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Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Procedures for Employee Attendance and Leave

These procedures for attendance and the request, approval, and use of leave are established in accordance with applicable Merit Rules, state statute, the Family and Medical Leave Act of 1993, the Uniform Services Employment and Reemployment Rights Act of 1994, and the National Defense Authorization Act of 2008; and are applicable to both classified and regular unclassified employees. These procedures will be applied uniformly to all employees except as otherwise provided by rule and law. Leave programs

must be used in accordance with principles of public accountability for state employees. (2-CO-1C-01, 5-ACI-1C-01b#5, 4-ACRS-7E-07, 4-APPFS-3E-02)

Unless otherwise noted, all requests for paid leave must be submitted in writing using "Paid Leave Request Form" ([Attachment A](#), attached). Family and medical leave will be requested using "Family and Medical Leave Request Form" ([Attachment D](#), attached). Military family leave will be requested using "Military Family Leave Request Form" ([Attachment L](#), attached). Leave without pay will be requested using "Leave Without Pay Request Form" ([Attachment I](#), attached). Options for military leave other than paid military leave will be elected using the "Military Leave and Benefit Election Form" ([Attachment K](#), attached). Leave elections due to absence pursuant to a workers' compensation claim will be made in accordance with [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."

Failure to comply with the attendance or leave regulations established in Merit Rule or procedure may result in disciplinary action.

Absences from work for which no leave program is approved will be recorded as unauthorized absence as outlined in Section XVII. item G. of this procedure.

Employees may not work for another employer during those hours which constitute their normal work hours with the agency while on any leave program other than those which can be taken as personal time off (annual leave, compensatory time, holiday time and administrative leave earned during a reduction in services due to hazardous weather) and involuntary leave without pay (furlough).

For the purpose of this procedure, the term "facility" will apply to institutions and community corrections centers, the term "facility head" will apply to wardens and community corrections centers directors and the term "unit head" will apply to unit directors and probation and parole deputy directors.

I. General Leave and Attendance Provisions

The agency and its local appointing authorities will establish the working days, hours of attendance and place of work for all agency employees [Merit Rule 260:25-15-3] and will enforce all applicable leave regulations. Employees will devote full time, attention, and effort to the duties and responsibilities of their positions during assigned hours of duty [Merit Rule 260:25-11-91(d)].

A. Responsibilities of Facilities/Units

Facilities and units are responsible for:

1. Ensuring essential staffing for work locations during hazardous weather conditions in addition to leave notification/reporting requirements for all employees;
2. Ensuring that employees are informed of any leave and attendance requirements; and

3. Maintaining records of employee leave requests.

B. Responsibilities of Supervisors

Supervisors are responsible for ensuring that:

1. Employees' working hours are scheduled appropriately;
2. Employees are on either work status or work week adjustment, in accordance with [OP-110305](#) entitled "Overtime Pay and Compensatory Time," an approved leave program, on appropriately scheduled day(s) off, or other appropriately administered absence from work;
3. Employee leave usage and attendance is monitored, applicable regulations are enforced, and leave requests are appropriately approved or denied; and
4. Time/leave sheets reflect appropriate and approved leave programs, and errors are corrected through the prompt filing of amended time/leave sheets.

C. Responsibilities of Employees

Employees are responsible for:

1. Reporting for work as directed or scheduled;
2. Requesting and using leave in accordance with Merit Rule and agency or facility/unit procedures [Merit Rule 260:25-15-2] to include making appropriate notification and submission of timely written requests and providing any required or requested documentation;
3. Reviewing personal leave accruals and current balance information/documentation and requesting leave in accordance with available balances;
4. Reviewing the required work schedule to ensure that the appropriate number of hours have been scheduled; and
5. Accurately recording the time and leave taken on the monthly time/leave sheets.

D. Termination Following Accrued Leave Exhaustion

The facility/unit will terminate an employee who is absent from work after the employee has exhausted all sick and annual leave accumulations unless such absence is in accordance with rules concerning family and

medical leave, military family leave, or pursuant to a workers' compensation claim or the employee is granted leave without pay in accordance with Merit Rule 260:25-15-47 and these procedures. Any termination of a permanent classified employee is subject to the requirements for due process [Merit Rule 260:25-15-10(f)].

II. Annual Leave

Annual leave will be coded "A" on the time/leave sheet. "FA" will be used if the employee elects to use annual leave to cover an absence qualifying for family and medical leave. "MA" will be used if the employee elects to use annual leave to cover an absence qualifying for military family leave. "TA" will be used if the employee is using annual leave to supplement temporary total disability payments pursuant to a workers' compensation claim.

A. Definition

Annual leave is intended to be used for vacations, personal business, and other time off work not covered by other paid leave or holiday provisions [Merit Rule 260:25-15-11].

B. Eligibility Requirements

Permanent and probationary classified, and regular unclassified employees are eligible for annual leave. Temporary and other limited term employees, except for Carl Albert Executive Fellows and employees hired under the State Work Incentive Program, are ineligible to accrue, use or be paid for annual leave (74 O.S. § 840-2.20.A.3) [Merit Rules 260:25-15-10, 260:25-17-75(e)(2) and 260:25-17-175(b)].

C. Accrual Rates and Limits

Eligible employees accrue annual leave based upon hours worked (excluding overtime), paid leave, and holidays, not to exceed the total possible work hours for the month and in accordance with statutory annual accrual rates and accumulation limits (74 O.S. § 840-2.20). The hourly rate is equal to the annual accrual divided by the number of work hours in the current year. [Attachment B](#) entitled "Annual and Sick Leave Accrual Rates and Accumulation Limits" (attached) provides the maximum allowable annual leave accruals by month and the annual accrual rates and accumulation limits.

1. Employees accrue annual leave only while in pay status: actually working, on authorized leave with pay, or while using paid leave to supplement workers' compensation benefits [Merit Rule 260:25-15-10 (d)] or on involuntary leave without pay (furlough) [Merit Rule 260:25-15-48(f)].

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2. Part-time employees accrue annual leave in an amount proportionate to that which would be accrued under full-time employment [Merit Rule 260:25-15-11(b)(2).
3. Annual leave may not be taken in advance of accrual [Merit Rule 260:25-15-11(b)(6)]. Annual leave earned during one pay period will not be available for use until the beginning of the following pay period [Merit Rule 260:25-15-11(b)].
4. Employees may accumulate annual leave in excess of the statutory limit; however, any accrual earned in excess of the statutory limit will be lost if not used within the 12 months following accrual [Merit Rule 260:25-15-11(b)(5)].
5. Annual leave that may be lost is defined as any part of an employee's current annual leave balance that is in excess of the limit established by the agency:
 - a. 360 hours for employees with less than 5 years of service;
 - b. 624 hours for employees with 5 but less than 10 years of service;
 - c. 640 hours for employees with 10-20 years of service; and
 - d. 680 hours for employees with more than 20 years of service.
6. Annual leave will be charged against an employee's annual leave balance based on the amount of time an employee is absent from work during the employee's assigned work schedule. Holidays falling within a period of annual leave will not be charged to annual leave [Merit Rule 260:25-15-11(b)(9)].

D. Leave Approval Process

1. Employees will submit requests for personal time off, in writing (and in advance of the start date whenever possible) using [Attachment A](#), to the immediate supervisor. If approved by the supervisor, the absence from work will be covered by:
 - a. Holiday time, coded "HU" on the time/leave sheet;
 - b. Compensatory time, exempt employees only, coded "C" on the time/leave sheet;
 - c. Administrative leave earned during a reduction in services due to hazardous weather, coded "AU" on the time/leave sheet; or

- d. Annual leave as requested by the employee and approved by the supervisor, as accruals and balances permit.
2. Accrued administrative leave must be used before granting of any annual leave except when the employee may lose accrued annual leave (as outlined in Section II. C. item 5. of this procedure) under Merit Rule 260:25-15-10 and 260:25-15-11(b)(5). [Merit Rule 260:25-15-71(d)]
3. Nothing in this section prohibits supervisors from denying requests for personal time off, scheduling employees to take holiday time or earned administrative leave, requiring employees to take annual leave (in accordance with applicable Merit Rule), permitting compensatory time for exempt employees to be lost rather than used, or adjusting work or leave hours in accordance with [OP-110305](#) entitled "Overtime Pay and Compensatory Time."

E. Requiring an Employee to Take Annual Leave

A supervisor may place an employee on annual leave when such action would be in the best interest of the agency or to manage an employee's annual leave usage.

1. The employee will not be required to reduce accrued annual leave below five working days (40 hours).
2. Such annual leave may not be used in lieu of suspension with pay for "investigatory purposes" or if the employee has been served notice of a pending disciplinary action and opportunity to respond [Merit Rule 260:25-15-11(b)(4)].

F. Annual Leave Supplements to Workers' Compensation

1. Annual leave used to supplement workers' compensation temporary total disability payments is limited to amounts which provide employees with a combined total (TTD plus annual leave) of 100% of their normal compensation.
2. Supplements are requested and administered in accordance with the provisions of [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."
3. The agency may require that employees receiving supplements to temporary total disability be paid on a supplemental payroll.

G. Separation/Transfer

1. Upon separation from state service, payment will be made to the employee, or to the employee's estate, for any unused annual leave

accumulated up to and including the accumulation limit (240 hours for employees with less than five years of service, 480 hours for employees with five or more years of service). [Merit Rule 260:25-15-11(b)(8)].

2. An employee who transfers to another agency may have accrued annual leave transferred at the option of the receiving agency. The maximum amount transferable is limited to the amount accrued, but no more than the accumulation limits plus the accrual for one year, as listed in Section II. C. item 5. of this procedure.

The receiving agency may require that all or a portion of the annual leave be paid by the transferring agency from which the employee is transferring. The amount of annual leave paid by the transferring agency will not exceed the accumulation limits, and the amount of annual leave transferred with the employee will not exceed the accumulation limits plus the accrual for one year [Merit Rule 260:25-15-11(b)(7)].

If an employee is transferred to another agency by statute or executive order, all accumulated leave will be transferred [Merit Rule 260:25-15-11(b)(5)].

3. Payment for such leave is at the published hourly rate of pay the employee was receiving as of the effective date of separation [Merit Rule 260:25-15-11(b)(10)].
4. An employee who is reemployed within 30 calendar days from the date of separation may reinstate any portion of accumulated annual leave that has not been paid [Merit Rule 260:25-15-11(b)(10)].
5. Payment of unused annual leave will be paid in accordance with OP-110120, entitled "Procedures for Time/Leave Sheets and Payroll Processing."

H. Transfer of Balances From Another State Agency

The agency will accept the transfer of annual leave up to a maximum of 80 hours upon an employee's transfer from another state agency.

I. Payment for Excess Annual Leave That is Lost (74 O.S. § 840-2.20.A.1.)

1. Employees will be paid for any excess annual leave that was lost due to the denial (or cancellation) of a request to use annual leave when the denial was due to extraordinary circumstances such that taking leave could pose a threat to public safety, health, or welfare.
2. For the purposes of this section, "extraordinary circumstances" include (but are not limited to): riot; natural disaster or other

circumstances with the potential to threaten or disrupt secure operations; and staff shortages which preclude employees, with responsibilities for the security or care of inmates or the safe operation of agency facilities, from taking annual leave.

3. Only excess annual leave hours that were lost during the processing of the time/leave sheet containing the period of denied or cancelled leave will be eligible for payment.
4. Claims must be filed immediately following notification that excess annual leave has been lost and in accordance with [OP-110120](#) entitled "Procedures for Time/Leave Sheets and Payroll Processing."
5. Such payment may be made in accordance with OP-110120 entitled "Procedures for Time/Leave Sheets and Payroll Processing."

III. Sick Leave

Sick leave will be coded "S" on the time/leave sheet. "FS" will be used if the employee elects to use sick leave to cover an absence qualifying for family and medical leave. "MS" will be used if the employee elects to use sick leave to cover an absence qualifying for military family leave. "TS" will be used if the employee is using sick leave to supplement temporary total disability payment pursuant to a workers' compensation claim.

A. Definitions

Sick leave means a period when the employee cannot work because of sickness, injury, pregnancy, or medical, surgical, dental or optical examination, or treatment by a health care provider, or where the employee's presence at work would jeopardize the health of the employee or others [Merit Rule 260:25-15-12(1)].

For the purposes of this procedure, a health care provider is defined as (29 CFR 825.125):

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of Oklahoma;
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors authorized to practice in the State of Oklahoma and performing within the scope of their practice as defined under state law;
3. Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under Oklahoma state law and who are performing within the scope of their practice as defined under state law;

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4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
5. Any health care provider for which the employee's insurance plan will accept a claim for benefits.
6. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Sick leave may not be used for annual leave [Merit Rule 260:25-15-12(2)].

