shall not be effective for more than twenty-six (26) weeks.

SECTION 7. INCOME SOURCES

Any salary paid to an employee in the classified service shall represent the total remuneration for the employee excepting reimbursement for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which the employee may undertake or volunteer to perform.

Whenever an employee not on an approved, paid leave works for a period less than the regularly established number of hours a day, days a week or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

SECTION 8. CONVERSION

(a) All pay schedules shall continue in effect until the beginning of the pay period starting June 21, 1998, at which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 2(a), of this ordinance shall become effective and be adjusted as follows:

(I) The salary of each employee whose pay range is established in Section 2(a) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his or her position and without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3.0%), rounded to the nearest whole dollar, as determined by the Appointing Authority. This provision shall not apply to employees whose rate is deemed to be above the new maximum of the range as a result of demotion or reallocation.

(2) The salary of each employee whose pay range is established in Section 2(a) of this ordinance who are at the maximum of the current salary range shall be converted to the new maximum of the appropriate schedule range.

(3) The salary of each employee whose pay range is established in Section 2(a) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule, as determined by the Appointing Authority, shall have their current salary increased to a rate, rounded to the nearest whole dollar, which provides a three percent (3.0%) increase in addition to an increase which equals the amount of the pay grade reallocation.

(b) The pay schedules in Section 2(a) shall continue in effect until the biweekly pay period starting June 20, 1999, at which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 2(a) of this ordinance shall become effective and be adjusted as follows:

(1) The salary of each employee whose pay range is established in Section 2(a), of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his or her position and without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3.0%), rounded to the nearest whole dollar, as determined by the Appointing Authority. This provision shall not apply to employees whose rate is deemed to be above the new maximum of the range as a result of demotion or reallocation.

(2) The salary of each employee whose pay range is established in Section 2(a), of this ordinance who are at the maximum of the current salary range shall be converted to the new maximum of the appropriate schedule range.

(3) The salary of each employee whose pay range is established in Section 2(a) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule, as determined by the Appointing Authority, shall have their current salary increased to a rate, rounded to the nearest whole dollar, which provides a three percent (3.0%) increase in addition to an increase which equals the amount of the pay grade reallocation.

(c) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

SECTION 9. PAYMENT OF SALARIES

All compensation for positions shall be paid bi-weekly.

SECTION 10. CHANGES TO CLASSIFICATION PLAN

Whenever the Appointing Authority finds it necessary to add a new class to the classification plan, the Appointing Authority shall allocate the class to an appropriate grade and schedule in this ordinance, recommend such change to the Board of Aldermen of this action.

Whenever the Appointing authority finds it necessary to change the pay schedule of an existing class within the classification plan, the Appointing Authority shall allocate the class to the appropriate schedule in this ordinance, recommend such change to the the Board of Aldermen of this action.

The pay grade allocated to a class of position within the classification plan shall remain unchanged for the duration of the existing ordinance. Whenever the Appointing Authority considers it necessary to change the pay grade of an established class of position, such adjustment can only be made concurrent with the adoption of a new compensation ordinance.

Recommendation for the allocation of a new pay grade shall be made by the Appointing Authority to the Board of Aldermen, and shall become effective upon approval of the compensation ordinance by the Mayor.

SECTION 11. CERTIFICATION OF PAYROLL

The appointing authority shall certify on each payroll or a subsidiary document that each person whose name appears on the payroll has been lawfully appointed at a salary provided by this ordinance and that the employee has actually worked the time for which he or she will be paid, subject to the

provisions of this ordinance governing hours of work and leaves of absence in the classified service.

SECTION 12. OVERTIME

(a) The Appointing Authority shall determine, in accordance with the standards established by the Department of Labor pursuant to the Fair Labor Standards Act (FLSA) of 1938, as amended, those positions as identified and classified by the Medical Examiner's Office of the City of St. Louis which are exempt under provisions of the FLSA., and those positions which are non-exempt from the overtime provisions of the FLSA.. The overtime codes established for each class in Section I of this Ordinance shall be interpreted as follows:

CODE

1 These classes are primarily managerial in nature, but may also include some professional or administrative classes, exempt from the provisions of the FLSA, and ineligible for overtime pay under all but emergency conditions as described in Section 13C of this ordinance.

