
State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 17: Other Types of Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch. This rule does not apply to members of the Legislative Assembly.

(1) Leave requests.

(a) All requests for paid leave granted by an agency or office subject to this rule shall be submitted to Employee Services either via an approved electronic timekeeping application or in writing.

(b) Except as otherwise provided in rule or law, leave with pay ~~may be~~ granted at the discretion of the appointing authority or the employee's immediate supervisor.

(2) Administrative leave.

(a) Administrative leave is paid leave awarded by an appointing authority that is not classified as any other specific type of leave.

(b) The appointing authority may grant paid administrative leave to an employee who is ineligible for overtime compensation. The appointing authority may grant paid administrative leave to an employee who is eligible for overtime compensation provided ~~that the~~ leave is not in lieu of employee is paid payment for overtime ~~in addition to any administrative leave granted~~.

(c) Administrative leave must be used within one year after the date on which the leave is granted.

(d) Administrative leave is non-compensable. No cash payment in lieu of paid leave may be made for administrative leave.

(e) Use of administrative leave is subject to approval by the appointing authority and the employee's immediate supervisor.

(f) Employee Services shall maintain records of the amount of administrative leave granted and used.

(g) All awards of administrative leave must comply with pay equity laws. See LBPR 4, Compensation and Salary Administration for further guidance.

(3) Personal business leave.

(a) ~~Twenty four hours of p~~Personal business leave is awarded each fiscal year and is not cumulative from year to year or compensable in any form other than leave.

(b) Personal business leave is granted to eligible employees after completion of six months of employment in the Legislative Branch.

(c) An employee in a part-time status position is granted paid personal business leave on a prorated basis.

(d) Unused personal business leave is restored to employees who, within the same fiscal year, vacate and return and complete 1,040 hours of employment.

(e) Use of personal business leave is subject to approval by the employee's immediate

supervisor.

(f) Any unused personal business leave of an -employee who transfers from another branch of state government or within the Legislative bBranch shall also be transferred for use during the same fiscal year.

(4) Jury duty and witness leave.

(a) An employee who is summoned to jury duty on a day within the employee's regular work schedule shall receive normal pay for such service. The employee shall waive any~~the~~ juror fees, but may keep all mileage fees or any extraordinary expenses paid to the employee for jury duty or for appearing as a witness.

~~-normally paid.~~

(b) An employee who is subpoenaed to appear as a witness, other than as a party in the action, in a court or other forum on a day within the employee's regular work schedule shall receive normal pay for such service.

(c) An employee shall receive no additional compensation (i.e., overtime) for juror or witness service that extends beyond an employee's regular work schedule.

(d) An employee who is summoned to serve as a juror or who is subpoenaed to appear as a witness on the employee's regularly scheduled day off may not receive pay for that day, but may keep any juror or witness fees paid.

~~(e) An employee may keep all mileage fees and any authorized extraordinary expenses paid to the employee for jury duty or for appearing as a witness.~~

(5) Military leave. An employee's eligibility and entitlement ~~is entitled to for~~ leave during for military service ~~is~~ provided in ORS 408.240 through 408.290, ORS 659A.086 and under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4335 ("USERRA").

(6) Leave to address domestic violence, harassment, sexual assault or stalking.

(a) An eligible employee who is a victim of domestic violence, a victim of harassment, a victim of sexual assault as described in ORS 659A.270 to 659A.285 or a victim of stalking ~~may~~ shall be granted up to 160 hours leave with pay ~~up to 160 hours~~ in each calendar year. An employee must exhaust all other forms of paid leave before the employee is eligible to ~~may~~ use the paid leave established in this rule.

(b) An employee may use the 160 hours of employer-paid leave to seek legal or law enforcement assistance, to seek medical treatment, to assist a minor child in obtaining counseling, to obtain services from a victim services provider or to relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

(c) An employee seeking leave under this rule must give reasonable advance notice. In an unanticipated or emergency situation, oral or written notice must be provided as soon as is practicable.

(d) An employee may be required to provide documentation from an attorney, law enforcement officer, ~~or~~ health care professional, licensed mental health care professional or counselor, member of the clergy, victim services provider or a copy of a police report or protective order.

(7) Bereavement leave.

