
POLICY TRANSMITTAL NO. 04-60	DATE: NOVEMBER 18, 2004
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

DHS:2, Table of Contents; 2-1-7 through 2-1-13; and 2-1-34.

EXPLANATION: Human Resources Management Division (HRMD) regulations are revised to: (1) reflect Oklahoma Department of Human Services (OKDHS) current practices; (2) comply with House Bill 1593; and (3) change from monthly leave accrual to hourly accrual to be consistent with the Merit Rules for Employment.

Original signed on 11-18-04

A. L. Smith, Director
Human Resources Management Division

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WF # 04-AA & 04-BB (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

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(a) **Purpose.** The Oklahoma Department of Human Services (OKDHS) disciplinary regulations and procedures are intended to provide a means of ensuring compliance with standards through reasonable and consistent disciplinary action, with flexibility to vary penalties, based on the seriousness and particular circumstances for each action.

(b) **Scope.** Discipline includes oral reprimand through discharge. OKDHS follows the principle of progressive discipline where, absent mitigating circumstances, repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline. These regulations pertain only to permanent, classified employees unless designated for other employees. OKDHS may amend its internal regulations at any time.

(c) **Disclaimer and limitations.** Internal personnel regulations of OKDHS are intended solely to assist OKDHS in implementing the Oklahoma Personnel Act and Merit System of Personnel Administration Rules (Merit Rules) for classified employees and to provide administrative guidance to OKDHS for at-will unclassified or at-will probationary employees. OKDHS personnel policies do not create an employment contract of any kind, including but not limited to duration or conditions of employment. For progressive discipline purposes, supervisors are prohibited from considering incidents that occurred longer than four years prior to an offense in order to move to a higher level of discipline. The prohibition does not apply to conduct involving:

(1) criminal activity;

(2) sexual misconduct or harassment;

(3) racially discriminatory behavior or harassment;

(4) threats or acts of violence against employees in the workplace; and

(5) drug or alcohol use or abuse on the job.

(d) **Definitions.** The following words and terms used in this Section have the following meaning, unless the context clearly indicates otherwise:

(1) **"Corrective action plan (CAP)"** means a formalized written plan to help an employee correct behavior or improve performance.

(2) **"Discipline"** means oral reprimand, written reprimand, suspension without pay, involuntary demotion, or discharge. Discipline also includes a memorandum of

instruction issued by the director of the Human Resources Management Division (HRMD) as statutorily mandated discipline per Section 238.2.E of Title 68 of the Oklahoma Statutes.

(3) "**Local administrator**" means the chief officer, division director, area director, resource center administrator, county director, or supervisor authorized to make discipline decisions.

(4) "**Memorandum of instruction**" means a memorandum to the employee issued by the director of HRMD as statutorily mandated discipline when required by Section 238.2.E of Title 68 of the Oklahoma Statutes.

(5) "**Personnel file**" means the permanent file of the employee maintained in HRMD and the local file maintained in the employee's work location or other locations. An employee has a right to review and copy his or her personnel file(s). A memorandum of instruction issued per this subsection and correspondence from the Oklahoma Tax Commission is maintained by HRMD separately from permanent personnel files.

(6) "**Sexual harassment**" means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. [Title VII of Civil Rights Act of 1964, Part 1604, as amended]

(7) "**Repetition of an offense**" means any violation of applicable policy, and is not limited to offenses of similar or identical nature as a prior offense.

(e) **Corrective action plan (CAP).** The CAP itself is not a disciplinary action. The CAP:

(1) details a specific course of action to assist the employee's compliance with policy;

(2) is used only as a part of a written reprimand, suspension without pay, or involuntary demotion;

(3) lasts no longer than 90 days and provides at least one periodic review date; and

(4) does not prevent OKDHS from proceeding with the next step of corrective discipline.

(f) **Relationship to grievance regulations.** Final disciplinary actions may be grieved in accordance with the OKDHS grievance regulations at DHS:2-1-150 through DHS:2-1-163.1. Recommended or proposed actions are not grievable.

