
POLICY TRANSMITTAL NO. 08-29	DATE: MAY 5, 2008
ADMINISTRATIVE SERVICES	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-1, Table of Contents; 2-1-26 through 2-1-32; and 2-1-47 through 2-1-48.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OKDHS:2-1-26 is amended and renumbered to OKDHS:2-1-31.1.

OKDHS:2-1-26.1 is a new Section issued to: (1) update and reorganize language regarding Fair Labor Standards Act (FLSA) compliance; and (2) address FLSA exempt employee hours worked and public accountability.

OKDHS:2-1-27 through 2-1-30 and 2-1-32 are revised to update: (1) terminology; (2) current form names and numbers; and (3) OKDHS staff titles.

OKDHS:2-1-31 is amended and renumbered to OKDHS:2-1-26.1.

OKDHS:2-1-31.1 is a new Section issued to update and reorganize language regarding FLSA non-exempt employees.

OKDHS:2-1-47 is revised to clarify: (1) family medical leave (FMLA leave) credit for employees on active military duty; (2) FMLA leave regarding a work-related injury; and (3) when additional medical opinions for a FMLA qualifying condition may be requested.

OKDHS:2-1-48 is revised to update current form names and numbers.

Original signed on 4-17-08

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WF # 08-D (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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

REMOVE

INSERT

OKDHS:2-1, Table of Contents

OKDHS:2-1, Table of Contents, pages 1-5, revised 5-11-08

OKDHS:2-1-26

OKDHS:2-1-26, AMENDED AND RENUMBERED TO OKDHS:2-1-31.1

OKDHS:2-1-26.1, pages 1-3, issued 5-11-08

OKDHS:2-1-27

OKDHS:2-1-27, pages 1-2, revised 5-11-08

OKDHS:2-1-28

OKDHS:2-1-28, 1 page only, revised 5-11-08

OKDHS:2-1-29

OKDHS:2-1-29, 1 page only, revised 5-11-08

OKDHS:2-1-30

OKDHS:2-1-30, pages 1-4, revised 5-11-08

OKDHS:2-1-31

OKDHS:2-1-31, AMENDED AND RENUMBERED TO OKDHS:2-1-26.1

OKDHS:2-1-31.1, pages 1-5, issued 5-11-08

OKDHS:2-1-32

OKDHS:2-1-32, pages 1-4, revised 5-11-08

OKDHS:2-1-47

OKDHS:2-1-47, pages 1-9, revised 5-11-08

OKDHS:2-1-48

OKDHS:2-1-48, pages 1-4, revised 5-11-08

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- OKDHS:2-1-2. Detail to special duty
- OKDHS:2-1-3. Employee recognition
- OKDHS:2-1-4. Separation, classified or unclassified service
- OKDHS:2-1-5. Resignation - classified or unclassified service
- OKDHS:2-1-6. Interagency transfer
- OKDHS:2-1-6.1. Personnel reviews
- OKDHS:2-1-7. Discipline
- OKDHS:2-1-8. Oral reprimand
- OKDHS:2-1-9. Written reprimand
- OKDHS:2-1-10. Suspension without pay and involuntary demotion
- OKDHS:2-1-11. Discharge and pretermination hearing
- OKDHS:2-1-12. Probationary and unclassified employees
- OKDHS:2-1-13. Delegation of authority
- OKDHS:2-1-14. Delegation of authority **[REVOKED]**
- OKDHS:2-1-15. Procedure for formal disciplinary action (suspension without pay, involuntary demotion, or discharge) probationary employees in classified service) **[REVOKED]**
- OKDHS:2-1-15.1. Corrective discipline (unclassified) **[REVOKED]**
- OKDHS:2-1-16. Retirement (classified/unclassified/exempt service) **[AMENDED AND RENUMBERED TO DHS:2-11-102]**
- OKDHS:2-1-17. Employee performance management process (PMP), classified and unclassified
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- OKDHS:2-1-27. Procedures for overtime work by Fair Labor Standards Act (FLSA) non-exempt employees
- OKDHS:2-1-28. Workweeks and work periods
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Revised 5-11-08

OKDHS:2-1-26.1. Fair Labor Standards Act (FLSA) compliance

Issued 5-11-08

(a) **Statement of policy.** The Oklahoma Department of Human Services (OKDHS) complies fully with the provisions of the Federal Fair Labor Standards Act (FLSA), as it applies to state and local governments. OKDHS managers, supervisors, and employees are responsible for making every effort to accomplish essential work within the regularly assigned 40 hour workweek.

(1) FLSA non-exempt employee workweek adjustment and overtime.

(A) OKDHS utilizes workweek adjustments, whenever possible, to avoid overtime work by FLSA non-exempt employees and, when workweek adjustments are not possible, to grant employees compensatory time at the rate of one and one-half times the number of overtime hours worked.

(B) Any overtime worked by FLSA non-exempt employees:

- (i) must be necessary to the continued effective operations of OKDHS;
- (ii) is managed in the most efficient and economical manner possible; and
- (iii) is accomplished in accordance with FLSA and these regulations.

(C) Payment for overtime work is made as required by FLSA, state law, or Merit Rules or when authorized by the OKDHS Director or designee. Any delegation of authority to approve overtime payments must be made in writing.

(2) FLSA exempt employee workweek and overtime. FLSA exempt employees are expected to accomplish their assigned duties within the regular workweek. When this is not possible, employees are expected to devote whatever time is necessary to fulfill their responsibilities.

(A) Compensatory time or overtime pay for FLSA exempt employees is only granted in exceptional circumstances and when authorized by the Director.

(B) The Office of Personnel Management (OPM) approves any overtime payments for FLSA exempt employees.

(3) Local administrators responsibilities. Local administrators are responsible for ensuring that OKDHS employees have available for review the rules and regulations

governing overtime work, including:

(A) OPM policy guidelines for FLSA;

(B) OKDHS FLSA regulations; and

(C) all posters required by the United States Department of Labor (USDOL).

(b) Designation of FLSA status. A list of OKDHS classifications indicating the FLSA exempt or non-exempt designation is located in the lists of classified job specifications and unclassified job specifications on the OKDHS Human Resources Management Division (HRMD) Web site.

