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ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 6

EFFECTIVE DATE: **May 11, 1984**

REVISED DATE: **8/1/91 (PP# 14); 1/24/94; 11/1/00; 9/10/01; 4/17/03; 7/1/04; 7/14/08; 5/22/09**

SUBJECT: **Attendance/Leave, Work Hours and Work Schedules**

AUTHORIZATION: **Barbara Goodson, Deputy Commissioner**

I. POLICY:

In compliance with all aspects of state and federal laws and Civil Service Rules, it is the policy of the Division of Administration (DOA) that all employees will be informed of the rules regarding working hours and leave usage, and that these rules shall be applied and enforced in a fair and consistent manner and in accordance with the following instructions and procedures.

It is the policy of the DOA that section heads may implement flexible schedules and flexible work hours, at their discretion, within the parameters of this policy. Flexible work schedules, flexible work hours and breaks are not rights to which employees are entitled, but privileges which may be granted to employees at the discretion of the section head. Section heads will decide where flexible work schedules and flexible work hours may be offered to employees. Business necessity and efficient utilization of resources will take precedence over any individual situation. The appointing authority or the section head may rescind flexible work schedules and/or flexible work hours with no prior notice if it is determined that such schedules have adversely affected the efficient operation of the section or the DOA. If circumstances allow, the section head will provide advance notice to employees of the rescission of this policy. Section heads will periodically review work hours and schedules to ensure the continued feasibility of these programs.

Further, all sections within the DOA are required to use the Online Leave Approval process through LEO (Louisiana Employees Online system), unless specifically exempted by the appointing authority. Requests for a business related exemption must be provided in writing to the appointing authority. LEO will be utilized for all requests, approvals, and cancellations of applicable leave. The requirement for online leave processing will include all current leave available on LEO and all future additions of leave to LEO.

Note: All leave (annual, sick, compensatory, leave without pay, etc.) must be approved in advance, (unless there is an emergency situation). Leave that is not currently available for processing through the LEO system must be requested on an Application for Leave (SF-6) form.

All sections within the DOA are required to have a written policy that addresses working hours (utilization of flexible or traditional hours), leave usage and the process for requesting that leave (online leave approval or other process, if exempted from online leave approval.)

II. PURPOSE:

Excessive tardiness and absenteeism create an unnecessary hardship for those who are responsible for getting the job done. It is necessary for the effective operation of business that employees are present and able to perform their job duties when expected. This policy is intended to ensure that each employee understands his/her responsibility in the area of working hours and attendance, the process for requesting leave, and to the extent possible, to allow employees to have more control over their working conditions while maintaining an efficient and effective operation.

III. APPLICABILITY:

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

IV. DEFINITIONS:

Minimum Charge to Leave: The minimum charge to annual, sick and compensatory leave records shall be no less than one-tenth hour (6 minutes).

Employee core hours: 9:00 a.m. through 3:30 p.m. Hours during which an employee must be scheduled to work on a regularly scheduled workday, with the exception of certain employees who perform jobs which require alternative work schedules.

Employee work schedule: Approved work schedule for an individual employee. An employee may not be regularly scheduled to work before 6:30 a.m. or after 6:00 p.m., with the exception of certain employees who perform jobs which require alternative work schedules.

Office core hours: Hours that each section must be open and operational. These hours are 8:00 a.m. through 4:30 p.m., Monday through Friday.

Work Hours:

Traditional Work Hours: 8:00 a.m. to 5:00 p.m.

Flexible Work Hours:

The employee works four (4) or five (5) days a week, depending on the option chosen, on a schedule other than 8:00 a.m. to 5:00 p.m. The schedule must be consistent for each pay period, and the employee must be scheduled within the employee core hours and the employee may not be regularly scheduled to work before 6:30 a.m. or after 6:00 p.m.

Work Schedule:

Traditional Work Schedule: A full-time employee is scheduled to work eight (8) hours per day, Monday – Friday, for a total of forty (40) hours per week.

