



Louisiana
SCS
State Civil Service

BYRON P. DECOTEAU, JR., DIRECTOR

Post Office Box 94111
Baton Rouge, LA 70804-9111

Phone: 225-342-8274

Fax: 225-342-8058

www.civilservice.la.gov

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GENERAL CIRCULAR NUMBER 2016-023

DATE: August 18, 2016

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: 2016 FLOODING – Office Closures and Overtime

The purpose of this general circular is to address questions on office closures and overtime related to emergency response.

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.

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.

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

If there are any questions about the information in this General Circular, please contact your Employee Relations Consultant at (225) 342-8272.

Sincerely,

s/Byron P. Decoteau, Jr.
Director