



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

POLICY NO.

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TITLE:

**DEPARTMENT-DIRECTED LEAVE**

APPROVED

*James K. Nishimoto*  
James K. Nishimoto, 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 should have the option of removing employees from work for the good of the State when there are no other appropriate leaves available in collective bargaining agreements, executive orders, or other policies and procedures.

**III. DEFINITIONS**

“Appointing authority” means any department head/director.

“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. The appointing authority, with no further delegation, may place an employee on department-directed leave.

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- B. An appointing authority's decision to place an employee on department-directed leave is strictly case specific and shall be reserved for emergency or extraordinary situations that pose unacceptable health and/or safety risks to the employee or others at the workplace. There must be compelling facts to support the conclusion that such circumstances exist and are sufficient to warrant imposition of the leave.
- C. The appointing authority shall immediately attend to and resolve any situation that warrants placing an employee on department-directed leave.
- D. Upon placement of an employee on department-directed leave, the appointing authority shall promptly prepare a written report documenting the determination of the need for such leave. The report shall be maintained in the department-directed leave file and shall include the following:
  - 1. Name and position title of the employee;
  - 2. Description of worksite;
  - 3. Specific factual circumstances justifying the employee's removal or preclusion from the worksite, including statements of witnesses;
  - 4. Relevant medical evidence, if any (follow any applicable Health Insurance Portability and Accountability Act (HIPAA) requirements with regard to disclosure);
  - 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.
- E. A copy of each written report as described in Section V.D. above shall promptly be forwarded to the department's Point of Contact at the Department of Human Resources Development, Labor Relations Division for informational purposes.

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- F. The 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.
- G. The Director may update the Governor's Office on State executive branch department-directed leave issues and/or statistics, as appropriate.
- H. All information associated with department-directed leave matters shall be considered strictly confidential.

### **VI. DEPARTMENT-DIRECTED LEAVE PROCEDURES**

- A. When assessing the need to place an employee on department-directed leave, the appointing authority shall consult with his/her Departmental Personnel Officer.
- 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 any 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 as described in Section VI.B.1. above to:
    - a. The employee's exclusive representative;
    - b. The department's Point of Contact at the Department of Human Resources Development, Labor Relations Division; and

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- c. Others with a bona fide administrative need to know about the department-directed leave.
  3. Record the 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 conclude the department-directed leave as promptly as possible. 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.
  5. Store all documentation and relevant information concerning the department-directed leave in the department-directed leave file.
- C. A department-directed leave shall not continue beyond the length of the situation for which the leave was granted, and may only be imposed for a maximum 30-day period. If an appointing authority determines that there is a bona fide need to continue the leave beyond 30 days, the employee shall be notified in writing, with copies to the employee's exclusive representative and the department's Point of Contact at the Department of Human Resources Development, Labor Relations Division.
- D. Should the appointing authority believe that department-directed leave is warranted for other than health and/or safety reasons, a request with associated information as noted in Section V.D. above, may be submitted to the Director for consideration and, as may be deemed appropriate, approval.
- E. By June 30 and December 31 of each year, the appointing authority shall provide his/her department's Point of Contact at the Department of Human Resources Development, Labor Relations Division, a status report of all employees placed on department-directed leave. HRD Form 530, "Department-Directed Leave Report" shall be used for this purpose.

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**VII. AUTHORITY OF DIRECTOR**

- A. The Director reserves the right to order rescission of a department-directed leave action if, upon review of the submitted documents and any other available information, the Director determines that department-directed leave is not appropriate. In such instances, the affected department shall be responsible for initiating any needed remedial action.
- B. Failure of an appointing authority to comply with the requirements and procedures set forth above may be the basis for the Director to rescind the appointing authority's authority to impose department-directed leave.

**VIII. AUTHORITIES AND REFERENCES**

Administrative Directive 12-01.

**IX. ATTACHMENTS**

HRD Form 530, Department-Directed Leave Report.