DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No. 8

EFFECTIVE DATE: **FEBRUARY 20, 2015**

SUBJECT: **LEAVE**

AUTHORIZATION: **STEPHEN CHUSTZ, SECRETARY**

I. POLICY

The policy of the Department of Natural Resources (DNR) is to afford employees the right to use accrued leave to address personal needs, while also managing such leave usage in the manner which most effectively maximizes employee attendance to serve the public's interests. This policy fully complies with the requirements of the Fair Labor Standards Act and Civil Service Rules.

II. PURPOSE

This policy establishes guidelines and procedures for governing the use of leave by DNR's classified employees. Excessive tardiness and absenteeism create an unnecessary hardship upon those responsible for getting the job done. This policy ensures that employees understand the importance of reporting for work on time, maximizing their presence at work throughout the entirety of the workday and minimizing unnecessary and unreasonable absences from duty. This policy also identifies the process for requesting leave, the constraints permissible by law upon leave usage and the consequences for excessive/unauthorized absences from duty.

III. APPLICABILITY

This policy applies to all classified employees serving DNR with probationary, permanent and job appointment status.

Leave entitlement and usage requirements for DNR employees serving in the unclassified service are governed by Executive Order BJ-2012-2.

IV. LEAVE ACCRUAL

Annual and sick leave are earned by eligible full-time and part-time employees. Such leave is credited to an employee's leave balance at the end of each payperiod and is available for use thereafter with supervisory approval. Unused annual and sick leave are carried over to succeeding years and can be accumulated, without limitation, throughout state service. Employees are reminded that accrued annual and sick leave

are valuable property rights which can be converted to service credit for retirement purposes upon reaching eligibility for retirement.

Based upon full-time service, annual and sick leave accrue in accordance with the following schedule:

Years of Service	Hours of Leave for Each Hour of Regular Duty	Hours of Leave Per Pay Period	Days of Leave Per Year
0 through 3	.0461	3.6880	12
3 through 5	.0576	4.6080	15
5 through 10	.0692	5.5360	18
10 through 15	.0807	6.4560	21
15+	.0923	7.3840	24

V. LEAVE AUTHORIZED BY THE CIVIL SERVICE RULES

1) Annual Leave

Definition: Time off from work, with pay, granted an employee for the purpose of recreation, vacation, transaction of personal business, to care for an ill family member, and restoration and maintenance of work efficiency.

a) Approval of Annual Leave

i) The approval of annual leave is not automatic and annual leave requests do not have to be approved; instead, approval will be based upon workload, deadlines, leave usage history, leave balances, coverage requirements and other factors related to the business needs of DNR.

ii) Annual leave must be requested and approved prior to use. Requests for such leave should be submitted for supervisory approval as far in advance as possible.

iii) For those unexpected or unscheduled situations in which the employee's need to use annual leave was not requested and pre-approved, the employee shall personally contact his/her supervisor within fifteen (15) minutes of the employee's scheduled reporting time. Call-ins to anyone else or by anyone else on the employee's behalf are not acceptable. Voicemail, e-mail and text messages are not acceptable unless specifically authorized by the employee's supervisor.

iv) An employee needing to leave work unexpectedly is required to first obtain permission from his/her supervisor. It is not

acceptable to simply submit a leave request without securing supervisory approval prior to departure.

b) Enforced Annual Leave

i) An appointing authority may compel an employee to use annual leave whenever it is determined that such action is in the best interest of the department and will not cause the employee's annual leave balance to be reduced below 240 hours.

ii) An appointing authority shall require an employee to use any and all accrued annual leave before being granted authorized leave without pay.

c) Terminal Annual Leave

Definition: Terminal annual leave is the authorized use of annual leave prior to an employee's retirement from state service.

i) A retiring employee who has sufficient accumulated hours of annual leave may be authorized to continuously use such leave, immediately prior to retirement, for a period not to exceed 160 work hours.

ii) An employee's eligibility for terminal annual leave will be dependent upon his/her leave usage during the twelve (12) months immediately preceding his/her prospective retirement date.

iii) The granting of terminal annual leave will be contemporaneous with an appointing authority's acceptance of the employee's fixed and irrevocable retirement date. DNR views the prospective retirement date in the nature of a contract which can be rescinded or changed only with approval of the Secretary.

iv) Terminal annual leave may be granted provided the employee's absence from duty will not impair the efficient operation of the employee's work unit.

v) While on terminal annual leave, an employee is prohibited from engaging in outside employment which would be prohibited during regular employment by either the Code of Governmental Ethics, the Civil Service Rules, the Dual Office-Holding Act or DNR policy.

vi) Any employee commencing terminal annual leave without first completing the required documentation will be placed on unauthorized leave without pay for the duration of his/her absence.