(g) **Reassignment or removal from duty status pending an investigation of disciplinary action.** An employee under investigation or awaiting a decision in a disciplinary action remains on duty if possible. The employee may be temporarily reassigned for up to 60 days or suspended with pay for 20 working days in a 12-month period.

(h) **Documentation and removal of actions.** A copy of any disciplinary document placed in an employee's personnel file is given to the employee. All copies of oral reprimands and written reprimands may be removed from all files after two years if the employee has had no subsequent discipline. An employee requests the removal of an oral reprimand or written reprimand to the HRMD corrective discipline manager. The written request is signed by the employee's immediate and reviewing supervisors.

(i) **Causes for disciplinary action.** OKDHS, when necessary, takes disciplinary action against an employee for violations of statute, policy, practice, directive, standard, or procedure regarding work performance or conduct. The categories of work performance or conduct that warrant discipline are described in this subsection.

(1) **Unsatisfactory performance.** An employee's performance is unsatisfactory when performance fails to meet established standards and criteria for the position to which the employee is assigned. Unsatisfactory performance includes inefficiency or error. Unsatisfactory performance is in most circumstances, correctable, and disciplinary action is normally preceded by appropriate efforts to identify the performance problems and correct the performance problems.

(2) **Misconduct.** Misconduct includes any failure to comply with statute, policy, practice, directive, standard, or procedure directly governing performance and conduct. The specific policies governing an employee's work and conduct may vary depending on the individual job responsibilities and work location. Supervisory personnel are responsible for ensuring that employees are informed of and have available for review all applicable policy. Each employee is responsible for making reasonable efforts to stay informed of policy and any changes governing his or her duties and conduct. Misconduct further includes items listed in (A) through (I) of this paragraph.

(A) **Unauthorized disclosure of confidential information.** Unauthorized disclosure of confidential information includes securing or attempting to secure access to confidential information without authorization.

(B) **Willful failure.** Willful failure includes failure to follow established OKDHS policy, failure to attend training, and failure to complete required forms and reports.

(C) **Violation of time and leave policy.** Time and leave violations include excessive or abusive tardiness, unexcused, unapproved, or excessive absences, abuse of leave, or unauthorized leave without pay.

(D) **Willful disobedience.** Willful disobedience is the intentional disregard of supervisory directives or willful refusal to comply with such directives.

(E) **Insubordination.** Insubordination, as distinguished from willful disobedience, means a general course of conduct evidencing disrespect, disdain, or contempt for OKDHS administrators, supervisory personnel, or other proper authorities.

(F) **Dishonesty.** Dishonesty includes:

(i) fraud committed in securing any appointment, promotion, or other advantage in employment;

(ii) making false reports or claims;

(iii) making false entries to misrepresent work performed;

(iv) falsifying official forms or other documents;

(v) criminal acts;

(vi) knowingly withholding information of official interest;

(vii) fraud committed in securing any service or benefit from any program administered by OKDHS; and

(viii) failure to report a finding of guilt, plea of guilty, or nolo contendere to a felony charge.

(G) **Intoxication or the use or possession of alcoholic beverages or drugs during duty hours or on OKDHS property.** Intoxication includes any impairment resulting from use of alcohol or drugs, including the unauthorized or illegal use of prescribed medications, or a positive alcohol or drug test result pursuant to OKDHS alcohol and drug testing policies.

(H) **Discourteous treatment of clients, other employees, or the general public.** All staff are responsible for treating all persons with respect and courtesy and for ensuring that procedures employed in carrying out their responsibilities do not violate privacy or personal dignity, constitute harassment, or violate constitutional rights.

(I) **Misuse of state property or equipment.** Misuse of state property or equipment includes theft, destruction, abuse, careless or reckless use of property or equipment, careless misplacement of property or equipment, careless or intentional waste of property or equipment, and use of state property for personal purposes, such as personal long distance telephone calls charged to the State, misuse of OKDHS e-mail, facsimile, computer, or the use of unauthorized software.

(3) **Medical limitations.** Medical limitations include inability to perform the essential functions of the position, with or without reasonable accommodation, due to medical limitations.

