

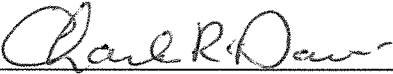
PPM #42

Policy Name: *Attendance and Leave Policy*

Effective Date: *February 2, 2012*

Revision Date:

Authorization:



Charles R. Davis, Deputy Secretary

This memorandum cancels and supersedes all other memoranda and policies on this subject, including individual policies previously promulgated on behalf of a specific Office, to include Policy and Procedure Memorandum No. 26 from the Office of State Parks.

I. POLICY

In accordance with Federal and State law and the Civil Service Rules, it is the policy of the Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) that all employees are informed of the rules regarding attendance, leave usage and the process for requesting leave, and that these rules be applied and enforced in a fair and consistent manner. Compliance with the requirements and procedures in this policy will assist supervisors in effectively managing employee time and attendance.

II. PURPOSE

This policy is intended to insure that each employee understands his/her responsibilities in the areas of attendance and leave usage, and also the process for requesting leave. Employees must understand that excessive tardiness and absenteeism create an unnecessary hardship on co-workers and the Department.

III. APPLICABILITY

This policy applies to all OLG/DCRT employees, regardless of status.

IV. TIME AND ATTENDANCE RECORDS

On a bi-weekly basis, each employee is required to complete and sign a timesheet certifying his/her presence on the job and any leave utilized for that pay period. This is the official document from which the employee's pay check is calculated. As such, it must be fully completed, with each employee certifying by his/her signature that the information thereon is accurate. Supervisors must also sign this document to certify its accuracy. False payroll documentation will result in disciplinary action, up to and including termination, and also the possibility of criminal prosecution for payroll fraud.

V. LEAVE

A. Leave Accrual and Increment

1. Both annual and sick leave are earned by full-time and regularly-scheduled part-time employees, except those serving on restricted, student and WAE (wage) appointments.
2. Both annual and sick leave are credited to an employee's leave balance at the end of the pay period and are available for use at any time thereafter with approval.
3. Any unused accumulated annual and sick leave is carried over to succeeding calendar years. There is no limit upon the amount of such leave an employee may accumulate during State service.
4. The amount of annual and sick leave earned is based upon full-time State service, as follows:

<i>Years of Service</i>	<i>Hours of Leave for Each Hour of Regular Duty</i>	<i>Hours of Leave Per Pay Period</i>
0-3 years	0.0468	3.6880
3-5 years	0.0576	4.6080
5-10 years	0.0692	5.5360
10-15 years	0.0807	6.4560
15+ years	0.0923	7.3840

5. All leave (annual, sick, compensatory leave, etc.) shall be utilized and recorded on the employee's timesheet in six-minute increments, as follows:

<i>Minutes</i>	<i>Leave Increment</i>
6-11 minutes	0.1
12-17 minutes	0.2
18-23 minutes	0.3
24-29 minutes	0.4
30-35 minutes	0.5
36-41 minutes	0.6
42-47 minutes	0.7
48-53 minutes	0.8
54-59 minutes	0.9

B. Annual Leave

1. Definition: Time off from work, with pay, granted an employee for the purpose of recreation, restoration and maintenance of work efficiency, transaction of personal business or vacation.

2. Approval of Annual Leave

- a) Annual leave must be requested and used only if approved in advance.
- b) The use of annual leave is at the discretion of the employee's supervisor, and therefore, not automatic. Annual leave approval will be based upon workload, leave usage history, leave balances and other factors related to the needs of OLG/DCRT.
- c) For those unexpected or unscheduled situations in which the employee's need to use annual leave was not requested and pre-approved, the employee must notify his/her supervisor (or designee) of the intended absence within no less than fifteen (15) minutes of the employee's scheduled reporting time. Each supervisor and/or site manager is responsible for determining and properly advising his/her employees of the appropriate method(s) by which an employee can call-in, to include whether text messages, emails, and/or voicemails are acceptable.
- d) If an unexpected absence extends beyond one day, the employee is required to call each day following the same procedure as above, unless it has been established that the absence will involve several days. If the absence exceeds the expected number of days, the employee must call-in on the expected day of return to report his/her status and expected date of return.
- e) An employee needing to leave work unexpectedly is required to obtain permission from his/her supervisor (or designee). It is not acceptable to simply submit a leave request without securing permission prior to departure.

