DEPARTMENT OF NATURAL RESOURCES

HUMAN RESOURCES POLICY NO:	**8**
EFFECTIVE DATE:	**November 27, 2000**
SUBJECT:	**LEAVE**
AUTHORIZATION	**R. S. 36:354A (2) (a), B (9)**

I. POLICY:

It is the policy of the Department of Natural Resources to allow management and employees to use leave in a manner that will result in the most effective human resource management for the Department. This policy is in conformance with the Fair Labor Standards Act and the Civil Service Rules.

II. PURPOSE:

This policy will establish the guidelines and procedures governing the use of leave by employees in the classified service of the Department of Natural Resources. This policy adopts statewide standards for the use of annual leave by a classified or unclassified employee who is eligible for retirement and has submitted an application for retirement with a firm effective date. The employing agency/department may limit the use of annual leave by a retiring employee **to a maximum of 160 hours** (20 eight hour work days immediately prior to his retirement date.

III. APPLICABILITY

The provisions of this policy shall apply to all classified and unclassified employees in the executive branch of state government under the control of the Governor.

IV. PROCEDURES

1. Accrual Procedures

   a. Both annual and sick leave are earned by each full-time or part-time classified employee, other than an employee serving in a restricted appointment, who has a regular tour of duty.

   b. Both annual and sick leave are credited to an employee's leave account at the end of each pay period and are available for use at the end of each pay period and at any time thereafter.

2. Annual Leave

   a. Definition: Annual leave is leave with pay granted an employee primarily for vacations and to conduct personal business. This includes caring for family members who are ill.

b. Approval of Annual Leave

(1) Annual leave must be requested and approved in advance. Employees will request leave through the on-line leave system. In cases where such requests are impractical employees will submit an SF-6 (application for Leave) to their immediate supervisor. Approval or denial of all leave requests will be based on workload, previous usage and other factors surrounding the need for leave. In situations beyond the employee's control, an employee shall make every reasonable effort to notify the supervisor or a designated representative (someone who is physically present in the office, rather than by voice mail or e-mail) of his absence within one-half hour of the time department operations commence.

(2) An employee who needs to leave work unexpectedly will report to an appropriate supervisor for permission to leave. It is not acceptable to submit a leave request without securing permission from an appropriate supervisor in line of authority who is present in the workplace.

c. Enforced Annual Leave

(1) The Appointing Authority may require an employee to take annual leave whenever it is determined that such action is in the best interest of the agency and will not cause the employee's annual leave balance to be reduced below the amount specified by Civil Service Rules.

(2) The Appointing Authority may require an employee, who has accumulated in excess of 400 hours of annual leave to use not more than two weeks of this leave a year.

(3) An employee may be required to take any or all accrued annual leave before being granted leave without pay.

d. Terminal Leave

Definition: Terminal leave is the granting of leave by an appointing authority prior to retirement. A retiring employee, who has sufficient accumulated hours of annual leave, may be granted, by the Appointing Authority and immediately prior to retirement, the use of leave not to exceed 160 hours (20 eight hour work days)

The granting of terminal leave must be in conjunction with the acceptance, by the appointing authority, of a retirement date using the appropriate retirement forms and the submission of Applications for Leave (SF 6) to cover the period of absence. Terminal leave will be granted provided:

(1) Absence from duty will not hamper efficient operation of the employee's work unit.

(2) The employee does not engage in employment during the period of leave which would be prohibited during regular employment by the Code of Ethics, Civil Service Rules, Dual Office Holding Act or departmental policies.

(3) In the event of an emergency, the employee granted leave may be recalled to duty, canceling the period of leave but not the date of retirement.

Employees on terminal leave will have their access to the DNR information technology system and their work location terminated.

Once a retirement date has been accepted by the appointing authority, the Department will consider the approval of leave an irrevocable contract and only the appointing authority with the approval of the Secretary may rescind or change the date. Employees who go on terminal leave without completing the appropriate retirement form certifying a retirement date; will be placed on unauthorized leave without pay. Supervisors approving terminal leave without the appropriate retirement forms may be subject to disciplinary action.

