Chapter 11: Hours of Work, Annual, Sick and Other Forms of Leave

Overview

Chapter 11 governs employee leave for state classified employees, that is, absences from work. Highlights of this chapter include:

- An appointing authority's ability to set employee work schedules;
- The different types of leave and how they may be used, including annual, sick and special leave;
- An appointing authority's discretion to grant or deny a request for leave;
- Which types of employees may earn or be granted the different types of leave;
- Earning rates for annual and sick leave and limits on granting other types of leave;
- Accrual and cancellation of earned leave;
- An appointing authority's discretion to mandate the use of earned leave;
- Granting leave without pay;
- The relationship between sick leave and Worker's Compensation; and
- Military Service leave.

Leave benefits are provided to employees to help agencies maintain a productive, stable workforce. For example, to be at their best, employees need occasional time off to address personal business or to "recharge their batteries." Annual leave rules provide a way for employees to request such time off. Employees who are ill or injured may not be able to fully perform their duties or may pose a hazard to clients or other employees. Sick leave Rules are designed to give agencies the ability to manage absences due to illness and to minimize their impact on operations.

Some other key Rules related to employee leave are Rule 15.5 Leave Records and Chapter 21 Overtime.

A NOTE ABOUT HOLIDAYS: The Civil Service Rules do not establish holidays. State holidays are set by law or declared by the Governor. Part B of **La. R.S. 1:55** governs holidays for state employees.

HR Impact

Chapter 11 applies to ALL state classified employees. Most employees have responsibilities that impact their work either on a regular or sporadic basis. Employers often read about the difficulties of assisting employees in establishing a positive work-life balance. In order to accommodate employee needs and assist in maintaining that balance, many agencies offer flexible work schedules or alternative work arrangements to their employees. Both of these solutions are permitted by the Civil Service Rules and are encouraged by State Civil Service to improve retention and morale among employees. Flexible work schedules and arrangements are usually beneficial to the employer because employees need to use less leave and are able to be more productive at a variety of times and locations. Although not all jobs allow for flexible schedules or arrangements, appointing authorities should study which jobs in their agency

could be considered for such a benefit. Additional information on alternative work schedules can be found in Job Aids & Resources: Alternative Work Schedules.

It is important to understand that there are other leave policies and rules that govern leave issues for unclassified employees in state government. For example, **Executive Order JBE 16-48, Rules and Policies on Leave for Unclassified Service** specifically apply to unclassified employees in the Executive Branch. Other leave policies or procedures may be established, such as those established by higher education boards, or the agency head may adopt the Executive Order for use in his agency for unclassified employees.

When applying leave Rules, it is critically important to distinguish between leave that *must* be granted and leave that *may* be granted. When leave *must* be granted, such as when an employee is too ill to report to work or is required to report for jury duty, it is important to note that the appointing authority has the right to require documentation that proves the necessity of the absence, such as a doctor's statement or a copy of the jury duty summons.

When leave *may* be granted, i.e. when it is granted at the appointing authority's discretion, such as annual leave, funeral leave or educational leave, it is important that the appointing authority does not exceed the limits established. For example, "advancing" annual leave to an employee or granting "a day off with pay" on an employee's birthday would be violations of the constitutional prohibition against making a donation to a state employee.

Rule-By-Rule Review

Rule 11.1 Full-Time Employees

This rule sets the number of hours that can be considered a **regular schedule** for a full-time classified employee. This is important when crediting annual and sick leave since employees do NOT earn leave when they are working overtime, i.e. in excess of their regularly scheduled hours. (See Rule 11.5(d)1.) Throughout the Rules, the term "full-time employee" refers to an employee assigned to work a regular schedule as defined in the provisions of this rule.

(a) All full-time employees in the classified service shall have a regular schedule of 40 hours per work week. However, an appointing authority may establish an 80-hour bi-weekly work schedule for employees who are considered exempt by the Fair Labor Standards Act (FLSA).

(b) and (d) If an appointing authority would like to establish a schedule for any of his non-exempt employees that exceeds the regular 40-hour week, he must seek approval of the Commission prior to implementing that schedule. This alternative schedule is generally established for a group of employees by job class or organizational unit. All approved schedules in excess of 40 hours must be filed with the Department of State Civil Service. Requests for alternative schedules should be submitted to the HR Program Support Division Administrator.

(c) Appointing authorities are required to designate, record and maintain a record of the regular schedule established for each of their employees.

Rule 11.2 Part-Time Employees

(a) Appointing authorities may identify and establish positions that need to be filled on a part-time basis. However, these positions must work less than 40 hours per week (or they would be subject to Rule 11.1). Reducing an employee from full time to part time status for the purposes of lay-off avoidance must be done in accordance with Chapter 17.

(b) Each part time employee must have an established schedule.