Requests for sick leave will be reviewed for designation as family and medical leave as required by Merit Rule 260:25-15-45(h) and the Family and Medical Leave Act.

B. Eligibility Requirements

Permanent and probationary classified, and regular unclassified employees are eligible for sick leave. Temporary and other limited term employees, except for Carl Albert Executive Fellows and employees hired under the State Work Incentive Program, are ineligible to accrue, use or be paid for sick leave (74 O.S. § 840-2.20.A.3) [Merit Rules 260:25-15-10, 260:25-17-75(e)(2), 260:25-17-175(b)].

C. Accrual Rates and Limits

Eligible employees accrue sick leave based upon hours worked (excluding overtime), paid leave, and holidays, not to exceed the total possible work hours for the month and in accordance with statutory annual accrual rates (74 O.S. § 840-2.20). The hourly rate is equal to the annual accrual divided by the number of work hours in the current year.

[Attachment B](#) entitled "Annual and Sick Leave Accrual Rates and Accumulation Limits" provides the maximum allowable sick leave accruals by month and the annual accrual limit. There is no limit on the amount of sick leave that can be accumulated [Merit Rule 260:25-15-12(13)].

1. Employees accrue sick leave only while in pay status: actually working, while on authorized leave with pay, or using paid leave to supplement workers compensation benefits [Merit Rule 260:25-15-10(d)] or on involuntary leave without pay (furlough) [Merit Rule 260:25-15-48(f)].
2. Part-time employees in pay status accrue sick leave in an amount proportionate to that which would have accrued under full-time employment [Merit Rule 260:25-15-12(7)].

3. Sick leave may not be taken in advance of accrual [Merit Rule 260:25-15-12(3)] except as outlined in Section III. item E. below. Sick leave earned during one pay period will not be available for use until the beginning of the following pay period [Merit Rule 260:25-15-12].
4. If an absence because of illness or injury extends beyond the sick leave an employee has accumulated, the supervisor may charge additional absence to the employee's annual leave accumulations [Merit Rule 260:25-15-12(10)]. Employees may additionally request or be placed on any other appropriate paid or unpaid leave program in accordance with law, Merit Rule, or these procedures.
5. Sick leave will be charged against an employee's sick leave balance based on the amount of time an employee is absent from work during the employee's assigned work schedule; however, sick leave will not be used on a proclaimed or scheduled holiday [Merit Rule 260:25-15-12(5)].

D. Leave Approval Process

1. General Guidelines for Employees and Supervisors

Employees and supervisors will follow leave approval practices established by the facility/unit head for the notification of absence from work and requests to use sick leave. At a minimum, or in the absence of established practices, the following guidelines will be used:

- a. When the need for sick leave is foreseeable, the employee must request such leave in advance of the start date.
- b. When the need for leave was unforeseeable, employees must provide notification of absence to the supervisor or designee, prior to the start of the work day/shift, for each day of absence unless such notification is waived by the supervisor or the supervisor authorizes a period of absence more than one work day. Unless circumstances prohibit, the notification will be provided directly from the employee to the supervisor.
- c. Normally, employees will complete a "Paid Leave Request Form" ([Attachment A](#)) and provide any documentation requested by the supervisor, or required by procedure, which substantiates the need for and appropriate use of sick leave upon returning to work.
 - (1) In the event of an extended absence for a qualifying military family leave event, or an event requiring review for family and medical leave designation or which

exceeds the end of a pay period, the employee will mail the documentation to the supervisor as soon as is practicable following the supervisor's request.

- (2) In all instances, the supervisor must ensure that an appropriate leave designation is made prior to the submission of the monthly time/leave sheet.

d. Supervisors will approve all requests for sick leave unless:

- (1) The employee fails to provide required notification or written statement from the health care provider; or
- (2) There are facts to show that the employee failed to report for work for reasons other than those listed in Section III. item A. of this procedure, such as:
 - (a) The employee was denied the use of personal time off for the same time period;
 - (b) The employee has a history of failing to report for work immediately prior to or following regularly scheduled days off or holidays;
 - (c) The employee failed to report for work immediately following notice of pending or completed disciplinary action or investigation;
 - (d) The employee indicated intentions to resign/retire unrelated to any known medical reason; or
- (3) There are facts to show that the employee was not unable to work during the period of time for which the sick leave is requested.

e. Changing approved annual leave to sick leave

An employee who has previously been approved to use annual leave may substitute sick leave for annual leave when the employee:

- (1) Submits a properly completed [Attachment A](#) entitled "Paid Leave Request Form" and;
- (2) Provides a properly completed "Standard FMLA/Shared Leave Medical Certification Form" ([Attachment E](#), attached) confirming that the absence is for a serious health condition consistent with family

and medical leave.

Such absence will be coded "FS" unless the employee has already exhausted the 12 week entitlement and the absence must be coded "S."

2. Required Documentation

Absences exceeding three days require a statement from a health care provider unless waived by the supervisor; documentation may be required for shorter periods of absence [Merit Rule 260:25-15-12(4)].

Documentation from a health care provider must be furnished through the employee or employee's spokesperson. The facility/unit will not have any direct contact with the health care provider.

a. Health Care Provider Statement ([Attachment C](#), attached)

- (1) For absences of three days or less, the supervisor may require documentation that the absence was consistent with the definitions provided in Section III. [Merit Rule 260:25-15-12(4)], provided the supervisor has given the employee prior written notification of this requirement or the absence is under questionable circumstances such as those described in this procedure.
- (2) For absences of more than three days, [Attachment C](#) may be used when confirmation or designation of family and medical leave is not an issue.
- (3) [Attachment C](#) will also be used to confirm that an employee's absence during a period of intermittent family leave is related to the original serious health condition.

b. Medical Certification ([Attachment E](#))

- (1) An incapacity of more than three consecutive calendar days may be considered a serious health condition in accordance with the Family and Medical Leave Act of 1993 (29 CFR 825.113) and requests for sick leave must be reviewed for designation as family and medical leave [Merit Rule 260:25-15-45(h)].
- (2) A "Standard FMLA/Shared Leave Medical Certification Form" ([Attachment E](#)) will be required as documentation unless documentation is waived by the

supervisor if the request for sick leave indicates incapacity of more than three consecutive calendar days.

- (3) The supervisor may not waive the medical certification form when the employee is eligible to receive family and medical leave and the supervisor is unable to determine, without further information, whether the employee has a serious health condition qualifying for family leave.

(4) Second and Third Opinions

When the facility/unit head has reason to doubt the validity of a health care provider statement, the facility/unit head may require the employee to obtain a second (and third) opinion in accordance with the following:

- (a) The facility/unit must pay all expenses incurred (including reasonable travel expenses) as a result of any additional opinions;
- (b) The facility/unit must select a health care provider in a specialty area such that there is a reasonable expectation that the health care provider can assess the validity of, and information provided by, the employee's health care provider;
- (c) The second (or third) health care provider is neither an employee of the agency nor a provider whose services are regularly utilized, or contracted for, by the agency;
- (d) The employee is not required to travel outside of normal commuting distance to obtain a second or third opinion except in very unusual circumstances;
- (e) If the second opinion differs from the first opinion, a third opinion may be required;
- (f) The employee and the facility/unit head must make a good faith effort to agree on the health care provider to be selected for the third opinion;

- (g) The facility/unit head's failure to make a good faith effort to reach agreement will result in the confirmation of the first opinion;
- (h) The employee's failure to make a good faith effort to reach agreement will result in the confirmation of the second opinion;
- (i) All third opinions obtained will be binding; and
- (j) The employee will provisionally be approved for sick leave pending receipt of any requested second or third opinions.

3. Family and Medical Leave Designation

The supervisor must designate all approved requests for sick leave as family and medical leave when the employee is eligible for family and medical leave and the Medical Certification Form indicates that the reason for sick leave is qualifying for family and medical leave. Section IV. of this procedure may be referred to for family and medical leave eligibility and designation.

4. Approval from the supervisor must be obtained prior to recording the use of any sick leave.

E. Advanced Sick Leave (57 O.S. § 528.1)

The agency director may advance up to 45 days of additional sick leave to an employee who has been injured in the line of duty and has used all available sick leave.

- 1. For the purposes of this section, a line of duty injury will be defined as an injury received from an inmate or as a result of an inmate related emergency situation such as a riot, disturbance, manhunt, fire, hostage taking, etc.
- 2. The employee must furnish a written request through the chain of command requesting the advancement of a specific number of sick leave days and a medical statement which describes the nature and extent of the injury and anticipated date of return.
- 3. The employee must reimburse the agency any advanced sick leave at a rate of five days per year until the advanced number of days is repaid. Employees who leave the agency before full reimbursement occurs must continue reimbursement if they resume employment with the agency.
- 4. The 45-day limit is per occurrence and is not cumulative.

F. Sick Leave Supplements to Workers Compensation

1. Sick leave used to supplement workers' compensation temporary total disability payments is limited to amounts which provide employees with a combined total (TTD plus sick leave) of 100% of their normal compensation.
2. Supplements are requested and administered in accordance with the provisions of [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."
3. The agency may require that employees receiving supplements to temporary total disability payments be paid on a supplemental payroll.

G. Separation/Transfer/Reemployment

1. Employees will not be compensated for any accumulated sick leave when separating from state service [Merit Rule 260:25-15-12(9)].
2. All accumulated sick leave will transfer with an employee transferring to another state agency [Merit Rule 260:25-15-12(8)].
3. Employees who retire from the agency will have their sick leave balances reduced by the number of hours used to purchase service credit (up to a maximum of 960 hours sick leave or six months' service credit).
4. Employees who leave state service and are reemployed with the agency within two years will have their sick leave reinstated (74 O.S. § 840-2.20.A.6)[Merit Rule 260:25-15-12(12)] up to a maximum of 160 hours.

IV. Family and Medical (FMLA) Leave (29 USC § 2601 et seq, 29 CFR 825, 74 O.S. § 840-2.22)[Merit Rule 260:25-15-45]

Employees are not required to assert their rights under FMLA, or request FMLA leave, in order to be eligible for and receive FMLA leave. The agency may make a determination and designation of FMLA leave without the employee's request or consent. Supervisors are responsible for making all appropriate inquiries and obtaining, from the employee all necessary documentation or medical certification, to determine whether absences are to be designated as FMLA leave.

A. Definition

Family and medical leave will be designated, in accordance with the Family and Medical Leave Act of 1993 (29 USC § 2601 et seq) and these

procedures, when eligible employees are absent for any of the following reasons:

1. The birth of the employee's son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care (including any absence prior to the placement which is necessary in order for the placement to proceed);
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - a. "To care for" includes both physical and psychological care.
 - b. Physical care includes situations when, due to a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety.
 - c. Psychological care includes situations when, due to a serious health condition requiring inpatient or home care, the family member would benefit from psychological comfort.
 - d. Spouse means husband or wife recognized by state law.
 - e. Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis if that child is under the age of 18; or 18 years or older and incapable of care due to a mental or physical disability.
 - f. Parent means the biological parent or an individual who stood in loco parentis of the employee when the employee was a son or daughter.
 - g. In loco parentis means day-to-day responsibilities in caring for and financially supporting a child.
4. A serious health condition that makes the employee unable to perform any essential functions of the employee's job;

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care including any period of incapacity or subsequent treatment in connection with such inpatient care;
- b. Any period of incapacity of more than three consecutive days (or subsequent period of incapacity related to the same condition) that involves:

- (1) Treatment two or more times by a health care provider, nurse or physician's assistant under supervision of a health care provider or provider of health care services under orders of, or on referral by, a health care provider; or
 - (2) Treatment by a health care provider on at least one occasion which results in an ongoing regimen of continuing treatment under the supervision of a health care provider;
 - c. Any period of incapacity due to pregnancy or pre-natal care;
 - d. Any period of incapacity or treatment due to a chronic condition such as asthma, diabetes, or epilepsy which requires periodic treatment over an extended period of time when incapacity is episodic rather than continuing;
 - e. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective and requires ongoing supervision by a health care provider rather than active treatment (e.g., Alzheimer's, stroke, or terminal stages of a disease);
 - f. Any period of absence to receive, or recover from, multiple treatments by a health care provider either for restorative surgery after an accident or injury, or for a condition that would likely result in a period of incapacity for more than three consecutive days in the absence of medical intervention/treatment such as cancer (radiation, chemotherapy), severe arthritis (physical therapy), or kidney disease (dialysis).
5. Incapacity is defined as an inability to work due to the serious health condition, its treatment, or the recovery from such condition.
 6. Health care provider is defined under Section III. item A. of this procedure.

