

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

CHAPTER THREE: PERSONNEL

POLICY 3.12: EMPLOYEE TIME AND LEAVE

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I. Policy:

The Oklahoma County Juvenile Bureau (OCJB) will compensate employees for hours worked in accordance with the Fair Labor Standards Act (FLSA). The OCJB grants, as an employment benefit, categories of paid and unpaid leave of absence. The full number of regular work hours for each work period must be achieved and accounted for. **(2-7027)**

II. Definitions:

- A. **Compensatory Time:** Paid leave granted to employees of some State or local government agencies in place of monetary overtime compensation. Commonly referred to as "comp time."
- B. **Exempt Employees:** Employees who meet the criteria established by the FLSA and are exempt from overtime regulations (See Attachment A).
- C. **Family and Medical Leave Act Definitions**
 - 1. **Child:** 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 eighteen (18), or age eighteen (18) or older and "incapable of self-care because of a mental or physical disability" at the time that Family Medical leave Act (FMLA) leave is to commence.
 - 2. **In Loco Parentis:** As defined by the FMLA regulations, those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.
 - 3. **Key Employee:** A salaried employee among the highest paid ten (10) percent of all OCJB employees.
 - 4. **Parent:** 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 child. This term does not include parents in law.
 - 5. **Spouse:** A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. Spouse also includes a husband or

wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

- D. **First Responders:** The FLSA defines first responders, in part, as investigators, correctional/detention officers, and probation officers. The definition includes employees who perform such work as conducting investigations or inspections for violation of law, detaining or supervising suspected and convicted criminals (including those on probation), and other similar work (See Attachment A).
- E. **Nonexempt Employees:** For those employees who do not meet exemption criteria, the FLSA stipulates that these employees receive overtime compensation (See Attachment A).
- F. **Straight Time:** Refers to hours in excess of regular working hours accounted for at a regular rate.

III. Procedures:

A. Work Hours:

- 1. Normal OCJB business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding county-approved holidays.
- 2. As authorized by the FLSA, the OCJB rounds work hours to the nearest quarter hour using the seven (7) minute rule.
 - a. Time from one (1) to seven (7) minutes shall be rounded down.
 - b. Time from eight (8) to fourteen (14) minutes shall be rounded up.
- 3. The Director will approve work hours to meet the needs of the OCJB.
 - a. The Oklahoma County Juvenile Detention Center (OCJDC) is a twenty-four (24) hour operation requiring employees to fill shifts around the clock.
 - b. All employees will be assigned a schedule of working hours.
- 4. Employees' schedules occasionally change to meet the needs of the OCJB. Regarding OCJDC employees, within twenty-four (24) hours of a new employee's assignment to a shift or a current employee's changing shift and/or changing days off, the Assistant Facility Administrator of Operations shall send a change of shift notification to the Human Resources (HR) Administrative Assistant.
- 5. Contingency and overtime will sometimes be required.
 - a. Supervisors shall give as much notice as possible when employees will be required to work longer than their regular shift.
 - b. Refusal to work contingency or overtime may result in discipline, up to and including termination.

B. Work Periods:

- 1. Work periods are different than and not related to the monthly pay periods.
 - a. Work periods last at least seven (7) consecutive days, but not longer than twenty-eight (28) consecutive days.

