
PARDON AND PAROLE BOARD
Policy and Procedure Manual

Policy 119 - Leave

POLICY

It is the policy of the Pardon and Parole Board (PPB) to follow the types of leave, the accrual of leave, and use of leave, which is governed by Merit Rules and applicable state and federal statutes. Both classified and unclassified employees are subject to the same leave policy. This policy neither expands nor diminishes the rights or responsibilities of any party under the Merit Rules.

The types of leave available to PPB employees are listed below along with a short description of the leave. The specific requirements, restrictions, and availability of each type of leave are more thoroughly detailed within the Merit Rules and/or the Employee Handbook.

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, the employee may be terminated. The PPB 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.

ANNUAL LEAVE

All probationary, full-time permanent classified, and full-time unclassified employees are eligible to accrue annual leave. Part-time permanent classified and part-time unclassified employees earn annual leave in an amount proportional to that of full-time employees. Temporary employees are not eligible for annual leave benefits.

Annual leave is accrued in accordance with the annual leave accumulation schedule identified in state statute. Annual leave can be used for vacations, personal business, and other time off work not covered by sick leave or holiday leave. Unused annual leave within the accumulation limits will be paid upon separation from the agency. Employee requests for annual leave should be made pursuant to the guidelines in the PPB Employee Handbook.

SICK LEAVE

Sick leave is 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. Full-time employees accrue fifteen (15) days per year. There is no accumulation limit for sick leave. Upon retirement, accumulated sick leave may be applied toward years of service as determined by state statute. Employee requests for sick leave should be made pursuant to the guidelines in the PPB Employee Handbook.

ENFORCED LEAVE

All probationary, permanent classified, and unclassified employees must use enforced leave when a member of the employee's immediate family or household requires the employee's care because of illness or injury; in the case of death within the immediate family or household; or in the case of a personal disaster.

Immediate family is defined as spouse, children, parents, brothers, sisters, including step, grand, half, foster, or in-law relationships. Household is defined as those persons who reside in the same home, who have reciprocal duties and provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house or when the living style is primarily that of a dormitory or commune. Personal disaster is defined as an unforeseeable, catastrophic event such as the destruction of the employee's residence.

Enforced leave is charged against sick leave, and it may not exceed eighty (80) hours in a calendar year. Once the eighty (80) hours of enforced leave has been used, enforced leave must be deducted from annual leave. Employee requests for enforced leave should be made should pursuant to the guidelines in the PPB Employee Handbook.

ADMINISTRATIVE LEAVE

The Executive Director may place an employee on paid administrative leave as a cooling off period to defuse a potential violent occurrence in the workplace. An employee's time on administrative leave shall not exceed thirty-two (32) hours in any twelve (12) month period. The Executive Director shall keep a record of the staff hours of leave granted under this type of Administrative Leave separate from employee personnel files and report only the number of hours of paid administrative leave granted under this section to the Office of Management and Enterprise Services (OMES) as requested.

The Executive Director may assign work to the employee to be performed during administrative leave or may require the employee to remain available to meet with PPB personnel. Administrative leave shall not be accrued or accumulated, and it shall not be charged to annual leave or sick leave.

ADMINISTRATIVE LEAVE - REDUCTION IN SERVICES

When an agency's services are temporarily reduced or closed due to unsafe working conditions or hazardous weather, administrative leave may be given under the following conditions.

UNSAFE WORKING CONDITIONS

If the administrative office is closed due to unsafe working conditions, the Executive Director shall notify the affected employees and OMES. Employees may be assigned to work at another location. If a primary duty station is closed due to unsafe working conditions, the employee will notify a supervisor who will then notify the Executive Director.

Employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. The Executive Director may call employees to return to their normal duties to respond to the demands of the situation as necessary.

HAZARDOUS WEATHER

When hazardous weather occurs, the Oklahoma Commissioner of Public Safety ~~will~~may authorize a reduction of services for non-essential personnel which includes a start and end time for Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie Counties.

For all other counties, the Executive Director will forward an email notification regarding a reduction in services or an agency closure. Supervisors will then communicate to their designated employees via email, text message, or phone.

If a reduction in services is authorized as identified above, administrative leave can be used for the time identified. Enforced leave may not be used for this type of absence. Supervisors are not authorized to declare a reduction in services. Supervisors may approve annual leave, if an employee would like to leave a duty station prior to receipt of the official notification for a reduction in services, arrive later than the arrival time after a reduction of services, or choose not to report to work due to weather-related conditions. For example, if an early dismissal is authorized for 1:00 p.m. and an employee chooses to leave earlier at 11:00 a.m., the employee will be charged two hours of annual, and the remainder of the work hours will be charged as administrative leave. Similarly, if a reduction in services is authorized until 10:00 a.m. and the employee arrives at 11:00 a.m., the employee shall be charged for one hour of leave. If an employee has already been approved and is using annual, sick, flex, or enforced leave during the reduced services, the employee is not eligible to use the administrative leave as per state statute.

