

Policy 3513

From Human Resources

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PERSONNEL POLICY

MANUAL

MoDOT Personnel Policy Title: Leave for Disaster and Firefighter Relief

Policy Number: 3513 **Chapter Title:** Leaves of Absence

Effective Date: April 15, 2011

Supersedes Policy Number: 3513 **Dated:** August 28, 2005

Approved By: Micki Knudsen, Human Resources Director

(Signature on file)

POLICY STATEMENT

The department will provide employees an opportunity to assist the American Red Cross or similar volunteer organizations in disaster relief operations, as provided through the State of Missouri Disaster Leave Law, and/or other regulations.

PROVISIONS/REQUIREMENTS

1. Section 105.267 RSMo provides paid leave to salaried (full time and permanent part-time) employees who volunteer for the American Red Cross or similar volunteer organizations with a

disaster service commitment during disasters. Leave under this law is limited to those employees who have completed the necessary training for, and have been certified as, disaster service specialists by the American Red Cross or certified by a volunteer organization with disaster service commitment recognized by the state emergency management agency. Necessary training or classes for disaster services specialists must be completed on the employee's own personal time, except for First Aid/CPR training, for which the department currently allows employees to participate on state time.

2. A maximum of 25 state employees may be granted leave for a period not to exceed a total of 120 work hours for each employee in any state fiscal year. Any approved absence in excess of 120 work hours will be charged to the employee's annual leave, compensatory time, or leave of absence without pay - special conditions. The 120 work hours, which are to be used for leave for disaster relief, are specified in the letter of instructions received from the volunteer organization.

3. In the event of a need for the employee's services, the volunteer organization will send a request for the services to the employee and the employee's supervisor with a copy to the Office of Administration, Division of Personnel, stating the employee has met all requirements for assignment as a disaster specialist volunteer. The employee may be released from work to participate in specialized disaster relief services upon this request from the volunteer organization and upon the approval by the district engineer or division leader/state engineer.

A copy of the request for services and any subsequent letters or memos, including the approval or denial of the request, should be forwarded to the Human Resources Division to be placed in the employee's personnel file.

4. Upon returning to work, these employees will be placed in the position they held before providing disaster relief assistance.

5. Per Sections 320.333 to 320.339 RSMo, public and private employers are barred from firing an employee for joining any fire department as a volunteer, or for missing work for responding to an emergency as a volunteer firefighter. Employees are required to use either paid annual leave or compensatory time, or will be allowed to use flex time earned within the workweek to fulfill his/her volunteer firefighter duties. Employees who do not have paid leave may be approved for Leave No Pay (LNP). Employees must make a reasonable effort to notify their employers before they miss work or are late for work, and the employer may request the employee to provide the employer with a written statement from the supervisor of the volunteer fire department stating that the employee responded to an emergency and the time and date of such emergency.

6. Employees who are volunteer firefighters, members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team will not be terminated from employment because they are absent from or late to their employment in order to respond to an emergency during work hours.

CROSS REFERENCES

RSMo Chapter 105, Section A, 105.267 (Public Officers and Employees--Miscellaneous Provisions)
(<http://www.moga.mo.gov/mostatutes/stathtml/10500002671.html>)

Volunteer Fire Fighter Job Protection Act
(<http://www.moga.mo.gov/mostatutes/stathtml/32000003301.html>)

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