- b. Accrual of compensatory time is calculated based on the work period.
 - 2. Work periods for employees designated as first responders are seven (7) day cycles beginning at 12:00 a.m. on a Sunday and ending at 12:00 midnight the immediately following Saturday. There are forty-three (43) potential regular work hours in the seven (7) day work period.
 - 3. For all other employees, the workweek begins at 12:00 a.m. on Sunday and ends at 12:00 midnight the immediately following Saturday.
 - a. Full-time employees work forty (40) hours during the workweek.
 - b. Part-time employees work fewer than forty (40) hours during the workweek.
 - C. Lunch Period and Breaks:
 - 1. The OCJB designates and provides a regular period during the workday as lunchtime, and employees are encouraged to use this time to eat.
 - a. OCJB employees are encouraged to take a lunch period during the workday.
 - b. Employees shall eat and take care of personal matters during this time as to not interfere with the completion of job duties during the rest of the workday.
 - c. The length and scheduled start time of an employee's lunch period may vary according to scheduled hours and OCJB working requirements. The employee's supervisor may authorize thirty (30) to sixty (60) minutes for lunch.
 - d. Supervisors are responsible for managing employee lunch periods according to the needs and work demands of the day.
 - e. Employees are generally not paid for the lunch period. Detention officers are to take their lunch breaks during their shifts and are "on the clock" during their lunch period and are paid during this time.
 - f. Employees may occasionally, with prior authorization from their supervisor for a business or personal need, work through their lunch period in order to come to work late or to leave work early. However, the OCJB does not permit employees to permanently change their schedules by taking their lunch break at the beginning or ending of the workday.
 - 2. Other Breaks:
 - a. Aside from lunch periods, the OCJB does not authorize other work breaks. Further, Federal, State, and local laws do not mandate other break periods.
 - D. All OCJB employees must document and verify all actual work hours, to include any leave used during the month, via an employee timesheet.
 - 1. Failure to comply with this rule may delay processing of an employee's monthly paycheck.
 - 2. Falsification of hours worked or leave used will result in disciplinary action up to and including immediate termination.

3. All OCJB employees are to sign their timesheets, creating an official document, and the official record of an employee's time. Before signing, the employee should verify the accuracy of hours worked each day. If the timesheet is not correct, the employee should not sign or mark the timesheet, and should notify their supervisor immediately of the discrepancies.
 4. Supervisors are to ensure that employees are given a reasonable amount of time to review and confirm their individual timesheets prior to signing them.
 5. Supervisors are also required to sign employees' timesheets to verify accuracy.
 6. Copies of monthly timesheets shall be kept in each supervisor's office. It is the responsibility of the employee to verify that all leave is recorded on the timesheet.
- E. Compensatory Time:
1. In accordance with the FLSA, the OCJB shall compensate employees who work overtime hours with compensatory time in place of monetary overtime payments. The work periods for calculating the accrual of comp time are different from the monthly pay periods. In situations where employees are not physically working a full workday during the work period, this leave will be used to reach the full number of hours for the work period. Compensatory time will not begin to accrue until a full number of hours for the work period is reached.
 2. Employees must have prior approval from their supervisors to work in excess of their regular number of work hours per work period (overtime) and earn compensatory time; however, employees will earn comp time for hours worked outside of their regular schedule, approved or not, if the supervisor knew, or reasonably should have known about the overtime work performed.
 - a. Employees shall always consult with their supervisors and obtain prior approval in regards to working hours in excess of the regular number of work hours.
 - b. Unapproved overtime hours may result in disciplinary actions, up to and including termination.
 3. All full-time OCJB employees are eligible to receive compensatory time for hours worked in excess of their regular number of working hours.
 - a. First responders (See Chart A) earn compensatory time for hours worked in excess of forty-three (43) hours in the seven (7) day cycle.
 - i. Compensatory time is earned as straight time for the hours worked between forty (40) and forty-three (43) hours.
 - ii. Compensatory time is earned at the premium rate of one and one-half times the hours worked over forty-three (43) hours.