2 These are supervisory, professional, and administrative classes which are exempt from the provisions of the FLSA but which are compensated for overtime at the straight (1.0x) time rate.

3 These classes are covered by the provisions of the FLSA (i.e., non-exempt) and, therefore, receive overtime compensation at the one and one-half (1.5x) time rate.

In addition to the actual hours worked, authorized paid time off (vacation, sick leave, compensatory time, holidays) shall count as hours worked for the purpose of determining eligibility for overtime compensation.

Appointing authorities must provide two weeks advance notification to employees before making a permanent change to a work schedule (those designed to last 60 days or more). Temporary changes for a period of less than sixty (60) days do not require such advance notification. However, in making a temporary schedule change, an appointing authority may not reduce either the number of regularly scheduled hours in a work day or number of regularly scheduled work days in a work week.

For purposes of determining overtime pay rates for non-exempt employees, the regular hourly rate of pay shall be calculated in accordance with the provisions of the FLSA.

(c) An appointing authority may compensate Overtime Code 1 employees at the straight-time (1.0x) rate, when both of the following conditions exist: 1) the Mayor of the City of St. Louis declares an emergency due to serious and protracted conditions which threaten continuous City service, preservation of public peace, health, or safety, and 2) the appointing authority directs an employee or group of employees to work in excess of forty (40) hours per week. The appointing authority shall maintain attendance records of the assignment(s).

(d) Pay shall be the regular method of compensation for recorded overtime hours of work for employees in classes with Overtime Code 3. An appointing authority may compensate a bi-weekly paid employee for overtime work by granting the employee compensatory time off in lieu of pay only if the employee requests compensatory time.

Employees are allowed a maximum balance of 120 hours of compensatory time. These maximum balances of compensatory time shall apply to employees working an average work week of forty (40) hours; the maximum balance of compensatory time for employees whose average work week is more or less than forty (40) hours shall be proportionate.

Each appointing authority shall establish procedures to assure that employees are promptly granted time off when employees request to use their earned compensatory time. Appointing authorities may not deny requests for earned compensatory time off except when such approval would create an extreme business hardship. When an appointing authority determines that the work schedule of the organization will not permit the granting of time off, the appointing authority may pay the employee for all or a portion of the employee's accrued compensatory time. This provision requiring the prompt granting of requested time off applies only to compensatory time that is earned as a result of the employee working overtime; it does not apply to compensatory time earned as a result of an incentive program or bonus award program.

Upon the death of an employee, the person or persons entitled by law to receive any compensation due to the employee shall be paid any amount due to the employee on the date of death.

(e) All departments shall keep daily attendance records of employees.

SECTION 13. HOLIDAYS

(a) Employees working full-time who are paid on a bi-weekly basis shall be entitled to leave with pay, pay, or compensatory time off in lieu of pay or paid leave for regularly scheduled work on the following days:

DATE	HOLIDAY
January 1	New Years Day
Third Monday in January	Rev. Martin Luther King Jr. Day
Third Monday in February	Presidents' Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans' Day
Fourth Thursday in November	Thanksgiving Day
Day After Thanksgiving	Day After Thanksgiving
December 25	Christmas Day

In addition to the above enumerated holidays, full-time employees shall be entitled to leave with pay, pay, or compensatory time off in lieu of pay or paid leave as established by this Section 14 on any day declared to be a holiday by proclamation of the Mayor after such day has been declared to be a holiday by the Governor of the State of Missouri or the President of the United States.