(1) FLSA designation. A level of a job family descriptor (JFD) listed on the HRMD Web site with a blank space under the FLSA column must be reviewed on an individual basis to determine FLSA status. The employee occupying a JFD level so designated submits Form OPM-39, Position Description Questionnaire, through appropriate supervisory channels, to OKDHS FLSA compliance officer in Administrative Services.

(2) Review of FLSA status. When an employee and the employee's supervisor believe a position within the supervisor's authority is incorrectly designated, a review of FLSA designation must be requested by submitting Form OPM-39 through appropriate supervisory channels, to the OKDHS FLSA compliance officer in Administrative Services.

(c) Coverage of employees.

(1) FLSA exempt employees. The FLSA determines positions which are executive, administrative, computer, or professional and exempts those positions from the FLSA. These definitions are included in the 2004 Amendments to the USDOL FLSA Regulations and are reviewed when a question arises concerning the FLSA status of a particular position.

(A) Employees occupying FLSA executive, administrative, computer, or professional positions are exempt from the overtime provisions of FLSA and are designated FLSA exempt.

(B) FLSA exempt employees are not subject to the same minute by minute reporting as FLSA non-exempt employees. However, consistent with principles of public accountability in the State of Oklahoma, no employee, regardless of FLSA status, will be paid for time not worked. FLSA exempt employees work the

number of scheduled hours in a pay period, filing leave for any time not worked, and ensuring that there is full accounting of the hours of work required.

(2) **FLSA non-exempt employees.** OKDHS employees, regardless of status or type of service, who are not included in the executive, administrative, computer, or professional exemptions are subject to the provisions of FLSA and designated as FLSA non-exempt.

(d) **FLSA compliance and USDOL audits.**

(1) **FLSA compliance.** The OKDHS FLSA compliance officer has primary responsibility for:

(A) conducting internal audits;

(B) investigating complaints;

(C) providing training and technical assistance on FLSA requirements and application;

(D) assisting in the resolution of disputes of overtime issues; and

(E) providing interpretation of FLSA policies, procedures, laws, and regulations for all OKDHS offices and facilities to ensure compliance with the FLSA.

(2) **Audits by USDOL.** OKDHS cooperates fully in investigations by the USDOL. The local administrator:

(A) immediately notifies the division director for the office or program area under review, the OKDHS Legal Division, the chief administrative officer, and the OKDHS FLSA compliance officer of all contacts by USDOL officials; and

(B) is authorized to provide access to records and report to USDOL officials as necessary for audit purposes.

OKDHS:2-1-27. Procedures for overtime work by Fair Labor Standards Act (FLSA) non-exempt employees

Revised 5-11-08

(a) **Approval of overtime work.** Immediate supervisors are authorized to approve work outside an employee's regularly scheduled work hours which is emergency in nature or is required for the continuation of essential Oklahoma Department of Human Services (OKDHS) or client services.

(b) **Use of reasonable judgment.** Supervisors and employees are expected to exercise reasonable judgment in determining whether or not work activities must be performed outside regular work hours or may be delayed until the next business day.

(1) Consideration is given to the potential consequences to the client and OKDHS of delaying the work and the immediate nature of the problem.

(2) When it is possible to delay the work until the next business day with no adverse results, the employee requests the client or other individual contact the employee the next business day.

(3) Supervisors regularly review employee decisions concerning emergency client services and provide training and instruction as required.

(A) When work performed is of an emergency nature, supervisors prepare accurate records of actual time worked and document the nature of the work activities, including appropriate case references. Employees notify their supervisors of any time worked and the purpose of the work as soon as practical but no later than the next business day.

(B) Work outside the normally scheduled working hours for any reasons other than those cited above must be approved by the supervisor or local administrator prior to the performance of such work.

(c) **Assignment of overtime work.** The primary consideration in the assignment of overtime work is the need of OKDHS.

(1) When overtime work may be performed by another employee without adversely affecting client services, the supervisor may elect to seek volunteers for the performance of overtime work.

(2) All employees are required to work overtime as needed with refusal to do so

resulting in disciplinary action. Local administrators are authorized to establish additional procedures consistent with this Section.

(3) All procedures are in writing and made available to all affected employees prior to implementation.

OKDHS:2-1-28. Workweeks and work periods

Revised 5-11-08

(a) The standard workweek for employees consists of 40 hours within seven consecutive calendar days. The workweek may begin on any day and time and ends seven calendar days later. Each employee is advised of his or her designated workweek in writing, either by memo or Form 11AD005E, Daily Time Sheet/FLSA Non-Exempt Employee, prior to the beginning of the designated workweek.

(b) Each local administrator, in cooperation with appropriate supervisory staff, is responsible for designating or establishing procedures for the designation of the beginning day and time for the workweek or work period for each employee within the office or unit. Workweeks are scheduled to ensure maximum opportunities to utilize workweek adjustments. Core hours for local offices are 9:00 a.m. to 4:00 p.m. Scheduled shifts in local offices may not begin after 9:00 a.m. or end before 4:00 p.m.

(1) Changes to the designated workweek may only be made at the beginning of a pay period and require the approval of the county director or local administrator.

(A) When a workweek is changed, resulting in overlapping days during which the employee performs work, any overtime compensation due the employee is determined by including the overlapping days in both the original workweek and the new workweek, computing the total hours for each of the two weeks, and compensating the employee for any overtime hours based on the higher of the two.

(B) Changes to the scheduled workweek may not be made retroactively, or for the purpose of avoiding overtime payments as required by federal regulations and Oklahoma Department of Human Services (OKDHS) policies and procedures.

(2) Exceptions to the standard seven day, 40 hour workweek may be authorized by the appropriate division director, with approval of the chief administrative officer or designee.

OKDHS:2-1-29. Workweek adjustments

Revised 5-11-08

(a) **Definition.** Workweek adjustments are authorized changes made in an employee's regularly scheduled working hours to ensure the total number of hours worked during the workweek do not exceed 40. For example, an employee normally assigned to work an eight hour day who is required to work an additional two hours on Monday, for a total of ten hours that day, may be rescheduled to work two fewer hours on another day or days in the same workweek, so that the total hours for the week do not exceed 40.