B. Eligibility

An employee is eligible for FMLA provided the employee has:

1. Been employed by the state for at least 12 months (need not be consecutive months, and employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the employer for at least 12 months, unless the break is due to service covered by the

Uniformed Services Employment and Reemployment Rights Act [USERRA]); and

2. Worked a minimum of 1,250 hours in the 12 month period immediately preceding the commencement of the leave. Hours worked are determined in accordance with FLSA guidelines for compensable hours worked and does not include holidays or paid or unpaid leave; however, all hours of paid or unpaid leave due to active military duty will count as qualifying towards the 1,250 hour minimum.

C. Limits

An eligible employee is entitled to up to 12 weeks (work weeks, or 480 hours) of paid or unpaid leave during any 12 month period which begins with the commencement of the use of family leave and/or military family leave.

1. An employee is entitled to leave that is intermittent or on a reduced schedule when there is documentation that such leave is medically necessary to provide treatment or care for the serious health problem of the employee or the family member.
2. Requests for intermittent or reduced schedule leave for the birth or placement of a child will be approved as long as the scheduling of such leave does not interfere with the operations of the workplace.
3. An employee's entitlement to leave for the birth or placement for adoption or foster care of a child expires at the end of the 12 month period beginning on the date of the birth or placement.
4. A husband and wife who are eligible for FMLA leave and are employed by the same covered employer will be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

D. Leave Options

1. Eligible employees may elect from the following options to cover absences due to leave taken in accordance with the family and medical leave act:
 - a. Charge to accumulated annual leave, coded "FA" on the time/leave sheet;
 - b. Charge to accumulated sick leave, coded "FS" on the time/leave sheet;

- c. Charge to leave donated in accordance with provisions of the State Leave Sharing Program, coded “FD” on the time/leave sheet;
 - d. Exempt employees may charge to accrued compensatory time, coded as “FC” on the time/leave sheet; or
 - e. If all available paid leave has been exhausted, record as leave without pay (coded as “FO” on the time/leave sheet). Leave without pay granted in accordance with the Family and Medical Leave Act will not affect an employee’s exempt status under FLSA.
- 3. Absences due to military family and medical leave act are addressed in Section V. of this procedure.
 - 4. If the employee is eligible for a paid holiday while on family leave, the holiday will also be designated as family and medical leave, coded as “FH” on the time/leave sheet.
 - 5. Leave without pay pursuant to a workers’ compensation claim, taken by an employee eligible for family and medical leave, will be designated as family and medical leave, coded as “TF” on the time/leave sheet, unless the employee elects to supplement the leave without pay with sick or annual leave.

E. Leave Approval Process

1. Leave Requests

All requests for FMLA (not related to military family leave) will be made using the “Family and Medical Leave Request Form” ([Attachment D](#)).

a. When Leave is Foreseeable

Employees must request family leave in advance of the anticipated start date of the leave in accordance with any requirements for requesting sick, annual, or leave without pay.

b. When Leave is Unforeseeable

Employees must request leave as soon as practicable, but no later than two working days of learning of the need to take FMLA leave.

2. Medical Certification

The decision to designate leave as FMLA qualifying must come from information furnished by the employee or the employee's spokesperson.

Employees must furnish information, when requested, in order that the supervisor can determine whether or not the reasons for leave are family and medical leave qualifying.

a. Required Medical Certification

Medical certification will be required unless waived by the supervisor when:

- (1) Employees request family leave due to their own serious health condition, or the serious health condition of an eligible family member; or
- (2) Employees request sick leave, annual leave when sick leave is exhausted, shared leave or leave without pay and the request should be reviewed for family and medical leave designation, such as incapacity for more than three consecutive calendar days.

b. Waiving Certification

The supervisor may waive certification only when such facts are known regarding the employee's or family member's condition that would make further information unnecessary.

c. Medical Certification Form/Responsibilities

- (1) The employee is responsible for obtaining from the health care provider, and submitting to the supervisor, a properly completed "Standard FMLA/Shared Leave Medical Certification Form" ([Attachment E](#)) to authorize the use of FMLA not related to military family leave, prior to the date leave begins (when the leave was foreseeable) but no later than 15 calendar days after requested by the supervisor.
- (2) The supervisor should request certification at the time the employee requests leave or within two working days after the employee requests leave, and no later than two working days after leave begins, when the leave was not foreseeable.
- (3) The facility/unit will ensure that the employee is provided a Medical Certification Form and information (i.e., HCM or agency job description) pertaining to the

employee's job duties to furnish to the health care provider.

d. Failure to Provide Medical Certification

- (1) Leave may be denied or delayed if the employee fails to provide a complete medical certification.
- (2) Leave may not be designated as family and medical leave if the requested medical certification ([Attachment E](#)) does not support such entitlement or is never provided and the rules and procedures for non-FMLA leave will apply.

e. Questioning the Adequacy of the Medical Certification

If the medical certification is complete, the agency may not request additional information from the employee's health care provider. If the medical certification is incomplete, the employee will be provided an opportunity to remedy the deficiency.

(1) Clarification and Authenticity

With the employee's consent, the agency's health care provider may contact the employee's health care provider solely for the purpose of clarifying or authenticating the information contained on the medical certification form.

(2) Validity

When the agency has reason to doubt the validity of the medical certification, the agency may require the employee to obtain a second and/or third opinion in accordance with the following:

- (a) The facility/unit head must pay all expenses incurred (including reasonable travel expenses) as a result of any additional opinions;
- (b) The facility/unit must select a health care provider in a specialty area such that there is a reasonable expectation that the health care provider can assess the validity of, and information provided by, the employee's health care provider;

- (c) The second (or third) health care provider is neither an employee of the agency nor a provider whose services are regularly utilized, or contracted for, by the agency;
- (d) The employee is not required to travel outside of normal commuting distance to obtain a second or third opinion except in very unusual circumstances;
- (e) If the second opinion differs from the first opinion, a third opinion may be required;
- (f) The employee and the facility/unit head must make a good faith effort to agree on the health care provider to be selected for the third opinion;
- (g) The facility/unit head's failure to make a good faith effort to reach agreement will result in the confirmation of the first opinion;
- (h) The employee's failure to make a good faith effort to reach agreement will result in the confirmation of the second opinion;
- (i) All third opinions obtained will be binding; and
- (j) The employee will provisionally be approved for all FMLA benefits pending receipt of any requested second or third opinions.

f. Recertification

- (1) Recertification for pregnancy, chronic or permanent/long term conditions under continuing supervision of a health care provider may not be requested more often than every 30 days unless:
 - (a) Circumstances described in the previous certification have changed significantly; or
 - (b) The agency receives information that casts doubt upon the employee's stated reason for the absence.
- (2) Recertification for a period of incapacity whose minimum duration specified by the health care provider is more than 30 days or for leave taken on an intermittent basis or reduced work schedule may not

be requested prior to the end of the minimum duration indicated unless the employee requests an extension of leave or the conditions in Section IV.E.2.f. items (1) (a) or (b) are met.

- (3) The employee will pay for all costs associated with recertification.
- (4) No second or third opinion(s) on recertification is permitted.

3. Confirmation of Intermittent Leave Designation

The agency may require employees to provide confirmation that an instance of intermittent leave is related to the serious health condition for which the FMLA intermittent leave was originally granted.

4. Leave Designation

The facility/unit must provide the employee with a written notice designating any leave (paid or unpaid) as qualifying for family and medical leave and notify the employee of that designation.

- b. Except for workers' compensation family leave which is designated in accordance with [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees," eligible employees will be provided oral or written notification that a period of paid or unpaid leave has been designated as family leave within two working days after receiving information that the request for leave is for a qualifying reason.

- (1) Any oral notification will be confirmed in writing by the next pay day (or if pay day is less than one week after oral notification, the written confirmation must be made no later than the subsequent pay day).
- (2) A copy of the employee's leave request form, signed by the supervisor and indicating a family and medical leave designation may be used as written notification.

- b. Leave may be designated retroactively, after a period of leave has begun, when the supervisor did not have sufficient information to make a family and medical leave designation prior to the commencement of leave.

When an employee requests family and medical leave, the supervisor will designate such leave only after receiving any required medical certification.

- c. When an employee requests leave that is not family and medical leave, the supervisor may make a preliminary designation of family and medical leave pending receipt of any required medical certification.

Nothing in this procedure will prohibit the agency or supervisor from making a final or preliminary designation of family and medical leave when an eligible employee requests sick (including enforced) leave, annual leave when sick leave is exhausted, shared leave, or leave without pay.

- d. The written notice designating the leave as FMLA leave must notify the employee:

- (1) That the leave will be counted against the employee's entitlement for the 12 month period;
- (2) That the employee is required to provide medical documentation for any serious health condition unless waived by the supervisor and failure to provide medical certification will result in the denial of family and medical leave;
- (3) That FMLA leave may be taken as paid or unpaid leave;
- (4) Of any insurance premiums remaining the responsibility of the employee and the method of payment; that the agency will cease dependent benefit payments should the dependent coverage lapse, and that any employee who fails to return to work from leave must reimburse the agency for any insurance premiums paid by the agency during such leave; and
- (5) That a fitness-for-duty certification will be required prior to returning to work for any absence due to the employee's own serious illness.

F. Insurance Benefits

- 1. While an employee is on unpaid family leave, the agency will continue to provide the Employee Benefits Department with the employee's applicable benefit allowance(s), in the same amount(s) provided while on pay status.
- 2. Employees will remain responsible for any employee or dependent insurance not covered by the benefit allowance(s).

3. The agency benefits coordinator will notify affected employees of the premiums/amounts due that are not covered by the benefit allowance(s) and the procedure for making timely payments.

G. Required Transactions (HCM-14)

The facility/unit HRMS must complete and submit an HCM-14 indicating “family and medical leave without pay” when an employee starts, extends, or completes a period of family and medical leave without pay. The HCM-14 for completing such period must also specify the status or leave program to which the employee is changing.

H. Fitness for Duty Certification

Any employee who has been absent due to the employee’s own serious illness may be required to provide a fitness-for-duty certification from the employee’s health care provider prior to returning to work in accordance with agency procedures.

I. Posting Requirements

Facilities/units will post an “Employee Rights and Responsibilities Under the Family and Medical Leave Act” poster ([Attachment F](#), attached) on bulletin boards in places where employees may be reasonably expected to see it.

V. Military Family Leave (MFMLA) [National Defense Authorization Act (NDAA) of 2008, Section 585(a) amending the Family and Medical Leave Act (FMLA) of 1993 (29 USC § 2601 et seq), Public Law 110181 and [Merit Rule 260:25-15-45]

Supervisors are responsible for making all appropriate inquiries and obtaining, from the employee, all necessary documentation or medical certification to determine whether absences are to be designated as MFMLA leave.

A. Definitions

Military family leave will be designated, in accordance with the National Defense Authorization Act of 2008 (NDAA) and these procedures, when eligible employees are absent for either of the following reasons:

1. Any qualifying situation (as defined by U.S. Department of Labor Regulations) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation;
2. To care for a covered military service member, who is the employee’s spouse, son, daughter, parent, or next of kin, and who is recovering from a serious illness or injury sustained in the line of duty on active duty;

- a. “To care for” includes both physical and psychological care.
 - (1) Physical care includes situations when, due to a serious illness or injury, the covered military service member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety.
 - (2) Psychological care includes situations when, due to a serious illness or injury requiring inpatient or home care, the covered military service member would benefit from psychological comfort.
- c. The term “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- d. “Outpatient status,” with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- e. Spouse means husband or wife recognized by state law; son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis if that child is under the age of 18, or 18 years or older and incapable of care due to a mental or physical disability; parent means the biological parent or an individual who stood in loco parentis of the employee when the employee was a son or daughter.
- f. In loco parentis means day-to-day responsibilities in caring for and financially supporting a child.
- g. Next of kin, (according to the U. S. Department of Labor’s definition with regard to “The Family and Medical Leave Act and National Defense Authorization Act for FY 2008”) used with respect to an individual, means the nearest blood relative of that individual.
- h. “Serious injury or illness,” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may

render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

B. Eligibility

An employee is eligible for Military Family Leave (MFMLA) provided the employee has:

1. Been employed by the state for at least 12 months (need not be consecutive months, and employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the employer for at least 12 months, unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act [USERRA]); and
2. Worked a minimum of 1,250 hours in the 12-month period immediately preceding the commencement of the leave. Hours worked are determined in accordance with FLSA guidelines for compensable hours worked and does not include holidays or paid or unpaid leave; however, all hours of paid or unpaid leave due to active military duty will count as qualifying towards the 1,250-hour minimum.