Flexible Work Schedule:

1) Four (4) ten (10) hour days in a one-week period, which can be taken on any days, Monday through Friday, if the section's attendance policy allows, **OR**

2) Four (4) nine (9) hour days plus one (1) four (4) hour day, either Monday or Friday, in a one-week period, for a total of forty (40) hours per week, **OR**

3) Four (4) nine (9) hour days in one week of a pay period [36 hour week] and four (4) nine (9) hour days plus one (1) eight (8) hour day in the other week of the same pay period [44 hour week]. The scheduled day off is either Monday or Friday. **This option is available only to employees classified as "exempt" under the Fair Labor Standards Act (FLSA).**

All schedules offered, including days off, must be consistent, i.e., consistently Monday through Friday etc., for the duration of any three (3) months.

V. PROCEDURE:

Each section head shall develop and have issued a policy regulating attendance, work schedules, work hours, and the process used to approve leave for all employees. All mandatory items listed within this policy must be incorporated into a section's policy. The ***Attendance/Leave and Work Hours Policy Guide*** may be utilized to formulate a section's policy. This guide can be obtained from the Office of Human Resources website at: http://www.doa.louisiana.gov/ohr/forms/forms1.htm. **Utilizing the guide will aid section heads in addressing the mandatory items required in the section's policy.**

One section may have more than one policy. A section may have different policies for different units depending on business needs, i.e. a unit may be exempted from online leave approval. Section heads will decide where flexible work hours and/or flexible work schedules are offered based on business necessity and an evaluation of the most efficient utilization of resources. All section policies must meet the following parameters:

A. Should a section head offer the option to work a flexible work schedule, that option (excluding Number 3 under Section IV. above) must be available to both exempt and non-exempt employees, depending upon business necessity and an evaluation of what is the most effective schedule.

B. All schedules shall be established for a minimum of three (3) months and should be effective at the beginning of a pay period.

C. The workday shall begin at any quarter hour, half hour, or hour between 6:30 a.m. and 9:00 a.m.

D. The workday shall end at any quarter hour, half hour, or hour between 3:30 p.m. and 6:00 p.m.

E. All sections shall be open between 8:00 a.m. and 4:30 p.m., and all functional areas shall be operational between 8:00 a.m. and 4:30 p.m.

F. Lunch periods shall be either one hour, forty-five minutes, or thirty minutes.

G. Two (15) minute breaks are allowed, one in the morning and one in the afternoon. It should be noted that if a schedule includes a four (4) hour workday, no lunch period and only one 15-minute break is allowed on the four (4) hour workday. Break time cannot be used to extend the lunch period or for early departure.

H. All leave (annual, sick, compensatory, leave without pay, etc.) must be approved in advance (unless there is an emergency situation). Leave that is not available for processing through the LEO system must be requested on an Application for Leave (SF-6) form.

I. Annual leave and other applicable leave (i.e. jury duty, educational leave, etc.) must be requested and approved in advance via the online leave system in LEO. If the employee cannot predict the amount of time needed for the leave he/she shall immediately upon returning to the office or at home (optional) input the amount of leave used into the LEO system. All annual leave and other applicable leave, regardless of the predictability or duration, is required to be submitted through LEO. The only time an Application for Leave (SF-6) form shall be used is when the leave cannot be predicted and the leave occurred in a prior pay period, or the appointing authority has granted an exemption from the requirement of LEO. Note: At no time should an employee assume that because a request for leave has been submitted online that the leave has been approved and he/she leaves the workplace. Additionally, any leave requested from a home PC does not eliminate the employee's responsibility to obtain approval and/or notify his/her manager of an absence. All leave will be utilized and recorded in no less than six-minute increments.