3. Sick Leave

a. Definition: Sick leave is intended for those situations in which an employee is prevented from performing his duties because of illness or consultations or treatments relating to his personal health care.

b. Approval of Sick Leave: For an unexpected illness, an employee will make every reasonable effort to notify the supervisor or a designated representative of his absence due to illness within one-half hour of the time department operations commence. Failure to do so may result in an unauthorized absence (leave without pay).

SPECIAL NOTE: Hearing impaired employees should telephone the TDD station at (225) 342-8945 to report absences from work. These messages will be forwarded immediately to the proper supervisor.

c. An employee who becomes ill at work will report to an appropriate supervisor for permission to leave work. A voice mail or e-mail message is not acceptable.

d. If an illness extends beyond one day, the employee shall inform the supervisor of the status and, if possible, of the date he expects to be able to return to duty. If the employee is unable to return on the expected date, the supervisor should be informed as soon as possible on that date.

e. Physician Certificates

(1) In all cases of illness which extend beyond five consecutive work days, upon return to work, the employee shall be required to furnish the supervisor with a doctor's certificate which states:

(a) The date/ dates the physician examined or treated the employee;

(b) The length or expected length of illness; and

(c) The anticipated date the employee will be able to return to work.

(2) Supervisors may require that this statement be furnished upon return to work after an absence of less than five days, if conditions warrant and with the approval of the Appointing Authority, and should document the reasons for said request. A supervisor may refuse to accept a physician's statement which does not contain these elements of information.

(3) Failure of the employee to provide an acceptable physician's statement when required by the supervisor may result in all or any portion of the absence being charged as unauthorized absence (leave without pay).

f. When an employee exhausts all sick leave, annual leave may be requested by the employee. Granting such request is at the discretion of the supervisor.

g. Recrediting Sick Leave Reimbursed by Workers' Compensation Payments

An employee absent from work due to a work related injury, who is receiving Workers' Compensation payments, is not entitled to receive full pay from the employer for any period covered by these payments. Because of the waiting period for filing claims under Workers' Compensation, an employee on sick or annual leave may have received a salary check before Workers' Compensation is paid. An employee receiving a Workers' Compensation payment for any period already compensated by sick or annual leave is required to reimburse the employer for such leave at the regular hourly rate. Upon receipt of such payment, DNR will recredit the sick and annual leave to the employee's account. No employee may receive both a Workers' Compensation check and a salary check for the same period.

4. Family and Medical Leave

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of job-protected time off (paid or unpaid leave) to eligible employees for certain family and medical reasons. The time off is paid leave when an employee has sick, annual or straight-time compensatory leave hours available. Specific items covered are birth, adoption, placement of a child, care of an employee's own parent, care for a child or spouse with a serious health condition and an employee's own serious health

condition. Additional information is available in DNR Human Resource Policy No. 4, regarding FMLA.

5. Formula for Accrual of Annual and Sick Leave

The amount of leave is based full-time state service, as follows:

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 2	.0468	3.6880	12
3 through 4	.0576	4.6080	15
5 through 9	.0692	5.5360	18
10 through 14	.0807	6.4560	21
15-over	.0923	7.3840	24

6. Charging of 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. Compensatory Leave

In accordance with the Fair Labor Standards Act, the Department has developed a list of positions which are non-exempt (employees in those classes are eligible to earn compensatory time at the time and one-half rate) and those positions which are exempt (employees in those classes earn compensatory time at the straight time rate).

a. Definition

Compensatory leave is leave earned in lieu of cash payment at the straight-time or time and one-half rate as compensation for overtime worked. Compensatory leave may be earned and used by an employee serving in any type of appointment, other than an employee being paid at an hourly rate.

b. Earning of Compensatory Leave

(1) No compensatory leave/overtime shall be worked by any DNR employee without written prior approval of an appropriate supervisor. Non-exempt employees are not to perform work before or after their work schedule without prior approval if their supervisor and are to be compensated if they work. In instances when written or electronic prior approval is not possible, verbal prior approval is acceptable. Written confirmation of the verbal approval should accompany the Overtime and Compensatory Leave Earning Record.

