



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure # 1.208

### Employee Leave

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4094	<b>Effective Date:</b> October 1, 2016 <b>Revision/Review History:</b> 06/15/15 05/01/14 05/01/13 02/15/12 05/17/10 12/01/06
<b>Cross Reference of Policy:</b>	<b>Summary of Revision/Review:</b> Updates existing policy pursuant to annual review.
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director	<b>Supersedes Existing Policy :</b>  9-21-16 Date

*This policy and procedure does not constitute an employment contract or a guarantee of continued employment. The Wyoming Department of Corrections reserves the right to change the provisions of these guidelines at any time. Nothing in this policy and procedure limits the Director's authority to establish or revise human resource policy. This policy and procedure is adopted to guide the internal operations of the Wyoming Department of Corrections and does not create any legally enforceable interest or limit the Director's or designee's authority to terminate any employee, in accordance with the State of Wyoming Personnel Rules.*

#### REFERENCE

1. ATTACHMENTS

- A. WDOC Form #144: Request for Leave Slip
- B. WDOC Form #145: Healthcare Provider's Certificate
- C. WDOC Form #184, Sick Leave Donation Authorization

2. OTHER

- A. State of Wyoming Personnel Rules, Department of Administration & Information, Human Resources Division (see specifically Chapter 10).



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## I. PURPOSE

- A. **Guidelines for Employee Leave.** WDOC recognizes the importance of employees' having the opportunity to be away from the demands of the workplace and attend to non-work matters. Leave contributes to an employee's ability to be productive and sustain the stress of the job. The purpose of this policy is to establish uniform set of guidelines and procedures regarding use of leave and compensatory time by Wyoming Department of Corrections' (WDOC) employees. These guidelines and procedures operate in conjunction with the appropriate state statutes and *State of Wyoming Personnel Rules*.

## II. POLICY

- A. **General Policy.** The State of Wyoming offers many opportunities for paid and unpaid leave. It is the policy of WDOC for employees to self-manage earned leave time and to facilitate the use of earned leave time, within the limits of staffing requirements and resources.
1. This policy and procedure appends the *State of Wyoming Personnel Rules*, Chapter 6 and defines WDOC-specific requirements concerning the use of leave.
  2. This policy and procedure also specifies the delegation of authority to Chief Executive Officers (CEOs) regarding approval and denial of leave/time off related requests.
- B. The purpose of paid leave is to ensure an employee receives their monthly base salary when not working their regular schedule due to personal reasons, illness, or injury. Paid leave should only be charged on days an employee is regularly scheduled to work. Paid leave is not intended to cover voluntary or mandatory shift assignments where the employee was asked to work additional hours but was unable to work the full requested shift for any reason.

## III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens/superintendents, regional managers, district



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managers/supervisors, adult community corrections coordinator, and adult community corrections directors.

- B. Healthcare Provider's Certificate:** *(For this policy only.)* Written documentation from a licensed healthcare provider that justifies an employee's absence from work as medically necessary or upon the recommendation of the healthcare provider. *(See WDOC Form #145.)*
- C. Immediate Family:** *(For this policy only.)* Spouse; children; stepchildren; parent; step-parent; sibling, step-sibling; half-sibling; grandmother; grandfather; parent in-law; sibling in-law; child in-law; step-grandparent; grandparent in-law or grandchild. Note: For use of Family and Medical Leave immediate family includes only the employee's spouse, child, or parent.

#### IV. PROCEDURE

- A. Annual Leave** *(also referred to as vacation leave)*
  - 1.** For planning and staff scheduling purposes, employees shall submit a request for leave to their immediate supervisor/CEO or designee, at least seven (7) days prior to the planned annual leave, whenever circumstances permit. Requests for leave may be denied if operational or staffing needs are not met.
  - 2.** Unless otherwise specified by a CEO, the immediate supervisor may authorize use of up to two (2) weeks or two (2) eight-day rotations of consecutive annual leave.
    - i.** For example, this would amount to up to ninety-eight (98) hours of consecutive annual leave time for an employee on an Eight-Day Work Cycle or up to eighty (80) hours of consecutive annual leave time for an employee working a standard work week.
    - ii.** Requests for use of more than two (2) weeks or two (2) eight-day rotations of consecutive annual leave must be approved by the CEO.
  - 3.** CEO's may establish a yearly annual leave calendar for use by employees in planning and scheduling annual leave, which will provide all eligible employees with an opportunity to request at least one (1) week-long block or eight-day rotation of primary vacation time each year.



