



State of Oklahoma
Oklahoma Department of Agriculture, Food, and Forestry

Policies and Procedures
Leave

Effective Date of Policy: 12/31/2018	Next Scheduled Review: 12/1/2019
Last Reviewed: 12/1/2018	Policy Number: ODAFF-02
Approved: Jim Reese	Approval Date: 12/21/2018

Reference: 74 O.S. § 840-2.20, 74 O.S. § 840-2.20A, 74 O.S. § 840-2.20B, 74 O.S. § 840-2.20C, 74 O.S. § 840-2.21, 74 O.S. § 840-2.23, 74 O.S. § 840-2.23A, 74 O.S. § 840-2.25, 74 O.S. § 840.2.27C and Merit Rules.

A. Leave

Accrual and use of leave are governed by merit rules and applicable statutes. Both classified and unclassified employees are subject to the same leave policy. This policy is informational in nature and neither expands or diminishes the rights or responsibilities of any party under the merit rules. It is the official policy of ODAFF to follow the merit rules.

When the leave requested may be requested in advance (annual leave, for example) the employee must request permission to take leave no less than 24 hours in advance. If an employee is absent from work without proper authorization, the employee shall not receive pay for the period the employee is absent. If all sick and annual leave is exhausted and the employee does not return to duty, that employee may be terminated. ODAFF shall take appropriate action if the fraudulent use of leave is detected. Employees who violate this policy are subject to discipline, up to and including termination. The Division Director has the duty and the responsibility to take appropriate action if fraudulent leave usage or leave abuse is detected.

The types of leave available to ODAFF employees are listed below along with a short description of the rule. The specific requirements, restrictions, and availability of each type of leave are more thoroughly explained within the merit rules.

B. Administrative Leave Due to Unsafe Working Conditions or Inclement Weather

Reference: 74 O.S. § 840-2.20A, Merit Rules, OAC 260:25-15-70 and OAC 260:25-15-71.

The Commissioner of Agriculture or designee may authorize a reduction in services of nonessential personnel due to hazardous weather or unsafe working conditions (hereinafter "hazardous weather") subject to the applicable merit rule. ODAFF supervisors shall make a reasonable attempt to ensure timely notice to employees of any decision relating to the grant of administrative leave due to

hazardous weather. The notification can come in the form of media notification, email, or a telephone call.

During normal duty hours, an employee is considered on stand-by or on-call status. The Commissioner or designee may call employees to return to their normal duties or respond to the demand of the situation.

Authorization within the Oklahoma City Metro Area

Only the Commissioner of Agriculture or designee may authorize a reduction in services for the Oklahoma City metropolitan area (including Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie counties).

Authorization Outside of the Oklahoma City Metro Area

The Commissioner, division directors, or area supervisors may authorize a reduction in services in other locations. Division directors and area supervisors shall immediately communicate any decision to authorize a reduction of services to the Commissioner or designee through the appropriate chain of command. The communication shall be accompanied with a justification for the reduction of services and a listing of employees affected. Appropriate justification might include reference to a Governor's declaration, travel advisory issued by the Department of Public Safety, notice that county offices are closed, or explanation of conditions that put the health and safety of employees at risk.

Upon receipt of the communication authorizing a reduction in services, the Commissioner may overrule the decision to authorize the reduction of services, extend the reduction of services to other ODAFF employees working in the same location(s), or take other action deemed appropriate. **In most cases, the recommendation of the Department of Public Safety is followed.**

It is the responsibility of ODAFF supervisors and timekeepers to provide and maintain a list of employees that are eligible to claim administrative leave. This listing shall be reported to the ODAFF department timekeeper by the end of the week.

Employees that have scheduled annual, sick or other forms of leave prior to an event resulting in the temporary closure of state offices shall not receive paid administrative leave in lieu of the previously scheduled leave. Employees may not accrue compensatory time or additional leave during a reduction of services. Employees who are not eligible to accrue leave shall not be granted administrative leave.

In the following examples, a reduction of services is declared from 6:00 a.m. to 10:00 a.m. due to hazardous weather conditions (except in example #7):

1. The employee's normal workday starts at 8:00 a.m. The employee came to work at 10:00 a.m. The employee is eligible to use 2 hours of administrative leave (code ADMPD).
2. The employee's normal work day starts at 7:00 a.m. The employee came to work at 10:00 a.m. The employee is eligible to use 3 hours of administrative Leave (code ADMPD).
3. The employee's normal work day starts at 8:00 a.m. The employee came to work at 11:00 a.m. The employee is eligible to use 2 hours of administrative leave plus 1 hour of annual or compensatory leave.
4. The employee did not come to work at all, due to the weather. The employee must use some type of their accrued leave for their entire work day (8 hours). The employee is not eligible to use administrative leave.

