



EMPLOYEE HANDBOOK

MISSION

The mission of OETA is to provide educational and public television programming to the people of Oklahoma on a coordinated statewide basis. The Authority is fully committed to the creative use of telecommunications technologies to deliver essential educational and public television programs and value-added services to enrich the quality of life for all Oklahoma citizens and children.

TABLE OF CONTENTS

RECEIPT AND ACKNOWLEDGMENT.....	7
WELCOME TO OETA.....	8
VALUES AND BEHAVIORS	9
BENEFIT PROGRAMS	10
Basic Life Insurance.....	10
Benefits Allowance.....	10
Deferred Compensation Plan.....	10
Disability Insurance.....	11
Disability Retirement.....	11
Health and Dental Insurance.....	11
Health and Dental Insurance upon Separation.....	11
Premium Conversion.....	11
Reimbursement Accounts	12
Retirement Plan.....	12
Supplemental Insurance Plans.....	12
CAREER AND PERSONAL ENHANCEMENT	12
Education and Training	12
Employee Assistance Program	13
Performance Management Process	13
Productivity Enhancement Program	13
COMPENSATION	14
Direct Deposit	14
Leave Without Pay.....	14
Longevity Pay.....	14
Mandatory Deductions from Paycheck.....	14
Other Deductions	15
Overtime and Compensatory Time.....	15
Pay upon Termination	15
Payday	15
Repayment of Overpayment Errors.....	16
Travel Expense Reimbursement.....	16

Unemployment Compensation	16
Workers Compensation	16
DISCRIMINATION AND HARASSMENT	17
Equal Employment Opportunity	17
Improper Language	17
Sexual Harassment	18
Violence in the Workplace.....	19
EMPLOYMENT STATUS	20
Secondary Employment.....	20
Temporary Employees.....	20
Unclassified Employees	20
Immigration Law Compliance.....	20
DRUG AND ALCOHOL TESTING POLICY	21
Notice of Changes to Testing Procedures.....	21
Covered Employees.....	21
Prohibited Conduct.....	21
Post-Accident Testing	23
For Cause Testing	23
Return-to-Duty/Follow Up Testing.....	24
Substances which may be tested.....	24
Testing Methods and Collection Procedures.....	25
Consequences of Refusing to Undergo Testing.....	26
Adverse Action from Positive Test Result	26
Opportunity to Justify a Positive Test Result	27
Rights of an Employee to Obtain Drug Testing Information and Records.....	27
Confidentiality	28
Appeal Procedures	28
Employee Assistance Program	28
MISCELLANEOUS PROVISIONS.....	28
Cellular Telephones.....	28
Charitable Contributions.....	29
Compliance with State Income Tax Laws.....	29
Disclosure of Personal Information.....	29
Computer and Email	29
Workplace Monitoring.....	30
Employee Personal Appearance	31
Ethics.....	31
Relatives	32
Safety.....	32
Tobacco Free Workplace.....	33
Traffic Violations.....	34
Whistleblower Protections.....	34
PROGRESSIVE DISCIPLINE.....	34
CONFLICT RESOLUTION	35
WORK SCHEDULE.....	36

Breaks	36
Timekeeping.....	36
Weekly time records – all employees.....	36
LEAVE AND ATTENDANCE.....	37
Employee’s Responsibilities	37
Supervisor’s Responsibilities	38
ADMINISTRATIVE LEAVE DUE TO UNSAFE WORKING CONDITIONS	38
ADMINISTRATIVE LEAVE FOR A COOLING-OFF	40
ADMINISTRATIVE LEAVE WHEN STATE AGENCY SERVICES ARE TEMPORARILY REDUCED OR CLOSED.....	41
ANNUAL LEAVE	41
Eligibility Requirements	41
Accrual Rates and Limits.....	41
Requiring an Employee to Take Annual Leave	42
Payment Upon Separation	42
Transferring State Service to Another State Agency	42
Transferring State Leave to OETA.....	43
Payment Upon Death.....	43
Payment to the Retirement System Upon Separation	43
COURT AND JURY LEAVE	43
Eligibility Requirements	44
Limits.....	44
Employee’s Responsibilities	44
DISASTER RELIEF SERVICES LEAVE	44
Eligibility Requirements	45
Limits.....	45
EMPLOYEE ASSISTANCE PROGRAM LEAVE.....	45
Eligibility Requirements	45
Limits.....	45
ENFORCED LEAVE	46
Eligibility Requirements	46
Limits.....	46
Employee’s Responsibilities	46
Supervisor’s Responsibilities	46
FAMILY AND MEDICAL LEAVE	46
Eligibility Requirements	47
Qualifying Events.....	47
Definitions	49
Not Qualifying As Serious Health Conditions.....	50
Amount of Leave	50
FMLA Absence and Holidays.....	50

Intermittent Leave	50
Employee's Responsibilities	51
Supervisor's Responsibilities	51
Insurance Coverage.....	52
Return to Work.....	52
FMLA Impact on Longevity and Other Benefits	53
Disciplinary Actions	53
Medical Certification.....	53
HOLIDAYS.....	53
Eligibility Requirements	54
Limits.....	54
Supervisor's Responsibilities	54
LEAVE WITHOUT PAY	54
Limits.....	55
Eligibility Requirements	55
Employee's Responsibilities	55
Leave Cancellation and Return to Work	55
MILITARY LEAVE	55
Eligibility Requirements	55
Limits.....	55
Employee's Responsibilities	56
Supervisor's Responsibilities	56
NATIONAL DISASTER LEAVE.....	56
Eligibility Requirements	56
Limits.....	57
ORGAN DONOR LEAVE	57
Limits.....	57
ORGANIZATIONAL LEAVE	57
Eligibility Requirements	58
Limits.....	58
Employee's Responsibilities	58
Supervisor's Responsibilities	58
SHARED LEAVE	58
Employee's Responsibilities	59
Eligibility Requirements	59
Limits.....	60
Return To Work From Shared Leave.....	61
Donor's Leave Conversion.....	61
Exhausting Accrued Leave Prior to Using Donated Leave.....	61
Returning Unused Donated Leave.....	61
SICK LEAVE.....	61
Eligibility Requirements	61
Accrual Rates and Limits.....	62

Payment Upon Separation	62
Transferring State Service to Another State Agency	62
Reinstatement of Sick Leave	62
Employee's Responsibilities	62
Returning To Work.....	63
VOLUNTARY FIREFIGHTERS LEAVE	63
Eligibility Requirements	63
VOTING LEAVE.....	63
Eligibility Requirements	63
Limits.....	63
Employee's Responsibilities	64
Supervisor's Responsibilities	64

RECEIPT AND ACKNOWLEDGMENT

Please read the following statements and sign below to indicate your receipt and acknowledgment of OETA Employment Guide. This guide replaces (supersedes) all other previous manuals of OETA. The guidelines, rules and benefits described within are subject to change at the sole discretion of OETA at any time. A copy of this receipt will be maintained as part of the employee's personnel file.

- ✓ I have received a copy of OETA Employment Guide and I am responsible for reading it. I understand that the guidelines, rules and benefits described in this booklet are for informational purposes and are not intended to replace the Merit Rules, State Statutes or Federal law.
- ✓ I am responsible for requesting leave and obtaining approval from my supervisor in advance. If I am unable to report to work, or must arrive late, I am required to contact my supervisor immediately. Failure to do so may result in disciplinary action.
- ✓ Our customers entrust OETA with confidential information. It is, therefore, imperative that employees maintain confidentiality of specific information and understand that employment with OETA assumes an obligation to maintain confidentiality, even after an employee leaves the Agency.
- ✓ I understand and acknowledge that there is no specified length to my employment at OETA, and that my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means that OETA may terminate my employment at any time, with or without cause or advance notice.

Employee's Printed Name

Job Title

Employee's Signature

Date

WELCOME TO OETA

... and we wish you every success here.

We believe that each employee contributes directly to OETA's growth and success, and we hope you will take pride in being a member of our team. To ensure continued success, we feel it is important for you to be familiar with our policies, procedures and benefits. This Employment Handbook is designed to acquaint you with OETA – THE OKLAHOMA NETWORK -- and provide a summary of policies, procedures and benefits. We encourage you to review it and use it as a valuable resource.

Because we operate in a dynamic industry, OETA management may add, revise or eliminate certain policies, procedures and benefits from time to time. Be advised that OETA reserves the right to make such changes for any reason, at any time, with or without notice. Any such changes will be communicated to you in writing.

If you ever have any questions or comments regarding our policies, procedures or benefits, or any other aspect of your employment, please feel free to address them with your supervisor, the Director of Human Resources or any other member of the management team.

VALUES AND BEHAVIORS

OETA is vigilant in subscribing to core values which assure strong and continuing growth of core competencies within OETA family and in service to its customers:

CUSTOMERS (Members, Viewers & Partners) – The Oklahoma Network provides a quality service to the many and varied individuals and institutions reached by OETA programs and services.

TEAMWORK – Superior performance is achieved through cooperation and adherence to a common strategic vision.

RISK TAKING – Innovation requires an ordered process but not one that avoids risk.

SHARED DECISION MAKING – Management strives for common understanding and the development of the organization's human resources.

PROFESSIONALISM – We encourage fair, legal and ethical responses in business matters.

OPEN & CANDID COMMUNICATIONS – We value and encourage forthright exchanges of information.

RECOGNITION – Management capitalizes on opportunities to recognize, celebrate and appreciate the talent and achievements of the team.

BENEFIT PROGRAMS

Your paycheck is just part of your total compensation package. OETA employees also have access to a number of outstanding benefits packages including health insurance, reimbursement accounts, disability insurance, retirement, sick and annual leave.

Basic Life Insurance

Basic life insurance is part of the core benefits package. Basic life insurance includes a \$20,000 life insurance policy. If the employee's death is a result of an accident, the basic life insurance will double to \$40,000. Employees may purchase additional life insurance for themselves or their eligible dependents. The total amount of coverage requested cannot exceed the plan maximum of 5 times your annual salary or \$500,000 (whichever is less).

Benefits Allowance

Each employee is provided a benefit allowance each month to pay for the mandatory core benefits package. The core benefits package includes health, dental, basic life, and disability insurance. Employees must make their selections from the various plans available. Employees may also choose to cover eligible dependents and may receive an increase in their benefit allowance for this coverage. If employee selections are less than the benefit allowance, the remaining money is included in their take home pay. If employee selections are more, the difference will be paid by the employee through payroll.

Deferred Compensation Plan

The Deferred Compensation Plan (known as SoonerSave or the 457 Plan) is available to qualifying employees. Under the provisions of this voluntary supplemental retirement plan, employees may defer payment of a portion of their income to a later date. The taxes normally due now on the money are deferred until retirement when most participants would be in a lower tax bracket. Employees may elect to invest the deferred income into a savings account at a guaranteed interest rate, or various mutual funds which are invested into stocks, bonds, foreign investments, money markets, or contracts. The State of Oklahoma also provides an employer contribution of \$25 per month through the 401(a) Savings Incentive Plan. For more information, contact the Human Resources.

Disability Insurance

Disability insurance is part of the mandatory core benefits package and is available to all employees that have completed at least one month of continuous service. Short/long term disability is provided to employees when off work more than 30 days due to a qualifying event. Any short-term disability benefits will be offset or reduced by other benefits or payments you receive, i.e. holiday pay, sick and annual leave, shared leave, etc. Disability coverage pays an amount equal to 60 percent of the employee's base salary up to a maximum dollar amount. Disability benefits are subject to all applicable state & federal taxes.