Employees (Exempt and Non-Exempt) should sign in and out each day according to their designated work schedule, unless they have prior approval to earn

compensatory leave. Non-exempt employees should not work over without approval and should sign out at the end of their work schedule.

(2) Any overtime work will be reported on the time and attendance report in the pay period in which it was earned. Employees are responsible for timely submission of overtime hours worked.

(3) Holidays observed and any leave taken, whether with or without pay, shall not be counted as hours worked for purposes of determining overtime compensation.

(4) Employees and their supervisors are to minimize the accumulation of compensatory leave. DNR employees are limited to the accumulation of only 100 hours of compensatory leave at either the straight-time or time and one-half rate. If at any time a compensatory leave balance exceeds 100 hours, the employee has 60 calendar days to reduce it to the 100 hour limit. This will eliminate the possible cancellation of leave under Civil Service Rule 6.25 (c) at the end of each calendar year.

(5) All earning of compensatory leave will be recorded on the Overtime and Compensatory Leave Earning Record Form which is available on the DNR Intranet.

c. Use of Compensatory Leave

(1) Compensatory leave will be used before annual leave is used.

(2) When an employee has both time and one-half and straight-time compensatory leave balances. Charges shall be against the time and one-half leave balance first.

d. Disposition of Compensatory Leave

(1) The Appointing Authority may require employees to take all or part of accrued compensatory leave at any time.

(2) Upon separation or transfer from the Department, unused compensatory leave earned hour for hour by non-exempt employees-shall be paid at the base pay received by the employee.

(3) Upon separation or transfer from the Department, all unused straight-time compensatory leave earned by exempt employees shall be cancelled and will not be paid unless approved by the Secretary of the Department

8. Leave Without Pay

a. Definition:

Leave of absence without pay may be extended to an employee not to exceed one year. Leave without pay is also charged when an employee does not have sufficient accumulated leave to cover a short period of absence or when an employee in leave earning status incurs an unauthorized absence.

Civil Service Rule 11.27 authorizes an Appointing Authority to extend leave of absence without pay to an employee for a period not to exceed one year, provided that such approval will not prolong the period of the appointment. Under certain circumstances, with approval of the Director of Civil Service, a period in excess of one year may be approved for permanent employees.

b. Approval Authority

Requests for leave without pay must be fully documented with reasons for the employee's absence. Authority to approve leave without pay may be exercised as follows:

(1) Periods not to exceed 30 days may be approved by the proper Appointing Authority for employees under their supervision.

(2) Periods which exceed 30 days must be approved by the Secretary of DNR. Requests for leave which are expected to exceed 30 days will be submitted in advance, and will be forwarded through the Appointing Authority to the Human Resource Office to complete processing.

c. Loss of Benefits During Periods of Leave Without Pay

Employees for whom leave without pay is granted in excess of 30 days are to be Informed by the Human Resource Office that during the period of leave without pay, they do not earn credit toward retirement. If they are participants in the State Employees Group Benefits Program, they may be required to pay both the individual's and the employer's portion of the cost of such coverage to keep the coverage in force.

9. Funeral Leave

a. Definition:

Leave extended to an employee without loss of pay, not to exceed two consecutive work days, in the event of the death of a close relative of the employee in order to make arrangements or to attend the funeral or memorial

services. The number of days granted should be determined by relationship of deceased and location of services.

(1) Such leave is authorized only in the event of the death of one of the following family members: husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparent, grandchild, step father, step mother, step brother, step sister, step child.

(2) An employee may be granted annual or compensatory leave or, in the case of an employee with no accrued leave, leave without pay, in conjunction with the two days funeral leave authorized above.

(3) In the event of the death of an employee, the Appointing Authority may authorize employee(s) to attend funeral/memorial services as a representative of the Agency. The employee(s) attending said services will be carried in work status.

(4) At the discretion of the Appointing Authority, the employee who applies for Funeral leave may be required to provide proof or documentation for this absence on his application for leave.