(4) **Neglect of duty.** Neglect of duty includes absence from an assigned duty station without proper authorization, inexcusable failure to perform an assigned duty, and inexcusable inattention to assigned duties.

(5) **Conduct unbecoming a public employee.** Conduct unbecoming a public employee includes any failure by an employee of good behavior either during or outside duty hours, which is of such a nature that it causes discredit to OKDHS.

(6) **Felony convictions.** Any employee convicted of a felony charge or who pleads guilty or nolo contendere to a felony charge while employed by OKDHS is discharged.

(7) **Maltreatment of OKDHS clients.** Employees and supervisors are aware of and follow policies and administrative directives concerning maltreatment of clients in the employee's care. Maltreatment includes abuse, neglect, verbal abuse, exploitation, caretaker misconduct, sexual abuse, and sexual exploitation.

(8) **Willful violation of the Oklahoma Personnel Act, Ethics Rules, or the Merit Rules.** Willful violation of the Oklahoma Personnel Act, Ethics Rules, or Merit Rules includes conflicts of interest, prohibited political activities, and acts of discrimination, harassment, or retaliation of protected activity.

(9) **Dereliction of duty.** Dereliction of duty is the failure of an employee to appear for duty for three consecutive working days and failure to contact his or her immediate or reviewing supervisor, or other delegated authority, during that three-day period to request authorization to be absent from duty and explain the reason(s) for the request. Progressive discipline is unwarranted for the employee who is derelict in his or her duty, and the employee is discharged.

DHS:2-1-8. Oral reprimand

(a) **Purpose.** An oral reprimand is the first step of discipline and is used to correct minor performance or conduct problems.

(b) **Requirements.** Administering an oral reprimand is a verbal process. The oral reprimand session is documented, and a copy of the documentation is provided to the employee. An employee may respond in writing to the documentation in not less than five working days. The employee has a right to grieve the oral reprimand in accordance with the Oklahoma Department of Human Services (OKDHS) grievance regulations. The supervisor maintains documentation of the oral reprimand session only in the employee's local personnel file.

DHS:2-1-9. Written reprimand

(a) **Purpose.** A written reprimand is used to correct problems not resolved by oral reprimand or for more serious performance or behavioral problems that warrant beginning at the written reprimand level. The immediate and reviewing supervisors sign the written reprimand.

(b) **Requirements.** A written reprimand includes:

(1) the employee's name, title, job family descriptor, pay band, user identification (ID) number, and division;

(2) the date of the written reprimand;

(3) a citation of the statute, policy, practice, or procedure violated;

(4) a statement of the act or incident that is the cause for the written reprimand. Witness statements, investigative reports, and other supporting documentation used in the disciplinary action are listed in the written reprimand and provided the employee under separate cover;

(5) a corrective action plan per DHS:2-1-7(e);

(6) a summary of prior discipline considered in issuing the written reprimand;

(7) a statement that continued violations will result in suspension without pay, involuntary demotion, or discharge;

(8) a notice that the employee has a right to submit a written response in not less than five working days and that the response will be attached to the written reprimand and included in the employee's personnel file;

(9) a notice of the employee's right to grieve the written reprimand in accordance with the Oklahoma Department of Human Services (OKDHS) grievance regulations; and

(10) signature of the employee's immediate and reviewing supervisors.

(c) **Distribution.** The local administrator provides a copy of the written reprimand and response to the:

(1) employee;

(2) Human Resources Management Division (HRMD) personnel file; and

(3) corrective discipline manager.

DHS:2-1-10. Suspension without pay and involuntary demotion

(a) **Purpose.** A suspension without pay or involuntary demotion is taken when other forms of discipline are unsuccessful or for serious performance or behavior problems. The notice of proposed suspension without pay or involuntary demotion is issued only by a chief officer, division director, or designee. For purposes of this Section, one day equals eight working hours. A suspension without pay can not exceed 60 calendar days or 480 hours in any 12-month period.

