

**1007 DHS LEAVE POLICY**

Please find all referenced OPM policies available at <https://www.dfa.arkansas.gov/personnel-management/state-personnel-policy/>.

**I. Concurrent Employment**

Please refer to Office of Personnel Management (OPM) Policy # 37.

**II. Annual Leave**

**(A) Eligible Employees and Non-Eligible Employees**

Please refer to OPM Policy # 45.

**(B) Accrual of Annual Leave**

Please refer to OPM Policy # 45.

**(C) Use of Annual Leave**

(1) Annual leave must be earned before it can be used and leave accrued during a calendar month is not considered to be earned by an active employee until the last working day of the month.

(2) The supervisor must approve the leave request before the leave may be taken. The supervisor grants leave requests for times that will least interfere with the efficient operation of the division or office. However, once leave time is approved, the supervisor can rescind it in cases of emergency and with the approval of the Division Director, Office Chief, or his or her designee.

(3) Unauthorized leave is a violation of the leave policy and will result in Leave Without Pay (LWOP) being charged to the employee. Other sanctions may be imposed under DHS Policy 1084, Employee Discipline.

(4) The employee's Division Director, Office Chief, or designee must approve annual leave requests of more than two work weeks (ten (10) business days).

(5) The minimum annual leave amount an employee may use is 15 minutes.

**(6) Job Interviews**

Only accrued FLSA compensatory time, annual leave, or holiday leave time may be used for employment interviews within or outside of DHS.

**(D) Payment Upon Termination**

Please refer to OPM Policies # 45 and 54.

**III. Sick Leave**

**(A) Eligible and Non-Eligible Employees**

Please refer to OPM Policy # 59.

(B) Accrual of Sick Leave

Please refer to OPM Policy # 59.

(C) Use of Sick Leave

(1) Please refer to OPM Policy # 59.

(2) Requests to use sick leave should be made in advance. If the nature of the sickness makes it impossible to apply for leave in advance, notification of absence shall be given as soon as possible on the first day of absence to the supervisor or person in charge of the office. Divisions or Offices may require notification of sickness prior to the start of the workday to prevent disruption of services.

(3) Application for sick leave must be filed within two working days or sooner if payroll will close before the two working days after the employee's return to work.

(4) When a supervisor has reasonable cause to suspect abuse of sick leave (for example, an employee who calls in sick every other week without authorized FMLA), the supervisor may require an attending physician's note or a certificate from a Christian Science practitioner listed in The Christian Science Journal for any amount of sick leave. If the employee is unable to furnish a note and the supervisor's request is based on documented abuse of sick leave, the absence will be considered unauthorized leave. Unauthorized leave is a violation of this policy, and is subject to disciplinary action as well as result in LWOP being charged to the employee.

(5) A DHS employee on paid sick leave may not be concurrently in work status in connection with any other state employment.

(D) Termination or Transfer

When employees resign from DHS and then return within two pay periods, their sick leave credit at the time of resignation will be restored. If they return after two (2) pay periods, sick leave is not restored.

IV. Family And Medical Leave Policy (FMLA)

Please refer to OPM Policy # 51.

V. Catastrophic Leave

Please refer to OPM Policy # 47.

VI. Maternity Leave

Please refer to OPM Policy # 56.

VII. Leave For Bone Marrow or Organ Donation

Please refer to OPM Policy # 46.

VIII. Court And Jury Duty Leave

(A) This section clarifies when a DHS employee must turn in annual leave time for court appearances as required by state law (Ark. Code Ann. § 21-4-213).

(B) Court and jury leave is not annual leave. It is not accrued, either, but is made available only for mandated court appearances. It is not to be used for personal legal matters. If an employee has a court appearance for personal or family reasons, annual leave must be submitted to his or her supervisor.

(C) A copy of the letter summoning an employee or a letter from the attorney must be attached to the leave submission.

