
POLICY TRANSMITTAL NO. 06-39	DATE: AUGUST 29, 2006
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS & POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

DHS:2-1-32.

EXPLANATION: Human Resources Management Division regulation DHS:2-1-32 is revised to correct a scrivener's error in (a)(3)(C).

Original signed on 8-29-06

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WF # 06-K (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) 521-6392.

REMOVE

DHS:2-1-32

INSERT

DHS:2-1-32, pages 1-4, revised 8-2-06

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

(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 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 subsection (a).

(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, where 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 Oklahoma Department of Human Services (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.** Associate directors, 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 work week.

(D) FLSA non-exempt employees using flexible work scheduling must comply with FLSA as set forth in DHS:2-1-26 as determined by the FLSA compliance manager. The final approval of flexible work scheduling is made by the appropriate associate director, 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 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. Where actual work time is in excess of 40 hours per week, DHS:2-1-26 applies. Where 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 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 DHS:2-11-94 through 2-11-96. No leave accrues while on leave without pay 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 DHS:2-1-40.

(1) Accrual and use of leave are governed by Oklahoma Department of Human Services (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 or injury that causes the employee to be absent for an extended period of time; 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.