2) Sick Leave

Definition: Time off from work, with pay, granted an employee because of the employee's disability, illness or injury which prevents him/her from performing customary duties, or for medical, dental or optical consultation or treatment.

a) Approval of Sick Leave

i) For scheduled absences for health care appointments, treatment, therapy or surgery, sick leave must be requested and approved in advance. Such a request should be made as far in advance as possible.

ii) For unexpected illnesses and appointments of a medical nature, the employee shall personally contact his/her supervisor regarding the leave need within fifteen (15) minutes of the employee's scheduled reporting time. Call-ins to anyone else or by anyone else on the employee's behalf are not acceptable. Voicemail, e-mail and text messages are not acceptable unless specifically authorized by the employee's supervisor.

iii) An employee needing to leave work unexpectedly due to illness or medical emergency is required to first obtain supervisory approval. It is not acceptable to simply submit a leave request without securing such approval prior to departure.

iv) If an illness unexpectedly extends beyond one day, the employee shall inform his/her supervisor of the continuing leave need and the anticipated date of return to duty. Any extension of the sick leave requirement beyond the expected return date requires additional contact and approval from the employee's supervisor.

b) Physician Certificates

At any time and regardless of the duration of an employee's absence, a supervisor, in consultation with the Human Resources Director, may require an employee to produce a statement from a

health care professional certifying his/her need to be off from work and ability to return to work. In imposing this requirement, consideration shall be given to the employee's history of leave usage and patterns, leave balances, frequency and duration of absences and unscheduled occurrences.

c) Exhaustion of Sick Leave

Upon exhaustion of sick leave, an employee may request to use annual leave for a continuing illness. The granting of such a request is at the discretion of the appointing authority, in consultation with the Secretary, except that an employee shall be permitted to use annual leave, upon exhaustion of sick leave, for the remainder of the FMLA period for his/her own FMLA-qualifying serious health condition.

> **NOTE:** Employees are reminded that sick leave is a valuable benefit that should be used only when necessary since, upon reduction of an employee's sick leave balance below eight (8) hours, the employee may be non-disciplinarily removed under Civil Service Rule 12.6(a)1.

d) Workers' Compensation Benefits

An employee absent from work due to a work-related injury compensable under the workers' compensation laws of this state is generally entitled to continue receiving his/her regular salary via the combined use of accrued leave and workers' compensation benefits. Under no circumstance may an employee receive both a workers' compensation check and a full, regular wage check for the same period of time.

Employees absent from work due to a compensable injury are encouraged to contact Human Resources for a clear understanding of the manner in which benefits are provided.

3) Compensatory Leave

Definition: Leave earned by exempt and non-exempt employees in lieu of wages calculated at the straight-time rate or time and one-half rate as compensation for overtime hours worked.

a) In accordance with the Fair Labor Standards Act, DNR has categorized positions as non-exempt (eligible to earn compensatory

leave at the time and one-half rate) and exempt (eligible to earn compensatory leave only at the straight-time rate).

> **NOTE:** Employees should review DNR's Overtime-Compensatory Time Policy for a better understanding of the manner in which overtime is compensated via the granting of compensatory leave.

b) The principles applicable to annual leave apply to compensatory leave. Most notably, the use of compensatory leave must be requested and approved in advance.

c) No overtime for which compensatory leave is granted shall be worked by a DNR employee without prior supervisory approval and business need. Both employees and supervisors are required to minimize the accumulation of compensatory leave.

d) Authorized overtime hours worked for which compensatory leave is granted shall be reported on the time and attendance report in the same payperiod in which it is earned.

e) Use of Compensatory Leave:

i) Compensatory leave must be used before annual leave is used; and

ii) When an employee has both time and one-half and straight-time compensatory leave balances, charges for leave use first shall be credited against the time and one-half compensatory leave balance.

f) Enforced Compensatory Leave

An appointing authority may compel an employee, at any time, in furtherance of the interests of the department, to use all or a portion of his/her compensatory leave balance.

4) Leave Without Pay

Definition: Time off from work, without pay, for an approved or unapproved absence from duty. Leave without pay is charged when an employee does not have sufficient accumulated leave to cover a period of absence, is absent from duty without authorization or for the duration of a disciplinary suspension.

a) Employee Requests

A request to be placed in leave without pay must be fully documented and the reason(s) therefor fully explained. Such a request will be granted only under exceptional circumstances and with due consideration afforded the department's needs. Extended periods of leave without pay can be approved only by the appointing authority, in consultation with the Secretary, and then only when no other applicable leave is available for use.

b) Loss of Benefits

Employees do not accrue leave nor earn credit towards retirement during any period of leave without pay. Furthermore, for such periods, employees may be required to pay both the employer and employee portions of the cost for maintaining existing policies of insurance.