- b. All other nonexempt employees (See Chart A) earn compensatory time at the rate of one and one-half times the hours worked over forty (40) during the normal workweek.
 - c. Exempt employees (See Chart A) earn compensatory time as straight time for hours worked over forty (40) during the normal workweek.
4. All employees accrue compensatory time based upon the number of hours physically worked during the work period. Occasional periods when no work is actually performed (due to vacation, holiday, medical leave, or other paid leave) are not factored into the calculation for accrual of compensatory time.
- a. Paid leave (vacation, holiday, medical, etc.) is factored in the calculation of paid time during the work period (e.g., 8 hours paid leave, plus 32 hours actually worked, equals 40 paid hours for the workweek).
 - b. In the event that paid leave occurs during the work period, compensatory time is accrued at the rate of straight time for hours worked in excess of the amount of regular paid hours up until the amount of hours physically worked exceeds the amount of regular work hours.
5. The maximum amount of compensatory time that may be accrued by first responder employees is 480 hours (not more than 320 hours of actual overtime hours worked) and the maximum amount that may be accrued by all other employees is 240 hours (not more than 160 hours of actual overtime hours).
- a. The HR Administrative Assistant will track compensatory time accruals and will advise supervisors when employees approach the limits.
 - b. Employees may be sent home early, using accrued compensatory time, to reduce accrued hours and avoid accruing hours in excess of the legal limits.
- F. Compensatory Time Accrual Forms:
- 1. When an employee works in excess of the normal work hours, the employee and/or his/her supervisor shall complete the "Compensatory Time Accrual Form" prior to leaving the facility that day.
 - 2. Employees or supervisors shall document the reason for working additional hours, note the actual time of the additional hours worked, and calculate the total extra hours worked. Employees will sign and submit the form to their supervisor; supervisors completing the form for the employee may sign in place of the employee.
 - 3. Once approved, supervisors shall sign the forms, issue the pink copy to the employee and maintain the yellow copy. The white copies shall be submitted to the HR Administrative Assistant on a daily basis.
 - 4. The HR Administrative Assistant enters compensatory accruals daily, makes any corrections to the compensation accrual as requested in

writing by the Department Head, and inputs the information for first responder employees into the timekeeping system within seven (7) days of the end of each seven-day work period.

5. For first responders, once the compensation accrual and the amount of leave taken during the seven-day period is entered into the timekeeping system, the HR Administrative Assistant produces a report that shows the number of comp hours each employee has on record.

G. Holiday Compensatory Time (H Comp):

1. With the exception of OCJDC employees, all employees are given paid time off for posted County holidays. OCJDC employees who work the holiday, or have a regularly scheduled day off on the day of the holiday, shall receive holiday comp time (H Comp).
2. At the discretion of the Director, certain OCJDC positions are not required to work on holidays and shall use their H Comp on those holidays. These positions may include, but are not limited to, the support-role full-time employees whose regular schedules are not Monday through Friday (e.g., Youth Guidance Specialists and Volunteer/Physical Education Coordinator). These employees will receive H Comp for holidays that fall on their regular days off.
3. H Comp should be taken prior to using Annual Leave.
4. The HR Administrative Assistant enters the H Comp by the first working day following the holiday.

H. Use of Compensatory Time:

1. Employees may not request to use compensatory time before it has been accrued.
2. Employees are normally permitted to use compensatory time on the date requested unless doing so would unduly disrupt the operations of the OCJB. A first responder who has accrued compensatory time should use compensatory time prior to using H Comp time or annual leave. The supervisor is responsible for approving time off to ensure that it does not cause any problems with scheduling, facility security, resident health or safety, building maintenance, etc.
3. A supervisor may adjust work schedules or send a first responder employee home early, to prevent them from working over forty-three (43) hours during the seven (7) day work period. The supervisor is responsible for ensuring that staffing needs are met and that employee's duties are completed prior to sending them home.
4. Compensatory time must be used within six (6) months of the accrual date.

I. Reports:

1. By the fifth day of each month, the HR Administrative Assistant shall print a timesheet record for each employee.
2. The summary portion of the report gives information stating:
 - a. The number of hours worked;
 - b. The number of hours of leave taken;

