

ORDINANCE #66401
Board Bill No. 118
Committee Substitute

An ordinance pertaining to the position classifications and salaries of the Medical Examiner=s Office employees and to enact in lieu thereof certain new sections relating to the same subject matter and containing a severability clause and an emergency clause. The provisions of the sections contained in this ordinance shall be effective beginning with the bi-weekly pay period starting June 13, 2004.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION 1.

ALPHABETICAL LIST OF CLASSES

(a) Beginning with the bi-weekly pay period starting June 13, 2004, the following positions of the Medical Examiner=s Office whose duties shall be those indicated by their respective titles and codes, are hereby allocated as listed below and adopted as the Pay Classification Plan of the Medical Examiner=s Office:

TITLE	CODE	GRADE/ SCHEDULE	OVTM
Administrative Secretary	1137	13G	3
Assistant Medical Examiner	5592	19G	1
Autopsy Technician	5411	09G	3
Computer Operator I	1323	10G	3
Computer Operator II	1324	11G	3
Computer Operator III	1325	12G	3
Computer Programmer I	1331	13G	3
Computer Programmer II	1332	14G	3
Computer Programmer III	1333	15G	3
Custodian/Courier	3711	06G	3
Deputy Chief Medical Examiner	5591	21M	1
Document Specialist I	5643	11G	3
Document Specialist II	5644	12G	3
Executive Assistant to the Chief Medical Examiner	1735	18M	1
Executive Secretary	1136	14G	3
Forensic Office Administrator I	1621	16G	3
Forensic Office Administrator II	1622	18M	1
Forensic Office Administrator III	1623	21M	1
Medical Transcriptionist	1122	11G	3
Medicolegal Investigation Supervisor	2355	15M	1
Medicolegal Investigator I	2351	13G	3
Medicolegal Investigator II	2352	14G	3
Medicolegal Investigator III	2353	16G	3
Morgue Attendant	5410	08G	3
Record File Clerk	111	09G	3
Secretary	1132	10G	2
Telephone Operator	1161	06G	3
X-ray Technician	5441	11G	3
Intern - Level 1	9991	00I	3
Intern - Level 2	9992	00I	3
Intern - Level 3	9993	00I	3
Intern - Level 4	9994	00I	3
Intern - Level 5	9995	00I	3
Intern - Level 6	9996	00I	3

**SECTION 2.
OFFICIAL PAY SCHEDULE FOR MEDICAL EXAMINER CLASSES**

The Medical Examiner is hereby adopting as the compensation schedule for all grades established in Section One of this ordinance, the following ranges of salary.

(a) **GENERAL AND MANAGEMENT PAY SCHEDULE:**

(1) The following bi-weekly pay schedule for all pay grades denoted with the suffix "G" or "M" shall become effective beginning with the bi-weekly pay period starting June 13, 2004:

BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS

GRADE	MINIMUM	MAXIMUM
5	619	928
6	674	1011
7	735	1102
8	801	1201
9	873	1309
10	951	1427
11	1037	1556
12	1130	1696
13	1251	1878
14	1439	2159
15	1654	2483
16	1904	2855
17	2189	3284
18	2517	3776
19	2895	4343
20	3330	4994
21	3596	5394
22	3883	5825
23	4194	6292

(2) The following bi-weekly pay schedule for all pay grades denoted with the suffix "G" or "M" shall become effective beginning with the bi-weekly pay period starting June 12, 2005:

BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS

GRADE	MINIMUM	MAXIMUM
5	631	947
6	687	1031
7	750	1124
8	817	1225
9	980	1335
10	970	1456
11	1058	1587
12	1153	1730
13	1276	1916
14	1468	2202
15	1687	2533
16	1942	2912
17	2233	3350
18	2567	3852
19	2953	4430
20	3397	5094
21	3668	5502

GRADE	MINIMUM	MAXIMUM
22	3961	5942
23	4278	6418

(b) **SHIFT DIFFERENTIAL:** Shift differential shall be paid for certain work assignments. The Chief Medical Examiner shall determine the work assignments or activity for which shift differential will be paid. The assignment or removal of an employee from a work assignment having a shift differential shall be determined by the Chief Medical Examiner and will not constitute promotion, demotion, advancement or reduction in pay. The shift differential premium shall be added to the employee's regular bi-weekly rate. In order for a work assignment to be eligible for shift differential compensation, the following requirements shall be met:

(1) In order for an employee to be eligible for shift differential compensation for a work shift, the employee must regularly work a shift that requires the completion of five (5) hours of work between the hours of 4:00 p.m. and 8:00 a.m. the following morning. Employees who are regularly assigned to work schedules that require them to rotate among three shifts (day, evening, night) on a bi-monthly or more frequent basis shall be eligible for shift differential compensation for all three shifts worked.

For employees whose pay range is established in Section 2(a), the shift differential premium shall be 0.85% of the employee's regular base bi-weekly rate for each eligible shift worked in a bi-weekly pay period.

(2) Except as otherwise provided in this ordinance, shift differential shall not be paid to employees compensated on an hourly or per performance basis, or to bi-weekly paid employees who work part-time, or full-time regular employees docked for any portion of a shift. An employee whose pay range is established in Section 2(a) shall receive shift differential compensation for working a portion of an eligible shift. Shift differential shall only be paid for whole hours worked, providing the portion of the shift not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. An employee whose pay range is established in Section 2(a) shall not receive shift differential compensation for any overtime worked that is not part of their regular schedule.

(c) Employees whose pay range is established in Section 2(a) and who work on a Saturday and/or Sunday shall be paid a weekend differential. This differential shall be 0.85% of an employee's base bi-weekly rate and shall not be paid for any overtime worked that is not part of an employee's regular schedule. An employee shall receive weekend differential for working a portion of an eligible day. This differential shall only be paid for whole hours worked, providing the portion of the day not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. Weekend differential shall not be paid to employees compensated on an hourly or per-performance basis or to bi-weekly paid employees who work part-time or full-time regular employees docked for any portion of a day.

(d) The Chief Medical Examiner may establish per performance rates of pay, hourly rates of pay, or rates of pay for units of work and the conditions for making of any such payments. Such per performance, hourly, or unit-of-work rates may be computed from the bi-weekly scales established in this ordinance. Per performance, hourly, or unit-of-work rates shall be established considering the nature of employment, community practices in compensating similar employment, and the purpose of the program for which the rate is established. Employees paid per performance, hourly, or unit-of-work rates of pay shall not be entitled to vacation, sick leave or holiday leave with pay or other benefits accorded employees paid on a bi-weekly basis except that an appointing authority, and when sufficient funds have been appropriated, may establish a modified level or type of benefit program when the provision of such benefit is needed in order to attract and retain sufficient qualified employees to work in specific per performance, hourly, or unit-of-work assignments.

The Chief Medical Examiner is not permitted to utilize per performance and hourly employees simply as a method of replacing bi-weekly paid employees whom would be entitled to employee benefits. Therefore, per performance and hourly employees will be limited to an equivalent of ten (10) months of full time employment per year.

(e) The Chief Medical Examiner may establish trainee rates of pay. Such trainee rates may be established on an hourly, per performance or bi-weekly basis and shall be less than the rate paid to a regular employee.

