

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

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General Circular No. 001623

To: Heads of State Agencies and Human Resource Directors

Subject: Hurricane Katrina – Special Leave and Overtime

Issue Date: September 16, 2005

The purpose of this general circular is to address the following topics--particularly as they apply to our response to Hurricane Katrina:

- Office Closure
- Special Leave
- Overtime
- Employees Hired by Other Agencies – the Double Paycheck Problem
- Other Information
- Chart- Overtime - Office Closed
- Chart-Hurricane Katrina-Related Overtime - Office Open

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.

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 work in a “closed” area are working overtime. See Civil Service Rule 21.7(b)(4) and the attached Chart- Application of Katrina Related Overtime in Areas that are Officially Closed.

During a closure, the appointing authority can direct employees 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. General Circular 1620 has been issued to address questions and issues regarding the assignment of employees. 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 but performs the scheduled work as usual.

During an office closure, employees are obligated to stay in touch with supervisors and managers for further direction 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 perhaps the employee would be subject to disciplinary action.

SPECIAL LEAVE

As stated in General Circular 1617, 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 for maintaining employees in such status. It is our recommendation that employees unable to work (for an entire work period or part of a work period) because of Hurricane Katrina be placed on special leave and that appointing authorities be as sensitive as possible to the needs of their employees.

OVERTIME

Federal FLSA overtime must always be compensated at the time and one-half rate for non-exempt employees, and it becomes operational as soon as the non-exempt employee's actual time worked exceeds 40 hours in a week for most employees. For certain classes of employees, FLSA overtime becomes operational at different time periods; agencies that have these employees are aware of what the time periods are.

On September 14, 2005, the Civil Service Commission authorized agencies to compensate all employees at the time and one-half rate for any State overtime worked as a result of Hurricane Katrina. This "blanket" authority covers overtime worked from August 26, 2005 until February 28, 2006. Agencies are not required to compensate State overtime at this rate; use of this flexibility is at the discretion of the agency.

See attached charts for specific compensation options.

EMPLOYEES HIRED BY OTHER AGENCIES – The Double Pay Check Problem

Many agencies are unable to process personnel and payroll actions. Therefore, when an agency hires an employee who previously worked for another state agency, the employee could still be on the payroll files of the former agency. If the former agency is on a payroll system different from the hiring agency, the employee might get two paychecks from the State for the same period of time. Agencies should advise these new hires of this possibility and tell them that they are entitled to only ONE paycheck and that they must return the other. If you hire an employee who previously worked for another agency and it cannot be determined whether or not the employee was separated from that agency, it may be a good idea to have the employee sign a statement acknowledging that he is aware that he is entitled to only one paycheck, and is obligated to return one if one is issued from the previous employer.

OTHER INFORMATION:

The Commissioner of Administration has issued several memoranda (and may issue additional ones) with information and instructions that you should be aware of.

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

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

Sincerely,

s/Anne S. Soileau
Acting Director

Hurricane Katrina-related overtime --- OFFICE OPEN

When an employee performs Hurricane Katrina-related work in an open area, the following chart applies to the hours worked in excess of the employee's scheduled workday.

Exempt / Non-Exempt		Options for Compensation
Non-Exempt	Employee worked more than 40 hrs in a work week	<p>Cash payment at time and one-half rate</p> <p>Compensatory leave earned at the time and one-half rate</p>
Non-Exempt	Employee worked less than 40 hours in a work week but worked in excess of his regularly scheduled workday.	<p>Cash payment at the time and one-half rate (based on "blanket" approval granted by CS Commission on 9/14/05. Covers period of time from 8/26/05-2/28/06).</p> <p>Compensatory leave earned at the time and one-half rate (based on "blanket" approval granted by CS Commission on 9/14/05. Covers period of time from 8/26/05-2/28/06).</p> <p>Cash payment at regular hourly rate</p> <p>Compensatory leave earned hour-for-hour</p>
Exempt	Employee worked in excess of his regularly scheduled workday.	<p>Cash payment at the time and one-half rate (based on "blanket" approval granted by CS Commission on 9/14/05. Covers period of time from 8/26/05-2/28/06).</p> <p>Compensatory leave earned at the time and one-half rate- (based on "blanket" approval granted by CS Commission on 9/14/05. Covers period of time from 8/26/05-2/28/06).</p> <p>Cash payment at regular hourly rate</p> <p>Compensatory leave earned hour-for-hour</p> <p>No overtime compensation</p>

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 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 Compensatory leave earned at the time and one-half rate Cash payment at regular hourly rate Compensatory leave earned hour-for-hour
Exempt	Yes OR No	Cash payment at the time and one-half rate Compensatory leave earned at the time and one-half rate Cash payment at regular hourly rate Compensatory leave earned hour-for-hour No overtime compensation