Rule 11.3 Intermittent Workers

When an employee is not needed on a regularly scheduled basis, the employee is considered an intermittent worker. The Rules allow the appointing authority to have positions which have no regular schedule. An example of an intermittent worker would be a nurse who works only when called in to provide coverage when a regular schedule employee is on leave. The employees may be in the classified or unclassified service in WAE (When Actually Employed) positions depending on the duties and functions of the job.

Rule 11.3.1 Repealed

Rule 11.4 Repealed

Rule 11.4.1 Telework

A department may establish a policy under which employees may participate in telework, including formal and situational telework. Employees are not entitled to telework, nor does participation in telework change the terms and conditions of employment. Business-related, operational needs shall drive decisions regarding suitability of positions for telework, approval of employees to participate in telework, and the approval of which work days employees may be authorized to telework. A department shall maintain a listing of positions that are designated as suitable for telework. A department's policy must have the approval of the Director prior to implementation. At a minimum, policies must include the following conditions and elements:

(a) Affirmatively state that employees are not entitled to telework, but instead telework is driven by business-related, operational needs and can be modified or rescinded at any time.

(b) Affirmatively state that employees are subject to all agency policies and procedures.

(c) Define Formal Telework and Situational Telework.

(d) Identify factors that will be included in determining a position's eligibility for telework.

(e) Identify factors that will be included in determining an employee's eligibility for telework.

(f) Identify how teleworkers will be affected by official office closures.

(g) Establish and identify minimum requirements for alternative worksites, including but not limited to: safety, equipment, network security, and related matters, including which equipment will be provided by the department and that which must be provided by the employee at their cost.

(h) Provide that telework shall not be used to perform personal business during work hours or for any purpose for which leave (annual, sick, etc.) should be requested.

(i) Require employees who are authorized to participate in telework and their supervisors to complete mandatory telework training as established by State Civil Service.

NOTE: State Civil Service requires the following training courses be completed by all employees and their supervisors authorized for telework – **CPTP SCS Teleworking for Employees WBT** and **CPTP SCS Managing Teleworkers WBT**. Additional telework training resources will be made available but are not required by State Civil Service. All courses are available in LEO.

While State Civil Service requires the aforementioned training courses be completed by all employees and their supervisors authorized for telework, this may not apply to employees authorized for brief periods of situational telework. SCS encourages agencies to require training for those utilizing situational telework, however, appointing authorities have to discretion to address this in their Director-approved telework policies.

(j) Require employees who are authorized to participate in telework to enter into a written telework agreement with their department, which is reviewed and renewed at least annually. The telework agreement must contain the location of the approved alternative worksite(s).

Departments with approved telework policies shall maintain proper time and attendance records that record an employee's telework days.

Rule 11.5 Earning of Annual and Sick Leave

(a) All full and part-time employees shall earn annual and sick leave for each hour of their "regular tour of duty" according to a rate associated with their years of service. This includes Probational, Permanent and Job Appointment status employees. Leave is still earned while an employee is on paid leave or observing a paid holiday. However, leave is not earned by employees on classified WAE appointment. Also, those employees who are using leave from an agency crisis leave pool do not earn leave.

(b) Each employee who is eligible to earn leave accumulates leave for each hour at a rate based on the years of full time State service of the employee. Part time service should be pro-rated so that the employee is given partial year credit for that time (for example, 6 months of working 20 hours per week = 3 months service credit for leave earning). Agencies not using automated payroll systems should use the Table for Crediting Annual & Sick Leave.

1. Less than three years of service: .0461 of both annual and sick leave for every hour of regular duty. Example: an employee who worked 80 hours in a bi-weekly pay period would earn 3.688 hours of annual leave and 3.688 hours of sick leave that pay period.
2. Three but less than five years of service: .0576 hour of annual and sick leave per hour.
3. Five but less than ten years of service: .0692 hour of annual and sick leave per hour.

4. Ten but less than fifteen years of service: .0807 hour of annual and sick leave per hour.
5. Fifteen or more years of service: .0923 hour of annual and sick leave per hour.

NOTE: To determine the number of years of state service an employee has earned for the purpose of leave accrual, HR personnel should use the Leave Service Date Calculator. The types of state service, which count for leave earning purposes, can found in Job Aids and Resources: Types of Service Credited for Leave Accrual Purposes (Leave Service Date).

(c) Repealed.

(d) Employees do NOT earn annual or sick leave:

1. For any overtime hour worked. (See Chapter 21 for information on overtime.)
2. While on leave without pay. (See Rule 11.27.)
3. Repealed.
4. For being in on-call status outside of the employee's regular work schedule.
5. For any hour of travel or other activity outside the employee's regular work schedule.
6. For any hour of holiday or other non-work day that occurs while the employee is on leave without pay. This means that if an employee is on leave without pay the day immediately before **and** immediately after a holiday, the employee does not earn leave on that holiday.

NOTE: Human Resources Information/Payroll systems used by most state agencies have automated processes for leave earning, crediting and usage and the proper accounting for leave in their payroll processes. For example, LaGov HCM automatically credits employees' annual and sick leave based on the number of hours worked and the accrual level of the employee at the end of each pay period.

