

DEPARTMENT OF EDUCATION

DIRECTED LEAVE WITHOUT PAY (DLWOP) Employee Questions and Answers (For UPW Bargaining Unit 01 Employees and Excluded Counterparts Only in the State Executive Branch)

NOTE: The following questions and answers are specifically intended to briefly address DLWOP related issues that apply only to UPW BU 01 employees and their excluded counterparts, and shall not constitute a contract of employment. The applicable negotiated agreements or executive order and DLWOP implementation plan shall take precedence over any conflicting information in the questions and answers below.

GENERAL

Q1: What is a directed leave without pay?

A1: A directed leave without pay (DLWOP) is the placement of an employee temporarily and involuntarily in a non-pay and non-duty status by the Employer because of lack of funds.

Q2: Who does the DLWOP apply to?

A2: The DLWOP applies to employees of the Department of Education under the authority of the Board of Education who are members of UPW Bargaining Unit 01 and their excluded counterparts.

Q3: When will the DLWOP be effective and how many days will employees be placed on DLWOP?

A3: The DLWOP period will be effective December 1, 2011 through June 30, 2013 for a total of twenty-seven (27) days, and the number of days per fiscal year shall be as follows:

- Effective December 1, 2011 through June 30, 2012
 - For full-time employees - 14 days.
- Effective July 1, 2012 through June 30, 2013
 - For full-time employees - 13 days.

For part-time employees - the number of days they shall be placed on DLWOP will be prorated based on the employee's full-time equivalent (FTE) (i.e., 50% FTE employee must take 14 days (4 hour day) from December 1, 2011 through June 30, 2012.)

Q4: Can employees choose their DLWOP days?

A4: No, administrators or their designees will determine when employees are to take DLWOP days based on operational needs.

For fiscal year 2011-2012, employees will be scheduled for the number of DLWOP days per month as follows:

- December 2011 up to and including June 2012 will be two (2) DLWOP days per month
Preset days are 12/6/2011, 12/23/2011, 1/3/2012, 5/25/2012, 6/22/2012, 6/29/2012

For fiscal year 2012-2013, employees will be scheduled for the number of DLWOP days per month as follows:

- July 2012 up to and including May 2013 will be one (1) DLWOP day per month
- June 2013 will be two (2) DLWOP days

Q5: Can DLWOP be taken in partial day increments?

A5: No, full-time employees must take DLWOP in increments of one eight-hour day. Part-time employees will be on a prorated basis.

Q6: Can an employee be required to work on a scheduled DLWOP day?

A6: Yes, but the employee shall be paid overtime for the hours worked. The DLWOP day shall not be rescheduled to a later day.

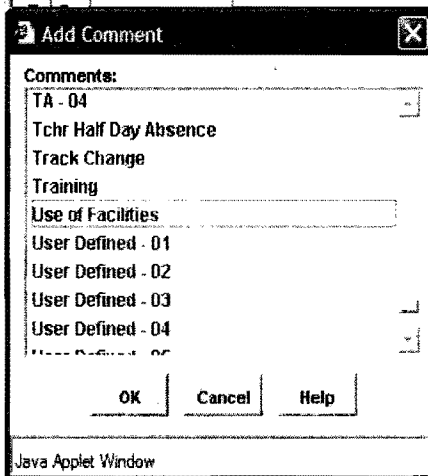
Instructions for entering O/T on a DLWOP day:

Normally when OT is entered in TnA, the timekeeper would enter/change the in and/or out time(s) and the system would calculate the OT. However, if the DLWOP is posted to the timecard, entering in and out times will not calculate as OT. Therefore, the only way to enter the OT into the timecard would be to select the OT pay code as well as entering the number of hours of OT worked.

	Date	Pay Code	Amount	In	Transfer	Out
☒	Wed 1/04			7:45AM		4:30PM
☒	Thu 1/05			7:45AM		4:30PM
☒	Fri 1/06	Directed LWOP	8.0			
☒	Fri 1/06	OT-Overtime	2.0			
☒	Sat 1/07					

For Use of Facilities, as normal the school can add a comment. Click on "Comment" and then "Add". Then select the "Use of Facilities" comment. This comment would print on the D55 that the school submits to payroll.

Save	Actions	Punch	Amount	Accruals	Comment	Approvals	Reports
☒	☒	☒	☒	☒	Add... Delete...	☒	☒
						Amount	In
☒	☒	☒	☒	☒			7:45AM
☒	☒	☒	☒	☒			7:45AM
☒	☒	☒	☒	☒		8.0	
☒	☒	☒	☒	☒		2.0	



Please write "O/T is for DLWOP day" on the D55.

Q7: Will DLWOP be counted as a break in service?

A7: No.