(1) Workweek adjustment is the Oklahoma Department of Human Services (OKDHS) preferred method of compensating non-exempt employees for extra hours worked.

(2) Workweek adjustments are provided on an hour-for-hour basis for extra hours worked and may only be given in the same designated workweek in which the extra hours were worked.

(b) **Scheduling.** Workweek adjustments may be made either before or after the extra work is performed. For example, an employee who is scheduled to work four hours in the evening on a special assignment on the third day of the workweek may be given a four hour adjustment on any day of the workweek. If an employee cannot perform the extra work to make up for an adjustment by fault or control of OKDHS, no leave is charged to the employee. If the extra work is not performed due to reasons given by the employee, the employee is charged appropriate leave.

(c) **Supervisor responsibility.** Supervisors ensure that workweek adjustments are scheduled, whenever possible, in order to avoid overtime work, and that staff utilize workweek adjustment for extra hours worked in the workweek before charging any type of leave.

OKDHS:2-1-30. Overtime compensation and record keeping

Revised 5-11-08

(a) **Compensatory time.** It is the policy of the Oklahoma Department of Human Services (OKDHS) to use compensatory time in lieu of overtime payment for non-exempt employees except in resource centers and other residential care facilities. Local administrators establish and implement guidelines for how non-exempt employees utilize compensatory time.

(1) **Limits.** When workweek adjustments are not possible within the workweek, compensatory time is granted in lieu of overtime payments, provided:

(A) compensatory time not used within 180 days of the pay period it accrued is paid at the appropriate overtime rate; and

(B) compensatory time in excess of 240 accrued compensatory hours (160 hours worked) is paid at the appropriate overtime rate.

(2) **Requirements.** Compensatory time is requested and approved in the same manner as annual leave. Supervisors approve employee requests to use compensatory time unless the requests disrupt OKDHS operations or endanger public health, safety, or property.

(A) Employees are responsible for making requests for use of compensatory time within a reasonable time period of the date it was earned.

(B) Accrued compensatory time must be used prior to any approval for annual leave unless such use would result in the forfeiture of annual leave due to accrual limitations as provided in Merit Rules.

(C) Except for employees in group home, residential facility, or resource center settings where 24 hour care, monitoring, or supervision is required for clients or residents, supervisors may require non-exempt employees to use accrued compensatory time when determined by the supervisor to be warranted or appropriate.

(3) **Rate of calculation.**

(A) Compensatory time at the rate of time and one-half is granted to non-exempt employees for all time actually worked in excess of the regular 40 hour week.

(B) Hours in any type of leave status, with the exception of jury duty per Merit Rule OAC 530:10-15-46, are not included in the computation of hours worked for purposes of determining hours to be compensated at the premium rate of time and one-half.

(C) Employees whose total hours for a workweek, including leave time, exceed 40 are given compensatory time on an hour-for-hour basis for hours in excess of 40, so long as the actual time worked does not exceed 40 hours.

(D) When the hours actually worked exceed 40 and the total hours for the workweek include leave time, overtime hours are computed at the time and one-half rate, with additional leave time computed at the straight time rate.

(b) **Payment for compensatory hours.** Payment for compensatory hours is made at the employee's regular rate of pay at the time of payment. Non-exempt employees receive payment for compensatory hours earned in excess of 240 hours, and for compensatory hours not used within 180 days of the date of accrual.

(1) A non-exempt employee who has accrued compensatory hours and is transferred and/or promoted to a different position or classification may be paid for the compensatory hours prior to the effective date of the promotion or transfer, or allowed to carry the compensatory hours over to the new position or classification.

(A) The reviewing supervisor and local administrator are responsible for determining the number of compensatory hours accrued and the rate of pay for the new position or classification and making a recommendation to the appropriate division director as to whether or not payment should be made.

(B) When the promotion or transfer involves reassignment to another division, the transferring division director ensures the receiving division director is notified of the number of accrued compensatory hours prior to the effective date of the promotion or transfer.

(C) Any disputes concerning the transfer or payment of accrued compensatory hours are submitted to the appropriate officer or division director for decision.

(2) A non-exempt employee who terminates employment with OKDHS is paid for all accrued compensatory hours at the rate of pay at time of separation or the average regular rate for the preceding three years, whichever is higher.

(c) **Overtime pay.** Overtime pay in lieu of compensatory hours for non-exempt employees requires the approval of the Director and is granted only in exceptional

circumstances. Managers and supervisors request and receive approval from the Director prior to authorizing non-exempt employees to work the overtime for payment. Managers and supervisors are responsible for ensuring that overtime payments are minimized. Overtime payment is made by entering the overtime hours into the timekeeping system, except situations requiring submission of Form 10PL003E, Overtime Wage Exemption Claim, to the Finance Division Payroll Unit.

(1) The overtime rate of pay is composed of the following, as applicable, for individual employees:

(A) regular base pay (BP);

(B) pay differential(s) (PD);

(C) on-call pay (CP); or

(D) longevity pay (LP).

(2) All forms of pay must be converted to an hourly rate prior to inclusion in the overtime pay formula. The formula used to determine the overtime rate of pay is $(BP \times 1 \frac{1}{2}) + PD/2 + CP/2 + LP/2 = \text{Overtime Rate}$.

(3) Employees authorized to work overtime on a volunteer basis and performing duties outside their current job family descriptor and level are compensated at the established rate of overtime pay for the type of work performed.

(d) **Record keeping.** To ensure full compliance with the Fair Labor Standards Act (FLSA), it is essential that accurate and complete records are maintained and accurately reflect all time worked by the employee.

(1) Form 11AD005E, Daily Time Sheet/FLSA Non-Exempt Employee, is used to record all time worked by non-exempt employees and is a precise and accurate record of all time worked.

(2) All non-exempt employees are responsible for completing Form 11AD005E truthfully and accurately. Failure to do so may subject an employee to corrective discipline.

(3) Form 11AD005E is not used by exempt personnel.

(4) A memorandum which documents and explains any unauthorized overtime work must be submitted to the local administrator with Form 11AD005E. The local

administrator is responsible for ensuring that corrective action is taken to prevent unauthorized overtime work.