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- i. Each facility shall have an operational procedure that manages employee leave requests in a fair and consistent manner.
- ii. The operational procedure shall ensure that minimum staffing standards are considered as well as the schedule of in-service or other mandated training.
- iii. Central and Field Offices shall be staffed appropriately to ensure service to the public and other state agencies. Supervisors shall manage employee leave requests in a fair and consistent manner and in an effort to minimize any disruption to operations.

## B. Sick Leave

1. **Sick Leave Usage.** Use of sick leave will be authorized for legitimate reasons as cited in the *State of Wyoming Personnel Rules*, Chapter 6. Employees are encouraged, but not required, to schedule medical appointments and procedures during non-work hours when possible (*i.e.*, during lunch hours or on days off).
  - i. **Planned Sick Leave.** When the employee has advance knowledge of a need for sick leave use, such as for a prearranged medical procedure or medical appointment that will conflict with the employee's regularly scheduled work hours, the employee shall provide advance written notice to his/her supervisor as soon as physically possible, for planning and scheduling purposes.
  - ii. **Unplanned Sick Leave.** Employees are required to notify the agency at least four (4) hours in advance of use of unplanned sick leave, or at the earliest possible opportunity prior to the beginning of the scheduled work period, for each day of absence.
    - a. Employees must notify their immediate supervisor, the on-duty supervisor, or the designated contact point.
  - iii. **Extended Sick Leave Absence.** Due to the nature of our business, WDOC has a responsibility to ensure employees are able and safe to return to work. In the event an employee is absent from work for more than **three (3)** consecutive work days of planned or unplanned sick leave, they may be required to submit a release to return to work on WDOC Form #145, *Healthcare Provider's Certificate*, upon their return to work (also refer to section IV.E. of this policy as it pertains to family and medical leave).



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- a. Supervisors may require a healthcare provider's certificate (WDOC Form #145) for periods of three (3) consecutive work days or less when possible misuse of sick leave exists.
2. **Sick Leave Donations.** Employees who have exhausted all earned paid leave but still need to be absent from work due to an illness or injury may request donations of sick leave from other State of Wyoming employees. It is an employee's choice to ask for sick leave donations and is neither encouraged nor discouraged.
- i. Permanent and probationary employees, to include CEOs (excluding the Director), are eligible to request and receive donations of sick leave.
  - ii. Employees with more than eighty (80) ~~hours or more~~ of accrued sick leave may donate up to sixteen (16) hours of sick leave, per calendar year, to the same recipient.
  - iii. **Authority.** CEOs are hereby delegated authority to approve/disapprove of employee requests for sick leave donations.
    - a. Requests for sick leave donation shall be in writing from the employee or the servicing human resources office in those instances where the employee is unable to submit the request. The request shall be submitted to the servicing human resources office for processing.
    - b. If approved, a formal request for donations will be prepared and circulated by the servicing human resources office Agency-wide, and if needed, State-wide using WDOC Form #184, *Sick Leave Donation Authorization*.
    - c. Sick leave donations to any employee will not exceed six (6) work weeks (240 hours) or six (6) eight-day rotations (294 hours) per request and may not be used until all available earned leave has been exhausted.
      - (1) The CEO may, with the Director or his/her designee's written approval, extend the limit if circumstances warrant.
  - iv. **Denial.** Requests for sick leave donations may be denied when:



