

SECOND REGULAR SESSION

SENATE BILL NO. 1096

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Read 1st time February 7, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4791S.011

AN ACT

To amend chapter 36, RSMo, by adding thereto one new section relating to spousal leave records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 36, RSMo, is amended by adding thereto one new
2 section, to be known as section 36.355, to read as follows:

**36.355. 1. For the purposes of this section, the following terms
2 shall mean:**

3 (1) "Eligible employee", any state employee employed by a state
4 agency covered under section 36.350, who is employed in a position of
5 a permanent or continuing nature and who has completed their original
6 probationary period;

7 (2) "Leave", annual leave as defined by 1 CSR 20-5.020(1) and
8 overtime or compensatory time as defined by 1 CSR 20-5.010(1)(C), (D),
9 and (E), and 1 CSR 20-5.010(2)(E). Sick leave benefits do not qualify as
10 leave for the purposes of this section;

11 (3) "Spousal shareleave", leave hours donated by eligible
12 employees that may be accessed by another eligible employee who is
13 the spouse of the donor;

14 (4) "Spousal shareleave pool", a repository of eligible leave hours
15 that is maintained by a department or agency of the state government
16 for the purposes set forth under this shareleave program.

17 2. State agencies covered under section 36.350 shall provide
18 spousal shareleave for eligible employees to donate leave to their
19 eligible employee spouses.

20 3. At any time leave has been accrued, an eligible employee may,
21 by written request, donate leave to the spousal shareleave pool. All

22 donations of leave shall be voluntary. No employee may intimidate,
23 threaten, or coerce any other employee with respect to donating or
24 receiving leave under this program. Individual records that apply to
25 spousal shareleave are confidential and no individual employees shall
26 receive remuneration of any kind for leave donated.

27 4. Recipient employees must, upon written application for the
28 leave, be legally married to the donor under chapter 451, RSMo, and
29 have exhausted all of his or her own accrued annual leave and
30 compensatory leave to be eligible for donated leave.

31 5. An eligible employee receiving donated leave shall be credited
32 with additional leave earnings during this period.

33 6. The maximum benefit that may be authorized for any eligible
34 employee for any single instance shall not exceed thirty days.

35 7. The office of administration shall have the authority to
36 promulgate rules to establish a method for interagency coordination of
37 this shareleave program and any other rules necessary for the
38 administration of this section. Any rule or portion of a rule, as that
39 term is defined in section 536.010, RSMo, that is created under the
40 authority delegated in this section shall become effective only if it
41 complies with and is subject to all of the provisions of chapter 536,
42 RSMo, and, if applicable, section 536.028, RSMo. This section and
43 chapter 536, RSMo, are nonseverable and if any of the powers vested
44 with the general assembly pursuant to chapter 536, RSMo, to review, to
45 delay the effective date, or to disapprove and annul a rule are
46 subsequently held unconstitutional, then the grant of rulemaking
47 authority and any rule proposed or adopted after August 28, 2008, shall
48 be invalid and void.

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