(D) Court and Jury Leave Includes Absences Due to the Following:

(1) The employee is summoned as a juror in either a criminal or civil proceeding; or,

(2) The employee is summoned as a witness, outside his or her state employment, to give a deposition or testimony before any body with power to issue a subpoena, and the employee is neither a paid expert witness nor a party to the matter. Parents of juveniles are considered parties in juvenile court petitions (Ark. Code Ann. § 9-27-311(a)(1-3) and (c)(1)).

(E) State Employee as a Juror

(1) If a DHS employee serves as a juror in court, the employee:

(a) is entitled to receive his or her regular salary in addition to any fees paid for such jury service;

(b) will not be charged annual leave; and,

(c) will need to notify his or her supervisor of the jury duty and submit a request for leave form within one business day of learning that attendance will be required.

(2) Each time the employee serves as a juror, the employee is to attach the note received from the Court to his or her time sheet or the "Request for Leave" form. If using EASE for time and leave, the employee must provide the Court note to his or her supervisor every time that leave is used. If the

required information is not attached, it will be considered an unauthorized leave.

- (3) Employees who work night shifts and are required to serve jury duty during the day shall be allowed to take court and jury leave on the night shift of the day on which they served.

(F) State Employee as a Witness

- (1) A DHS employee who is subpoenaed as a witness to testify about matters within the scope of his or her state employment will not turn in any kind of leave if the appearance is during his or her work hours.
- (2) A DHS employee serving as a witness will not retain any fees in connection with the subpoena. The employee receiving such fees must surrender the fees by endorsing the check to the DHS Accounts Receivable department and mailing it with a copy of the subpoena, and a DHS-1018 Receipt Coding Slip to:

DHS Accounts Receivable  
P.O. Box 8181 Slot WG-2  
Little Rock, AR 72203-8181

- (3) If the employee is subpoenaed as a witness outside the scope of his or her state employment, whether as a paid expert witness or a party to the matter, but not as a representative of DHS, then the employee shall take annual or compensatory leave.
- (4) Employees who work night shifts and are subpoenaed as a witness to give a deposition in a court or hearing, not involving personal litigation or service as a paid witness outside the scope of state employment, shall be allowed to take court and jury leave on the night shift of the day on which they served. Night shift employees who must appear in court during the day on personal matters unrelated to work must turn in annual or compensatory leave time.

IX. Holiday Leave Time

(A) Please refer to OPM Policy # 52.

- (1) A holiday is defined as a "day." For example, employees on a compressed work schedule who work a ten-hour day will receive the equivalent 10 hours holiday leave. Employees on an eight-hour standard work schedule will receive the equivalent 8 hours holiday leave. The AASIS Payroll system is programmed to handle these work schedules and the equivalent hours.
- (2) A compressed or modified work schedule is defined as a schedule where an employee who would normally work 5 (five) eight-hour days each week works 4 (four) ten-hour days.

- (3) All approved compressed or modified work schedules will remain in effect during workweeks that include a holiday observed by state policy. Any request for exceptions from this rule to allow employee work schedule changes during a holiday workweek (such as changing from 4 days/10 hours schedule back to 5 days/8 hours for one week) must be approved by the Division Director or Office Chief and the DHS Chief Financial Officer.

(B) Eligibility for Holiday Pay and/or Equivalent Time Off

- (1) The following provisions apply to employees who cannot take holidays as scheduled:
  - (a) Employees must work on holidays when the needs of the Divisions/Offices require it. The DHS Director or designee will determine this need. All employees are eligible to receive hour for hour compensation when required to work on a holiday.
  - (b) Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor (such time off is to be taken as soon as is practical).
  - (c) Holiday or Birthday leave does not expire and may be retained past one year.
  - (d) When a holiday falls on a regularly scheduled day off, employees who work less than full time will receive holiday time in proportion to their time worked.

X. Leave Without Pay (LWOP)

Please refer to OPM Policy # 55 for more information. Like all leave requests, an employee's supervisor (or Division Director, Office Chief, or designee) must approve LWOP prior to the employee using it. Notification may be necessary prior to the start of the workday to obtain the approval of the supervisor designated to authorize LWOP.