Q8: Will DLWOP days be counted as creditable service?

A8: Yes, DLWOP days will be creditable for purposes such as seniority, service awards, and reduction-in-force retention points.

Q9: If an employee is hired after the DLWOP goes into effect, will he/she be subject to the DLWOP?

A9: Yes.

Q10: Will the DLWOP affect an employee's status as a full-time employee?

A10: No, the employee's FTE (Full-Time Equivalent)* will remain the same.

*Definition of Full-Time Equivalent (FTE): Based on an 8-hour workday, the FTE is the percent rate that an employee is employed. Basically, 100% FTE means an employee is employed on a full-time basis, 50% FTE means an employee is employed on a part-time basis, and so forth.

Q11: Can DLWOP hours be taken in advance?

A11: No.

Q12: Will school/offices be allowed to make temporary assignments (TA) so that employees can cover the work of other employees on DLWOP?

A12: TA will continue to be at the discretion of the administrator and based on operational needs. Schools/offices are still required to follow the collective bargaining agreement or the executive order, whichever is applicable to the affected employees.

Q13: For employees who have reached the limit of 720 vacation hours and were on vacation on December 16 and 23, 2011 ("use it or lose it"), can employees make up the 8-hour vacation day(s) they will lose due to the last-minute DLWOP days?

A13: Yes, consult with your supervisor to select another vacation day.

Q14: Are part-time UPW employees on DLWOP allowed to work additional hours as a classroom cleaner?

A14: No, these employees are not able to work additional hours on their DLWOP day. Per the UPW Unit 01 contract, a part-time UPW employee who agrees to work additional hours of classroom cleaning must be paid at their basic rate of pay. Therefore, if the part-time UPW employee is out on DLWOP, they are not being paid and cannot be paid for additional hours.

Q15: Can a substitute worker be hired to perform the work of the employee that is TA to cover work of an employee on DLWOP?

A15: No, see "REVISED Directed Leave Without Pay Day for UPW Unit 01 Employees – Fiscal Year 2011-12" memo dated January 9, 2012.

Q16: Is an 89-day hire excluded from the DLWOP?

A16: No, the 89-day hire's work schedule must be adjusted for the Department's preset DLWOP days and the Administrator Determined DLWOP days.

Q17: Does seniority come into play when selecting the Administrator Determined DLWOP dates?

A17: Administrators must determine the DLWOP days based upon operational needs of the school. Administrators may use their discretion in selecting DLWOP days, considering the seniority of the employees, as long as the operational needs of the school are being addressed.

Q18: Can exceptions be made for small and/or feeder schools to allow for DLWOP days to be taken during non-instructional days such as spring break?

A18: No. See Question and Answer 4.

Q19: Can exceptions be made for small and/or feeder schools to allow UPW employees to take DLWOP in partial day increments instead of the full shift?

A19: No. See Question and Answer 5.

Q20: Can a part-time employee be hired as a substitute worker for another employee on DLWOP?

A20: No. See Question and Answer 15.

WORK SCHEDULES

Q21: Can additional Administrator Determined DLWOP dates be scheduled during spring break and summer rather than during the months listed on the December 15, 2011 memo.

A21: No. See Question and Answer 4.

Q22: Can Administrator Determined DLWOP days be given all at once?

A22: No. See Question and Answer 4.

SALARY PAYROLL ADJUSTMENTS

Q23: What percentage pay reduction will occur and when?

A23: Unit 01 employees hired before July 1, 1998 (LAG) will see a reduction of 9.23% on each pay check from December 20, 2011 to July 5, 2012 for work from December 1, 2011 to June 30, 2012. Unit 01 employees hired on/after July 1, 1998 (ATF) will see the 9.23% reduction on their paychecks from January 5, 2012 to July 20, 2012 for work from December 1, 2011 to June 30, 2012. The paychecks covering work from July 1, 2012 to June 30, 2013 will see a 5% reduction.

Q24: Will the pay reduction be spread evenly across paychecks?

A24: Yes, beginning on December 1, 2011, the DLWOP pay reduction will be spread evenly across the remaining paychecks for the current fiscal year.

Q25: For employees on temporary assignment (TA), will they still get TA pay on a DLWOP day?

A25: No.

Q26: Will the DLWOP reduce differentials and premium pay?

A26: No, the calculation of differentials and premium pay are not affected by DLWOP.

Employees are not to include DLWOP days when submitting/making claims for differentials or premium pay that are applicable on a day-to-day basis.

Examples:

- 1) *Working condition differential*
- 2) *Night differential*
- 3) *Hazard pay differential*
- 4) *Meal Allowance*

Q27: Will the DLWOP impact employees' automatic payroll deductions (e.g. EUTF, Parking, Deferred Compensation, Aloha United Way, etc.)?