Employees working full-time and paid a bi-weekly rate whose pay is established in Sections 2(a) of this compensation ordinance shall receive, leave with pay, pay or compensatory time off in lieu of pay as holiday compensation in an amount that is proportionate to the number of hours the employee is regularly scheduled to work in a day or shift. For example: Employees working an average of forty (40) hours a week, five (5) days a week, eight (8) hours a day shall receive eight (8) hours of compensation for the holiday; employees working an average of forty (40) hours a week, four (4) days a week, ten (10) hours a day shall receive ten (10) hours of compensation for the holiday.

When the day of observance of a holiday is changed by State or Federal law, it will be so observed by the City of St. Louis. When the day of observance of a holiday is changed by State or Federal executive action, the Mayor shall determine the day of observance by the City of St. Louis. When one of the

above enumerated holidays occurs on Sunday, the following Monday shall be observed as the holiday.

When one of the above holidays occurs on Saturday, the preceding Friday shall be observed as the holiday.

(b) Each appointing authority shall determine the manner of granting holidays. When work schedules of full-time employees paid on a bi-weekly basis require the employees to regularly work on a holiday, employees shall be entitled to compensation for the holiday and for the regularly scheduled hours of work. Compensation for the holiday shall be in an amount proportionate to the number of hours an employee is regularly scheduled to work in a day or shift. Pay for the regularly scheduled hours of work shall be at the straight time (1.0x) rate.

Unscheduled or emergency work on a holiday is deemed to be assigned overtime and shall be compensated in accordance with the provisions of Section 14 of this ordinance. In addition, employees assigned to such unscheduled or emergency work on a holiday shall receive an additional compensation for the holiday in an amount proportionate to hours regularly scheduled in a day or shift.

An appointing authority may grant the employee compensatory time off in lieu of pay for regularly scheduled work on a holiday only if: 1) the employee requests compensatory time off in lieu of pay, or 2) the appointing authority determines that there are insufficient funds available to pay for the holiday time worked. If the appointing authority determines that the employee shall be granted compensatory time off in lieu of pay due to insufficient available funds, the compensatory time off shall be scheduled and granted to the employee within ninety (90) days of the holiday for which it was earned.

Except as otherwise provided in this section, when a City holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to have compensatory time added to his or her balance in an amount proportionate to the number of hours regularly scheduled in a day or shift.

If an employee is docked from the payroll for one hour or less on the full scheduled work day preceding a holiday, the full scheduled work day following a holiday or on a scheduled holiday, the employee shall be compensated for the holiday. If an employee is docked from the payroll for more than one hour on the full scheduled work day preceding a holiday, the full scheduled work day

following a holiday or on a scheduled holiday, the employee shall not be compensated for the holiday.

The holiday compensation procedures established by this Section 13 shall apply to full-time classified employees paid a bi-weekly rate. Part-time bi-weekly paid employees shall be compensated for holidays in proportion to the percentage of time they are regularly scheduled to work. Employees paid on an hourly or per performance basis shall not be entitled to holiday compensation.

In the event that the holiday schedule established in this Section 14. is revised by competent authority, employees who are granted compensatory time in lieu of all holidays shall have their leave benefits adjusted accordingly. The Appointing Authority may establish additional or alternate holiday leave policies for employees occupying public safety positions which qualify for the special overtime pay provisions under Section 207(k) of the FLSA. Procedures developed in compliance with this Section 13 shall be designed to treat employees in the same manner who work substantially equivalent work schedules.

SECTION 14. VACATION

Vacation leave with pay shall be granted to bi-weekly paid employees in permanent positions working one-half (50%) time or more. The Appointing Authority may establish additional guidelines and policies to govern the administration of vacation leave benefits.

(a) Vacation shall be granted to employees with appointment date before April 23, 1989, as follows:

Length of Cumulative Service	Bi-Weekly Accrual Rates	Annual Equivalent
1 but less than 5 years	5	130
5 but less than 10 years	6	156
10 but less than 15 years	7	182
15 but less than 20 years	8	208
20 or more years	9	234

Employees whose pay is established in Sections 2(a), of this ordinance completing five (5) years of cumulative service, ten (10) years of cumulative service, fifteen (15) years of cumulative service, or twenty (20) years of cumulative service shall have forty (40) hours of vacation added to their

accrual. Thereafter, while employed those employees whose pay is established in Section 2(a) shall accrue vacation at the rates established by Section 14(a).