Rule 11.6 Carrying Leave Forward

(a) Any annual leave or sick leave an employee has earned and not used is carried forward year to year as long as the employee remains employed. (See also Rules 11.10, 11.18 and 11.19.)

(b) Repealed.

Rule 11.7 Use of Annual Leave

(a) An employee must ask to use annual leave in advance and should be requested in accordance with agency policy. Annual leave must be approved by the appointing authority or his designee.

(b) An employee will not be charged annual leave for a non-work day.

(c) Each agency must choose the minimum time increment it will use to record annual leave usage. This minimum increment must be at least six, but no more than 30 minutes. The minimum increment chosen will apply to all employees. For example, if an employee requests annual leave because they are five minutes late for work, the appointing authority can designate that the employee must take six minutes of annual leave or up to thirty minutes of annual leave.

(d) The appointing authority must use the same minimum time increment to charge sick leave as it uses for annual leave.

NOTE: Annual leave can **only** be used with the agency's permission. No employee has a "right" to use annual leave or annual leave in lieu of any other type of leave, i.e., sick leave. Appointing authorities have the right to decline employee requests for annual leave. An appointing authority also has the discretion to rescind a request for leave previously approved but it must be done prior to the effective date of the leave and must be based on a rational business reason.

Rule 11.8 Repealed

Rule 11.9 Enforced Annual Leave

(a) An employee may be required to take annual leave when in the appointing authority's judgment it serves the best interests of the department. However, such forced annual leave is subject to the limitations listed in (b) below.

(b) The appointing authority cannot require an employee to reduce his annual leave balance below 240 hours, unless:

1. It is being done as an alternative to granting a request for leave without pay. This rule does not extend to an employee whose request for leave without pay is for military purposes following the exhaustion of military leave with pay as per Rule 11.26(c); or
2. The employee is absent from work due to an FMLA condition; or
3. The leave is required during an office closure being conducted as a layoff avoidance measure under Rule 17.10.

NOTE: Enforced annual leave **cannot** be used to place an employee on a suspension pending investigation. See **Rule 12.10(b).**

Rule 11.10 Payment for Annual Leave Upon Separation

The provisions of this rule require an employee to be paid for up to 300 hours of accrued annual leave when the employee separates from state service. This leave payout is the state's form of severance pay. Section (e) prevents an employee from resigning and then immediately returning to work just to get the 300-hour payment.

(a) Subject to Rule 11.18(a) and sub-section (b) of this rule, each employee shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour, provided the employee was not dismissed for theft of agency funds or property. Calculation of the payment will be computed as follows:

1. When an employee is paid on an hourly basis, multiply the regular hourly rate by the number of hours of accrued annual leave.
2. When an employee is not paid on an hourly basis, determine the employee's hourly rate by converting the salary in accordance with the uniform pay plan for conversion. Multiply the converted hourly rate by the number of hours of accrued annual leave.

NOTE: If the employee resigns his permanent status to accept a job appointment or any nonleave earning position, he should be paid annual leave up to 300 hours. However, if an employee who is on job appointment moves into a new job appointment within the same agency, any leave balances earned in the former job appointment should transfer into the new job appointment. This is because the agency does not assume an increased liability for the leave, and the transfer of the leave is a benefit to the employee. Employees who take a leave of absence from their classified position to accept an unclassified position (thereby retaining their permanent status in the classified position) do not receive this payment. This situation allows for the employee to retain their leave balances and other entitlements and their leave balance transfers with them.

(b) The maximum hours an employee can be paid upon separation is 300 hours. An employee on detail will be paid at the nondetail hourly rate.

(c) Payment of annual leave under this rule will not extend an employee's work status. (i.e., payment of 300 hours of annual leave does not continue the employee's employment status.)

(d) Payment of annual leave earned before July 1, 1953, will be paid in accordance to the rules in effect at that time.

(e) When an employee who has been paid for up to 300 hours of annual leave is reemployed in the classified service, the employee shall pay the re-hiring department an amount equal to the number of workdays paid upon separation minus the value of any workdays intervening between the date of separation and the date of rehire. Upon repayment, the employee shall be re-credited the number of hours of annual leave repaid. This rule is designed to discourage employees from resigning solely to get the cash payment for the value of their accumulated leave. Exceptions to this payback rule are when:

1. An employee returns to work for the first time after retirement or
2. An employee is rehired into a job appointment or other nonleave earning position.

NOTE: When determining the amount of leave an employee shall repay, the hiring agency is required to refer back to the employee's prior agency to verify the employee's work schedule (8, 9, 10, or 12 hours). Leave repayment is calculated based on the prior regularly scheduled hours and at the rate the employee was initially paid for the annual leave. Then, the new agency would have to credit the employee with the appropriate amount of annual leave paid back.

