

<b>SUBJECT:</b> Special Leaves with Pay	<b>NUMBER:</b> 60.000.10
<b>DIVISION:</b> Chief Human Resources Office	<b>EFFECTIVE DATE:</b> 2/01/2019
<b>APPROVED: Signature on file with the Chief Human Resources Office</b>	

**POLICY STATEMENT:** Oregon state government recognizes the benefits either direct or indirect of providing certain kinds of paid leave to employees.

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

**APPLICABILITY:** All employees except temporary employees and employees represented by a collective bargaining agreement

**ATTACHMENTS:** None

**DEFINITIONS:** **Family member:** This term applies to the employee’s spouse or domestic partner, and the following for the employee and his or her spouse or domestic partner:

- Parent (includes one who stood in loco parentis (in place of a parent) when the employee was a child)
- Child (and child’s spouse) (includes a child whom the employee stood in loco parentis)
- Sibling (and sibling’s spouse)
- Grandparent
- Grandchild
- Aunt
- Uncle
- Niece
- Nephew
- The above include step, adoptive and foster
- Members of the immediate household

Also refer to State HR Policy 10.000.01 Definitions

**POLICY:**

(1) Bereavement Leave

(a) Bereavement Leave with Pay

(A) A full time employee may request up to 24 hours of paid bereavement leave per occurrence to discharge customary obligations when a family member dies. The employee may use this leave intermittently or in a block of time.

- (i) The agency will pro-rate the amount of leave for part time employees, employees who job- share, and part-time seasonal employees.
  - (ii) The agency will review the use of intermittent leave without pay and the use of leave under this section on a case-by-case basis.
- (b) For additional information related to Oregon Family Bereavement Leave (OFLA) refer to State HR policy 60.00.15
  - (A) Customary Obligations:
    - (i) “Customary obligations” means making funeral arrangements, meeting with representatives of a mortuary or funeral service, buying items for a funeral service, and attending the funeral and burial.
    - (ii) “Customary obligations” does not include visiting relatives, handling estate issues, selling property, etc.
  - (B) An employee may request bereavement leave once per occurrence (i.e., one leave request for any single occurrence of death). If more than one death occurs in a family at the same time, simultaneous funeral service may be in order. In such a circumstance the agency will allow only one 24-hour entitlement.
  - (C) If an employee needs additional leave after the funeral service and burial, they may ask to use vacation, sick, personal business leave, compensatory time or leave without pay. Refer to the applicable leave policies for further information that applies to such circumstances.
- (c) Donated Bereavement Leave
  - (A) An employee may be eligible to receive up to 40 hours of donated bereavement leave to be used consecutively. To qualify for donated bereavement leave, the employee must exhaust all paid bereavement leave and all accumulated leave including sick and vacation leave, compensatory time, and personal business leave.
  - (B) Donated bereavement leave can impact long- and short-time disability benefits. Before applying for donated leave while receiving disability benefits, consult the agency payroll office for information on how donated bereavement leave will impact your specific circumstances.
  - (C) An employee must submit a written request to the appointing authority or designee in order to request donated bereavement leave.
  - (D) Donated bereavement leave is transferred to the requesting employee’s sick leave account. Donated hours are based on the conversion of the donor’s salary rate to sick leave hours at the recipient base rate of pay. Sick leave with pay is considered “time worked” for leave accrual and holiday pay.

- (E) Leave transferred to the requesting employee's sick leave account will not exceed 40 hours. The agency must ensure the transfer of the appropriate numbers of hours.
  - (F) Donations within the same agency:
    - (i) An employee who works within the same agency as the recipient may voluntarily donate available vacation leave, compensatory time, or both, to an eligible employee's sick leave account.
    - (ii) The donor must submit written request to donate leave to an eligible employee. The donor's request must be processed as per agency program procedures before the transfer of leave occurs. A donor may not donate time they have lost due to leave accrual limits set by state HR rule or policy.
    - (iii) An employee may donate leave in one-hour increments to a recipient. The agency will base the amount of donated hours on the conversion of the donor's salary rate to sick leave hours at the recipient's base rate of pay.
    - (iv) Donated hours transfer from the donor's accrued leave as needed by the recipient. If total leave donated exceeds the total amount of leave accepted, the unaccepted leave remains in the donor's accrued leave balance.
  - (G) Donated between agencies:
    - (i) An employee in a different agency may, subject to the approval of both agencies, donate leave to an eligible recipient by completing and signing the Interagency Donated Leave form (PD 625) and submitting it to the agency's appointing authority or designee.
    - (ii) An appointing authority or designee may disallow the transfer of donated leave between agencies for legitimate business reasons including, but not limited to, restrictions on the use of dedicated funding sources.
    - (iii) The agency may request documentation substantiating use of donated bereavement leave.
- (2) Exceptional Performance Recognition Leave with Pay
- (a) An appointing authority may award leave with pay to an employee in recognition of exceptional performance. The leave may be awarded to:
    - (A) FLSA-exempt employees who work a professional workweek and demonstrate extraordinary performance of work outside normal work hours. Such performance is compensable only in the form of leave.
    - (B) Any employee, regardless of FLSA status, whose achievement or demonstrated performance deemed by the appointing authority or designee to be an outstanding contribution to agency goals and objectives.

- (b) This leave is not an entitlement. The agency must not automatically award such leave each fiscal year. An agency must award such leave judiciously.
  - (c) The appointing authority must maintain records that show the reason for awarding such leave and the amount of time awarded and taken. The manager and the employee must agree on the when the leave is taken.
  - (d) Restrictions on Exceptional Performance Recognition Leave with Pay:
    - (A) This leave is compensable only in time off, not pay.
    - (B) Such leave may not exceed 40 hours in a fiscal year.
    - (C) Such leave is not cumulative from fiscal year to fiscal year.
    - (D) Such leave is not transferable between agencies.
    - (E) An employee is eligible to use exceptional performance recognition leave with pay after completion of six months of state service.
  - (e) Agency heads and salaried board and commission members including the chairs of such board or commissions who report directly to the Governor may request Exceptional Performance Recognition Leave from the Director of the Department of Administrative Services. Supporting rationale must accompany each request.
- (3) Day of Leave
- (a) When authorized by the Governor, the state grants eight hours of paid leave to full time employees. The agency will pro-rate the amount of leave for part time employees, employees who job-share, and part-time seasonal employees.
  - (b) Day of Leave may be taken by an employee employed on any working day from the day before Thanksgiving through January 31, subject to prior manager approval.
  - (c) Day of Leave cannot be taken in hourly increments; it must be taken in one block of time.
- (4) Job Interview and Testing Leave with Pay - Management may grant a reasonable amount of time for a state government job interview or test.
- (5) Personal Business Leave with Pay
- (a) An employee is granted up to 24 hours of personal business leave with pay each fiscal year.
    - (A) A full-time employee receives 24 hours of personal business leave with pay after completion of six months of state service.
    - (B) The agency will pro-rate the amount of leave for part time employees, employees who job-share, and part-time seasonal employees.

- (b) With management's approval, an employee may use personal business leave for any purpose. An employee is eligible to use personal business leave for any absence qualifying under State HR Policy 60.000.15 Family and Medical Leave.
  - (c) The state must restore unused personal business leave to an employee who separates and returns within the same fiscal year to a position covered by this policy, and who works six months during the fiscal year.
  - (d) An employee, after completion of six months of state service, who accepts an appointment in another state agency, retains any unused personal business leave.
- (6) Pre-Retirement Planning Leave with Pay. Management may grant up to 28 hours of pre-retirement planning leave with pay within three years of the chosen retirement date for retirement planning activities.