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GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

# State of Louisiana

Division of Administration
Office of Human Resources

**DIVISION OF ADMINISTRATION**

**PERSONNEL POLICY NO. 88**

**EFFECTIVE DATE:** **August 28, 2008**

**SUBJECT:** **Special Leave, Emergencies and Office Closures**

**AUTHORIZATION:** _____
**Angele Davis, Commissioner**

## I. POLICY:

It is the policy of the Division of Administration (DOA) to grant special leave to employees during emergencies and office closures when that leave is in accordance with Civil Service Rules, federal and state law, Executive Orders, and established policies and guidelines and does not present a hardship on the agency. The granting of special leave by the appointing authority will be administered in a fair and consistent manner.

## II. PURPOSE:

Whenever it is determined that the health or safety of citizens, clients or employees may be placed at risk or that conditions or events prevent performance of regular operations, services or responsibilities assigned to the Division of Administration, closure of the Division of Administration or a subsection thereof may be deemed necessary. The purpose of this policy is to set forth rules and procedures governing the use of special leave for office closures, individual circumstances, emergency and voluntary disaster service leave.

## III. APPLICABILITY:

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

## IV. DEFINITIONS:

**Home office** – the location of the office building or work site where the employee reports to work. It may or may not be the same as the official work domicile and/or the work assignment parish.

**Residence** – parish where the employee resides or where employee's home or primary residence is located.

**Official work domicile** – parish assigned to the employee's POSITION. This may or may not be the same parish as the location of the employee's home office and/or work assignment.

**Work assignment** – usually the parish of official work domicile. In sections that do inspection work, this may be a parish different from the location of the official work domicile and/or the employee's home office. This may change daily or from week to week as the employee makes inspection rounds. There may not be a regularly assigned "route". The work assignment may be prepared months in advance or a week in advance, or the next day's assignment may be determined at the end of each work day.

## V. SPECIAL LEAVE TYPES:

### A. Office Closure

Executive Order No. BJ 2008-64 and Civil Service Rules 11.23(d) and (g) allow an appointing authority to grant special leave to employees if the appointing authority has determined that (1) the employee is prevented by an act of God from performing his duties or (2) because of local conditions or celebrations, it is impractical for employees in that locality to work in that office, either of which situations may result in an official office closure. An office closure can be mandated by the Commissioner of Administration or the Governor and may involve one building, an entire facility, an entire city or an entire area of the state. Employees assigned to work at such locations are typically placed on special leave.

During an office closure, employees are obligated to stay in contact with supervisors and managers for further directions regarding return to work. If contact is not possible, employees are expected to call designated hotline numbers and/or follow media accounts for information regarding return to work. Failure to return to work when instructed may result in the employee's absence being charged to annual, compensatory leave or leave without pay and/or a charge of insubordination. In the absence of official notification of a delayed opening or office closure, employees are expected to report to work on time or contact their supervisor or other appropriate office personnel according to DOA Personnel Policy No. 6 (*Attendance, Leave, Work Hours and Work Schedules*) and their section's attendance policy.

During a closure, employees may be called back and directed to work in locations that have been declared "closed" or at locations that are not affected by the closure and employees must report as directed. State travel regulations may apply.

An appointing authority may temporarily assign an employee to perform any duty within his agency. Regarding classified employees, Civil Service Rules allow an appointing authority to change an employee's hours of work, to change an

employee's geographic location of work, and to reassign an employee from one position to a different position of equivalent pay range as long as the employee meets the minimum qualifications and any testing or competition requirements. An appointing authority also can detail an employee to another position for up to one year. Employees temporarily assigned to work at a location other than the official work domicile may be eligible for travel reimbursement.

An employee who works in a building, area, etc., that has been "closed" may be instructed to work in another location that has not been declared "closed". In that situation, the employee is not working overtime, he/she is considered in work status. Additionally, when an employee's office has been declared "closed" but that employee is on a previously scheduled assignment in another location that is not "closed", that employee is in regular duty status and not eligible for overtime compensation.

When an employee is required to work in a facility, a building, an area, a region, etc. that has been declared "closed", those hours worked may be considered overtime hours in accordance with state and federal law, Civil Service Rules and DOA policy. The Division may grant compensatory time for overtime worked or may provide cash payment if funds are available.

In some situations the Federal Emergency Management Agency (FEMA) reimbursements may be requested for expenditures such as overtime related to emergency situations. However, documentation must be specific and reimbursement may not exceed the reimbursements that are allowed in existing policies.

Employees paid on an hourly basis, who are only paid when they actually work, are not paid during an office closure unless they actually work. These employees do not earn leave and cannot be placed on special leave.

In all cases, an employee designated as non-exempt under the Fair Labor Standards Act (FLSA), and who actually works over 40 hours in a workweek, must be compensated at the time and one-half rate.

Employees who are not directly affected by the conditions warranting closure, or who are not scheduled to work during such times, shall not accrue any right to and shall not be compensated in any manner for any absence that may be authorized for the employees directly affected.

**Applying for special leave for an office closure**

Should an office closure be mandated by the Commissioner of Administration or the Governor due to the above circumstances, affected employees will be considered on special leave during the time of the office closure.

Leave requests are not required from those affected employees. Leave approved prior to an office closure shall be cancelled and special leave substituted for the time of the office closure. Timekeepers are responsible for inputting into the ISIS/HR system the appropriate ISIS code. Further, the written mandate by the official who ordered the closure is maintained in payroll files as documentation of the closure for audit purposes.

