



Rules of
Office of Administration
Division 10—Commissioner of Administration
Chapter 10—Shared Leave for Adoptive and Foster
Placement and Care

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**Title 1—OFFICE OF
ADMINISTRATION**

**Division 10—Commissioner of
Administration**

**Chapter 10—Shared Leave for Adoptive
and Foster Placement and Care**

**1 CSR 10-10.010 ShareLeave for Foster and
Adoptive Placement and Care**

PURPOSE: This rule prescribes guidelines and standards regarding donated leave programs under the authorization of section 105.271, RSMo. These guidelines and standards shall provide a framework to agencies for the establishment of their ShareLeave for Foster and Adoptive Placement and Care program for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement.

(1) The state agencies that are covered under section 105.271, RSMo, shall establish a leave sharing program within their agencies for employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child's placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes. This program may be established under the conditions set out within the following guidelines:

(A) As used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

1. "ShareLeave for Foster and Adoptive Placement and Care" means a pool of leave hours donated by eligible employees that may be conveyed to other eligible employees for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement;

2. "State ShareLeave Pool" means a statewide repository of eligible leave hours that is maintained by the Commissioner of Administration or designee for the purposes set forth under the ShareLeave for Foster and Adoptive Placement and Care program for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement;

3. "Department ShareLeave Pool" means a repository of eligible leave hours that is maintained by a department or agency of state government for the purposes set forth under the ShareLeave for Foster and Adoptive Placement and Care program for the purpose of arranging for a foster or adopted child's placement or caring for the child after placement; and

4. "Foster or adoptive parent" means

both those pursuing to foster or adopt a child and those who have a foster or adopted child placed in the home;

(B) Employees eligible to donate leave are those employees who are employed full time in benefit-eligible positions of a permanent or continuing nature. Employees eligible to receive ShareLeave pool benefits are those employees who are employed full time in benefit-eligible positions of a permanent or continuing nature;

(C) Annual leave as defined by 1 CSR 20-5.010(1) may be donated between employees. Overtime or compensatory time as defined by 1 CSR 20-5.010(1)(C), (D), and (E) and 1 CSR 20-5.010(2)(E) 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.

1. Any department or agency which opts in to the State ShareLeave Pool shall send a letter and copy of agreement which indicates cross agency acceptance to the Commissioner of Administration. The State ShareLeave Pool shall be the only program allowed for multi-agency ShareLeave for Foster and Adoptive Placement and Care purposes.

2. Any department or agency which chooses to participate in the State ShareLeave Pool shall designate one (1) employee to serve on a statewide ShareLeave for Foster and Adoptive Placement and Care committee which shall be chaired by the Commissioner of Administration or designee;

(D) Any donated leave shall only be used by the recipient employee for purposes of arranging for the foster or adopted child's placement or caring for the child after placement, which includes, but is not limited to:

1. Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;

2. Court proceedings;

3. Required travel;

4. Training and licensure as a foster parent;

5. Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or

6. Any other activities necessary to allow the foster care or adoption to proceed;

(E) The final decision concerning the granting of leave under this section shall rest with the chief administrative officer in the case of leave benefits from a Department ShareLeave Pool, and with the Statewide ShareLeave for Foster and Adoptive Placement and Care Committee in the case of leave benefits from the State ShareLeave Pool, and shall be based upon the degree to which the

employee is responsible for providing care and attention in connection with the adoption or fostering of the child(ren);

(F) Recipient employees must have exhausted all of their own applicable leave and compensatory time prior to using donated leave;

(G) Donation of leave shall not be made for the benefit of specific individuals, but to the Department ShareLeave Pool. Donations may be transferable between different departments or agencies, with the agreement of the chief administrative officer of such departments or agencies. Such leave shall be deposited into the State ShareLeave Pool;

(H) The chief administrative officer will establish a method for determining the eligibility of persons who apply for leave benefits from the Department ShareLeave Pool;

(I) The Statewide ShareLeave for Foster and Adoptive Placement and Care Committee shall meet as necessary to determine the eligibility of persons who apply for leave benefits from the State ShareLeave Pool;

(J) All eligible recipients will receive an equitable share of leave from that available in the applicable donation pool;

(K) The maximum benefit for any one (1) employee for any one (1) instance of eligibility shall not exceed the equivalent of four (4) months of regular salary;

(L) An employee receiving donated leave shall be credited with additional leave earnings during this period; and

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

(2) Each appointing authority, as that term is defined in section 36.020(2), RSMo, that adopts a program under this rule shall submit a formal written policy and updates to the Personnel Advisory Board for review.

AUTHORITY: section 105.271, RSMo Supp. 2014. Original rule filed Jan. 12, 2015, effective July 30, 2015.*

**Original authority: 105.271, RSMo 1987, amended 1998, 2014.*