(b) Vacation shall be granted to employees with appointment date on or after April 23, 1989, as follows:

Length of Cumulative Service	Bi-Weekly Accrual Rates	Annual Equivalent
1 but less than 5 years	3	78
5 but less than 10 years	5	130
10 but less than 15 years	6	156
15 but less than 20 years	7	182
20 or more years	8	208

Employees whose pay is established in Sections 2(a) of this ordinance completing five (5) years of cumulative service, ten (10) years of cumulative service, fifteen (15) years of cumulative service, or twenty (20) years of cumulative service shall have forty (40) hours of vacation added to their accrual. Thereafter, while employed those employees whose pay is established in Section 2(a) shall accrue vacation at the rates established by Section 14(b).

(c) All references in this ordinance to accrual rates, additions to, and accrual maximums for vacation are for employees working an average work week of forty (40) hours. Vacation rates, additions and maximums shall be computed on a proportionate basis for employees whose average work week is more or less than forty (40) hours. When an eligible employee's average work week is changed, the employee's rate of accrual shall be changed proportionately. All references in this ordinance to cumulative service for vacation shall mean cumulative service without a break in service of more than one year. No employee who works less than 50% time or who is serving in a limited-term position shall be eligible to accrue vacation.

(d) The maximum vacation balance as of June 12, 1994, for those working an average work week of forty (40) hours shall be six hundred (600) hours. Vacation accrual maximums for those working more or less than 40 hours per week, but at least 50% time, shall be established in accordance with Section 14(c) of this ordinance.

When an employee's full-time average work week is changed, the maximum vacation balance shall be changed proportionately. In addition, the employee shall have his or her current vacation balance adjusted so that the vacation

balance shall maintain the same position relative to the new maximum balance as existed with the employee's previous maximum balance. Accrual of vacation shall cease when an employee accumulates the maximum vacation balance established for the assigned work schedule and shall not resume until the vacation balance is less than the maximum amount.

(e) Accrual of vacation shall begin with the first bi-weekly pay period:

(1) of appointment;

(2) of return to duty from leave of absence;

(3) of restoration to employment of one-half (50%) time or more.

Vacation leave shall be granted in whole hour units. On termination of service, any fractional hour shall be made whole. The accrual of vacation leave shall cease at the beginning of terminal leave.

(f) Appointing authorities shall be responsible for establishing all vacation leave schedules, but may not discipline employees by imposing unusual vacation schedules. Vacation shall be granted to the employee at the discretion of the appointing authority as provided by this ordinance in one of the following ways:

(1) When the employee requests vacation leave in accordance with departmental scheduling policies.

(2) When directed to take paid time off by the appointing authority.

(3) When an employee is terminated or resigns from the classified service.

(4) When an employee whose salary is established in Section 2(a) reaches the established maximum accrual and would cease accruing vacation, the employee may notify the appointing authority in writing of his or her intention to schedule vacation. Such notice shall be at least seven (7) days prior to the first work day the employee intends to take off. If the appointing authority fails to establish a different vacation schedule, the employee may, at will and without assuming liability for disciplinary action, take the paid leave which was proposed in writing.

(5) Employees whose pay is established in Sections 2(a) may request payment from the appointing authority for forty (40) hours of vacation accrual in lieu of scheduling paid leave provided that the full vacation allowance for that year is

not exceeded. This may be done a maximum of once in each calendar year. Employees whose pay is established in Section 2(a), management level employees may request payment from the appointing authority for up to an additional forty (40) hours of their vacation accrual balances in lieu of scheduling paid leave if their schedules do not permit them to be absent from work.

(g) When the service of an employee is terminated after twelve (12) months of continuous service, any accumulated vacation which is due the employee shall be paid. When employment is terminated before completing twelve (12) months of continuous service, any previously advanced vacation leave shall be deducted from the employee's final pay. During the first twelve (12) months of employment, accrued vacation may be granted to an employee provided that the employee has completed six (6) months of continuous service.