C. Limits

An eligible employee is entitled to up to 26 weeks (work weeks, or 1040 hours) of paid or unpaid family military leave during a 12 month period which begins with the commencement of the use of family leave and/or military family leave.

1. Any qualifying exigency entitles the employee to military family leave for up to a total of 12 weeks (work weeks, or 480 hours) but may not exceed a maximum combined use of standard FMLA and Military Family Leave (MFMLA) totaling 12 weeks (work weeks, 480 hours) during any 12 month period. Military family leave may be taken intermittently or on a reduced leave schedule when taken for a qualifying exigency as referenced in this section.
2. When the employee is the spouse, son, daughter, parent, or next of kin of a covered service member the employee is entitled to military family leave for up to a total of 26 weeks (work weeks, or 1040 hours) to care for the service member but may not exceed a maximum combined use of standard FMLA and Military Family Leave (MFMLA) totaling 26 weeks (work weeks, or 1040 hours) during a 12 month period. Nothing in this paragraph will be construed to limit the availability of leave under standard FMLA and/or MFMLA, or a qualifying exigency during any other 12 month period. Military family leave may be taken intermittently or on a reduced leave schedule

when taken for the care of a covered service member as referenced in this section.

D. Leave Options

Eligible employees may elect from the following options to cover absences due to military family leave taken in accordance with the National Defense Authorization Act (NDAA) of 2008:

1. Charge to accumulated annual leave, coded "MA" on the time/leave sheet;
2. Charge to accumulated sick leave, coded "MS" on the time/leave sheet;
3. Charge to leave donated in accordance with provisions of the State Leave Sharing Program, coded "MD" on the time/leave sheet;
4. Exempt employees may charge to accrued compensatory time, coded as "MC" on the time/leave sheet;
5. If all available paid leave has been exhausted, record as leave without pay (coded as "MX" on the time/leave sheet). Leave without pay granted in accordance with the National Defense Authorization Act of 2008 will not affect an employee's exempt status under FLSA.

If the employee is eligible for a paid holiday while on military family leave, the holiday will also be designated as military family leave, coded as "MH" on the time/leave sheet.

E. Leave Approval Process

1. Leave Requests

All requests for Military Family Leave (MFMLA) will be made using the "Military Family Leave Request Form" ([Attachment L](#), attached).

a. When Leave is Foreseeable

In any case in which the necessity for military family leave is foreseeable, the employee will provide such notice to the supervisor as is reasonable and practicable.

b. When Leave is Unforeseeable

When the need for military family leave is unexpected, an employee will give the supervisor notice and a completed "Military Family Leave Request Form," ([Attachment L](#)) as soon as possible.

2. Medical Certification

The decision to designate leave as Military Family Leave (MFMLA) qualifying must come from information furnished by the employee or the employee's spokesperson.

Employees must furnish information, when requested, in order that the supervisor can determine whether the reasons for leave are military family leave qualifying.

a. Required Medical Certification

Medical certification issued by the health care provider of a covered service member being cared for by a qualifying employee will be required, unless waived by the supervisor.

b. Waiving Certification

The supervisor may waive certification only when such facts are known regarding the covered service member's condition that further information is unnecessary.

c. Medical Certification Form/ Responsibilities

- (1) The employee is responsible for obtaining from the health care provider of the covered service member, and submitting to the supervisor, a properly completed "Military Family (NDAA) Medical Certification Form" ([Attachment M](#), attached) prior to the date leave begins if the leave was foreseeable, but as soon as reasonable and practicable after requested by the supervisor.
- (2) The supervisor should request certification at the time the employee requests leave, or within five working days after the employee requests leave, and no later than five work days after leave begins when the leave was not foreseeable.
- (3) The facility/unit will ensure that the employee is provided a "Military Family (NDAA) Medical Certification Form" ([Attachment M](#)) to furnish to the health care provider of the covered service member.

d. Failure to Provide Medical Certification

- (1) Leave may be denied or delayed if the employee fails to provide a complete medical certification.
 - (2) Leave may not be designated as military family leave if the requested medical certification ([Attachment M](#)) does not support such entitlement or is never produced and the rules and procedures for non-MFMLA leave will apply.
- e. Questioning the Adequacy of the Medical Certification
 - (1) If the medical certification is complete, the agency may not request additional information from the health care provider of the covered service member.
 - (2) If the medical certification is incomplete, the employee will be provided an opportunity to remedy the deficiency.
- f. Clarification and Authenticity

With the employee's consent, the agency's health care provider may contact the health care provider of the covered service member solely for the purpose of clarifying or authenticating the information contained on the medical certification form.

3. Confirmation of Intermittent Leave Designation

The agency may require employees to provide confirmation that an instance of intermittent leave is related to the Military Family Leave event for which the MFMLA intermittent leave was originally granted.

4. Leave Designation

The facility/unit must provide the employee with a written notice designating any leave (paid or unpaid) as qualifying for military family leave and notify the employee of that designation.

- a. Eligible employees will be provided oral or written notification that a period of paid or unpaid leave has been designated as military family leave within five working days after receiving information that the request for leave is for a qualifying reason.
 - (1) Any oral notification will be confirmed in writing by the next pay day, or if pay day is less than one week after oral notification, the written confirmation must be made no later than the subsequent pay day.

- (2) A copy of the employee's leave request form, signed by the supervisor, and indicating a military family leave designation, may be used as written notification.
- b. Leave may be designated retroactively, after a period of leave has begun, when the supervisor did not have sufficient information to make a military family leave designation prior to the commencement of leave.
- c. When employees request military family leave, supervisors will designate such leave only after receiving any required supporting documentation.
- d. The written notice designating the leave as military family leave must notify the employee:
 - (1) That the leave will be counted against the employee's entitlement for the 12 month period;
 - (2) That the employee is required to provide documentation supporting the qualifying exigency (or) medical documentation for the serious illness or injury of the covered service member, unless waived by the supervisor, and failure to provide the qualifying exigency supporting documents (or) the medical certification ([Attachment M](#)) will result in the denial of military family leave;
 - (3) That MFMLA may be taken as paid or unpaid leave; and
 - (4) Of any insurance premiums remaining the responsibility of the employee and the method of payment; that the agency will cease dependent benefit payments should the dependent coverage lapse, and that any employee who fails to return to work from leave must reimburse the agency for any insurance premiums paid by the agency during such leave.

F. Insurance Benefits

- 1. While an employee is on unpaid military family leave, the agency will continue to provide the Employees Benefits Department with the employee's applicable benefit allowance(s), in the same amount(s) provided while on pay status.
- 2. Employees will remain responsible for any employee or dependent insurance not covered by the benefit allowance(s).

3. The agency benefits coordinator will notify affected employees of the premiums amounts due (not covered by the benefit allowance(s)) and the procedure for making timely payments.

G. Required Transactions (HCM-14)

The facility/unit HRMS must complete and submit an HCM-14 indicating “military family leave without pay” when an employee starts, extends, or completes a period of military family leave without pay. The HCM-14 for completing such period must also specify the status or leave program the employee is changing to.

H. Posting Requirements

Facilities/units will post an “Employee Rights and Responsibilities Under the Family and Medical Leave Act” poster ([Attachment F](#)) on bulletin boards in places where employees may be reasonably expected to see it.

VI. Leave Sharing (74 O.S. § 840-2.23)

The use of donated leave will be coded as “DL” (regular donated leave), or “FD” (family and medical donated leave), or “MD” (military family donated leave), or “TD” (workers compensation leave without pay supplemented with donated leave) on the recipient’s time/leave sheet.

A. Definition

The state leave sharing program permits employees of the agency to donate and receive accrued sick and annual leave to/from other state employees provided certain eligibility requirements are met. Employees will first exhaust all available leave options within ODOC. (Section 840-2.23H)

B. Eligibility

Participants in leave sharing, both donors and recipients, must be permanent classified or regular unclassified employees with one year or more of continuous service with the state. For the purpose of this section, the period of continuous service must have occurred since the employee’s most recent hire or reinstatement date with the state.

Probationary employees are not eligible to donate or receive leave except that probationary employees may receive shared leave pursuant to a Presidentially declared national disaster.

In addition, the eligibility requirements for recipients and donors are as follows:

1. Recipient

- a. Otherwise eligible employee recipients can participate in the shared leave program:
 - (1) When the employee is eligible for and requires family leave (see Section IV. item A. of this procedure);
 - (2) When the employee is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition.
 - (a) Relative is limited to the spouse, child, step-child, grandchild, grandparent, step-parent, or parent;
 - (b) Household member means those persons who reside in the same home, who have reciprocal duties to, and do provide financial support for one another including foster children and legal wards, even if they do not live in the household; but does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;
 - (c) Extraordinary or severe is the same as “serious” as defined in Section IV. of this procedure;
 - (3) Immediately following the death of a relative or household member;
 - (4) When, as a result of a Presidentially declared national disaster, the employee suffered a physical injury, or the spouse, relative, or household member of the employee suffered a physical injury or died, or the domicile of the employee or the home of a relative of the employee was damaged or destroyed; or
 - (5) When the employee is eligible for and requires military family leave (see Section V. item A. of this procedure).
- b. Must have exhausted or will exhaust all available sick and annual leave which has caused, or is likely to cause, the employee to go on leave without pay or terminate employment when the exhaustion is due to an extraordinary or severe illness, injury, impairment, or physical or mental condition, which involves the employee, a relative of the employee or household member; and must have exhausted all forms of paid leave available for use to include any accrued

administrative leave earned, holiday balances or compensatory time (for exempt employees only) and;

- c. In the event the recipient accrues any leave as a result of using donated leave, which cannot be exhausted, the recipient may not receive any additional leave donations until the new accruals are exhausted.
- d. The employee does not have any pending disciplinary action or is under agency investigation or investigation by an external agency (i.e., investigation of a workers' compensation claim or any criminal investigation).
 - (1) The employee may begin participation in the shared leave program when the investigation or disciplinary action is concluded.
 - (2) In the event the employee does not receive any discipline as a result of the pending action or investigation, the employee will be permitted to participate in the shared leave program back to the date participation would have begun had no action or investigation been pending.
 - (3) Employees will be suspended from the shared leave program if discipline becomes pending. Employees may be suspended from the shared leave program if an investigation is begun after the employee is already participating in the shared leave program.

2. The Donor

- a. Must volunteer to donate leave;
- b. May not donate any leave that causes either the employee's sick or annual leave balance to fall below 80 hours;
- c. May not donate any excess annual or sick leave that the employee would not be able to otherwise take except when leave is given through the Leave of Last Resort program:
 - (1) The date the donor signs a shared leave form indicating the intent to donate will be used to calculate excess sick or annual leave.
 - (2) No employee may donate any annual or sick leave in excess of the employee's remaining days of employment. Employees may not donate annual or sick leave in the event a disciplinary termination is

pending. When a final decision is made, the employee may donate any annual or sick leave not in excess of the remaining days of employment.

- (3) Prior to certifying the eligibility of the donor, the HRMS must confirm the availability of leave for donation.

C. Limits

1. No employee may be approved or authorized to receive any donated leave in excess of 261 days during total state employment except that:
 - a. Upon written request to the agency director through the chain of command, an employee may receive additional donated leave if the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal; and
 - b. The agency director may approve up to 261 days of additional leave upon the request of an employee who has reached, or is about to reach, the 261 day limit when the employee's use of donated leave was due to an inmate/offender related, and in the line of duty injury, and there is continuing medical certification that the employee is unable to work.
2. Donated leave for an FMLA event is limited to the 12 weeks as specified in Merit Rule 260:25-15-45.
3. The total donated leave used for the purpose of the death of a relative or household member is limited to five days in any calendar year.
4. Donated leave for employees affected by a presidentially declared national disaster must be used within 18 months after the date of the disaster.
5. Donated leave for a Military Family Leave (MFMLA) event is limited to 12 weeks for a qualifying exigency and/or to 26 weeks for a qualified caregiver of a covered service member as specified in Merit Rule 260:25-15-45.

D. Shared Leave Use

1. Donated annual or sick leave is transferable between employees on an hour-for-hour basis irrespective of the hourly wage of the donating or receiving employee.
2. No employee recipient may receive more than a full paycheck.

