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POLICY TRANSMITTAL NO. 04-26	DATE: APRIL 13, 2004
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

DHS:2-1, Table of Contents; 2-1-35; and 2-1-36.

EXPLANATION: DHS:2-1-35 is revised to clarify wording to reflect Oklahoma Department of Human Services practices and to be consistent with recent changes to the Merit Rules for Employment.

DHS:2-1-36 is revised to comply with Senate Bill 647 (2003) and recent revisions to the Merit Rules for Employment regarding leave accrual.

Original signed on 4-9-04

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A. L. Smith, Director  
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WF # 04-H & 04-J (NAP)

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## **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.

### **REMOVE**

Table of Contents DHS:2-1

DHS:2-1-35

DHS:2-1-36

### **INSERT**

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revised 4-1-04

DHS:2-1-35, pages 1-4, revised 4-1-04

DHS: 2-1-36, pages 1-4, revised 4-1-04

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- DHS:2-1-2. Detail to special duty
- DHS:2-1-3. Employee recognition
- DHS:2-1-4. Separation (classified or unclassified service)
- DHS:2-1-5. Resignation - classified or unclassified service
- DHS:2-1-6. Inter-agency transfer
- DHS:2-1-6.1. Personnel reviews
- DHS:2-1-7. Discipline
- DHS:2-1-8. Oral reprimand
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- DHS:2-1-10. Suspension without pay and involuntary demotion
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- DHS:2-1-12. Probationary and unclassified employees
- DHS:2-1-13. Delegation of authority
- DHS:2-1-14. Delegation of authority **[REVOKED]**
- DHS:2-1-15. Procedure for formal disciplinary action (suspension without pay, involuntary demotion, or discharge) probationary employees in classified service) **[REVOKED]**
- DHS:2-1-15.1. Corrective discipline (unclassified) **[REVOKED]**
- DHS:2-1-16. Retirement (classified/unclassified/exempt service)
- DHS:2-1-17. Employee performance appraisal system (classified/unclassified/-exempt)
- DHS:2-1-18. General staff responsibilities
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- DHS:2-1-20. Time frames for initiation of the employee performance appraisal
- DHS:2-1-21. Procedures for initiating Form P-9
- DHS:2-1-22. Conferences
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**DHS:2-1-35. Annual leave**

(a) **Statement of policy.** Annual leave is provided to employees to be used for vacations, personal business, and other approved time off work not covered by other paid leave or holiday provisions. Annual leave should be planned, requested in advance, and approved by the employee's supervisor prior to being taken. Unscheduled absences are a serious matter, and an employee who is absent without authorization is subject to appropriate disciplinary action. Approval of annual leave for unscheduled absences is not automatic.

(1) A senior administrator, defined as the chief officers, advocate general, general counsel, or inspector general or designee, may place an employee on annual leave, when such action is in the best interest of Oklahoma Department of Human Services (OKDHS). An employee is not required to reduce accrued annual leave below five working days, 40 hours. Leave taken under the provisions of this paragraph is neither returnable nor reimbursable.

(2) Annual leave may be utilized to supplement the receipt of temporary total disability (TTD) payments in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, any employee receiving TTD payments must promptly report in writing to OKDHS and CompSource Oklahoma any change in:

(A) a material fact;

(B) the amount of income he or she is receiving; or

(C) his or her employment status.

(3) An employee who is ill or requires enforced leave during a scheduled period of annual leave may have the absence charged to sick or enforced leave by submitting Form ADM-1, Request for Approval of Leave.

(b) **Computation of leave accrual rates and limits.** Eligible employees accrue leave based on the number of years of cumulative service. Employees accrue leave based on an hourly accrual determined by the number of hours worked (excluding overtime), paid leave, and holidays.

(1) The hourly accrual rate is determined by dividing the annual accrual amount by the total number of hours in the payroll year. This decimal number is then multiplied by the number of hours in the pay period, converted to minutes. Pay period hours

fluctuate depending on the number of workdays in each pay period (16<sup>th</sup> through 15<sup>th</sup>).

(A) For example, an employee who earns 15 days (120 hours) of annual leave per year and is paid for 184 hours for the pay period earns 10 hours and 32 minutes for the pay period.

(B) The calculation is:

(i) 120 hours ÷ 2096 payroll year hours = .057251; and

(ii) .057251 x (184 pay period hours x 60 minutes) = 632 minutes or 10 hours and 32 minutes.

(2) The annual leave accrual and accumulation schedule applies to eligible employees.