5) Funeral Leave

Definition: Time off from work, without loss of pay or accumulated leave, not to exceed two workdays, which may be granted to a probationary or permanent employee to make arrangements for or attend the funeral or memorial services of a covered family member.

a) Covered Family Member – Parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent or grandchild.

b) An employee may be granted additional time off from work via the use of annual or compensatory leave in conjunction with the funeral or memorial services of a covered family member.

c) In the event of the death of a DNR employee, an employee's covered family member or other individual closely associated with DNR's operations, the appointing authority may authorize an employee(s) to attend funeral/memorial services as a representative of the department without loss of pay or use of leave.

d) The appointing authority may require an employee requesting funeral leave to provide proof or documentation of his/her relationship to the deceased or proof of funeral services such as an obituary.

6) Leave for Jury Duty or Court Appearance

Definition: Time off from work granted to an employee, without loss of pay or accumulated leave, who is summoned to serve as a juror or appear as a witness before a court, grand jury or other public body or commission. Reasonable travel time to and from the court location also shall be granted.

a) Verification of Appearance

A copy of the court summons must be furnished to the supervisor as documentary support for the leave request. Employees are required to return to work immediately upon release from jury duty or other court appearance.

b) Payment for Jury Duty or Court Appearance

Payments earned by an employee for jury duty or court appearance may be retained by the employee.

c) Leave Required

An employee who is either the plaintiff or defendant in a proceeding shall be required to use annual or compensatory leave for the period of absence. Such leave is also required of an appellant in an appeal before the State Civil Service Commission. An employee who is summoned as a witness as a result of employment other than his/her state employment shall be required to use leave for the period of absence.

7) Military Leave

Definition: Military service includes military duty and training on a voluntary or involuntary basis and applies to members of a Reserve Component of the Armed Forces and members of National Guard Units who are called to active duty as a result of a non-local or non-state emergency.

a) Military Leave with Pay

Provided advance notice is given, employees serving as job appointees or with probationary/permanent status shall be entitled to military leave with pay for up to fifteen (15) workdays per calendar year.

b) Use of Annual and Compensatory Leave for Military Services

Upon exhaustion of the 15 workday military leave entitlement, provided advance notice is given, employees serving as job appointees or with probationary/permanent status may apply for and shall be granted use of annual or compensatory leave for military service.

> **NOTE:** Advance notice is not required when such is either precluded by military necessity or otherwise impossible or unreasonable.

c) Use of Leave Without Pay for Military Purposes

Employees serving as job appointees or with probationary/ permanent status who have either exhausted all available annual and compensatory leave or have chosen to not use such leave for military purposes shall be placed in leave without pay status. This period of leave without pay for military purposes shall not exceed six years, after which the employee shall be separated from the classified service.

d) Pay Differential

Employees serving as job appointees or with probationary/ permanent status who are called to active duty and placed in leave without pay status by choice or because all annual and/or compensatory leave have been exhausted may be entitled to pay differential (difference between military base pay and state service base pay). An employee's eligibility for this benefit must be confirmed by Human Resources based upon the review of required supporting documentation.

e) Maintenance of Employee Benefits and Pay

It is the employee's responsibility to contact Human Resources to maintain any insurance, retirement or pay benefit for which he/she may be entitled during the period of absence on military leave.

f) Rights Upon Return

Employees serving as job appointees or with probationary/ permanent status who return to the classified service after an extended absence for military service shall return with such seniority, status, pay and annual and sick leave as such would have accrued had they not been absent for military service.

8) Leave Under Act of God or Local Conditions

Employees serving as job appointees or with probationary/permanent status shall be granted time off from work, without loss of pay or accumulated leave, when:

a) An appointing authority, in consultation with the Secretary, determines that he/she is prevented by an act of God from performing duty; or

b) An appointing authority, in consultation with the Secretary, determines that because of local conditions or celebrations, it is impractical for employees in such locality to work.

9) Licensing Board, Civil Service Examinations and Job Interviews

a) Licensing Board

Employees serving as job appointees or with probationary/ permanent status shall be granted time off from work, without loss of pay or accumulated leave, when taking a state licensing board examination pertaining to his/her employment.

b) Civil Service Examination

Employees serving as job appointees or with probationary/ permanent status shall be granted time off from work, without loss of pay or accumulated leave, when taking a Civil Service examination.