3. Employees will accrue sick and annual leave while on the shared leave program and must exhaust any monthly accruals prior to using donated leave during the next month. Such monthly exhaustion must be in accordance with Merit Rules regarding the use of leave accruals.
4. Employees who have applied for or are using donated leave in any month may be paid on a supplemental payroll.
5. Time/leave sheets will be completed using codes in accordance with [OP-110120](#) entitled "Procedures for Time/Leave Sheets and Payroll Processing" and will indicate whether the employee is using regular leave "DL", donated leave in conjunction with a designated FMLA event "FD", donated leave in conjunction with a designated Military Family Leave (MFMLA) event "MD", or donated leave in conjunction (supplemental) with an absence pursuant to a workers' compensation claim "TD."
6. When the employee returns to work and notification is provided (appropriately completed time/leave sheet), the Central Human Resources Unit will bring the donated leave balance to zero and return any unused donated leave to any donor who is an active agency employee.
 - a. In the case of multiple donors, each active donor will receive a prorated share of leave returned in an amount proportionate to the amount originally donated. The Central Human Resources Unit will advise the affected HRMS of the participants' new leave balances.
 - b. In the event the employee is using donated leave on an intermittent basis, the employee's "return to work" is defined as the final return following the end of the approved use of intermittent leave.
7. In the event a donor's status with the agency changes after donation, the recipient must return that portion of the donated leave that is defined as "the excess sick and annual leave the donor was not otherwise able to take."
8. Employees may not use donated leave in advance of being approved for participation in the Shared Leave Program and receiving donated leave, which has been processed for use by the recipient.
9. Any time that the recipient reaches the statutory limit for the use of donated leave, notification will be provided to the HRMS. All donated leave balances remaining will be brought to zero and returned to the donors.

E. Leave Approval Process

Employees are responsible for making timely requests for application to the shared leave program, securing voluntary donors, and securing the required medical certification or other documentation. The “State Leave Sharing Program/ Recipient Form” ([Attachment G](#), attached), “Request to Donate Shared Leave Form” ([Attachment H](#), attached), and either the “Standard FMLA/Shared Leave Medical Certification Form” ([Attachment E](#)) or the “Military Family (NDAA) Medical Certification Form” ([Attachment M](#)) will be completed in accordance with this procedure.

1. Employee recipients and donors will complete their portions of the applicable forms and deliver to their respective Human Resources Management Specialist (HRMS). Recipients may authorize or permit others to complete their forms for them; donors must complete their own forms and may not delegate that authority.
2. Employee recipients must provide medical certification by a health care provider for any illness, injury, impairment, or physical or mental condition for which donated leave is requested. At the end of the period of time covered by the medical certification, additional certification will be required if the employee is to remain in the leave sharing program.
3. In order to use donated leave intermittently, the employee may be required to provide confirmation from the health care provider, that each absence is due to the serious health condition previously certified.
4. Non-medical documentation may be requested prior to being approved to use donated leave for non-medical reasons.
5. The HRMS will complete the appropriate section of the forms verifying eligibility to participate and leave balances.
6. The facility/unit head will complete the appropriate section of the forms and indicate approval or denial based on the parameters identified in this procedure and the forms.
7. The facility/unit head must review any approved use of shared leave for designation of family and medical leave, or military family leave, and provide the employee with the required notice.
8. Completed donor forms will be forwarded to the HRMS at the recipient’s facility/unit.
9. If the recipient is approved to participate in the leave sharing program, the HRMS will provide a copy of the approved form to the recipient, attach the completed donor form(s) to the completed

recipient's form and send a readable copy of them to the Central Human Resources Unit.

10. If the recipient's participation is denied, the HRMS will provide a copy of the denied form to the recipient and return the donor form(s) to the donor(s).
11. The facility/unit must approve or deny requests to receive or donate shared leave and forward a readable copy of the approved forms to the Central Human Resources Unit within five working days after receiving employee requests and any required documentation.
12. Upon receipt of the readable copy of the approved forms, the Central Human Resources Unit will transfer and post the new leave balances for both donors and recipients, and provide notification to the facility/unit HRMS of the completed transfers and resulting balances.
13. The facility/unit HRMS must notify the Central Human Resources Unit when the employee returns to work and participation in the shared leave program is ended.

F. Leave of Last Resort Bank

In the event a qualifying employee is unable to secure leave from Employees within ODOC or within a different State agency, an employee may request leave from the Leave of Last Resort Bank.

1. Employees who have exhausted all sources of shared leave may request leave from the Leave of Last Resort Bank by using a "Request to Receive Shared Leave/Bank Leave Form HCM-33A" ([Attachment P](#), attached).
2. A facility/unit HRMS must certify that the request process occurred and forwarded the form to central HR for processing.
3. Per certified health event, the Request to Receive Shared Leave/Bank Leave will only need to be completed once.
4. Facility/unit HRMS will be responsible for informing central HR of the exact amount of shared leave hours the employee will need to receive a full month pay check.
5. Central HR will work with the Human Capital Management (HCM) Office of Management and Enterprise Services (OMES) shared leave liaison to provide the requested number of shared leave hours needed.
6. The receipt of shared leave from the Leave of Last Resort Bank is not guaranteed and also depends on its availability.

7. Upon the final day of state service, an employee may elect to deposit his or her annual and/or sick leave into the Leave of Last Resort Bank by using the "Separation from State Service Donation to Leave Bank Form, HCM-33C" ([Attachment R](#), attached).

Employees depositing donated leave understand;

- a. no monetary compensation will be given for annual or sick leave donated to the Bank.
- c. any sick leave donated will not apply as credit for years of service under his or her respective retirement system.
- d. any leave donated to the bank will not be reinstated.

VII. Absence Due to Hazardous Weather (74 O.S. § 840-2.20A., B., C., and D.) [Merit Rule 260:25-15-70 and 71] (Executive Order 2003-29, and HCM 12-03)

A. Definition

Administrative leave is granted to employees when state services are temporarily reduced due to hazardous weather.

B. Authorization

1. The Oklahoma Commissioner of Public Safety will authorize a reduction in services for the Oklahoma City metropolitan area to include Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie counties, and may authorize a reduction in services in other locations.
2. For all other counties, one upper manager (facility/unit head) is authorized to declare a reduction in services when hazardous weather is occurring or imminent. [Attachment N](#) entitled "Designated Authorities for Hazardous Weather Closings" (attached) lists the upper manager designated for making such declarations and the affected units within each county.
 - a. When declaring a reduction in services, the designated upper manager will contact the other affected facility/unit heads by telephone and advise them of the beginning and ending times of the reduction.
 - b. The upper manager will complete the "Declaration of Reduction in Services Due to Hazardous Weather" form ([Attachment O](#), attached). The form will be e-mailed to the affected facility/unit heads as well as the director of Human

Resources and appropriate regional director/director of Probation and Parole Service(s).

- c. The Central Human Resources Unit will compile a list of all counties which were designated for a reduction in services, and a copy will be distributed to all HRMS's for use in completing time/leave sheets. Letters will also be prepared notifying the Office of Human Capital Management and the Commissioner of Public Safety.
 - d. In the event a facility/unit provides office space for employees of the Pardon and Parole Board, the facility/ unit head will notify the Board that services are being reduced.
3. When declaring a reduction in services, the starting time and ending time will be determined by the designated authority based on local weather conditions during each hazardous weather event.

C. Eligibility

All regular classified and unclassified employees are eligible for administrative leave due to hazardous weather leave provided:

1. Employees who are not responsible for providing essential services (non-essential) and who were scheduled to work during the time period of the reduced services will use Administrative Leave (coded as "AE" and "AU" on the time/leave sheet).
2. Non-essential employees who are absent from work during the reduced services on any previously approved leave may not use administrative leave.
3. Employees who have been identified as responsible for providing basic minimum services (essential) will be entitled to accrue administrative leave on a straight time basis up to eight hours per day for hours worked during such a reduction.
 - a. Such leave must be taken within 180 days of its accrual or the employee will be paid for the leave.
 - b. Accrued administrative leave is not available for use during the month in which it was earned. Accruals occur, and are added to balances available for use at the end of the affected month.
 - c. Accrued administrative leave must be used before granting any annual leave except when the employee may lose accrued annual leave (as defined in Section II. C. item 5. of

this procedure) under Merit Rule 260:25-15-10 and 260:25-15-11(b)(5). [Merit Rule 260:25-15-71(d)]

- d. Non-essential employees who report to work will not accrue administrative leave.
- 4. Essential employees who do not report to work during an authorized reduction of services may be charged with unauthorized absence or granted the following options (in any combination) to account for the absence:
 - a. Compensatory time (FLSA Exempt employees only);
 - b. Annual leave;
 - c. Holiday; and/or
 - d. Make up the lost time in a manner consistent with the FLSA, if office hours and schedules permit.
- 5. Temporary employees are not eligible for administrative leave and will not be paid for lost time unless it is made up.

D. Absences by Ineligible Staff

Absences by essential staff during hazardous weather are subject to all applicable procedures and Merit Rules, and employees may be disciplined or granted leave accordingly.

E. Designation and Notification of Staff

When a reduction in services is authorized, the agency will maintain the basic services of providing for the care and custody of inmates.

- 1. Each unit will establish guidelines which at a minimum:
 - a. Identify the staff essential for the maintenance of basic services;
 - b. Ensure that essential staff are notified of their status; and
 - c. Provide (outside of the Oklahoma City metropolitan area) for a mechanism to inform employees when a reduction in services has been authorized.
- 2. Employees who are not identified as essential by the local appointing authority may be directed at any time to report for work by the local appointing authority and the local appointing authority may rescind the designation of an employee as essential at any time.

3. Employees who have not been identified as responsible for providing essential services or otherwise directed to remain at, or report to, work will be considered non-essential during a reduction of services.

VIII. Administrative Leave When An Office is Temporarily Closed Due to Unsafe Working Conditions (74 O.S. § 840-2.20A.A., C. and D.)(Merit Rules 260:25-15-70 and 71]

Administrative leave when an office is temporarily closed due to unsafe working conditions will be coded "AA" on the time/leave sheet.

A. Definition

If the agency director or designee closes a facility, unit, or office because of an imminent peril threatening the health, safety, or welfare of employees or the public; employees may be assigned to work at a different location or be placed on paid administrative leave.

Examples of reasons for temporarily closing an office are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

B. Eligibility

All classified and unclassified employees including temporary employees are eligible for paid administrative leave provided:

1. The agency director, or designee, has closed the office where the employee works;
2. There is no other location where the employee can report to work; and
3. The employee is available to be recalled to work at any time the office re-opens during the normally scheduled work day.

C. Notification Process

1. In the event the facility/unit head determines that there is sufficient reason for temporarily closing an office, all steps to ensure the immediate safety of employees will be taken and notification of the circumstances which pose a significant threat to the safety of staff will be provided through the chain of command to the agency director's office.

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2. Unless exigent circumstances exist, the decision to temporarily close an office will be made by the agency director or designee.
3. Unless circumstances prohibit, employees will be provided alternative working locations.
4. Facilities/units will notify the agency director's office when the conditions which posed the threat to employee safety are ended.
5. The agency director's office will provide the Central Human Resources Unit notification of any closings.
6. The Central Human Resources Unit will notify HCM pursuant to Merit Rule 260:25-15-70 and 74 O.S. § 840-2.20A.C. of any temporary office closings due to unsafe working conditions.

IX. Administrative Leave/Cooling Off Period [Merit Rule 260:25-15-50]

An administrative leave/cooling off period will be coded "AC" on the time/leave sheet.

A. Definition

Facility/ unit heads may place an employee on paid administrative leave as a cooling off period to defuse a potentially violent occurrence in the work place.

B. Limits

Administrative leave under this section will not exceed 32 hours in any 12 month period.

C. Requirements

The facility/unit may assign work to be performed during administrative leave or require an employee to remain available to meet with agency personnel. Any time spent performing work will be reported as work time, (and coded "W" on the time/leave sheet) rather than as administrative leave.

D. Annual Leave as an Alternative to Administrative Leave

Employees may be placed on annual leave as long as the employee's accrued annual leave balance is not reduced below five days (40 hours) [Merit Rule 260:25-15-11(b)(4)]. Employees may not be assigned work or required to remain available if placed on annual leave.

E. Employee Assistance Program

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Employees involved in any “violence in the workplace” incidents will be referred to the Employee Assistance Program (EAP). The facility/ unit head will notify the EAP coordinator or designee of any such incidents.

X. Administrative Leave/Critical Work-Related Incident (57 O.S. § 528.6)

Administrative leave/critical work-related incident will be coded “AA” on the time/leave sheet.