(a) At the request of the employee, an appointing authority shall grant up to 24 hours or the equivalent of three full days of scheduled work for paid bereavement leave after the death of a qualifying family member as defined by the federal Family and Medical Leave Act or Oregon Family Leave Act, a domestic partner as defined by Public Employees Benefit Board (PEBB) eligibility rules, a child or parent of the employee's domestic partner, as defined by PEBB eligibility rules, a sibling, a grandparent or a grandchild.

(b) At the discretion of the appointing authority, an employee may be granted up to 24 hours or the equivalent of three full days of scheduled work for paid bereavement leave after the death of any other relative, any in-law or any person residing in the same household as the employee. In determining the amount of time to grant, the appointing authority shall consider the need for travel time.

(c) With the prior approval of the appointing authority, accrued leave may be used to cover time spent beyond bereavement leave.

(d) In addition to the paid leave in subparagraph (a) of this subsection, An employee may also be eligible for two weeks of protected bereavement leave under the Oregon Family Leave Act. For more information and eligibility, sSee LBPR 15, Family and Medical Leave.

(8) Other statutorily provided leave with pay. The Legislative Branch shall grant all other leave with pay for which an employee is eligible under state or federal law.

(9) Leave without pay.

(a) An employee shall submit a written request desiring a to use leave ~~of absence~~ without pay ~~shall submit~~ to the employee's appointing authority ~~a written request for that leave~~. The request must specify the duration and purpose of the leave ~~and the purpose of the leave~~.

(b) Except as otherwise provided by a Legislative Branch Personnel Rule or law, any request for leave without pay must be submitted in advance of the leave, and approval or denial of the request is at the discretion of the appointing authority. Normally, leave without pay may not be granted until all other appropriate available paid leave has been exhausted.

(c) ~~Unless LBPR 4 (6) applies, t~~Time off reported on an employee's timesheet in excess of available paid leave will be charged to leave without pay by Employee Services.

(d) Vacation and sick leave accrual for an employee who worked less than a full calendar month in a pay period because of leave without pay is computed on a prorated basis using the number of available work hours, based on the employee's regular schedule, in that month.

(e) Effect on recognized service date. Except as otherwise provided by law, leave without pay in excess of 15 consecutive calendar days results in a permanent adjustment of the employee's recognized service date. An employee's recognized service date is adjusted by adding to it the number of calendar days absent without pay, thereby making the recognized service date later than it would have been if leave without pay had not been taken.

(f) Effect on introductory period. Leave without pay in excess of 15 consecutive calendar days may not be considered for fulfillment of an introductory period.

(g) Leave without pay totaling 11 or more working days in a calendar month may affect an employee's creditable service calculation under PERS. It is an employee's responsibility to contact PERS for ~~maintains~~ more detailed information.

(10) Leave during official building closure.

(a) Leave described under this subsection may be claimed only for periods of time during which Legislative Branch operations are officially curtailed or ~~facilities are officially~~ closed under LBPR 29.

(b) Employees who are unable to work due to an official curtailment or closure shall be granted leave with pay during the time of the curtailment or closure time. Employees who are otherwise on approved paid or unpaid leave during the official curtailment or closure shall ~~remain on code time based on the appropriate leave on leave~~. Overtime-eligible employees shall record time worked during an official curtailment or closure as regular hours ~~on their timesheets~~. For further assistance, refer to the Temporary Interruption of Employment Guide.

(c) Overtime-eligible essential employees ~~who are~~ required by the appointing authority to work during an official building closure shall record time worked as regular hours and shall accrue compensatory time ~~be provided administrative leave~~ at the rate of time and one half for each hour worked during the official building closure.

(d) When a hazardous condition does not result in official curtailment or building closure, but an employee does not wish to remain on site, the employee has the option of using available paid leave or leave without pay. Employees are ultimately responsible for their own safety decisions and no employee will be required to remain if the employee feels unsafe. An employee may be eligible to work from an alternate location with supervisory approval.

(11) **Family and medical leave.** An eligible employee may be absent for reasons that qualify under FMLA or OFLA. For details specific to eligibility and qualifying conditions, see in accordance with LBPR 15, Family and Medical Leave.

~~(12) **Operative date.** This rule becomes operative January 1, 2016.~~

Approved: ~~1-16-2016~~ DRAFT