

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520
97TH GENERAL ASSEMBLY

Reported from the Committee on Governmental Accountability and Fiscal Oversight, February 13, 2014, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted February 20, 2014.

Taken up February 20, 2014. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4439S.03P

AN ACT

To repeal section 105.271, RSMo, and to enact in lieu thereof one new section relating to leave for public employees.

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

Section A. Section 105.271, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 105.271, to read as follows:

105.271. 1. [An] **A foster or** adoptive parent who is employed by the
2 state of Missouri, its departments, agencies, or political subdivisions, may use his
3 or her accrued sick leave, annual leave, or the same leave without pay granted
4 to biological parents to take time off for purposes of arranging for the **foster or**
5 adopted child's placement or caring for the child after placement. The employer
6 shall not penalize an employee for requesting or obtaining time off according to
7 this section.

8 2. **The state of Missouri, its departments, and agencies shall, and**
9 **political subdivisions may, provide for a leave sharing program to**
10 **permit its employees to donate annual leave, overtime, or compensatory**
11 **time to an employee who is arranging for a foster or adopted child's**
12 **placement or caring for the child after placement, which has caused or**
13 **is likely to cause such employee to take leave without pay or to**
14 **terminate employment. Such donated annual leave, overtime, or**
15 **compensatory time may be transferable between employees in different**
16 **departments, agencies, or political subdivisions of the state, with the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 agreement of the chief administrative officers of such departments,
18 agencies, or political subdivisions.

19 3. Any donated annual leave, overtime, or compensatory time
20 authorized under this section shall only be used by the recipient
21 employee for purposes of arranging for the foster or adopted child's
22 placement or caring for the child after placement. Nothing in this
23 section shall be construed as prohibiting a leave sharing program for
24 other purposes.

25 4. All forms of paid leave available for use by the recipient
26 employee shall be used prior to using donated annual leave, overtime,
27 or compensatory time.

28 5. All donated annual leave, overtime, or compensatory time
29 shall be given voluntarily. No employee shall be coerced, threatened,
30 intimidated, or financially induced into donating annual leave,
31 overtime, or compensatory time for purposes of the leave sharing
32 program.

33 6. For purposes of this section, the phrase "foster or adoptive
34 parent" refers to both those pursuing to foster or adopt a child and
35 those who have a foster or adopted child placed in the home. The
36 phrase "for purposes of arranging for the foster or adopted child's
37 placement or caring for the child after placement" includes, but is not
38 limited to:

39 (1) Appointments with state officials, child placing agencies,
40 social workers, health professionals, or attorneys;

41 (2) Court proceedings;

42 (3) Required travel;

43 (4) Training and licensure as a foster parent;

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

48 (6) Any other activities necessary to allow the foster care or
49 adoption to proceed.

50 7. A stepparent, as defined in section 453.015, who is employed by the
51 state of Missouri, its departments, agencies, or political subdivisions, may use his
52 or her accrued sick leave, annual leave or the same leave without pay granted to
53 biological parents to take time off to care for his or her stepchild. The employer

54 shall not penalize an employee for requesting or obtaining time off according to
55 this section.

56 [3.] 8. The leave authorized by this section may be requested by the
57 employee only if the employee is the person who is primarily responsible for
58 furnishing the care and nurture of the child.

59 9. The commissioner of administration may promulgate rules as
60 necessary to implement the provisions of this section. Any rule or
61 portion of a rule, as that term is defined in section 536.010, that is
62 created under the authority delegated in this section shall become
63 effective only if it complies with and is subject to all of the provisions
64 of chapter 536 and, if applicable, section 536.028. This section and
65 chapter 536 are nonseverable and if any of the powers vested with the
66 general assembly under chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently held
68 unconstitutional, then the grant of rulemaking authority and any rule
69 proposed or adopted after August 28, 2014, shall be invalid and void.

✓

Bill

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