A27: It may, therefore, it is recommended that employees review their automatic payroll deductions to ensure that their adjusted income will be sufficient to cover all of their deductions.

Q28: How will the DLWOP affect child support payments being deducted from an employee's paycheck?

A28: The amount deducted for child support is set by court or administrative order. If your paycheck does not cover the amount that is to be deducted to satisfy your child support obligations, the portion that is not deducted will be considered a delinquency and payment will need to be sent directly to the Child Support Enforcement Agency at: P.O. Box 1860, Honolulu, Hawaii 96805-1860.

If there are any questions, employees may call 692-8265. Neighbor island employees may call: Maui 243-5241; Kauai 241-7112; Hawaii 933-0644; Molokai and Lanai, toll free, 1-888-317-9081.

LEAVES

Q29: Will DLWOP affect the number of hours of vacation or sick leave earned for full-time and part-time employees?

A29: No.

Q30: How will the DLWOP impact an employee on vacation or sick leave for a full calendar month?

A30: The employee's vacation/sick leave will be adjusted for the DLWOP days and the vacation/sick leave will be credited to his/her leave balance for future use.

Q31: Can an employee use paid leave (e.g., vacation, sick, compensatory time off) in lieu of DLWOP?

A31: No.

Q32: Will an employee who is suspended for disciplinary reasons be subject to DLWOP?

A32: Yes, for example if an employee is suspended for five (5) days, the suspension period shall not be lessened by a DLWOP day.

Q33: How will the DLWOP impact an employee out on family leave for a full calendar month?

A33: The day(s) the employee is out on DLWOP will not be counted towards their family leave entitlement. If the employee is substituting paid sick leave or vacation leave for the period on family leave, he/she will not be paid for the DLWOP days (i.e., the employee's leave request should only

include scheduled work days, not the DLWOP days).

Q34: Will the DLWOP affect the number of donated leave days an employee may receive under the departmental Leave Sharing Program for serious injuries or illnesses?

A34: No, provided the number of DLWOP days required for the month can still be applied.

Example: An employee requests shared leave for the entire month of February 2012 (21 workdays). The department decides to grant such leave for the entire period; however, two (2) DLWOP days must still be applied for the month. Therefore, the employee shall receive a total of 18 shared leave days, excluding the holiday.

Q35: Will DLWOP affect the method for calculating lump sum vacation payout when an employee retires or otherwise separates from service?

A35: No, the employee's lump sum vacation payout will be calculated in the normal manner using the employee's base pay (not the DLWOP adjusted pay). This will also apply to employees hired before July 1, 1997.

Q36: Will an employee who is on military leave be subject to DLWOP?

A36: Yes.

Q37: Do schools/offices have to complete an Application for Leave (Form G-1) for Department pre-set DLWOP taken?

A37: No, preset DLWOP days have been loaded to TnA.

Q38: Do schools/offices have to complete an Application for Leave (Form G-1) for Administrator Determined DLWOP taken?

A38: Yes, schools/offices should complete the Form G-1 using leave code 96 in order to document the Administrator Determined DLWOP day(s) taken. Please keep the Form G-1 at the school/office for record keeping purposes only. Administrator Determined DLWOP days shall be entered by timekeepers to TnA.

Q39: If an employee is on a leave without pay (LWOP), does the school/office need to notate on the Application for Leave of Absence (Form G-1) any scheduled DLWOP day(s) that fall within the LWOP period?

A39: Schools/offices should notate any scheduled DLWOP day(s) on the Form G-1 for the LWOP being taken.

EMPLOYEES' RETIREMENT SYSTEM (ERS)

Q40: Will a DLWOP affect an employee's retirement service credits?

A40: No, so long as the employee was on paid status for 15 or more calendar days during the month. (Note: If placed on DLWOP in the month of February, the employee will need to have been on paid status for 14 or more calendar days during the month.)

Q41: Will a DLWOP affect the calculation of an employee's retirement pension?

A41: Yes, retirement pension is based on actual pay. "Average final compensation" for service and disability retirement benefit purposes is based on the employee's 3 or 5 highest paid years of

creditable service, in accordance with the ERS law and rules. Any DLWOP may lower the "average final compensation" level.

Q42: Will employees in the Hybrid Plan or Contributory Plan be allowed to temporarily cancel their contributions during the DLWOP period?

A42: No.

For additional information on your retirement benefits, visit the ERS website at: <http://www4.state.hi.us/ers/Publications.htm> or you may call them at (808) 586-1735.

Q43: Will an employee's "ordinary death" benefits be affected if he/she dies while on DLWOP?