**(A) Less than five years of cumulative service.**

(i) Accrual rate is 15 days per year.

(ii) Accumulation limit is 45 days (360 hours).

(iii) Maximum hours eligible to be paid upon termination is 30 days (240 hours).

**(B) Five but less than ten years of cumulative service.**

(i) Accrual rate is 18 days per year.

(ii) Accumulation limit is 78 days (624 hours).

(iii) Maximum hours eligible to be paid upon termination is 60 days (480 hours).

**(C) Ten but less than 20 years of cumulative service.**

(i) Accrual rate is 20 days per year.

(ii) Accumulation limit is 80 days (640 hours).

(iii) Maximum hours eligible to be paid upon termination is 60 days (480 hours).

(D) **20 years and more of cumulative service.**

(i) Accrual rate is 25 days per year.

(ii) Accumulation limit is 80 days (640 hours).

(iii) Maximum hours eligible to be paid upon termination is 60 days (480 hours).

(3) Upon separation of an employee from OKDHS, payment is made for any unused annual leave, within the 240-hour and 480-hour limitations, that has accumulated to the employee's credit. Payment for this leave is at the current hourly rate of pay. An employee detailed to special duty at time of separation is paid at his or her authorized job classification rather than at the detailed position rate of pay. Payment of unused annual leave is made to the employee on a terminal payroll following the payroll period of separation.

(4) Upon the death of an employee of OKDHS, payment is made to the employee for any unused annual leave, within the 240-hour and 480-hour limitations, that has accumulated to the employee's credit.

(5) No payment to the Oklahoma Public Employees Retirement System is made by OKDHS on, or is withheld from, the lump sum of annual leave paid to the separating employee.

(6) It is not necessary to request accrued annual leave at separation since the amount of accrued annual leave available at the time of separation is automatically paid to the employee on a terminal payroll.

(c) **Employee's responsibility.** Each employee is responsible for:

(1) submitting a written request in advance to his or her immediate supervisor for annual leave, using Form ADM-1;

(2) obtaining appropriate approvals prior to taking annual leave;

(3) when advance planning of annual leave is not possible, notifying his or her supervisor of the reason(s) for the absence within the time frames established by

local office policy, but not later than two hours after the employee's scheduled reporting time;

(4) submitting written request for approval of annual leave on Form ADM-1 as soon as practical; and

(5) submitting a written request for any cancellation or change in scheduled annual leave.

(d) **Supervisor's responsibility.** Supervisors are responsible for:

(1) approving or disapproving advance requests for annual leave based on needs of the office, staffing requirements, and status of employee's workload. When, due to staffing requirements, a decision must be made between two or more employees who have requested annual leave for the same time period, the decision is based on the date the completed Form ADM-1 is received by the supervisor. If the requests are received on the same date, the decision is based on seniority with OKDHS;

(2) approving or disapproving requests for unscheduled annual leave based on the reason(s) for the unplanned absence;

(3) imposing appropriate corrective discipline for unscheduled absences; and

(4) ensuring that any leave taken is accurately reported.

**DHS:2-1-36. Sick leave**

(a) **Statement of policy.** The Oklahoma Department of Human Services (OKDHS) employs and schedules employees to ensure efficient and effective delivery of services to clients. Employees are expected to be at work on all scheduled workdays. Sick leave is a benefit, much like health insurance, provided to employees to protect them in the event of serious illness or injury that prevents them from performing assigned duties.

(1) Sick leave may be utilized for a period in which the employee is incapacitated for the performance of his or her duties by illness, pregnancy, or injury, or for medical, surgical, mental health, dental, or optical examination or treatment, or when, by reason of his or her physical condition or exposure to contagious disease, his or her presence at work could jeopardize the health or safety of others. The fact that sick leave is due to a job-related illness or injury for which worker compensation benefits are or may be received does not relieve the employee of the responsibility to comply with OKDHS policies governing sick leave.

(2) Sick leave may be denied when the supervisor has facts to show the employee is abusing sick leave privileges or when the employee has failed to furnish a written statement as required in (c)(4) of this Section. Excessive or abusive use of sick leave is grounds for disciplinary action.

(3) Sick leave may be utilized to supplement the receipt of temporary total disability (TTD) benefits in accordance with Section 2e of Title 85 of the Oklahoma Statutes. Regardless of the type of supplemental leave option utilized, any employee receiving TTD benefits must promptly report in writing to OKDHS and the CompSource Oklahoma any change in:

(A) a material fact;

(B) the amount of income he or she is receiving; or

(C) any change in his or her employment status.