The agency director may approve administrative leave, not to exceed three days or 24 hours in a calendar year, for any employee who has been exposed to, but not injured by, a critical work-related incident such as the death, injury, or hostage-taking of another employee.

XI. Court and Jury Services [Merit Rules 260:25-15-46 and 455:10-21-4]

Absence due to court and jury services will be coded “J” on the time/leave sheet. (See exceptions item A. and F. item 2. below)

A. Definition

Employees are entitled to time off from work without loss of compensation or leave for eligible court and jury absences.

This section does not apply to employees whose agency assigned job duties include appearances, or who have been directed by the agency to appear before any court, commission, board, legislative body, or any other political subdivision, or any employee who has been subpoenaed to appear as a witness at the Merit Protection Commission. Employees in these capacities will be on work (‘W’) time and are eligible for travel reimbursement as provided by the State Travel Reimbursement Act and [OP-120301](#) entitled “Travel Reimbursement Procedures.”

B. Eligibility Requirements

All state employees (including temporary employees) are entitled to time off from work due to court and jury services:

1. When directed by the proper authority or in obedience to a subpoena and the employee has furnished a copy of the subpoena, summons, or other applicable court order to the supervisor; and
2. In the following capacities as:
 - a. A jury member;
 - b. A witness on behalf of the federal government, the state of Oklahoma, or a political subdivision of the state;

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- c. A witness or party before a state agency, board, commission, or legislative body; or
- d. A witness, party, attorney, representative, or spokesperson in the employee's official capacity as a state employee.

C. Limits

- 1. Time spent on court or jury absences coinciding with the regularly assigned shift or workday will be treated as hours worked but must be coded "J" on the time/leave sheet. Time spent at court or on a jury which falls outside of the employee's regularly assigned shift or workday will not be recorded on the time/leave sheet.
- 2. If employees are dismissed from jury duty or other covered court absence during their regular work hours, they will report back to work or request appropriate leave.

D. Travel Expenses

Employees are responsible for all travel and parking expenses associated with court and jury services and are prohibited from using agency vehicles for such purposes.

E. Leave Request

Employees will request leave by completing a "Paid Leave Request Form" ([Attachment A](#)) and submitting a copy of the subpoena, summons, or other court order as directed by the supervisor.

F. Jury and Witness Fees

- 1. State officers and employees are prohibited from receiving expert witness fees when acting in their official capacities as state employees (28 O.S. § 84.1).
- 2. Any jury fees received by the employee in accordance with the state statute can be retained by the employee [28 O.S. § 86].

G. Ineligible Activities

Employees must take personal time off (annual, earned administrative, holiday, compensatory) or leave without pay when absent from work due to the following:

- 1. As a party in private litigation;
- 2. As a witness to testify as an individual or a paid expert in private litigation;

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3. As an attorney outside of the employee's official capacity as a state employee; or
4. In any other capacity of court and jury services not covered in Section XI. B. item 2. of this procedure.

XII. Enforced Leave [Merit Rule 260:25-15-40]

Enforced leave will be coded "E" on the time/leave sheet.

H. Definitions

1. Enforced leave may be granted:
 - a. When a member of the employee's immediate family or household requires the employee's care for an illness or injury;
 - b. In the case of death in the immediate family or household; or
 - c. In the case of personal disaster.
2. Immediate family is limited to: spouse, children, parents, brothers, sisters, but includes step, grand, half, foster, or in-law relationships to immediate family members.
3. Personal disaster means an unforeseeable, catastrophic event such as the destruction of the employee's residence.
4. "Household member" is defined in Section VI. B. 1. a (2). item (b) of this procedure.

I. Eligibility Requirements

Employees who accrue sick leave are eligible to use enforced leave.

J. Limits

Enforced leave is charged to accrued sick leave and may not exceed:

1. Ten (10) working days (80 hours) in any calendar year; and
2. The accrued sick leave balance.

K. Leave Request and Approval Process

Employees will submit written requests, using [Attachment A](#), for approval to the immediate supervisor. Supervisors may require documentation and

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deny requests when the supervisor has facts to show the employee is abusing enforced leave privileges, or when the employee has failed to satisfy a request to provide documentation that the enforced leave was necessary.

XIII. Holidays [Merit Rule 260:25-15-43]

Holiday time used will be coded as “HU” on the time/leave sheet; however, “FH” will be used if the proclaimed holiday falls within a period of paid family and medical leave, or “MH” will be used if the proclaimed holiday falls within a period of paid military family leave.

A. Definition

Paid holidays are granted in accordance with state law and the Governor’s proclamations and are observed in accordance with agency workload requirements and these procedures [Merit Rule 260:25-15-43(a)].

B. Eligibility Requirements

To be eligible for a paid holiday, classified and regular unclassified employees must meet the criteria below. Temporary employees are not eligible for paid holidays.

1. An employee must be in pay status or on furlough for the entire regularly scheduled workday either the workday before or the workday after the holiday [Merit Rule: 260:25-15-43(b)]. An employee is not eligible for any paid holiday when the employee is on leave without pay (including leave without pay pursuant to a workers’ compensation claim, with or without a supplement) or other unpaid status, in any amounts, on the work day just prior to the holiday and the day following a holiday. An employee who is on Unauthorized Absence (coded UA on the time/leave sheet) either the workday before or after the holiday will not be eligible for holiday pay [Merit Rule: 260:25-15-43(b)].
2. An employee will not be eligible to be paid for holidays which occur either before the employee’s entry-on-duty date or after the last day the employee works for the agency [Merit Rule 260:25-15-43(b)].
3. In the event an employee transfers, without a break in service, from another state agency, the agency will be responsible for any holidays which occur after the employee’s last date at the sending agency [Merit Rule 260:25-15-43(b)].

C. Earned Holiday Limits

1. Holiday pay is based on an eight hour workday [Merit Rule 260:25-15-43 (c)]. Full-time employees will receive a total of eight hours of

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holiday pay or time off for each holiday regardless of the number of hours in the normal work schedule.

2. Part-time employees will receive prorated holiday pay [Merit Rule 260:25-15-43(d)] in amounts proportionate to that which would be received if full time.
3. An employee who is not scheduled to work or have a regular day off on a proclaimed holiday is deemed to have used eight hours of holiday leave.

D. Holiday Pay and Time-Off

An employee who is scheduled to work on a holiday, or whose regular day off falls on a holiday, must be scheduled to take that holiday time off within 180 days or be paid [Merit Rule 260:25-15-43(g)].

1. Accrued holiday leave is not available for use during the month in which it was earned. Accruals occur, and are added to balances available for use at the end of the affected month.
2. Payment for a holiday will be based on an eight hour workday at the employee's regular rate of pay at the time of payment [Merit Rule 260:25-15-43(g)].
3. Accrued holiday leave cannot be used to supplement leave without pay (temporary total disability payments) pursuant to a workers' compensation claim.
4. An employee scheduled to work on a holiday who fails to report for on work without proper authorization will be unauthorized absence. The holiday will either be rescheduled or paid within the established time limits.
5. If a holiday is scheduled for an alternate date (not on the date proclaimed), the employee's absence will be deemed holiday used.
6. A rescheduled holiday may not be used to substitute for absences occurring prior to the actual holiday [Merit Rule 260:25-15-43(h)].
7. Holiday hours used are deducted from the employee's oldest available holiday balance.

E. Supervisor's Responsibilities

Supervisors will make reasonable effort to schedule time off for holidays worked (or falling on a regular day off) by the end of the fifth month following the month in which the holiday was accrued.

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XIV. Organizational Leave [Merit Rule 260:25-15-41](74 O.S. § 840-2.25)

Organizational leave will be coded “P” on the time/leave sheet.

A. Definition

Organizational leave is leave with pay to attend meetings of job-related professional organizations of which the employee is a member. (4-ACRS-7B-19, 4-APPFS-3A-21)

Job-related organization means a membership association, which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to statute [Merit Rule 260:25-1-2].

B. Eligibility

Permanent classified and regular unclassified employees are eligible to take organizational leave.

C. Limits

1. Organizational leave may not exceed three days or 24 hours per calendar year.
2. Organizational leave may not be used for lobbying activities which include the lobbying of legislative or executive branch elected officials within state-owned or leased buildings, or attending meetings pertinent to lobbying activities.

D. Leave Approval Process

1. Requests for organizational leave must be submitted to the supervisor in writing using the “Paid Leave Request Form” ([Attachment A](#)) with the meeting or conference agenda attached. If the organization is not known to the agency as job-related, sufficient documentation must be provided to assess job-relatedness (see definition above).
2. Any denial of the request must be in writing and include the reasons for the denial. Reasons for denial include critical staffing shortages, any adverse impact on the delivery of services, failure of an organization to meet the definition of job-related, lobbying activity, or failure to provide conference/meeting agenda.

XV. Voting Absence (26 O.S. § 7-101)

Voting absence will be coded “W” on the time/leave sheet.

A. Definition

Voting absence is time off from work, without loss of compensation or leave, for the purpose of voting.

A. Eligibility

All employees who are registered voters are eligible for voting absence.

B. Limits

1. Voting absence may not exceed two hours unless the employee's voting place is at such a distance that more than two hours are required and adjustments to the work schedule are neither feasible nor sufficient.
2. Voting absence will not be granted to any employee who is scheduled to come to work at least three hours after the polls open (10:00 a.m.) or to leave work at least three hours before the polls close (4:00 p.m.). Supervisors may adjust work schedules on an election day accordingly.

C. Leave Approval Process

1. Employees must request time off to vote, from the supervisor, no later than the day before the election.
2. The supervisor will determine which work hour(s) will be taken as voting absence and notify the employee.
3. Employees must provide proof of voting upon returning to work.
4. Any absence from work meeting the listed requirements will be coded as time worked "W" on the time/leave sheet.

XVI. Military Leave (44 O.S. § 209, 72 O.S. § 48, 38 U.S. C. 4301 et seq,

Military leave will be coded "M" on the time/leave sheet.

A. Definition

Military leave will be granted, with regular pay, and without loss of status or seniority, for absences from work due to active or inactive leave. This includes any period of time provided under Uniformed Services Employment and Reemployment Rights Act (USERRA) following discharge and prior to returning to work.

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B. Eligibility

All employees, including temporary employees, are eligible for military leave provided the employee is:

1. A member of any branch of the United States Military or its reserve components or the National Guard; and
2. Ordered by the proper authority to active or inactive duty or service:
 - a. Training and/or drills, in addition to any emergency assignments, are considered part of active or inactive duty.
 - b. The supervisor may arrange work schedules and scheduled days off in order that drill attendance does not require any absences from work; and
3. The employee provides written notification ("Paid Leave Request Form," [Attachment A](#)) and a copy of the military orders. If orders are not available prior to the commencement of leave, the orders must be provided immediately upon the employee's return to work.

C. Limits

Military leave is limited to 30 working days (240 hours) per Federal Fiscal Year which begins October 1 and ends September 30.

Employees must be placed on military leave during the first 30 working days of any qualifying absence occurring during every federal fiscal year beginning on October 1. Employees may elect an alternate leave program to cover any absence following discharge but prior to returning to work.

D. Leave Options When Military Leave is Exhausted

1. Electing Leave Options

Employees whose qualifying absences from work (including any period of time provided under USERRA following discharge and prior to returning to work) exceed the limit may elect to cover the additional absence with accrued leave:

- a. Annual, coded "A" on the time/leave sheet;
- b. Compensatory time (exempt employees only), coded "C" on the time/leave sheet;
- c. Earned administrative, coded "AU" on the time/leave sheet and in accordance with Section II. C. item 5. of this procedure; or

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- d. Holiday, coded "HU" on the time/leave sheet [38 USC § 4316(d)].

Employees who do not elect to use accrued paid time or leave will be placed on military leave without pay, coded "MO" on the time/leave sheet. The limits for leave without pay under Merit Rule 260:25-15-47 will not apply to military leave without pay.

2. **Furnishing Orders**

- a. Employees are required to furnish military orders to access any leave option other than paid military leave for any absence of 31 days or longer. Paid military leave is referred to in Section XVI. B. of this procedure.

- e. The facility/unit is responsible for verifying the dates of absence with the military unit for any absence less than or equal to 30 days, for which the employee does not voluntarily provide orders.

E. **Reporting For Duty Time Limits**

1. **For Absences Less Than 31 days**

Employees must report back to work for the first regularly assigned work day or shift that begins at least eight hours after release from service.

2. **For Absences of 31 to 180 Days**

Employees must report back to work no later than 14 days following completion of service.

3. **For Absences More Than 180 Days**

Employees must report no later than 90 days after completion of service.