A43: No, death benefits are payable to all Employees' Retirement System members, including those on DLWOP, as long as the member died while still employed and meets (for certain plans) the minimum years of service eligibility requirements.

Q44: Will the employee's contributions to the Employees' Retirement System for the Contributory or Hybrid Plan be based on the employee's base pay or adjusted gross pay?

A44: Employee's contributions will be based on the adjusted gross pay.

Q45: Due to the DLWOP, can employees "borrow" against contributions they have made to their Retirement Account with ERS?

A45: No.

DEFERRED COMPENSATION PLAN

Q46: Will an employee's deferred compensation be affected?

A46: It may, if an employee is deferring a set percentage of his/her pay, rather than a dollar amount, their total annual contribution amount may decrease. The maximum annual deferral amounts/limits is defined by the Internal Revenue Service (i.e., \$16,500 for 2011 and \$17,000 for 2012).

To discuss their options, employees may call ING, the Island Savings Plan Administrator, at 1-888-712-5642.

To discuss options regarding your Tax-Sheltered Annuity account(s), please contact your respective Tax-Sheltered Annuity agent or National Benefit Services, LLC, the DOE's Plan Administrator at 1-800-274-0503 ext. 240.

HEALTH BENEFITS

Q47: Will an employee's health benefits continue while on a DLWOP?

A47: Yes, as long as the necessary premium payments are made on a timely basis. Employees who do not have sufficient monthly earnings to pay for their insurance premiums will be sent a Notice of Premium shortage by the Employer-Union Health Benefits Trust Fund (EUTF).

Q48: If an eligible part-time employee is currently receiving health benefits, will the DLWOP affect the employee and cause him/her to lose health benefits coverage?

A48: No, the employee will not lose health benefits coverage as a result of the DLWOP because the

State will not change the employee's FTE designation which is one of the factors used to determine health benefits eligibility. As stated in Q&A #47 above, health benefits coverage will continue as long as the necessary premium payments are made on a timely basis.

WORKERS' COMPENSATION

Q49: Will an employee's supplemental pay benefits (i.e., sick/vacation pay) while on workers' compensation (approximately 33-1/3% of average weekly wage), be subject to the DLWOP pay adjustments?

A49: No.

Q50: Will an employee who is receiving "Temporary Partial Disability" (TPD) workers' compensation benefits be subject to DLWOP?

A50: Yes, the DLWOP adjustments should be based upon the number of hours that the employee would have worked on a DLWOP day (i.e., if an employee is medically released to work for three (3) hours per day and receives TPD benefits for the remaining five (5) hours per day, the DLWOP adjustment for a DLWOP day would be three (3) hours.)

PREMIUM CONVERSION PLAN (PCP)*

Q51: Will employees enrolled in the PCP be allowed to change or cancel their PCP enrollment in the middle of a PCP plan year due to the DLWOP?

A51: No, the DLWOP is not an IRS-qualifying change in status event that would allow employees to change/cancel their PCP enrollment and payroll deductions in the middle of the plan year.

However, employees will be able to change/cancel their PCP enrollment during a scheduled open enrollment period.

*Note: The PCP is a voluntary benefit program that provides an opportunity for most health plan participants to deduct their health plan premiums on a pre-tax basis.

ISLAND FLEX FLEXIBLE SPENDING ACCOUNTS PLAN

Q52: If an employee participating in the Island Flex Flexible Spending Accounts Plan doesn't have enough in his/her paycheck to cover their deductions, what should they do?

A52: Call Comprehensive Financial Planning, Inc., the State's Third-Party Administrator of the Plan, right away to make special arrangements. Oahu employees should call 596-7006. Neighbor island employees may call toll free at 1-877-550-5552. They may also be reached by e-mail: cfpii001@hawaii.rr.com.

Q53: Will employees enrolled in the Island Flex Flexible Spending Accounts Plan be allowed to cancel or change their enrollment during the DLWOP period?

A53: No, the DLWOP is not an IRS-qualifying change in status event that would allow an employee to change/cancel their enrollment and payroll deductions.

TEMPORARY DISABILITY INSURANCE

Q54: Will an employee's Temporary Disability Benefit (TDB) be subject to DLWOP adjustments?

A54: Yes, the TDB benefit that an employee may receive shall be reduced to account for the DLWOP days. (HRS §392-21(b))

PARKING

Q55: What will happen to an employee's State parking if he/she does not have enough in their paycheck to cover for parking deductions?

A55: The employee's parking assignment will continue, provided the employee makes out-of-pocket payments to the DAGS Automotive Management Division/Parking Control Branch on a timely basis. Arrangements may be made by calling 586-0344.

**Please review all FAQs above and if you have additional questions email to:
DOE_info@notes.k12.hi.us**