*When determining how much leave an employee must repay, holidays and office closures should not be included in the calculation because they are considered "non-workdays".

Leave Repayment Example				
Work Hours (Shift)	**8 hours**	**9 hours**	**10 hours**	**12 hours**
Sit-out Period (Number of Work Days)	300 LA / 8 hours = 37.5 days	300 LA / 9 hours = 33.3 days	300 LA / 10 hours = 30 days	300 LA / 12 hours = 25 days
Employee returns to state service after 15 days	15 days x 8 hours = 120 hours	15 days x 9 hours = 135 hours	15 days x 10 hours = 150 hours	15 days x 12 hours = 180 hours
The number of hours the employee has to repay	300 - 120 = 180 hours	300 - 135 = 165 hours	300 - 150 = 150 hours	300 - 180 = 120 hours

Non-workdays are not included in leave repayment calculation.

(f) Repealed.

(g) Repealed.

NOTE: The Louisiana Commission on Governmental Ethics issued Opinion No. 10 on January 19, 1972, relative to Terminal Leave payments. More information can be found in **Job Aids & Resources: Guidelines for Terminal Leave Payments.**

Rule 11.10.1 Payment for Sick Leave when an Employee is Nondisciplinarily removed under Rule 12.6(a)1

An employee removed under Rule 12.6(a)1 must be paid for the remaining sick leave unless he is reemployed with probational or permanent status without a break in service of one or more work days. If the employee is reemployed without a break in service, the sick leave balance will transfer to the employing agency.

NOTE: Removal for exhaustion of sick leave is the only time an employee can be paid for his sick leave balance. This payment will typically not exceed eight (8) hours, depending on the incremental leave, which the employee accrues between being given notice and his separation.

Rule 11.11 Repealed

Rule 11.12 Repealed

Rule 11.13 Use of Sick Leave

(a) Sick leave may be utilized by an employee who has sufficient leave to their credit for necessary absences from duty because of:

1. His own illness or injury, which prevents the employee from performing his usual duties.
2. His own medical, dental or optical consultation or treatment for the duration of time required for such appointments when it is not possible to arrange such appointments for non-duty hours.
3. Repealed.
4. Assertion, supported by medical certification, of his own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of his diagnosed high-risk immunological disorder.
5. The need to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the Governor, and there is no other suitable person available to care for the son or daughter because his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.

NOTE: Son or daughter is your own child, which includes your biological child, adopted or foster child, your step child, a legal ward, or a child for whom you are standing in loco parentis-someone with day-to-day responsibilities to care for or financially support a child. This includes son or daughter who is an adult (18 years of age or older) who is incapable of self-care because of a mental or physical ability.

(b) In lieu of requesting annual leave, an employee who has sufficient leave to his credit may request sick leave for necessary absence from duty for the following reasons:

1. Illness or injury of an immediate family member which necessitates the absence.
2. Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours.

> **NOTE:** Immediate family member which is defined in 1.15.2.4 is without an age limit. Leave under this rule can only be used when approved by the Appointing Authority.

(c) Sick leave will not be charged for nonwork days.

(d) Repealed.

(e) Each appointing authority shall designate a method of charging sick leave increments. The minimum designation will be six minutes and the maximum is 30 minutes. (See Rule 11.7)

(f) The appointing authority will use the same time increment designation for both annual leave and sick leave.

(g) An appointing authority may require appropriate documentation to establish the need for leave as set forth above.

Rule 11.13.1 Enforced Sick Leave

An appointing authority can require that an employee use sick leave if:

(a) the employee asserts an inability to work due to the employee's illness or injury

(b) there is an apparent need to remove the employee from the workplace to avoid the spread of illness.

Under subsection (b) an appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave and presents for duty displaying symptoms of illness. In order to enforce sick leave under this subsection, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory capacity. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that he is fit for duty.

For more information on enforced sick leave, see Civil Service Commission decision on Brown v. DOA, Docket No. 15037.

Rule 11.14 Certificate Required When Sick Leave Taken

An employee who has taken sick leave will submit a leave request stating the cause of his absence and the amount of time taken. The appointing authority may require a doctor's certificate or other acceptable

proof to establish that the employee was ill and unable to work. Agency policy should be communicated to all employees.

Rule 11.15 Repealed

Rule 11.16 Repealed

Rule 11.17 Repealed

Rule 11.18 Cancelation or Continuance of Annual and Sick Leave

(a) Agencies should cancel the remaining sick and annual leave balances of employees upon separation from the state classified service. However, if the employee is reemployed in a probational or permanent classified position or in an unclassified position without a break in service, all of the employee's annual and sick leave shall be transferred with them to the employing agency.

(b) Employees who are rehired into a probationary or permanent position within five years of separation should have all annual and sick leave re-credited to them (unless the last separation was by dismissal or resignation to avoid dismissal). If an employee is rehired under any other type of appointment, he is not eligible for re-crediting of leave.