Temporary employees are not eligible for administrative leave and will not be paid for the lost time.

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FAMILY MEDICAL LEAVE ACT

The Family Medical Leave Act (FMLA) of 1993 is a federal protection for the employee which provides an entitlement of up to twelve (12) weeks of job-protected, unpaid leave during a twelve (12) month period to eligible employees. The twelve (12) month period at the PPB is measured from the first date that FMLA leave is taken.

The employee may request FMLA leave which ensures that the employee's group health benefits are maintained during the FMLA leave. The Executive Director has the right to designate leave taken for a FMLA-qualifying event as FMLA leave, regardless of whether the employee has requested FMLA leave.

FMLA leave is first deducted from existing leave balances (annual, sick, or shared). Thereafter, an employee may utilize leave without pay. FMLA leave is subject to the conditions specified in the applicable Merit Rule.

LEAVE SHARING

The State of Oklahoma has created the state leave sharing program. The purpose of the state leave sharing program is to permit state employees to donate annual or sick leave to a fellow state employee who meets the following criteria:

- A. Has exhausted, or will exhaust, all types of paid leave and who is eligible for and requires family leave pursuant to the provisions of the Family Medical Leave Act of 1993, 29 U.S.C., 2601 et seq.;
- B. Is suffering from or has a relative or household member suffering from 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 or terminate employment;
- C. Has suffered and needs time immediately following the death of a relative or household member, provided that the total leave received for this purpose shall not exceed five (5) days in any calendar year; or
- D. Is affected by a presidentially declared national disaster in Oklahoma after May 1, 1999, for a period of eighteen (18) months after the date of the presidentially declared national disaster if:
 - (1) the employee suffered a physical injury as a result of the disaster;
 - (2) the spouse, relative, or household member of the employee suffered a physical injury or died as a result of the disaster; or
 - (3) the domicile of the employee or the home of a relative of the employee was damaged or destroyed as a result of the disaster.

A relative of the employee shall be limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee. Household members means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune. Severe or extraordinary is defined as extreme or life threatening. Terminal is defined as means likely to result in death within two (2) calendar years. A state employee means a permanent classified employee or a regular unclassified employee with one (1) year or more continuous service with the state. The term "state employee" does not include classified employees in probationary status or unclassified employees on temporary or other limited term appointments, except that those employees are eligible to receive shared leave. An employee may be eligible to receive shared leave if the Executive Director determines that the employee meets the criteria described above and the employee has abided by policies regarding the use of leave.

An employee may donate annual or sick leave to another employee provided the donation does not cause the leave balances of annual or sick leave of the donating employee to fall below eighty (80) hours.

The Executive Director shall determine the amount of donated leave an employee may receive. The maximum authorization of shared leave is six (6) weeks. Additional shared leave can be considered on a case by case basis. The PPB does not accept donations for shared leave from employees working for other state agencies.

If the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal and the employee who either has reached or shall reach in the near future the maximum amount of leave available, the Executive Director of the employee may approve additional donated leave upon written request of the employee. The Executive Director of the employee shall require the employee to submit, prior to approval or disapproval of shared leave, a medical certificate from a licensed physician or health care practitioner verifying the need for the leave and expected duration of the illness, injury, impairment, or physical or mental condition for which the leave is donated.

Donated annual or sick leave is transferable between employees on an hour-to-hour basis irrespective of the hourly wage of the donating or receiving employee. Any donated leave may only be used by the recipient for the purposes specified in the request. All forms of paid leave available for use by the recipient must be used prior to using donated leave.

Any donated leave which was not used by the recipient for the specific FMLA qualifying event shall be returned to the donor. The balance of the remaining donated leave will be prorated among all donors and reinstated to his/her leave balances.

All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual or sick leave for purposes of the leave sharing program.

MILITARY LEAVE

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 efficiency rating. 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.

CONTINUING EDUCATIONAL LEAVE

For those wishing to attend college, continuing education, graduate school, vocational training, or trade school which is directly related to the employee's current job, the Executive Director may grant educational leave with pay for a period not to exceed one (1) year. The Executive Director may grant such extensions of leave as may appear best to serve the interests of the agency; however, extensions shall not be for more than one (1) additional year. While on educational leave, annual

and sick leave shall accrue. The Executive Director may also grant leave of absence without pay for educational purposes.

Any continuing educational leave request, not directly related to the employee's current job, is considered a request for annual leave or leave without pay. This includes classes to maintain a teaching certificate, or to complete a degree unrelated to PPB work. Approval of continuing educational leave is based on performance evaluations, supervisor recommendations, and needs of the PPB.

VOLUNTARY LEAVE OF ABSENCE WITHOUT PAY

A permanent or probationary employee may make a written request to go on voluntary leave without pay if his/her accumulated leave is not sufficient to cover the absence. The request shall be in writing to the Executive Director and shall include the reasons for the leave and the estimated length of the leave requested by the employee, and it shall specify the date the employee is to return to work. 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 Executive Director.

