

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

July 31, 2006

General Circular No. 001669

To: Heads of State Agencies and Human Resource Directors

Subject: Proposed Rule Amendments within Chapter 11 of the Civil Service Rules

Issue Date: July 31, 2006

The State Civil Service Commission will hold a public hearing on Wednesday, September 13, 2006 to consider the following rule proposals. The hearing will begin at 9:00 a.m. and will be held in the auditorium of the Claiborne Building, 1201 N. 3rd Street, Baton Rouge, Louisiana.

The Commission will consider the following proposed rule amendments within Chapter 11 of the Civil Service Rules:

11.1 Full-Time Employees.

- (a) (a) Subject to the provisions of subsections (b) and (c) hereof, the workweek for each full-time employee in the classified service shall be forty (40) hours; **or an appointing authority may specify an alternate 80-hour, two-week work period for exempt employees.**
- (b) (b) . . .
- (c) (c) . . .
- (d) (d) . . .

EXPLANATION: This change to rule 11.1 will allow agencies to establish variable work schedules for EXEMPT employees who may work more than 40 hours in one week and less than 40 hours in another week, for a total of 80 hours worked in a pay period.

11.5 Earning of Annual and Sick Leave.

- (a) (a) . . .
- (b) (b) . . .
 - 1. 1. . . .
 - 2. 2. . . .
 - 3. 3. . . .
 - 4. 4. . . .
 - 5. 5. . . .
- (c) (c) . . .

- (d) (d) No employee shall be credited with annual or sick leave
 - 1. 1. . . .
 - 2. 2. . . .
 - 3. 3. Repeal
 - 4. 4. . . .
 - 5. 5. . . .
 - 6. 6. . . .

EXPLANATION: Rule 11.5(d)3 currently reads: *While he is on leave with or without pay, until such time as he returns to active working duty, except where inability to return to duty is caused by illness or incapacity as defined by Rule 1.39.1* Repealing this section would remove the requirement that employees must return to work to be credited with leave that has been earned while on paid leave; however, employees still will not earn leave or be credited with leave while they are on leave without pay. In many current payroll systems, leave is automatically credited each payday, and adjustments must be calculated and made manually in order to properly adjust leave balances. The cost to the state of making this payroll adjustment each week is greater than any benefit received.

11.10 Payment for Annual Leave Upon Separation.

- (a) (a) Subject to Rule 11.18(a) and sub-section (b) of this rule, each employee upon separation from the classified service shall be paid the value of his accrued annual leave in a lump sum . . .
 - 1. 1. . . .
 - 2. 2. . . .
- (b) (b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay (includes base supplement) at the time of his separation. **The hourly rate of pay for employees who are on detail shall not include the employee's pay in the detail position.**
- (c) (c) . . .
- (d) (d) . . .
- (e) (e) When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he shall pay the Department which reemploys him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement, **except when:**
 - 1. 1. **an employee returns to work for the first time after retirement or**
 - 2. 2. **an employee is rehired into a job appointment or non-leave earning position, he/she shall not be required to make reimbursement.**
- (f) (f) . . .
- (g) (g) . . .

EXPLANATION: For Rule 11.10(b), the change will clarify which rate of pay should be used to calculate the leave payment when an employee who has been on detail leaves state service.

For rule 11.10(e), these changes would allow a retired employee to return to work immediately without having to repay his/her terminal leave payment. An employee could take advantage of this benefit only once. Also, these changes would clarify the current practice that no repayment is required when an individual is rehired into a position into which leave cannot be transferred (job appointment, restricted appointment, other non-leave earning position).

11.19 Transferring Annual and Sick Leave Between Departments.

- (a) (a) . . .
- (b) (b) . . .
- (c) (c) . . .
- (d) (d) **The annual and sick leave credits of a state employee earned under the provisions of a formal system of leave accrual and use, or employed by an entity that employs state classified employees on a regular basis, who enters the Classified Service, shall be certified and credited in the same manner as provided in this rule for classified.**

EXPLANATION: This change would allow the leave of unclassified employees in all branches of state government to be transferred with an employee who enters the classified service; it would also allow the leave of employees in the State Police system to transfer; however, the leave of employees like teachers who work for a local school board would NOT be transferable. This change offers a reciprocal arrangement to employees of the judicial and legislative branches who come to work in an executive branch classified position.

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

1. . . .
2. Each Department **shall specify the calendar year or the fiscal year as their "crisis leave pool policy year"**. The department's policy shall establish a cap on the amount of annual leave, which may be donated by an individual employee. No cap shall exceed 240 hours per employee per **policy year**. . . .

3. . . .
4. . . .
5. . . .
6. . . .
7. . . .
8. . . .
9. . . .

EXPLANATION: This change would allow an agency to choose either the calendar year or the fiscal year as the basis for their crisis leave pool.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service, P. O. Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to the meeting.

Sincerely,

s/Anne Smith Soileau
Director