Disability Retirement

Employees who must terminate employment due to health problems may qualify for disability retirement benefits. Employees who have 8 years of creditable service toward retirement and an award letter from the Social Security Administration certifying them for disability benefits are eligible provided a) the date of disability established by the Social Security Administration falls within one year of the employee's last date physically on the job and b) the employee must have been an active regularly-scheduled employee with a participating employer at the time of disability. For more information, access www.opers.ok.gov/disability-retirement or contact Human Resources.

Health and Dental Insurance

Health and Dental Insurance are part of the mandatory core benefits package. Depending on the geographic location, employees may have the option to select between several health and dental insurance plans. Employees, at their own expense, may purchase additional insurance coverage for eligible dependents.

Health and Dental Insurance upon Separation

The Consolidated Omnibus Reconciliation Act (COBRA) of 1985 is federal legislation that provides all employees and their dependents who are enrolled in the health or dental insurance program, the opportunity to temporarily continue such coverage in the event of the employee's termination (except for gross misconduct), death, divorce or separation, or when an enrolled child no longer qualifies as an eligible dependent under that program.

Premium Conversion

By electing premium conversion, employees may pay for mandatory and optional coverage before taxes thus lowering their taxable income. All insurance

coverage may be pre-taxed with the exception of dependent life insurance and a portion of the employee supplemental life insurance.

Reimbursement Accounts

Health care and dependent care accounts offer significant tax savings by allowing you to set aside money out of your paycheck before it is taxed to pay for planned expenses such as medical deductibles, and child care expenses. These accounts are optional and may be elected during annual option period. Account funds not spent during the designated plan year are forfeited.

Retirement Plan

For full and part-time employees, a retirement plan is provided for the purpose of providing lifetime benefits in recognition of service to the state. All eligible employees must participate in the plan. State employees contribute 3.5% and the agency contributes 16.5% of the employee's salary towards retirement. The benefits under the plan are in addition to any supplemental benefits received from social security.

Members of the retirement plan may opt to "step-up" their benefit computation factor from 2.0% to 2.5%. This option is known as the "2.5% Step-Up" and is irrevocable and based on "full" years of credit.

Supplemental Insurance Plans

Employees may elect to participate in a variety of approved supplemental insurance programs and credit unions through voluntary payroll deductions.

CAREER AND PERSONAL ENHANCEMENT

Education and Training

OETA may arrange for employees to attend both formal and informal training programs. Employees are regularly selected to attend workshops or training programs offered by the state to enhance their abilities and performance. You will receive a normal paycheck while attending these schools or workshops. If you become aware of a particular seminar or workshop that you believe is appropriate for enhancing your job performance, bring it to the attention of your supervisor.

All supervisory staff members at OETA are required to attend twelve (12) hours of training per calendar year in courses related to their effective performance. New supervisors are required to complete twenty-four (24) hours of training in their first year.

Employee Assistance Program

[74 O.S. §:840-2.10; Merit Rule 530:10-21-1]

The Employee Assistance Program (EAP) is a program offering employees an opportunity to seek professional services in resolving personal problems. The EAP is designed to assist employees in identifying problems and exploring alternatives that can help address the needs of the employees and their family members. The employee's participation in the EAP is voluntary and in no way will affect his or her employment. Asking for assistance does not mean that you will be obligated to accept or continue it.

You may contact the Employee Assistance Coordinator at 909 South Meridian, Suite 525, Oklahoma City, Oklahoma 73108, or at (405) 947-7576.

Performance Management Process

[74 O.S. §:840-4.17; Merit Rule 530:10-17-31]

To encourage positive performance and to help ensure your success in the agency, your supervisor will complete an annual evaluation of your performance. This evaluation will be completed as required by the Oklahoma Personnel Act and is called the Performance Management Process (PMP). At the beginning of an annual evaluation period, you and your supervisor will write five to nine "accountabilities" for your performance. A statement of accountability includes a job task plus a performance standard. Your performance on these accountabilities will be tracked and at the end of the evaluation period, your progress will be reviewed and rated.

In addition, you will be evaluated on your behavior in the following areas:

- Customer service
- Teamwork
- Problem solving initiative
- Observing work hours and using leave
- Leadership (if applicable)

Your accountability rating and your behavior rating will be combined to determine your overall performance rating.

Productivity Enhancement Program

[75 O.S. §:4113; Merit Rule 345:10-1-1]

All employees, other than temporary, are eligible to participate in the state recognition program, which may include a cash award of up to \$10,000, through the submission of proposals by which the agency can improve work efficiency or which results in operational cost savings. Contact the Office of State Finance.

COMPENSATION

Direct Deposit

[74 O.S. §:292-12]

Employees hired after December 31, 2004, are required to participate in the direct deposit system. Contact Human Resources for details.

Leave Without Pay

OETA employees that use any leave without pay will be moved to the supplemental payroll until their annual leave and/or compensatory time balance reaches 24 hours.

Longevity Pay

[74 O.S. §:840-2.18]

The State of Oklahoma offers longevity pay on the basis of seniority to qualified employees. This program is administered under state law and the schedule is listed below. The Human Resources division can answer any questions you may have about this program.

Longevity Pay Schedule	
Total Years of Service	Annual Payment
At least 2 but less than 4 years	\$250
At least 4 but less than 6 years	\$426
At least 6 but less than 8 years	\$626
At least 8 but less than 10 years	\$850
At least 10 but less than 12 years	\$1,062
At least 12 but less than 14 years	\$1,250
At least 14 but less than 16 years	\$1,500
At least 16 but less than 18 years	\$1,688
At least 18 but less than 20 years	\$1,900
At least 20 years	\$2,000

For each additional two years of service after twenty (20) years, an additional \$200 will be added to the amount listed above for twenty (20) years of service.

Mandatory Deductions from Paycheck

OETA is required by law to make certain deductions from an employee's paycheck. Among these are federal, state, and local income taxes and your contribution to Social Security and state retirement. These deductions are itemized on each earnings statement. The amount of the deductions may depend on your earnings and on the information you furnish on your W-4 form

regarding the number of dependents/exemptions you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to Human Resources immediately to ensure proper credit for tax purposes. The W-2 form you receive each year indicates precisely how much of your earnings were deducted for these purposes.

Any other mandatory deductions made from your pay warrant, such as court-ordered deductions, will be explained whenever OETA is ordered to make such deductions.

Other Deductions

You may authorize OETA to make additional deductions from your paycheck to an account at a participating bank or credit union. Contact Human Resources for details.

Overtime and Compensatory Time

[74 O.S. §:840-2.15; Merit Rule 530:10-7-12]

Eligible employees (employees who are non-exempt under the overtime provisions of the Fair Labor Standards Act) may choose to either receive additional time off as compensation for hours worked in excess of forty (40) hours per week or to receive compensation. Employees must obtain their supervisor's approval prior to working any excess hours. Any employee approved to work excess hours not adjusted with time off before the end of the workweek can choose, on their time sheet, which option they would like. Employees can only accrue time and a half in excess of forty (40) hours when annual leave, sick leave or a State holiday is not used within the same week.

Pay upon Termination

OETA does not pay severance pay. When you leave OETA, you will be paid for actual time worked, plus any accrued but unused annual leave time as allowed by state law.

Payday

OETA operates on a monthly pay period. Paychecks are directly deposited to the checking or savings account you specify. Part-time and monthly employees who do not have the minimum required annual leave or compensatory time will receive their paycheck on the supplemental payroll that is paid the 12th of each month.

If the regularly scheduled payday falls on a weekend or holiday, payday is on the last business day before the weekend or holiday.

Beginning August 1, 2012 OETA employees are required to maintain a balance of 24 hours of either annual leave and/or compensatory time to remain on the main payroll that is paid the last business day of each month. Employees who do not have the minimum required annual leave or compensatory time will be moved to supplemental payroll and will receive their paycheck that is paid on the 12th of each following month. New employees have six months to acquire the minimum balance before being placed on supplemental payroll.

Repayment of Overpayment Errors

Every effort is made to avoid errors in your paycheck. If you believe an error has been made, notify Human Resources immediately. Human Resources will research the problem and ensure that any necessary correction is made properly and promptly. Overpayments to an employee may be deducted from current wages according to certain terms and conditions under state law. Please contact Human Resources if you have a question about this process.

Travel Expense Reimbursement

[74 O.S. §:500.16A]

Travel expenses for OETA employees who are required to travel in the course of their employment are reimbursed under the provisions of the Oklahoma Travel Reimbursement Act. The business office can answer specific questions on this matter.

Unemployment Compensation

Unemployment compensation benefits are available when employment is terminated under qualifying conditions. Contact the Oklahoma Unemployment Office for more information.

Workers Compensation

When an employee is injured on the job, during working hours, they are entitled to workers compensation. If the employee is unconscious an ambulance should be called immediately. If the employee is able to move they can have someone or drive themselves to the doctor's office. If you prefer to see your primary doctor you must make sure they accept workers comp because many do not. If you need assistance finding a physician please contact the business office.

The supervisor should be notified immediately by the employee of any injury. If the employee is injured and not able to make immediate notification to the supervisor, notification shall be provided by the employee to his/her supervisor or the supervisor in charge as soon as possible. The supervisor should be informed of any on-going medical condition.

Any prescription requires a form that can be obtained in the business office.

Workers Compensation does not pay for the first seven days and therefore an employee will be required to use leave that is available. If you are off an extended period of time there are several options available.

DISCRIMINATION AND HARASSMENT

Equal Employment Opportunity

Consistent with federal and state laws and guidelines established for equal employment opportunity and affirmative action, OETA has a continuing policy to provide equal employment and advancement opportunity in all job classifications of this agency without regard to race, color, religion, sex, national origin, age, political affiliation or opinion, or disability so long as the disability does not render the person unable to do the work for which employed.

The principles of equal employment opportunity apply to all employment practices and personnel actions throughout the agency, including recruiting, hiring, promotions, demotions, separations, training, transfers, layoffs (RIF), recall, compensation, benefits and all other terms and conditions of employment. Each employee is reminded that all actions as well as all decisions relating to employment practices are to be made in accordance with the spirit of equal employment opportunity for all.

The Deputy Director of Finance & Administration is assigned to serve as the Affirmative Action/Equal Employment Opportunity Officer for OETA. Human Resources is available to answer questions or provide assistance in regards to affirmative action or equal employment opportunity.

Improper Language

It is up to us to use language that is respectful of others. Improper language for the workplace includes profane, foul, obscene, insulting, abusive or crude language, inappropriate jokes, racial slurs, sexual comments, even if spoken in non-standard English or foreign languages. The making of verbal threats is considered disrespectful, demeaning and abusive behavior.

We do not tolerate any employee's language, whether intentional or unintentional, that results in harassment, discrimination or creation of an offensive work environment for anyone because of his or her sex, race, religion, national origin, disability, age, veteran's status or sexual orientation.

If you feel you are the recipient of such conduct, immediately report such violations to the Affirmative Action Officer.