(b) **Notice.** Notice of the proposed and final action is given by personal service or certified mail, restricted delivery. Notice of proposed suspension without pay or involuntary demotion includes:

(1) the employee's name, title, job, family descriptor, pay band, user identification (ID) number, and division;

(2) the date of the notice;

(3) the number of proposed hours or days of suspension without pay or the description of the proposed position of demotion;

(4) a citation of the statute, policy, practice, or procedure violated;

(5) grounds for suspension without pay or demotion including a statement of the act or incident that is the cause for the suspension without pay or demotion;

(6) the evidence supporting the proposed action. Witness statements, investigative reports, and other supporting documentation used in the disciplinary action are listed in the written reprimand and provided the employee under separate cover;

(7) a summary of prior discipline considered in issuing the notice of suspension without pay or involuntary demotion; and

(8) a notice of the employee's right to submit a written response in not less than five working days.

(c) **Final action.** Within ten working days after the employee's response deadline, the employee is provided written notice of the final action. The chief officer, division director, or designee considers the notice, the employee's response, the employee's performance evaluation, and other relevant issues in arriving at the final action. The notice of final action resulting in a suspension without pay or involuntary demotion includes:

- (1) the employee's name, title, job family descriptor, pay band, user ID number, and division;
 - (2) a statement that the action is being taken pursuant to Section 840-6.5(B) of Title 74 of the Oklahoma Statutes;
 - (3) the date and specific final action taken;
 - (4) the length and dates of suspension without pay or the position of demotion;
 - (5) a citation of the statute, policy, practice or procedure violated;
 - (6) grounds for suspension without pay or involuntary demotion, including a statement of the act or incident that is the cause for the suspension without pay or involuntary demotion;
 - (7) a summary of prior discipline considered in issuing the suspension without pay or involuntary demotion;
 - (8) the consideration given to the employee's response;
 - (9) a corrective action plan;
 - (10) notice of the employee's right to grieve the suspension without pay or involuntary demotion in accordance with the Oklahoma Department of Human Services (OKDHS) grievance regulations; and
 - (11) notice of the employee's right to file an appeal to the Oklahoma Merit Protection Commission (MPC); address of the MPC; the MPC filing time limit of 20 calendar days from date employee receives notice of the final action; and a copy of the MPC petition for appeal form.
- (d) **Distribution.** The local administrator provides a copy of the:
- (1) notice of proposed suspension without pay or notice of involuntary demotion and a copy of the employee's response to the:
 - (A) employee;
 - (B) corrective discipline manager; and
 - (C) Legal Division; and

(2) final action of suspension without pay or final action of involuntary demotion to the:

(A) employee;

(B) Legal Division;

(C) corrective discipline manager;

(D) Human Resources Management Division (HRMD) personnel file; and

(E) Finance Division, Payroll Unit.

DHS:2-1-11. Discharge and pretermination hearing

(a) **Purpose.** An employee is discharged when his or her conduct or performance warrants. A permanent, classified employee is provided a pretermination hearing to provide information to determine whether the charges against the employee are true and support discharge. A pretermination hearing is not given to an employee terminated as part of a reduction-in-force. The notice of proposed discharge is issued only by a chief officer, division director, or designee.

(b) **Notice.** Notice of the proposed discharge, pretermination hearing, and final action is made by personal service or certified mail, restricted delivery. Pending completion of the notice and the pretermination hearing, an employee may be suspended with pay or temporarily reassigned as provided in policy. The notice must be provided to the employee at least seven working days before the pretermination hearing. Notice of proposed discharge includes:

- (1) the employee's name, title, job family descriptor, pay band, user identification (ID) number, and division;
- (2) date of the notice;
- (3) a citation of the statute, policy, practice, or procedure violated;
- (4) grounds for discharge, including a statement of the act or incident that is the cause for the discharge;
- (5) the evidence supporting the proposed action. Witness statements, investigative reports, and other supporting documentation used in the disciplinary action are listed in the written reprimand and provided the employee under separate cover;
- (6) the certificate of prior disciplinary action;
- (7) a notice of the employee's right to submit a written response in not less than five working days;
- (8) a statement of the employee's right to be represented at the pretermination hearing by an attorney or other person of choice; and
- (9) the date, time, and location of the pretermination hearing.