**B. Individual Circumstances – No office closure**

The appointing authority has the authority to approve the use of special leave for an employee under certain circumstances outlined in Executive Order No. BJ 2008-64 and Civil Service Rule 11.23. Employees may request that they be granted special leave for absences, which may be covered. Absences due to an employee's personal circumstances that are not covered by approved special leave shall be charged to the employee's available annual or compensatory leave or shall be charged as leave without pay.

Special leave may be requested on an individual basis based on circumstances that affect one or more employees but do not result in an office closure. Some circumstances that may be eligible for special leave include flooded roads and/or destroyed bridges that prevent employees from reporting to work or serious damage to the home of the employee. Other scenarios may cause an employee to make a request for the granting of special leave.

In most circumstances, the employee requesting special leave will be required to provide documentation such as hospital bills, insurance adjuster reports, repair bills, pictures, airline flight cancellation, newspaper articles, etc., in order to substantiate the claim for which special leave is requested. The appointing authority makes the determination regarding what type of documentation is required and when special leave is approved. Employees should use annual leave, compensatory leave or leave without pay until such time that the appointing authority grants special leave.

Supervisors are requested to be sensitive to employees' needs, however, if the work situation demands the employee's attendance, and if the employee is instructed to report to work, then the employee must report to work.

**Applying for special leave for individual circumstances**

An employee who plans to request special leave should initially request annual, compensatory, or leave without pay from his/her supervisor. If the leave is approved, time and attendance records should reflect the appropriate leave. The employee must then make the request for the absence to be regarded as special leave via the *Special Leave Request Form* located on the Office of Human Resources website at: www.state.la.us/ohr. The employee should obtain the section head's approval for the special leave request. This request should then be forwarded to the Office of Human Resources for review with the appointing authority. If the request is approved by the appointing authority, the leave records

will be altered to reflect special leave rather than annual, compensatory leave, or leave without pay. Timekeepers are responsible for inputting into the ISIS/HR system the appropriate ISIS code. Documentation submitted with the special leave request should be maintained in the section's payroll files for audit purposes.

**C. Emergency Leave**

In accordance with Executive Order No. BJ 2008-64 and Civil Service Rule 11.23 an unclassified employee or a classified employee serving with job appointment, probationary or permanent status shall be given time off without loss of pay, annual leave, or sick leave when:

(1) Performing emergency civilian duty in relation to national defense,

(2) The employee is a member of the National guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people,

(3) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

**Applying for special leave for emergency situations**

Whenever possible an employee requesting special leave for the above situations should fill out a *Special Leave Request Form* in advance of the leave and submit it to the appointing authority through the Office of Human Resources. The documentation for the request should include the paperwork ordering the individual to duty along with request for leave. Timekeepers are responsible for monitoring leave balances where limits have been set regarding leave usage. Timekeepers should also use the appropriate ISIS/HR code when coding special leave for the above situations and should also maintain documentation in the section's payroll files for audit purposes.

**D. Voluntary Disaster Service Leave**

In accordance with Civil Service Rule 11.23.3, a full-time probationary or permanent employee may be granted time off without loss of pay, annual leave, compensatory leave, or sick leave, for a period not to exceed 15 work days in any calendar year, to participate in American Red Cross relief services in Louisiana for disasters designated at Level III or above in the American Red Cross Regulations and Procedures. Such employees must have received a certification from the American Red Cross as a Trained Disaster Volunteer.

**Applying for special leave for voluntary disaster service leave**

All requests for voluntary disaster service leave must be requested in advance and on the *Special Leave Request Form*, along with a request for leave. All requests are subject to approval by the appointing authority. The special leave request must include the following information:

(1) Certification by the employee that he/she is a Trained Disaster Volunteer.

(2) The nature and location of the disaster to which the employee is to respond.

(3) The anticipated duration of the employee's leave.

(4) The type of service the employee is to provide to the American Red Cross.

(5) The identity and title of the official of the American Red Cross unit who will be supervising the employee.

(6) A written request for the employee's service from an official of the American Red Cross.

Employees who choose to volunteer their services to organizations that are not covered by the above rule will not be eligible for special leave. In these cases, annual and compensatory leave would be utilized should the manager approve the request.

Timekeepers should code the special leave with the appropriate ISIS/HR code. Timekeepers are also responsible for monitoring leave balances where limits have been set regarding leave usage and maintaining documentation within the section's payroll files for audit purposes.

**Note:** While on **any** special leave, employees remain on the payroll, maintain full benefits and do not have reductions of annual, sick, or compensatory leave balances.

## VI. RESPONSIBILITY:

**Deputy/Assistant Commissioners and equivalent are responsible for:**

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

**Office of Human Resources is responsible for:**

Reviewing all special leave requests with the appointing authority and making a recommendation for approval or denial.

**Section Heads are responsible for:**

Assuring that each employee under his/her supervision, current and new is:

- Made aware of this policy and its contents as well as any forthcoming revisions, and
- Informed that he/she must abide by the terms of the policy, and
- Informed of the consequences of violation of this policy.

**Managers/Supervisors are responsible for:**

Complying with this policy in any fashion instructed by the section head.

**Timekeepers are responsible for:**

Processing the special leave requests with the appropriate ISIS/HR code, monitoring leave balances where maximum limits of leave apply, and maintaining all documentation for audit purposes.

**Employees are responsible for:**

Submitting the appropriate special leave request for leave prior to taking any leave unless an emergency situation exists, providing the appropriate documentation for the special leave being requested, and monitoring his/her leave balances where maximum limits of leave usage apply.

## VII. EXCEPTIONS:

Exceptions to this policy shall be reviewed and approved by the Appointing Authority on a case by case basis.

## VIII. QUESTIONS:

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

## IX. VIOLATIONS:

Employees found to have violated this policy may be subject to having special leave reversed and may be subject to disciplinary action.