Pending the completion of any investigation or disciplinary response, Executive Director, Supervisor, Human Resources, and/or Civil Rights Administrator will issue a "Cease and Desist" order to any employee alleged to have committed any act of harassment or discrimination. In addition to disciplinary action for the harassing or discriminatory behavior resulting in the "Cease and Desist" order, the employee will be given disciplinary action up to and including termination if he or she does not comply with the "Cease and Desist" order.

Sexual Harassment

Sexual harassment is a form of unlawful discrimination based on sex. In some circumstances, it may also violate other laws (e.g., criminal assault). Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Conduct prohibited by this policy includes, but is not limited to:

- Unwelcome sexual flirtation
- Advances or propositions for sexual activity
- Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes
- Sexually degrading language to describe an individual
- Remarks of a sexual nature to describe a person's body or clothing
- Display of sexually demeaning objects and pictures
- Offensive physical contact, such as unwelcome touching, pinching, or brushing the body
- Coerced sexual intercourse
- Sexual assault

Such contact is unlawful discrimination based on sex when submission to such conduct is explicitly or implicitly a requirement of the individual's employment, or used as a basis for any employment decision concerning the individual, or when such, conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment will not be condoned. Employees are absolutely prohibited from engaging in sexually harassing behavior. Furthermore, any supervisory employee, employee with authority for personnel matters, or other agent or officer of OETA who knows or should have known that an employee of the agency is being subjected to sexual harassment must either take immediate corrective action or report the facts to the Agency Grievance Manager or directly to the Executive Director. *All employees have a duty to immediately report sexual harassment to a supervisor, Human Resources, or the Deputy Director of Finance.*

Appropriate disciplinary measures will be taken against any employee who causes, engages in, encourages, condones or otherwise permits unlawful sexual harassment, as well as supervisory or other responsible employees who fail to take corrective action as provided above. Such conduct may be grounds for disciplinary action, up to and including termination of employment.

Any employee who believes that he or she has been the victim of sexual harassment may complain of discrimination based on sex in accordance with the agency's grievance procedure or the complaint may be filed directly with the Director. Any employee attempting to penalize or retaliate against another employee for filing a complaint, reporting an incident of sexual harassment, or cooperating with an investigation of alleged sexual harassment, shall be subject to disciplinary action, up to and including termination of employment.

It is the responsibility of all employees in this agency, supervisory and non-supervisory, to adhere to this policy and to use all reasonable efforts to further its goal and spirit.

Violence in the Workplace

[21 O.S. §1277 and 1290.1]

Workplace violence is strictly prohibited in any OETA workplace. Acts or threats of violence will not be tolerated. Any employee who violates this policy will be subject to disciplinary action up to and including termination. OETA will assist in and facilitate the appropriate criminal prosecution of non-employees for any act or threat of violence affecting OETA personnel or work areas. An employee who becomes aware of any threat to the safety of any OETA employee shall report the threat immediately to the Human Resources, their supervisor or Divisional Director. Response to the threat will be coordinated with appropriate law enforcement authorities, if necessary. Failure to properly report a threat or act of workplace violence shall be considered a violation of this policy. This policy specifically prohibits, but is not limited to:

- The carrying or display of any weapon while on an OETA worksite or while on official agency business;
- Explicit oral or written threats involving personal harm;
- Physical conflict in the workplace including any attempt to strike or otherwise physically harm another person;
- Displays or destructive acts aimed at physical property such as desks, files, computers, equipment, etc.

EMPLOYMENT STATUS

Secondary Employment

[Merit Rule 530:10-11-91(b)]

An employee will not engage in any employment, activity, or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his or her duties as an employee or with the duties, functions or responsibilities of the department.

Employees may not work for another employer during normal OETA work hours or while on any leave program other than those which can be taken as personal time off (annual leave, compensatory time, and holiday time). [A.G. Opinion 75-146]

Temporary Employees

[74 O.S. §:840-5.5]

OETA may hire employees for specific periods of time or for the completion of a specific project. Temporary employees are a specific type of employee allowed under state law to work less than 1000 hours per 12-month period. They are always unclassified. Temporary employees are not eligible to receive benefits.

Unclassified Employees

[74 O.S. §:840-5.1A]

OETA is considered an unclassified agency for the State of Oklahoma. Unclassified employees receive benefits and are covered by the time and leave provisions in state law and Merit Rules. Unclassified employees are "employees at will". The employment relationship can be severed at any time by either party for any reason.

Unclassified employees are exempt from the normal employment procedures, grievance rights, and termination policies. Unclassified employees are also exempt from the normal state employee competitive hiring and promotional procedures.

Immigration Law Compliance

OETA is committed to employing only people who are United States citizens or who are legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Because we comply with the Immigration Reform and Control Act of 1986, every

new employee at OETA is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

If you leave OETA and are rehired, you must complete another Form I-9 if the previous I-9 with OETA is more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9.

If you have questions or want information on the immigration laws, contact the Human Resources.

DRUG AND ALCOHOL TESTING POLICY

[40 O.S. § 551-563]

This policy, in compliance with the “Standards for Workplace Drug and Alcohol Test Act,” is established to promote a drug-free workplace and a “zero tolerance” standard for any use of drugs or alcohol by employees, which may jeopardize OETA’s ability to maintain a safe work environment and fulfill its mission.

This policy sets forth the rights and obligations of employees. Employees should be familiar with the provisions of this policy because compliance is a condition of employment.

Notice of Changes to Testing Procedures

[40 O.S. § 555(B)]

OETA shall provide at least ten (10) day’s notice to employees prior to implementation of this policy or changes to the policy.

Covered Employees

All permanent or probationary, full or part-time employees, or employees under contract, are subject to OETA’s Drug and Alcohol Testing Policy. An independent contractor, subcontractor, or employees of an independent contractor may be subject to OETA’s Drug and Alcohol Policy under the terms of a contractual agreement. Volunteers or other non-compensated persons are not subject to OETA’s Drug and Alcohol Policy.

Prohibited Conduct

The following conduct is prohibited and may result in discipline, up to and including termination:

1. Reporting for duty or remaining on duty while having an alcohol concentration level of .04 or greater;
2. Performing job functions within four hours of using alcohol;
3. Being on duty or operating a vehicle while possessing alcohol;
4. Using alcohol while performing a job function;
5. Reporting for duty or remaining on duty when the employee has used any drug, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform job functions (the employee may be required to furnish a physician's statement of such non-effect to the employee's supervisor);
6. Reporting for duty or remaining on duty requiring the performance of job functions if the employee tests positive for drugs; or
7. Refusing to submit to any drug or alcohol test required by this policy. Any employee who refuses to submit to a required drug or alcohol test will be treated in the same manner as an employee who tested .04 or greater for alcohol or tested positively on a drug test.

A refusal to submit to an alcohol or drug test required by this policy includes, but is not limited to:

1. A refusal to provide a urine sample for a drug test;
2. An inability to provide a urine sample without valid medical explanation;
3. A refusal to complete and sign the breath alcohol testing form, or refusal to cooperate with the testing process in a way that prevents the completion of the test;
4. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
5. Tampering with or attempting to adulterate the urine specimen or collection procedure;
6. Not reporting to collection site at the time allotted by the supervisor or manager who directs the employee to be tested;

7. Leaving the scene of an accident without a valid reason as to why authorization was not obtained from a supervisor or manager responsible for determining whether to send the employee for a post-accident drug and/or alcohol test;
8. Consuming alcohol during the eight hours immediately following an accident, or until the employee undergoes a post-accident alcohol test and is released from duty, whichever occurs first.

Post-Accident Testing

[40 O.S. § 554(3)]

Post-accident drug and alcohol testing will be conducted if, while at work, the employee or another person has sustained an injury, or if the employer's property has been damaged, including damage to equipment. An employee who tests positive for the presence of substances, as set forth in 63 O.S. § 465.20, alcohol, illegal drugs, or illegally used chemicals, or who refuses to take a drug or alcohol test shall not be eligible for Worker's Compensation Benefits.

OETA will attempt to arrange for a post-accident alcohol test within two hours following an accident. If testing cannot occur within that time period, OETA will continue for a period of an additional six hours to have the employee tested. No alcohol test may be administered after eight hours following the time of the accident. A post-accident drug test shall be conducted within 32 hours following the accident. If no test was conducted then the supervisor must document the reason(s) a test was not given.

An employee who is subject to post accident testing shall remain readily available for such testing or may be deemed by OETA to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from leaving the scene of an accident to obtain assistance in responding to it, or to obtain necessary emergency medical care.

For Cause Testing

[40 O.S. § 554(2)]

OETA may require any employee to undergo drug or alcohol testing at any time a supervisor reasonably believes that any employee may be under the influence of drugs or alcohol. A reasonable belief may be based on, but is not limited to, the following circumstances:

1. Drugs or alcohol on or about the employee's person or in the employee's vicinity;
2. Observable phenomena:

- (A) The physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty;
 - (B) The direct observation of drug or alcohol use while at work or on duty;
3. A report of drug or alcohol use while at work or on duty;
 4. Information that an employee has tampered with drug or alcohol testing at any time;
 5. Negative performance patterns; or
 6. Excessive or unexplained absenteeism or tardiness.

The for-cause alcohol test will be administered within two hours of the observation. If not, OETA will provide the employee with written documentation as to why the test was not promptly conducted. No test will be administered after eight hours following the observation.

Reasons for demanding a for-cause test must be documented by both the immediate supervisor or the supervisor in charge and another supervisor.

Return-to-Duty/Follow Up Testing

[40 O.S. § 554(6)]

OETA may require an employee who participated in a drug or alcohol treatment program to undergo follow-up drug or alcohol testing for up to two years upon the employee's return to work. The employee may be subject to periodic unannounced testing following his/her return to work in accordance with recommendations of a substance abuse professional. Follow up testing may be terminated at any time if a substance abuse professional determines that such testing is no longer necessary.

An employee who has a positive test must submit to a return-to-duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a drug test.

Substances which may be tested

[40 O.S. §552(6)]

To include but not limited to:

1. Alcohol;

2. Amphetamines, including, but not limited to: methamphetamines, methylenedioxyamphetamine, methylenedioxymethamphetamine, phentermine;
3. Cocaine;
4. Marijuana;
5. Opiates, including, but not limited to: codeine, hydrocodone, hydromorphone, meperidine, methadone, oxycodone, propoxyphene, heroin, morphine;
6. Hallucinogens;
7. Methaqualone;
8. Barbituates;
9. Benzodiazepines;
10. Synthetic narcotics;
11. Designer drugs;
12. Phencyclidine (PCP);
13. A metabolite of any of the substances listed herein.

Testing Methods and Collection Procedures

[40 O.S. §§ 559(4)-(6)]

All OETA drug and alcohol testing will be conducted by qualified persons/facilities that meet the qualifications and standards established by Oklahoma Statute and the State Board of Health. No OETA employee will be permitted to conduct drug or alcohol testing of another employee. The manner of collection and testing shall protect the privacy of the individual, and shall be designed to preclude the probability of misidentification, adulteration, and contamination of the sample, and to preserve the chain of custody.

All testing will consist of an initial screening test followed by a confirmation test in the event the initial screening test is positive.

1. Alcohol Testing

An evidential breath testing device (EBT) will be used to conduct all screening and confirmation tests for breath alcohol concentration (BRAC).

If the BRAC is less than .02, the test shall be considered a negative test. If the BRAC is .02 or higher, then a second confirmation EBT test will be conducted.