(f) The Chief Medical Examiner may pay travel, moving and related expenses to recruit employees for positions requiring a high degree of specialized education or skill when funds for this purpose are appropriated to the Medical Examiner's Office. The Chief Medical Examiner may be authorized to pay special recruitment bonuses, travel expenses and moving expenses to recruit employees for positions requiring a high degree of specialized education or skill.

(g) The Medical Examiner may approve the payment of hiring incentives to recruit qualified personnel for positions that are difficult to fill. Hiring incentives shall be in any amount up to twenty-five percent (25%) of the annual salary of the position for which the incentive is to be paid.

(h) An employee who is appointed to a position requiring advanced technical skills or professional qualifications may be paid at a rate up to ten percent (10%) higher than prescribed for the class in Section 2 of this ordinance on recommendation of the Chief Medical Examiner. Such advancement shall be made solely on the basis that the employee possesses exceptional academic qualifications related to the duties of the position or that the employee is registered or certified by an organization or board recognized by the Chief Medical Examiner to be especially suited, considering the duties of the position, and when such academic qualification, registration, or certification is not deemed a necessary qualification for the class of position. The Chief Medical Examiner may also establish other bonus, incentive, or reimbursement programs to encourage current employees to attain registration, licensure, certification, or proof of professional mastery when it is deemed to be in the best interest of the Medical Examiner service, or when such credentials are clearly recognized as adding to the capability of individuals in that area. Incentives, bonuses, or reimbursements conveyed under such programs would not result in an employee being ruled ineligible for bonuses or salary increases permitted under other sections of this pay ordinance.

SECTION 3. SALARY RANGE LIMITATIONS

No employee shall be paid at a rate lower than the minimum or higher than the maximum of the salary range established for the class to which his/her position has been allocated, except as otherwise provided in this ordinance. To compute the monthly equivalent of a bi-weekly rate, the bi-weekly rate shall be multiplied by twenty-six (26) and divided by twelve (12).

SECTION 4. STARTING SALARY

(a) The rate of pay for a position to be paid upon original appointment to the class shall be the minimum rate of pay as established by this ordinance.

(b) Except as otherwise provided in this ordinance, the minimum rate of pay for a regular position shall be paid upon original appointment to the class unless the Chief Medical Examiner finds that it is difficult to secure the services of persons with minimum qualifications or experienced qualified persons at the minimum rate.

(c) The Chief Medical Examiner may establish a recruitment rate for a single position or all positions in a class and authorize employment at an amount above the minimum but within the regular range of salary established for the class. When a recruitment rate is established for an entire class, employees in such class may have their salaries adjusted to appropriate rates in the new range resulting from the establishment of the recruitment rate.

In the event that the Medical Examiner finds that it is difficult to secure the services of sufficient numbers of employees for a class or occupational series after a diligent recruitment effort, the Chief Medical Examiner may establish a new maximum rate for the class(es) which is not more than twenty-five percent (25%) above the regular maximum established in this ordinance.

SECTION 5. PROMOTION, DEMOTION, REALLOCATION, TRANSFER AND TEMPORARY PROMOTION

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his/her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with a higher pay grade or a higher starting minimum salary.

(1) When an employee is promoted to a position in the General or Management Pay Schedule, the employee's salary shall be set at a rate which is five percent (5%) higher than the rate received immediately prior to promotion. The Chief Medical Examiner may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid neither less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(2) Temporary Promotions: Promotions of Medical Examiner employees whose salary ranges are established in Section 2(a), regardless of status, made for a limited duration, shall result in a salary adjustment as in Paragraph (a)(1) of this Section. Upon expiration of the temporary promotion, the employee shall be returned to his/her former rate of pay, adjusted by any increases the employee may have received in the absence of the temporary promotion. In no case shall the employee's salary be above the maximum of the salary range.

(b) Demotion: This shall be defined as a change of an employee from a position of one class to a position of another class which has a lower pay grade and a lower starting minimum salary.

(1) If an employee is demoted for disciplinary reasons his/her rate of pay shall be established at a rate within the range for the new position to be determined by the Chief Medical Examiner.

(2) If an employee accepts a voluntary demotion, his/her rate of pay shall be reduced to a rate within the range for the new position which is five percent (5%) lower than the rate received immediately prior to demotion. No employee shall be paid neither less than the minimum nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(3) If an employee is demoted to his/her previous position because of failing to complete the working test period, the employee's pay shall be adjusted to a rate in the pay range for the previous position to be determined by the Chief Medical Examiner.

(4) When an employee is demoted for reasons in the best interest of the City Medical Examiner Service as determined by the Chief Medical Examiner, his/her salary shall not be reduced by reason of the new salary range and grade. If the salary of such employee is above the maximum for the new position, the employee's salary shall not be increased so long as he or she remains in the position, except as otherwise provided by this ordinance.

(c) Reallocation:

(1) The salary of an employee, which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his/her position has been allocated or may be reallocated, shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

(2) If the employee's position is reallocated to a class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his/her salary shall remain unchanged.

(3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 5 relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

SECTION 6. SALARY ADJUSTMENT

Salary adjustments for all employees in Medical Examiner positions shall be based on considerations of merit or success in fulfilling predetermined goals and objectives as herein provided.

(a) Positions for which salary is established in Section 2(a)-General and Management Schedule:

(1) Any employee whose salary is established in the General Pay Schedule shall receive a service rating in accordance with the City's Service Rating Manual. Any employee whose salary is established in the Management Pay Schedule shall receive a rating in accordance with the City's Management Performance Appraisal Manual.

(2) Any employee in a Medical Examiner position whose salary is established in Section 2(a) and whose services fail to meet the standards of performance and who receives an Overall Rating of "Unsatisfactory" as defined by the Service Rating

Manual or the Management Performance Appraisal Manual, shall have his/her salary reduced as determined by the standards established in the applicable rating manual.

(b) For purposes of computing anniversary dates, the anniversary date shall be the date following fifty-two (52) weeks of continuous service from the date of original appointment or from the date of the last salary adjustment, if other than a temporary reduction in pay for disciplinary reasons, a demotion or an across-the-board ordinance increase, an increase resulting from an authorized incentive program, or an upgrade of the classification concurrent with adoption of the ordinance. Absence from service as a result of any authorized paid leave, suspensions, military leave, or family/medical leave will not interrupt continuous service. Absence from service for any other cause shall result in breaking continuity of service and establishment of a new anniversary date.

(c) The Medical Examiner may evaluate the performance of an employee whose salary is established in Section 2(a) of this ordinance for the purpose of a salary adjustment only at intervals as described above except in the case of:

(1) Exceptional performance of duties:

The section supervisor of an employee who demonstrates exceptional performance of duties or outstanding qualifications may, with the approval of the Chief Medical Examiner, advance the employee by not more than ten percent (10%) after twenty-six (26) weeks of employment at the same rate in the salary range, which may be in addition to any merit increase received.

(2) Substandard performance of duties:

The section supervisor of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range in accordance with the provisions of the applicable service rating manual.

The granting of any such decrease in salary shall be made at the beginning of a payroll period, as determined by the Chief Medical Examiner, following approval of such salary action.

