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HCM 16-01

Date: January 5, 2016

To: All Appointing Authorities

From: Lucinda Meltabarger

Re: State Agency Services During Hazardous Weather

This memorandum will serve as a reminder of the provisions of [Merit Rule 260:25-15-71](#) and convey instructions regarding the application of that rule in the event a state office is temporarily closed or services are temporarily reduced due to hazardous weather conditions.

[Merit Rule 260:25-15-71](#) requires Appointing Authorities to place affected employees on paid administrative leave when a state office is temporarily closed or services are temporarily reduced due to hazardous weather conditions. Those employees whose attendance is essential to the maintenance of basic minimum services during such period shall report to work and shall accrue administrative leave on a straight-time basis for all hours worked during such reduction.

In an effort to clarify the application of this rule, the Human Capital Management Division of the Oklahoma Office of Management and Enterprise Services provides the following additional instruction regarding the application of [Merit Rule 260:25-15-71](#). Questions should be directed to the HCM Classification/Compensation Division at (405) 521-2177.

- The authority to grant administrative leave shall exist only in the specific locations and during the specific time periods for which the appropriate authority has determined that a temporary closure or reduced services are necessary.

- The Commissioner of Public Safety is the appropriate authority for agencies and offices within the seven-county region of the Oklahoma City metropolitan area, which includes Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma and Pottawatomie Counties.
- The Appointing Authority is the appropriate authority for agencies and offices outside the seven-county region of the Oklahoma City metropolitan area.
- Accrual of administrative leave by employees required to perform basic minimum services shall be limited to the hours of their regularly scheduled work periods, up to a maximum of 8 hours per day. Employees do not accrue administrative leave for work performed during overtime hours or on a holiday.
- It is within the Appointing Authority's discretion to adopt a later departure time other than the designated departure time announced by the Commissioner of Public Safety for employees staffing non-essential functions in agencies and offices within the seven-county region of the Oklahoma City metropolitan area.
- Please note that employees who are on previously approved paid leave for the period of time in question are not entitled to paid administrative leave.

## Frequently Asked Questions

**Q: Will an employee who leaves earlier than a designated early dismissal time or arrives later than a designated late arrival time be charged leave for the excess time?**

A: Yes. For example, if an early dismissal is authorized for 1:00 p.m. and an employee leaves at noon, the employee will be charged one hour of leave: the remainder of the work hours will be charged as administrative leave. Similarly, if a late arrival is authorized for 10:00 a.m. and the employee arrives at 11:00 a.m., the employee shall be charged for one hour of leave.

**Q: If an employee calls the supervisor before her shift begins and indicates she will not be in due to inclement weather and the state has not yet declared a reduction in services, is the employee still charged leave for a full shift because it was requested prior to the state's announcement?**



A: Yes. The employee at that time was on pre-approved leave and would be charged a full shift of leave.

**Q: If the state declares a reduction of 2 hours, and then the supervisor is notified the employee will not be coming to work, could the employee use 2 hours Admin leave and 6 hours of annual or enforced—whatever the case may be?**

A: Yes. At the time of the announcement they were not on pre-approved leave. Thus, they are eligible for the two hours of admin leave.

**Q: Is an employee who was previously approved for leave on a day the offices are closed all or part of the day due to inclement weather entitled to administrative leave?**

A: No. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave.

**Q: If the state has a late opening at 10:00 a.m. and an employee arrives at 10:00 a.m. and works a full eight hour shift, would the employee still be eligible to receive administrative leave for the time before 10:00 a.m.?**

A: Yes. The hours an employee works after the designated start time has no impact on their eligibility to receive the administrative leave.

**Q. My shift starts earlier/later than 8:00 a.m. How much administrative leave should I report?**

A. Use as much administrative leave as needed to cover the time from the beginning of your shift until offices opened at 10:00 a.m. For example, if your shift begins at 7:00 a.m., report three hours of administrative leave. If your shift begins at 9:00 a.m., report one hour of administrative leave.

**Q: Would a non-essential employee who works during inclement weather be compensated or does it depend on the work they are doing?**

A: Only if the employee is deemed “essential” to complete a particular task for that day, i.e. testify in court. They would claim the time worked and receive accrued administrative leave as regular essential employees would.

In the instance that the employee decides to stay and is not deemed “essential for that day”, they would still be paid for the time worked and would not earn accrued administrative leave to be used at a later date.



**Q: How does the employee know if they are essential or non-essential?**

A: As a general rule of thumb, the supervisor determines whether an employee is essential or non-essential. However, as in the example above an employee may also be considered essential based on other factors.

