
POLICY TRANSMITTAL NO. 08-60	DATE: DECEMBER 8, 2008
HUMAN RESOURCES MANAGEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-1-41.

EXPLANATION: OKDHS:2-1-41 is revised to comply with Section 48 of Title 72 of the Oklahoma Statutes.

Original signed on 12-8-08

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WF # 08-CC (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:2-1-41

INSERT

OKDHS:2-1-41, pages 1-3, revised 12-1-08

OKDHS:2-1-41. Military leaveRevised 12-1-08

(a) **Statement of policy.** An employee who is a member of the National Guard or reserve components of the Armed Forces of the United States including the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any other component, when ordered by proper authority to active or inactive military duty, is entitled to a leave of absence without loss of status, seniority, and pay during the first 30 regularly scheduled work days of such leave of absence during any federal fiscal year, October 1 through September 30.

(b) **Military leave.** Procedures regarding military leave are included in this subsection.

(1) All requests for military leave, either with or without pay or a combination of the two, are made and approved on Form 10AD001E, Request for Approval of Leave, in accordance with instructions for that form.

(A) A copy of the orders or a written statement from the appropriate officer is attached at the time the leave is requested.

(B) When a copy is not available at the time the leave is requested, it must be submitted as soon as it is received.

(2) When the period of military status extends beyond 30 days for an employee described in (a), the employee's absence for the period beyond 30 days is governed by applicable leave rules.

(A) Accrued compensatory leave, compensatory holidays, annual leave, or military leave without pay may be requested to cover this period of time.

(B) Accrued compensatory leave and compensatory holidays must be exhausted prior to any approval for use of annual leave, except where the annual leave would otherwise be forfeited under the provisions of Merit Rule OAC 530:10-15-11(b)(5).

(3) An employee reporting to active or inactive military duty on or after September 11, 2001, during the period in which Operation Enduring Freedom is in effect, receives the difference between his or her full regular pay and military pay while the employee is in military leave without pay status. This pay is retroactive to the date the employee reported for active or inactive military duty.

(A) In order to receive payment pursuant to this Section, the employee must provide verification of military pay to the Finance Division, Payroll Unit.

(B) When military pay exceeds the employee's regular rate of pay, the employee is not eligible to receive payment pursuant to this Section.

(4) An employee who is ordered to report for physical examination in connection with military duty is not considered absent from Oklahoma Department of Human Services (OKDHS) duty during the time required for the examination or the time required for travel.

(5) A supervisor does not interfere with an employee's right to take military leave. Interfering with an employee's right to take military leave may subject the supervisor to disciplinary action.

(c) **Reinstatement to position.** An employee returning from active military duty is entitled to the position previously held with OKDHS when active military duty was:

(1) 90 days or less, the employee is returned to the position that the employee left;
or

(2) 91 days or more, the employee is restored to a position with like seniority, status, and pay.

(d) **Return from military duty.** An employee returning from active or inactive military duty reports to his or her former position pursuant to paragraphs (1) through (4) of this subsection.

(1) An employee returning from an active or inactive military duty period of less than 31 days reports to OKDHS duty at the beginning of the first regularly scheduled work day after release from military duty, provided the employee is given time of no less than eight hours to arrive back at his or her residence, rest, and travel to the work location.

(2) An employee returning from an active or inactive military duty period of 31 to 180 days reports to OKDHS duty no later than 14 days following completion of military duty.

(3) An employee returning from an active or inactive military duty period of over 180 days reports to OKDHS duty no later than 90 days after completion of military duty.

(4) Reporting time limits in this Section are extended up to two years when an employee is hospitalized or convalescing from an injury or illness caused by active

military duty.