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- (1) The employee has excessive sick leave usage, and no healthcare provider's certificate documents the absences;
  - (2) An established pattern of sick leave abuse exists which indicates such leave is taken in conjunction with established days off on a regular and continuing basis;
  - (3) The CEO has valid reason to believe the request is based on false information; or
  - (4) Other valid and documented reasons exist which would preclude the approval of the request.
  - (5) **Grievance of Denial.** Permanent employees who have been denied a request for sick leave donation may pursue a grievance in accordance with Chapter 8 of the *State of Wyoming Personnel Rules*, Grievances and Appeals for Permanent Employees.
- v. **Use of Sick Leave Donations.** WDOC Form #184, *Sick Leave Donation Authorization* shall be submitted to the Servicing Human Resources office. SHR will verify the employee is eligible to donate sick leave. SHR will enter all donated sick leave transactions onto both employees' time cards (the donor and the receiver). SHR will ensure proper accrual and usage of the sick leave donations in accordance with the WDOC Human Resources Standard Operating Procedure.
- a. Sick leave donations can only be used in the month they are received forward. SHR cannot backdate sick leave donations.
- C. **Personal Leave.** Personal leave is awarded by the Director as recognition to employees who participate in the WDOC Wellness Program, WDOC Employee Recognition Program, non-profit community service or other authorized program as authorized by A&I HRD.
1. Personal leave may be granted by the Director (or designee) in accordance with Chapter 6, Section 12 of the *State of Wyoming Personnel Rules*.
  2. While an employee may participate in multiple programs approved for Personal Leave awards, the total award between all programs cannot exceed sixteen (16) hours per calendar year.



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3. Personal leave not used by December 31 of each calendar year will be forfeited. Employees awarded Personal Leave in November or December of each year will have the option of earning the hours the following calendar year if they are unable to use the time prior to the end of the year.
4. Personal Leave is an award by the Director and is not an employee right or benefit. Unused Personal Leave will not be paid to an employee at the time of separation.

**D. Bereavement Leave.** In the event of the loss of an immediate family member, as defined by the *State of Wyoming Personnel Rules*, an employee is entitled to use bereavement leave of up to twenty-four (24) hours per event.

1. Bereavement leave shall be for purposes associated with the death of the family member and shall be used prior to other authorized leave.
2. Employees shall notify their supervisor at least four (4) hours in advance of use of Bereavement Leave, or at the earliest possible opportunity prior to the beginning of the scheduled work period.
3. Employees may be required to provide verification (e.g., obituary, death certificate, etc.) to use Bereavement Leave at the request of a CEO.
4. If additional time off is needed, the employee may request to use annual, sick or other available leave.

**E. Family and Medical Leave.** The Family Medical Leave Act (FMLA) is a federal law which assists eligible employees when they are unable to work because of a serious health condition, or because of a need to care for a parent, spouse, or child with a serious health condition. It also can be used for the birth of a child and to bond with the newborn child, or for the placement of a child for adoption or foster care and to bond with child.

Military members and families may also be eligible for FMLA. Caring for an injured service member, arranging for alternative childcare when a spouse is deployed to a foreign country, or attending arrival ceremonies when a loved one returns from a deployment are authorized reasons for using FMLA.

1. The FMLA provides unpaid, job-protected leave. Leave may be taken all at once, or may be taken intermittently for medical conditions, if needed.
2. Employees shall be entitled to Family and Medical Leave Act (FMLA) leave as defined by federal law and the *State of Wyoming Personnel Rules*.



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3. **Advance Notice.** To take FMLA leave, employees must provide their supervisor with advance notice. Planned events such as surgery or pregnancy require at least thirty (30) days advance notice. If an employee learns of a need for leave less than thirty (30) days in advance, the employee must notify their supervisor as soon as possible (generally either the day they learn of the need or the next work day). When the need for FMLA leave is unexpected (for example, if a family member is injured in an accident), the supervisor must be informed as soon as possible. Employees must follow WDOC call-in procedures unless unable to do so (for example, if they are receiving emergency medical care).
  
4. **FMLA Leave Procedure.** Upon notification of a qualified reason for FMLA (*see* section IV.E. above), supervisors must immediately notify the Servicing Human Resources (SHR) Office. Employees may also notify HR directly of the need for FMLA leave. Once WDOC is aware an employee may be eligible for FMLA, even if the employee does not request it, HR is required to provide the employee with FMLA information and request completion of FMLA forms.
  - i. **Eligibility.** The SHR Office will verify the employee is eligible for FMLA.
    - a. Employees must be employed by the State of Wyoming for twelve (12) months. This time does not need to be consecutive.
    - b. Employees must have worked a minimum of 1,250 hours within the last twelve (12) months.
    - c. Employees must have a qualifying reason for the leave as defined by the FMLA.
  
  - ii. **FMLA Forms.** The SHR Office must provide the employee with a *Notice of Eligibility and Rights & Responsibilities* form within five (5) working days of notification of the need for leave. Employees will be required to return an appropriate medical certification form completed by a health care provider or, in the instance of military or child placement reasons, documentation of the need for leave.
    - a. Employees who fail to return certification or documentation may be denied FMLA.





