BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 94

EFFECTIVE DATE: May 17, 2010

SUBJECT: Caps on Pay Out of Compensatory Leave to Exempt Employees

AUTHORIZATION: _____
Barbara Goodson, Deputy Commissioner

I. POLICY:

It is the policy of the Division of Administration (DOA) to limit the number of hours for which cash will be paid for straight time compensatory leave earned as a result of overtime hours worked by classified and unclassified employees exempted from the federal Fair Labor Standards Act (FLSA).

In the event that this policy conflicts with the policy setting forth the Overtime Compensation for Emergency Support Workers, the latter policy shall be followed.

II. APPLICABILITY:

This policy is applicable to all exempt employees of the Division of Administration in all sections, both general and ancillary appropriations.

III. DEFINITIONS:

Straight Time Compensatory Leave (in the context of this policy) - the same as straight compensatory leave, non-payable compensatory time, non-payable K, straight time compensatory time, straight time K, and hour for hour compensatory leave.

Time and One-half Compensatory Leave (in the context of this policy) - the same as time and one-half compensatory leave, payable compensatory time, payable K, time and one-half K, FLSA compensatory leave, FLSA compensatory time, and FLSA K.

Exempt Employees - employees exempt from the requirements of the FLSA.

IV. CAP ON PAYMENT OF STRAIGHT TIME COMPENSATORY LEAVE TO EXEMPT EMPLOYEES:

Exempt employees **may be** paid in cash for a total of no more than 200 hours during a fiscal year for unused straight time compensatory leave. Further, the Appointing Authority has the discretion to choose not to pay out in cash any unused straight time compensatory leave. To further clarify, the following caps on compensatory leave payments are imposed as described below:

A. An exempt employee shall only be paid in cash during each fiscal year from July 1 to June 30 for up to 200 hours of accrued straight time compensatory leave.

B. An exempt employee shall only be paid in cash for up to 200 hours in accrued straight time compensatory leave at separation. The amount paid at separation and any compensatory leave already paid in cash during that fiscal year cannot exceed 200 hours in total. All remaining straight time compensatory leave shall be canceled at separation and not reinstated should the employee return to state employment.

V. RESPONSIBILITY:

Deputy/Assistant Commissioners and equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring that each employee under his supervision is made aware of this policy and its contents.

Ensuring that time and attendance records are accurate and maintained. These records shall contain information regarding the exempt or non-exempt nature of work performed by each employee paid under this policy.

Managers/Supervisors are responsible for:

Complying with this policy as directed by the section head.

Employees are responsible for:

Adhering to all aspects of this policy.

Office of Human Resources is responsible for:

Ensuring that this policy and subsequent revisions are provided to section heads.

VI. VIOLATIONS:

Failure to comply with this policy may result in disciplinary action, up to and including termination.

VII. QUESTIONS:

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

VIII. EXCEPTIONS:

Requests for exceptions to this policy should be submitted to the Appointing Authority along with specific and compelling justification.

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.