

STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
BATON ROUGE, LOUISIANA

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General Circular No. 1742

To: Heads of State Agencies and Human Resource Directors

Subject: Office Closures, Special Leave and Overtime

Issue Date: August 29, 2008

The purpose of this general circular is to address questions on the following topics related to emergency response:

- Office Closure
- Special Leave
- Overtime
- Other Information
- Chart – Overtime – Office OPEN
- Chart – Overtime – Office CLOSED
- Chart – Application of Civil Service Leave Rules during Office Closures

OFFICE CLOSURE

An office closure can be mandated by the Appointing Authority or the Governor and occurs when there has been a determination that it is not possible for employees to work due to local conditions. An office closure may involve one building, an entire facility, an entire city or an entire area of the state. Employees who cannot work because of office closures are on special leave in accordance with Civil Service Rule 11.23(g).

During a closure, the appointing authority can direct an employee whose work location has been declared “closed” to work in that location. He can also direct an employee whose work location is open to work in a location that has been declared “closed.”

Employees who go to work in a “closed” area are working overtime per Civil Service Rule 21.7(b)(4).

During a closure, the appointing authority can direct an employee to work in other locations not affected by the closure. Employees must report as directed. Employees who are directed to work in other work locations not affected by the closure are in regular duty status. State travel regulations may apply in these cases.

When an employee’s office has been closed, but that employee is on a previously scheduled assignment in another location that is not closed, that employee is in regular duty status. For instance, a trainer who is domiciled in Baton Rouge during a general closure of the Baton Rouge area but is in Shreveport conducting a class on the closure day is not placed on special leave and should perform the work as scheduled.

During an office closure, employees are obligated to adhere to agency emergency response and communication policies which may require regular contact with supervisors and managers for further directions regarding return to work. If contact is not possible, employees should return to work when the media announces that their offices are open. Failure of an employee to return to work when directed may result in the employee’s being required to use annual or compensatory leave or leave without pay for continued absence, and the employee may ultimately be subject to disciplinary action.

SPECIAL LEAVE

Civil Service Rules 11.23(d) and (g) require an appointing authority to grant special leave to employees on job appointment and to employees in permanent or probational status when the appointing authority has determined that:

- The employee is prevented by an act of God from performing duty, or
- The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.

The use of special leave maintains employees on the payroll with full benefits with no reduction of the employee’s annual, sick or compensatory leave balances.

Special leave shall be granted during an office closure. Special leave may also be requested or granted on an individual basis based on circumstances that affect one or more employees but which do not require an office closure. Examples of these circumstances include flooded roads, destroyed or damaged homes requiring the employee to remain at home or in another town, or other similar circumstances. An appointing authority may require the employee to provide documentation to support the need for special leave, and the appointing authority will determine what type of documentation is sufficient for each request. There is no time limit on allowing employees to remain in this status.

OVERTIME

Federal FLSA overtime must always be compensated at the time and one-half rate for non-exempt employees, and it generally becomes effective as soon as the non-exempt employee's actual time worked exceeds 40 hours in a week. For certain classes of employees (such as law enforcement), FLSA overtime requirements go into effect at different time periods; agencies that have these employees must compensate them in accordance with the recognized FLSA exemptions.

Appointing authorities may compensate all employees at the time and one-half rate for all hours worked during an official closure due to an emergency situation. Agencies are not required to compensate State overtime at this rate; use of this flexibility is at the discretion of the appointing authority. See the attached charts for specific compensation options.

OTHER INFORMATION:

The Governor or Commissioner of Administration may issue statements or memoranda containing additional information and/or instructions. Employees should be sure to make themselves aware of these notices. This information can be found at <http://www.louisiana.gov/>. Also, state employees can call 1-800-360-9660 or 225-342-0498 for updates on office closures issued by the Commissioner.

If there are any questions about the information in this General Circular, please contact your Assistance Coordinator at 225-342-8274 or ashley.gautreaux@la.gov.

Please let us know if there is any way that we can assist you.

Sincerely,

s/Anne S. Soileau
Director

Overtime – OFFICE OPEN

When an employee works in an area that has NOT been declared closed, the regular Civil Service rules apply to the hours worked in excess of his scheduled workday.

Exempt / Non-Exempt		Options for Compensation
Non-Exempt	Employee worked more than 40 hrs in a work week	Cash payment at time & one-half (1.5) rate or Compensatory leave earned at the 1.5 rate
Non-Exempt	Employee worked less than 40 hours in a work week but worked in excess of his regularly scheduled workday.	Cash payment at regular hourly rate or Compensatory leave earned hour-for-hour
Exempt	Employee worked in excess of his regularly scheduled workday or more than 40 hours in a workweek.	Cash payment at regular hourly rate or Compensatory leave earned hour-for-hour or No overtime compensation

Overtime – OFFICE CLOSED

When an employee works in a “closed” area, the following chart applies to all hours worked.

Exempt / Non-Exempt	Did employee actually work in excess of 40 hours?	Options for Compensation
Non-Exempt	Yes, employee worked more than 40 hrs	Cash payment at time and one-half rate or Compensatory leave earned at the time and one-half rate
Non-Exempt	No, employee worked less than 40 hours	Cash payment at the time and one-half rate or Compensatory leave earned at the time and one-half rate or Cash payment at regular hourly rate or Compensatory leave earned hour-for-hour
Exempt	Yes OR No	Cash payment at the time and one-half rate or Compensatory leave earned at the time and one-half rate or Cash payment at regular hourly rate or Compensatory leave earned hour-for-hour or No overtime compensation

Sample Application of Civil Service Leave Rules during Office Closures

	M	T	W	Th	F	Sa	Su	Total Hours
	Holiday	Office Closure	Office Closure					
Employee 1 Schedule	8	8	8	8	8	0	0	40 scheduled
Hours worked				8	8			16 worked
Hours Leave	8 LH	8 LSOC	8 LSOC					24 leave
Employee 2 Schedule	0	10	10	10	10	0	0	40 scheduled
Hours worked				10	10			20 worked
Hours Leave	0	10LH*	10 LSOC					20 leave
Employee 3 Schedule	12	12	0	4	12	0	0	40 scheduled
Hours worked				4	12			16 worked
Hours Leave	12 LH	12 LSOC	0					24 leave
Employee 4 Schedule	0	12	12	4	12	0	0	40 scheduled
Hours worked				4	12			16 worked
Hours Leave		12 LH*	12 LSOC					24 leave

*Designated holiday

LH = Holiday leave; LSOC = Special Leave, Office Closure