7. **Adequate Information.** Employees are responsible for providing information regarding the reason for FMLA leave. While employees do not have to provide a diagnosis, they do need to provide information indicating that the leave is due to an FMLA-protected condition (for example, stating that you have been to the doctor and have been given antibiotics and told to stay home for four days). If enough information is not provided to know that the leave may be covered by the FMLA, the employee may not be entitled to job-protected leave.
  
8. **Job Protection.** FMLA provides job protection which is intended to lessen the stress that an employee may otherwise feel if forced to choose between work and family during a serious medical situation or becoming a parent. Time off under the FMLA may not be used when taking employment actions such as hiring, promotions or discipline.

**F. Leave Without Pay**

1. Requests for leave without pay will be submitted by the employee to the CEO. Upon approval requests are then submitted to Central Office Human Resources for processing. The Director has final authority for approval/denial.
  - i. A request of leave without pay may be denied by the CEO or the Director, based on the needs of the Department.
  - ii. Once approved or denied, requests shall be submitted by Central Office HR to the servicing human resources office for processing.
2. All approved leave without pay in excess of fifteen (15) consecutive days shall be reported to A&I HRD via the payroll system.
3. Each division will be responsible for monitoring the duration of leave without pay.
4. Requests to extend a period of leave without pay shall be made in writing to the Director.
5. Such leaves that exceed, or are anticipated to exceed, six (6) months may be extended only with approval of A&I HRD.
6. An employee injured on the job and receiving Workers' Compensation benefits shall, upon request, be entitled to leave without pay in lieu of using sick leave, compensatory time, or vacation leave in connection with the injury.



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### **G. Military Leave**

1. Military leave shall be granted in accordance with Wyo. Stat. § 19-11-108(a) through (e).
  - i. The allotted military leave is a maximum of fifteen (15) paid days per calendar year. Employees requiring military leave beyond the allotted fifteen (15) days will be required to use available annual or compensation time or utilize leave without pay. Any unused military leave is forfeited at the end of the calendar year.
2. An employee in the Guard or Reserve forces attending scheduled summer training shall provide a copy of his/her military orders to Human Resources prior to his/her scheduled departure.
3. An employee in the Guard or Reserve forces directed to attend or participate in other Guard or Reserve activities shall provide a copy of his/her military orders to Human Resources prior to his/her scheduled departure.
4. An employee called to Active Federal Military Service shall advise Human Resources of the call up and complete the Military Information Packet prior to his/her scheduled departure.
  - i. Military Information Packets are available through Human Resources, or may also be obtained from A&I HRD.

### **H. Educational Leave**

1. A permanent employee, who wishes to acquire job-related training or education that would not otherwise be available while serving as a scheduled full-time employee, may request educational leave in writing, through their CEO, to the Director.
  - i. The employee must specify if they are requesting paid or unpaid educational leave.
  - ii. The request must include a written description of the training or education which the employee intends to pursue, why alternative means, such as a schedule change, flex scheduling, or shared work are not feasible, and an explanation of how such training or education would directly benefit the State and the WDOC.



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2. The CEO will make a recommendation of approval/denial and forward the request to the Director, along with the supporting rationale for the recommendation.
3. The agency and the employee shall enter into a contract outlining the provisions of the educational leave.

**I. Voting Leave**

1. Any employee who does not have three (3) or more consecutive non-working hours during the time polls are open for an official public election shall be allowed one (1) hour of leave with pay for the purpose of voting, at the time specified and approved by his/her supervisor.

**J. Court Leave**

1. An employee required to serve as a member of a jury panel or as a witness of the court shall be granted leave with pay for the performance of such obligation.
2. Employees are required to submit supporting documentation of such obligation.

**K. Administrative Leave.** Administrative Leave may be granted by the Director or designee for those reasons cited in Chapter 6, Section 11 of the *State of Wyoming Personnel Rules*.

1. WDOC encourages and provides administrative leave and/or reimbursement for employees attending approved professional meetings, seminars, and similar work-related activities. (ACA 4-4094)
2. Weather Related Leave Due to Authorized Closures
  - i. A weather-related closure will be announced through the CEO.
    - a. Only the Governor can close State offices in Cheyenne.
  - ii. Such a declaration excuses employees from being present at their jobs and will be declared when it is determined that weather conditions are too unsafe for the majority of employees to travel to or remain at work. Consideration shall be made for staffing-level requirements, including the security and good order of a correctional facility and arrangements shall be made to ensure that minimally-required staffing is provided.