(A) Continuous LWOP

The DHS Secretary or designee should assess, on a case-by-case basis, whether a particular request for continuous LWOP would cause undue hardship. Every request should be evaluated separately to determine if it would impose an undue hardship on DHS.

(B) Leave Accrual and Insurance Coverage During LWOP Status

An employee who accumulates 80 or more hours of LWOP during any one calendar month loses the leave accrual (annual, sick, holiday, and birthday) for that month only. That would be 10 LWOP days for a regular work schedule or 8 LWOP days for a compressed work schedule. The days do not have to be consecutive.

(C) Extension of LWOP Status and Failure to Return from Leave Without Pay Status

Employees may be dismissed if they fail to report to work promptly at the expiration of the period of LWOP. However, the DHS Secretary or designee may accept satisfactory reasons provided by the employee in advance of the date to return to work and extend the LWOP period accordingly.

XI. Workers' Compensation

(A) Please refer to OPM Policy # 60.

(B) Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workers' Compensation benefits may utilize their accrued sick leave as a supplement to such benefits or they may use their accrued annual, holiday, FLSA compensatory time, and LWOP. This is not to exceed the leave period authorized under this policy.

(C) The injured employee should notify his/her supervisor immediately. In the case of an emergency, the supervisor or someone in the chain of command should call 911 or transport the injured employee to the closest emergency room (ER) facility. The injured employee should call the Company Nurse Injury Hotline. If the injured employee cannot make the call, the supervisor or designee should call the Company Nurse Injury Hotline.

XII. Military Leave

(A) Please refer to OPM Policy # 57.

(B) Annual Training Duty

The employee must attach a copy of his or her military orders to each request for military leave.

(C) Reinstatement Rights

In the case of an employee ordered to an initial period of active duty in a branch of the military reserves for training of not less than three consecutive months, these returning Reservists are entitled to reinstatement rights for a period of thirty one (31) days after release from active duty, subject to the same terms and conditions as returning veterans. In both cases, provisions stated in the Veteran's Re-Employment Rights Statute may extend this eligibility for re-employment rights.

(D) Emergency Situations

(1) Military leave for emergency situations is granted in addition to annual military leave for training purposes and normal annual leave.

(2) If an employee's active duty in emergency situations begins in one calendar year and ends in the next calendar year and the employee is subsequently

deployed due to an emergency situation, the employee is eligible for thirty days paid leave in the new calendar year. To be eligible for emergency active military duty paid leave, the employee must be actively employed by DHS and submit a copy of military orders for each emergency deployment.

(E) Record Keeping for Military Leave

When an individual is called to active military service, personnel records shall reflect the following information:

- (1) The beginning date and expected return date.
- (2) Whether leave is for fifteen (15) working days for annual training, active duty for military service, active duty for specialized training, and/or active duty for emergency situations as declared by the Governor or President of the United States.
- (3) Whether or not the employee has elected to use accrued annual leave or LWOP.

XIII. Educational Leave

See DHS Policy 1120, Educational Leave and Assistance, for information.

XIV. Volunteer Activities Council

DHS employees will not be charged leave time for participation in DHS-sponsored volunteer activity. However, time spent in participation of volunteer activity will not be considered for purposes of accruing compensatory time.

XV. Emergency Leave, Disaster Service Volunteer Leave, and Emergency And Rescue Leave

- (A) Please refer to OPM Policy # 50. The leave of absence for disaster and rescue services shall be in addition to the regular vacation time allowed to the employee.
- (B) An employee deemed to be on Disaster Volunteer Service or Rescue Service leave shall not be deemed to be an employee of the State for the purposes of Worker's Compensation.
- (C) A DHS employee who qualifies for leave under this section will not lose pay, annual leave, sick leave, compensatory time, offset time, overtime wages (if applicable), retirement privileges, disability insurance benefits, seniority, or any other rights, privileges, or benefits to which the employee has become entitled while on this leave.
- (D) An employee granted leave under this section shall be entitled to his or her regular salary during the time the employee is away from his or her duties during the leave of absence.