5. The employee already had accrued leave approved in advance. The employee must use the leave that was previously approved. The employee is not eligible to use administrative leave.
6. The employee's normal work day starts at 8:00 a.m. The employee came in to work at 8:00 a.m. The employee may not use the 2 hours of administrative leave at a later date.
7. The employee's normal workday ends at 5:00 p.m. Due to the threat posed by incoming weather, the employee leaves work at 1:00 p.m. A reduction of services is declared from 3:00 p.m. to midnight. The employee is eligible to use 2 hours of annual or compensatory leave and 2 hours of administrative leave.

C. Administrative Leave for a Cooling-Off Period

Reference: Merit Rules and OAC 260:25-15-50.

ODAFF may place an employee on paid administrative leave as a cooling off period to defuse a potentially violent occurrence in the work place subject to the conditions specified in the applicable merit rule.

D. Annual Leave

Reference: 74 O.S. § 840-2.20, Merit Rules, OAC 260:25-15-10 and OAC 260:25-15-11.

Annual leave may be used for vacations, personal business, and other approved time away from work not covered by other paid leave or holiday provisions. Annual leave must be requested in advance and shall be used only when approved by the employee's supervisor. Annual leave is subject to the conditions specified in the applicable merit rule. Temporary and contract employees are ineligible to accrue, use, or be paid for annual leave.

E. Court and Jury Leave

Reference: Merit Rules and OAC 260:25-15-46.

An employee serving in his or her official capacity as a witness or serving as a juror shall be entitled to time off from work without loss of compensation or leave. Such time shall be counted as hours worked. An employee not serving in his/her official capacity and is a party or witness to private litigation may take annual leave or leave without pay, at the employee's discretion. Court and Jury Leave are subject to the conditions specified in the applicable merit rule. A supervisor may require the employee to submit a copy of the subpoena, summons, or other court order or process as a prerequisite for determining whether or not leave is to be taken.

F. Disaster Relief Services Leave

Reference: 74 O.S. § 840-2.24, Merit Rules and OAC 260:25-15-51.

An employee who is a certified disaster service volunteer for specific organizations may be granted leave with pay upon approval of the Commissioner of Agriculture and subject to the conditions specified in the applicable merit rule.

G. Educational Leave

Reference: Merit Rules and OAC 260:25-15-42.

Educational leave with pay may be granted at the discretion of the Commissioner of Agriculture for a period not to exceed one year, provided, such leave serves the best interests of ODAFF. The Commissioner of Agriculture may also grant leave of absence without pay for educational purposes. Educational leave is subject to the conditions specified in the applicable merit rule.

H. Enforced Leave

Reference: Merit Rules and OAC 260:25-15-40.

A supervisor may grant a probationary or permanent employee time off from regular duties, with pay, for absence necessary when some member of his or her immediate family or household requires the employee's care because of illness, injury, or death in accordance with the applicable merit rules. ODAFF permits an employee to use enforced leave to attend to the needs of a qualifying family member for any of the reasons permitted under sick leave provisions. Enforced leave hours shall be deducted from the employee's available sick leave balance. Enforced leave shall not exceed eighty (80) hours annually.

I. Family and Medical Leave

Reference: 29 U.S.C. § 2601 et seq., 29 CFR § 825, 74 O.S. § 840-2.22, Merit Rules and OAC 260:25-15-45.

The Family Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. FMLA leave is subject to the conditions specified in the applicable merit rule.

U.S. Department of Labor FMLA Resources

J. Holidays

Reference: 74 O.S. § 840-2.20, Merit Rules and OAC 260:25-15-43.

Holidays are observed in accordance with state law and the Governor's proclamations. Employees may be granted paid holiday leave subject to the conditions specified in the applicable merit rule. In order to qualify for holiday leave, an employee must work or be on paid leave status either the workday preceding or following the holiday.

K. Involuntary Leave without Pay (Furlough)

Reference: 74 O.S. § 840-2.20C, 74 O.S. § 840.2.27C, Merit Rules and OAC 260:25-15-48.

ODAFF may place classified and unclassified employees on involuntary leave without pay (furlough) when it is necessary to reduce expenditures or due to a temporary decline or cessation of work subject to the conditions specified in the applicable merit rule.