10. Leave for Jury Duty or Court Appearance

a. Definition:

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

b. Verification of Appearance

A copy of the court summons must be furnished to the supervisor approving the leave as documentation of the leave request. Employees are expected to return to work after their release from jury duty or court appearance.

c. Payment for Jury Duty or Court Appearance

Payments earned by the employee for jury service or court appearance will be retained by the employee.

d. Annual Leave Required

An employee who is either the plaintiff or the defendant in a court case shall be charged with leave for the period of absence. An employee who is summoned

as a witness as a result of employment other than state employment shall be charged with leave for the period of absence.

e. Other Considerations

Time off from work for jury service or court appearance is authorized only when the hours of such appearance conflict with the hours the employee is scheduled to work. To preclude the employee from having to report to work or to appear in court without having had an opportunity for proper rest, supervisors may change the schedule of an employee who has been summoned as a juror or court witness so that such time off may be granted.

11. Leave for Military Purposes

a. Definition:

Military Purposes means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training and inactive duty for training (weekend drills).

b. Military Leave with Pay

Provided advance notice is given, employees serving on job appointments or on probationary or permanent status, who are members of a Reserve Component of the armed forces of the Unites States, shall be entitled to military leave with pay.

No advance notice is required when such notice is either precluded by military necessity or otherwise impossible or unreasonable.

Maximum military leave with pay is fifteen working days per calendar year.

c. Use of Annual and Compensatory Leave for Military Purposes

Employees serving on job appointments or on probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave. No advance notice is required when such notice is either precluded by military necessity or otherwise impossible or unreasonable.

d. Use of Leave Without Pay for Military Purposes

Employees serving either on job appointment status for significant periods of time or on probationary or permanent status, who have both exhausted annual leave and compensatory time or have chosen not to use this paid leave for

military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, they shall be separated from the classified service.

e. Maintenance of State Employee Benefits and Pay

It is the employee's responsibility to contact the Human Resource Office to maintain any insurance, retirement, or pay benefit for which he may be eligible during this period of absence on military leave

f. Rights Upon Return

Probationary and permanent employees and employees serving on job appointments for significant periods of time returning to their classified positions under the provisions of the Civil Service rules and shall return with such seniority, status, pay and annual and sick leave accrual rates as they would have earned had they not been absent for military training or military active duty. Status, however, is subject to the provisions of the Civil Service rules.

12. Educational Leave

DNR supports and encourages employees in their efforts to enhance their educational qualifications. Supervisors at all levels are encouraged to exercise maximum flexibility in arranging work or shift schedules to permit employees to take advantage of available educational opportunities during off-duty hours, whenever possible.

Time off without loss of pay or accumulated leave may be granted to any employee for a maximum of thirty calendar days, or the equivalent in hours, in one calendar year for educational purposes. Such leave must be requested and approved in advance, and the course(s) taken or the degree sought must be pertinent to the work of the employee. If the Department requires an employee to take special training, leave without loss of pay or accumulated leave for a maximum of ninety days in one calendar year shall be granted.

An employee may be granted annual, compensatory or leave without pay to attend classes which are not work-related. If the classes are not associated with the employees work at DNR, the employee may be allowed to use leave for the absence to the extent it is available.

a. Eligibility for Educational Leave

(1) All full-time permanent employees are eligible for educational leave.

(2) Employees granted educational leave must have at least a satisfactory performance planning and review rating.

(3) Employees who have previously been granted educational leave must have earned a grade of "C" or better in the course(s) for which leave was granted to be eligible for further educational leave and provide documentation to the Appointing Authority.

(4) Employees may be reimbursed for tuition, textbooks and normally related fees, for courses relevant to their work, upon successful completion of the course with a grade of C or better, contingent upon availability of funds as certified by the Undersecretary.

(5) Proof of acceptance by the educational institution must be presented before leave is approved.