(h) Employees who separate, who are eligible for reemployment rights, and who return within twelve (12) months of the separation will be given credit for prior continuous service in determining the vacation accrual rate in accordance with Section 14(b) of this ordinance.

(i) Employees who return to work from a "reemployment from layoff" eligible list shall be eligible to use vacation as soon as it is accrued provided the employee has completed six (6) months of continuous service prior to the layoff. An employee who has completed less than six (6) months of continuous service will be required to complete the remaining portion of the six (6) month period before being eligible to use vacation.

Any such reemployed worker shall be given credit for prior continuous service in determining the employee's vacation accrual rate in accordance with the schedule established in Section 14(b).

(i) Appointing authorities shall be responsible for the management of their vacation schedules so as to most effectively administer their organizations and fulfill the desire of employees in the establishment of leave schedules.

(j) Upon the death of an employee, the person or persons entitled by law to receive any compensation due the employee shall be paid the amount due the employee for accrued vacation.

(1) With the approval of the appointing authority, a retiring employee may be paid on the payroll for accrued vacation in the month prior to retirement without inclusion in the employee's final average compensation. An appointing

authority may pay previously accrued vacation in a lump sum to an employee whose service with the City has terminated. Such payment shall be made on the employee's last regular pay check. The lump sum payment shall include compensation for any holidays occurring during the employee's terminal vacation leave period.

SECTION 15. SICK LEAVE

(a) Sick leave with pay shall be granted to bi-weekly paid employees in permanent positions working one-half (50%) time or more in accordance with regulations and procedures established by the Appointing Authority.

(1) Except as authorized in Section 15(a)(2), employees shall accrue three (3) hours of sick leave for each bi-weekly pay period of employment. This accrual rate is established for employees working an average work week of forty (40) hours. Sick leave shall be computed on a proportionate basis for employees whose average work week is more or less than forty (40) hours. An eligible employee may be granted paid sick leave by his or her appointing authority after completing twenty-six (26) weeks of continuous service. Conditions under which an employee may be granted paid sick leave as specified by regulation include personal illness or injury, personal medical or dental appointments, sickness in family, physical disability, death in the immediate family, or for the treatment of an illness or injury by a doctor of medicine or osteopathy, clinical psychologist, or chiropractor. Treatment by other health care professionals shall be qualifying when performed under the supervision of, or upon referral by, a licensed physician.

(2) Effective June 12, 1994, employees who have completed or shall complete at least fifteen (15) years of cumulative service as defined in Section 1 5(c) and who accumulate a balance of at least 1,000 hours of sick leave shall accrue sick leave at the rate of five (5) hours for each bi-weekly pay period of employment.

This accrual rate is established for employees working an average work week of forty (40) hours. Sick leave shall be computed on a proportionate basis for employees whose average work week is more or less than forty (40) hours. The new accrual rate shall be effective at the beginning of the bi-weekly pay period following the date the employee meets the above eligibility requirements. Once eligible, an employee shall continue to accrue at the advanced five-hour (5-hour) rate while continuously employed, even if the employee's sick leave balance falls below the 1,000-hour level. However, except in the case of an employee who is eligible for the advanced sick leave accrual rate at the time of layoff and who subsequently returns to work as a "reemployment from layoff,"

no employee shall be eligible for the advanced sick leave accrual rate upon reemployment.

(3) Paid sick leave for maternity reasons shall be considered as temporary physical disability and will be granted only for the period during which the employee is physically unable to perform her job. Rules concerning maternity leave and other qualifying conditions shall be in accordance with regulations and procedures established by the Appointing Authority.

(4) Employees who apply for retirement, including those who retire under retirement systems funded in whole or in part by the City of St. Louis, and which allow credit for unused sick leave, may elect to receive payment for any unused sick leave upon retirement, or have the unused sick leave converted to creditable years of service for the purpose of determining a pension benefit. In no case shall an employee receive both.