(c) Repealed

(d) Repealed

(e) Repealed

Rule 11.19 Transferring Annual and Sick Leave between Departments

(a) Repealed

(b) When an employee moves from one agency to another, the gaining agency has 30 calendar days to certify the leave balances from the previous agency and credit the balance to the employee. Therefore, when an agency receives a request to certify leave balances of a previous employee, the losing agency should respond as soon as possible.

(c) Annual and sick leave accrued by an employee who separates to enter the military will be re-credited to him upon reemployment in a classified position. Any leave for which the employee was paid upon separation will not be re-credited.

(d) Employees who move from unclassified positions that earned leave under an Executive Order to classified positions that are subject to these rules should have all annual and sick leave balances earned under the order credited to them in the classified service provided there has been no break in service.

NOTE: Remember, transferring leave from another formal system of leave when the employee was unclassified may have restrictions or limitations. Remember to check with the agency for the particular leave rule or system that governs transfer of leave.

Rule 11.20 Repealed

Rule 11.21 Workmen's Compensation Payment

NOTE: Agencies under the authority of the Division of Administration's Office of Risk Management (ORM) should be reminded of the ORM Workers' Compensation Transition Duty Plan requirements. For more information, please refer to the following link: **http://www.doa.louisiana.gov/orm/pdf/IIN-2015-1-Transitional_Return_to_Work_Plan.pdf.**

Agencies that choose to return employees to work following a Workers' Compensation claim are allowed to return the employee to his own job in light duty status for six (6) months provided the agency maintains in the employee's file a copy of the "Physician's Modified Work Information Sheet." This form is included in the **ORM Memorandum RE: Transitional Return to Work Program** for State Agencies, dated October 1, 2014. Requests for additional time beyond the initial six months may be made by the appointing authority to the Director of State Civil Service.

Appointing authorities also have the option of using a Detail to Special Duty in which to return the employee to work. For additional information on Detail to Special Duty, please refer to Chapter 23 of the HR Handbook under **Procedures – Policy Standards for Detail to Special Duty.**

When an employee is absent from work due to injury on the job, the employee:

(a) Will be allowed to use accrued sick leave. The use of sick leave will be limited to an amount that is necessary to equal the employee's regular salary from use of sick leave and workers' compensation benefits.

(b) May be allowed to use accrued annual leave or a combination of annual and sick leave. The use of annual leave or a combination of annual and sick leave will be limited to an amount necessary to equal the employee's regular salary from the use of leave and workers' compensation benefits.

(c) May be granted leave without pay.

NOTE: This rule is designed to allow payment to employees who are injured on the job without a full charge against their accumulated leave. In practice, many agencies may charge leave for the full number of regular work hours in the period and re-credit the leave represented by the Workers' Compensation payment by requiring the employee to endorse the Workers' Compensation check to the agency. The purpose of this practice is to provide adequate income to the employee during the processing of Workers' Compensation claims and payments. The Division of Administration's Office of State Uniform Payroll has issued guidelines found at **https://www.doa.la.gov/Pages/osup/Index.aspx** on how this information should be recorded in the LaGov HCM system.

Rule 11.21.1 Disabled Law Enforcement Employee

(a) If an employee in the law enforcement career field is disabled while in the performance of duty of a hazardous nature and as a result of the disability, cannot perform the usual duties of the job, the appointing authority, may, with approval from the Director, grant the employee six months of leave of absence with pay. The employee's accrued leave balances will not be reduced. However, the employee must repay to the agency all salary benefits he/she receives from Workers' Compensation. The appointing authority's request to the Director must be in writing and include all information needed to determine if the employee is covered by this rule.

(b) If a request made pursuant to this rule is questionable or is for more than six months, the Director must submit the request to the State Civil Service Commission.

Rule 11.22 Repealed

Rule 11.23 Civil, Emergency and Special Leave

This rule lists several types of leave that shall be granted to an employee who is serving on a job, probationary or permanent appointment. This leave is to be granted without loss of pay or charge of annual, sick, or compensatory leave. The appointing authority should require appropriate documentation from the employee for each type of special leave requested to support the approval of such leave. The reasons for which this type of leave is granted are as follows:

(a) Jury duty.

(b) An appointing authority must grant this type of leave when an employee is summoned to appear as a witness before a court, grand jury or other public body or commission. However, special leave cannot be granted when the employee is:

- the plaintiff or defendant in the case, (although he may request annual leave).
- summoned as a result of his other, nonstate, employment.

(c) Performing civilian duty in relation to national defense.

(d) When the appointing authority determines the employee cannot work due to an act of God.

NOTE: If leave is used in this manner, documentation to support and justify shall be maintained (See Rule 15.5).

If coded Act of God this means an employee is unable to work; therefore, overtime should not be worked nor earned.