Absences for this purpose shall be documented by presenting a copy of both the notice to appear for the examination and the final test result. The employee also shall request a signed form from Civil Service showing the date of the examination, time the examination began and time completed.

Employees are expected to arrange for such examinations and inform their supervisors of such in advance so that the department's operations are not disrupted. Failure to provide adequate advance notice may be cause for the supervisor to require that the examination be delayed until a later date.

10) Holidays

Designated statutory legal holidays include:

New Year's Day	Independence Day
Dr. Martin Luther King, Jr.'s Birthday	Labor Day
Mardi Gras Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

Additionally, Inauguration Day, once every four years in the City of Baton Rouge only, and General Election Day, every two years, are holidays.

By Executive Order, the Governor may proclaim additional days as holidays. For example, the day after Thanksgiving, Acadian Day, generally is proclaimed a holiday.

V. MISCELLANEOUS

1) **Unauthorized Absences** - Defined as: absence from duty without obtaining prior approval; failure to provide timely notification of leave; failure to provide an acceptable physician's statement to support leave when required to do so; tardiness in reporting to work at the scheduled time or in returning from an authorized lunch or break period; and leaving the duty station prior to the end of the workday without proper authorization. For such absences, the employee may be coded, for payroll purposes, in leave without pay status. Supervisors at all levels must be alert to identify offenses and are required to take both preventative action and appropriate corrective measures upon detecting leave abuse or misuse.

2) **Exhaustion of Sick Leave** – Civil Service Rule 12.6(a)1 provides that an employee may be non-disciplinarily removed for exhaustion of sick leave if unable to report for duty or perform customary job responsibilities due to illness or medical disability. For this reason, employees should conserve sick leave and utilize such leave only for the duration of time absolutely necessary.

3) **Unscheduled Absences** – DNR has promulgated an Unscheduled Absenteeism Policy in accordance with Rule 12.6(a)2. An unscheduled absence is defined as an absence, of any duration, for which the employee did not obtain supervisory approval by close of business on the employee's regularly scheduled workday prior to the absence. Employees are urged to review this policy (PPM #25) in detail since violations thereof could result in non-disciplinary removal from the classified service.

4) **Time and Attendance/Payroll Records** – Each classified employee, on a bi-weekly basis, is required to sign an official attendance/payroll document certifying his/her presence on the job and leave usage for the payperiod. This is the official document from which the employee's pay is

calculated. As such, it must be fully and accurately completed, with each employee certifying the information thereon to be accurate. Supervisors also must sign this document to certify its accuracy. False payroll documentation will result in disciplinary action, up to and including termination, and the possibility of criminal prosecution. Additionally, employees who claim wages for hours not actually worked will be required to reimburse the department for all wages fraudulently received.

5) **Leave Requests** – Employees are responsible for timely completing and submitting a leave request for each absence from duty. A leave request must appropriately designate the type of leave requested, including FMLA leave. Annual, compensatory and sick leave requests for foreseeable/scheduled absences should be submitted in advance. Absences for unscheduled and unforeseen reasons (illnesses, emergencies, etc.) should be submitted for supervisory approval on the first day of the employee's return to duty.

6) **Charging Leave** – The smallest increment in which annual, sick or compensatory leave may be taken is one-tenth (0.10) hour. Each six minutes is 0.10 hour of leave.

7) **Performance Adjustments** – Satisfactory attendance is essential for satisfactory performance. Unquestionably, an employee's absence from work impacts DNR's operations and increases the workload upon co-workers. Employee attendance should be carefully monitored throughout the year by supervisors. Additionally, in preparing annual performance evaluations and in considering an employee's eligibility to receive a performance adjustment, supervisors are required to evaluate attendance and address leave abuse or misuse.

> **NOTE:** Supervisors are reminded that under no circumstance can leave qualifying under the Family and Medical Leave Act be considered in completing an employee's performance evaluation or considering an employee's entitlement to a performance adjustment. Employees should review HR Policy #4 for a clear understanding of the limitations and requirements of the Family and Medical Leave Act.

VI. LEAVE CONSIDERATIONS

1) A supervisor, in consultation with Human Resources, at any time may require a statement from a health care professional certifying that the employee was ill and unable to report for duty for the duration of an absence. Similarly, the employee may be required to produce a statement from a health care professional certifying his/her ability to return to work.

2) Sick leave should be used only when necessary and only for the duration of time necessary for illness, treatment or recovery. Employees are encouraged to schedule medical appointments during the early morning or late afternoon hours to minimize absences from work.