(b) The Appointing Authority may establish a system of cash awards, paid time off, or other incentives to reward employees for perfect attendance or low sick leave usage.

(c) An appointing authority shall remove an employee from the payroll for unexcused absence in accordance with regulations and procedures established by the Appointing Authority. When an employee is docked from the payroll under the provisions of this section, the amount deducted from his or her regular bi-weekly rate of pay shall be one times (1.0x) the regular hourly rate as defined in this ordinance for each hour of unexcused absence. If an employee is docked from the payroll for one (1) hour or less in a bi-weekly pay period, he or she shall continue to accrue sick leave.

(d) All leave with or without pay for sickness, injury or physical inability to perform assigned duties (including maternity leave) shall be recorded on the payroll. Compensation for periods of absence from work when an employee sustains an injury by accident on the job shall be governed by the provisions of Section (Workers' Compensation and Disability Leave) of this ordinance.

(e) An employee who is reemployed from an authorized layoff shall have his or her prior sick leave balance restored, provided this balance has not been credited to the employee's length of service in determining pension benefits paid to the retiree. An employee who is reemployed from an authorized layoff and who has a positive sick leave balance and who completed twenty-six (26) weeks of continuous employment prior to the layoff may take approved sick leave upon reemployment.

(f) Each appointing authority shall institute procedures that will discourage the improper use of sick leave with pay. When an employee is removed from the payroll for absence not approved by the appointing authority, the employee shall be notified promptly in writing.

(g) The Appointing Authority may establish or authorize the creation of a "Sick Leave Bank" program.

SECTION 16. MILITARY LEAVE

(a) A permanent employee or an employee in a working test period in the classified service who is, or may become, a member of the National Guard or any Reserve component of the Armed Forces of the United States shall be entitled to military leave of absence with pay for all periods of military service while engaged in the performance of duty or training in the service of the State of Missouri at the call of the Governor or as ordered by the Adjutant General. Military leave with pay shall also be granted for the scheduled work days within the annual active duty military training conducted under competent orders of the United States for a period not to exceed fifteen (15) calendar days in any fiscal year.

Before any payment of salary is authorized for a period of military leave, the employee shall submit to the appointing authority an official order from the appropriate military authority as evidence of such duty for which military leave pay is to be granted, and such orders shall serve as the certification of the commanding officer of the terms and duration of the military service.

A permanent employee or an employee in a working test period is also entitled to military leave without pay for training in the National Guard or any Reserve component of the Armed Forces of the United States extending beyond the first 15 calendar days of training in a federal fiscal year. Unpaid military leave also includes voluntary training in the National Guard or Reserves as well as active duty performed in times of national emergencies and military operations. Before military leave without pay is authorized, the employee shall present to the employee's appointing authority evidence of such military service.

(b) A permanent employee, or an employee in a working test period in the classified service who has left the City Service or who shall do so in order to enter the regular Armed Services of the United States, shall be granted a military leave of absence without pay. A permanent employee, or an employee in a working test period, who is a member of a Reserve component of the Armed Forces and who is ordered to an initial period of active duty for training,

shall be granted a military leave of absence without pay. Two (2) additional years of leave is available for members of the Armed Services to convalesce from service-related medical conditions. Total accumulated military leave, other than for federal service in times of national emergencies, weekend and annual Reserve training, or for convalescent leave, shall not exceed five (5) years.

Upon the expiration of military leave of absence, the employee shall be reinstated to the class of position he or she occupied at the time the leave was granted without breaking continuity of service. Failure of an employee to report for duty within the time allowed shall be just cause for dismissal. The employee's accumulated leave balance(s) shall be restored to the employee upon his or her return.

(c) Applicable state and federal laws may affect the granting of military leave and reemployment rights of employees.

SECTION 17. TUITION REIMBURSEMENT

An appointing authority may, with the prior approval of the Director of Personnel, authorize salary payments, payments of tuition expenses, fees, books and related material in whole or in part to employees whose leaves have been approved in order to permit them to attend school, visit other governmental agencies or in any approved manner to devote themselves to subsequent improvement of knowledge or skills required in the performance of the duties of their position.