2. Drug Testing

Samples for urinalysis will be collected in sufficient quantity for splitting into two separate specimens to provide for subsequent independent analysis in the event there is a challenge to the test of the main specimen. Direct observation of an employee in the process of producing a sample is prohibited unless otherwise permitted under rule or law.

The employee will have an opportunity to provide any information which the employee considers relevant to the test, including identification of currently or recently used prescription or non-prescription drugs.

Consequences of Refusing to Undergo Testing

An employee who refuses to submit to any required drug or alcohol testing will be treated in the same manner as an employee who tested .04 or greater on an alcohol test or tested positively on a drug test.

Adverse Action from Positive Test Result

[40 O.S. § 562(B)]

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her job functions for at least 24 hours, and the employee will receive a written reprimand from his/her supervisor indicating that a subsequent violation of this policy will result in disciplinary action up to and including termination.

For an employee with an alcohol test result of .04 or greater or a positive drug test:

1. The employee shall be suspended from duty.
2. The employee will be referred to the Employee Assistance Program for evaluation and must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his/her alcohol or drug abuse. OETA will not pay for this treatment, although the employee's insurance may cover a portion of the costs.
3. An employee with an alcohol test which indicated a concentration of .04 or greater will not be returned to duty until the employee obtains a alcohol test which indicates an alcohol concentration level of less than 0.02, and demonstrates compliance with the recommendations of the substance abuse professional. An employee who had a positive drug test

will not be returned to duty until the employee obtains a negative result on a drug test, and demonstrates compliance with the recommendations of the substance abuse professional.

An employee may be required to submit to unannounced follow up testing after he/she has been returned to his/her position (see Return-to-Duty/Follow Up Testing).

OETA shall initiate action to terminate an employee for:

1. Refusing to obtain an evaluation or to follow recommended treatment after having obtained a positive test for alcohol or drug use; or
2. Failure to abstain from alcohol or drug use in violation of this policy after having obtained a positive test for alcohol or drugs.

Opportunity to Justify a Positive Test Result

An applicant or employee will be given an opportunity to explain, in confidence, a positive test result, and provide any information which the employee considers relevant to the test.

Upon a confirmed positive test result from the laboratory, the Medical Review Officer (MRO) will determine if there is any justification for the test result. If the MRO finds no such justification, then the MRO's interpretation of the test results as positive will be accepted by OETA and acted upon in compliance with applicable state and federal law and regulations.

The MRO's interpretation of tests results as positive constitutes a final determination which will not be subject to further administrative review or appeal.

An employee may request that the MRO have the split specimen analyzed by a second laboratory at the employee's expense. The employee must make a written request within 72 hours of receiving notification of a verified positive test result. If the independent analysis fails to confirm the results of the primary specimen, then OETA will reimburse the employee for the cost of the test.

Rights of an Employee to Obtain Drug Testing Information and Records

[40 O.S. § 560]

An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his/her alcohol or drug tests. OETA shall promptly provide the records requested by the employee.

Except as authorized or required by law, or expressly authorized by the employee, OETA shall not release records or information acquired or maintained in accordance with the provisions of this policy.

Records shall be made available to a subsequent employer by OETA only upon receipt of a written authorization from employee.

Confidentiality

[40 O.S. §§ 560, 562(D)]

All drug and alcohol test results and related material will be maintained in secure files marked as confidential for a period of five years for a positive result and one year for a negative result.

Except as authorized or required by law, OETA will not release an employee's testing record to anyone, besides the employee or the employer's review officer, without the express written authorization of the employee tested and after receipt of the test results by the employee.

Unless an employee gives his/her written consent, the employee's drug testing and/or rehabilitation records will not be released to a subsequent employer.

OETA may share an employee's drug or alcohol test results with another employer without the employee's consent if the employee works for OETA pursuant to a contractual agreement between OETA and the other employer, and the employee is subject to OETA's policy under the terms of the contract.

Appeal Procedures

Disciplinary actions imposed pursuant to this policy may be grieved or appealed in accordance with any applicable federal or state law or regulation, including the provisions of the Oklahoma Personnel Act.

Employee Assistance Program

Employees who have a positive alcohol or drug test will be referred to the Employee Assistance Program for evaluation by a substance abuse professional and follow-up treatment as recommended.

Employees who have not had a positive alcohol or drug test, but who need assistance with alcohol and drug related problems or other mental health issues are encouraged to contact the Employee Assistance Program.

MISCELLANEOUS PROVISIONS

Cellular Telephones

OETA staff members may be assigned cellular telephones on an ongoing and intermittent basis. The use of these devices is subject to the same general consideration as any other agency property. OETA cellular telephones should not be used for personal purposes.

Charitable Contributions

All employees, other than temporary employees, can contribute through payroll deductions to a variety of fully accountable private nonprofit, social, health, and welfare charitable organizations.

Compliance with State Income Tax Laws

[68 O.S. 238.2]

Per State statute, failure to comply with State Income Tax laws will require disciplinary action. OETA will take disciplinary action against an employee when notified by the Oklahoma State Tax Commission that he or she has failed to comply with state income tax laws.

Employees will be terminated, upon receipt of notification of failure to comply with state income tax laws from the Oklahoma State Tax Commission, if the employee has been subject to disciplinary action for failure to comply with state income tax laws two (2) or more times in the previous three (3) calendar years.

Disclosure of Personal Information

OETA may keep personnel records confidential which relate to internal personnel investigations or where disclosure would constitute a clearly unwarranted invasion of personal privacy. [51 O.S. § 24A.7]

No employee will disclose confidential records or information which would constitute an invasion of a current or former employee's personal privacy. The home addresses, home telephone numbers, and social security numbers, and information related to personal electronic communication devices of current and former employees will not be open to public inspection or disclosure without written permission from the current or former employee or without an order from a court of competent jurisdiction. [74 O.S. § 840-2.11]

Computer and Email

To help you do your job, OETA may give you access to computers, computer files, the email system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that all employees follow this policy, we may monitor computer and email usage.

We try hard to have a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we do not allow employees to use computers and email in ways that are disruptive, offensive to others, or harmful to morale.

At OETA you may not display, download, or email sexually explicit images, messages, and cartoons. You also may not use computers and email for ethnic slurs, racial comments, off-color jokes, or anything that another person might take as harassment or disrespect.

You may not use email to ask other people to contribute to or to tell them about businesses outside of OETA, religious or political causes, outside organizations, or any other nonbusiness matters.

OETA buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.

You may only use software on local area networks or on multiple machines according to the software license agreement. OETA prohibits the illegal duplication of software and its documentation.

If you know about any violations to this policy, notify your supervisor, the Human Resources Department or any member of management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

Workplace Monitoring

OETA may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring helps us to identify training needs and performance problems.

All computer equipment, services, or technology that we furnish you are the property of OETA. We reserve the right to monitor computer activities and data that is stored in our computer systems. We also reserve the right to find and read any data that you write, send, or receive by computer.

We may perform video surveillance of non-private workplace areas. We use video monitoring to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage and prevent harassment and workplace violence.

Because we are sensitive to employees' legitimate privacy rights, we will make

every effort to guarantee that workplace monitoring is always done ethically and with respect.

Employee Personal Appearance

Business-appropriate attire should be worn while on duty at OETA. On Casual Fridays, employees may choose to wear clothing such as jeans, t-shirts and athletic shoes.

Offensive or unsafe apparel or footwear will not be allowed at any time. OETA personnel who perform physical activity such as climbing, lifting or moving of equipment or sets may be allowed by their division director to wear casual clothing as appropriate for the tasks.

Supervisors have the authority concerning the interpretation of this policy for their departments.

Ethics

[74 O.S. Chapter 62, App. 257:10-1-4(d) (e)]

Unclassified employees are prohibited from wearing a campaign button, hat, badge or other campaign paraphernalia during the hours that the employee is officially in work status for an agency.

State employees have the right to:

- Register and vote in any election
- Express their political opinion as in individual
- Display political pictures, stickers, badges or buttons
- Serve as an officer or member of party committees
- Serve as a member of a political action committee
- Attend political fund-raisers, rallies and other gatherings
- Make a voluntary donation to a committee or candidate
- Sign political petitions
- Serve as an election judge

State employees are not allowed to accept or solicit gifts of any kind from a customer, client, supplier, provider, or vendor representative that would impair his or her independent judgment for services, unless otherwise provided by law. There are also very strict and detailed provisions under the State Financial Disclosure Law relating to the acceptance of anything of value by certain specific categories of employees. Such provisions include the following:

- a) Employees will not receive directly nor indirectly any money or other valuable things, for the performance or non-performance of duties, other than the compensation provided by law. [74:Chapter 62, App. 257:20-1-3(a)(2)]

- b) Use their positions to secure special privileges, exemptions, or compensation for others or themselves. [74:Chapter 62, App. 257:20-1-4(a)]
- c) Disclose any confidential information acquired due to their position to any person or group not entitled to receive the confidential information or use such information for personal gain. [74:Chapter 62, App. 257:20-1-4(b)]
- d) Employees may not have private interests in public contracts. [74:Chapter 62, App. 257:20-1-10(a)(1)]
- e) Receive or solicit any compensation that would impair the independence of judgment, for services as a state employee, from any source other than the state. [74:Chapter 62, App. 257:20-1-4(c)(1)]
- f) Accept or solicit other employment which would impair his or her independence of judgment in the performance of duties. [74:Chapter 62, App. 257:20-1-4(c)(2)]

Relatives

If you and members of your immediate family are employed by OETA, you may not report to the same supervisor or within the same chain of command. Immediate family includes spouse, children, stepchildren, siblings, parents, stepparents, grandparents and step-grandparents.

Employees working in Human Resources may not be related to any OETA employee.

Exceptions to these policies may be made by the Executive Director.

Safety

Our workplace safety program is a top priority at OETA. We want OETA to be a safe and healthy place for employees, customers, and visitors. A successful safety program depends on everyone being alert and committed to safety.

We regularly communicate in different ways with employees about workplace safety and health issues. These communications may include supervisor-employee meetings, bulletin board postings, memos, or other written communications.

You are expected to obey all safety rules and be careful at work. You must immediately report any unsafe condition to the appropriate supervisor. If you violate OETA safety standards, you may be subject to disciplinary action, up to

and including termination of employment. Violations include causing a hazardous or dangerous situation, not reporting a hazardous or dangerous situation, and not correcting a problem even though you could have corrected it.

It is very important that you tell the appropriate supervisor immediately about any accident that causes an injury, no matter how minor it might seem at the time. When you report it quickly, we can investigate the accident promptly; follow the laws, and start insurance and worker's compensation processing.

As an employee of OETA you have certain rights regarding the use of hazardous materials in the workplace. OETA will provide you with information regarding the following:

1. What chemicals are used in the workplace (MSD Sheets.)
2. Where the chemicals are located.
3. Physical and health hazards associated with the chemicals.
4. Protection measures that must be taken to prevent exposure.
5. What to do in case of exposure to the chemicals.

For additional information on hazardous materials in the workplace consult your supervisor.

Federal law requires that OETA keep records of all illnesses and accidents that occur during the workday. If you hurt yourself or become ill, please contact your supervisor for assistance. OSHA (Occupational Safety and Health Administration) also provides for your right to know about any known health hazards which are present on the job.