- c. The number of compensatory hours used during the work period; and
 - d. The number of compensatory hours earned during the work period.
3. For payroll purposes, timesheets for the previous month are sent to the OCJDC for immediate corrections by the fifth day of each month. Once corrected, the timesheets will be reprinted for redistribution. The supervisors shall ensure that they are distributed to employees and that employees have sufficient time to review and sign them, stating that they are correct. Supervisors have until the tenth day of each month to collect signed timesheets and return them to the HR Administrative Assistant.
- J. Employee Leave Accumulation and Use:
- 1. Annual and sick leave are accumulated on the last day of any given month and available for use on the first day of the following month.
 - 2. New employees' first accrual of annual and sick leave occurs at the end of the month in which they began employment. This leave is prorated if they did not begin on the first business day of the month.
 - 3. Upon termination of employment, employees must have worked a full month to receive annual leave for that month.
 - 4. To receive the full accrual rate, employees must receive full pay for the month (through hours worked and/or paid leave). Accrual rates will be prorated for periods of unpaid leave.
 - 5. Employee leave balances will transfer with the employee to another department within Oklahoma County.
 - 6. In order to keep an accurate count of the number of hours physically worked during each work period, employees must submit leave forms prior to using leave, or, in the case of medical leave, the supervisor must fill out and submit the form.
 - 7. Temporary or part-time employees are not entitled to leave.
- K. Annual Leave:
- 1. Employees with less than five (5) years cumulative service will earn ten (10) hours of annual leave per month.
 - 2. Employees with more than five (5) years and less than ten (10) years cumulative service will earn twelve (12) hours of annual leave per month.
 - 3. Employees with more than ten (10) years and less than twenty (20) years cumulative service will earn thirteen and one-third (13.33) hours of annual leave per month.
 - 4. Employees with more than twenty (20) years cumulative service will earn sixteen and two-thirds (16.67) hours of annual leave per month.
 - 5. Employees who are terminated or resign from their job will be paid for any unused annual leave accumulated to their credit, up to the maximum accrual limit.
 - 6. Unused annual leave may be accrued up to a maximum of:
 - a. Two-hundred forty (240) hours for employees with less than five (5) years of service.

- b. Four-hundred eighty (480) hours for employees with five (5) or more years of service.
 7. Annual leave in excess of established limits will be forfeited if not used by the end of the fiscal year (June 30).
 8. Annual leave shall not accrue to any employee on unpaid leave of absence (e.g., leave without pay, administrative leave, layoff, etc.).
 9. Annual leave shall not be taken before it is accrued.
 10. Annual leave must be requested by the employee and may only be used when approved by the Department Head or designee, who will ensure that the leave will not interfere with efficient OCJB operation.
 11. Periods of other paid leave during a vacation will not be charged against an employee's annual leave accrued balance (i.e., holidays or building closures that occur).
 12. Accrued, but unused, annual leave will not be used to extend the employee's date of termination or resignation. The date of termination will be the last date the employee was actively at work.
- L. Sick Leave:
1. Sick leave is paid leave granted to an employee who is incapacitated from the performance of duties by illness, injury, pregnancy, contagious disease, and for medical, surgical, dental, and optical examinations or treatment. Sick leave is also granted to an employee for illness of an immediate family member.
 2. All full-time employees shall accrue ten (10) hours of sick leave per month, with no accumulation limit.
 3. A total not exceeding one hundred thirty (130) days may be added to employee's service time for retiring credit. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of determining service credit. In determining the number of years of service credit, counted toward retirement eligibility, a fractional year of less than six (6) months shall equal zero (0) years and six months or more shall be equal one (1) year. Accrued but unused sick leave at employment termination may be used to achieve retirement eligibility, but shall not be used to extend the date of termination/resignation or be considered for vesting purposes. The date of termination will be the last date the employee was physically at work.
 4. Sick leave shall not be taken in advance of accrual and shall not be used in place of annual leave.
 5. Periods of other paid leave during sick leave will not be charged against an employee's sick leave accrued balance (i.e., holidays or building closures that occur).
 6. The supervisor may, at his/her discretion, require an original physician's statement and/or release, when an employee has been absent due to illness.

7. In case of absence due to illness or injury, for which Workers' Compensation benefits are received, refer to Workers' Compensation Leave, III. X., of this policy.
8. Employees undergoing elective surgery must notify their supervisor of the pending surgery. The supervisor shall work with the employee to schedule necessary time off to meet the needs of the employee and the OCJB.
9. If an employee becomes sick while on annual leave, proof of illness may be required in order to substitute sick leave for annual leave taken.
10. Abuse of sick leave shall be grounds for disciplinary action, up to and including termination.
11. Sick leave shall not accrue to any employee on unpaid leave of absence (e.g., leave without pay, administrative leave, layoff, etc.).