(5) Compensatory time is entered on the OKDHS time/leave system as it is accrued and taken, in accordance with instructions issued by the Finance Division Payroll Unit.

OKDHS:2-1-31. Fair Labor Standards Act (FLSA) compliance employees
[AMENDED AND RENUMBERED TO OKDHS:2-1-26.1]

Revised 5-11-08

OKDHS:2-1-31.1. Compensable time for Fair Labor Standards Act (FLSA) non-exempt employees

Issued 5-11-08

(a) **Employees permitted to work.** All time during which a Fair Labor Standards Act (FLSA) non-exempt employee is permitted to work, whether authorized or not, must be counted as hours worked (compensable time). This includes any time worked when the supervisor knew or should have reasonably known the work was performed. The following explanations are provided to assist employees and supervisors in defining compensable time.

(1) **Early arrivals and late departures.** Non-exempt employees who begin work prior to their scheduled shift or leave work after their scheduled shift ends must be compensated for that time.

(A) Non-exempt employees sign in on Form 11AD005E, Daily Time Sheet/FLSA Non-Exempt Employee, when actually engaged in work activities and when required to be present for work.

(B) Non-exempt employees accurately record on Form 11AD005E the time they:

(i) begin work;

(ii) leave for meal periods;

(iii) are away from the work site for personal time off; and

(iv) complete their work.

(C) Employees determine hours worked using exact times. Total hours worked are calculated to the minute with the seven-minute rule applied for computation of leave charges and compensatory time. The seven-minute rule is not used to avoid overtime payments.

(i) When the total hours worked for each day is within seven minutes of the scheduled shift, no time is accumulated as compensable time nor is the employee charged leave.

(ii) When the time involved is eight minutes or more, the compensatory time or leave charge is rounded to the next quarter hour. After the first 15 minutes, time is counted minute by minute.

(iii) This regulation is for computing compensatory and leave time only and does not prevent a supervisor from imposing appropriate corrective discipline for chronic or habitual tardiness.

(2) **Meal periods.** All employees are provided an uninterrupted, free from duty meal period of at least 30 minutes. Employees record any interruptions of meal periods and advise their supervisor as they occur. This is necessary to adjust time appropriately. To ensure uninterrupted meal periods, employees are encouraged not to eat at workstations during the meal period.

(3) **Breaks and other brief rest periods of less than 20 minutes.** If provided, breaks and other brief rest periods of less than 20 minutes are counted as time worked. Normally, employees are provided a 15-minute break during each four-hour period on duty. Breaks may be eliminated as necessary due to staffing or work necessities. Since breaks are counted as work time, employees are not permitted to save break time in order to count it towards late arrivals, early departures, or extended lunch periods.

(4) **Work at home.** An employee who performs work at home, for which the Oklahoma Department of Human Services (OKDHS) accepts the benefits, must receive compensation for the time when the supervisor either knew or should have known the employee was performing the work.

(5) **After hours and weekend work.** Employees who work late, come in early to work, come back to the work location during evening or weekend hours, or otherwise work during regularly scheduled time off, either with the supervisor's knowledge or when the supervisor should have known the work was performed, must be compensated for such time.

(6) **Travel time.** Travel time, excluding normal home-to-work travel, must be counted as time worked when the travel:

(A) is performed as part of the employee's regular work assignments, such as travel between various clients' homes or other work locations;

(B) is to and from a location, performed all in one day and involves a one-day assignment in another city, including workshops and training activities. If the employee is not required to report to the work location prior to his or her departure and is permitted to leave from home, the time which would have been spent in normal home-to-work travel is deducted from total hours. When the employee's residence is closer to the designated location, travel time begins when the employee leaves his or her residence; or

(C) involves a special assignment in another city and includes an overnight stay, even if it occurs on the employee's regular day off. All travel occurs within normal working hours unless the supervisor determines it is unreasonable.

(7) On-call time. On-call time is counted as time worked when an employee is restricted to OKDHS premises during the time spent on-call or the employee is otherwise so limited in activities that he or she is restricted to a particular place designated by OKDHS.

(A) Hours during which an employee is generally free to conduct personal business and is only required to remain within reasonable travel distance to the work location, to leave word with the supervisor or designee as to how he or she may be reached, or to carry a pager are not counted as hours worked.

(B) When an employee is on non-duty status, the supervisor may designate specific times when the employee calls in to be informed whether the employee is required to report for duty. Contact time of less than eight minutes is not considered hours worked.

(C) Supervisors do not place restrictions on employees who are on-call status that would cause on-call time to be counted as hours worked unless approved by the local administrator.

(D) Classified employees who are on-call receive a minimum of two hours of work if called to a work location. Compensable time begins at the call to duty.

(8) Emergency client services. Time spent responding to emergency calls for client services is counted as time worked. Substantial amounts of time, eight minutes or more, spent on telephone calls in an effort to resolve client situations are counted as time worked.

(9) Sleep time during duty of 24 hours or more.

(A) Sleep time, up to a maximum of eight hours, is excluded from hours worked if at least five hours of uninterrupted sleep are possible during the scheduled sleeping period.

(B) Employees must sign an agreement to exclude sleep time prior to the work period lasting 24 hours or more.

(C) Interruptions of sleep time to perform duties are considered hours worked.

(D) An employee who is responsible for the supervision of an OKDHS client or a child in OKDHS custody is considered performing duties for the entire period the client or child is under the employee's immediate supervision. In this situation, sleep time is not deducted.

(10) **Volunteer work.** Volunteer work on behalf of OKDHS is counted as hours worked if the work is:

(A) performed during an employee's normal working hours;

(B) not truly voluntary, but performed as a result of job expectations or assignments, coercion, or the result of undue pressure; or

(C) the same or similar in nature to the work the employee is hired to perform.

(11) **Training.** Time spent attending OKDHS sponsored lectures, meetings and training programs is compensable, except when:

(A) attendance is outside regular working hours;

(B) attendance is voluntary;

(C) the subject matter of the course does not directly relate to the employee's work; and

(D) the employee does not perform productive work during attendance.

(b) **Employee responsibility.** Employees are responsible for:

(1) understanding the regulations governing compensable time;

(2) accurately entering all compensable time on Form 11AD005E;

(3) complying with the local procedures regarding the assigned shift;

(4) obtaining authorization of overtime work; and

(5) immediately reporting all overtime worked to their supervisor.