Tobacco Free Workplace

[21 O.S. § 1247]

Smoking, the carrying of a lighted cigar, cigarette, pipe, or other lighted smoking device, including electronic cigarettes, and tobacco dipping are hereby prohibited in any OETA controlled or operated work area, including all offices, conference rooms, meeting rooms, and vehicles leased or owned by OETA. The first violation of this policy will result in a written reprimand. Any subsequent violation of this policy will be grounds for discipline up to and including termination of employment.

Employees wishing to smoke may use designated smoking areas which are identified by management and shall be at least 25 feet from an entrance. Employees wishing to report a violation of this policy should contact Human Resources.

Governor Mary Fallin issued Executive Order 2012-01 which will prohibit the use of tobacco products "on any and all properties owned, leased, or contracted for use by the State of Oklahoma, including but not limited to all buildings, land, and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma." This Executive Order will become effective for OETA August 1, 2012.

Traffic Violations

If you are authorized to operate an agency vehicle in the course of your assigned work, or if you operate your own vehicle in performing your job, you will be considered completely responsible for any fines or traffic violations incurred. Also any revocation or suspension of your license must be reported to your supervisor immediately.

Whistleblower Protections

As with discrimination and harassment, if you report fraud, waste, or abuse in OETA, you are protected from discrimination, retaliation, or other illegal treatment.

PROGRESSIVE DISCIPLINE

This policy describes the policy for administering fair and consistent discipline for unsatisfactory conduct at OETA.

We believe it is important to make sure that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The major purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future.

Although your employment is based on mutual consent and both you and OETA have the right to terminate employment at will, with or without cause or advance notice, OETA may use progressive discipline at its discretion.

Disciplinary action may be any of the following four steps: 1) verbal warning, 2) written warning, 3) suspension with or without pay, or 4) termination of employment. We will look at how severe the problem is and how often it has happened when deciding which step to take. There may be circumstances when one or more steps are bypassed.

CONFLICT RESOLUTION

OETA encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from OETA supervisors and management.

OETA tries hard to ensure fair and honest treatment of all employees. We expect supervisors, managers, and employees to treat each other with mutual respect. We encourage employees to give positive and constructive criticism to each other.

If you disagree with OETA rules of conduct, policies, or practices, you can state your concerns through the Conflict Resolution procedure described in this policy. You will not be penalized, formally or informally, for making a complaint as long as you do it in a reasonable, business-like manner. You will also not be penalized for using this Conflict Resolution procedure.

If a situation occurs when you believe that a condition of employment or a decision that affects you is not fair, you are encouraged to use the following Conflict Resolution steps. You may stop the procedure at any step.

1. You present the problem to your supervisor after the incident occurs. If your supervisor is unavailable or you believe it would be inappropriate to discuss it with your supervisor, you may present the problem to any other member of management.
2. Your supervisor responds to the problem during discussion or after consulting with appropriate management, when necessary. Your supervisor documents the discussion.
3. You present the problem to the Human Resources Department if the problem is not resolved.
4. The Human Resources Department counsels and advises you, helps you to put the problem in writing, visits with your managers, if necessary, and directs you to the Executive Director or a designee for a review of the problem.
5. You present the problem to the Executive Director or a designee in writing.
6. The Executive Director or a designee reviews and considers the problem. The Executive Director or a designee informs you of the decision and forwards a copy

of the written response to the Executive Director or a designee for your file. The Executive Director or a designee has full authority to make any adjustment that is determined to be appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction. However, we believe that honest discussion and listening to each other will build confidence between employees and management and help make OETA a better place to work.

WORK SCHEDULE

Your supervisor will set your work schedule. It is important to the mission of OETA that you work your scheduled hours. Non-Exempt employees may have their schedules adjusted during the week as not to exceed forty hours worked.

Breaks

The FLSA does not require an employer to provide meal periods or rest breaks for their employees.

While there are no laws that require rest breaks, breaks may be established and changed at the discretion of the supervisor. Typically employees are allowed two (2) paid fifteen (15) minute rest breaks each day. Rest breaks must be coordinated with your supervisor dependent upon work load and departmental needs. You cannot accumulate break time to leave early, arrive late, or to extend your lunch period. Employees are not compensated for breaks not taken.

Timekeeping

By law, OETA is required to keep accurate records of the actual hours worked by employees.

Weekly time records – all employees

Timesheet for the previous week should be turned into your supervisor no later than 5:30pm every Monday.

Supervisors must verify and approve time records and leave request for their assigned employees no later than noon every Tuesday and turned into the finance department no later than the close of business that Tuesday.

LEAVE AND ATTENDANCE

[Merit Rule 530:10-15-1]

Accrual and use of leave are governed by these policies and procedures, Merit Rules, and applicable statutes. Employees are responsible for complying fully with the requirements; failure to comply may result in disciplinary action.

Classified and Unclassified employees are subject to Merit Rules for Employment concerning leave. Merit Rule application regarding leave does not create a classified position or change the nature of an employee's at-will employment.

Employees will devote full time, attention, and effort to the duties and responsibilities of their position during assigned hours of duty. [Merit Rule 530:10-11-91(d)]

Employee's Responsibilities

1. Leave Request
An employee is responsible for reporting to work as scheduled, requesting leave, and getting approval from his or her supervisor in advance, or notifying his or her supervisor as soon as practicable if prior approval is not obtainable, such as in the event of sudden onset of illness or other emergency.

If an employee is unable to report to work, or must arrive late, the employee is required to contact his or her supervisor immediately. If an employee knows in advance of a need to be absent, the employee is required to request this time off directly from the supervisor.
2. Posting Leave
An employee is responsible to review his or her copy of the leave request submitted to ensure that leave has been correctly posted. If any discrepancy is noted, it is the employee's responsibility to immediately call the error to the attention of the business office for appropriate corrective action.
3. Overpayment
Employee is responsible for notifying the payroll unit of any overpayment or underpayment.
4. Absence From Work Without Proper Authorization
[Merit Rule 530:10-15-47(a) (7)]

If an employee is absent from work without proper authorization, the employee will not receive pay for such absence. The supervisor has the authority and responsibility to take appropriate action if fraudulent leave usage or leave abuse is detected.

Supervisor's Responsibilities

1. Establishing Work Schedule And Hours
[Merit Rule 530:10-15-3 and O.S. § 840-4.3(A)]
The supervisor shall establish the working days, hours of attendance, and place of work for employees within the agency, and may make other policies in regard to attendance as necessary. The supervisor must make such policies known to the employees.
2. Recording Time Worked, Leave Used And Staffing
Supervisors are responsible to ensure employees have accurately recorded time worked and leave used, employees have leave to cover their requests, and that units have adequate staff to complete work assignments.
3. Discipline For Unscheduled Absence
A supervisor is responsible for imposing appropriate corrective discipline up to and including the process to terminate for unscheduled absences. When a request for annual leave for an unscheduled absence is disapproved, the employee shall be placed on unauthorized leave without pay.
4. Separation From Employment For Exhaustion Of Leave
The Supervisor, through the appropriate process may initiate termination procedures for an employee who is absent from work due to illness after the employee has exhausted all sick and annual leave accumulation unless the absence is covered by the Family Medical Leave Act.
[Merit Rules 530:10-15-12(10) (A)]

ADMINISTRATIVE LEAVE DUE TO UNSAFE WORKING CONDITIONS

[Merit Rule 530:10-15-71; 74 O.S. § 840-2.20A.A]

(a) If agency offices are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, or when state offices are temporarily closed or reduced due to hazardous weather conditions, the Appointing Authority shall place employees who are scheduled to work in the affected work areas on paid administrative leave or, if applicable, shall assign them to work in another location. During their normal duty hours, employees on

paid administrative leave due to unsafe working conditions are on stand-by or on-call status. Appointing Authorities may call employees to return to their normal duties or respond to the demands of the situation as necessary. [74:840-2.20A (A)]

(b) As used in this Section, paid administrative leave means leave granted to affected employees if offices of agencies are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, or when state offices are temporarily closed or reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

(c) Paid administrative leave shall be accorded to all affected employees only when a state office is temporarily closed or services are temporarily reduced due to hazardous weather in accordance with 530:10-15-70 and this Section. Upon its reopening, normal Merit Rules governing leave and agency procedures shall apply. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Employees who are not eligible to accrue leave, such as temporary employees, shall not be granted administrative leave under this section when state services are temporarily closed or temporarily reduced due to hazardous weather conditions.

(d) When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing Authorities of agencies shall be responsible for determining essential agency functions [basic minimum services] and ensuring that employees who staff such functions are so informed. [74:840-2.20A (B)] Employees who are considered responsible for basic minimum services and who are required to work when state services are temporarily reduced due to hazardous weather conditions shall be entitled to accrue administrative leave on a straight-time basis up to eight hours per day for hours worked in their regularly scheduled work periods during such reduction. Administrative leave accrued under this provision must be taken within 180 days of its accrual or the employee shall be paid for the leave. An extension of the time period for taking the leave may be approved for up to an additional 180 days, providing the Appointing Authority submits a written request with sufficient justification to the Office of Personnel Management. Accrued administrative leave must be used

before granting of any annual leave except when the employee may lose accrued leave under 530:10-15-10 and 530:10-15-11(b)(5).

(e) Employees who are responsible for basic minimum services who 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 annual leave
3. Make up lost time in a manner consistent with the FLSA, if the Appointing Authority determines that office hours and schedules permit

(f) An employee who leaves earlier than a designated early dismissal time, or who arrives later than a designated late arrival time, shall be charged leave for the excess time.

ADMINISTRATIVE LEAVE FOR A COOLING-OFF PERIOD

[Merit Rule 530:10-15-50]

An Appointing Authority may place an employee on paid administrative leave as a cooling off period to defuse a potentially violent occurrence in the work place. An employee's time on administrative leave under this Section shall not exceed 32 hours in any 12 month period. The Appointing Authority may assign work to the employee to be performed during administrative leave or may require the employee to remain available to meet with agency personnel. Administrative leave under this Section shall not be accrued or accumulated, and it shall not be charged to annual leave or sick leave.

Annual Leave as an Alternative. [Merit Rule 530:10-15-11(b) (4)] Employees may be placed on annual leave as long as the employee's accrued annual leave balance is not reduced below 40 hours.

Leave for Employee Assistance Program as an Alternative. The Agency may permit employees to consult with an EAP professional without loss of pay or accumulated leave. At the request of the direct supervisor or Human Resources, EAP staff shall verify the date and time of an employee's appointment with an EAP professional in connection with this policy. [Merit Rule 530:10-21-7(a)] An employee may also request sick or annual leave to consult with an EAP Professional. [Merit Rule 530:10-21-7(b)]

ADMINISTRATIVE LEAVE WHEN STATE AGENCY SERVICES ARE TEMPORARILY REDUCED OR CLOSED

[Merit Rule 530:10-15-70; 74 O.S. § 840-2.20A.C]

The rules in this Part are special leave rules which may be exercised if state offices are temporarily closed or services are temporarily reduced for the safety of the public or state employees. The rules in this part are applicable to all classified and unclassified employees of the state, including those on temporary and other limited term appointments.

The rules in this Part do not prevent agencies from approving leave as usual to employees who request time off in accordance with other Merit Rules governing leave, such as sick and annual leave. The rules in this Part do not apply to agencies or employees if a voluntary or involuntary leave without pay (furlough) is in effect.