M. Shared Leave:

1. Employees may donate annual leave, sick leave, or compensatory time to another employee with the following conditions:
 - a. The recipient has exhausted, or will exhaust, all accrued forms of leave with pay due to illness, injury, or physical or mental condition, which is of extraordinary or severe nature that is considered a qualifying Family Medical Leave Act (FMLA) event.
 - b. The condition has caused, or is likely to cause, the employee to go on leave without pay, or terminate employment.
 - c. The supervisors of both parties and the Director approve the donation of shared leave.
 - d. The recipient is a full-time employee and has at least twelve (12) months of service.
2. No employee shall pressure or coerce an employee to donate leave.
3. Employees may donate any amount of hours as long as their combined number of annual and sick leave does not drop below eighty (80) as a result of their donation.
4. The maximum number of shared leave hours an employee may receive during their employment with Oklahoma County is the equivalent of two-hundred sixty-one (261) days.
5. Verification of qualifying event is required before donation requests are approved.
6. Unused shared leave will be proportionately returned to the donors.
7. The receiving employee shall be paid his or her regular rate of pay. Therefore, one hour of shared leave may cover more or less than one hour of the salary of the recipient. The calculation of the leave value of the recipient shall be in accordance with Oklahoma County policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received shall be designated as shared leave and be maintained separately from all other leave balances.

8. The employees and supervisors shall complete the shared leave form and submit the form to the Director through the HR Department.
 9. If the Director approves the donation, the HR Department will prepare and distribute memos to all parties involved in the donation.
- N. Holiday Leave:
2. County employees shall be entitled to paid holidays in accordance with 19 O.S. § 350, as posted by the Board of County Commissioners each year.
- O. Paid Personal Leave (PPL):
1. PPL is used for full-time employees who are eligible to be absent from work with pay instead of using annual leave, sick leave, or holidays.
 2. PPL will be granted when the County shuts down buildings through declared formal closings, late openings, or early closings due to emergency evacuation, severe weather conditions, or unsafe condition of County buildings.
 3. Employees who, out of necessity, work during these closures will receive compensatory time.
 4. Annual and/or sick leave will not be charged to employees during PPL.
- P. Disaster Leave:
1. The Director may grant leave with pay, not to exceed fifteen (15) working days, to an employee who is affected by a Presidential Declared National Disaster in Oklahoma County.
- Q. Jury Service and Governmental Witness Time:
1. Employees required by due process of law to render jury service or provide testimony in Federal, State, or municipal court shall receive their regular rate of pay for time spent in absence from work, and not be charged any leave time. The supervisor may require documentation.
- R. Bereavement Leave:
1. Employees shall be granted time off with pay, not to exceed three (3) scheduled working days, to attend the funeral in the event of the death of the employee's parent, child, spouse, sibling, grandparent, grandchild, great-grandparent, great-grandchild, uncle, aunt, nephew, or niece. Time off after three (3) days will be considered annual leave.
 2. At the discretion of the Director, employees may be granted leave with pay to attend the funeral of other relatives or friends.
 3. Employees may be required to provide verification of funeral attendance, such as providing a program from the memorial service to their supervisor.
- S. Election Time Leave:
1. The Director encourages all OCJB employees to exercise their right to vote and participate in elections and ballot initiatives/public referendums.
 2. If an employee's regular workday begins three hours or more after the polls open or if the regular workday ends three or more hours prior to the polls closing, the employee is expected to vote before or after work.