3. Enforced Annual Leave

- a) The Appointing Authority may require an employee to use annual leave whenever it is determined that such action is in the best interest of OLG/DCRT and will not cause the employee's annual leave balance to be reduced below two-hundred forty (240) hours.
- b) An employee may be required by the Appointing Authority to use any and all accrued annual leave before being granted leave without pay.

4. Annual Leave Upon Retirement (Terminal Leave)

- a) A retiring employee who has sufficient accumulated hours of annual leave may be authorized by the Appointing Authority, immediately prior to retirement, to use annual leave for a period not to exceed five hundred twenty (520) hours.

- b) The granting of terminal annual leave must be in conjunction with the acceptance, by the Appointing Authority, of a fixed and irrevocable retirement date or separation following DROP participation using the appropriate retirement forms, in addition to a written request specifying the amount of terminal leave requested for approval of the Appointing Authority.
- c) Terminal annual leave will be granted provided:
 - 1) The absence from duty will not hamper the 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 Governmental Ethics, the Civil Service Rules, the Dual Office Holding Act or OLG/DCRT policy.
 - 3) In the event of an emergency, the employee granted terminal annual leave may be recalled to duty, thereby canceling or suspending the period of leave, but not the date of retirement.
- d) Employees on terminal annual leave will have their access to the OLG/DCRT's information technology network and ID badge deactivated.

NOTE: Once a retirement date has been accepted, OLG/DCRT will consider the prospective retirement date an irrevocable contract, which can be rescinded or changed only with approval of the Appointing Authority.

C. Sick Leave

- 1. Definition: Time off from work, with pay, granted an employee because of a disability, illness or injury that prevents him/her from performing his/her usual duties, or for medical, dental or optical consultations or treatment.
- 2. Sick leave may not be used for a family member's illness. An employee approved to be off to care for an ailing relative must use annual or compensatory leave.
- 3. Approval of Sick Leave
 - a) For expected absences due to prescheduled healthcare appointments or surgeries, sick leave must be requested and approved in advance. Employees are encouraged to schedule medical appointments during the early morning or late afternoon hours to minimize absences from work.

- b) For unexpected illnesses or medical appointments, the employee must notify his/her supervisor (or designee) of the intended absence within no less than fifteen (15) minutes of the employee's scheduled reporting time. Each supervisor and/or site manager is responsible for determining and properly advising his/her employees of the appropriate method(s) by which an employee can call-in, to include whether text messages, emails, and/or voicemails are acceptable.
- c) An employee who needs to leave work unexpectedly due to illness or medical emergency is required to obtain permission from his/her supervisor (or designee). It is not acceptable to submit a leave request without securing permission prior to departure, except under extreme circumstances.
- d) If an unexpected illness extends beyond one day, the employee is required to call each day following the same procedure as above, unless it has been established that the absence will involve several days. If the absence exceeds the expected number of days, the employee must call-in on the expected day of return to report his/her status and expected date of return.
- e) During call-ins to report an illness, the employee is expected to notify his/her supervisor of any impending deadlines or timelines that may impact OLG/DCRT's operations.

4. Physician Certificates

At any time, Human Resources, the supervisor or the Appointing Authority may require an employee to produce a physician's statement certifying his/her medical need to be off from work. Similarly, an employee may be required to produce a statement from a healthcare professional certifying his/her ability to return to work.

5. Exhaustion of Sick Leave

- a) An employee does not have a right to use annual leave upon exhaustion of sick leave for his own illness. The granting of annual leave under such circumstance is within the sole discretion of the Appointing Authority. However, an employee shall be granted the use of annual leave, upon exhaustion of sick leave, for any serious health condition that is FMLA-qualifying.
- b) In accordance with Civil Service Rule 12.6(a)1, an employee may be non-disciplinarily removed from his/her position when he/she is unable to perform the essential functions of his/her job and has fewer than eight (8) hours of sick leave to his/her credit. Therefore, employees should be mindful that maintaining an adequate sick leave balance is important.