(d) The Medical Examiner may establish procedures for the review and approval of within-range salary adjustments to correct or mitigate serious and demonstrable internal pay inequities. Salary adjustments under this provision shall preclude adjustments to compensate or reward employees for long-term or meritorious service.

The Medical Examiner may approve a within-range salary adjustment in any whole dollar increment up to ten percent (10%) of an employee's bi-weekly base.

(e) The pay of any employee may be decreased as a disciplinary action by a section supervisor to a lower rate within a salary range. Any such decrease shall be made in accordance with the Medical Examiner's policies and procedures and established disciplinary procedures. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The Medical Examiner may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however, that such decrease shall not be effective for more than twenty-six (26) weeks.

(f) An employee who is temporarily promoted shall be eligible for within-range salary adjustments under provisions of this Section 6.

(g) The Medical Examiner may approve a within range salary adjustment up to ten percent (10%) or other incentives to retain employees in positions that are difficult to fill, or because of their unique requirements. Said adjustment may only be granted once during a twenty-six (26) week period.

SECTION 7. INCOME SOURCES

Any salary paid to a Medical Examiner employee shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which the employee may undertake or volunteer to perform.

Whenever an employee not on an approved, paid leave works for a period less than the regularly established number of hours a day, days a week or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

SECTION 8. CONVERSION

(a) All pay schedules in Section 2(a)(1) shall continue in effect until the beginning of the pay period starting June 12, 2005, after which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 2(a)(2) of this ordinance shall become effective and be adjusted as follows:

(1) The salary of each employee whose pay range is established in Section 2(a)(1) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall remain the same.

(2) The salary of each employee whose pay range is established in Section 2(a)(2) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall have their current salary increased by a factor of two percent (2.0%), rounded to the nearest whole dollar or the minimum of the salary range, whichever is higher. This provision shall not apply to employees whose rate is deemed to be above the new maximum of the range as a result of demotion or reallocation.

(3) The salary of each employee whose pay range is established in Section 2(a)(2) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule, as determined by the Medical Examiner, shall have their current salary increased to a rate, rounded to the nearest whole dollar, which provides a two percent (2.0%) increase in addition to a five percent (5%) adjustment in accordance with Section 6(a)(1) of this pay ordinance, but not less than the minimum of the pay range.

(b) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

(c) The Chief Medical Examiner, may establish a special conversion procedure for a class or position in the event he determines that a serious inequity would be created by the application of the conversion procedures established in this Section.

SECTION 9. PAYMENT OF SALARIES

All compensation for positions in the Medical Examiner service shall be paid bi-weekly. The Chief Medical Examiner with the Comptroller shall establish the procedure for listing employees on the various payrolls. The payment due each employee for service, except as otherwise provided, shall be made not later than sixteen (16) days after the end of the bi-weekly pay period. In the event that an employee is dismissed or has been employed for occasional or emergency work, the Comptroller may immediately pay the employee upon termination of service without waiting for the regular bi-weekly pay date of the Medical Examiner's Office.

SECTION 10. CHANGES TO CLASSIFICATION PLAN

Whenever the Chief Medical Examiner finds it necessary to add a new class to the classification plan, the Chief Medical Examiner shall allocate the class to an appropriate grade and schedule in this ordinance, and notify the Board of Aldermen of this action.

Whenever the Chief Medical Examiner finds it necessary to change the pay schedule of an existing class within the classification plan, the Chief Medical Examiner shall allocate the class to the appropriate schedule in this ordinance and notify the Board of Aldermen of this action.

The pay grade allocated to a class of position within the classification plan shall remain unchanged for the duration of the existing compensation ordinance. Whenever the Chief Medical Examiner considers it necessary to change the pay grade of an established class or position, such adjustment can only be made concurrent with the adoption of a new compensation ordinance. Recommendation for the allocation of a new pay grade shall be made by the Chief Medical Examiner for final approval by the Board

of Aldermen, and shall become effective upon approval of the compensation ordinance by the Mayor.

**SECTION 11.
PAYROLL FORMS**

The Comptroller shall not authorize any change in the rate of pay of an individual on the payroll unless approved by the Chief Medical Examiner. The Comptroller shall provide the Chief Medical Examiner with a copy of each payroll audited and found correct within twenty-one (21) days after audit and approval of the payroll by the Comptroller's Office.

**SECTION 12.
CERTIFICATION OF PAYROLL**

The Chief Medical Examiner shall certify on each payroll or a subsidiary document that each person whose name appears on the payroll has been lawfully appointed at a salary provided by this ordinance and that the employee has actually worked the time for which he or she will be paid, subject to the provisions of this ordinance governing hours of work and leaves of absence in the Medical Examiner's Office.

**SECTION 13.
OVERTIME**

- (a) The Medical Examiner shall determine, in accordance with the standards established by the Department of Labor pursuant to the Fair Labor Standards Act (FLSA) of 1938, as amended, those positions in the Medical Examiner's Office of the City of St. Louis which are exempt under provisions of the FLSA, and those positions which are non-exempt from the overtime provisions of the FLSA. The overtime codes established for each class in Section 1(a) of this Ordinance shall be interpreted as follows:

OVERTIME CODE:

- 1- These classes are primarily managerial in nature, but may also include some professional or administrative classes, exempt from the provisions of the FLSA, and ineligible for overtime pay under all but emergency conditions as described in Section 13(d) of this ordinance.
- 1- These are supervisory, professional, and administrative classes which are exempt from the provisions of the FLSA but which are compensated for overtime at the straight (1.0x) time rate.
- 2- These classes are covered by the provisions of the FLSA (i.e., non-exempt) and, therefore, receive overtime compensation at the one and one-half (1.5x) time rate.

Any employee in a class which has been allocated to Overtime Code 3 (non-exempt) in this ordinance shall be compensated for overtime work in accordance with the provisions of the Fair Labor Standards Act and provisions of this section. Each section within the department shall designate and submit to the Medical Examiner the official work week and schedule or work cycle for all non-exempt positions in the work unit. Whenever an Overtime Code 3 employee works hours in excess of the maximum established for an official work week or work cycle under the provisions of FLSA (usually forty (40) hours in a workweek), such hours shall be paid at the one-and-one-half time (1.5x) rate. In addition to the actual hours worked, authorized paid time off (vacation, sick leave, compensatory time, and holidays) shall count as hours worked for the purpose of determining eligibility for overtime compensation.

The Chief Medical Examiner is prohibited from changing employee work schedules to avoid the payment of overtime.

For purposes of determining overtime pay rates for non-exempt employees, the regular hourly rate of pay shall be calculated in accordance with the provisions of the FLSA.