LEAVE WITHOUT PAY DUE TO JOB RELATED ILLNESS OR INJURY

If a PPB employee is absent from work because of an illness or injury arising out of and sustained in the course of employment with the state, the employee has a right to return to work if certain conditions are met. When a medical report indicates the employee is able to perform the essential duties of the original position, the PPB shall return an employee to work as soon as possible, either to the original position or to an alternate position if an employee, with reasonable accommodation, is unable to return to the original position. The employee and the Executive Director may agree in writing to waive the requirement to return the employee to the original position from an alternate position.

INVOLUNTARY LEAVE WITHOUT PAY (FURLOUGH)

The Executive Director may place employees on involuntary leave without pay when such action is necessitated by a temporary decline or cessation of work activities, or to reduce expenditures. No employee shall be placed on involuntary leave without pay for more than a total of 184 hours in any twelve (12) month period.

If the Executive Director certifies that a furlough is due to a budgetary shortfall which results in a decline or loss of funding to the agency, the Executive Director may limit the furlough to employees who request to participate in a furlough and certify that they have done so without coercion, undue influence, threat, or intimidation of any kind or type.

An employee who is to be placed on such leave will be given at minimum written notice at least two (2) working days in advance, advising of the particulars regarding the action, including the dates and times leave is to begin and end. The written notice will advise whether or not the employee has appeal rights. Before initiating a furlough, the Executive Director shall announce in writing the reasons that require it. The Executive Director shall post this announcement throughout the agency

and send it to the Governor and the Office of Management and Enterprise Services. Furlough, as provided for by rules adopted by the Administrator of the Office of Management and Enterprise Services, shall not be appealable under the provisions of the Oklahoma Personnel Act found in Title 74 O.S. § 840-2.27C.

The Executive Director may make such leave subject to early cancellation or periodic call-back, to protect public health, safety or property, or to assure continued operation of critical agency functions. Failure on the part of an employee to return from such leave to his or her previous work status, as directed in writing shall, be cause for discharge. While on involuntary leave without pay, an employee shall continue to accrue annual and sick leave as though the involuntary leave without pay had not occurred.

Employees who are laid off due to reduction-in-force may be considered to be on leave without pay for optional insurance purposes only. The employee must request such consideration in writing before the effective date of layoff.

COURT AND JURY LEAVE

A state employee, directed by the proper authority or in obedience to a subpoena, shall be entitled to time-off from work without loss of compensation or leave to serve in a capacity of:

- (1) a jury member;
- (2) a witness on behalf of the federal government, the state of Oklahoma, or a political subdivision of the state;
- (3) a witness or party before a state agency, board, commission, or legislative body; or,
- (4) a witness, party, attorney, representative, or spokesperson in the employee's official capacity as a state employee.

Such time shall be counted as hours worked in accordance with the Fair Labor Standards Act and Merit Rule.

A state employee must take annual leave or leave without pay, at the employee's discretion, to serve:

- (1) as a party in private litigation;
- (2) as a witness to testify as an individual or a paid expert in private litigation;
- (3) as an attorney outside of the employee's official capacity as a state employee; or
- (4) in any other capacity of court and jury services not previously covered.

The PPB may require the employee to submit a copy of the subpoena, summons, or other court order or process as a prerequisite for determining whether leave is approved to be taken.

Along with a copy of the subpoena or other official written directive, employees must complete and submit the appropriate leave request form. Supervisors must keep the signed leave requests on file and at the end of the calendar year submit the forms to the administrative office to be included in the employee's personnel file. Upon an employee's termination with the agency, the supervisor shall forward these documents to the administrative office for the employee's personnel file within 30 days of the last day of employment.

EXHAUSTION OF LEAVE AND SUPPLEMENTAL PAY

Any employee that is absent from work and who has exhausted all accumulated sick, annual, and flex leave will be placed on leave without pay for the appropriate time-period. Employees that are on supplemental payroll are only paid for actual hours worked and are paid on the 12th of the following month. Part-time temporary employees are automatically paid on supplemental payroll.

An employee with less than forty (40) hours total of sick and/or annual shall notify the supervisor who will contact the Deputy Director. An employee who has less than 40 cumulative hours will be placed on supplemental payroll. Leave is posted on the first day of the month following the month in which leave is accrued. The beginning of the month balance is used to determine whether an employee has a combined total of 40 hours leave. The employee will remain on supplemental payroll until his/her total accumulation of sick and annual leave equals more than 40 hours.

During the month following accumulation of a minimum of forty (40) hours leave of a combination of sick and annual leave, the employee will be placed back on the regular payroll.

References: 74 O.S. § 840-2.20-2.23, 74 O.S. § 840-2.27C, 29 U.S.C. § 2601 et seq., 29 CFR § 825, 38 U.S.C. § 4301 et seq., 44 O.S. § 209, 72 O.S. § 48, Merit Rules and applicable statutes

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