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- iii. Each division shall prepare a plan for the orderly closure and/or curtailment of operations consistent with security requirements and public safety needs.
- iv. A CEO may release employees at his/her own discretion for a weather-related event, if he/she believes it is in the best interest of employee safety and welfare to do so consistent with overriding security requirements and public safety needs.
  - (1) Only the Governor can release employees early in State offices in Cheyenne.
- v. Appropriate prior notice of such intended action shall be provided to the Director unless an emergency situation exists.
- vi. *State of Wyoming Personnel Rules* will apply for employees unable to report to or remain at work due to weather conditions.
  - a. In the case of a weather-related closure authorized through the CEO, an employee will not be charged for time off for the period of the closure if the employee would otherwise be expected to be at work.
    - (1) If the employee is scheduled to be off as a result of his/her assigned work schedule during the duration of the authorized closure his/her work schedule will not be affected.
    - (2) If the employee had been previously authorized vacation or sick leave prior to a declaration, the employee will continue to use their annual or sick leave.
  - b. An employee's regular work schedule for the remainder of the work week will not be affected by an authorized closure (*i.e.*, an authorized closure will not be considered as a schedule change.)
  - c. An employee who is unable to report for work as scheduled due to weather reasons will be charged appropriate earned leave time, unless a weather-related closure has been authorized by the CEO or Governor.

#### **L. Reporting Leave Time Used**



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1. Employees must submit requests for leave in writing prior to taking any planned or scheduled time off, or immediately upon return from emergency or unscheduled sick leave.
  - i. The use of WDOC Form #144, *Request for Leave Slip*, or e-mail will satisfy said requirement, as determined by supervisor or operational procedure.
2. Each employee and his/her immediate supervisors are responsible for properly reporting leave time used on the employee's time sheet.
3. Employees who use leave without prior authorization (*i.e.* no call/no show) will be required to use available leave. If paid leave is exhausted, leave without pay will be used. Leave usage without prior authorization shall be designated unauthorized leave and could result in disciplinary action up to and including dismissal.

#### M. Misuse and Review of Leave

1. **Misuse of Leave.** The misuse of leave is considered a violation of this policy and may be subject to discipline pursuant to the *State of Wyoming Personnel Rules*. Misuse of leave includes, but is not limited to the following:
  - i. A pattern of repeated leave used in connection with regularly scheduled days off, holidays, vacation or weekends;
  - ii. Leave use which occurs on days which were originally denied as time off for annual leave or other earned leave;
  - iii. Sick leave use where the employee is observed participating in activities within the community during the period sick leave was used;
  - iv. A pattern of repeated leave use where the leave is consistently used in conjunction with time spent in outside employment;
  - v. Leave use immediately following an employee's change in duty assignment or notification thereof;
  - vi. A pattern where the employee consistently uses sick leave in small amounts not requiring a healthcare provider's certificate on a regular basis over a period of six (6) months or longer and where the employee has a balance of sick leave accumulation that is



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disproportionately small in comparison to that of other employees with similar tenure;

- vii. Sick leave use by a group of employees where they are called in sick in conjunction with a social gathering that they attend or in protest of changes to work assignment; or
  - viii. Any other use of leave that is not authorized by this policy, the *State of Wyoming Personnel Rules*, or federal or state law.
2. **Review of Leave Use.** Upon review of an employee's leave use, for the previous performance period or during any intervening period, in which there is a possible misuse of leave noted, the supervisor shall provide written documentation to the servicing human resources office. Corrective or disciplinary action will occur in accordance with the *State of Wyoming Personnel Rules* and WDOC Policy #1.218 *Employee Performance Management*.

#### V. Training Points

- A. Who may authorize annual leave of up to two (2) weeks of consecutive leave time?
- B. Who may authorize annual leave in excess of two (2) weeks of consecutive leave time?
- C. When and to whom are employees required to provide notice of a use of earned sick leave?
- D. When is an employee required to submit evidence of an illness?
- E. Who decides whether or not an office should be closed due to weather?
- F. Who is responsible for employees properly reporting leave time used?