(c) **Supervisory responsibility.** Supervisors are responsible for:

(1) monitoring and controlling the number of hours non-exempt staff work;

(2) utilizing workweek adjustments whenever possible to avoid overtime work by employees;

(3) establishing procedures for non-exempt staff to follow when requesting to work overtime;

(4) informing all non-exempt employees of the procedures for requesting approval to work overtime; and

(5) ensuring all non-exempt employees are trained in their FLSA rights and responsibilities.

(d) **Additional resources.** The OKDHS FLSA compliance officer in Administrative Services:

(1) provides explanations and interpretations to OKDHS staff concerning compensable time;

(2) reviews FLSA issues and conflicts; and

(3) recommends appropriate changes to ensure compliance with federal guidelines.

OKDHS:2-1-32. Attendance and leave - classified, unclassified, and temporary employees

Revised 5-11-08

(a) **Assigned work hours.** Local administrators have the responsibility and authority for scheduling work hours for employees under their administrative supervision. Hours of attendance vary with the needs of the office or facility. For example, shift work and the need for emergency services to clients affect hours employees are required to work. Local administrators advise employees of their normal hours of attendance in writing, either by posted notices or individual written notification.

(1) **Standard business schedule.** All Oklahoma Department of Human Services (OKDHS) offices, excluding residential care facilities and other 24-hour operations, operate on a standard business schedule of 8:00 a.m. to 5:00 p.m. Monday through Friday, or, for offices located in courthouses, 8:00 a.m. to 4:30 p.m. Monday through Friday. Assignment of employee work hours outside the standard business schedule is subject to the requirements included in this subsection.

(2) **Changes in scheduled work hours.** The local administrator has the authority to make changes in scheduled work hours, shifts, or days off at any time subject to the requirements outlined in this subsection.

(A) The needs of the office or facility are the first consideration in the scheduling of hours of work.

(B) Local administrators are expected to take into consideration employee preference, when practical, and to make a reasonable effort to provide advance notice of any change in assigned work hours or days.

(C) Local administrators establish internal procedures for determining the assignment of employees to preferred shifts or days off.

(D) Considerations may include, but are not limited to, seniority with the OKDHS, office, or facility, and order of request.

(E) Established procedures are in writing and posted on official bulletin boards of the offices to which they apply.

(3) **Flexible work schedule.** Officers, division directors, area directors, resource center administrators, or their designees, may authorize one or more offices or operating units under their supervision to permit all employees of those offices or

units to use flexible work schedules. The use of flexible scheduling of working hours is encouraged where it would provide increased services to the public and improve employee morale and productivity without adversely affecting service to the public or other units of OKDHS.

(A) Flexible work scheduling must be centered around the conventional five-day week and must be a defined work schedule that provides for the use of alternative starting and ending times. Each office or operating unit designates times that include a common work period during which all employees are expected to be present in order to facilitate service delivery, meeting, and training.

(B) Employee use of flexible work scheduling is subject to supervisory approval. A supervisor may approve flexible work scheduling if it is clear that the efficiency and communication of the office or operating unit will not be impaired and adequate supervisory coverage is available. Fair Labor Standards Act (FLSA) non-exempt staff do not work outside of standard business hours without the written approval of the local administrator.

(C) The standard basis for employment for full-time employees using flexible scheduling is 40 hours per week. FLSA exempt employees may use flexible scheduling provided that the employee does not work less than 40 hours per workweek.

(D) FLSA non-exempt employees using flexible work scheduling must comply with FLSA as set forth in OKDHS:2-1-31.1 as determined by the OKDHS FLSA compliance officer. The final approval of flexible work scheduling is made by the appropriate officer, division director, area director, resource center administrator, or their designees.

(i) FLSA non-exempt employees must not work more than 40 hours in a work week without prior approval of their supervisors.

(ii) FLSA non-exempt employees do not work at home or at locations other than the normally assigned duty station without prior approval of their supervisors.

(iii) A change in shift assignment in excess of 30 calendar days is not made for a probationary employee without the prior approval of the Office of Personnel Management. [Merit Rule OAC 530:10-11-40]

(4) **Basis for pay.** Full-time employees are employed and paid on the basis of a

40-hour work week. Part-time employees may be employed and paid on the basis of a specified number of hours per week or on an as-needed basis. When actual work time is in excess of 40 hours per week, OKDHS:2-1-31.1 applies. When actual work time is less than 40 hours per week or the specified work hours, appropriate leave policies such as annual leave, sick leave, or leave without pay (LWOP) are applied.

(b) **Leave - eligibility and use.** Unclassified/exempt and permanent and probationary classified employees working at least half-time are eligible for leave benefits. Leave accrues at the rates specified under the various types of leave per OKDHS:2-11-94 through 2-11-96. No leave accrues while on LWOP status. No leave is taken in advance of its accrual. Temporary and seasonal employees are not eligible for leave benefits. Teachers employed less than 12 months per year are granted leave in accordance with OKDHS:2-1-40.

(1) Accrual and use of leave are governed by OKDHS policies and procedures and the Oklahoma Merit Rules for Employment. Employees are responsible for complying fully with OKDHS requirements concerning the reporting, scheduling, and use of leave, including initiating requests for leave and reporting absences. OKDHS does not normally accept a collect call from an employee to report an absence; however, a collect call may be accepted in an emergency situation if the employee would otherwise be unable to contact his or her office.

(2) Excessive or abusive use of leave may be grounds for disciplinary action.

(A) Abusive use of leave includes, but is not limited to:

- (i) use of leave for purposes other than those for which leave was approved;
- (ii) failure to report leave accurately;
- (iii) failure to comply with time and leave rules and policies, such as unscheduled or unexcused absences;
- (iv) repeated use of leave in conjunction with holidays or regular days off; and
- (v) inexcusable failure to secure prior approval for leave.

(B) Excessive leave includes, but is not limited to, use of leave:

- (i) without pay to cover an absence from work, other than absences due to a critical illness, injury that causes the employee to be absent for an extended

period of time, or absences taken as family medical leave (FMLA leave); and

(ii) within any 12 month period in excess of the leave accrued by the employee within a calendar year.