ANNUAL LEAVE

[74 O.S. § 840-2.20(1); Merit Rule 530:10-15-11]

Annual leave is provided to employees to be used for vacations, personal business, and other approved time away from work not covered by other paid leave or holiday provisions. Annual leave must be requested in advance and shall be used only when approved by the employee's supervisor.

Eligibility Requirements

All state employees, except temporary employees, are eligible for annual leave.
[74 O.S. § 840-2.20A (3); Merit Rule 530:10-15-10(a)]

Accrual Rates and Limits

Below are the accrual rates and limits for full-time employees in pay status.
[74 O.S. § 840-2.20(2) (For the limit for separation or transfer see Merit Rule 530:10-15-11(b) (5) & (8)]

	Annual Leave		
Years of Cumulative Service	Accrual Rate	Accumulation Limit	Accumulation Limit for payment or transfer upon separation
Less than 5 years	15 days/year (10 hours/month)	30 days	240 hours
5 but less than 10 years	18 days/year (12 hours/month)	60 days	480 hours
10 but less than 20 years	20 days/year (13 1/3 hours/month)	60 days	480 hours
20 years and over	25 days/year (16 2/3 hours/month)	60 days	480 hours

1. Part-time employees shall accrue annual leave in an amount proportionate to that which would be accrued under full-time employment. [Merit Rule 530:10-15-11(b)(2); 74 O.S. §840-2.20]
2. Annual leave may not be taken prior to accrual. [Merit Rule 530:10-15-11(b)(6)]
3. Employees may accumulate more than the maximum annual leave accumulation limits shown in the schedule, provided that such excess is used within twelve months of the date on which it accrues. [Merit Rule 530:10-15-11(b)(5)]

Requiring an Employee to Take Annual Leave

An Appointing Authority may require an employee to take annual leave whenever in the administrative judgment of the Appointing Authority such action would be in the best interests of the agency; except that the employee shall not be required to reduce accrued annual leave below 5 days. [Merit Rule 530:10-15-11(4)]

Payment Upon Separation

Upon separation of an employee from the agency, payment is made for any unused annual leave (within the 240-hour and 480-hour limitations). [Merit Rule 530:10-15-11(b) (5) & (8)]

Transferring State Service to Another State Agency

An employee who transfers from one state agency to another may have accrued annual leave transferred. At the option of the receiving agency, all or a portion of the annual leave shall be paid by the sending agency. The amount of annual leave paid by the sending agency and the amount of annual leave transferred with the employee shall not exceed the accumulation limits established in 74 O.S. § 840-2.20.

[Merit Rule 530:10-15-11(b) (7)]

Transferring State Leave to OETA.

An employee who was working for another state agency may have a maximum of 80 hours annual leave transferred to OETA.

Payment Upon Death

Upon the death of an employee, payment is made to the estate for any unused annual leave (within the 240-hour and 480-hour limitations noted on the accrual rates and limits chart). [Merit Rule 530:10-15-11(b) (8)]

OETA offers its employees the option of designating a beneficiary to receive the employee's final check in the event of an employee's death while an employee of OETA.

Payment to the Retirement System Upon Separation

No retirement contribution is withheld from the employee's check or made by the agency on behalf of the employee on the annual leave payment.

COURT AND JURY LEAVE

[Merit Rule 530:10-15-46]

A state employee, directed by the proper authority or in obedience to a subpoena, shall be entitled to time-off from work without loss of compensation or leave to serve in a capacity described below:

- A jury member;
- A witness on behalf of the federal government, the state of Oklahoma, or a political subdivision of the state;
- A witness or party before a state agency, board, commission, or legislative body; or
- A witness, party, attorney, representative, or spokesperson in the employee's official capacity as a state employee.

This section does not apply to employees whose assigned job duties include appearances or who have been directed by the agency to appear before any court, commission, board, or any other political subdivision.

A state employee shall take annual leave or leave without pay, at the employee's discretion, for the time absent to serve:

- as a party in private litigation;

- as a witness to testify as an individual or a paid expert in private litigation;
- as an attorney outside of the employee's official capacity as a state employee; or
- in any other capacity of court and jury services not covered in subsection (a) of Merit Rule 530:10-15-46(b).

The Appointing Authority may require the employee to submit a copy of the subpoena, summons, or other court order or process as a prerequisite for determining whether or not leave is to be taken.

Eligibility Requirements

All state employees are eligible for court and jury leave.

Limits

1. If an employee is dismissed from jury duty during regular work hours, he or she shall report back to work or request appropriate leave.
2. Time spent on court or jury leave will be counted as hours worked for the purpose of calculating overtime. [Merit Rule 530:10-15-46]
3. State officers and employees are prohibited from receiving expert witness fees when acting in their official capacities as state employees. [Ethics Rules 257:20-1-3]

Employee's Responsibilities

1. An employee must submit a copy of the subpoena or order with the leave request form to the supervisor in order to receive pay for court and jury leave.
[Merit Rule 530:10-15-46(c)]
2. Any jury fees received by the employee in accordance with state statute can be retained by the employee. [28 O.S. § 86]

DISASTER RELIEF SERVICES LEAVE

[74 O.S. § 840-2.24]

Eligible employees may be granted leave to participate in specialized disaster relief services within the State of Oklahoma for the American Red Cross, upon the request of the American Red Cross and with the approval of the office of the Governor of this state.

State employees certified as disaster volunteers shall not exceed five hundred (500) participants at any one time. A list of such employees will be coordinated

with the Department of Civil Emergency Management and the office of the Governor of this state. Within sixty (60) days of any request made by the American Red Cross, a report shall be prepared by the American Red Cross and submitted to the Governor's office stating the reasons and needs for any request made.

Any state officer or employee in the executive branch of state government authorized by the employing agency of the officer or employee to volunteer in a disaster relief activity during a presidentially declared national disaster in Oklahoma after May 1, 1999, for a period of not more than six (6) months after the date of the presidentially declared national disaster, shall not have to use accrued leave or need to make up any time due to the performance of their volunteer activities.

Eligibility Requirements

Any state employee who is a certified disaster service volunteer of the American Red Cross, with the authorization of the agency is eligible.

Limits

Disaster relief services leave with pay shall not exceed fifteen (15) working days in any 12-month period without the loss of pay, annual leave, sick leave, accrued overtime wages or compensatory time.

The agency shall compensate an employee granted leave time at his or her regular rate of pay for those regular work hours during which the employee is absent from work.

EMPLOYEE ASSISTANCE PROGRAM LEAVE

[Merit Rule 530:10-21-7]

Eligibility Requirements

All state employees are eligible.

Limits

The Executive Director of OETA may permit employees to consult with an EAP professional without loss of pay or accumulated leave. At the request of the direct supervisor or Human Resources, EAP staff shall verify the date and time of an employee's appointment with an EAP professional in connection with this policy.

[Merit Rule 530:10-21-7(a)]

An employee may also request sick or annual leave to consult with an EAP Professional. [Merit Rule 530:20-21-7(b)]

ENFORCED LEAVE

[Merit Rule 530:10-15-40]

Enforced leave may be granted when it is necessary for an employee to care for an ill or injured member of the immediate family or household or in the case of death of a member of the immediate family or household, or in the event of personal disaster.

("Immediate Family" is defined as spouse, children, parents, brothers, sisters, including step, grand, half, foster, or in-law relationships.)

("Household" is defined as those persons who reside in the same home, who have reciprocal duties and provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.)

("Personal Disaster" is defined as an unforeseeable, catastrophic event such as the destruction of the employee's residence.)

Eligibility Requirements

All state employees, except temporary employees, are eligible.

Limits

Enforced leave is charged to accrued sick leave and may not exceed 10 working days (80 hours) in any calendar year. Enforced leave may not exceed the accrued sick leave balance.

Employee's Responsibilities

The employee shall give the immediate supervisor a physician's statement unless the supervisor waives it. [Merit Rule 530:10-15-12(4)]

Supervisor's Responsibilities

Requests for enforced leave are entered and processed in the same manner as requests for sick leave. Approval of enforced leave may be denied when the supervisor has facts to show the employee is abusing enforced leave.

FAMILY AND MEDICAL LEAVE

[Merit Rule 530:10-15-45; 74 O.S. § 840-2.22; 29 CFR § 825; 29 U.S. C. 2601 et seq.]

(a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to family and medical leave. This section is not a comprehensive listing of the

provisions of the federal Family and Medical Leave Act of 1993 (29 U.S.C, 2601 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. To be eligible, an employee shall have been employed by the state at least 12 months and have worked at least 1,250 hours during the preceding 12-month period. [Merit Rule 530:10-15-45(a)]

Family and medical leave is not a separate type of leave and it is not accrued or accumulated. [Merit Rule 530:10-15-45(i)]

The employee has the following options to account for an FMLA absence:

- Accumulated annual leave,
- Accumulated sick leave,
- Accumulated compensatory time
- Leave without pay, or
- Shared leave (after all available paid leave has been exhausted and if available per the agency procedures on shared leave).

Effective July 1, 2012, any employee using FMLA will be placed on the supplemental payroll if they have less than 24 hours of accumulated leave.

Eligibility Requirements

All state employees must have been employed by the state for at least one year and have worked at least 1,250 hours during the preceding 12-month period to be eligible. "Time worked" is defined literally. The calculation of "time worked" does NOT include holidays, paid or unpaid leave. [Merit Rule 530:10-15-45(a); 29 CFR § 825.110]

Qualifying Events

(b) An eligible employee is entitled to family and medical leave for up to a total of **12** weeks during any **12**-month period, [Merit Rule 530:10-15-45(b); 29 CFR § 825.200(a)] for the following reasons:

1. The birth of the employee's son or daughter, and to care for the newborn child
2. the placement with the employee of a son or daughter for adoption or foster care;
3. to care for the employee's spouse, son, daughter, or parent with a serious health condition. As used in this subsection, "son" or "daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability;

4. a serious health condition that makes the employee unable to perform the functions of the employee's job; or
5. any qualifying exigency (as defined by U.S. Department of Labor Regulations) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

(c) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period described in this paragraph, an eligible employee shall be entitled to combined total of 26 weeks of leave under paragraph (b) and (c). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (b) during any other 12-month period.

(d) An Appointing Authority may require that an employee's request for family and medical leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. An Appointing Authority may require a certification issued by the health care provider of a covered service member being cared for by an employee.

(e) The entitlement to family and medical leave resulting from (b) (1) and (b) (2) of this Section expires at the end of the 12-month period beginning on the date of the birth or placement.

(f) When family and medical leave is taken to care for a sick family member as defined in (b) (3) of this Section, a covered service member as referenced in (c) of this Section, or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when it is medically necessary. When family and medical leave is taken for a qualifying exigency as referenced in (b) (5) of this Section, leave may be taken intermittently or on a reduced leave schedule. An Appointing Authority may adopt a policy allowing family and medical leave to be taken intermittently to care for a newborn child or newly placed adopted or foster child.