- (b) Any employee in a class which has been allocated to Overtime Code 2 in Section 1(a) of this ordinance shall be compensated for overtime by granting the employee pay or compensatory time off at the straight (1.0x) time rate. Each section supervisor shall designate and submit to the Chief Medical Examiner the official workweek or work cycles for all exempt (Code 2) positions in the work unit. Whenever a full-time employee in an exempt (Code 2) position is directed by a section supervisor, with the approval of management, to work hours in excess of the maximum established for an official work week or work cycle under the

provisions of FLSA (usually 40 hours in a work week), such hours shall be considered overtime. In addition to the actual hours worked, authorized paid time off (vacation, sick leave, compensatory time, and holidays) shall count as hours worked for the purpose of determining eligibility for overtime compensation. Straight time (1.0x) overtime shall be compensated at the employee's regular hourly rate of pay, or by granting the eligible employee compensatory time off at the rate of one hour for each hour of overtime worked. The regular hourly rate of pay for an exempt (Code 2) bi-weekly paid employee shall be determined by dividing the employee's regular bi-weekly rate of pay by the average number of regularly scheduled hours of work in a bi-weekly pay period.

(c) Part-time bi-weekly paid employees and employees paid on an hourly or per performance basis shall be compensated for overtime work in accordance with the overtime provisions of this section and with consideration for community practices in compensating similar employment.

(d) The Chief Medical Examiner may compensate Overtime Code 1 employees at the straight-time (1.0x) rate, when both of the following conditions exist: 1) the Mayor of the City of St. Louis declares an emergency due to serious and protracted conditions which threaten continuous City service, preservation of public peace, health, or safety, and 2) the Chief Medical Examiner directs an employee or group of employees to work in excess of forty (40) hours per week. The section supervisor(s) shall maintain attendance records of the assignment(s) and submit such records at the request of the Chief Medical Examiner.

(e) Pay shall be the regular method of compensation for recorded overtime hours of work for employees in classes with Overtime Code 3. The Chief Medical Examiner may compensate a non-exempt bi-weekly paid employee for overtime work by granting the employee compensatory time off in lieu of pay only if the employee requests compensatory time.

All employees employed in the Medical Examiner's Office are allowed a maximum balance of one hundred twenty (120) hours of compensatory time. No provision of this section establishing a maximum balance of compensatory time shall serve to cancel any compensatory time due to an employee or to deny an employee payment for recorded compensatory time earned in accordance with the provisions of the compensation ordinance in effect at the time the compensatory time was earned.

Each section supervisor shall establish procedures to assure that non-exempt employees are promptly granted time off when such employees request to use their earned compensatory time. They may not deny non-exempt employees' requests for earned compensatory time off except when such approval would create an extreme business hardship. When a section supervisor determines that the work schedule of the organization will not permit the granting of such time off, the section supervisor may authorize to pay the employee for all or a portion of the employee's accrued compensatory time. This provision requiring the prompt granting of requested time off applies only to compensatory time that is earned as a result of the employee working overtime; it does not apply to compensatory time earned as a result of an incentive program or bonus award program.

Compensatory time earned by exempt employees shall be granted to an employee at the discretion of the section supervisor in one of the following ways: 1) on request of the employee; 2) on termination of services with the City.

(f) Under provisions of the FLSA, and under conditions further outlined herein the Chief Medical Examiner is prohibited from imposing disciplinary reductions in pay; or from authorizing disciplinary suspensions without pay (of less than one (1) week) for exempt employees (Overtime Code 1 and 2) for reasons other than serious safety rules violations.

(g) Before an employee is transferred from the Medical Examiner's Office to another City Office all compensatory time shall be granted or paid. Upon the death of an employee, the person or persons entitled by law to receive any compensation due to the employee shall be paid any amount due to the employee on the date of death.

(h) The Medical Examiner shall keep daily attendance records of all employees reflecting the following: 1) unexcused absences and leaves; 2) report of overtime earned, granted, and paid; or 3) the nonoccurrence of it.

SECTION 14. HOLIDAYS

(a) Employees working full-time who are paid on a bi-weekly basis shall be entitled to leave with pay, pay, or compensatory time off in lieu of pay or paid leave for regularly scheduled work on the following days:

<u>DATE</u>	<u>HOLIDAY</u>
January 1	New Years Day
Third Monday in January	Rev. Martin Luther King Jr. Day

Third Monday in February	Presidents' Day
<u>DATE</u>	<u>HOLIDAY</u>
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans' Day
Fourth Thursday in November	Thanksgiving Day
Day After Thanksgiving	Day After Thanksgiving
December 25	Christmas Day

In addition to the above enumerated holidays, full-time employees shall be entitled to leave with pay, pay, or compensatory time off in lieu of pay or paid leave as established by this Section 14 on any day declared to be a holiday by proclamation of the Mayor after such day has been declared to be a holiday by the Governor of the State of Missouri or the President of the United States.

Employees working full-time and paid a bi-weekly rate whose pay is established in Sections 2(a) of this compensation ordinance shall receive leave with pay, pay or compensatory time off in lieu of pay as holiday compensation in an amount that is proportionate to the number of hours the employee is regularly scheduled to work in a day or shift. For example: Employees working an average of forty (40) hours a week, five (5) days a week, eight (8) hours a day shall receive eight (8) hours of compensation for the holiday; employees working an average of forty (40) hours a week, four (4) days a week, ten (10) hours a day shall receive ten (10) hours of compensation for the holiday.

When State or Federal law changes the day of observance of a holiday, it will be so observed by the City of St. Louis. When State or Federal executive action changes the day of observance of a holiday, the Mayor shall determine the day of observance by the City of St. Louis. When one of the above-enumerated holidays occurs on Sunday, the following Monday shall be observed as the holiday. When one of the above holidays occurs on Saturday, the proceeding Friday shall be observed as the holiday.

(b) Each section supervisor shall determine the manner of granting holidays and shall report his/her determination to the Chief Medical Examiner, if required by the Chief Medical Examiner. When full-time employees are required to work on a holiday they shall be entitled to compensation for the holiday and the hours actually worked. Compensation for the holiday shall be in an amount proportionate to the number of hours an employee is regularly scheduled to work in a day or shift.

Except as otherwise provided in this section, when a City holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to have compensatory time added to his/her balance in an amount proportionate to the number of hours regularly scheduled in a day or shift.

If an employee is docked from the payroll for one hour or less on the full scheduled workday proceeding a holiday, the full scheduled workday following a holiday or on a scheduled holiday, the employee shall be compensated for the holiday. If an employee is docked from the payroll for more than one hour on the full scheduled workday proceeding a holiday, the full scheduled workday following a holiday or on a scheduled holiday, the employee shall not be compensated for the holiday.

The holiday compensation procedures established by this Section 14 shall apply to full-time Medical Examiner employees paid a bi-weekly rate. Part-time bi-weekly paid employees shall be compensated for holidays in proportion to the percentage of time they are regularly scheduled to work. Employees paid on an hourly or per performance basis shall not be entitled to holiday compensation.

In the event that competent authority revises the holiday schedule established in this Section 14, employees who are granted compensatory time in lieu of all holidays shall have their leave benefits adjusted accordingly.

(c) Full-time employees whose pay is established in Section 2(a)(1) of this ordinance paid on a bi-weekly rate basis who are employed on the effective date of this ordinance, shall have eight (8) hours of compensatory time added to their balance on that date. The additional compensatory time added to the balance of each employee shall be treated as a Personal Leave @ and shall be granted by the appointing authority in accordance with procedures for granting compensatory time. These eight (8) hours of compensatory time must be taken as paid-leave time and may not be granted as pay.

