
POLICY TRANSMITTAL NO. 09-58
FINANCE DIVISION

DATE: NOVEMBER 12, 2009
DEPARTMENT OF HUMAN SERVICES
OFFICE OF LEGISLATIVE RELATIONS AND
POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-1-48.

EXPLANATION: In accordance with Senate Bill 670 effective July 1, 2009, OKDHS:2-1-48 is revised to: (1) reflect shared leave is transferred between employees on an hour-to-hour basis; and (2) change the maximum number of days of donated leave an employee may receive and use during total state employment to 261 calendar days.

Original signed on 11-12-09

Phil Motley, Chief Financial Officer
Finance Division

Sandra Harrison, Coordinator
Office of Legislative Relations and Policy

WF # 09-Z (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

OKDHS:2-1-48

INSERT

OKDHS:2-1-48, pages 1-4, revised 11-15-09

OKDHS:2-1-48. Shared leaveRevised 11-15-09

(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 this 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 transferred between employees on an hour-to-hour basis irrespective of the hourly wage of the donating or receiving employee.

(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) 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 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 in (b)(6) of this Section may be made to the Finance Division payroll manager to submit to the Oklahoma Department of Human Services (OKDHS) Director pursuant to the discretionary authority of Section 840-2.23(F) of Title 74 of the Oklahoma Statutes. 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 OKDHS 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.

(d) Shared leave announcements. Employee requests for shared leave may be viewed on the Finance Division Web site, 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.

(e) **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.