

STATE OF LOUISIANA
EXECUTIVE DEPARTMENT
BATON ROUGE

EXECUTIVE ORDER NO. 94 - 32

- WHEREAS,** there are no permanent rules or policies on annual and sick leave for certain unclassified State employees; and
- WHEREAS,** Executive Order No. BR 88-23 provided rules and policies on annual and sick leave for certain unclassified State employees; and
- WHEREAS,** pursuant to LSA-R.S. 49:215(C), Executive Order No. BR 88-23 will terminate on August 21, 1992;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Applicability.

A. Except as provided in Section 1:B of this Executive Order, the rules and policies herein established are applicable to all officers and employees in the unclassified State service, including all appointees on leave without pay from classified positions, career employees whose classified positions have been declared unclassified by the Civil Service Commission, and all employees of the Executive Department in the Office of the Governor.

B. The rules and policies established by this Executive Order shall not apply to the following persons (except that any appointee on leave without pay from a classified civil service position under the auspices of the "Senior Executive Exchange Program" may, upon certification to the Governor of intent to comply with Section 16 of this Executive Order and approval by the Governor, elect to participate in the provisions of this order):

1. Department Secretaries, Undersecretaries, Deputy Secretaries, Assistant Secretaries, and Confidential Assistants, including their equivalents appointed by elected officials and the Superintendent of Education.
2. Other officers of the State who are appointed by the Governor.
3. Elected officials.
4. Members of Boards and Commissions who are appointed by the Governor or who are elected as members of the same.
5. Student employees, as defined under Civil Service Rules.
6. Temporary, intermittent, and seasonal employees.

7. Employees of a system that is authorized by the Constitution or legislative act to manage and supervise its own system.

8. The Commissioner of Administration, the Executive Assistant Commissioners of Administration, the Deputy Commissioner of Administration, and the Assistant Commissioners of Administration.

9. The Executive Director or equivalent Chief Administrative Officer of all Boards, Commissions, and Authorities who are appointed by the Board, Commission, or Authority.

10. Officials of the Executive Department in the Office of the Governor with the following titles: Administrative Aide, Assistant Executive Counsel, Chief of Staff, Deputy Chief of Staff, Deputy Oil Spill Coordinator, Director of Coastal Activities, Director of Minority Affairs, Director of Oil Spills, Director of Permits, Director of Rural Development, Education Advisor, Environmental Liaison, Executive Assistant, Executive Counsel, Special Assistant to Coastal Wetlands, Special Assistant for Health Care and Hospitals, and Special Counsel.

C. The accrued annual and sick leave balances shall be held in abeyance for persons who become ineligible to earn leave pursuant to this Executive Order. These accrued balances shall be available to such persons when they again become eligible to earn annual and sick leave, or when they separate from State service.

D. Nothing in this Executive Order shall be applied in a manner which violates or is contrary to the Fair Labor Standards Act or any other applicable federal law.

SECTION 2:

Definitions.

Unless the context of this Executive Order clearly indicates otherwise, the following words and terms shall be defined as follows:

A. "Annual leave" is leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or the transaction of personal affairs.

B. "Appointing authority" means the agency, department, board, or commission, or the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to positions in State service.

C. "Career unclassified position" means any permanent position that was historically classified and has been declared by the State Civil Service Commission to be in the unclassified service.

D. "Compensatory leave" means time credited for hours worked outside the regularly assigned work schedule.

E. "Intermittent employee" means a person employed who is not hired on a regularly scheduled basis.

F. "Leave of absence without pay" is leave or time off from work granted by the appointing authority, for which period the employee receives no pay.

G. "Overtime hour" is an hour worked by an employee at the direction of the appointing authority:

1. On a day which is observed as a holiday in the department and area of employment and falls on a day within the workweek, or is observed as a designated holiday in lieu of a regular holiday observed in the department.