(c) **Certificate of prior disciplinary action.** The chief officer, division director, or designee ensures a certificate of prior disciplinary action is filed in the employee's

official Human Resources Management Division (HRMD) personnel file at least three calendar days before the hearing. The certificate lists the progressive disciplinary actions taken against the employee pursuant to DHS:2-1-7(b) and certifies that all mandatory progressive disciplinary actions have been taken.

(d) **Pretermination hearing.** The pretermination hearing provides information from which a determination is made as to whether reasonable grounds exist to believe that the charges against the employee are true and whether the grounds support the proposed discharge.

(1) Pretermination hearings are not full evidentiary hearings and formal rules of evidence do not apply.

(2) The pretermination hearing officer establishes and advises the parties of the procedure for conducting the pretermination hearing and allows each party or his or her representative to make a brief statement at the opening or closing of the proceedings, or both. Statements are limited to the party's position and a summary of the evidence supporting that position.

(3) Argument is not evidence and the hearing officer may limit or exclude argument.

(4) The pretermination hearing officer may also limit or exclude non-relevant witnesses, testimony, or documentation.

(5) Parties and witnesses are not permitted to read prepared testimony into the record or cross-examine any witness.

(6) Parties may request that the hearing officer ask specific questions relevant to specific issues.

(7) The pretermination hearing officer may designate cases for telephonic hearing.

(8) A pretermination hearing may be continued or rescheduled by the Oklahoma Department of Human Services (OKDHS) for good cause.

(9) Requests for a pretermination hearing continuance are made to the OKDHS Legal Division not less than two working days prior to the hearing.

(10) The pretermination hearing is recorded in its entirety by audiotape. The employee is provided a copy of the tape within 14 days of request and filing an appeal with the Oklahoma Merit Protection Commission (MPC).

(e) **Legal review.** When a recommendation for discharge is made, the Legal Division reviews the audiotapes of the pretermination hearing and all evidence for legal sufficiency.

(f) **Final action.** Within ten working days of the pretermination hearing, the chief officer, division director, or designee notifies the employee of the final action. The hearing officer's decision is included with the final action. The chief officer, division director, or designee considers the employee's response, the pretermination hearing decision, the employee's performance evaluation, and other relevant issues to the action. The notice of final action of discharge includes:

- (1) the employee's name, title, job family descriptor, pay band, user ID number, and division;
- (2) a statement that the action is taken pursuant to Section 840-6.5(B) of Title 74 of the Oklahoma Statutes;
- (3) the date, the specific final action taken, and, if discharge, the effective date of discharge;
- (4) a citation of the statute, policy, practice, or procedure violated;
- (5) grounds for discharge including a statement of the act or incident that is the cause for the discharge;
- (6) a summary of prior discipline considered in issuing the discharge;
- (7) the consideration given the employee's response;
- (8) the pretermination hearing officer's decision;
- (9) a notice of the employee's right to grieve the discharge in accordance with the OKDHS grievance regulations; and
- (10) a notice of the employee's right to file an appeal to the (MPC); the address of the MPC; the MPC filing time limit of 20 calendar days from date employee receives notice of the final action; and a copy of the MPC petition for appeal form.

(g) **Distribution.** The local administrator provides a copy of the:

- (1) notice of proposed discharge and response to the:
 - (A) employee;

(B) Legal Division; and

(C) corrective discipline manager; and

(2) final action of discharge to the:

(A) employee;

(B) Legal Division;

(C) corrective discipline manager;

(D) HRMD personnel file; and

(E) Finance Division, Payroll Unit.