(c) **Status of employees on leave.** While on leave of any type, employees remain subject to all Oklahoma laws, rules, and OKDHS policies that apply to their employment status, whether classified or unclassified, exempt or non-exempt, or a contract employee.

OKDHS:2-1-47. Family medical leave

Revised 5-11-08

(a) **Purpose.** Family medical leave (FMLA leave) is provided to employees in accordance with the federal Family and Medical Leave Act (FMLA) of 1993, the provisions of the National Defense Authorization Act of 2008 as it applies to active duty leave and caregiver leave, and OAC 530:10-15-45 of the Merit Rules.

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

(1) **"Activities of daily living"** means adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating.

(2) **"Incapable of self care"** means the person requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living.

(3) **"In loco parentis"** means in place of a parent or instead of a parent. *In loco parentis* exists when a person undertakes care and control of another in the absence of such supervision by the latter's natural parent(s) and in the absence of formal legal approval.

(4) **"Instrumental activities of daily living"** means cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, and similar activities.

(5) **"Parent"** means a biological parent or a person who stands or stood *in loco parentis* to an employee when the employee was a child as defined in the definition of "son or daughter." This term does not include parents-in-law.

(6) **"Son or daughter"** means a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

(7) **"Spouse"** means a husband or wife as defined or recognized under state law.

(c) **Eligibility and exceptions.** An employee must be employed by the State of Oklahoma for a minimum of 12 months and have worked a minimum of 1,250 hours during the preceding 12-month period. Time worked is defined literally. It does NOT include paid or unpaid leave or holidays. Employees on active military duty receive

credit for the hours and months they would have worked but for their military service, in compliance with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA). An eligible employee is entitled to FMLA leave as a result of:

(1) the birth of the employee's child and to care for the newborn child. The leave must be initiated and concluded within one year of the birth of the child;

(2) the placement with the employee of a child for adoption or foster care. The leave must be initiated and concluded within one year of the placement of the child;

(3) a serious health condition of the employee's spouse, child, or parent necessitating care from the employee. Care includes providing necessary transportation such as driving a qualifying parent to or from the hospital;

(4) a serious health condition that makes the employee unable to perform the essential functions of the employee's job. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

(A) any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility;

(B) continuing treatment by a health care provider;

(C) any period of incapacity of more than three consecutive calendar days that also involves continuing treatment under the supervision of a health care provider; or

(D) continuing treatment under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care;

(5) a covered family member's active duty or call to active duty in the Armed Forces.

(A) An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Son or daughter for this type of FMLA leave is defined just as for other types of FMLA leave, except that the individual does not have to be a minor.

(B) Reasons related to the call-up or service can include, but are not limited to, helping the family member prepare for the departure or caring for the children of the servicemember.

(C) Leave may commence as soon as the person receives the call-up notice.

(D) Leave is counted toward the 12-week maximum of FMLA leave allowed in a 12 month period.

(E) The requesting employee must provide proof of the qualifying member's call-up or active military service. Documentation may be a copy of the military orders or other Armed Forces communication; or

(6) to care for an injured or ill servicemember.

(A) Leave can extend up to 26 weeks in a single 12 month period for an employee whose spouse, son, daughter, parent, or next of kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank, or rating.

(B) Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

(C) An employee is also eligible for this type of leave when the servicemember is receiving medical treatment, recuperation, or therapy, even if the servicemember is on the temporary disability retired list.

(D) Employees must provide certification of the family member or next-of-kin's injury, recovery, or need for care. Documentation can include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

(d) **Limitations.** Unless complications arise, the common cold, flu, ear ache, upset stomach, minor ulcer, headache other than migraine, routine dental or orthodontia problem, and periodontal disease are not considered serious health conditions. Routine physicals, eye examinations, and dental examinations are not considered treatment. Examinations to determine if a serious health condition exists or to evaluate the serious health condition are considered treatment.

(1) When both husband and wife are employed by the same division and in the

same office, the total number of workweeks of FMLA leave to which both are entitled is limited to combined 12 workweeks for leave taken in accordance with subsections (c)(1) or (2).

(2) OKDHS utilizes a rolling 12-month period. This is the current monthly pay period and the preceding 11 monthly pay periods beginning with the first day of the approved leave.

(e) **Leave charges.** FMLA leave is not a separate type of leave, and is not accrued or accumulated. It is a designation specified by law and is independent of actual leave used to cover the absence. When FMLA leave is taken to care for a sick family member or for the employee's own serious health condition, the leave may be taken either consecutively or on an intermittent basis. A FMLA qualifying absence is filed as such from the onset of the absence.

(1) If the employee is eligible for a paid holiday while on FMLA leave, that leave day is also designated as FMLA leave.

(2) If the employee elects to use compensatory time earned in accordance with the Fair Labor Standards Act, such leave is not designated as FMLA leave.

(3) If an absence is work-related, it is not exempt from the FMLA leave designation. All FMLA-qualifying absences must be designated and charged as such. The first 12 weeks of leave taken for a work-related injury are designated as FMLA leave, if the employee is eligible for FMLA leave and chooses not to supplement temporary total disability (TTD) payments with sick leave, annual leave, compensatory time or compensatory holiday leave.

(4) The options employees have for charging FMLA leave are:

(A) charge to accumulated annual leave;

(B) charge to accumulated sick leave;

(C) record as leave without pay (LWOP); or

(D) charge to shared leave after all available paid leave has been exhausted.

(f) **Employee responsibility.** Whenever possible, an employee schedules FMLA leave to accommodate OKDHS operations. The employee provides the supervisor notice and a leave request a minimum of 30 days before the leave is to begin, when the leave is foreseeable. When the need for FMLA leave is unforeseeable, the employee gives

the supervisor as much notice and provides a leave request as soon as possible following discovery of the need. The notice and leave request must:

- (1) be in writing;
- (2) refer to Merit Rule OAC 530:10-15-45;
- (3) describe the reason for the FMLA leave;
- (4) specify the type of leave to be charged during the absence; and
- (5) include any information or documentation required for the type of absence requested, including such documents as Form 10AD001E, Request for Approval of Leave; Form 11AD002E, Certification of Health Care Provider, the patient's physician's statement; certification of adoption or foster care; or birth certificate. The employee's supervisor only requests what is traditionally required for that particular type of absence. A diagnosis is not requested. An explanation of the severity of the condition and duration of treatment may be requested.