2. In excess of the regular duty hours in a regularly scheduled workday.

3. In excess of the regular duty hours in a regularly scheduled workweek.

4. In excess of forty (40) hours worked during any regularly recurring and continuous seven (7) day calendar work period where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.

5. In excess of eighty (80) hours worked during any regularly recurring and continuous seven (7) day calendar work period where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked.

6. In excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average forty (40) hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.

7. A day on which a department or a division thereof is closed pursuant to LSA-R.S. 1:55 by direction of the appointing authority because of an emergency.

H. "Seasonal employee" means a person employed on a non-continuous basis for a recognized peak work load period.

I. "Sick leave" is leave with pay granted employees who an illness or injury which prevents them from reporting to duty; have a medical, dental, or optical consultation or treatment; or for pregnancy.

J. "State service" for leave earning purposes shall include service in a State supported school, agency, or university; public parish school system; public student employment; and service as a member of a public board or commission. All such service must have been performed for a Louisiana public entity.

K. "Temporary employee" means a person continuously employed for a period not to exceed three (3) calendar months.

SECTION 3: Full-time Employees.

For each full-time officer and employee, each appointing authority shall establish administrative work weeks of not less than forty (40) hours per week.

SECTION 4: Earning of Annual and Sick Leave.

A. Except as otherwise provided by law, the persons listed in Section 1:B of this Executive Order shall not earn annual or sick leave. At the discretion of their appointing authority, these persons may be granted time off for vacation, illness, or emergency.

B. Subject to the exceptions of this Executive Order, annual and sick leave shall be earned by all full-time and part-time officers and employees who have a regular tour of duty.

C. The earning of such leaves shall be based on the equivalent of years of full time State service and shall be creditable at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general schedule:

1. Less than three (3) years of service, at the rate of .0461 hour of annual leave and .0461 hour sick leave for each hour of regular duty.

2. Three (3) years but less than five (5) years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.

3. Five (5) years but less than ten (10) years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.

4. Ten (10) years but less than fifteen (15) years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.

5. Fifteen (15) or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

D. No unclassified officer or employee shall be credited with annual or sick leave:

1. For any overtime hour.

2. For any hour of leave without pay.

3. While on paid annual leave, provided that such leave earned during annual leave shall be credited upon their return to active duty.

4. For any hour in on-call status outside their regular duty hours.

5. For any hour of travel or other activity outside their regular duty hours.

6. For any hour of a holiday or other non-work day which occurs while on leave without pay.

SECTION 5: Carrying Leave Forward.

Accrued unused annual and sick leave earned by an officer or employee shall be carried forward to succeeding calendar years without limitation.

SECTION 6: Use of Annual Leave.

A. Annual leave must be applied for by the officer or employee and may be used only when approved by the appointing authority.

B. Annual leave shall not be charged for non-work days.

C. The minimum charge to annual leave records shall be in increments of not less than one-half (1/2) hour.

D. An appointing authority may require an officer or employee who has sufficient annual leave to their credit to take annual leave whenever it is best for the employee or the department. However, the employee shall not be required to reduce their accrued annual leave below the equivalent of thirty (30) working days.

E. Except for the military leave provisions in Section 13:A of this Executive Order, an employee may be required to take any part or all of their accrued annual leave prior to being granted leave without pay.

SECTION 7: Transfer of Annual and Sick Leave.

A. Classified employees or unclassified employees subject to this Executive Order shall have all accrued annual and sick leave credited to them when they transfer without a break in service into a position covered by this Executive Order.

B. Employees shall have all accumulated annual and sick leave credited to them when they transfer without a break in service from a department not covered by this Executive Order into a department covered by this Executive Order.

C. When an employee transfers without a break in service to another position covered by other State leave rules, any accrued annual and sick leave shall be transferred to the new employing State department or agency. The employing department or agency shall hold the annual and sick leave in abeyance or integrate the leave into its own system. The employee's accumulated leave shall not be reduced during such integration.

