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COMMISSIONER OF ADMINISTRATION

State of Louisiana
Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 98

EFFECTIVE DATE: April 1, 2015

SUBJECT: Crisis Leave Policy

AUTHORIZATION: 
Ruth Johnson, Appointing Authority

I. POLICY:

In accordance with Civil Service Rule 11.34, it is the policy of the Division of Administration (DOA) to establish a Crisis Leave Program for eligible employees who have experienced catastrophic illnesses or injuries to themselves. The intent of the program is to assist eligible employees who have insufficient paid leave to cover the crisis leave period.

II. PURPOSE:

The purpose of this policy is to implement and administer a pool of annual leave that may be used by eligible employees for paid leave during absences due to catastrophic illness or injury.

III. APPLICABILITY:

This policy applies to full-time DOA employees who are serving in a leave earning benefits eligible position. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.

IV. DEFINITIONS:

Catastrophic Injury or Illness: An acute or prolonged illness, usually considered to be life threatening or with the threat of serious residual disability. Treatment may be radical and is frequently costly. Condition or combination of conditions must:

- Affect the physical or mental health of the employee; *and*
- Require(s) the services of a licensed medical service provider for a prolonged period of time; *and*

- Prevent(s) the employee from performing his duties and results in the employee exhausting all leave, including annual, sick, and compensatory, in accordance with the policy governing leave types and usage, and the loss of compensation from the State.

Crisis Leave Committee: A committee comprised of the Office of Human Resources Director, the Office of State Uniform Payroll Director, and the Appointing Authority.

Crisis Leave Pool: A pool of donated annual leave, which is managed on an hour-for-hour basis, regardless of the giving or receiving employee's pay rate.

Crisis Leave Pool Policy Year: Calendar year beginning January 1 through December 31.

Eligible Employee: A full-time employee who is serving in a leave earning benefits eligible position. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.

Leave Pool Manager: The DOA Human Resources Director or his designee.

Licensed Medical Service Provider (LMSP): A practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP's field of service), who is practicing within the scope of his license. This includes licensed Physicians (a doctor of medicine) or M.D., Doctor of Osteopathy or D.O., or licensed Chiropractors, Counselors, or Therapists, as recognized and licensed by appropriate State boards or authorities.

Regularly Scheduled Workweek: The number of hours the employee is scheduled to work Monday – Friday.

V. ELIGIBILITY REQUIREMENTS:

An Eligible Employee may apply to receive crisis leave if the following requirements are met:

- The employee suffers from a Catastrophic Illness or Injury; and
- The employee has exhausted all leave, including annual, sick, and compensatory; and
- The employee has exhibited regular attendance (with no history of leave abuse) and is not currently suspended; and
- The catastrophic injury or illness is not occupationally related (therefore making that employee ineligible for workers' compensation) or was not attained while the employee is in the commission of a battery or felony; and

- The appropriate documentation from an LMSP is provided to the Leave Pool Manager.

NOTE: An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave.

VI. AMOUNT OF CRISIS LEAVE THAT MAY BE APPROVED:

The amount of crisis leave granted for each Catastrophic Illness or Injury is determined by the Crisis Leave Committee. The amount of the leave granted to an employee will generally reflect the recommendations of the LMSP, subject to the following limits:

- The minimum amount of crisis leave that will be granted to an Eligible Employee is one regularly scheduled workweek.
- A maximum of 240 hours may be used by an Eligible Employee during one Crisis Leave Pool Policy Year.
- Crisis leave may not be granted to any individual to extend paid leave beyond a total time in leave status of 12 weeks.
- The value of the annual leave granted, as crisis leave, will be 75% of the pay he receives in a regularly scheduled workweek.
- The total amount of leave granted will not exceed the balance of hours in the Crisis Leave Pool at the time of the Crisis Leave Committee's decision.

VII. DONATION OF LEAVE:

A. General Information Requirements:

Contributions to the Crisis Leave Pool are strictly voluntary. No employee shall be coerced or pressured to donate leave. Employees donating to the pool may not designate a particular employee to receive donated time. Donations are accumulated in the pool and awarded on a first-come, first-served basis to Eligible Employees by the Crisis Leave Committee. Donations are limited to the following terms:

- An employee may donate a minimum of 4 hours of annual leave (not sick or compensatory leave) at any given time; these donations must be made in whole hour increments.
- The donor must have a balance of at least 120 hours of annual leave remaining after the donation.
- Donations are limited to a maximum of 240 hours of annual leave per employee per Crisis Leave Pool Policy Year.

- Donations will be deducted from the donor's leave balance and credited to the Crisis Leave Pool the first pay period following receipt of the approved Crisis Leave Donation Form.
- Leave will not be restored or returned to the donor once the leave has been transferred to the Crisis Leave Pool.
- Unused crisis leave remaining in the Crisis Leave Pool is rolled forward at the end of the Crisis Leave Pool Policy Year to the next Crisis Leave Pool Policy Year.
- Donations are not automatic. A Crisis Leave Donation Form must be completed for each donation. If an employee chooses to make a donation in consecutive years, a Crisis Leave Donation Form must be submitted each year.