6. Re-crediting of Sick Leave Reimbursed by Workers' Compensation Benefits

In accordance with Civil Service Rule 11.21, employees are required to utilize their accumulated sick leave while off work due to a workers' compensation injury. This is to the employee's advantage, as it allows him/her to earn 100% of his/her regular wages, rather than the 66 2/3% payment from workers' compensation.

Louisiana Revised Statutes 23:1221-1226 prohibits an employee from personally retaining a workers' compensation check and a regular salary check for the same period of time. Therefore, the Human Resources Division utilizes the workers' compensation check as a reimbursement in order to "buy back" or re-credit the injured employee with a portion of the sick leave used.

As authorized by this policy, the Human Resources Division shall endorse workers' compensation checks on behalf of injured employees, in order to facilitate the leave buy-back process.

7. Family and Medical Leave

The Family and Medical Leave Act (FMLA) provides eligible employees up to twelve (12) work weeks, or 480 hours, of "job-protected" unpaid leave during any twelve (12) month period for certain family and medical reasons. In accordance with Department policy, an employee must concurrently utilize his/her unpaid FMLA leave with any available balance of applicable paid leave (that is, sick leave, annual leave, or compensatory leave). When all available paid leave is exhausted, the employee will be placed on leave without pay. Please refer to PPM #13, Family and Medical Leave Act Policy, for more information.

D. Compensatory Leave (K-time)

1. Definition: Compensatory leave, otherwise referred to as K-time, is leave earned in lieu of cash payment at the straight-time or time and one-half rate as compensation for overtime hours worked. The rate at which an employee earns compensatory leave is determined by the Fair Labor Standards Act (FLSA).
2. It is OLG/DCRT's policy that compensatory leave may be earned by both FLSA exempt and non-exempt employees.
3. The requirements applicable to annual leave apply to compensatory leave. Most notably, the use of compensatory leave must be requested and approved in advance.

4. No overtime for which compensatory leave is granted shall be worked by an OLG/DCRT employee without prior supervisory approval and business need.
5. Authorized overtime worked for which compensatory leave is granted shall be reported on the employee's timesheet in the same pay period in which it is earned. Employees are responsible for timely submission of such overtime hours.
6. Supervisors must prudently manage the work of their subordinates in order to mitigate the need for overtime for which compensatory leave is granted.
7. Use of Compensatory Leave
 - a) Compensatory leave shall be used before annual leave is used;
 - b) When an employee has both time and one-half and straight-time compensatory leave balances, charges for leave use shall be credited against the time and one-half compensatory leave balance first; and
 - c) In furtherance of the interests of OLG/DCRT, the Appointing Authority may compel an employee, at any time, to use all or part of his/her compensatory leave balances.

E. Leave Without Pay (LWOP)

1. 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 or when an employee incurs an unauthorized absence.
2. Employees do not earn credit toward retirement during any period of leave without pay. Further, for such periods, participants in the Group Benefits program may be required to pay both the employer's and the employee's portions of the cost for maintaining and keeping in full force and effect policies of insurance.

F. Funeral Leave

1. Definition: Time off from work, without loss of pay or accumulated leave, not to exceed two (2) consecutive workdays to make arrangements or attend the funeral or memorial services of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent or grandchild.
 - a) In the event of the death of an employee, the Appointing Authority may authorize an employee or employees to attend funeral/memorial services as a representative of OLG/DCRT without loss of pay or use of leave.

- b) The supervisor may require an employee requesting funeral leave to provide proof or documentation of his/her relationship to the deceased.

G. Leave for Jury Duty or Court Appearance

1. 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.
2. 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 immediately upon release from jury duty or court appearance.
3. Payments earned by the employee for jury duty or court appearance may be retained by the employee.
4. An employee who is either the plaintiff or defendant in a court case 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 his/her outside employment shall be required to use leave for the period of absence.

H. Leave for Military Purposes

1. 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).

2. Military Leave with Pay

Provided advance notice is given, employees serving on job appointments or with probationary/permanent status that are members of a Reserve Component of the Armed Forces of the United States shall be entitled to military leave with pay. The maximum military leave with pay is fifteen (15) working days per calendar year. No advance notice is required when such notice is either precluded by military necessity or otherwise impossible or unreasonable.