The Department of Personnel may reimburse, in whole or in part, expenses incurred by regular employees in the pursuit of improvement of the knowledge and skills required in the performance of their positions or in higher positions, when funds have been budgeted therefor.

An appointing authority, with the approval of the Director of Personnel, may establish a program to reimburse, in whole or in part, expenses incurred by regular employees in the pursuit of improvement of the knowledge and skills required in the performance of the duties of their positions or to improve their professional, technical or managerial knowledge or skill.

SECTION 18. LEAVES OF ABSENCE AND FAMILY/MEDICAL LEAVE

Employees of the Medical Examiner's Office may request a leave of absence for any reason under the City's general leave policy, or may be eligible for a

"Family/Medical Leave of Absence" for certain qualifying reasons under provisions of the federal "Family and Medical Leave Act of 1993" as provided in this ordinance and under additional provisions and regulations as determined by the Appointing Authority.

(a) An appointing authority, may, grant an employee a general leave of absence without pay for a period not to exceed twelve (12) months, whenever such leave is considered to be in the best interest of the City Service. Such non-paid leaves are granted at the discretion of the appointing authority and may be for any reason including an employee's personal illness when the circumstances do not qualify for family/medical leave, or when eligibility for family/medical leave has been exhausted.

Upon the expiration of such leave of absence, the employee shall be reinstated to the position he or she occupied at the time the leave was granted provided he or she is able to perform the duties of the position. The employee shall be reinstated to the position at the same relative step or rate in the salary range the employee occupied at the time the leave was initiated. Failure of an employee to report for duty promptly at the expiration of the leave shall be just cause for dismissal. If necessary to the efficient conduct of the business of the City, an employee on leave other than military leave or qualifying family/medical leave may be notified by the appointing authority to return prior to the expiration of such leave.

Failure of the employee to return within ten (10) days after receipt of such notice would terminate his or her leave of absence and be just cause for dismissal, subject to any applicable federal, state or local regulations.

(b) The federal "Family and Medical Leave Act of 1993" entitles eligible employees to up to 12 weeks of unpaid leave in any 12-month period for the birth, adoption or placement of a child, to care for a spouse or an immediate family member with a serious health condition, or when the employee is unable to work because of a serious health condition. While an employee is on a qualifying family/medical leave of absence, the City of St. Louis will continue to pay the employee's health care premiums, if any, during the leave period. Once the leave is concluded, the employee shall be reinstated to the same or an equivalent job.

The Appointing Authority shall establish additional rules, guidelines and procedures for the effective administration of the City's "Family/Medical Leave Policy." The policy shall comply with all provisions of the "Family/Medical Leave Act of 1993" and any amendments thereafter.

(c) In the event that emergency conditions occur which require the closing of City-operated facilities or the temporary cessation of functions carried out by classified employees, the Mayor of the City of St. Louis may declare an emergency and require an employee or group of employees to take leaves of absence with or without pay while such emergency conditions exist. In the event that the Mayor requires that the leave of absence be without pay, an employee with a vacation balance or accrued compensatory time may elect to take the accrued time off with pay in lieu of all or a part of such non-paid leave of absence. Such non-paid leave of absence shall not interrupt continuity of service for vacation or sick leave accrual. An emergency leave of absence declared by the Mayor shall not exceed ninety (90) days.

(d) Employees who are granted general leaves of absence, family/medical leaves of absence and other nonpaid leaves of absence must take all accrued all accrued vacation and authorized sick leave at the start of the leave of absence. Employees who are granted a non-paid leave of absence will not accrue vacation or sick leave during the period of non-paid leave. Upon the expiration of such leaves of absence, the employee shall follow the procedures as established in this Section 18 and any other applicable regulations and procedures as established by the Appointing Authority.