SECTION 8:

Payment for Annual Leave Upon Separation.

A. Upon the resignation, death, removal, or other final termination from State service of an unclassified employee, their accrued annual leave shall be paid in a lump sum, up to a maximum of 300 hours and disregarding any final fraction of an hour. The payment shall be computed as follows:

1. When employees are paid on an hourly basis, multiply their regular hourly rate received at the time of termination by the number of hours of accrued annual leave, not to exceed 300 hours.

2. When employees are paid on a basis other than an hourly basis, determine their hourly rate by converting their salary received at the time of termination to a working hourly rate. Multiply their converted hourly rate by the number of hours of accrued annual leave, not to exceed 300 hours.

B. Employees shall be given credit for the number of hours of annual leave for which they have made reimbursement. Employees shall buy back the number of hours for which they were paid which exceed the number of work hours which occurred during the break in their service, when:

1. An unclassified employee has been paid under this Executive Order for accumulated annual leave is reemployed in a classified or unclassified position.

2. A classified employee has been paid for accumulated leave under the Civil Service rules is reemployed in a unclassified position in leave earning status.

C. When unclassified employees in leave earning status accept positions which are not in leave earning status, they shall be paid for unused accumulated annual leave only upon final termination from State service, subject to the pay limitations provided in this Executive Order.

SECTION 9:

Use of Sick Leave.

A. Sick leave with pay may be used by employees who have sufficient leave to their credit for the following:

1. Illness or injury which prevents them from reporting to duty.

2. Medical, dental, or optical consultation or treatment.

3. Pregnancy.

B. A medical certificate is not required to use sick leave, but the appointing authority may require such certificate as justification for absences.

C. Sick leave shall not be charged for non-work days.

D. The minimum charge to sick leave records shall be in increments of not less than one-half (1/2) hour.

E. In no instance shall an employee be paid for any accrued sick leave remaining at the time of termination from the unclassified service.

F. There shall be no advance of sick leave.

G. Annual leave and leave without pay may be granted for disability purposes at the discretion of the appointing authority.

SECTION 10: Continuance of Annual and Sick Leave.

All unpaid annual leave and all unused sick leave accrued by employees shall be credited to them if they are later employed in the unclassified service within a period of five (5) years from date of termination, and are covered by this Executive Order.

SECTION 11: Compensatory Leave.

A. An appointing authority may require an employee to work overtime on a holiday or at a time that the employee is not regularly required to be on duty. Compensatory leave may be granted for overtime hours worked outside the regularly assigned work schedule or holidays at the discretion of the appointing authority.

B. If the appointing authority permits the earning of compensatory leave, then the amount of such leave shall be equal to the number of extra hours the employee is required to work.

C. Compensatory leave shall be promptly credited to the employee and may be used at a future time, with the approval of the appointing authority. Not more than forty-five (45) working days, or the equivalent thereof in hours, of accrued unused compensatory leave shall be carried forward into any calendar year.

D. An appointing authority may require employees to use their earned compensatory leave at any time.

E. At the discretion of the appointing authority, employees may be paid the value of their accrued compensatory leave upon separation from his unclassified position. The employees may only be paid an amount equal to the number of hours of compensatory leave earned, multiplied by the employee's hourly rate of pay at the time the leave was earned.

F. In the event that an employee transfers without a break in service to another position within the State service, compensatory leave may be credited to the employee at the discretion of the new appointing authority. Compensatory leave shall be terminated when an employee separates from State service.

SECTION 12: Civil, Emergency, and Special Leave.