L. Leadership Program Leave

When attending leadership programs, e.g., Ag Leadership, Leadership Oklahoma, etc..., as a designated representative of ODAFF verified by written approval of the Commissioner of Agriculture, an employee shall be considered on duty. No leave shall be charged for attendance and the employee shall be reimbursed for travel expenses in accordance with ODAFF policies.

M. Leave of Absence without Pay

Reference: Merit Rules and OAC 260:25-15-47.

Under normal circumstances, taking leave without pay may be subject to discipline, up to and including termination. In extraordinary circumstances, a division director may approve a request from a permanent or probationary employee for leave of absence without pay. The request shall be in writing and shall include the reasons for the leave and the estimated length of the leave requested by the employee. The approval of the leave shall also be in writing, and it shall specify the date the employee is to return to work. Leave of absence without pay is subject to the conditions specified in the applicable merit rule. Failure of the employee to return to work at the expiration of the specified leave period shall be cause for termination unless a valid reason is submitted in advance and approved by the Division Director.

N. Leave and First Preference Due to Work Related Illness or Injury

Reference: 74 O.S. § 840-2.21, Merit Rules and OAC 260:25-15-49.

If a state employee, whether in the classified or unclassified service, is absent because of an illness or injury arising out of and sustained in the course of his or her employment with the state, and for which workers' compensation benefits have been filed, the employing agency shall place the employee on leave without pay if the employee so requests; provided, leave without pay pursuant to this section shall not for any purpose be considered a break in service. An employee who sustains an illness or injury arising out of and sustained in the course of employment with the State of Oklahoma shall not be required to use either accumulated sick or annual leave during such period prior to being placed on leave without pay as provided by law. An employee placed on leave without pay pursuant to the provisions of this section shall continue receiving basic plan insurance coverage and dependent insurance benefit allowance paid by the agency during the leave without pay as provided by law.

An employee on leave without pay shall have the right to be returned to his or her original position in accordance with the applicable merit rules. If it is found necessary for the good of the state to fill the position during the period the employee is on leave without pay the employee filling the position shall

vacate the position upon the return of the employee on leave without pay, subject to layoff, transfer or demotion rights earned. The right to return to the original position shall expire one (1) year from the date of the start of leave without pay. The employee may be separated if the employee has not returned to the original position of the employee or some other position within the agency within one (1) year from the date of the start of leave without pay.

An employee on leave without pay pursuant to the provisions of this section shall provide a medical statement as to his or her ability to perform the duties of the position to ODAFF at least every three (3) months. If the employee becomes medically able with reasonable accommodation to perform the duties of his or her original position, the employee shall be returned to such position. If the employee is unable to perform the duties of the original position with reasonable accommodation, but is medically able with reasonable accommodation to perform the duties of any other position within the agency for which the employee is qualified, and appointment to such other position does not constitute a promotion, the employee shall have first preference for any such position which becomes vacant within the agency, notwithstanding any other preference provisions of the Oklahoma Personnel Act or of other laws of the State of Oklahoma. An employee accepting another position pursuant to this subsection shall not forfeit his or her right to be returned to the original position within twelve (12) months after the start of leave without pay.

An ill or injured employee shall be eligible to participate in the Disability Insurance Program. All benefits, rights, and obligations shall continue during the time the employee remains on leave without pay status, for a continuous period not to exceed twelve (12) months. However, if a workers' compensation claim based on such illness or injury is denied during the twelve-month period, all benefits, rights and obligations conferred upon an employee pursuant to this section shall cease and be discontinued immediately.

O. Leave for Reserve Municipal Police Officers and Reserve Deputy Sheriffs

Reference: 11 O.S. § 34-101, 19 O.S. § 547, Merit Rules and OAC 260:25-15-58.

Employees who are reserve municipal police officers or reserve deputy sheriffs and who miss work in performing their duties in case of emergency shall not be required to use any accrued leave or make up any time due to the performance of their reserve duties subject to the conditions specified in the applicable merit rule.

P. Military Leave

Reference: 38 U.S.C. § 4301 et seq., 44 O.S. § 209, 72 O.S. § 48, Merit Rules and OAC 260:25-15-44.

All officers and employees of the state or a political subdivision thereof who are members, either officers or enlisted, of the National Guard or any branch of the United States Military or its reserve components, shall, when ordered by the proper authority to active or inactive duty or service, be entitled to a leave of absence from such civilian employment for the period of such service without loss of status or seniority. During the first thirty (30) calendar days for employees of political subdivisions or the first thirty (30) regularly scheduled work days for state employees of such leave of absence in any federal fiscal year, the officers or employees shall receive their full regular pay from the employing state

agency or political subdivision. Employees may be compensated for lost pay as provided by applicable laws.

