



HCM 18-09

To: All Appointing Authorities

From: Dana Webb, OMES Administrator

Re: Shared Leave

This communication is provided to offer information and guidance to state agencies concerning Senate Bill 1581, introduced during the 2018 legislative session and signed into law on May 3, 2018. For your convenience, following is a link to that enrolled legislation:

http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENR/SB/SB1581%20ENR.PDF

Senate Bill 1581 updates the existing shared leave program.

What's New?

1. Agencies are now required to accept leave from other state agencies. However, an employee must first exhaust all available leave options within his or her own agency before receiving leave from an outside agency.
2. The new law creates a Leave of Last Resort Bank. In the event a qualifying employee is unable to secure shared leave from employees within his or her employing entity or within a different entity, an employee may request leave from the Leave of Last Resort Bank.
 - The bank will be administered by OMES.
 - The Leave of Last Resort Bank shall be funded by voluntary donations of annual and sick leave from employees retiring from or leaving state service.
 - Upon retirement or the final day of state service, an employee shall elect, in writing, whether any of his or her annual or sick leave shall be deposited into the Leave of Last Resort Bank.
3. In the past employees could only donate the amount of leave that they could actually use. The new law allows employees who are retiring or leaving state service to donate all excess leave to the Leave of Last Resort Bank.
4. Before donating all or a portion of their leave, the retiring employee or employee leaving state government must affirm in writing his or her understanding of the following:
 - he or she will receive no monetary compensation for the donation of annual or sick leave, the employee understands any sick leave donations given to the Leave of Last Resort Bank cannot be applied as a possible credit for years of service under the employee's respective retirement system or reinstated if they are reemployed with the state, and the employee affirms that such donation is given voluntarily.
5. OMES will designate an employee to serve as the shared leave liaison. If a qualifying employee is unable to obtain the necessary number of donated leave hours from his or her employing entity, he or she may contact the shared leave liaison. The shared leave liaison will also have the following responsibilities:

- To inform all state agencies of the of the shared leave law.
- To inform all state employees of the rights afforded under the shared leave law.
- To ensure an employee requesting shared leave from other state entities meets the above criteria set forth in the new shared leave law.
- To coordinate outreach efforts within the employing agency and to other state entities to obtain all necessary hours of shared leave for the employee.
- To ensure an employee has exhausted all sources of shared leave both within his or her employing entity and other state entities before requesting leave from the Leave of Last Resort Bank.
- To coordinate leave requested from the Leave of Last Resort Bank.

What's the Same?

1. Eligibility for Shared Leave has not changed.
2. Unless an employee is retiring or leaving state service they may not donate an amount that would cause their annual and sick leave balances to fall below eighty (80) hours each.
3. The chief administrative officer over the employee still determines the amount of donated leave an employee may receive and may authorize an employee to use up to a maximum of two hundred sixty-one days of donated leave during total state employment.
4. 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 amount as set out in this subsection, the chief administrative officer over the employee may still approve additional donated leave upon written request of the employee.
5. The chief administrative officer over the employee shall still require the employee to submit, prior to approval or disapproval of shared leave pursuant to FMLA rules, 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.

How to Donate/Request Shared Leave

Please find the forms to request/donate shared leave and the form to donate to the leave of last resort bank on the OMES Leave Sharing Registry webpage.

<http://omes.ok.gov/services/employee-benefits/leave-sharing-registry>

If you have excess annual or sick leave and are interested in donating to an employee within another agency please reach out to your human resources department or agency designee or your class/comp liaison and let them know.

If you are interested in receiving an email when an employee needs donated leave please follow this link and subscribe.


https://public.govdelivery.com/accounts/OKOMES/subscriber/new?topic_id=OKOMES_555


Contact Information


Please take a moment to provide the contact information for the employees who handle shared leave within your agency to Rena Bigby, Director of Classification and Compensation and OMES shared leave liaison.

Any questions, thoughts, or comments regarding this memorandum may be directed to your class/comp liaison. If you aren't sure who your liaison is please reach out to one of the following class/comp team members:

[Rena Bigby](#), 405-522-6109 

[Deanna Ferron](#), 405-522-2490 

[LaCree Austin](#), 405-521-6337 

[Jevon Doolin](#), 405-521-6315 

[Nicklas Garner](#), 405-522-6907 