DHS:2-1-12. Probationary and unclassified employees

(a) **Purpose.** Probationary and unclassified employees are employees at-will and may be discharged by a chief officer, division director, or designee without cause at any time. Progressive discipline is not generally afforded a probationary employee and disciplinary issues are normally addressed in evaluation of the employee's performance. Other disciplinary actions, including oral reprimand, written reprimand, and suspension without pay, may be taken against probationary or unclassified employees at the discretion of the local administrator. Citation or use of the procedures in DHS:2-1-7 through DHS:2-1-11 is not used in administering discipline to a probationary or unclassified employee. This Section contains the only provisions that apply to probationary or unclassified employees.

(b) **Notice of discharge.** Probationary and unclassified employees are terminated by delivery of a written notice informing the employee that he or she is discharged and the effective date. The notice of discharge is made by personal service or certified mail, restricted delivery. The notice includes:

- (1) the employee's name, title, job family descriptor, pay band, user identification (ID) number, and division;
- (2) a notice of the employee's right to grieve the discharge in accordance with the grievance regulations; and
- (3) the effective date of discharge.

(c) **Distribution.** The local administrator provides a copy of the Notice of Discharge to the:

- (1) employee;
- (2) Legal Division;
- (3) corrective discipline manager;
- (4) Human Resources Management Division (HRMD) personnel file; and
- (5) Oklahoma Department of Human Services (OKDHS) Finance Division, Payroll Unit.

DHS:2-1-13. Delegation of authority

Any authority granted to a chief officer or division director pursuant to the Oklahoma Department of Human Services (OKDHS) corrective discipline policy may be delegated in whole or in part to one or more subordinate administrators within the division. Such delegation is in writing and is made only with the prior approval of the Director.

DHS:2-1-34. Holidays

(a) **Statement of policy.** Holidays are granted in accordance with state law and the Governor's proclamations and are observed in accordance with Oklahoma Department of Human Services (OKDHS) policies.

(b) **Eligibility and exceptions.** Holiday leave is accrued and charged on the date that the holiday is observed, except as noted in paragraph (1) of this subsection. Holiday leave may not be taken prior to the date accrued.

(1) Computation of holiday leave accrual for part-time employees is based on the percentage of full-time equivalency (FTE) scheduled in the pay period in which the holiday occurs.

Percentage of FTE	Holiday leave accrual hours
.00	0
.05	0
.10	<u>1</u>
.15	1
.20	<u>2</u>
.25	2
.30	2
.35	3
.40	3
.45	4
.50	4
.55	<u>4</u>
.60	5
.65	<u>5</u>
.70	6
.75	6
.80	<u>6</u>
.85	7
.90	<u>7</u>
.95	8

(2) Temporary employees and other limited term employees are paid only for hours actually worked and are not eligible for paid holidays.

(3) If an employee must work on an observed holiday or the observed holiday is a regular day off, the employee is granted a compensatory holiday to be taken later.

(4) If an employee is on leave on an observed holiday, including sick leave, holiday leave is charged on that day and may not be saved for later use. An employee must be in pay status or on furlough for the entire regularly scheduled workday before or the workday after the holiday to be eligible to accrue the holiday leave.

(c) **Compensatory holidays.** Compensatory holidays are granted in situations as identified in (b)(3) of this Section.

(1) Compensatory holidays must be taken prior to approval for use of annual leave except when the annual leave would otherwise be forfeited under the provisions of Merit Rule OAC 530:10-15-11(b)(5) which sets accumulation limits. Employees are responsible for making a request for compensatory holidays in the same manner as for annual leave. A supervisor may schedule the leave at OKDHS' convenience when the employee has failed to do so within a reasonable time frame.

(2) Compensatory holidays must be taken within 90 days of the date accrued unless a longer period is authorized by the OKDHS Director. If, due to scheduling limitations, an employee is unable to take the compensatory holiday within the 90-day period, Form F-3, Overtime Wage Exemption Claim, is submitted to the Finance Division, Payroll Unit, in order to compensate the employee for the holiday.

(A) The employee's supervisor;

(i) attaches an explanation stating the reason the holiday was not scheduled and taken as leave; and

(ii) notes in the Comments column Holiday and the date of the holiday, for example, "Holiday, 07/04/02."

(B) The holiday is paid as straight time, base hourly rate.