



**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES**

POLICY NO.

501.002
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5/25/04

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TITLE:

DEPARTMENT-DIRECTED LEAVE

APPROVED:

Kathleen N. A. Watanabe, Director

I. POLICY

Department heads may be granted permission by the director of human resources development to place employees on a paid department-directed leave in emergency or extraordinary circumstances, and which are not covered by other leaves available in collective bargaining agreements, executive orders, or other policies and procedures.

II. RATIONALE

Department heads should have flexibility in removing employees who are deemed disruptive to normal operations or who are otherwise inappropriate to report to the worksite.

III. DEFINITIONS

“Department-directed leave” means paid leave of absence of a specified duration as authorized by the director.

“Director” means the director of the department of human resources development or his/her designee.

IV. SCOPE

This policy and procedures apply to all department heads in the executive branch, including the superintendent of education, the president of the University of Hawai'i, and the chief executive officer of the Hawai'i Health Systems Corporation, as it relates to the disposition of civil service employees under their authority and control.

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V. GENERAL PROVISIONS

A. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT ("HRD")

1. The director is authorized by the governor to permit department heads to place an employee on department-directed leave on a case-by-case basis.
2. A department-directed leave shall be permitted only in limited circumstances when the employee's presence at the worksite may be disruptive to normal operations and detrimental to the State, and the health and safety of the employee, other employees, or the general public.

B. LEAVE CREDITS

In the event an employee is placed on department-directed leave, the employee shall earn the usual and customary vacation and sick leave credits as if he/she had worked during the subject period.

VI. PROCEDURE

A. REQUESTS FOR DEPARTMENT-DIRECTED LEAVE

1. When a department head determines that it is in the best interest of the department to place an employee on a department-directed leave, the department head or designee shall submit a written request to the director which includes, but is not limited to the following:
 - a. Name and position title of employee;
 - b. Description of worksite;
 - c. Factual circumstances justifying removal or preclusion from the worksite, including statements of witnesses;
 - d. Relevant medical evidence, if any;
 - e. Relevant history of similar behavior, if any;
 - f. Relevant disciplinary action taken, if any;

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- g. Relevant non-work related information, if any;
- h. Analysis of other types of leaves, if any, available to the employee;
- i. Any other relevant factual information; and
- j. Proposed plan of action for concluding the department-directed leave.

See Attachment A, Form DDL, Request for Approval for Department-Directed Leave

- 2. The department head or designee shall immediately contact the director for approval of the leave:
 - a. Telephone: Director - (808) 587-1100
Deputy Director – (808) 587-1110
 - b. Facsimile: (808) 587-1106
- 3. In the event a department head or designee is unable to contact the director to secure approval for department-directed leave (e.g., after-hours or weekends for 24-hour operations), the department head or designee shall use his/her best judgment in determining whether to remove the employee from the worksite, including utilizing police or other assistance, if necessary, and authorizing paid leave status. As soon as practicable but no later than the first usual working day thereafter, the department head or designee shall comply with the procedures outlined above in paragraphs 1 and 2.
- 4. In the event the department head or designee places an employee on paid leave status during an emergency situation that occurs after-hours or during a weekend for 24-hour operations, and the director subsequently determines that further paid leave under this policy is inappropriate, the department head or designee shall immediately notify the affected employee.
- 5. The granting of paid leave that is previously authorized by the department head or designee that occurs after-hours or during a weekend for 24-hour operations shall be honored.

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B. POST-APPROVAL

1. Notice to Affected Employee

The department head shall immediately notify the employee in writing of the following:

- a. Starting and ending dates of the department-directed leave;
- b. Reasons for placing the employee on department-directed leave;
- c. Clear instructions that the employee is not to return to the worksite until after the end date of the leave period;
- d. Direction to relinquish all office keys and identification badges; and
- e. Identification of a departmental contact person in the event the employee has questions about his/her leave status.

2. Notice to Union

A copy of the notice placing the employee on department-directed leave shall be simultaneously sent to the employee's exclusive representative.

3. Written Summary for Leave Request

The department head shall immediately forward a written follow-up summary to the director, including all relevant information that was previously discussed. See Attachment A, Form DDL, *Request for Approval for Department-Directed Leave*

4. Recording the Department-Directed Leave

Complete Form DDL, *Request for Approval for Department-Directed Leave* and transmit by facsimile to the HRD Director for approval, at facsimile number (808) 587-1106.

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- a. A copy of Form DDL, *Request for Approval for Department-Directed Leave* and any attachment(s) shall be filed separate and apart from the employee's official personnel folder (OPF). All information on department-directed leave shall be maintained and stored in a secure manner in accordance with procedures established by each departmental custodian of records.
- b. To record this paid department-directed leave on the *Attendance and Leave Record*, State DHRD Form 7), enter "DDL" to indicate the type of leave granted.
- c. The department head (or designee) shall complete Form DDL, *Request for Approval for Department-Directed Leave*, and fax the form and attachments to the HRD Director for approval. Submit Form DDL no later than the first work day following the department director's recommended approval of the paid leave.
- d. If circumstances are such that the employee must be placed on leave prior to receiving the HRD Director's approval, the completed Form DDL, *Request for Approval for Department-Directed Leave* shall be submitted to HRD no later than the first work day following the department director's recommended approval of the leave. For action in 24-hour operations, see *Part VI, A3, 4, and 5*.

C. PLAN FOR RESOLUTION

1. The department head or designee shall immediately implement the plan for concluding the department-directed leave as soon as practicable.
2. Department plans shall include timelines for completing the following:
 - a. Conducting further investigation of alleged improper, disruptive, or unsafe behavior by the employee, if appropriate;
 - b. Securing relevant medical or other opinions, as appropriate;

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- c. Final decision making on terminating the department-directed leave; and
 - d. Further actions, if necessary.
3. Upon formulation of their plans for resolution, department heads and their designees shall use their best effort to comply with all timelines and conclude the department-directed leave as soon as practicable.

D. REPORTS TO DIRECTOR

Upon request, department heads shall provide the director with all information necessary to assess the continued need, viability, and effectiveness of the department-directed leave policy.

VII. AUTHORITIES AND REFERENCES

Administrative Directive No. 03-01, Re: Administrative Time Off for Department-Directed Leaves, October 2, 2003

VIII. ATTACHMENTS

Attachment A: Form DDL, *Request for Approval for Department-Directed Leave*