

SUBJECT: Special Leaves with Pay NUMBER: 60.000.10
DIVISION: Human Resource Services Division EFFECTIVE DATE: DRAFT 11/26/07

APPROVED:

POLICY STATEMENT: The State of Oregon recognizes that certain employee leaves are either directly or indirectly beneficial to the state and therefore qualify as paid leave.

AUTHORITY: ORS 240.145(3); 240.240; 240.250; 240.551

APPLICABILITY: Classified unrepresented, management service, unclassified executive service, and unclassified unrepresented employees

ATTACHMENTS: None

DEFINITIONS: See HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY:

(1) The State of Oregon recognizes that certain employee leaves are either directly or indirectly beneficial to the state and therefore qualify as paid leave.

(a) Bereavement Leave with Pay

(A) An employee may request up to 24 hours of paid bereavement leave to discharge the customary obligations arising from a death of a family member. Customary obligations arising from the death of a qualified family member is for making funeral arrangements; meeting with the mortuary or funeral service provider; time to purchase items for the funeral services; and attending the funeral and internment or burial.

(B) An employee may request bereavement leave per occurrence. If two qualified family members die simultaneously and funeral services are held at the same time. Only one 24 hour entitlement is allowed.

(C) Bereavement leave The amount of leave will be prorated for part-time and seasonal employees and full time employees with leave without pay during the month the bereavement leave is utilized. The pro rated amount of bereavement leave available will be based on the actual time worked and all leave with pay.

(B)(D) A 'family member' is define as spouse and parents thereof; children including adopted children, and spouses thereof; parents; brother and sisters and spouses thereof; equivalent of each for domestic partners; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

~~(C)~~(E) If additional leave is needed **after the funeral service and burial**, the employee may request the use of vacation leave, sick leave, personal business leave, compensatory time or leave without pay. Please refer to the applicable leave policies for further information. **Example of activities not covered by bereavement leave are visiting relatives, handling estate issues, selling property, etc.**

(b) Exceptional Performance Recognition Leave with Pay

(A) An appointing authority may award an employee exceptional performance recognition leave with pay, regardless of the employee's exemption status under the Fair Labor Standards Act (FLSA). The leave may be awarded to:

- (i) Employees working a professional workweek (FLSA-exempt only) who demonstrate extraordinary performance of work outside normal work hours; or
- (ii) Any employee, regardless of FLSA status, whose achievement or demonstrated performance has been deemed by the appointing authority an outstanding contribution to agency goals and objectives.

(B) This leave is not an entitlement, is not to be automatically awarded each fiscal year, and is to be judiciously awarded.

(C) Appointing authorities shall maintain records that include the reason the leave was awarded, and the amount of leave granted and taken.

(D) This leave:

- (i) is compensable only in the form of leave; and
- (ii) cannot exceed 40 hours in a fiscal year; and
- (iii) is not cumulative from fiscal year to fiscal year; and
- (iv) is not transferable between agencies.

(E) An appointing authority and an employee granted leave shall mutually agree upon when the leave may be taken.

(F) Agency heads and salaried commission and board chairs who report directly to the Governor should request approval for Exceptional Performance Recognition Leave, with supporting rationale, from the Director of the Department of Administrative Services.

~~(c) Court, Legislative Committee, or Quasi-Judicial Body Witness Leave of Absence with Pay~~

~~(A) An employee shall be granted court, legislative committee, or quasi-judicial body witness leave with pay if such appearance was required by subpoena or other direction by proper authority for matters other than officially assigned duties. The employee may keep any compensation received for the appearance. The agency should retain a copy of the jury summons and court release, if applicable, to support the leave.~~

~~Compensation received while performing officially assigned duties shall be agency property. If the appearance was required during off-duty hours, the employee may keep any compensation received.~~

~~(d)~~(c) Job Interview and Testing Leave with Pay

Leave with pay for job interviewing and testing for employment opportunities in state government may be granted by the appointing authority, who will also determine the amount of time that is appropriate.

~~(e)~~ Jury Service Leave with Pay

~~An employee shall be granted jury service leave with pay upon request. Except where an applicable collective bargaining agreement provides otherwise, the employee shall waive any jury fees except expense reimbursement. The agency should retain a copy of the jury summons and court release, if applicable, to support the leave.~~

~~(f)~~(d) Personal Business Leave with Pay

(A) Personal business leave with pay for 24 hours each fiscal year, not cumulative from year to year nor compensable in any form other than leave, shall be granted a permanent, full-time employee after completion of 6 months of state service.

(i) A part-time, job-share, or seasonal employee shall be granted such leave with the 24 hours prorated according to the forecasted number of hours to be worked during the forthcoming fiscal year when it is anticipated the employee will complete 1040 hours of service during the forthcoming fiscal year. The appointing authority may recover the value of personal business leave time used by such employees who work less than 1040 hours during the fiscal year.

(B) Personal business leave may be used by an employee for any purpose with prior approval of the designated supervisor, except that, an employee shall be eligible to use accrued personal business leave for any period of absence from employment qualifying as family or medical leave under HRSD State Policy 60.000.15, Family and Medical Leave.

(C) Unused personal business leave:

(i) shall be restored to employees who separate and return within the same fiscal year to a position covered by this policy and complete 1040 hours of employment.

(ii) shall be retained by an employee who (ii) accepts appointment in another state agency.

(D) There is no recovery of used personal business leave from permanent, full-time employees who may have separated from state service prior to completing 1040 hours of employment in the new fiscal year.

~~(g)~~(e) Pre-retirement Counseling Leave with Pay

Leave with pay for an employee to investigate and assemble a retirement program may be granted, by the appointing authority, up to 28 hours of leave within 3 years of the chosen retirement date.

Performance Measure: Special Leaves with Pay are granted consistently within HRSD State policy.

Performance Standard: 100%

Performance Measure: Percentage of Special Leaves with Pay granted which do not exceed 40 hours in a fiscal year.

Performance Standard: 100%