Q. National Disaster Leave

Reference: 74 O.S. § 840-2.23A, Merit Rules and OAC 260:25-15-57.

National disaster leave is leave with pay granted to an employee who is affected by a presidentially declared national disaster in Oklahoma subject to the conditions specified in the applicable merit rule. An employee is "affected" if the employee or an eligible family member suffers physical injury or death or the domicile of the employee or an eligible family member is damaged or destroyed. Eligible family members shall be limited to relatives and household members of the employee. Relatives are defined as spouses, children, stepchildren, grandchildren, grandparents, stepparents, or parents. Household members include those persons who reside in the same home who have reciprocal duties and provide financial support for one another, including foster children and legal wards even if they do not live in the same household, but exclude persons sharing the same general house.

R. Organ Donor Leave

Reference: 74 O.S. § 840-2.20B

Organ Donor Leave is leave with pay for an employee to serve as a bone marrow or human organ donor. An employee is allowed five (5) workdays of leave to serve as a bone marrow donor and thirty (30) workdays of leave to serve as a human organ donor. An employee must submit written verification to the agency that he or she is to serve as a bone marrow or human organ donor. The request for leave is subject to approval by the Commissioner of Agriculture with medical necessity being the primary determinant for such approval. ODAFF shall not penalize an employee for requesting organ donor leave. Organ donor leave may be requested by the employee only if the employee is serving as the donor.

S. Organizational Leave

Reference: 74 O.S. § 840-2.25, Merit Rules and OAC 260:25-15-41.

A permanent classified employee or a regular unclassified employee shall be entitled to take leave with pay not to exceed three (3) days a year to attend meetings of job-related professional organizations of which that employee is a member upon approval from his or her division director.

T. Shared Leave

Reference: 74 O.S. § 840-2.23

The leave sharing program permits state employees to donate annual or sick leave to a fellow state employee who has exhausted, or will exhaust, all types of paid leave subject to the conditions specified in 74 O.S. § 840-2.23. An employee's use of shared leave shall not exceed 261 days during total state employment. ODAFF will accept donations from employees of other State agencies.

Shared Leave Form

U. Sick Leave

Reference: 74 O.S. § 840-2.20, Merit Rules, OAC 260:25-15-10 and OAC 260:25-15-12.

Sick leave means a period of time when the employee cannot work because of illness, injury, pregnancy, medical examinations or treatments (including dental and optical), surgical procedures, or where the employee's presence at work would jeopardize the health of the employee or others. A sick leave request should be submitted in advance for a prescheduled medical appointment. Sick leave requests are not automatically approved. A supervisor may request a doctor's verification for sick leave taken.

Any employee absent from work which exceeds three (3) consecutive days (whether partial or full) shall provide their supervisor with a physician's statement giving the reason for the absence and releasing the employee to return to work. Without the statement the employee will not be allowed to return to work and will be placed on leave without pay or annual leave until such statement is received.

A supervisor may require the employee to supply proof the absence was consistent with the applicable merit rule. The supervisor shall approve sick leave unless there are facts to show that an employee abused sick leave privileges or the employee failed to supply requested evidence of illness, which will be cause for disciplinary action up to and including termination.

V. Suspension with Pay Pending an Investigation

Reference: Merit Rules and OAC 260:25-11-120.

ODAFF may suspend an employee from duty with pay for internal investigatory purposes or to give a permanent employee the required notice and opportunity to respond before involuntary demotion, suspension without pay, or discharge. ODAFF may require the employee to remain available during specified working hours to meet with investigators or other agency officials as required. A notice of suspension with pay, stating the beginning and ending dates and times and specifying any reporting requirements shall be issued to the employee in writing. If ODAFF certifies that an internal investigation cannot be completed within 20 days, ODAFF may continue the suspension. The suspension with pay may not exceed the time necessary to complete the investigation and if the investigation warrants, to give the employee the required notice and opportunity to respond before termination.

W. Voluntary Firefighters Leave

Reference: 74 O.S. § 840-2.20.

Employees who are volunteer firefighters pursuant to the Oklahoma Volunteer Firefighters Act and who are called to fight a fire shall not be required to use any accrued leave or need to make up any time due to the performance of their volunteer firefighter duties.

X. Voting Leave

Reference: 26 O.S. § 7-101.

Employees, who are registered voters and whose working schedules on election day do not permit them three hours either before or after work in which to vote, shall be given paid leave not to exceed two (2) hours. Voting leave applies to any election except for school board or bond elections.