



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

POLICY NO.

501.002  
ERD/PTO

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1 Attachment

EFF. DATE

5/25/04

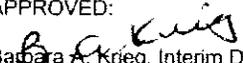
REV. NO./Date

Rev. No. 1  
03/23/12

TITLE:

**DEPARTMENT-DIRECTED LEAVE**

APPROVED:

  
Barbara A. Krieg, Interim Director

## I. POLICY

Appointing authorities shall be judicious in placing employees on department-directed leave.

## II. RATIONALE

After duly considering the prudent use of State funds and other legitimate business needs, appointing authorities ought to have an option to remove employees from work for the good of the State when there are not other appropriate leaves available in collective bargaining agreements, executive orders, or other policies and procedures.

## III. DEFINITIONS

“Appointing authority” means any department head or designee having the power to make appointments or changes in the status of employees.

“Department-directed leave” means paid leave of absence of a specified duration as authorized by an appointing authority.

“Department-directed leave file” means a separate confidential and secure file stored in accordance with procedures established by each departmental custodian of records.

“Director” means the director of the Department of Human Resources Development or his/her designee.

## IV. SCOPE

This policy applies to all appointing authorities in the executive branch with employees under the jurisdiction of the Department of Human Resources Development.

## V. DEPARTMENT-DIRECTED LEAVE REQUIREMENTS

- A. An appointing authority’s decision to place an employee on department-directed leave is strictly case specific. However, it is generally reserved for emergency or extraordinary situations that pose unacceptable health and safety risks.

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- B. An appointing authority shall immediately attend to and resolve any situation that warrants placing an employee on department-directed leave. A department-directed leave shall not continue beyond the length of the situation for which the leave was granted.
- C. The appointing authority shall prepare a written report documenting the determination of the need for department-directed leave. The report shall be maintained in the department-directed leave file and include the following:
  - 1. Name and position title of employee;
  - 2. Description of worksite;
  - 3. Factual circumstances justifying the employee's removal or preclusion from the worksite, including statements of witnesses;
  - 4. Relevant medical evidence, if any;
  - 5. Relevant history of similar behavior, if any;
  - 6. Relevant disciplinary action taken, if any;
  - 7. Relevant non-work related information, if any;
  - 8. Analysis of other types of leaves, if any, available to the employee;
  - 9. Any other relevant factual information; and
  - 10. Proposed plan of action for concluding the department-directed leave.
- D. An appointing authority shall ensure that an employee on department-directed leave is paid and accrues vacation and sick leave as if the employee had been at work.
- E. An appointing authority shall provide the attached monthly department-directed leave report to the director by the third (3<sup>rd</sup>) workday of the following month. The appointing authority shall upon request provide a copy of the written report (see paragraph C. above) to the Director.
- F. The Director shall update the Governor's Office on State executive branch department-directed leave issues and/or statistics, as appropriate.
- G. All information associated with department-directed leave matters is strictly confidential.

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### VI. DEPARTMENT-DIRECTED LEAVE PROCEDURES

- A. When assessing the need to place an employee on department-directed leave, an appointing authority shall consider:
  - 1. Consulting with his/her Departmental Personnel Officer for advice; and
  - 2. Informing the Governor's Office of the impetus for the contemplated department-directed leave.
  
- B. In the event an appointing authority decides to place an employee on department-directed leave, the appointing authority shall:
  - 1. Immediately notify the employee in writing of the following:
    - a. Starting date and, if known, ending date(s) 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, identification badges, and other State property and equipment (e.g. laptop computer, cell phone, etc.); and
    - e. Identification of a departmental contact person in the event the employee has questions about his/her leave status;
  - 2. As appropriate, simultaneously send a copy of the department-directed leave notice to:
    - a. The employee's exclusive representative;
    - b. The Director; and
    - c. Others with a bona fide administrative need to know about the department-directed leave;

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3. Record department-directed leave on the State DHRD Form 7, *Attendance and Leave Record* with the code "DDL" to indicate the type of leave utilized;
4. Immediately implement a plan to promptly conclude the department-directed leave. Elements of the plan may include, but are not limited to:
  - a. Conducting a thorough and fair investigation;
  - b. Securing relevant medical or other professional advice; and/or
  - c. Final decision making on any appropriate employment action and ending the department-directed leave; and
5. Store all documentation and relevant information concerning the department-directed leave in the department-directed leave file.

**VII. AUTHORITIES AND REFERENCES**

Administrative Directive 12-01

**VIII. ATTACHMENT**

Monthly Department-Directed Leave Report, HRD Form 530