



**HCM 18-02**

**To:** All Appointing Authorities

**From:** Dana Webb, OMES Administrator

**Re: Executive Branch Agency Employees Participating in April 2, 2018, Walk Out**

State employees who wish to participate in the April 2, 2018, walk out may be allowed to take compensatory or annual leave in accordance with the Merit Rules set forth below. If an employee does not have compensatory or annual leave available, the Appointing Authority may permit the employee to take leave without pay in accordance with the Merit Rules. The Appointing Authority has to approve whether the employee takes compensatory leave, annual leave, or leave without pay and retains the right to withhold such approval.

If an employee is absent from work without prior approval and has not contacted his or her supervisor within five working days, the Appointing Authority can consider the employee to have resigned.

Sick leave is not available and shall not be used for the April 2nd, 2018 walk out. If an employee takes sick leave on that day, an Appointing Authority can request the employee sign a statement affirming he or she was sick and require proof of illness.

In the event an employee requests time off, does not receive it, and proceeds to be absent from work or is absent without requesting time off, an Appointing Authority may take appropriate disciplinary measures in accordance with its current policies and procedures. The disciplinary measures must not be in retaliation of each employee's constitutional right to assemble but in response to violation of the Merit Rules.

Questions regarding the specific application of the Merit Rules should be directed to your legal counsel.

Merit Rule References:

OAC 260:25-7-12

OAC 260:25-15-11

OAC 260:25-15-12

OAC 260:25-15-47

OAC 260:25-11-132

<https://www.ok.gov/opm/documents/MeritRulesTitle260.pdf>

Oklahoma Ethics Rule 2.9 further supports the position that any employee who wishes to participate in the walk out must do so on his or her own time.