Employees shall be given time off without loss of pay, annual leave or sick leave when:

- A. Performing jury duty.
- B. Summoned to appear as a witness before a court, grand jury, or other public body or commission.
- C. Performing emergency civilian duty in relation to national defense.
- D. Their appointing authority determines that they are prevented by an Act of God from performing duty.
- E. Voting in a primary, general, or special election which falls on his scheduled work day, provided not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish outside the one where he is employed.
- F. Participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's State employment before a State licensing board.
- G. The appointing authority determines that because of local conditions or celebrations, it is impracticable for employees in such locality to work.
- H. The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- I. 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 emergency nature which threatens or affects the peace or property of the people.
- J. Engaged in the representation of a client in a civil or criminal proceeding pursuant to an order of a court of competent jurisdiction. If compensation for such services is available from another source, the employee may not accept the special leave and the compensation.
- K. The employee is a current member of 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 fifteen (15) working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

SECTION 13: Military Leave.

- A. An employee who is a member of a reserve component of the armed forces of the United States or the National Guard shall be granted leave of

absence from his position, without loss of pay, time, annual or sick leave, when ordered to active duty for field training or training authorized in lieu thereof, when the individual is given constructive credit for such training, for a period not to exceed fifteen (15) working days in any calendar year. An appointing authority may grant an employee annual leave, leave without pay or both for a period which exceeds fifteen (15) working days in any calendar year, in accordance with other provisions of this Executive Order.

B. An employee is inducted or ordered to active duty to fulfill his reserve obligation or who is ordered to active duty in connection with reserve activities for indefinite periods or for periods in excess of his annual field training is eligible for the leave with pay as provided in this Executive Order.

SECTION 14: Other Leave.

A. Workers' Compensation Payments - Optional Leave with Pay.

Employees who are absent from work due to disabilities for which they are entitled to workers' compensation have the option to use sick and annual leave, which shall not exceed the amount necessary to receive total payments for leave and workers' compensation equal to their regular salary.

B. Law Enforcement - On Duty Disability.

When employees engaged in law enforcement work are disabled while in the performance of duty of a hazardous nature and become unable to perform their usual duties, because of such disability, their appointing authority may, with prior approval of the Commissioner of Administration, grant such disabled employees leave of absence with full pay during the period of such disability without charge against accrued sick or annual leave, provided such employees pay to their department all amounts received as workers' compensation benefits.

C. Funeral Leave.

An employee may be given time off without loss of pay, annual leave, or sick leave, when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild, provided such time off shall not exceed two (2) days on any one (1) occasion.

D. Educational Leave.

1. Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.

2. Educational leave with pay may be granted to employees for a maximum of thirty (30) calendar days in one (1) calendar year if the course of instruction to be taken is pertinent to their work. Employees may be granted such

leave for a maximum of ninety (90) calendar days in one (1) calendar year if their approving authority required them to take special training.

3. Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

E. Leave of Absence Without Pay.

1. An appointing authority may extend leave of absence without pay to employees for a period not to exceed one (1) year, provided that such leave shall not prolong the period of their appointment.

2. If an employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of an approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from the appointing authority, then the employee shall be considered as having deserted the position.

3. An appointing authority, on its own initiative or at the request of the employee, may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee.

SECTION 15: Holidays.

A. Holidays shall be observed as provided in LSA-R.S. 1:55 and by any proclamation issued by the Governor.

B. Employees shall be eligible for compensation on holidays observed except:

1. When the employee's regular work schedule averages less than twenty (20) hours a week.

2. When the employee is a temporary, intermittent or seasonal employee.

3. When the employee is on leave without pay immediately preceding and following the holiday period.

SECTION 16: Record Keeping.

Daily attendance and leave records shall be maintained for each unclassified employee eligible to accrue annual and sick leave. These records shall conform to the same requirements as established by the Department of Civil Service.

SECTION 17: Compliance.

All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to comply with the provisions of this Executive Order.

SECTION 18: Effective Date.

The provisions of this Executive Order shall be effective retroactive to January 13, 1992, shall remain in effect until amended, modified, or rescinded by the Governor, or until terminated by operation of law.



IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22ND day of August, 1994.

Edwin Edwards
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

Joseph S. Keithen
SECRETARY OF STATE