

MEMORANDUM

State of Alaska Department of Administration Division of Labor Relations

TO: All Directors
All Supervisors
(via email)

DATE: June 2, 2006

Dianne Kiesel
Director
Division of Personnel
Department of Administration

THRU:

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Director

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SUBJECT: Revised Leave Administration Guidelines

This memorandum rescinds the memorandum of August 6, 2003, and to the degree that it may conflict, supersedes all other guidance on this subject. This guidance is effective with pay period beginning June 16, 2006, and remains in effect until superseded or rescinded. This memorandum applies **ONLY** to overtime eligible employees in the General Government, Supervisory, Confidential, Correctional Officers, and Labor, Trades, and Crafts* bargaining units.

The purpose of leave is to account for an employee's whereabouts during his/her scheduled hours of work. At all times from appointment to separation, during scheduled hours of work, an employee must be at work or on some form of approved leave. Such approved leave may be paid or unpaid as determined by the relevant collective bargaining agreement or the leave rules. An employee not at work during scheduled hours and not on some form of approved leave is in unauthorized leave without pay and may be subject to discipline up to and including dismissal.

The relevant collective bargaining agreements guarantee all employees 37.5, 40, 42, or 84 hours of work or pay in a contractual work week or administrative work period. During the workweek, employees may be

* See, memorandum of December 3, 2003, for additional considerations regarding LTC employees' daily overtime and RDO premium.

granted approved leave to be absent during their regularly scheduled hours, and no leave should be required or approved for any hours other than regularly scheduled hours. If an employee is granted leave during regularly scheduled hours and works hours in addition to their regularly scheduled hours, they are to be paid for those hours at the applicable regular or overtime rate of pay. Said additional hours will **NOT** be substituted (or "washed") for the hours taken as leave. This may result in employees being paid for more than the normally scheduled workweek, but will not result in overtime pay unless the employee actually works more than the contractual overtime threshold.

The State has and retains the right to relieve an employee from duty when the guaranteed workweek is met. For example, if an employee is normally scheduled to work Monday through Friday, 8:00 AM – 4:30 PM and works two additional hours on Thursday, that employee can be sent home at 2:30 PM on Friday inasmuch as the guaranteed 37.5 hours of work has been met. Likewise, were the same employee to have used two hours of leave on Monday and worked two additional hours on Thursday, he/she could be sent home at 2:30 PM on Friday inasmuch as the guaranteed 37.5 hours of pay has been met. Were the example employee under the LTC agreement, 1.5 hours of the two worked on Thursday would be at the overtime rate since that agreement, unlike the others, provides for daily overtime for work over 8 hours.

While the State has the right to alter an employee's schedule to avoid additional pay or even overtime, this is a right that should be exercised sparingly and only in instances where there is a genuine budgetary or staffing purpose. At some point, use of this right might be held by an arbitrator to deprive employees of a bargained right to additional pay or overtime pay.

cc:

LR Staff
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