(d) Full-time employees whose pay is established in Section 2(a)(2) of this ordinance paid on a bi-weekly rate basis who are employed on June 12, 2005, shall have eight (8) hours of compensatory time added to their balance on that date. The additional

compensatory time added to the balance of each employee shall be treated as a Personal Leave @ and shall be granted by the appointing authority in accordance with procedures for granting compensatory time. These eight (8) hours of compensatory time must be taken as paid-leave time and may not be granted as pay.

**SECTION 15.
VACATION**

Vacation leave with pay shall be granted to bi-weekly paid employees in permanent competitive positions working one-half (50%) time or more. The Chief Medical Examiner may establish additional guidelines and policies to govern the administration of vacation leave benefits.

(a) Vacation shall be granted to employees with appointment date before April 23, 1989, as follows:

**PAY ESTABLISHED
IN SECTIONS
2(a)**

<u>Length of Cumulative Service</u>	<u>Bi-Weekly Accrual Rates</u>	<u>Annual Equivalent</u>
1 but less than 5 years	5	130
5 but less than 10 years	6	156
10 but less than 15 years	7	182
15 but less than 20 years	8	208
20 or more years	9	234

Employees whose pay is established in Sections 2(a), of this ordinance completing five (5) years of cumulative service, ten (10) years of cumulative service, fifteen (15) years of cumulative service, or twenty (20) years of cumulative service shall have forty (40) hours of vacation added to their accrual. Thereafter, while employed those employees whose pay is established in Section 2(a), shall accrue vacation at the rates established by Section 15(a).

(b) Vacation shall be granted to employees with appointment date on or after April 23, 1989, as follows:

**PAY ESTABLISHED
IN SECTIONS
2(a)**

<u>Length of Cumulative Service</u>	<u>Bi-Weekly Accrual Rates</u>	<u>Annual Equivalent</u>
1 but less than 5 years	3	78
5 but less than 10 years	5	130
10 but less than 15 years	6	156
15 but less than 20 years	7	182
20 or more years	8	208

Employees whose pay is established in Sections 2(a) of this ordinance completing five (5) years of cumulative service, ten (10) years of cumulative service, fifteen (15) years of cumulative service, or twenty (20) years of cumulative service shall have forty (40) hours of vacation added to their accrual. Thereafter, while employed those employees whose pay is established in Section 2(a) shall accrue vacation at the rates established by Section 15(b).

(c) All references in this ordinance to accrual rates, additions to, and accrual maximums for vacation are for employees working full time. When an eligible employee's average workweek is changed, the employee's rate of accrual shall be changed proportionately. All references in this ordinance to cumulative service for vacation shall mean cumulative service without a break in service of more than one year. No employee who works less than 50% time or who is serving in a limited-term position shall be eligible to accrue vacation.

(d) The maximum vacation balance for those working full time shall be six hundred (600) hours. Vacation accrual maximums for those working part time, but at least fifty percent (50%) time, shall be established in accordance with Section 15(c) of this ordinance.

When an employee's full-time average workweek is changed; the maximum vacation balance shall be changed proportionately. In addition, the employee shall have his/her current vacation balance adjusted so that the vacation balance shall maintain the same position relative to the new maximum balance as existed with the employee's previous maximum balance. Accrual of vacation shall cease when an employee accumulates the maximum vacation balance established for the assigned work schedule and shall not resume until the vacation balance is less than the maximum amount.

(e) Accrual of vacation shall begin with the first bi-weekly pay period:

- (1) Of appointment;
- (2) Of return to duty from leave of absence;
- (3) Of restoration to employment of one-half (50%) time or more.

Vacation leave shall be granted in whole hour units. On termination of service, any fractional hour shall be made whole. The accrual of vacation leave shall cease at the beginning of terminal leave.

(f) Section supervisors shall be responsible for establishing all vacation leave schedules, but may not discipline employees by imposing unusual vacation schedules. Vacation shall be granted to the employee at the discretion of the Chief Medical Examiner as provided by this ordinance in one of the following ways:

- (1) When the employee requests vacation leave in accordance with Medical Examiner's Office scheduling policies.
- (2) When directed to take paid time off by the Chief Medical Examiner.
- (3) When an employee is terminated or resigns from the Medical Examiner service.
- (4) When an employee whose salary is established in Section 2(a) reaches the established maximum accrual and would cease accruing vacation, the employee may notify the Chief Medical Examiner in writing of his/her intention to schedule vacation. Such notice shall be at least seven (7) days prior to the first work day the employee intends to take off. If the Chief Medical Examiner fails to establish a different vacation schedule, the employee may, at will and without assuming liability for disciplinary action, take the paid leave, which was proposed in writing.

(g) When the service of an employee is terminated after twelve (12) months of continuous service, any accumulated vacation that is due the employee shall be paid. When employment is terminated before completing twelve (12) months of continuous service, any previously advanced vacation leave shall be deducted from the employee's final pay. During the first twelve- (12) months of employment, accrued vacation may be granted to an employee provided that the employee has completed six (6) months of continuous service.

(h) Employees who separate from the Medical Examiner Service, who are eligible for reemployment rights, and who return to the Medical Examiner Service within twelve (12) months of the separation will be given credit for prior continuous service in determining the vacation accrual rate in accordance with Section 15(b) of this ordinance.

(i) Employees who move to the Classified Service from the Medical Examiner Service shall be given credit for the years of service in the Medical Examiner Service in determining the vacation accrual rate in accordance with Section 15(b) of this ordinance.

(j) Employees who return to work from a "reemployment from layoff" eligible list shall be eligible to use vacation as soon as it is accrued provided the employee has completed six (6) months of continuous service prior to the layoff. An employee who has completed less than six (6) months of continuous service will be required to complete the remaining portion of the six (6) month period before being eligible to use vacation.

Any such reemployed worker shall be given credit for prior continuous service in determining the employee's vacation accrual rate

in accordance with the schedule established in Section 15(b).

(k) The Chief Medical Examiner shall be responsible for the management of his vacation schedules so as to most effectively administer his organization and fulfill the desire of employees in the establishment of leave schedules.

(l) Accrued vacation shall be carried with an employee when transferred, promoted, or demoted from a position under one section within the department to a position under another section supervisor without a break in service or change in method of pay. Upon the death of an employee, the person or persons entitled by law to receive any compensation due the employee shall be paid the amount due the employee for accrued vacation.

(m) With the approval of the Chief Medical Examiner, a retiring employee may be paid on the payroll for accrued vacation in the month prior to retirement without inclusion in the employee's final average compensation. He may pay previously accrued vacation in a lump sum to an employee whose service with the City Medical Examiner has terminated. Such payment shall be made on the employee's last regular paycheck. The lump sum payment shall include compensation for any holidays occurring during the employee's terminal vacation leave period.

(n) Employees occupying excepted positions in the Medical Examiner's Office shall be granted vacation at the discretion of the Chief Medical Examiner. An employee whose term in an excepted position ends and who is then appointed to a permanent position working one-half (50%) time or more, shall become eligible to accrue vacation leave with pay upon appointment to the position. Length of cumulative service for the purpose of determining rate of vacation leave accrual shall be based on the employee's original date of appointment to the excepted position, providing there was no break in service between expiration of the excepted position and appointment to the permanent competitive position. The date of appointment to the permanent competitive position shall be used to determine the appropriate rate of vacation accrual for the corresponding length of cumulative service in accordance with the schedule established in Section 15(b).