Definitions

1. "Parent" is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law." [29 CFR § 825.122(b)]
2. "Care For" is defined as situations where, for example, because of a health condition of a member of the immediate family or household member of an employee is unable to care for his or her own basic medical, hygienic or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a health condition who is receiving inpatient or home care. [29 CFR § 825.124 (a)]
3. "Spouse" is defined as a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized. [29 CFR § 825.122(a)]
4. "Son or daughter" is defined as a biological, adopted or foster child, a step-child, a legal ward, or child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability." [29 CFR § 825.122 (c)]
5. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that makes the employee unable to perform job functions; any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility; any period of incapacity requiring absence of more than three consecutive calendar days that also involves continuing treatment under the supervision of a health care provider; or continuing treatment under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days. This includes absences for prenatal care. [29 CFR § 825.114]
6. "Health care provider" is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery. [29 CFR § 825.125]

Not Qualifying As Serious Health Conditions

[29 CFR § 825.113(d)]

The following are not considered as serious health conditions unless inpatient hospital care is required or unless complications arise which cause the condition to become a qualifying event as described above. This is not an all-inclusive list:

- common cold
- cosmetic treatments
- dental or orthodontia problems (routine), and periodontal disease
- earaches
- flu
- headaches other than migraine
- stress
- ulcers (minor)
- upset stomach
- routine physicals, eye examinations, and dental examinations are not considered treatment, although examinations to determine if a serious health condition exists and evaluations of the condition are considered treatment.

Amount of Leave

The use of FMLA may not exceed 12 weeks (480 hours) in any 12-month period. [Merit Rule 530:10-15-45(b); 29 CFR § 825.200 (a)]

If a husband and wife are both State employees and eligible for FMLA leave, they are limited to a combined total of 12 weeks of leave for a qualifying event. [29 CFR § 825.120 (c)]

FMLA Absence and Holidays

For the purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is still counted as a week of FMLA leave. However, if an employee uses FMLA leave in increments of less than 1 week, the holiday will not count against the employee's FMLA entitlement. Similarly, if for some reason OETA activity has temporarily ceased and employees are not expected to report for work (e.g., closing due to inclement weather or hazardous conditions), the employer's ceased activities do not count. If the employee was otherwise scheduled and expected to work during the holiday, it will count.

Intermittent Leave

1. Summary

FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Intermittent leave is FMLA leave taken in

separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time. [Merit Rule 530:10-15-45(e); 29 CFR § 825.202]

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider. [29 CFR § 825.302 (f)]

The employee must request intermittent leave in writing and provide medical certification of the necessity for the intermittent or reduced leave schedule and the expected duration. [Merit Rule 530:10-15-45(g); 29 CFR § 825.302(f)]

An employee may take leave intermittently or on a reduced leave schedule for the birth of a child or placement of a child for adoption or foster care only if approved by the Appointing Authority. The Supervisor may assign an employee who is on a FMLA intermittent leave or reduced leave schedule to an alternate position with equivalent pay and benefits if the alternate position would better accommodate intermittent leave and the needs of the agency. [29 CFR § 825.202(c)]

Employee's Responsibilities

[Merit Rule 530:10-15-45(g); 29 CFR § 825.302 & 825.303]

Whenever possible, an employee shall schedule FMLA leave to accommodate the operations of the agency, and give the Appointing Authority notice at least 30 days before leave is to begin if the need for FMLA leave is foreseeable.

[Merit Rule 530:10-15-45(g)]

Supervisor's Responsibilities

1. Timely Response

The Appointing Authority has a responsibility to respond in a timely manner to FMLA leave requests.

2. Do Not Deny Right Provided By FMLA

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. An employer is prohibited from

interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the Act. [29 CFR § 825.220(a) (1)]

Insurance Coverage

While on FMLA leave, the agency will continue to pay the employee's insurance coverage. The employee will be responsible for paying the portion of insurance premium above the benefit allowance. If the employee remains on leave without pay after exhausting FMLA entitlements, he or she will then be responsible for the entire group insurance premium. [29 CFR § 825.210]

1. If coverage has lapsed due to non-payment of premiums which are owed by the employee and the employee returns during the 12-week FMLA period, he or she is eligible to re-enroll in any coverage previously held at the time FMLA began. No evidence of insurability will be required and pre-existing conditions will not apply. [29 CFR § 825.212(c)]
2. Unless it is medically unfeasible or due to circumstances beyond the employee's control as set forth in [29 § 825.213(a) (2)], the employee is expected to return from FMLA leave upon its completion. Failure to do so will subject the employee to liability for all insurance premiums paid by the agency pursuant to FMLA. [29 CFR § 825.213(a)]

Return to Work

1. Restored To Prior Position

The employee shall be restored to the same or equivalent position and benefits he or she would have had if the employee had been continuously employed in pay status during the leave period. [Merit Rule 530:10-15-45(k); 29 CFR § 825.214]

2. Returning To Work

If an employee seeks to return to work before his or her health care provider's previously approved date of return, the employee must provide a doctor's release before the employee can return to work.

3. Doctor's Release

An employee may be required to provide a fitness-for-duty certification with regard to the particular health condition that caused the employee's need for FMLA leave. The fitness-for-duty certification will be limited to the essential functions of the employee's job and the serious health condition which necessitated the FMLA leave. The cost of the certification shall be borne by the employee. [29 CFR § 825.312(b) (c)]

FMLA Impact on Longevity and Other Benefits

Upon return from family and medical leave, an employee shall have the right to be restored to the same or equivalent position and benefits, except for extension of his or her anniversary date for longevity pay, leave accrual, and calculation of retention points, he or she would have had if the employee had been continuously employed in pay status during the leave period. [Merit Rule 530:10-15-45(k)]

Disciplinary Actions

1. Failure of an employee to report for work on the specified date of return shall be cause for disciplinary action.
2. An employee who fraudulently obtains or uses FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.
[29 CFR § 825.216(d)]

Medical Certification

An employer may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. In most cases, the employer should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. [29 CFR § 825.305 (a) (b)]

Medical certifications will be maintained in a confidential file separate from the employee's Human Resources file. [29 CFR § 825.500(g)]

HOLIDAYS

[Merit Rule 530:10-15-43; 74 O.S. § 840-2.20(3)]

Holidays are granted in accordance with state law and the Governor's proclamations and are observed in accordance with agency work load and policies. The standard recognized holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day

- Veterans' Day
- Thanksgiving Day (2)
- Christmas Day (2)

Eligibility Requirements

[Merit Rule 530:10-15-43(b)]

All state employees except temporary employees are eligible. An employee must be in pay status either the workday before or the workday after the holiday. An employee shall not be eligible to be paid for holidays which occur either before the employee's entry-on-duty date or after the last day that the employee works. The receiving Appointing Authority shall pay an employee who transfers from another agency for any holidays occurring after the last day worked in the sending agency.

Limits

1. Holiday pay is based on an 8-hour workday. [Merit Rule 530:10-15-43(c)] Part-time employees will receive holiday leave in a proportionate amount. [Merit Rule 530:10-15-43(d)]
2. If a non-exempt employee must work on an observed holiday the employee is paid up to 8 hours of holiday pay. If an exempt employee is required to work on a holiday they can be granted 8 hours of compensatory time to be taken on a later date.
3. Holiday hours will be counted as straight time.

Supervisor's Responsibilities

Supervisors may require employees to work on a designated holiday if it is determined necessary.

LEAVE WITHOUT PAY

(Not due to work-related illness/injury or FMLA) [Merit Rule 530:10-15-47]

If an employee is absent from work without proper authorization, the employee shall not receive pay for such absence. An Appointing Authority has the authority and responsibility to take appropriate action if fraudulent leave usage or leave abuse is detected. [Merit Rule 530:10-15-47(a) (7)]

Leave without pay will not be considered a break in service. Leave without pay beyond 30 days will extend the longevity and leave accrual dates. [Merit Rule 530:10-15-47(a) (8)]

Limits

Leave without pay may be approved for up to 12 months. An employee on leave without pay may submit a written request for an extension before the end of the approved leave period. Extensions may be granted if the total length of the original leave without pay plus any extensions does not exceed 2 years.

[Merit Rule 530:10-15-47(a) (1)]

Eligibility Requirements

All state employees, except temporary employees, are eligible.

Employee's Responsibilities

1. The request must be in writing, include the reason for the leave, and the estimated date of return to work. [Merit Rule 530:10-15-47(a)]
2. An employee remains subject to all State laws, rules, and departmental policies which apply to his or her category of employment during periods of leave without pay. Effective July 1, 2012, any employee with leave without pay will be placed on the supplemental payroll.

Leave Cancellation and Return to Work

1. The employee may return to work before the specified date of return if the Appointing Authority approves a written request from the employee to return earlier. [Merit Rule 530:10-15-47(a)(2)]
2. Employees may be required by the Appointing Authority to return to work prior to the specified date of return. The employee shall be notified of the reasons for cancellation and by personal service or certified mail and given seven calendar days to return to work. [Merit Rule 530:10-15-47(a)(5)]

MILITARY LEAVE

Military leave of absence and right to restoration to former position shall be granted in accordance with Section 209 of Title 44, Sections 25.4, 25.5 and 25.7 of Title 51, and Section 48 of Title 72 of the Oklahoma Statutes; the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C., 4301 et seq.); and such rights and privileges as these laws provide. [Merit Rule 530:10-15-44]

Eligibility Requirements

All employees, including temporary employees, of the state are eligible to request military leave.

Limits

1. The National Guard - The first 30 regularly scheduled work days of military leave of absence during any federal fiscal year (October 1 to September 30) are with pay.

2. The Reserves Component– The first 30 regularly scheduled work days of military leave of absence during any federal fiscal year (October 1 to September 30) are with pay.
3. If the period of military status extends beyond 30 days, the employee's absence for the period beyond 30 days is governed by applicable leave rules. Accrued compensatory leave, holiday leave, annual leave, or leave without pay may be requested to cover this period of time.
4. An employee who is requested to report for physical examination in connection with military service is not considered absent from duty during the time required for the examination and travel.

Employee's Responsibilities

An employee must notify the immediate supervisor of the requirement for military leave and provide as much advance notice as possible. Supporting documentation must be provided at the beginning of the leave if available. A copy of the military orders must be provided in order for the leave to receive final approval.

Supervisor's Responsibilities

1. A supervisor must grant military leave in compliance with policy.
2. A supervisor does not have the right to request an employee or the federal government to reschedule military exercises for the convenience of the agency.
3. A supervisor may adjust an employee's work schedule so that weekend drills are on days off.

NATIONAL DISASTER LEAVE

[74 O.S. §840-2.23A]

National disaster leave is leave with pay granted to an employee who is affected by a presidentially declared national disaster in Oklahoma.

Eligibility Requirements

To be eligible, the employee must have suffered a physical injury as a result of the disaster; a relative or household member of the employee must have suffered a physical injury or died as a result of the disaster; or the domicile of the employee or the domicile of a relative of the employee was damaged or destroyed as a result of the disaster.

The term "relative of the employee" is defined as spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee."

The term "household members" is defined as those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

Limits

Agencies may grant leave with pay not to exceed fifteen (15) working days to state employees affected by a presidentially declared national disaster in Oklahoma.

ORGAN DONOR LEAVE

[74 O.S. §840-2.20B]

Organ Donor Leave is leave with pay for a State employee to serve as a bone marrow or human organ donor.

Limits

1. An employee is allowed five (5) workdays of leave to serve as a bone marrow donor and thirty (30) workdays of leave to serve as a human organ donor.
2. An employee must submit written verification to the agency that he or she is to serve as a bone marrow or human organ donor.
3. The request for leave is subject to approval by the Executive Director of OETA with medical necessity being the primary determinant for such approval.