(6) Educational leave may be granted to an employee only when hours of class attendance conflict with the employee's normal working hours, and when such conflict cannot be resolved through making reasonable schedule changes. When course credit is to be earned by examination or challenge, time spent in taking the examination or in required tutorial programs shall be considered in the same way as class attendance. Reasonable travel time to and from class also may be included. Study time will not be included as educational leave.

b. Use of Selection Criteria

When the number of employees requesting educational leave exceeds the number who can be permitted to attend without impairing efficiency of the unit, Office or Division Heads may establish competitive selections criteria, considering such factors as permanent employment status, seniority, and length of time required for completion of degree and similar criteria.

c. Requests for Educational Leave

The Appointing Authority is the approval authority for all requests for educational leave. The employee will be notified of final decision on the application by the Appointing Authority; if disapproved, the reason for disapproval will be given.

d. Workshops, Conventions, and Seminars

If the supervisor determines that the employee's attendance at a seminar, convention, or workshop is in the best interest of the agency, the employee should be considered to be on duty during such attendance and no type of leave should be charged. Other employees asking to attend may be permitted to use annual leave or leave without pay to attend. If the length of the seminar, convention, or workshop exceeds seven days, use of educational leave is appropriate.

e. Professional Organizations

Nonmembers of professional organizations must likewise receive written approval from the Appointing Authority in order to attend such meetings. Professional organizations are defined as any organization which is related to the employee's line of work and enhances their ability to perform their duties.

13. Leave Under Act of God or Local Conditions

a. Severe Weather Condition

In the event of unexpected severe weather conditions, employees who are physically blocked from getting to work because of impassable roads, including reasonable alternate routes, may, on a case-by-case basis, be absent without loss of pay or accumulated leave.

When time off is declared in case of natural emergencies, only those persons actually scheduled to work during the time period of declaration shall receive the time off. Those persons who are scheduled to work during those hours and, because of the requirements of their job, do in fact work shall he entitled to compensatory time for those hours.

b. Individual Emergency Situations

Supervisors may approve the use of annual, compensatory or leave without pay for emergency situations of an individual nature (fires, accidents, home flooding, and other similar disasters).

14. Licensing Board, Civil Service Examination and Job Interview

a. Licensing Board

An employee shall be authorized special leave without loss of pay or accumulated leave when taking a state licensing board examination pertaining to his employment, or when making application for a license necessary for the position.

b. Civil Service Examination

An employee taking a Civil Service examination on a regular work day shall be given special leave not to exceed five examinations during a thirty minute period. Absences for this purpose shall be documented by presenting a copy of both the notice to appear for the examination and the final test results. The employee shall also request a signed form from Civil Service showing the date of the examination and the time examination began and time completed.

Employees are expected to arrange for such examinations and inform their supervisors of such in advance so that scheduling of work is not disrupted. Failure to provide such advance notice may be cause for the supervisor to request that the examination be delayed until a later date.

15. Unauthorized Absence

a. Definition:

Absence from duty without obtaining prior approval of leave; failure to make timely notification of sick leave, failure to provide an acceptable physician's statement in documentation of sick leave when required to do so; tardiness in reporting to work at the scheduled time, or in returning from authorized lunch or break period, and leaving the post of duty without proper authorization before the end of a shift, or before properly being relieved.

b. Unauthorized absence may seriously impair unit efficiency and mission performance. Supervisors at all levels must be alert to identify offenses and to take both preventative action and appropriate corrective measures immediately.

c. No supervisor or Appointing Authority has the authority to allow an employee(s) to leave prior to the designated close of the workday without signed approval for use of leave. However, supervisors are urged to be as liberal as possible in granting leave in conjunction with the holidays.

V. RESPONSIBILTY

It is the responsibility of each Appointing Authority or his/her designee to assure compliance with this policy.

VI. EXCLUSIONS

Requests for exceptions to this policy should be submitted to the Appointing Authority along with specific and compelling justification. Exceptions shall be reviewed and approved on a case by case basis. Some examples of exceptions which may be considered include:

- The employee was denied use of annual/compensatory leave during recent past years because of work responsibilities.
- The employee performed jury duty or other civilian duty as listed under Civil Service Rules for more than five days while on leave prior to retirement.

Any exception to this policy must have the written approval of the Appointing Authority or his delegated representative. A copy of the approved exception shall be maintained by the Office of Human Resources.

VII. QUESTIONS

Questions regarding this policy may be directed to the Human Resource Director.

Robert D. Harper, Undersecretary
On Behalf of Scott A. Angelle, Secretary

5/20/2012
Date

Rev. 06/02; 03/03; 09/04; 05/05; 02/06;
06/06; 10/07; 10-15-07; 03/10; 05/12