(o) The Chief Medical Examiner shall report leave with pay for vacation and such other authorized absences as he shall designate to the Comptroller in such form and at such time as may be required.

SECTION 16. SICK LEAVE

(a) Sick leave with pay shall be granted to bi-weekly paid employees in permanent positions working one-half (50%) time or more in accordance with regulations and procedures established by the Chief Medical Examiner.

(1) All employees shall accrue three (3) hours of sick leave for each bi-weekly pay period of employment. This accrual rate is established for employees working full time. An eligible employee may be granted paid sick leave by the Chief Medical Examiner after completing twenty-six (26) weeks of continuous service.

(2) Paid sick leave for maternity reasons shall be considered as temporary physical disability and will be granted only for the period during which the employee is physically unable to perform her job. Rules concerning maternity leave and other qualifying conditions shall be in accordance with regulations and procedures established by the Department of Personnel.

(3) An active employee who qualifies for retirement under the Employees Retirement System who applies for retirement and immediately retires from active service, may elect to receive payment for his/her sick leave balance less any sick leave used to make a calculation for retirement under this or any other ordinance(s). Payment shall be made in accordance with the procedures established by the Department of Personnel.

If a member of the Employees Retirement System of the City of St. Louis, who had been otherwise eligible for Normal or Early Service Retirement, dies, his/her estate may receive payment based on the calculation above. Payment shall be made in accordance with the procedures established by the Department of Personnel.

(b) The Chief Medical Examiner may establish a system of cash awards, paid time off or other incentives to reward employees for perfect attendance or low sick leave usage.

(c) The Chief Medical Examiner shall remove an employee from the payroll for unexcused absence in accordance with established department regulations and procedures. When an employee is docked from the payroll under the provisions of this section, the amount deducted from his/her regular bi-weekly rate of pay shall be one times (1.0x) the regular hourly rate as defined

in this ordinance for each hour of unexcused absence. If an employee is docked from the payroll for one (1) hour or less in a bi-weekly pay period, he or she shall continue to accrue sick leave.

(d) All leave with or without pay for sickness, injury or physical inability to perform assigned duties (including maternity leave) shall be recorded on the payroll or a subsidiary document in the manner established by the Chief Medical Examiner. Compensation for periods of absence from work when an employee sustains an injury by accident on the job shall be governed by the provisions of Section 24 (Workers' Compensation and Disability Leave) of this ordinance.

(e) An employee who is reemployed from an authorized layoff shall have his/her prior sick leave balance restored, provided this balance has not been credited to the employee's length of service in determining pension benefits paid to the retiree. An employee who is reemployed from an authorized layoff and who has a positive sick leave balance and who completed twenty-six (26) weeks of continuous employment prior to the layoff may take approved sick leave upon reemployment.

(f) The Chief Medical Examiner shall institute procedures, in accordance with established regulations that will discourage the improper use of sick leave with pay. When an employee is removed from the payroll for absence not approved by the Chief Medical Examiner, the employee shall be notified promptly in writing.

SECTION 17. MILITARY LEAVE

(a) A full time permanent employee or an employee in a working test period who is, or may become, a member of the National Guard or any Reserve component of the Armed Forces of the United States shall be entitled to military leave of absence with pay for all periods of military service while engaged in the performance of duty or training in the service of the State of Missouri at the call of the Governor or as ordered by the Adjutant General. Military leave with pay shall also be granted for the scheduled work days within the annual active duty military training conducted under competent orders of the United States for a period not to exceed fifteen (15) calendar days in any federal fiscal year.

Before any payment of salary is authorized for a period of military leave, the employee shall submit to the Chief Medical Examiner an official order from the appropriate military authority as evidence of such duty for which military leave pay is to be granted, and such orders shall serve as the certification of the commanding officer of the terms and duration of the military service.

A full time permanent employee or an employee in a working test period is also entitled to military leave without pay for training in the National Guard or any Reserve component of the Armed Forces of the United States extending beyond the first fifteen (15) calendar days of training in a federal fiscal year. Unpaid military leave also includes voluntary training in the National Guard or Reserves as well as active duty performed in times of national emergencies and military operations. Before military leave without pay is authorized, the employee shall present to the Chief Medical Examiner evidence of such military service.

(b) A full time permanent employee, or an employee in a working test period in the Medical Examiner's Office who has left the City Service or who shall do so in order to enter the regular Armed Services of the United States, shall be granted a military leave of absence without pay. A permanent employee, or an employee in a working test period, who is a member of a Reserve component of the Armed Forces and who is ordered to an initial period of active duty for training, shall be granted a military leave of absence without pay. Two (2) additional years of leave is available for members of the Armed Services to convalesce from service-related medical conditions. Total accumulated military leave, other than for federal service in times of national emergencies, weekend and annual Reserve training, or for convalescent leave, shall not exceed five (5) years.

Upon the expiration of military leave of absence, the employee shall be reinstated to the class or position he or she occupied at the time the leave was granted without breaking continuity of service. Failure of an employee to report for duty within the time allowed by the City of St. Louis Administrative Regulation should be just cause for dismissal. The employee's accumulated leave balance(s) shall be restored to the employee upon his/her return.

(c) Applicable state and federal laws may affect the granting of military leave and reemployment rights of employees.

SECTION 18. TUITION REIMBURSEMENT

The Chief Medical Examiner may, with the prior approval of the Director of Personnel, authorize salary payments, payments of tuition expenses, fees, books and related material in whole or in part to employees whose leaves have been approved

in order to permit them to attend school, visit other governmental agencies or in any approved manner to devote themselves to subsequent improvement of knowledge or skills required in the performance of the duties of their position.

The Department of Personnel may reimburse, in whole or in part, expenses incurred by regular Medical Examiner employees in the pursuit of improvement of the knowledge and skills required in the performance of their positions or in higher positions, when funds have been budgeted therefor.

The Chief Medical Examiner, with the approval of the Director of Personnel, may establish a program to reimburse, in whole or in part, expenses incurred by regular employees in the pursuit of improvement of the knowledge and skills required in the performance of the duties of their positions or to improve their professional, technical or managerial knowledge or skill.

SECTION 19. LEAVES OF ABSENCE AND FAMILY/MEDICAL LEAVE

Employees of the City of St. Louis, Medical Examiner's Office may request a leave of absence for any reason under the City's general leave policy, or may be eligible for a "Family/Medical Leave of Absence" for certain qualifying reasons under provisions of the federal "Family and Medical Leave Act of 1993" as provided in this ordinance and under additional provisions and regulations as determined by the Department of Personnel.

(a) The Chief Medical Examiner, may grant a full time employee a general leave of absence without pay for a period not to exceed twelve (12) months, whenever such leave is considered to be in the best interest of the City Medical Examiner Service. Such non-paid leaves are granted at the discretion of the Chief Medical Examiner and may be for any reason including an employee's personal illness when the circumstances do not qualify for family/medical leave, or when eligibility for family/medical leave has been exhausted.