ORGANIZATIONAL LEAVE

[Merit Rule 530:10-15-41; 74 O.S. § 840-2.25]

A regular unclassified employee shall be entitled to take leave with pay not to exceed three (3) days a year to attend meetings of job-related professional organizations of which that employee is a member upon receiving permission from the appointing authority.

"Job-related organization" is defined as a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to state statute. [Merit Rule 530:10-15-41]

Eligibility Requirements

All state employees, except temporary employees, are eligible.

Limits

Eligible employees are entitled to 3 days of paid organizational leave in a year. Organizational leave shall not be used for lobbying activities which includes the lobbying of legislative or executive branch elected offices within state owned or leased buildings. [74 O.S. § 840-2.25(B)]

Employee's Responsibilities

1. Employees must submit requests for organizational leave before the effective date of such leave.
2. Requests for organizational leave must include: name of the organization, how it relates to the employee's job, evidence of membership, meeting agenda, and dates of the meeting.

Supervisor's Responsibilities

Any denial of organizational leave must be in writing and state the reasons for denial. Approval or disapproval of requests of organizational leave shall be based on staffing requirements, job-relatedness, and date of request. [74 O.S. § 840-2.25(A)]

SHARED LEAVE

[74 O.S. § 840-2.23]

The leave sharing program permits state employees to donate annual or sick leave to a fellow state employee who has exhausted, or will exhaust, all types of paid leave and:

- Who is eligible for and requires family leave pursuant to the provisions of the Family and Leave Medical Act of 1993,
- Who is suffering from an extraordinary or severe illness, injury, impairment or physical or mental condition or has a relative or household member suffering from such, which has caused or is likely to cause the employee to take leave without pay or terminate employment, or
- Immediately after the death of a relative or household member, provided that the total leave received for this purpose shall not exceed five (5) days in any calendar year

- Who is affected by a presidentially declared national disaster in Oklahoma after May 1, 1999, for a period of eighteen (18) months after the date of the presidentially declared national disaster if:
 - the employee suffered a physical injury as a result of the disaster,
 - the spouse, relative, or household member of the employee suffered a physical injury or died as a result of the disaster, or
 - the domicile of the employee or the home of a relative of the employee was damaged or destroyed as a result of the disaster.

“Relative” is defined as limited to spouse, child, stepchild, grandchild, grandparent, stepparent or parent of the employee. [74 O.S. §840-2.23(B) (1)]

“Household Member” is defined as those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune. [74 O.S. §840-2.23(B) (2)]

Employee’s Responsibilities

1. All requests for shared leave must be in writing using the “Request for Shared Leave” form or the “Donation of Shared Leave” form. The forms may be obtained from Human Resources.
2. Leave requests must be accompanied by a medical certification from a licensed physician or health care provider verifying the serious health condition and the expected duration of the condition.

Eligibility Requirements

1. Donor:

- a. State employees must have one or more years of continuous service to be eligible. Temporary employees are not eligible. [74 O.S. § 840-2.23(B)(4)]
- b. The donating employee may not donate any leave that would place his/her annual or sick leave balance below 80 hours. [74 O.S. § 840-2.23(E)]
- c. The donating employee may not donate leave that the donor would not be able to otherwise take. [74 O.S. § 840-2.23(N)] For example: Employees may not donate leave which would be lost due to exceeding the accumulation limits, and employees who are retiring or resigning may donate only the number of working hours left until the effective date of resignation or retirement.

- d. Donated leave must be given voluntarily. [74 O.S. § 840-2.23(M)]
- e. Because of the unfunded liability, OETA does not accept leave donations from employees of other state agencies unless those employees are immediate family members of the person to whom leave is donated. (“Immediate Family” is defined as spouse, children, parents, brothers, sisters, but includes step, grand, half, foster, or in-law relationships.)

2. Recipient:

- a. State employees must have over one year of continuous service to be eligible. Temporary employees are not eligible. [74 O.S. § 840-2.23(B)(4)]
- b. The recipient employee must provide a medical certificate from a licensed physician or health care practitioner verifying the need for the leave and expected duration of the illness, injury, impairment, or physical or mental condition for which the leave is donated. [74 O.S. § 840.2.23(G)]
- c. The recipient employee must have exhausted or anticipate exhaustion of all paid leave. [74 O.S. § 840-2.23(A)]
- d. The recipient employee must be approved by the Executive Director of OETA to receive donated leave. [74 O.S. § 840-2.23(F)]
- e. Effective July 1, 2012, an employee may not receive donated leave if disciplinary action (i.e. written memo to employee) concerning leave is currently pending or occurred within the past year.
- f. Effective July 1, 2012, the recipient employee will be placed on the supplemental payroll until he/she accumulates 24 hours of annual leave and/or compensatory time.

Limits

- 1. The recipient employee is limited to twelve (12) weeks of FMLA for each qualifying event. It is possible to extend the shared leave by the following:
 - The employee must submit a memo to the Executive Director of OETA requesting the exception.
 - The employee must submit medical certification that the event is “severe” or “extraordinary.”
 - The request will be reviewed by a committee composed of the Executive Director of OETA, the Human Resources Director and the employee’s Division Director.

2. The recipient OETA employee must not receive more than 261 days of donated leave for a non-terminal illness during total state employment. 74 O.S. § 840-2.23(F)
3. If the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal and the employee who either has reached or shall reach in the near future the maximum of 261 days of donated leave, the Executive Director of OETA may approve additional donated leave upon written request of the employee.

Return To Work From Shared Leave

An employee who has been on shared leave due to his or her own illness must have a statement from a licensed physician or health care provider releasing them to return to work. The release must include any restrictions to the employee's ability to perform the duties of his or her position.

Donor's Leave Conversion

Donated annual or sick leave is transferable between employees on an hour-to-hour basis irrespective of the hourly wage of the donating or receiving employee. [74 O.S. § 840-2.23(I)]

Exhausting Accrued Leave Prior to Using Donated Leave

All forms of paid leave available for use by the recipient must be used prior to using donated leave. [74 O.S. § 840-2.23(K)]

Returning Unused Donated Leave

Any donated leave not used by the recipient during each occurrence will be returned to the donor. If there are multiple donors, the donated leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the original leave balance of each donor. [74 O.S. § 840-2.23(L)]

SICK LEAVE

[Merit Rule 530:10-15-12]

Sick leave means a period of time when the employee cannot work because of sickness, injury, pregnancy, or medical, surgical, dental or optical examination, or treatment, or where the employee's presence at work would jeopardize the health of the employee or others. [Merit Rule 530:10-15-12(1) & 74 O.S. § 840-2.20]

Eligibility Requirements

All state employees, except temporary employees, are eligible.
[Merit Rule 530:10-15-10]

Accrual Rates and Limits

1. Full-time employees shall accrue sick leave at the rate 15 days per year. [Merit Rule 530:10-15-10 and 74 O.S. § 840-2.20(2)] There is no limit on the amount of sick leave that can be accrued. [Merit Rule 530:10-15-12 (13)]
2. Sick leave shall accrue only when an employee is actually working or on authorized leave with pay. [Merit Rule 530:10-15-10(d)]
3. Sick leave earned during a pay period shall be prorated according to the days an employee is on payroll. [Merit Rule 530:10-15-12(6) and 74 O.S. § 840-2.20(1)] Part-time employees shall accrue sick leave at the amount proportionate to that which would have accrued under full-time employment. [Merit Rule 530:10-15-12(7) & 74 O.S. § 840-2.20A(1)]
4. An employee shall not use sick leave for annual leave. [Merit Rule 530:10-15-12(2)]
5. An employee shall not use sick leave before it is accrued. [Merit Rule 530:10-15-12(3)]
6. Holidays, or the scheduled days off for holidays, occurring within a period of sick leave shall not be charged to sick leave. [Merit Rule 530:10-15-12(5)]
7. If the illness or injury extends beyond the employee's accrued sick leave, the additional absence may be charged to the employee's annual leave accumulations. [Merit Rule 530:10-15-12(10)]

Payment Upon Separation

Employees shall not be paid for accumulated sick leave upon separation. [Merit Rule 530:10-15-12(9)]

Transferring State Service to Another State Agency

Employees shall be permitted to transfer all accrued unused sick leave to other state agencies. [Merit Rule 530:10-15-12(8)]

Reinstatement of Sick Leave

If an employee leaves state service on or after October 1, 1992, and is reemployed with a State agency within a period of 2 years from the date of separation, the agency may reinstate all or a part of the unused sick leave. [Merit Rule 530:10-15-12(12); 74 O.S. § 840-2.20(A) (6)]

Employee's Responsibilities

1. Employees are responsible for providing a written physician's statement to Human Resources for any absence in excess of three consecutive workdays

unless such requirement is waived when circumstances leave no doubt that the illness or injury exists. [Merit Rule 530:10-15-12(4)]

2. A physician's statement for absences of less than 3 days may be requested. [Merit Rule 530:10-15-12(4)]

Returning To Work

1. Upon request the employee shall supply a medical statement including a certification of the employee's fitness to return to duty, a specific statement of any limitations related to the employee's work performance, and the time period for which the limitation applies.
2. The employee shall not return to work if, due to physical condition or exposure to contagious disease, his or her presence would jeopardize the health or safety of the employee or others.

VOLUNTARY FIREFIGHTERS LEAVE

[74 O.S. § 840-2.20(A) (7)]

Employees who are volunteer firefighters pursuant to the Oklahoma Volunteer Firefighters Act and who are called to fight a fire shall not have to use any accrued leave or need to make up any time due to the performance of their volunteer firefighter duties.

Eligibility Requirements

All employees, except for temporary employees, are eligible.

VOTING LEAVE

[26 O.S. § 7-101]

Voting leave is leave with pay granted to employees who are registered voters and whose working schedules on Election Day do not permit them three hours either before or after work in which to vote. This applies to any election except for school board or bond elections.

Any request for voting leave must be submitted in writing at least one (1) day prior to the election.

Eligibility Requirements

All employees, except for temporary employees, are eligible.

Limits

1. Employees must be registered voters to request voting leave.

2. Voting leave is limited to no more than two (2) hours.
3. The division manager or supervisor shall select the hours when such employees are to be allowed voting leave and will notify each employee of those hours.
4. An employee scheduled to begin work after 10:00 a.m. or end work by 4:00 p.m. on Election Day is not entitled to paid time off in which to vote.
5. In lieu of time off, a division manager or supervisor may adjust Election Day work times so employees will have time to vote.
6. Upon advance approval and proof of voting, employees are not to be charged leave or suffer loss of compensation or other penalty for their absence to vote.

Employee's Responsibilities

An employee should make every attempt to vote outside normal working hours.

Supervisor's Responsibilities

1. A supervisor should schedule time off for voting which causes the least amount of disturbance to the work place, and the least amount of paid leave to be used.

This employee handbook cannot cover every situation or answer every question about policies and benefits at OETA. Also, sometimes we may need to change the handbook. OETA has the right to add new policies, change policies, or cancel policies at any time. The only policy we will never change or cancel is our employment-at-will policy. The employment-at-will policy allows you or OETA to terminate your employment at any time for any reason. The employment-at-will policy is further described in the policy titled Employment Status. If we make changes to the handbook, we will tell you about the changes.