3. Use of Annual and Compensatory Leave for Military Purposes

Employees serving on job appointment or with probationary/permanent status who provide advance notice of military obligations and apply for annual or compensatory leave shall be granted such leave in conjunction with required military service. No advance notice is required when such notice is either precluded by military necessity or otherwise impossible or unreasonable.

4. Use of Leave Without Pay for Military Purposes

- a) Employees serving on job appointments or with probationary/permanent status who have either exhausted all available annual and compensatory leave or have chosen not to use such leave for military purposes shall be placed on leave without pay status.
- b) This period of leave without pay for military purposes shall not exceed six (6) years after which the employee shall be separated from the classified service.

5. Benefits and Pay

- a) It is the employee's responsibility to contact Human Resources to maintain any insurance, retirement or pay benefit for which he/she may be eligible during his/her period of absence on military leave.
- b) Employees serving on job appointments or with probationary/permanent status returning to the classified service 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.
- c) Employees engaged in military service may be entitled to exigency leave in accordance with the Family and Medical Leave Act (FMLA). Information regarding the leave available to servicemembers can be found in PPM #13, Family and Medical Leave Act Policy. Any employee requiring extended leave for military purposes should contact Human Resources to determine the requirements for such leave.

I. Leave Under Act of God or Local Conditions

1. Severe Weather Conditions

- a) In the event of unexpected severe weather conditions, employees who are physically blocked from reporting 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 with the approval of the Appointing Authority.
- b) When time off is declared in case of natural emergencies, only those persons actually scheduled to work during the time period of the 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 be entitled to appropriate compensation as required by law.

2. Employees who are on annual, sick or compensatory leave when other employees are granted emergency leave shall remain on the type of leave previously approved for the time period.

J. Civil Service Examination and Job Interview

1. Civil Service Examination

- a) An employee taking a Civil Service examination on a regular work day shall be given special leave for the duration of time necessary for the examination and travel to and from the examination site.
- b) Absences for this purpose shall be documented by requesting a signed form from Civil Service showing the date of the examination, the time the examination began and time completed.
- c) Employees are expected to arrange for such examinations and inform their supervisors of such in advance so that OLG/DCRT's operations are 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.

2. Job Interview

- a) Employees are encouraged to apply for promotions and other job opportunities within OLG/DCRT for which they qualify. An employee seeking such opportunities may participate in an interview during work hours via the use of authorized special leave without loss of pay or accumulated leave. Special leave will not be afforded an employee seeking employment with any entity other than the OLG/DCRT.

K. Workshops, Conventions and Seminars

If the Appointing Authority determines that an employee's attendance at a seminar, convention or workshop is in the best interest of OLG/DCRT, the employee shall be considered to be on duty during such attendance and no type of leave should be charged.

L. Unauthorized Absence

1. Definition: Absence from duty without obtaining prior approval; failure to provide timely notification of leave; failure to provide an acceptable physician's statement as documentation of sick 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 without proper authorization.

2. Unauthorized absences seriously impair efficiency and mission performance. Supervisors at all levels must be alert to identify offenses and to take both preventive action and appropriate corrective measures.

VI. SUPERVISORY LIMITATIONS ON LEAVE USAGE

- A. Supervisors have control over annual leave and compensatory leave usage since requests for such leave can be denied for legitimate business reasons. Conversely, employees have the right, within limitations, to utilize sick leave, which generally cannot be denied. However, the employee can be required to produce a medical certificate from his/her healthcare professional to justify sick leave usage.
- B. 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 (for example, a conference with a child's teacher does not require the entire day). The same is true for sick leave (most doctors' appointments do not require more than a few hours).
- C. Supervisors have the ability to set limitations upon the number of employees on leave at the same time.

VII. OFFICE CLOSURE

Should the Appointing Authority send employees home for any reason by affecting an office closure, those employees who are not at work as a result of pre-approved leave will remain on that leave. Time and attendance will not be adjusted to re-credit leave to these employees.

VIII. EXCEPTIONS

The Deputy Secretary may make exceptions to this policy as he deems necessary, provided such exceptions shall not be in conflict with Civil Service Rules or express law.

IX. VIOLATIONS

Employees found to be in violation of this policy will be subject to disciplinary action, up to and including termination, and may face criminal prosecution for payroll fraud.

X. QUESTIONS

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

Summary of Changes: New policy (February 2, 2012).