Upon the expiration of such leave of absence, the employee shall be reinstated to the position he or she occupied at the time the leave was granted provided he or she is able to perform the duties of the position. The employee shall be reinstated to the position at the same relative rate in the salary range the employee occupied at the time the leave was initiated. Failure of an employee to report for duty promptly at the expiration of the leave shall be just cause for dismissal. If necessary to the efficient conduct of the business of the City, an employee on leave other than military leave or qualifying family/medical leave may be notified by the Chief Medical Examiner to return prior to the expiration of such leave. Failure of the employee to return within ten (10) days after receipt of such notice would terminate his/her leave of absence and be just cause for dismissal, subject to any applicable federal, state or local regulations.

(b) The federal "Family and Medical Leave Act of 1993" entitles eligible employees to up to 12 weeks of unpaid leave in any 12-month period for the birth, adoption or placement of a child, to care for a spouse or an immediate family member with a serious health condition, or when the employee is unable to work because of a serious health condition. While an employee is on a qualifying family/medical leave of absence, the City of St. Louis will continue to pay the employee's health care premiums, if any, during the leave period. Once the leave is concluded, the employee shall be reinstated to the same or an equivalent job.

The Chief Medical Examiner may establish additional rules, guidelines and procedures for the effective administration of the City's "Family/Medical Leave Policy." The policy shall comply with all provisions of the "Family/Medical Leave Act of 1993" and any amendments thereafter.

(c) Any employee in a full time position who is appointed to an excepted position shall be granted an in-service leave without pay from the position during the term to which he or she is appointed to the excepted position. Such leave shall be for the term of the appointment to the excepted position and until his/her successor qualifies. Upon the expiration of the appointment to the excepted position, the employee shall be reinstated to the competitive position he or she occupied immediately prior to the in-service leave. The employee shall be reinstated to the competitive position as provided for temporary promotion in Section 5(a)(2). Employees who are returned to a competitive position shall retain any vacation or compensatory time balance in effect at the time of granting of the leave of absence for appointment to the excepted position. Employees shall be given credit for time spent in an excepted appointment in computing eligibility for additional vacation accrual, providing, however, that no employee shall be granted any paid leave based on vacation accrued during appointment to an excepted position.

(d) In the event that emergency conditions occur which require the closing of City-operated facilities or the temporary cessation of functions carried out by Medical Examiner employees, the Mayor of the City of St. Louis may declare an emergency and require an employee or group of employees to take leaves of absence with or without pay while such emergency conditions exist. In the

event that the Mayor requires that the leave of absence be without pay an employee with a vacation balance or accrued compensatory time may elect to take the accrued time off with pay in lieu of all or a part of such non-paid leave of absence. Such non-paid leave of absence shall not interrupt continuity of service for vacation or sick leave accrual. An emergency leave of absence declared by the Mayor shall not exceed ninety (90) days.

(e) Employees who are granted general leaves of absence and other non-paid leaves of absence, except family/medical leaves of absence, must take all accrued vacation and authorized sick leave at the start of the leave of absence. Employees who are granted a non-paid leave of absence will not accrue vacation or sick leave during the period of non-paid leave. Upon the expiration of such leaves of absence, the employee shall follow the procedures as established in this Section 19 and any other applicable regulations and procedures as established by the Medical Examiner's Office.

SECTION 20. INSURANCE BENEFITS

The City of St. Louis is hereby authorized to devise and establish by contract or otherwise plans for life, health, medical, disability, and other coverage deemed necessary for employees in the Medical Examiner's Office and their dependents. The Department of Personnel shall develop and administer programs to provide for such coverage.

SECTION 21. DEATH BENEFIT

In the event any employee of the City Medical Examiner whose pay is established by this ordinance dies as a result of injuries arising out of and in the course of his/her employment by the City, the City shall pay compensation in accordance with the Missouri Workers' Compensation Law. The Chief Medical Examiner and the City Counselor shall establish procedures for making the payments required by the Missouri Workers' Compensation Law. The Comptroller shall designate the fund or appropriation out of which such payment shall be made. Such compensation shall be in addition to any life insurance benefits paid for by the City or by the employee, which is available to the employee's beneficiaries and also in addition to any benefit provided by the Employees Retirement System of the City of St. Louis.

SECTION 22. WORKERS' COMPENSATION AND DISABILITY LEAVE

(a) Any employee of the Medical Examiner's Office whose class title and grade are established in Section 1(a) and denoted by the suffix "G", or "M", of this ordinance, including employees who are compensated on a per performance or unit of work basis, who shall suffer personal injury by accident or occupational disease arising out of and in the regular course of employment while engaged in or about the premises where an employee's duties are being performed or where an employee's presence is required as part of his/her employment, shall promptly report such injury by accident or occupational disease to the immediate supervisor. The supervisor shall in turn report, through the Chief Medical Examiner, all facts concerning the incident to the City Counselor and the Department of Personnel. The Chief Medical Examiner shall promptly provide such written information and recommendations as may be requested by the City Counselor to aid in making the determination of the period of disability.

The employee who suffers a personal injury as described in part (a) of this section, and which results in temporary disability, may elect to use sick leave for the first three days of temporary disability. Thereafter, the employee will be compensated at the rate mandated by the Missouri Workers' Compensation Law. If the period of disability extends fourteen (14) calendar days or more, the three days of sick leave used during the first three days of disability will be restored to the employee's sick leave balance. The City Counselor shall determine the actual amount of compensation and length of time during which payments are made for such temporary disability in accordance with the Missouri Workers' Compensation Law.

(c) The City Counselor, the Department of Personnel, or the Chief Medical Examiner may require an employee to undergo physical examination and medical or surgical treatment at the expense of the City to diagnose and treat injuries or illnesses arising out of employment.

(d) The City Counselor and the Comptroller shall establish procedures for paying compensation to employees or former employees who are permanently disabled and due compensation under the Missouri Workers' Compensation Law. The Comptroller shall designate the fund or appropriation out of which such payment shall be made.

(e) The City Counselor shall be responsible for the administration of the provisions of this Section 22 and shall establish and

publish procedural regulations for the administration of the program. Each appointing authority shall establish procedures to comply with the provisions of this section and established regulations.

**SECTION 23.
JURY AND WITNESS LEAVE**

(a) Jury leave with pay shall be granted to bi-weekly paid employees working one-half (50%) time or more for such time when such employees are serving as jurors pursuant to order of the St. Louis Circuit Court or Federal District Court in St. Louis. Any bi-weekly paid employee, when so summoned for jury service, shall report such fact within seventy-two (72) hours to the Chief Medical Examiner and display to the Chief Medical Examiner the summons which the employee has received and shall give the appointing authority in writing the date and the time of such jury service. No bi-weekly paid employee shall receive any compensation from the Jury Commissioner or the Federal District Court system for jury services for days the employee receives compensation from the City. A bi-weekly paid employee may keep the jury stipend for days when the employee receives no compensation from the City (off days, docks, leaves, etc.) Upon being excused from serving as a juror by the Court or the Jury Commissioner, the employee shall report forthwith to the Chief Medical Examiner and shall submit a written statement from the Jury Commissioner certifying that the employee has served as a juror and the time and date so served. The Chief Medical Examiner, upon receipt of the statement of jury service, credits the employee with paid jury leave for such service.

