



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
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December 31, 1997

TO: Departmental Personnel Officers

FROM: James H. Takushi, Director
Department of Human Resources Development

A handwritten signature in black ink, appearing to read "James H. Takushi", written over the printed name in the "FROM" field.

SUBJECT: Leaves Immediately After An Authorized Leave Without Pay

Civil service bargaining unit agreements and Personnel Rule 14-6-1(c) state that "A leave of absence without pay shall end upon the day before the first working day that an employee properly reports for duty, and an employee shall be entitled to receive compensation as of the first work day the employee properly reports for duty."

Currently, the phrase "properly reports for duty" is interpreted to mean physically returns to work so employees are not being allowed to take paid leaves without physically reporting to work first. After reviewing various interpretations and actual applications of the rule and bargaining unit agreement language, we have determined that the existing interpretation should be amended for the following reasons:

1. "Properly reports for duty" does not necessarily mean physically return to work.
 - Under the current interpretation, an employee could be allowed to take paid leave if the employee physically reports to work for even a minimal amount of time (e.g. fifteen minutes).
 - Under the current interpretation, if the employee does not physically report for duty, it is not clear whether the existing authorized LWOP automatically continues or whether a new LWOP must be approved so that the employee is not technically on unauthorized absence from work.
2. The LWOP has a specific ending date and as the individual in question is an ongoing employee, there is an expectation that the employee will properly report for duty on the first working day after the LWOP ends.

Departmental Personnel Officers

December 31, 1997

Page 2

3. Blanket denial of additional leave (paid or unpaid) does not address whether the requested leave is justified/appropriate.

Effective February 1, 1998, if an employee requests leave immediately following the expiration of an authorized LWOP, the employee may be placed on an appropriate leave. A specific effective date is being utilized so that there will be consistent application throughout the State executive branch and to make it clear that retroactive changes should not be made. This interpretation is not an invitation for employees to abuse their use of leaves and not for supervisors to automatically approve such requests. All leaves must still be requested by the employee and are subject to the applicable conditions, limitations and discretion provided for in applicable contract or personnel rule provisions.