(e) Repealed

(f) Employees are allowed time away from their job without charge to their annual, sick or compensatory leave to take State Civil Service exams or other exams before a state licensing board pertinent to their state employment. Appointing authorities should require employees to provide documentation of the

time and date of such examinations so that excessive leave is not requested. Appointing authorities may reasonably limit the frequency for which they will allow such leave. Such a policy should be consistently applied among employees.

(g) When the appointing authority determines that local conditions or celebrations make it impractical for employees to work in that location. This could be limited to a single facility or office within an agency.

NOTE: Employees who are required to work during such closures shall be compensated with state overtime (See **Rule 21.7(b)4**).

If such a closure occurs for an entire workday or a portion of a workday, an employee who had previously requested and been granted annual or sick leave for that time would not be charged the annual or sick leave for the appropriate amount of time relative to the closure. For example, if an appointing authority declared an office closed at 1 p.m. due to an approaching hurricane, any employee who was previously on approved annual leave would not be charged the annual leave from 1 p.m. until the end of their regular shift.

(h) A pre-induction physical prior to entering the military of the United States. This time is granted in addition to the 15 days of leave required under Civil Service Rule 11.26.

(i) The employee is a member of the National Guard or State Guard and is called to state active duty by the Governor in response to a declared emergency.

(j) When an employee is an attorney who is ordered to represent a criminal defendant by a court. However, if the employee is compensated from other sources special leave will not be granted.

(k) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty or participate in field exercises or training, except that such leave shall not be used for unit meetings or training conducted during such meetings.

Rule 11.23.1 Funeral Leave

Job appointment, probationary, and permanent employees may be granted up to two days of paid "funeral leave" per occasion to attend the wake and/or funeral services for the family members listed below. (To attend funeral services for other family members, an employee could request annual leave.)

- Parent or Step-parent
- Child or step-child
- Brother or step-brother
- Sister or step-sister
- Spouse
- Mother or Father in law
- Grandchild
- Grandparent

NOTE: This is a "may" rule; appointing authorities are not required to grant funeral leave. We suggest agencies set guidelines to ensure requests for funeral leave are handled consistently. Note also that employees serving in classified WAE appointments are not eligible for funeral leave.

Rule 11.23.2 Voting Leave

Job appointment, probationary, and permanent employees may be granted two hours of paid leave to vote in a primary, general or special election when the election falls on a regular work day and the employee votes in the parish where the employee works. If the employee votes in a different parish the employee may be granted up to one day of leave.

If an employee's work schedule would prevent him from reaching the polls during voting hours, this rule gives the agency the option to grant the employee a limited amount of paid time off to vote. Such leave is not mandatory; it is granted at the appointing authority's discretion.

Rule 11.23.3 Voluntary Disaster Service Leave

A full-time probationary or permanent employee may be granted up to 15 days off with pay to participate in an American Red Cross relief effort in the State of Louisiana. The employee must have received a certification from the Red Cross as a Trained Disaster Volunteer. The request from the employee must be to the appointing authority in writing.

NOTE: This rule was adopted in response to La. R.S. 42:450.2, which provides for paid leave for voluntary leave of absence for public employees who participate in specialized disaster relief services for the American Red Cross. The statute states that a qualified public employee shall notify his employing agency of his desire for leave of absence as soon as possible following a disaster within the state of Louisiana for which his services are needed by a Louisiana unit of the American Red Cross. Requests for disaster service leave must be made in writing to the appointing authority and include all of the following:

A written request for the employee's services from an official of the American Red Cross.
The employee's certification as a Trained Disaster Volunteer.
The nature and location of the disaster.
The anticipated duration of the absence.
The type of service the employee will provide to the Red Cross.
The name and title of the Red Cross official who will be supervising the employee.

Rule 11.24 Educational Leave

The purpose of educational leave is to permit an employee to obtain formalized training that will materially assist the employee in conducting his work without being charged accumulated leave. Such educational leave is optional at the appointing authority's discretion.

(a) An employee may be granted leave without pay to attend classes at an educational institution. The leave without pay is limited to the time spent in class at the educational institution.

(b) An employee may be granted education leave, with pay, for a maximum of 30 calendar days in a calendar year. The course of instruction must be related to the work the employee performs for the state. A permanent employee may be granted up to 90 days of educational leave for special training, if it is required by the employee's appointing authority.

(c) If an employee is granted leave without pay for educational purposes, the employee may receive a stipend from the educational institution if funds are available.

NOTE: It is pertinent for the agency head to remember that the intent of provision (b) of this rule is to permit an employee to obtain formalized training that will materially assist the employee in conducting his work. It cannot be approved if the educational or training opportunity is only remotely related to the employee's work.

Rule 11.25 Repealed

Rule 11.26 Military Leave

This rule applies to members of the Reserve Unit of the Armed Forces and to members of the National Guard who are called upon for military purposes as defined in Chapter 1.

