



Civil Service Rule 11.27 allows an appointing authority to grant an employee a Leave of Absence without Pay from his classified job to serve in an unclassified position. Service in the unclassified position is at the discretion of the employee; the appointing authority has the discretion to allow or deny the employee the opportunity to accept the leave of absence from his classified position for service in an unclassified appointment. No employee can be forced into a leave of absence from his classified position to be placed in an unclassified appointment. Further, the rule provides that an appointing authority may on its own initiative or at the request of the employee curtail a period of leave of absence without pay provided it is in the best interest of the state and reasonable and proper notice is furnished to the employee. Failure of the employee to return to his classified duty on the first working day following the expiration of his approved leave of absence or the date provided by notice shall result in the employee being considered as having deserted his position and shall be separated in accordance with Chapter 12 of the Civil Service Rules.

Said another way, if a permanent classified employee has been selected to serve in an unclassified position, his appointing authority must authorize the request for leave of absence before the employee can serve in such capacity. If at any time, the appointing authority determines the services of the employee is needed, the appointing authority must give reasonable notice that the leave of absence is being terminated and the date of such termination. If the employee determines that he no longer wants to serve in the unclassified position, he must notify his appointing authority of his return date and must report for work in his classified position the next business day.

A classified employee on a leave of absence to serve in an unclassified position maintains his property interest in his classified position. He may not be disciplined or terminated for any actions or inactions he committed in the unclassified service. See *In Re: Investigation of Lauricella 546 So. 2d 207 (La. App. 1 Cir. 1989)*.

Finally, Civil Service Rule 11.27.1 prohibits a probationary employee being granted a leave of absence to serve in the unclassified service.