(g) **Supervisor responsibility.** The employee's immediate supervisor is responsible for reviewing all requests for leave. FMLA-qualifying absences are designated and charged as such. When an employee gives notice of leave under this regulation, the supervisor informs the employee of his or her rights and responsibilities as outlined in this Section. The employee's notice and leave request are submitted to the Finance Division Payroll Unit as soon as possible to avoid a lapse in benefits. Supervisors do not interfere with, restrain, or deny the exercise of any right provided under this regulation. For events that are continual or chronic, Form 11AD129E, Family and Medical Leave Notice, must be provided to the employee the first time in every six month period that the employee gives notice of the need for leave related to the qualifying condition.

- (1) If the absence qualifies and the employee has complied with regulations, leave cannot be denied.
- (2) The employee must be informed of such designation before returning from leave and advised of his or her rights and responsibilities. The supervisor does not designate leave as FMLA leave after the employee has returned to work except in the situations described in (A) and (B) of this paragraph.

(A) If the employee was absent for a reason under the FMLA and the supervisor was not aware of the reason for the absence until the employee's return, the supervisor, within two days of the employee's return to work, designates the

leave retroactively with the appropriate notice to the employee.

(B) If the employee's supervisor knows the reason for the leave but has not been able to confirm that the leave qualifies under this regulation, or where the supervisor has requested medical certification which has not yet been received, the supervisor makes a preliminary designation and notifies the employee at the time leave begins or as soon as the reason becomes known. Upon receipt of the requisite information from the employee or medical certification, the preliminary designation becomes final. If medical certification fails to confirm the reason for the absence qualified under the regulation, the employee's supervisor withdraws the designation.

(3) If the employee is not eligible for leave due to lack of tenure or time worked, the employee is notified of the determination prior to the date the leave commences or as soon as practicable. In the event of extenuating circumstances, notice of determination must occur within two business days from the beginning of the absence or receipt of request, whichever is sooner.

(A) If an employee is ineligible when leave is requested, the employee is advised of when the eligibility requirement will be met.

(B) After eligibility is confirmed, or if the employee is not advised of ineligibility, the employee is deemed eligible. The employee's eligibility is not later challenged.

(4) If the employee's supervisor doubts the validity of a medical certification, the supervisor requires the employee to obtain a second opinion at OKDHS expense.

(A) A second or third medical opinion can only be requested upon receipt of the original medical certification for the FMLA qualifying condition and when a new certification is requested at the beginning of each new rolling calendar year.

(B) Pending receipt of a second or third medical opinion, the employee is provisionally entitled to FMLA benefits, including maintenance of group health benefits.

(C) When a certification does not ultimately establish the employee's entitlement to leave, the leave is not designated as FMLA leave. It may be treated as paid or unpaid leave under the leave regulations.

(D)The local administrator is permitted to designate a health care provider to furnish the second opinion, provided the selected health care provider is not

employed on a regular basis by OKDHS. OKDHS does not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion.

(E) If the opinions of the employee's and the OKDHS designated health care provider differ, the local administrator requires the employee to obtain certification from a third health care provider, again at OKDHS expense.

(i) The third opinion is final and binding.

(ii) The third health care provider is designated or approved jointly by both the local administrator and the employee.

(iii) OKDHS and the employee act in good faith to attempt to reach agreement on the third opinion provider. If OKDHS does not attempt to reach agreement, OKDHS is bound by the first certification. If the employee does not attempt to reach agreement in good faith, the employee is bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. If OKDHS refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted, OKDHS may be failing to act in good faith.

(F) The local administrator provides the employee with a copy of the second and third medical opinions, when applicable and upon written request. Requested copies are provided within two business days unless extenuating circumstances prevent such action.

(G) If the local administrator requires the employee to obtain either a second or third opinion, the employee or family member is reimbursed for any reasonable out-of-pocket travel expenses incurred. The local administrator cannot require an employee or family member to travel outside normal commuting distance for the purpose of obtaining the second or third medical opinions except in very unusual circumstances.

(H) A request for an additional medical opinion is approved by the employee's division director or designee.

(h) **OKDHS responsibility**. Upon return from FMLA leave, the employee is restored to the same or equivalent position with all benefits the employee would have had if he or she had been continuously employed during the period. The taking of FMLA leave is not used as a factor in employment actions. Benefit anniversary dates which normally

are extended due to LWOP are subject to extension in accordance with applicable regulations. This includes, but is not limited to, longevity pay, leave accrual, and retention points. Time worked toward qualifying work experience is extended under this regulation only if an extension would apply to an absence under other regulations.

(i) **Insurance coverage.** OKDHS pays its portion of the group insurance premium, including the benefit allowance for dependent health coverage. The employee is responsible for paying the employee's portion of the applicable insurance premiums. If the employee remains on LWOP after exhausting FMLA leave, the employee is responsible for the insurance premium paid on his or her behalf. Failure to maintain premiums results in termination of coverage.

(1) If coverage has lapsed due to the non-payment of premiums and the employee returns during the 12-week period, he or she is eligible to re-enroll in coverage previously held at the time leave began.

(2) If coverage has lapsed due to non-payment of the premiums and the employee returns after the 12-week period, OKDHS restores coverage provided the employee notifies his or her local administrator within 30 days of the employee's return to work. Failure to provide proper notification results in the loss of any optional coverage for a period of 12 months. The employee is not eligible for re-enrollment until the next plan year option period following the expiration of the 12-month waiting period.

(j) **Failure to return from FMLA leave.** Unless medically unfeasible, the employee is expected to return from FMLA leave. Failure to do so, when the FMLA leave is taken as unpaid leave, may subject the employee to liability for all insurance premiums paid by OKDHS pursuant to this Act.

(k) **Examples of computation of available FMLA leave (rolling 12-month period).** These examples assume an employee is on extended FMLA leave for a qualifying event.