3) Annual and compensatory leave must be requested, approved and then used. Employees should not anticipate leave requests to be granted automatically.

4) An employee's immediate supervisor or the next person in the supervisory chain of command must be notified if the employee is required to leave the office unexpectedly and without prior approval.

5) Every employee should be familiar with the required call-in procedure for his/her section for those absences which are unexpected and unscheduled. Generally, this entails a personal communication with the supervisor or other individual designated to receive call-ins. During the call-in, an employee is required to designate the type of leave requested, the reason or need for leave and the expected duration of time off from work. An employee should also disclose any timelines or deadlines that may be impacted by the absence. Employees should know, however, that compliance with the call-in procedure does not automatically constitute approval of the leave request.

6) If an employee's absence from duty involves more than one day, he/she is required to call each day in compliance with the call-in procedure, unless it has been established that the absence will involve several days. If the absence exceeds the expected number of days, an employee must call-in on the expected day of return to report his/her status and expected date of return. Similarly, if an employee calls in and identifies a specific time of arrival that day, he/she is to again contact his/her supervisor in the event of the inability to report for duty at the declared time.

7) Tardiness in reporting for duty, extending the lunch period and leaving work prior to the end of the scheduled workday, without authorization, are not acceptable. For such absences, an employee must request leave which may or may not be granted.

8) An employee may be required to produce acceptable documentary proof in support of a scheduled or unscheduled absence. Should the employee fail to do so, the duration of the employee's absence may be coded as leave without pay and such failure could additionally subject the employee to formal disciplinary action for failure to comply with a supervisory directive.

9) If an employee determines that time beyond the scheduled workday is necessary for completion of a project or work product, prior approval to work overtime must be sought from his/her supervisor. If the situation does not provide the opportunity to seek prior approval, an employee may work overtime; however, his/her supervisor must be notified as soon as possible of the overtime worked. If the supervisor determines that the employee's overtime was unnecessary, an employee's overtime thereafter may be limited to that pre-approved by his/her supervisor. Supervisors are required to prudently manage the work of their subordinates in order to mitigate the need for overtime.

10) Supervisors have control over annual and compensatory leave usage since requests for such leave can be denied for legitimate business purposes. Conversely, employees have the right, with limitations, to utilize sick leave which generally will not be denied unless the employee, responsive to a supervisory directive, fails to produce a physician's statement certifying his/her inability to report for duty.

11) Supervisors may limit the duration of annual/compensatory leave based upon the reason for the leave and a reasonable expectation of the amount of time needed (conference with a child's teacher does not require the entire day). The same is true for sick leave (most doctor's appointments are limited in duration).

12) A situation over which an employee has control, yet fails to handle in a timely manner, is not an "emergency" requiring approval of leave (driver's license renewal, paying bills, obtaining insurance, etc.).

13) Supervisors have the ability to set limitations upon the number of employees on leave at the same time. Coverage requirements may result in the denial of an employee's annual/compensatory leave requests.

14) Sick leave may not be used for a family member's illness. An employee approved to be off from work to care for an ailing relative must use annual or compensatory leave.

15) An absence from work due to an illness or injury occurring on the job may be compensable under this State's workers' compensation laws. An absence from duty for such a compensable injury is coded as sick leave and may also be qualifying as leave under the FMLA. Employees must immediately report all on-the-job injuries and seek assistance from Human Resources regarding workers' compensation benefits.

16) Upon separation, an employee shall be paid the value of his/her accrued annual leave, not to exceed 300 hours, calculated on the basis of his/her hourly rate of pay at the time of separation. This entitlement is separate

and distinct from the granting of terminal annual leave to an employee prior to retirement.

> **NOTE:** Payment of annual leave upon separation will not be made to any employee dismissed for theft of departmental funds or property.

VII. EXCEPTIONS

The requirements and limitations of this policy are mandated by the Civil Service Rules and state/federal law. As such, exceptions will rarely be granted and then only by an appointing authority based upon consideration of the department's needs.

VIII. VIOLATIONS

The failure of an employee to follow this policy's attendance requirements and/or leave request process may result in the employee's placement on leave without pay and also disciplinary action, up to and including termination. Leave violations, especially false time notations, may also result in criminal prosecution and the requirement that the employee reimburse the department for wages fraudulently received. Employees also are hereby informed of La. R.S. 24:523 which requires that the Secretary immediately notify the Legislative Auditor and local District Attorney of misappropriation of public funds or assets.

IX. QUESTIONS

Questions regarding this policy should be addressed to the Human Resources Division.

STEPHEN CHUSTZ, SECRETARY

2/19/15

DATE

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