J. When the need for sick leave is predictable (for medical, dental appointments, etc.), the employee shall submit a request for leave via the online leave system in LEO, unless the section has received an exemption. If the employee cannot predict the amount of time needed for the sick leave he/she shall immediately upon returning to the office or at home, (optional) input the amount of sick leave used into the LEO system. All sick leave, regardless of predictability or duration, is required to be submitted through LEO. The only time an Application for Leave (SF-6) form should be used is when the sick leave cannot be predicted and the leave occurred in a prior pay period, or the appointing authority has granted an exemption from the requirement of LEO.

K. The employee's immediate supervisor or the person(s) designated by the section head must be notified immediately by the employee if the employee must leave the office unexpectedly and without prior approval.

L. If an employee cannot report to work when scheduled or return from lunch or break by the assigned time, he/she must contact his/her immediate supervisor within the time frame included in the section's policy. If the employee cannot reach his/her immediate supervisor, he/she is to notify one of the persons listed in the section's policy. **Notification to a co-worker will not be acceptable, unless allowed by the section's policy.** If the absence involves more than one day, the employee must call each day until such time as the employee is notified that he/she need not call.

M. The employee may be required to produce specific documentation/evidence of the nature of his/her absence such as a hospital bill, a police accident report, or any documentation that supports the absence, upon his/her return to work. Should documentation be required, approval of the leave may be based upon what is produced. Should the employee fail to produce sufficient documentation/evidence, leave may be denied and the employee could be placed on leave-without-pay (approved or unapproved).

N. Events of tardiness will be recorded by date, day, time and increments of six minutes. However, at the discretion of the section head, minutes fewer than six minutes (or multiples of six) may be held and recorded until such time six minutes of tardiness has been accumulated and can be deducted. For time efficiency, section heads may also choose to accumulate minutes of tardiness until such time that one-half hour of tardiness is accumulated before entering into ISIS/HR. Documentation must be maintained for audit purposes.
If the tardiness was fifteen minutes or less and with specific approval from the supervisor, **and if allowed by the section's policy**, the employee may work during a portion of his/her lunch or after his/her regular quitting time to make up the minutes of tardiness that occurred that same work day.

O. If the employee believes that overtime is necessary for the completion of a project or work product, prior approval to work overtime must be sought from the supervisor to work the overtime. If the situation does not provide the opportunity to secure prior approval, the employee may work the overtime, however, the supervisor must be notified as soon as possible after the overtime was worked. If the supervisor determines that the employee's judgment about working overtime was inappropriate, the supervisor may instruct individual employees that they may not work overtime without specific prior approval.

With the supervisor's approval, small increments of overtime worked may be recorded and credited at the point where the cumulative amount equals six minutes. The overtime worked must be documented including the date, time and purpose of the overtime.

P. Should the appointing authority send employees home for any reason without effecting 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 the leave to those employees.

Q. If flexible work hours and/or flexible work schedules are made available to employees, employees who wish to take advantage of the flexible work hours or work schedule must complete a ***Request for Flexible Work Hours/Work Schedule*** form and submit it to their section heads for approval. This form may be obtained from the Office of Human Resources website at: http://www.doa.louisiana.gov/ohr/forms/forms1.htm. Employees should understand that this document, once signed and approved, commits them to work hours or to a work schedule for a three (3) month period, unless changed by the section head or appointing authority.

R. For flexible work schedules, leave will be handled in the following manner. If an employee takes off a day on which he/she is scheduled to work four (4) hours, eight (8) hours, nine (9) hours, or ten (10) hours, he/she will take four (4), eight (8), nine (9), or ten (10) hours of leave, respectively.

S. Per **La. R.S. 1:55 B.(4),** if one or more holidays or half-holidays fall on a full-time employee's regular day off, his holiday shall be the closest regularly scheduled workday preceding or following the legal holiday, as designated by the head of the agency. Employees whose regular work hours do not fall in the time period, or fall only partly within the time period, of the holiday shall receive the number of hours equivalent to the holiday through compensatory time or over-time. Part-time employees having a regular work schedule will receive benefits in a similar manner as full-time employees except that their benefits will be prorated to the number of hours normally worked.