(a) Military Leave with Pay

1. If the employee gives advance notice, the employee will be entitled to military leave with pay. The employee must be in a job appointment or a probationary or permanent status.
2. Advance notice is not required if it is impossible, unreasonable or prohibited by military necessity.
3. Military leave with pay for military training or duty is limited to 15 working days per calendar year.
4. Military leave with pay for a member of the National Guard who is called to Title 32 active duty in response to a declared emergency by the Governor is limited to 22 working days per calendar year.

(b) Use of Annual and Compensatory Leave for Military Purposes

1. If an employee gives advance notice of military obligation and request annual leave or compensatory leave, he shall be granted such leave. The employee must be in a job appointment or a probationary or permanent status.
2. Advance notice is not required if it is impossible, unreasonable or prohibited by military necessity.

(c) Use of Leave Without Pay for Military Purposes

Employees who have exhausted their annual leave or compensatory leave or who choose not to use their leave for military purpose shall be placed on leave without pay. The leave without pay will not exceed six years. After six years, the employee must be separated from state service. This rule does not apply to a temporary appointment of less than six years. If the appointment is less than six years, the appointing authority can end the appointment as originally scheduled and the employee will be separated.

(d) Rights Upon Return

Probational, permanent and job appointment employees returning to their position from military leave under this rule or Rule 23.15, will return with such seniority, status, pay and annual and sick leave accrual rates as they would have had if the employees had not been absent for military duty. However, probationary status will be governed by Rule 9.3.

(e) Repealed.

(f) Repealed.

(g) This provision applies to job appointment, probational or permanent employees who are on leave without pay and called to active duty. (Does not apply to employees on weekend drills.)

1. When an employee's 15-day military leave with pay has been exhausted, an employee whose military base pay is lower than the employee's state pay, will be paid the difference between the military base pay and the state base pay. These payments will be paid on the same dates as the employee's regular pay dates unless other arrangements are made. Employees who are receiving this pay differential shall provide documentation to ensure correct calculation of the pay difference. An employee using annual leave is not eligible for pay differential.
2. Employees on military leave under this provision will continue to earn annual and sick leave for the entire time they are on military leave. Leave will accrue as though the employee was not on military leave. Upon return from military leave, the employee will receive credit for the leave accrued during his absence.
3. Employees who are on Leave Without Pay shall receive, each calendar year, the full amount of Military Leave with Pay provided in Rule 11.26(a)3 and (a)4. The pay differential allowed in 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.
4. If an employee used leave for military service from September 11, 2001, until the effective date of this rule, and the employee chooses the pay differential, the employee will be re-credited leave balances with an amount equal to what the pay differential the employee would have received effective September 11, 2001.

(h) Permanent or probationary employees who were called to active duty and resigned their positions may, within 90 days of release from active duty, have the resignation rescinded and become eligible for benefits under subsection (g) of this rule.

NOTE: HR professionals must be aware of all things to be considered when an employee is called to military active duty. Additional guidelines regarding items for consideration may be found in **Job Aids & Resources: Military Leave Guidelines.**

Rule 11.27 Leave of Absence Without Pay

(a) An appointing authority may authorize leave without pay. However, the leave without pay cannot extend the period of the employee's appointment.

(b) Repealed

(c) Repealed

(d) If a probationary employee who is on leave without pay does not return to work on or before the first day after the expiration of the leave without pay, his employment will terminate at the close of business on the day after the leave without pay ended.

(e) If a permanent employee on leave without pay fails to report to work on the day after the leave of absence expires, the employee shall be considered to have abandoned his position and shall be dismissed in accordance with Chapter 12 of these rules.

(f) An appointing authority, on his own or on request of the employee, may withdraw an authorization for leave without pay. If the appointing authority does withdraw authorization, it must be in the best interest of the state and notice must be given to the employee. Withdrawal of authorization must not conflict with the Military Leave Rules.

(g) An employee who is absent without approval may be placed on leave without pay for the period of the absence and may also be disciplined, in accordance with Chapter 12 Rules, for failing to obtain approval for the absence.

NOTE: While on leave without pay, employees do not earn annual or sick leave, nor do they receive benefit of any holidays that occur during their absence. See Rule 11.5(d).

Rule 11.27.1 Leave Prohibited to Assume an Unclassified Position

A probationary employee cannot take a leave of absence from a classified position to serve in an unclassified position. Such leaves of absence may be granted by the appointing authority to permanent status employees.

NOTE: For more information, please see Job Aids & Resources – **Leave Without Pay for Service in an Unclassified Position**.

Rule 11.28 Holidays

(a) An employee who is required to work on an official holiday will be entitled to compensatory leave or overtime pay in accordance with Chapter 21.

(b) When a holiday falls on an employee's regular day off, and the employee is required to work on his designated holiday and the actual holiday, the appointing authority is to choose which day will be selected as the official holiday for overtime compensation as required by Chapter 21. On the other day, the employee is to be compensated as regular overtime.

(c) Repealed

About Holidays: **La. R.S. 1:55(B)** provides for three types of holidays for state employees.