(b) Leave with pay shall be granted to bi-weekly paid employees for such time when the employee's presence is required by the prosecutor as a part of a grand jury procedure, a trial in prosecuting accused criminals (or for jury service in Federal Court). Any bi-weekly paid employee, when so subpoenaed as a prosecution witness or whose presence is required as a part of a grand jury inquiry, shall report such fact within seventy-two (72) hours to the Chief Medical Examiner and shall provide in writing, the date and time his/her presence is required for such criminal prosecution. The Chief Medical Examiner shall establish controls to assure that any paid leave is actually required by the prosecuting authority. The Chief Medical Examiner may require an employee to furnish satisfactory evidence of being required to be off the job and that all time off was in connection with the prosecution of the case. This procedure shall apply for employee participation in criminal prosecution in State or Federal Courts.

**SECTION 24.
DEFERRED COMPENSATION**

(a) Authority is hereby granted for the establishment of a deferred compensation plan for the City of St. Louis Medical Examiner's Office.

(b) In accordance with the regulations applicable to the plan, as set out herein, the Comptroller is authorized to enter into an agreement with eligible participants, whereby said participants may designate a portion of their future earnings to be deducted by the City and placed in a fund to be designated "City of St. Louis Deferred Compensation Plan Fund", for the purpose of providing tax deferred annuity benefits to the participants upon retirement.

(c) The Board of Estimate and Apportionment is hereby authorized to establish or select a specific plan or plans in accordance with the requirements set out in this ordinance. In establishing the plan, the Board of Estimate and Apportionment may elect to retain outside parties to provide administrative and/or investment services after following competitive bidding procedures. The Board of Estimate and Apportionment is authorized, after analyzing the various competitive bids submitted in accordance with the requirements of this ordinance, to select the plan or plans it determines to meet the requirements established as a part of the competitive bidding procedures and to be in the best interest of the participants. No investment plan shall be considered unless offered by a duly licensed resident agent representing a company duly licensed and authorized by the State of Missouri and other applicable federal regulatory agencies to offer such insurance or investment programs.

(d) Any plan selected on behalf of the City, as the deferred compensation plan for the City of St. Louis must comply with the following regulations:

- (1) Participants: Only individuals who perform services for the City of St. Louis may be participants in the plan.
- (2) Amount deferred: The maximum amount which may be deferred by an individual participant under the plan for the taxable year shall not exceed the maximum allowed under United States Internal Revenue Code Section 457 (or any subsequent section enacted in lieu thereof defining said term).
- (3) Increase in deferral limits: For one or more of the last three taxable years ending before normal retirement age

under the plan, the maximum amount deferred shall be the lesser of fifteen thousand dollars (\$15,000.00) or the sum of the plan ceiling established by Paragraph 2 above for the taxable year, plus so much of the plan ceiling established for the purpose of Paragraph 2 above for taxable years before the taxable year as has not theretofore been used under Paragraph 2 above or this paragraph.

(4) Election to participate: The agreement between participant and the City must be made in writing before the beginning of the payroll period for which deferral is to begin.

(5) Withdrawal of funds: Amounts payable under the plan will not be made available to the participant or other beneficiary until such time as the participant is separated from service with the City or is faced with an unforeseeable emergency (to be determined in the manner prescribed by applicable United States Treasury Regulations), except as provided in Section 24 (d) (6).

(6) In Service Distribution: The participant may elect to receive the entire value of his/her account in a lump sum distribution before separation of service, if the total amount payable under the plan is three thousand five hundred dollars (\$3,500.00) or less, and (a) no amount has been deferred under the plan by the participant during the two years prior to the date of distribution, and (b) there has been no prior in-service distribution under the plan to the participant.

(7) Assets of the Plan: All assets and income of the plan shall be held in a trust, custodial account or annuity contract described in United States Internal Revenue Code Section 457 (g) for the exclusive benefit of the participant and his/her beneficiaries.

(8) In the event Federal or State legislation is changed in a manner affecting and/or relating to any of the aforementioned Deferred Compensation provisions contained in this Section 24, the Board of Estimate and Apportionment of the City of St. Louis may amend the deferred compensation plan accordingly and may execute any and all documents necessary to achieve and effectuate the recommended changes.

SECTION 25. RETIREMENT

The following provisions shall apply to the Employees Retirement System:

(a) "Final Average Compensation" is equal to one-half of the sum (1) and (2) below:

(1) The annual compensation received by a member for the two (2) consecutive years of creditable service in which the highest compensation was received preceding the termination of his/her employment, and

(2) The balance of a member's sick leave pay as accrued on the date of retirement less sick leave hours paid to the member upon termination of his/her employment and less sick leave hours considered as creditable service for the purpose of determining eligibility for and/or calculation of retirement benefits, except that said balance cannot exceed twenty-five percent (25%) of a member's total sick leave as accrued on the date of retirement.

(b) If a member has less than two (2) consecutive years of creditable service his/her final average compensation shall be equal to the sum of (1) and (2) below, divided by (3) below and then multiplied by (4) below:

(1) The sum of monthly compensation received by the member for each consecutive month of creditable service immediately preceding the termination of his/her employment, and

(2) The balance of a member's sick leave pay as accrued on the date of retirement less sick leave hours paid to the member upon termination of his/her employment and less sick leave hours considered as creditable service for the purpose of determining eligibility for and/or calculation of retirement benefits, except that said balance cannot exceed twenty-five percent (25%) of a member's total sick leave as accrued on the date of retirement.

(3) The number of consecutive months of creditable service immediately preceding the termination of his/her employment, and

(4) Twelve (12).

The years of creditable service of a member shall be the number of years and completed months of service during which he/she receives compensation from the first day of the calendar month following the date of the beginning of each employment with an employer until his/her employment is terminated, subject to the provisions of this section. The years of creditable service of an employee hired after the operative date who had attained the age of sixty (60) years at initial employment shall be the number of years and completed months of service during which he/she receives compensation from October 1, 1988, and hereafter, from the first day on or after October 1, 1988, of the beginning of each employment with an employer until his/her employment is terminated. No creditable service shall be granted for any period of employment before October 1, 1988, after the calendar month in which the member attains age seventy (70). No creditable service for prior employment shall be granted an employee who becomes a member after April 1, 1960, unless he/she was employed by an employer on April 1, 1960. A member's sick leave balance at time of retirement less the sum of (a) and (b) shall be considered as additional creditable service in determining eligibility for and calculation of retirement benefits under any provision of this ordinance where:

- (a) is sick leave hours paid to the member upon termination of his/her employment, and
- (b) is sick leave hours used in determining final average compensation.

**SECTION 26.
SEVERABILITY**

The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 27.
REPEAL OF PREVIOUS ORDINANCES**

Ordinance 64306 and all other ordinances or amendments, or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 28.
PASSAGE OF ORDINANCE**

The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

INDEX TO COMPENSATION ORDINANCE

This index is for general reference purposes and may not reference all provisions of this ordinance. For complete scope refer to specific provisions of this ordinance.

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