

<b>SUBJECT:</b> Alternative Leave Provisions	<b>NUMBER:</b> 60.000.20
<b>DIVISION:</b> Chief Human Resources Office	<b>EFFECTIVE DATE:</b> 6/01/2024
<b>APPROVED: Signature on file with the Chief Human Resources Office</b>	

**POLICY STATEMENT:** State agencies may grant alternative sick leave and vacation benefits to accomplish recruitment objectives while applying practices and procedures consistent with the Equal Pay law.

**AUTHORITY:** ORS 240.145(3); 240.250; 240.551; 652.210

**APPLICABILITY:** Management service and unclassified executive service employees

**ATTACHMENTS:** None

**DEFINITIONS:** **Compensation:** Wages, salary, bonuses, benefits, fringe benefits and equal pay-based compensation.

**Education:** The act or process of acquiring knowledge through systematic instruction, especially through an accredited academic institution.

**Equal-pay analysis:** An evaluation process to assess and correct disparities among employees who perform work of comparable character across the Executive Branch. Note: recommendations for the correction of existing compensation disparities are subject to executive leadership review and approval.

**Experience:** The process of gaining knowledge or skill from doing an activity, particularly by holding a position in a specific professional field or occupation.

**Internal Assessment:** An evaluation by an agency to determine the appropriate, equitable salary rate for a candidate or an employee relative to the current workforce performing work of a comparable character in terms of education, training and experience or other factor(s) specified in the equal pay law. Factors by which individual employees may be compensated differently for work of a comparable character include: a seniority system; a merit system; workplace location; travel (if necessary and regular for the employee); education; training; experience or; a combination of these factors, if the combination of factors accounts for the entire compensation differential.

**Merit system:** An orderly progression of an employee's pay from the established minimum to maximum rate of a compensation grade based on documented performance. May include salary adjustments resulting from promotions, special merit increases or other personnel actions.

**New Hire:** The appointment of any person into state service, regardless of status (e.g., temporary, permanent, limited duration, seasonal, etc.). Not included in this definition are reemployments, return from layoff or retiree appointments within two years of retirement.

**Protected Class:** A group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age.

**Seniority system:** Refers to an employee's length of state service and how it relates to their salary, benefits and employment rights (e.g., step increases, vacation leave accrual, layoff rights, etc.).

**Training:** The process by which someone is taught the skills needed for a job. Training may be on-the-job experiences, systematic practice or informal instruction.

**Travel, if necessary and regular:** An employee required to travel from one place to another as part of their regularly scheduled work assignment; not included in this definition is the regular commute, to and from, an employee's home and work station.

**Work of comparable character:** Work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title. Note: the state's job profiles often times provide the best means available for determining which jobs constitute work of a comparable character. At times however, a sub-set of jobs within a job profile, particularly a broad job profile such as Principal Executive/Manager or Operations & Policy Analyst, needs to be identified for proper comparison purposes.

**Working conditions:** Includes work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.

**Workplace locations:** The geographic location(s) (e.g., city/county) where an employee is assigned to work.

Also refer to State HR Policy 10-000-01

**POLICY:**

- (1) Agency heads may consider alternative sick leave and vacation benefits as part of employment negotiations to provide additional incentives when recruiting a candidate outside of state government. Agencies must complete an internal assessment as defined by this policy prior to offering alternative leave. Normally, alternative leave provisions are appropriate for higher level or specialized positions where recruitment difficulties are due to any one of the following conditions:
  - (a) a significantly below-market compensation grade for a specific job profile, where changing the compensation grade on a timely basis is impossible
  - (b) a position in a generic job profile (e.g., Principal Executive/Manager) being extremely sensitive to market pay fluctuations

**Alternative Leave Provisions****60.000.20**

- (c) the nature of the assignment (e.g., added expectations or workload for a short to medium period) which makes the position especially unattractive to potential candidates
- (d) the specialized education, training or experience requirements of the position
- (2) Agencies are prohibited from:
  - (a) Seeking the salary history of an applicant from the applicant or from a current or former employer of the applicant;
  - (b) Screening job applicants based on current or past compensation;
  - (c) Determining the compensation for a position based on the current or past compensation of an employee who is new to state service.
- (3) The following leave alternatives shall be appropriate substitutes for standard leave provisions when an applicant provides documentation of prior salary or comparable benefits justifying the increased or advanced provisions.
  - (a) Sick Leave: An advance of up to 240 hours may be granted for immediate use during the first 30 months of employment. The hours may be drawn upon but not increased during this period.
  - (b) Vacation Leave:
    - (A) An increased rate of accrual may be granted at the rate of 11.34 hour per month to a maximum of 19.34 hours per month. Subsequent accrual rates may be increased to correspond with the standard leave accrual rates as outlined in State HR Policy 60-000-05, Vacation Leave.
    - (B) The hours may be eligible for immediate use upon supervisory approval.
    - (C) An advanced vacation benefit may be granted, not to exceed the hours accrued in the first year.
      - (i) The hours will be applied against the employee's accrual.
      - (ii) This vacation benefit may be used only once and only during the first year of employment.
      - (iii) This vacation benefit is transferrable to a receiving agency (see (4) below).
      - (iv) Upon separation during the first year of employment, the employee loses any hours advanced and not used or donated.
- (4) Any alternative leave granted shall not result in an inequity with current employees performing work of a comparable character.
- (5) Agencies must retain documentation of the internal assessment and determination of the alternative leave granted.
- (6) An agency must report to the CHRO when granting increased vacation rates. The report must include the employee's name and OR number, job profile, business title, benefit eligibility date, any prior alternative leave provisions awarded to the employee and a statement of justification. Multiple employees' alternative leave provisions may appear in the same report to the CHRO.

**Alternative Leave Provisions**

**60.000.20**

- (7) Exceptions to this policy shall be sent to the Chief Human Resources Officer at the Department of Administrative Services for approval.
- (8) If the employee transfers from the agency granting alternative leave provisions, balances may be transferred consistent with State HR Policy 60.000.05, Vacation Leave and 60.000.01, Sick Leave with Pay.
- (9) Other paid leave benefits are subject to State HR Policy 60.000.10, Special Leaves with Pay.