B. Donation Procedures:

- Employees who choose to donate to the Crisis Leave Pool must complete a Crisis Leave Donation Form and designate the leave as a "Donation to the Crisis Leave Pool." This form should be turned in to the Leave Pool Manager in the Office of Human Resources for review and approval.
- The Leave Pool Manager ensures that the Crisis Leave Donation Form has been properly completed and signed, and that the employee will have at least 120 hours of annual leave balance after the donation is made. If these conditions are met, the Crisis Leave Committee approves the Crisis Leave Donation Form.
- The Leave Pool Manager will process the deduction of authorized hours of annual leave from the employee's balance and transfer the leave to the Crisis Leave Pool. A copy of the approved Crisis Leave Donation Form is then forwarded by the Leave Pool Manager to the donating employee to verify that the transfer of leave has been processed.

VIII. REQUEST PROCEDURES:

- A. An Eligible Employee may request leave from the Crisis Leave Pool by the submission of a Crisis Leave Request Form with the employee's LMSP statement.
- B. The request and accompanying documentation is submitted to the Leave Pool Manager. The Leave Pool Manager reviews the request to verify that the employee is eligible to receive crisis leave. The employee requesting crisis leave must provide all requested information to make a final determination of eligibility.
- C. All requests for crisis leave must be treated by the employee, the Crisis Leave Committee, and any other employee involved in the process as **confidential**. All requests and documentation for crisis leave should be submitted in envelopes marked "Confidential." Requests proceed directly to the Crisis Leave Committee for approval or disapproval.

- D. Each crisis leave request will be stamped with the time and date upon receipt by the Leave Pool Manager, and handled on a first-come, first-served basis. When possible, the request is to be submitted at least ten (10) days before the crisis leave is needed. This is necessary to allow the Crisis Leave Committee to review the request and documentation, receive/approve all or part of the request, or deny the request, and communicate such approval or denial to the employee and the Leave Pool Manager.
- E. If the request is approved, the Leave Pool Manager will credit the approved time to the employee's leave record as used, up to the allowable limit.
- F. Any approved crisis leave is used and documented in accordance with the same procedures as regular paid leave taken by the employee.

IX. CHANGES IN STATUS AFFECTING CRISIS LEAVE:

The granting of crisis leave is meant to cover only the circumstances for which it was requested. If any change occurs in the nature or severity of an illness or injury, or of any other factor on which the approval was based, the employee must provide documentation describing the change to the Leave Pool Manager. Eligible Employees may request additional leave from the Crisis Leave Pool, subject to the limits outlined above; however, extensions of crisis leave are not automatic. Each extension must be approved on a first-come, first-served basis. The employee, immediate supervisor, and the primary timekeeper will be notified accordingly.

Hours granted from the Crisis Leave Pool may be used only for reasons stipulated in the approved request. The use of Crisis Leave Pool leave that is not in accordance with procedures and requirements outlined in this policy may constitute payroll fraud and will be dealt with accordingly.

Employees who are able to return to work before using all of their granted crisis leave must return the unused leave to the Crisis Leave Pool.

The employee must notify the Leave Pool Manager of any unused Crisis Leave to be returned to the Crisis Leave Pool.

X. COMPENSATION AND BENEFITS:

Crisis leave will be awarded hour-for-hour, at 75% of the pay the Eligible Employee receives in a regularly scheduled workweek.

An employee in crisis leave status will be considered in partial paid leave status and will continue to receive benefits as appropriate.

Employees on crisis leave will not accrue any leave.

XI. APPEALS:

The decision to approve or deny crisis leave by the Crisis Leave Committee is subject to appeal to the Appointing Authority. Any appeals by an eligible employee must be submitted to the Leave Pool Manager, in writing, within 10 calendar days of the employee's receipt of notification of this action.

Decisions by the Appointing Authority on appeal are at his discretion, final, and not subject to appeal.

XII. 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.

Leave Pool Manager is responsible for:

Administering the Crisis Leave Program in collaboration with the Crisis Leave Committee.

Section Heads are responsible for:

Ensuring that each employee under his supervision, current and new is:

- Made aware of this policy and its contents as well as any forthcoming revisions, and
- Informed that he 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.

Employees are responsible for:

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

XIII. FORMS:

Crisis Leave Donation and Request Forms can be located on the DOA/OHR website at:
<http://www.doa.louisiana.gov/ohr/forms/forms1.htm>

XIV. EXCEPTIONS:

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

XV. QUESTIONS:

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

XVI. VIOLATIONS:

Employees found to have violated this policy may be subject to having crisis leave reversed and may be subject to disciplinary action, up to and including dismissal.