F. **State Supplemental Pay to Military Pay (44 O.S. § 209 and 72 O.S. § 48)**

- 1. Employees are entitled to receive the difference between their regular state pay and their Oklahoma National Guard or United States military reserve components pay when ordered to active or inactive service on or after September 11, 2001, during the period of time Operation Enduring Freedom is in effect.
- 2. Employees must furnish proof of dates of service (i.e. orders) and submit, with verification of all military pay received (i.e. Leave and Earnings Statement) to the Central Human Resources/Payroll Unit. State supplemental pay will be determined in accordance with the

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guidelines established in [OP-110340](#) entitled “Employee Compensation.”

3. Retirement contributions will be deducted from supplemental pay for which the employee will receive prorated service credit; however, no benefit allowance will be paid solely due to the issuance of such supplemental paycheck.

G. Military Leave Without Pay/Rights and Benefits

Except as noted below, an employee on military leave without pay pursuant to active duty status will be afforded rights and benefits subject to applicable Merit Rule, policy and procedure.

The facility/unit HRMS will complete and submit an HCM-14 which contains the comment “military leave without pay” when an employee starts, extends, or completes a period of military leave without pay. The HCM-14 for completing such period must also specify the status or leave program the employee is changing to.

1. Service Credit

An employee continues to accrue service credit applicable to longevity, retirement (if the employee elects to make contributions as described in item 3. below), and leave accrual dates while on any absence from work due to active or inactive military duty or service including any period of leave without pay [38 USC § 4316(a)].

2. Longevity Payments (74 O.S. § 840-2.18)

- a. Employees on military leave without pay for 30 days or less will receive their longevity payment following return to pay status.
- b. Employees on military leave for more than 30 days will receive a longevity payment following return to work.

3. Retirement Contributions

For any period of military leave without pay, the employee may elect to purchase service credit by making those retirement contributions that would have been made if the employee remained in pay status. The agency is responsible for the employer’s contribution. The employee may make such retirement contributions over a period of time equal to three times the length of leave without pay [38 USC § 4318].

4. Insurance

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Employees who elect to take leave without pay for more than 30 days may elect from the following insurance options (38 USC § 4317):

- a. Discontinue all current health, dental, life, and disability insurance coverage for employee and dependents with no penalty for renewing coverage;
- b. Discontinue all current coverage except for life insurance for employee and dependents with no penalty for renewing coverage;
- c. Retain all current coverage for the employee and dependents with the employee being responsible for all premium payments which must be collected by the agency and forwarded to the Employees Group Insurance Division (EGID) of the Office of Management and Enterprise Services; or
- d. Discontinue current employee coverage but maintain current dependent coverage with the employee being responsible for premium payments in the amount of 102% of the cost of premiums prior to exercising this election, and as directly billed by EGID. This election does not permit the continuation of life insurance for the employee or for dependents.

At any time the employee is placed on paid military leave or elects any other paid leave program in accordance with Section XVI. of this procedure, all insurance will be returned to the level the employee had prior to making any election outlined above. The employee will receive the applicable benefit allowance and any premiums in excess of the benefit allowance will be deducted from the employee's paycheck. The election will be reactivated if the employee returns to leave without pay status.

5. Leave Accrual

Employees on military leave without pay do not accrue sick and annual leave.

6. FMLA and/or Military Family Leave (MFMLA) Eligibility

All hours of paid and unpaid leave due to active military duty will count as qualifying towards the 1,250 hour minimum.

H. Notice of Election by Employees

The facility/unit HRMS will furnish employees who are departing for military service with a copy of [Attachment J](#) that provides information regarding the employees' rights and benefits under state and federal law, and a copy of [Attachment K](#) (attached) entitled "Military Leave and Benefit Election Form" by which employees will authorize leave and benefit elections. The HRMS

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must forward a copy of the completed [Attachment K](#) to the Central Human Resources/Benefits Unit.

XVII. Leave Without Pay [Merit Rule 260:25-15-47]

Regular leave without pay will be coded “O” on the time/leave sheet.

Information regarding family and medical leave without pay, military family leave without pay, military leave without pay, or workers’ compensation leave without pay, is referenced in relevant sections of this procedure.

A. Definition

Leave of absence from work without pay, or any extension of such leave, may be granted or denied, at the discretion of the facility/unit head unless subject to the Merit Rules or federal and state laws regarding Family and Medical Leave, Military Family and Medical Leave, Leave Without Pay Due to a Work Related Injury or Illness, or the leave options available to employees who are absent from work due to military service.

B. Eligibility

All permanent and probationary employees may be granted leave without pay [Merit Rule 260:25-15-47(a)].

C. Limits

Leave without pay may not be approved for more than 12 months; however, extensions may be granted as long as the total length of the original leave plus all extensions does not exceed two years [Merit Rule 260:25-15-47(a)(1)].

D. Leave Request/Approval Process

Except for workers’ compensation leave without pay (see [OP-110345](#)), family and medical leave without pay (requires [Attachment D](#) entitled “Family and Medical Leave Request Form”), military family leave without pay (requires [Attachment L](#) entitled “Military Family Leave Request Form”), and military leave without pay (requires [Attachment K](#) entitled “Military Leave and Benefit Election Form”), requests for, and approvals of, leave without pay or any extensions must be made in writing, using [Attachment I](#) entitled “Leave Without Pay Request Form.” All requests for leave without pay will be reviewed by the facility/unit head for eligibility and designation as family and medical leave.

1. Employee Requests

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Employees will normally request leave without pay prior to the beginning date of such leave, but in any event no later than three calendar days after the employee exhausts all applicable paid leave programs. Any requests for extensions must be made prior to the end date of the previously approved period of leave without pay.

The request must:

- a. State the reasons for the leave;
- b. Specify a start date;
- c. Indicate the anticipated duration of the leave and expected date of return; and
- d. In the event of illness or injury (not work related) is accompanied by a "Health Care Provider Statement" ([Attachment C](#)) or a "Standard FMLA/Shared Leave Medical Certification Form" ([Attachment E](#)) unless waived by the facility/unit head.

2. Facility/Unit Head Approvals

Any approval for leave without pay (including any extensions) must:

- a. Specify the date the employee is to return to work; and
- b. Be reviewed for designation as family and medical leave.

A family and medical leave designation will be made, and notification provided to the employee (in accordance with Section IV. E. item 4. of this procedure and Merit Rule 260:25-15-45) when:

- (1) The leave may be granted for: the birth of the employee's child and to care for the newborn child, or the placement for adoption or foster care of a child with the employee, to care for the employee's eligible relative with a serious health condition, or for the serious health condition of the employee; and
- (2) The employee is eligible to receive family and medical leave.

- c. Be reviewed for designation as military family leave.

A military family leave designation will be made and notification provided to the employee (in accordance with Section V. E. item 4. of this procedure and Merit Rule 260:25-

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15-45) when:

- (1) The leave is granted for: any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation; or
- (2) The leave is granted for: an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty when the employee is needed to provide care for the service member; and
- (3) The employee is eligible to receive military family leave.

E. Transactions/HCM-14

The facility/unit HRMS will complete and submit an HCM-14 which contains the comment "leave without pay" when an employee starts, extends, or completes any period of leave without pay. The HCM-14 for completing such period must also specify the status or leave program the employee is changing to.

Section F. below references transactions for probationary employees on leave without pay in excess of five working days.

Section G. below references transactions for employees who are absent without authorization.

F. Probationary Employees [Merit Rule 260:25-11-36]

1. If a probationary employee is absent from work in excess of 30 continuous calendar days, the probationary period will be adjusted by the number of calendar days the probationary employee was absent. The employee will be notified at the earliest date that the probationary period is to be adjusted.
2. Upon the employee's return to work, notification of such adjustment will be provided to the employee and the Human Capital Management Division and will include the adjusted date of the final working day of the probationary period [Merit Rule 260:25-11-36(b)].

G. Unauthorized Absence [Merit Rule 260:25-15-47(a)(7)]

Unauthorized absence will be coded as "UA" on the time/leave sheet.

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1. If an employee is absent from work without proper authorization, the employee will not receive pay for that absence.
2. The HCM-14 will specify the beginning and ending dates of the period of leave without pay and indicate that the absence was unauthorized.
3. An employee who is absent from work without prior approval (as confirmed by the coding of Unauthorized Absence on the time/leave sheet) and who has not contacted his/her supervisor or facility/unit head within five working days, is deemed to have resigned from state service [Merit Rule 260:25-11-132(c)].

H. Cancellation of Leave/Failure to Return

1. An employee may return to work before the specified date of return if approved in writing by the facility/unit head [Merit Rule 260:25-15-47(a)(2)].
2. The facility/unit head may cancel leave without pay at any time and require the employee to return to work before the specified date of return. The employee must be notified of the reasons for cancellation by certified mail or personal service and given seven calendar days to return to work [Merit Rule 260:25-15-47(a)(5)].
3. Employees who fail to report for work on the specified date of return or as directed will be subject to disciplinary action up to and including termination [Merit Rule 260:25-15-47(a)(3) and (5)].

I. Benefits/Status

Leave without pay is not, for any purpose, considered a break in service [Merit Rule 260:25-15-47(a)(8)]. The following section is applicable to all periods of unpaid leave including unauthorized absence and disciplinary Suspension Without Pay.

1. Return to Position

An employee who has requested and been approved for leave without pay has the right to return to a position in the same job family and level as the original position and in the same geographical area unless waived by the employee [Merit Rule 260:25-15-47(b)].

2. Cumulative Service [Merit Rule 260:25-15-10(F)]

Employees on leave without pay in excess of 30 continuous calendar days will have their leave accrual rates and longevity dates extended by the total period of time on non-paid leave status. This does not apply to military leave without pay or workers' compensation leave without pay.

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3. Longevity Payments (74 O.S. § 840-2.18)

- a. Employees on leave without pay for 30 days or less will receive longevity payments following their return to paid status.
- b. Employees on leave without pay for more than 30 days will receive longevity payments following their return to work.

4. Leave Accrual [Merit Rule 260:25-15-11(b)(3), 260:25-15-12(6), and 260:25-15-48(f)]

Adjustments will be made to annual and sick leave accruals based on the number of hours the employee is on unpaid status (excluding involuntary leave without pay/furlough) during the pay period.

5. Holidays [Merit Rule 260:25-15-43(b)]

Employees are not eligible to receive holiday pay when the employee is on any period of unpaid status both the workday before and the workday after the holiday (excluding involuntary leave without pay/furlough). An employee who is on Unauthorized Absence (coded UA on the time/leave sheet) either the workday before or after the holiday will not be eligible for holiday pay.

6. Payroll

Employees who have any period of unpaid leave during the pay period may be paid on a supplemental payroll.

7. Insurance Premiums

Employees who are on unpaid leave for the duration of a pay period are responsible for any insurance premiums for themselves and their dependents. This does not apply to family and medical leave without pay, military family leave without pay, or workers' compensation leave without pay.

XVIII. Leave Without Pay/Workers' Compensation (74 O.S. § 840-2.21)[Merit Rule 260:25-15-49]

A. Coding

Leave without pay pursuant to a workers' compensation claim will be coded:

1. "TT"- if no supplement is elected by the employee;
2. "TA"- if supplemented with accrued annual leave;

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3. "TS"- if supplemented with accrued sick leave;
4. "TD"- if supplemented with donated leave; and
5. "TF"- if the leave is not supplemented and the employee is eligible for family and medical leave.

Employees using paid leave to supplement workers' compensation benefits are on leave without pay status [Merit Rule 260:25-15-10(e)].

In the event a workers' compensation claim is denied or otherwise concluded after a time/leave sheet has been completed, the Central Human Resources Unit will amend the time/leave sheet and replace any inappropriate codes (leave programs) with sick leave, annual leave, holiday time, compensatory time, or leave without pay as appropriate and elected by the employee.

For additional information regarding workers' compensation benefits and procedures, refer to [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."

B. Definition/Eligibility

1. All employees (probationary and permanent classified and regular unclassified), except temporary employees, will be placed on leave without pay when their absence from work is due to an illness or injury arising out of and sustained in the course of employment and for which a workers' compensation claim has been filed.
2. Employees may be required to provide medical statements from a physician at least every three months, or as directed by the facility/unit head, as to the ability to perform the essential duties of their positions [Merit Rule 260:25-15-49(g)].

C. Limits

1. The entitlement to leave without pay will expire one year after the start of leave without pay or immediately if the claim for workers' compensation is denied or otherwise concluded within the one year period (74 O.S. § 840-2.21)(Merit Rule 260:25-15-49).
2. For the purposes of determining this limit, one year equals 12 continuous months; however, an employee's return to work for less than 30 days will not be considered as the end to a continuous absence.