(4) If an employee is physically unable to perform his or her duties for OKDHS, it is presumed that the employee cannot participate in certain other equally physically demanding activities while on leave from OKDHS. Although each case is evaluated based upon the specific circumstances, it is generally not appropriate for an employee who is on medical leave from OKDHS to work for another employer.

(b) **Accrual rates and limits.** The accrual rate for eligible employees is 15 days per

year. There is no accumulation limit on sick leave. Employees accrue sick leave based on an hourly accrual determined by the number of hours worked (excluding overtime), paid leave, and holidays.

(c) **Employee's responsibility.** Each employee is responsible for:

(1) calling his or her supervisor or designee to report any absence due to illness or injury within the time frames established by local office policy, but not later than two hours after the employee's scheduled reporting time. Employees must report on a daily basis except when the illness or injury results in an extended absence and the employee has made arrangements with the supervisor to report on a less frequent basis;

(2) applying available workweek adjustment prior to charging sick leave for an absence;

(3) submitting Form ADM-1, Request for Approval of Leave, to his or her immediate supervisor for absences in excess of three consecutive days as soon as practical, but no later than immediately upon return to duty. When the employee is absent for an extended period, the request for sick leave and the attending physician's statement must be submitted as soon as it is available, but not later than the fourth working day of such absence;

(4) furnishing Form ADM-1-M, Certification of Health Care Provider, or equivalent statement from the attending licensed medical or mental health professional for any absence in excess of three consecutive workdays unless such requirement is waived in writing by the appropriate division director. The written waiver is attached and submitted with Form ADM-1.

(A) A medical statement may be required for absences of less than three consecutive workdays if the employee has been advised in writing in advance that such statement will be required.

(B) Form ADM-1-M or an equivalent statement must specifically state:

(i) the limitations regarding the employee's ability to perform the essential functions of his or her job;

(ii) the period of time the employee is unable to perform his or her job duties as a result of said limitations;

(iii) the date of the employee's next medical evaluation; and

- (iv) a certification of the employee's fitness to return to duty, including a specific statement of any limitations on the employee's work assignments and for what time period.
- (C) An employee who fails to provide a required medical statement will be charged unauthorized leave without pay for the absence.
- (D) An employee is not permitted to return to work if, due to physical condition or exposure to contagious disease, his or her presence would jeopardize the health or safety of the employee or others. In such instances, the employee is allowed three working days from the date the employee was not permitted to return to duty to provide a medical statement. Failure to provide a medical statement results in the absence being charged as unauthorized leave without pay;
- (5) monitoring his or her leave balances. When an absence due to illness or injury extends beyond the accrued sick leave balance, the remainder of the absence may be charged against the employee's accrued annual leave, comp time, holiday leave, or leave without pay. The routine use of annual leave or leave without pay to cover absences due to illness or injury is normally considered excessive use of leave and may result in appropriate disciplinary action; and
- (6) indicating a beginning and ending date of the absence on Form ADM-1. When an ending date is unknown, the duration of the request must not exceed three months. Chronic Family and Medical Leave Act (FMLA) qualifying events may be requested for six-month periods.
- (d) **Supervisor's responsibility.** Each supervisor is responsible for:
- (1) ensuring employees under their supervision are aware of and have access to OKDHS policy and local office procedures governing attendance and leave;
  - (2) approving or disapproving requests for sick leave. In accordance with (a)(1) and (2) of this Section, sick leave may be denied and the absence charged as unauthorized leave without pay when a supervisor has facts to show the employee is abusing sick leave privileges or when the employee has failed to fulfill his or her responsibilities under this policy;
  - (3) reviewing the medical statement to ensure that the employee is released to full duty. The supervisor, in consultation with appropriate administrative staff, ensures that appropriate action is taken to address any limitations placed on the employee's work assignments;

(4) determining whether an employee's return to duty jeopardizes the health and safety of the employee or others. The supervisor, after consultation with appropriate administrative staff and within three working days of the date the employee is not permitted to return to duty, submits to the designated staff person written documentation detailing the reason(s) for his or her refusal to allow the employee to return to duty;

(5) ensuring the Employee Leave Summary and appropriate leave forms are provided to the employee. When an employee is on leave for an extended period, forms and summaries are mailed to the employee's home address of record;

(6) ensuring that any leave taken is accurately reported; and

(7) imposing appropriate corrective discipline [DHS:2-1-7] for excessive or abusive use of sick leave.