- "Statutory holidays" are those specifically declared in the law. (e.g. Christmas Day).
- "Proclaimed holidays" are additional days proclaimed by Executive Order of the Governor. (e.g. National Memorial Day).

- "Designated holidays" occur when a Statutory or Proclaimed holiday falls on the employee's regular day off. For example, if Christmas day falls on a Sunday, any employee who is off on the Sunday must be given a designated holiday, which should be the closest working day, according to the statute.

More information can be found in **Job Aids & Resources: Understanding State Holidays.**

Rule 11.29 Repealed

Rule 11.30 Repealed

Rule 11.31 Forms

All state agencies are required to maintain correct leave and attendance records. Agencies that do not use this automated processing of leave requests through the LaGov HCM system should use the Application for Leave (SF-6) for recording leave requests and approvals. Agencies who wish to use other forms as documentation of leave requests and approval must obtain prior approval from the Director.

Rule 11.32 Repealed

Rule 11.33 Repealed

Rule 11.34 Crisis Leave Pool

A department may create a crisis leave pool of shared annual leave to be used by employees who cannot work due to a crisis situation and who do not have leave to cover an absence needed for a crisis situation. An employee granted crisis leave will receive leave that ensures wage replacement of 75 percent of their regularly scheduled work week. An employee cannot accrue annual and sick leave while using crisis leave. To establish a crisis leave pool, a department must have a policy approved by the Commission. A crisis leave pool policy must include at least the following:

1. Limit participation to permanent employees (for both donations and usage).
2. State whether the crisis leave donation period will be a calendar year or fiscal year and set a cap on how much leave any employee can donate during that year, not to exceed 240 hours.
3. Set a minimum annual leave balance donors must maintain after their leave donation has been subtracted.
4. Establish a cap on the amount of leave an employee can use from the pool, not to exceed 240 hours in a calendar year. Establish and clearly define eligibility criteria and the crisis situation which will be covered.
5. Define a procedure for administering the pool.
6. Prohibit employees from being forced or pressured to donate leave to the pool.
7. List any other conditions the agency deems necessary.
8. State whether the pool will be administered as:
    - Leave hours donated and used; or
    - Dollar value of leave donated and used.

NOTE: It is the Director's policy that donation of annual leave to any crisis leave pool by the employee is irrevocable. To ensure that employees are aware of this condition, agency personnel may elect to use the Crisis Leave Donation Certification Form provided in the Job Aids and Resources section below.

Rule 11.35 Special Leave Related to COVID-19 Health Pandemic

All state agencies are required to maintain correct leave and attendance records. Agencies that do not use this automated processing of leave requests through the LaGov HCM system should use the Application for Leave (SF-6) for recording leave requests and approvals. Agencies who wish to use other forms as documentation of leave requests and approval must obtain prior approval from the Director.

(a) Effective May 31, 2020, the use of special leave under Civil Service Rule 11.23(d) shall not be granted by an appointing authority for any employee absence related to the COVID-19 health pandemic. The Director is granted the authority to reinstate special paid leave under Civil Service Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.

(b) Repealed by expiration of rule, effective April 1, 2021.

(c) An appointing authority may grant time off without loss of pay, annual or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.

Such special paid leave shall not extend beyond 14 calendar days as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.

(d) Repealed by expiration of rule, effective September 30, 2021.

(e) An appointing authority may grant time off without loss of pay, annual leave or sick leave to an employee in order to receive a COVID-19 vaccination, provided such leave shall not exceed 4 hours for each administration of the vaccine. Appointing authorities shall require the employee to provide proof of vaccination for documentation purposes.

Rule 11.36 Parental Leave – EFFECTIVE JANUARY 1, 2024

This rule allows a legal parent of a newborn or the adoptive or foster parent with whom a child under the age of 18 is placed to take up to six weeks (240) hours of paid parental leave to bond with a child with whom the employee has a new parental relationship and an active and on-going role in parenting. Foster and adoptive parents may also use this leave to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

Please read the adopted rule in its entirety for specific qualifications, eligibility, duration, compensation methods, and limitations. To view Parental Leave FAQs, documents and templates, and a downloadable informational infographic, please visit our Parental Leave Resources page.

Rule 11.37 Organ Donor Leave – EFFECTIVE AUGUST 1, 2026

This rule provides the framework for leave for state classified employees who donate all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow. This rule provides state employees with 30 calendar days of leave following the donation.

Please read the adopted rule in its entirety for specific qualifications, eligibility, duration, compensation methods, and limitations.

Job Aids and Resources

- Alternative Work Schedules
- Crisis Leave Donation Certification Form
- Leave Without Pay for Service in an Unclassified Position
- Military Leave Guidelines
- Parental Leave Frequently Asked Questions
- Table for Crediting Annual and Sick Leave
- Telework Sample Policy
- Terminal Leave Payment Guidelines
- Types of Service Credited for Leave Accrual Purposes (Leave Service Date)
- Understanding State Holidays