D. Transactions

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1. The Central Human Resources Unit will be responsible for the completion of an HCM-14 when employees start, extend, or end periods of workers' compensation leave without pay.
2. The transaction must state, "Leave without pay pursuant to a workers' compensation claim in accordance with Title 74 Section 840-2.21 and Merit Rule 260:25-15-49(f)."

E. FMLA Designation

The first 12 weeks of leave without pay, which is not supplemented with sick or annual leave, taken by an employee with at least one year of service with the state and who has worked a minimum of 1250 hours during the preceding 12 month period, will be designated as family and medical leave (FMLA).

F. Rights and Benefits

Leave without pay is not considered a break in service.

1. Compensation
 - a. Employees may elect to supplement payments for temporary total disability with any available sick or annual leave including the sick and annual leave donated through the state leave sharing program.
 - b. The total monthly compensation received from the agency and CompSource Mutual may not exceed 100% of the employee's monthly salary.
2. Leave Accrual Rate/Longevity
 - a. No period of leave without pay taken pursuant to 74 O.S. § 840-2.21 will affect an employee's annual leave accrual rate or longevity date [Merit Rule 260:25-15-10(c)(1)(G)].
 - b. Employees on workers' compensation leave without pay (with or without supplement) for 30 days or less will receive longevity payments following their return to paid status.
 - f. Employees on workers' compensation leave without pay (with or without supplement) for more than 30 days will receive longevity payments following their return to work (74 O.S. § 840-2.18 H)[Merit Rule 260:25-15-10(e)].
3. Retirement (74 O.S. § 913.A.8)

An employee will receive participating service credit for any period of

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temporary total disability (TTD) during which the employee remained employed by the agency provided that the employee:

- a. Notifies the retirement system in writing not later than four months after returning to work, or terminating employment, or termination of TTD (whichever is earlier) that the employee wants to receive such credit; and
- b. Pays the contributions for the period of absence in accordance with the rules for such payment required by statute and the retirement system.

4. Return to Work

The following rights and benefits will end one year after the start of leave without pay or immediately if the claim for workers' compensation is denied or otherwise concluded within the one year period.

- a. Right to Return to Original Position [Merit Rule 260:25-15-49(i)]

The employee has a right to return to his/her original position.

- b. First Preference Rights [Merit Rule 260:25-15-49(h)]

Employees who cannot return to their original positions, with or without reasonable accommodation, will be provided first preference for vacant positions in accordance with [OP-110345](#) entitled "Workers' Compensation Insurance and Accommodations for Injured/Impaired Employees."

5. Insurance Coverage (74 O.S. § 840-2.21.C) [Merit Rule 260:25-15-49(f)]

- a. While an employee is on un-supplemented workers' compensation leave without pay up to 12 continuous months, (pursuant to 74 O.S. § 840-2.21), the agency will continue to provide the Employee Benefits Department with the employee's applicable benefit allowance(s), in the same amount provided while on pay status.
- b. Employees will remain responsible for any employee or dependent insurance not covered by the benefit allowance(s).
- g. The agency's benefits coordinator will notify affected employees of the premiums/amounts due [not covered by the benefits allowance(s)] and the procedure for making timely payments.

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6. Reinstatement Rights

- a. Any employee who is separated due to a failure to return to the original or alternative position within one year after the start of leave without pay will be eligible for reinstatement for 12 months after the date of separation.
- b. Classified employees will have reinstatement rights to the classified or unclassified service; unclassified employees will have reinstatement rights to the unclassified service (74 O.S. § 840-2.21.I.) [Merit Rule 260:25-15-49(k)].

G. Discipline/Termination

1. Discipline

- a. An employee may be disciplined if a medical report indicates that the employee is able to perform the essential duties of the original position or an alternate position, for which the employee is qualified, and the employee does not return to work within seven days after the facility/unit mails a notice to the employee's last known address or delivers a notice to the employee [Merit Rule 260:25-15-49(j)(1)].
- b. Employees may not be disciplined for refusing an offer of temporary light duty while exercising their rights under FMLA.

2. Termination

- a. If an employee does not return to the original position or an alternate position within one year from the start of leave without pay, the facility/unit may terminate the employee in accordance with 74 O.S. § 840-2.21. A permanent classified employee must be provided a due process (notice and pre-termination hearing) termination in accordance with applicable statute, Merit Rule, and procedure.
- b. Any employee terminated under 74 O.S. § 840-2.21 must be notified of the right of reinstatement. The letter of termination must include the following statement:

"A classified employee will be eligible for reinstatement to either classified or unclassified employment with any state agency for 12 months after the date of separation. An unclassified employee will be eligible for reinstatement to unclassified employment with any state agency for 12 months after the date of separation. This does not reduce eligibility under other general reinstatement or reemployment law or

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rules, such as 260:25-9-102.” [Merit Rule 260:25-15-49(k)].

XIX. Involuntary Leave Without Pay (Furlough)

Absences due to furlough will be coded “ZO” on the time/leave sheet.

A. Definition

Employees may be placed on involuntary leave without pay (furlough) when it is necessary to reduce expenditures or when it is required because of a temporary decline or cessation of work activities. [Merit Rule 260:25-15-48]

B. Eligibility and Limits

Classified and unclassified employees may be furloughed for up to a total of 184 hours in any 12 month period.

C. Approval Process

The agency will announce in writing the reasons requiring the furlough, and submit the furlough plan to the Office of Human Capital Management (HCM) for review and approval. The approved plan will be posted throughout the agency a minimum of 2 working days before furloughing any employee. [Merit Rule 260:25-15-48(c)(2)]

D. Notification Process

Employees who are to be furloughed will be given individual written notice of the furlough at least 30 days before its starting date. This written notice will explain the reasons for the furlough and how the furlough will affect the employee. The notice will also include the dates and times leave is to begin and end. [Merit Rule 260:25-15-48(e)]

E. Continuation of Benefits While on Furlough

While on furlough, employees who would otherwise accrue leave will continue to accrue annual and sick leave as though the furlough had not occurred.

F. Office Hours and Work Schedules During Furlough Periods

When a furlough is required, all offices within the agency, including those located within correctional facilities, will operate according to the following schedule.

1. During affected weeks, offices will be open Monday through Thursday from 7:30 a.m. to 5:30 p.m. Employees must account for 36 hours in any combination of work and leave programs.

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2. On Fridays during affected weeks, offices will be closed and employees will not work. Employees will record 4 hours of furlough ("ZO") on the time/leave sheet to complete the required 40 hours for the work week. Employees on this standard schedule must also be provided a copy of the furlough schedule as required in this procedure.
3. Employees who work in positions responsible for providing basic minimum services, such as correctional officers and food service staff, will be scheduled to furlough the same number of hours as all other employees during that month. These employees will continue to work their standard schedule, accounting for 40 hours per week (including furlough hours) plus shift briefing, if applicable. Supervisors are responsible for developing a staggered work schedule which ensures coverage for every day and shift in the week.
4. Supervisors must ensure that schedules do not cause unauthorized overtime accruals. While all hours worked must be reported, no employee may be permitted or scheduled to work any additional hours that would serve to offset the furlough hours.
5. The Fair Labor Standards Act (FLSA) requires that any exempt employee (comp eligible) who has furlough hours during a work week is nonexempt (overtime eligible) for that work week. It is essential that, during a week containing a scheduled furlough, normally exempt employees' work hours, paid leave hours, and furlough hours total no more than 40.
6. Part-time and temporary employees will be furloughed for a pro-rated number of hours directly proportionate to the scheduled furlough hours for full-time employees.
7. No employee may be furloughed on a regular day off. No employee may be furloughed on a proclaimed holiday other than a facility employee whose regular workday falls on a proclaimed holiday.

XX. Absences from Work/Employee Support or Tribute

A. Employee Funeral or the Funeral of an Employee's Immediate Family Member

Supervisors within an employee's chain of command, and other employees designated as the agency's representatives, may attend an employee's funeral or the funeral of an employee's immediate family member, make condolence calls to dependents, provide visitation at home or treatment facility, or attend events commemorating or celebrating an employee's service or achievements during normal work hours without loss of compensation or accrued time/leave.

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1. Supervisors will prepare a written list of all staff approved to do so on work time, and such absence will be coded 'W' but is limited to those hours coinciding with the employee's assigned shift or regularly scheduled working hours.
2. If not approved by the supervisor to do so, employees must account for any absence during working hours with an applicable leave program.

B. Work Assignment or Directive

Any employee who receives a work assignment or directive from the supervisor requiring participation in such activities is considered to be on work time regardless of whether such time coincides with the regular shift or work day. The supervisor may release the employee from such work assignment at any time.

C. Elected Attendance Outside of Working Hours

Employees who elect to support such activities or who are released by the supervisor from any work assignment related to such activities must account for any absence during working hours with an applicable leave program. Such elected attendance outside of working hours is considered the employee's regular time off from work.

XXI. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

OP-110120 entitled "Procedures for Time/Leave Sheets and Payroll Processing"

OP-110305 entitled "Overtime Pay and Compensatory Time"

OP-110340 entitled "Employee Compensation"

OP-110345 entitled "Workers' Compensation Insurance and Accommodation for Injured/Impaired Employees"

OP-120301 entitled "Travel Reimbursement Procedures"

The Family and Medical Leave Act of 1993, 29 USC § 2601 et seq (29 CFR 825)

The Uniform Services Employment and Reemployment Rights Act of 1994, 38 USC § 4301 et seq

The National Defense Authorization Act of 2008, Section 585(a) of the NDAA amends the Family and Medical Leave Act (FMLA) of 1993

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Public Law 110181

26 O.S. § 7-101

28 O.S. § 84.1

44 O.S. § 209

57 O.S. § 528.1, 528.6

72 O.S. § 48

74 O.S. § 840-2.18, 2.20, 2.20A, 2.21, 2.22, 2.23, 2.25,

74 O.S. § 913.A.8

Merit Rule 455:10-21-4

Merit Rule 260:25-1-2, 260:25-11-2 through 10, 260:25-12-2 through 13, 260:25-15-10(c) through (F), 260:25-15-37, 260:25-15-40, 260:25-15-43 (a) through (h), 260:25-15-45(h), 260:25-15-46, 260:25-15-47 (a.1., a.2., a.3., a.5., a.7, a.8), 260:25-15-48 (c.2., e, f), 260:25-15-49 (g) through (j.1), 260:25-15-50, 260:25-15-70, 260:25-15-71(d), 260:25-17-75(e)(2), 260:25-17-175(b), 260:25-132(c)

Executive Order 2003-29

XXII. Action

Senior staff are responsible for compliance with this procedure.

The director of Human Resources is responsible for the annual review and revisions.

Any exception to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110355 entitled "Procedures for Employee Attendance and Leave" dated October 30, 2018

Distribution: Policy and Operations Manual
Agency Website

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<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<u>Attachment A</u>	"Paid Leave Request Form"	Attached
<u>Attachment B</u>	"Annual and Sick Leave Accrual Rates and Accumulation Limits"	Attached
<u>Attachment C</u>	"Health Care Provider Statement"	Attached
<u>Attachment D</u>	"Family and Medical Leave Request Form (Side 1) - Employer's Notice to Employee (Side 2)"	Attached
<u>Attachment E</u>	"Standard FMLA/Shared Leave Medical Certification Form"	Attached
<u>Attachment F</u>	"FMLA Poster"	Attached
<u>Attachment G</u>	"State Leave Sharing Program/Recipient Form"	Attached
<u>Attachment H</u>	"Request to Donate Shared Leave Form"	Attached
<u>Attachment I</u>	"Leave Without Pay Request Form"	Attached
<u>Attachment J</u>	"Military Leave Rights and Benefits Memo"	Attached
<u>Attachment K</u>	"Military Leave and Benefit Election Form"	Attached
<u>Attachment L</u>	"Military Family Leave Request Form (Side 1) - Employer's Notice to Employee (Side 2)"	Attached
<u>Attachment M</u>	"Military Family (NDAA) Medical Certification Form"	Attached
<u>Attachment N</u>	"Designated Authorities for Hazardous Weather Closings"	Attached
<u>Attachment O</u>	"Declaration of Reduction in Services Due to Hazardous Weather"	Attached
<u>Attachment P</u>	"Request to Receive Shared Leave/Bank Leave Form HCM-33A"	Attached
<u>Attachment R</u>	"Separation from State Service Donation to Leave Bank Form"	Attached