- (E) Employees may use their own earned leave time (excluding sick leave) in addition to the emergency paid leave if approved by the employee's supervisory chain of command. (Reference: EO 08-09.)

XVI. Fair Labor Standards Act Compensatory Time

- (A) Please refer to DHS Policy 1031 and OPM Policy # 28.

- (B) Use of FLSA Compensatory Time

- (1) FLSA compensatory time will be deducted from the employee's accrued FLSA compensatory time in increments of not less than 15 minutes. This time may not be taken before it is earned.
- (2) DHS employees may be required to exhaust their compensatory time before using annual leave.
- (3) An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours of work.
- (4) At the time of transfer from one (1) state agency to another, or one DHS division to another, all FLSA compensatory time should be paid to the employee upon transfer by the originating agency or division.

XVII. Healthy Employee Lifestyle Program Leave Time

- (A) Per Act 724 of 2005, DHS employees who participate in the Healthy Employee Lifestyle Program (HELP) can exchange earned points for up to three days leave per calendar year. Each participant's calendar year is established by going back 365 days from the date the employee started the program. Points can be redeemed in the following increments:

- 600 points = 1 hour (up to 4 hours in a calendar year)
  - 4,750 points = 1 day
  - 5,320 points = 2 days
  - 5,890 points = 3 days

- (B) Employees wishing to utilize points for time off should print a redemption certificate, which will be numbered. The redemption certificate should be attached to a completed Employee Request for Leave. The leave code "HELP" should be entered under "Other" along with the increment of time the employee is requesting or entered as "Healthy EE Lifestyle Prog" in the Empowering Arkansas State Employees (EASE) system. Requests and redemption certificates should be submitted to the employee's supervisor for approval. Supervisors should verify that each numbered redemption certificate is only utilized once. A copy of the redemption certificate should be given to the division HELP Coordinator.



- (C) Division timekeepers should enter HELP leave time on the weekly CAT2: Timesheet as “HELP.” No quota will need to be set up nor will a quota be shown for HELP leave on the PT 50: Quota Overview screen. Supervisors and Time Specialists who will utilize PT 64, Attendance/Absence Data Overview, can monitor the use of HELP leave time.

XVIII. Children’s Educational Activity Leave

- (A) Please refer to OPM Policy # 48.
- (B) This policy establishes the Children’s Educational Activity Leave program as mandated by Ark. Code Ann. § 21-4-216.
- (C) Policy
  - (1) The employee’s supervisor must approve the leave request prior to the time the leave is taken. The leave shall be granted if the employee’s time off will not interfere with the efficient operation of the office.
  - (2) The minimum leave an employee may request is a period of fifteen (15) minutes. The AASIS Code for Children’s Educational Leave Activity is “CEAL” on the DHS 1120 Form, “Employee Request for Leave,” or on EASE.

XIX. State Employee Attendance at Retirement Seminars and Counseling Sessions

- (A) Employee attendance at APERS/ATRS retirement seminars will be treated as any other type of employee benefit presentation, provided those attending have at least a minimum of five years credited service in a state sponsored retirement system. Attendance at retirement seminars does not necessarily require employees to take any type of leave.
- (B) Attendance at retirement seminars will be as follows:
  - (1) Employees are allowed to attend a retirement seminar once every five years without the use of accrued leave.
  - (2) Employees within five years of retirement are allowed to attend a retirement seminar once a year without the use of accrued leave.
  - (3) Employees within one year of retirement or Deferred Retirement Option Plans (DROP) are not required to use accrued leave to attend retirement seminars or scheduled sessions with retirement counselors.
- (C) Employees must schedule the attendance so that their absence will not hinder the work of their unit, Division, or Office. Appointments require prior approval from the employees’ supervisor.