SECTION 19. WORKERS' COMPENSATION AND DISABILITY LEAVE

(a) Any employee whose class title and grade are established in Section 1(a) and denoted by the suffix "G", or "M" of this ordinance, including employees who are compensated on a per performance or unit of work basis, who shall suffer personal injury by accident or occupational disease arising out of and in the regular course of employment while engaged in or about the premises where an employee's duties are being performed or where an employee's presence is required as part of his or her employment, shall promptly report such injury by accident or occupational disease to the immediate supervisor. The supervisor shall in turn report, through the appointing authority, all facts concerning the incident to the City Counselor .

During any period of temporary disability which is the result of such injury, the employee shall receive the compensation provided by the Missouri Workers' Compensation Law. The City Counselor shall determine the amount of compensation and length of time during which payments are made for such temporary disability in accordance with the Missouri Workers' Compensation Law. The appointing authority shall promptly provide such written information and recommendations as may be requested by the City Counselor to aid in making the determination of the period of disability.

The employee who suffers personal injury as described in part (a) of this section, and which results in temporary disability, may elect to use his or her accrued sick leave for the first three days of temporary disability. Thereafter, the employee will be compensated at the rate mandated by the Missouri Workers' Compensation Law.

If the period of disability extends fourteen (14) calendar days or more, the three days of sick leave used during the first three days of disability will be restored to the employee's sick leave balance. The City Counselor shall determine the actual amount of compensation and length of time during which payments are made for such temporary disability in accordance with the Missouri Workers' Compensation Law.

(b) The City Counselor and the Comptroller shall establish procedures for paying compensation to employees or former employees who are permanently disabled and due compensation under the Missouri Workers' Compensation Law. The Comptroller shall designate the fund or appropriation out of which such payment shall be made.

(e) The City Counselor shall be responsible for the administration of the provisions of this Section 19 and shall establish and publish procedural regulations for the administration of the program. Each appointing authority shall establish procedures to comply with the provisions of this section and established regulations.

SECTION 21. JURY AND WITNESS LEAVE

(a) Jury leave with pay shall be granted to bi-weekly paid employees working one-half (50%) time or more for such time when such employees are serving as jurors pursuant to order of the St. Louis Circuit Court or Federal District Court in St. Louis. Any bi-weekly paid employee, when so summoned for jury service, shall report such fact within seventy-two (72) hours to his or her appointing authority and display to the appointing authority the summons which the employee has received and shall give the appointing authority in writing the date and the time of such jury service. No bi-weekly paid employee shall receive any compensation from the Jury Commissioner or the Federal District Court system for jury service for days the employee receives compensation from the City. A bi-weekly paid employee may keep the jury stipend for days when the employee receives no compensation from the City (off days, docks, leaves, etc.) Upon being excused from serving as a juror by the Court or the Jury Commissioner, the employee shall report forthwith to his or her appointing authority and shall submit to his or her appointing authority a

written statement from the Jury Commissioner certifying that the employee has served as a juror and the time and date so served. The appointing authority shall, upon receipt of the statement of jury service, credit the employee with paid jury leave for such service.

(b) Leave with pay shall be granted to bi-weekly paid employees for such time when the employee's presence is required by the prosecutor as a part of a grand jury procedure, a trial in prosecuting accused criminals (or for jury service in Federal Court). Any bi-weekly paid employee, when so subpoenaed as a prosecution witness or whose presence is required as a part of a grand jury inquiry, shall report such fact within seventy-two (72) hours to his or her appointing authority and shall give the appointing authority in writing the date and time his or her presence is required for such criminal prosecution.

Each appointing authority shall establish controls to assure that any paid leave is actually required by the prosecuting authority. An appointing authority may require an employee to furnish satisfactory evidence of being required to be off the job and that all time off was in connection with the prosecution of the case. This procedure shall apply for employee participation in criminal prosecution in State or Federal Courts.

SECTION 21. PASSAGE OF ORDINANCE

The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/13/98	02/13/98	PE		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/06/98			03/13/98	03/13/98
ORDINANCE	VETOED		VETO OVR	
64306				