PERIOD	LEAVE HOURS	FMLA HOURS	
01-15-01	88	88	<p>During the pay period ending 12-15-01 the system will look at FMLA charged for the preceding 11 pay periods (01-15-01 - 11-15-01). Any remainder is available for use during the 12-15-01 pay period.</p> <p>He or she will have exhausted his or her FMLA in April and none is available for December.</p> <p>During the pay period ending 01-15-02, the system will look at FMLA charged for the preceding 11 pay periods (02-15-01 - 12-15-01). Any remainder is available for use during the 01-15-02 pay period.</p> <p>Each month, the system moves forward to establish the 12- month period without regard to when the employee first used FMLA.</p> <p>He or she has used a total of 392 hours and has 88 hours available.</p>
02-15-01	168	168	
03-15-01	160	160	
04-15-01	184	64	
05-15-01	168	0	
06-15-01	176	0	
07-15-01	176	0	
08-15-01	168	0	
09-15-01	184	0	
10-15-01	176	0	
11-15-01	168	0	
12-15-01	176	0	
01-15-02	176	88	<p>Etc., etc.</p>
02-15-02	176	168	
03-15-02	160	160	
04-15-02	184	64	
05-15-02	160	0	
06-15-02	184	0	
07-15-02	176	0	

OKDHS:2-1-48. Shared leave

Revised 5-11-08

(a) **Statement of policy.** The state shared leave program permits state employees to donate annual or sick leave to another state employee.

(1) **Shared leave.** The employee receiving the shared leave must be experiencing, or have a relative or household member, experiencing an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay (LWOP) or terminate employment; or who is otherwise eligible for family medical leave (FMLA leave) but has exhausted all paid leave.

(2) **Definitions.** The following words and terms when used in the Section shall have the following meaning, unless the text clearly indicates otherwise:

(A) **"Relative"** is defined as the receiving employee's spouse, child, stepchild, grandchild, parent, grandparent, or stepparent.

(B) **"Household member"** is defined as any person who resides in the same home as the employee receiving shared leave and who shares reciprocal duties providing financial support for one another. The term includes foster children and legal wards even if they do not reside in the same household as the employee receiving shared leave. The term does not include persons sharing the same general house if the living style is that of a dormitory or commune.

(b) **Shared leave regulations.**

(1) The donating employee may donate only annual or sick leave.

(2) The donating employee cannot cause his or her annual or sick leave balance to fall below 80 hours.

(3) The donating employee cannot donate leave which would otherwise be lost due to exceeding leave accumulation limits.

(4) Donated leave must be given voluntarily.

(5) The receiving employee must be out of, or almost out of, all types of leave due to extraordinary circumstances which have placed the receiving employee in a position

of exhausting all paid leave and requesting approved LWOP or terminating his or her employment.

(6) Employees may receive no more than 261 days of donated or shared leave during their employment with the state.

(7) A medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition must be submitted if the receiving employee's absence is due to severe or extraordinary health conditions.

(8) Leave is prorated to account for differences in salary.

(9) Unused donated leave is returned to the donor.

(10) Leave may be donated anonymously.

(11) The receiving employee must have Form 10AD111E, Leave Sharing Application, on file to receive shared leave.

(12) Leave may be donated between different state agencies only when approved by the appointing authority of both agencies.

(13) The receiving employee must be a permanent, classified employee or a regular, unclassified employee with one calendar year or more of continuous service with the state.

(14) An employee in need of shared leave due to the death of a relative or household member may receive not more than five working days of shared leave in any calendar year. The leave must be taken immediately after the death of the relative or household member.

(c) **Employees with terminal conditions.** If an employee has been certified by a licensed physician or health care practitioner as suffering from an illness likely to result in the employee's death within two calendar years of the date of submitting the request for leave under the provisions of this regulation, the employee may receive and use a maximum of 365 calendar days of donated leave during total state employment.

(d) **Procedure for approval of shared leave.**

(1) An employee wishing to donate shared leave completes Form 10AD111E, part one (donor portion). In part two of the form, the donating employee includes all pertinent information regarding any chosen recipient of the donated leave.

(2) An employee wishing to receive shared leave completes Form Form 10AD111E part two (recipient portion). The employee also completes Form 10AD001E, Request for Approval of Leave, provides a completed Form 11AD0021, Certification of Health Care Provider, and attaches Forms 10AD001E and 11AD0021 to Form 10AD111E.

(3) A separate Form 10AD111E may be submitted by both the donating employee and the receiving employee. The donating employee and the receiving employee may also complete one form together.

(4) As there may be multiple donating employees for a single receiving employee, only one Form 10AD111E must be signed by the receiving employee.

(5) The fully-completed Form 10AD111E is submitted to the Finance Division Payroll Unit.

(6) An application for shared leave which meets all eligibility requirements cannot be approved by the Finance Division Payroll Unit without a current, approved Form 10AD001E including the fully-completed health care provider statement.

(7) Requests for approval of additional shared leave beyond the lifetime limits set forth above may be made to the Finance Division payroll manager to submit to the Director of Human Services pursuant to the discretionary authority of 74 O.S. 840-2.23(F). Such requests are normally not granted. Documentation of both unusual circumstances warranting such extension and extraordinary hardship must be presented. Further, written documentation must establish that the grant of additional days of shared leave will end at a reasonably specific period of time by return to work with the agency or disability retirement from state service, in the event of a non-terminal condition, or by death of the employee, in the event of a terminal condition.

(e) **Shared leave announcements.** Employee requests for shared leave may be viewed on the Finance Division Web site, Co-workers needing Shared Leave.

(1) To post a request for shared leave on the Web site, the local administrator or timekeeper of the employee requesting shared leave sends an e-mail to ***STO.FINANCE.PAYROLL.SHARED LEAVE.**

(2) The request includes the employee's name, assigned work unit, and the name of the payroll officer responsible for the receiving employee's payroll.

(3) Requests for shared leave are posted to the Web site once per pay period and remain on the Web site for two weeks.

(f) **Delegation of authority.** The Director delegates administrative signature authority for the approval of shared leave applications to the Finance Division payroll manager. Approval of the requesting employee's actual leave remains the responsibility of the employee's immediate supervisor.