



AAA MEMO: HCM 22-04

Date: Jan. 31, 2022

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](#) authorizes 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 or, if applicable, assign them to work in another location, including, but not limited to, a telework location. 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.

To clarify the application of this rule, 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 OMES HCM Classification and Compensation, 405-521-2177.

- In accordance with Executive Order 2019-10, the Commissioner of Public Safety shall authorize agencies or parts of agencies to maintain minimum services when hazardous weather becomes a safety threat, causes undue delays or prohibits employees from traveling to and from work.
- Under the authority granted to the Commissioner of Public Safety by Governor Stitt, the Commissioner of Public Safety will exercise full authority and determine that a temporary closure or reduced services are necessary for each of the 77 counties, as deemed appropriate, within the State of Oklahoma. From this point forward, the Commissioner of Public Safety shall be identified as the appropriate authority.
- The authority to grant administrative leave shall exist only in the specific locations and during the specific time periods for which the appropriate authority, the Commissioner of Public Safety, has determined that a temporary closure or reduced services are necessary.
- 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 eight hours per day. Employees do not accrue administrative leave for work performed during overtime hours or on a holiday.
- The appointing authority can assign employees to work in another location which may be in the employee's home if they have the capability to telework.
- 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.
- In order to receive notification of reduction of services, sign up for this govDelivery notification via <https://public.govdelivery.com/accounts/okdps/subscriber/new>.

Frequently Asked Questions

The following FAQs are being provided in an effort to resolve some common questions and concerns as they relate to administrative leave. This guidance is derived from merit rules, statutes and OMES interpretation. It is important to note that a normal work day is considered to be eight hours, similar to holidays.

Q: How do I know if I am an essential employee and required to report to work?

A: As a general rule of thumb, the supervisor determines whether an employee is essential or non-essential. However, an employee who is normally non-essential may be considered temporarily essential based on a specific work situation, such as an emergency outage, critical deadline, etc.

Q: I am a non-essential employee who normally works at the office but decided to work from home that day. Am I paid admin leave for the time I worked?

A. [Per 260:25-15-71\(C\)](#) Administrative leave shall not be granted to employees that telework or have the ability to telework unless otherwise approved by the Appointing Authority or on a case-by-case basis.

Q: If I telework and am non-essential employee, do I get to use admin leave?

A: Telework employees should ensure their own safety at all times. Telework employees will not be granted administrative leave during inclement weather unless otherwise approved by the telework employee's manager on a case-by-case basis.

Q: I am a non-essential employee but was told to finish a project so I worked that day; do I get admin time worked since I was told to work?

A: If you have the ability to telework you will not be given administrative leave unless it is approved by the appointing authority. Otherwise, an employee who is typically considered as a non-essential employee may need to fulfill a deadline or complete a task during approved administrative leave. In this case, the employee would be considered essential for that day or for the time needed to complete that specific task. In this case they would accrue administrative leave for the hours worked.

NOTE: It is important to gain clarification from your supervisor whether or not deadlines can be flexible when administrative leave is approved.

Q: What do I do if I'm already at work when the reduction in services announcement is made? Can I stay and work? If so, will I be paid admin leave for the time I worked? How much admin leave will I get for the day?

A: Non-essential employees are not required to remain at work during reduction in services. In the instance that the employee decides to stay and is not deemed essential for that day, the employee would code regular hours worked and would not earn accrued administrative leave to be used later.

Q: The reduction in services is for a specific time period, my hours extend beyond this period; do I get admin leave for my entire shift? How do I report my time?

A: Employees may code up to eight hours of administrative leave. Use as much administrative leave as needed to cover the time from the beginning of your shift until offices opened. For example, if the state has a late opening at 10 a.m. and your shift begins at 7 a.m., report three hours of administrative leave. If your shift begins at 9 a.m., report one hour of administrative leave.

Q: I am an essential employee but didn't make it to work (at all or a part of my shift). Do I get admin leave and how do I report my time?

A: In accordance with [Merit Rule 260:25-15-71\(e\)](#), employees who are responsible for basic minimum services that do not report to work have the following options to account for leave: 1) Charge the absence to accumulated compensatory time; 2) Charge the absence to accumulated leave; 3) Make up lost time in a manner consistent with FLSA if the appointing authority determines that office hours and schedule permits (ex: work week adjust).

Q: I am a non-essential employee whose shift ended after the reduction in services period. How much admin leave would I get for the day? Do I report for work for the remainder of my shift?

A: You will record the number of hours remaining in your shift. For example: If administrative leave is approved beginning at 2 p.m. and your normal working hours are 7 a.m. to 4:30 p.m., you will record 2.5 hours of administrative leave (2-4:30 p.m. is equivalent to 2.5 hours). Non-essential employees will not be required to report to work for the remainder of your shift.

Q: I am a non-essential employee on 10-hour work days. Do I get eight hours of admin leave? What if I don't have any paid time off to use to cover any difference?

A: Administrative leave is limited to eight hours per day. Employees who normally work more than eight hours per day must work with their supervisor to determine how to make up the additional hours. Employees may work week adjust or use paid time off including annual leave, compensatory time or other accrued leave EXCLUDING sick leave. If an employee does not have sufficient leave to cover the additional hours, every effort should be made to allow employees to work week adjust as business needs allow, but the employee may take leave without pay if all other options are exhausted.

Q: If I am required to report to work, will I get another day off?

A: Employees deemed essential and required to work will receive administrative comp time to use within 180 days of accrual.

Q: What if my child's school or daycare is closed, but the state offices are open. Can I use enforced leave?

[Per 260:25-15-40](#) The Appointing Authority may grant an employee time off from regular duties when an employee's son or daughter requires care and supervision due to unavailability of the dependent's routine caregiver or caregiving facility. Enforced leave shall be charged against the employee's sick leave and may not be granted in excess of accumulated sick leave. The number of days granted will be governed by the circumstance of the case, but in no event shall they exceed 10 working days in any calendar year.

Q: If I leave work before the reduction in services, do I receive the administrative leave for the reduced service time?

A: No. This would mean you were on pre-approved leave and would not be eligible for the administrative leave.

Q: If an employee calls the supervisor before his/her shift begins and indicates he/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.