3. If the workday does not meet the parameters set above, an employee may be granted up to two (2) hours of paid leave in which to vote, so long as they notify their supervisor orally or in writing, at least one day prior to the election.
- T. Training/Education Leave:
1. With prior authorization from the Director, employees may be granted leave with pay for attendance at conferences, seminars, or short courses of instruction designed to advance the technical and/or professional skills related to the employee's job responsibilities. **(3-JDF-1D-14) (2-7058)**
 2. Any employee that requests to attend training outside of the OCJB and/or training that requires spending the night in another city/state, must receive the Director's approval. All requests shall be submitted through the chain of command and coordinated by the Training Manager.
 3. Employees are accountable for the completion of a full shift of work, unless authorized by their supervisor to make up the difference by the use of personal leave (compensatory time and/or annual leave). Supervisors shall authorize an appropriate amount of work time for travel to/from the site of any approved off-site business and/or training event.
- U. Administrative Leave:
1. In situations not covered by other types of leave, administrative leave may be granted. These situations include, but are not limited to:
 - a. Cooling off periods to diffuse potentially violent occurrence.
 - b. Corrective disciplinary actions.
 - c. Investigations by Internal Affairs.
 2. Granting of Administrative Leave is at the discretion of the Director.
 3. Administrative Leave may be paid or unpaid.
- V. Military Leave:
1. Full-time employees who are members of any military reserve component will be granted military leave for such time as they are in the military service on field training or active duty for periods not to exceed an accumulation of five (5) years while working for an Elected Official.
 2. In order to be eligible for Military Leave, the employee must:
 - a. Have completed one year of full-time employment;
 - b. Provide their supervisor with advance written or verbal notice of their leave;
 - c. Return to work or apply for reemployment in a timely manner, after the conclusion of service; and
 - d. Have not been separated from service with a disqualifying discharge or under other than honorable conditions.
 2. During the first thirty (30) working days for employees in any federal fiscal year (October 1-September 30), employees will continue to receive their regular rate of pay for such military leave of absence.
 3. Military leave shall be supported with copies of the armed forces orders and may not be used for weekend drills, per 72 O.S. § 48.

W. Leave of Absence Without Pay (LWOP):

1. LWOP, not to exceed six (6) months, may be granted when approved by the Director.
2. County insurance coverage may be carried during leave of absence so long as the employee pays the monthly premium to the County Clerk's Benefits and Payroll office by the first day of each month during such leave. Failure to make premium payments will result in the termination of health insurance coverage.
 - a. If an employee terminates coverage and then later returns, he/she must provide evidence of insurability. If approved, health insurance will become effective the first day of the month following approval.
3. If an employee desires to continue retirement benefits, they must pay the County Clerk's Benefits and Payroll office an amount set by the Retirement Board. The employee must pay this amount by the first of each month during such leave.
4. While on LWOP, the employee does not accrue service credit time toward retirement, sick leave, or annual leave.

X. Worker's Compensation:

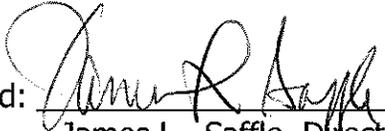
1. An employee who sustains illness or injury arising out of or in the course of employment with Oklahoma County shall be provided with reasonable and necessary medical care.
2. Such absences from the job shall not be charged against an employee's sick or annual leave. However, it will count toward the twelve (12) weeks of FMLA.
3. Per County policy, sick leave and annual leave do not accrue for an employee while they are on Workers' Compensation Leave.
4. Temporary or part-time employees and volunteers are generally not covered, unless specifically addressed by the Workers' Compensation Act.
5. An employee who is absent from work due to an on the job injury shall obtain a written release from their physician prior to returning to work. The written release must be completed and signed by the treating physician. If the employee is released to return to work, but has medical restrictions, the release to work should be specific in identifying physical limitations the employee may have, and stipulate whether the medical release is to full duty or duty with limitations. The employee shall provide the medical release to their supervisor prior to assuming their duties.
6. The OCJB shall continue to maintain health, dental, vision, and life insurance coverage for employees on Workers' Compensation Leave, as long as they were covered prior to such leave. During this period, employees are required to continue to pay any premium that they were paying prior to Workers' Compensation Leave. The employee must pay this premium by the first of each month.