For flexible work schedules, holidays will be handled in the following manner. If a holiday falls on a day regularly scheduled to be an eight (8), nine (9), or ten (10) hour workday, the employee has an eight (8), nine (9) or ten (10) hour paid holiday. If a holiday falls on a day regularly scheduled to be a four (4) hour workday, the employee has a four (4) hour paid holiday.

T. Should flexible hours be available to employees, those employees ***choosing*** flexible schedules must understand that there will be occasions when two equally situated employees who work the same hours while traveling together, or as a result of a holiday occurring during the workweek, may be compensated differently.

All section policies should be forwarded to the Office of Human Resources for review to assess compliance with state and federal laws, Civil Service Rules, and this policy, prior to implementation. Sections requesting exemption from online leave approval must include the written justification along with the policy. The Office of Human Resources will forward the policy to the appointing authority along with a recommendation. The appointing authority will then approve or deny the section's request. No section should implement flexible work schedules until this process is completed.

A copy of each final policy shall be provided to the section head. The policy shall be made available to all employees to whom it applies and should be discussed periodically at staff meetings.

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.

Reviewing flexible work schedules proposed by their sections and approving/ disapproving the schedules.

Reviewing requests for exemption of online leave approval and exceptions to the required parameters and submitting these to the appointing authority with their recommendation.

Section Heads are responsible for:

Securing approval from the appointing authority if an exemption from utilizing the mandatory online leave approval system in LEO is requested.

Issuing a policy which addresses attendance, work hours, work schedules and the process of online leave approval (or alternate process if exempted) which:

- Describes the hours of work, the appropriate lunch period, and how breaks will be handled.
- Outlines the process for request and approval of leave, both in advance and under emergency circumstances (process of online leave approval or other process, if exempted).
- Explains the process utilized in documenting tardiness and the resulting leave charges to cover the tardiness.
- Discusses the process for securing prior approval for overtime to be worked.
- Explains the consequences of violation of the policy.
- Complies with federal laws, specifically the Fair Labor Standards Act, state laws, Civil Service Rules, and Division of Administration policy.

Maintaining the position relationships within the organization and notifying the Office of Human Resources when these relationships change that would affect the electronic approval system for leave.

Maintaining a current listing of employees authorized to exercise flexible work hours and work schedules and forwarding that listing as well as any subsequent changes to the Office of Human Resources prior to the schedule effective date.

Securing **technical review from the Office of Human Resources** as well as approval from the appointing authority **prior to implementation of the policy.**

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

- Is made aware of the attendance policy and its contents as well as any forthcoming revisions, and is informed that he/she must abide by the terms of the policy, and
- Is informed of the consequences of any violation of the policy, and is treated in a fair and consistent manner regarding violations of this policy.

Monitoring the effectiveness of and assuring compliance with the policy.

Maintaining all records required by law, Civil Service Rules, and Division of Administration policy, and ensuring that these records are handled and maintained in a strictly confidential fashion when so required by law, and that these records are available for audit purposes.

Supervisors/Managers are responsible for:

Complying with the policy in the fashion directed by the section head.

Approving/rejecting leave in a timely manner and designating an alternate approver when out on extended leave.

Employees are responsible for:

Adhering to all aspects of this policy.

Requesting work schedule changes with as much advance notice as possible.

Ensuring that leave is approved by his/her manager prior to taking the leave (unless an emergency exists or the need for sick leave could not be predicted).

VII. EXCEPTIONS:

Requests for exceptions to this policy shall be justified, documented and submitted in writing to the appointing authority for consideration.

VIII. QUESTIONS:

Specific questions from employees regarding their section's policy should be addressed through the immediate supervisor to the section head.

Questions regarding policy creation and enforcement should be directed to the Office of Human Resources.

IX. VIOLATIONS:

The failure of an employee to follow the attendance/leave, work hours, work schedules, and the leave approval process policy that is applicable to him/her, may result in disciplinary action.