

JUN 29 1994

EXECUTIVE ORDER
94-21*Judith K. Dornier*
SECRETARY OF STATE

WHEREAS, by Executive Order 93-37, I authorized the departments and agencies of the Executive Branch of Missouri State Government to establish programs for their employees to share annual leave with fellow employees who need assistance because of serious illness or injury; and

WHEREAS, that Executive Order provided that recipient employees must have experienced a life threatening or catastrophic personal illness or injury to be eligible for donated annual leave; and

WHEREAS, certain departments and agencies of the Executive Branch have indicated that it is also desirable to allow employees to receive donated annual leave under these programs in the event that their spouses or children experience life threatening or catastrophic illness or injury that necessitates their absence from work;

NOW, THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby rescind Executive Order 93-37 and issue the following Executive Order in its place, which authorizes the departments and agencies of the Executive Branch to adopt programs by which employees may donate a portion of their accrued annual leave (vacation) benefits to other employees who have experienced a personal illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. Departments are also authorized, but not required, to allow donations of annual leave to employees whose spouses or children have experienced such an illness or injury. Leave sharing programs adopted under this Order will adhere to the following terms and limitations:

1. Only annual leave as defined by Section 1 CSR 20-5.020(1) of the Personnel Rules of the Personnel Advisory Board may be donated between employees. Sick leave benefits, which are a grant from the employer and in no sense the property of individuals, may not be donated. Compensatory time which has been accrued as compensation for overtime work and is subject to regulation under the federal Fair Labor Standards Act may not be donated.
2. Employees who are employed in positions of permanent or continuing nature and who have completed their initial probationary periods are eligible to be donors or recipients. Temporary employees are not eligible.
3. To be eligible for donated annual leave, recipient employees must have experienced a personal illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. Departments may also provide that employees may be eligible for donated annual leave if they can demonstrate that their absence from work is necessary because their spouse or children have experienced such an illness or injury.
4. Recipient employees must have exhausted all of their own accrued annual leave, sick leave, and compensatory leave and all worker's compensation indemnity payments (if applicable) before being eligible for donated annual leave.
5. Employees eligible to receive disability benefits from the State of Missouri are not eligible for donated annual leave.
6. Donations shall not be made to individuals, but shall be made to a departmental or agency "pool" established for this purpose.
7. Departmental policies will establish a method for determining the eligibility of persons who apply for additional annual leave benefits from the "pool."
8. All eligible applicants will receive an equitable share of additional annual leave from that available in the donation "pool."

9. The maximum benefit which can be authorized for any one employee for any one instance of eligibility shall not exceed the equivalent of six months of regular salary.

10. An employee receiving donated annual leave shall not be credited with additional leave earnings during this period since these will be earned by the employee who donated the leave.

11. All donations of annual leave shall be voluntary. No employee may intimidate, threaten, or coerce any other employee with respect to donating or receiving annual leave under this program. Individual leave records are confidential, and no individual employees shall receive remuneration of any kind for leave donated.

12. Each appointing authority that adopts a program under this order shall submit formal written procedures to the Personnel Advisory Board for review.

13. This authorization for donated annual leave programs shall automatically expire on June 30, 1996, or upon adoption of rules serving the same purpose by the Personnel Advisory Board under the authorization of Section 36.350 RSMo, whichever occurs first.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of June, 1994.


GOVERNOR



ATTEST:


SECRETARY OF STATE