7. **Workers' Compensation Fraud:** A person is guilty of Workers' Compensation Fraud who alters, falsifies, forges, distorts, counterfeits or otherwise changes any material statement, form, document, contract, application, certificate or other writing with the intent to defraud, deceive or mislead another. Any person convicted of Workers' Compensation Fraud is subject to punishment by imprisonment and/or fine.
- Y. **Abuse of Leave:**
1. The abuse of any category of leave by an employee, or the failure to provide documentation when requested, shall be cause for disciplinary action up to and including termination.
- Z. **Family and Medical Leave Act (FMLA):**
1. FMLA allows full-time OCJB employees to take up to twelve (12) weeks off for the serious illness of the individual employee, to take care of a sick spouse (in a traditional, same-sex, or common law relationship), child, stepchild, parent, or stepparent, or for bonding time related to the birth, adoption, or foster care placement of a child. FMLA also covers any qualifying exigency arising out of the fact that a family member is a covered military member on active duty or called to active duty status.
 2. To be eligible for FMLA coverage, employees must have been employed by Oklahoma County for a cumulative total of at least twelve (12) months. This employment does not have to be a consecutive time period as long as any breaks in service did not exceed seven (7) years, unless otherwise specified by law. Employees must also have a minimum of 1,250 hours of service during the twelve (12) month period immediately preceding leave.
 3. FMLA provides employees with extended, unpaid leave up to twelve (12) weeks during a twelve (12) month period, which begins the first day the leave is taken, or for a covered service member, twenty-six (26) weeks of Military Caregiver Leave during a twelve (12) month period, when combined with other FMLA qualifying leave. Leave may be taken as continuous leave, intermittent leave, or reduced schedule leave. Intermittent leave may be taken only if medically necessary, and should be scheduled as diligently as possible to meet the needs of the OCJB. Reduced schedule leave will be allowed if it is medically necessary to reduce the employee's usual number of working hours per week or per work day, and the employee may be given an alternative position to accommodate a reduced schedule, including transfer to part-time with the same hourly pay rate of pay and benefits.
 4. **Reasons for FMLA Leave:**
 - a. The birth, adoption or placement (for foster care) of a child, and to care for said child (if both spouses work for Oklahoma County, both together get only twelve (12) weeks combined);
 - b. Care for the employee's spouse, child, or parent who has a serious health condition;

- c. The employee has a serious health condition that makes that employee unable to perform their job. The serious health condition of an employee includes those situations in which an individual is unable to perform any work or is unable to perform any of the essential functions of their position; or
 - d. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty, or to care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the service member.
5. When the necessity of leave is foreseeable (e.g., anticipated treatment or surgery), employees must provide the OCJB with a thirty (30) day advance notice. If a thirty (30) day notice is not feasible (e.g., change of condition, emergency), then the employee shall give the OCJB as much notice as possible, preferably within one or two days of learning of the need for leave. Notice should include anticipated time and duration of leave.
 6. For scheduled medical treatment, employees should consult with their Department Head/designee to make a reasonable effort to schedule leave, so OCJB operations can make the necessary adjustments to cover their absence. OCJB may deny/delay FMLA leave for up to thirty (30) days, if an employee fails to give advance notice of foreseeable leave, and does not have a reasonable excuse for the delay of notice.
 7. All employees taking FMLA leave must use accrued paid leave (e.g., annual, sick, and shared leave).
 8. Employees on FMLA leave will not lose accrued benefits or seniority, but shall not accrue benefits or tenure during unpaid leave. Retirement benefits will be paid by the County while an employee is using annual, sick or shared leave. However, retirement benefits shall not be paid by the County during any unpaid FMLA leave, and must be paid by the employee, if they wish to continue their benefits.
 9. Oklahoma County will maintain health insurance coverage for employees on FMLA Leave who were covered prior to going on FMLA leave; however, an employee is required to continue to pay their regular portion of the health care premium. Failure to make premium payments will result in termination of health insurance coverage.
 - a. Once an employee returns from FMLA leave, they will be reinstated to health insurance coverage without penalties or qualifications requirements. Any claims incurred during that period between termination and reinstatement of coverage will not be paid. Insurance coverage or cost may change during an employee's FMLA leave, but only if this change applies to all employees.
 10. Medical Certification of an Employee's Serious Health Condition:

- a. An employee must submit a complete certification signed by their physician describing the date of onset of the health condition, diagnoses, treatment, and whether hospitalization is required.
 - b. Certification must also state whether the employee is unable to perform any work or is unable to perform the essential functions of the employee's position.
 - c. In the case of intermittent leave or reduced schedule leave, the medical certification should describe the treatment regimen.
 - d. If Oklahoma County has reason to doubt the validity of the medical certification, a second opinion from another physician may be requested, which shall occur at the expense of Oklahoma County. Although the County may designate the second physician, the County cannot employ the provider on a regular basis. If the opinions of the employee and the County's physician are different, the County may require certification from a third physician at the County's expense. The third opinion is final and binding. The County and the employee should select the third physician jointly.
 - e. In the course of FMLA leave, Oklahoma County may require recertification at reasonable intervals, not exceeding one (1) inquiry every thirty (30) days, unless the employee seeks an extension of leave, the medical condition changes, or the County receives information casting doubt on the validity of the certification.
11. Returning to Work from FMLA Leave:
- a. If FMLA leave would result in substantial and grievous economic injury to the OCJB, the OCJB can deny job restoration to a key employee. The individual employee will be so informed either prior to commencement of the leave, or as soon as the determination is made, and the employee will be given an opportunity to return to work.
 - b. Unless qualified as a key employee, an employee returning from FMLA leave is entitled to return to the same or equivalent position, pay, benefits, and other terms and conditions of employment.
 - c. Employees on FMLA leave will report to their supervisor as to their anticipated or scheduled return to work. While on FMLA leave, the employee and/or supervisor will ensure that a personnel leave form is completed for payroll purposes.
 - d. Employees on FMLA leave have no greater rights to reinstatement than they would have if they had never taken leave (e.g., general layoff, reduction in force, end of project, etc.).
 - e. If Oklahoma County receives unequivocal notice from the employee that they do not intend to return to work, Oklahoma County's obligations under the FMLA to maintain health insurance benefits from employment cease (triggering Consolidated Omnibus Budget Reconciliation Act (COBRA) requirement).

- f. FMLA does not counteract any provisions of the Oklahoma Workers' Compensation Act or Retaliatory Discharge Statutes.
- g. The OCJB may require employees to present certification from their health care provider proving they are able to return to work. The OCJB may deny job restoration until certification is provided.

Approved:  _____ 12/22/15
James L. Saffle, Director Date

Attachment: Attachment A, List of Exempt, Non-exempt, and First Responders

List of Exempt, Non-exempt, and First Responder Positions

<u>Exempt</u>	<u>Non-exempt</u>	<u>First Responders*</u>
Director	Purchasing Clerk	Detention Officer Cadet
Director's Secretary/Janitorial Supervisor	Programs/Interns/Volunteer Coordinator	Detention Officer I
Facility Administrator (FA)	Human Resources Assistant	Detention Officer II
Assistant FA– Operations	Administrative Assistant	Detention Shift Supervisor I
Assistant FA –Administration	Executive Assistant	Detention Shift Supervisor II
Head Nurse (RN)	Clerk Typist III	Probation Officer I
Food Services Manager	Journeyman HVAC	Senior Probation Officer I
Chief of Court Services	Journeyman Electrician	Probation Officer II
Intake/Diversion Services Manager	Full-time Custodian	Probation Officer III
Business Manager	Maintenance Worker	IA Investigator Supervisor
Human Resources Manager	Laundry Worker	Internal Affairs Investigator
ACA/Policy/Records Manager	Mental Health Supervisor	Intake/Diversion Officer I
	Youth Guidance Specialist	Sr. Intake/Diversion Officer I
	Vol/Phys Ed Supervisor	Intake/Diversion Officer II
	Part-Time Counselor	Intake/Diversion Officer III
	Lead Culinary Arts Specialist	
	Culinary Arts Specialist	
	Nurse (LPN)	

***First responders are classified by the FLSA as nonexempt employees.**