

Subject: Revision of State Police Commission Rule 11.5 and adoption of State Police Commission Rule 11.34

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on Thursday, February 17, 2005, to consider revision of State Police Commission Rule 11.5 and adoption of State Police Commission Rule 11.34. The hearing will begin at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. The proposed revisions and/or adoptions appear in bold print.

Chapter 11

Hours of Work, Annual, Sick and Other Forms Of Leave

11.5 Earning of Annual and Sick Leave.

(a) Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on a restricted appointment **or while using leave from an agency leave pool as defined in Rule 11.34.**

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), the appointing authority may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled work week. The policy must have the approval of the State Police Commission prior to implementation. At minimum, the policy must include the following conditions and elements:

- 1. The policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per calendar year.**
- 2. The policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.**
- 3. The policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year.**

- 4. The policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.**
- 5. The policy shall define a procedure for administering the leave pool.**
- 6. The policy shall establish a prohibition against the use of coercion or pressure to donate leave.**
- 7. The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with State Police Commission Rules.**
- 8. The leave pool may be either:**
 - (A) a pool consisting of leave hours donated and used; or**
 - (B) a pool consisting of the dollar value of the leave donated and used.**

Adoption of these proposed rules will allow the department to establish a policy for classified officers, and implement a pool of shared leave which will provide a temporary and reduced wage replacement to an employee who has exhausted his leave and who is involved in a personal or family crisis which temporarily restricts the employee's ability to report to work. Approval of these rules does not require the department to establish a leave pool. These rules are intended to allow the department to provide "compassionate" leave which will cover an employee who is faced with a catastrophic illness or serious injury affecting himself or a family member, and which is temporary in nature. These rules are not intended to include a "crisis" which is purely financial in nature, nor is it intended to cover a crisis situation which will be long-term or permanent. These rules would prohibit the earning of annual or sick leave while an employee is using paid leave from a department leave pool.

Please review this proposal and furnish, in writing, by February 1, 2005 any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by February 1, 2005 of your intention to address the Commission, in order to be placed on the agenda.

Please post this General Circular in a prominent place, so that all employees will receive notice of these public meetings. If any special accommodations are needed, please notify us prior to the meeting date.

Sincerely,
Debra L. Johnson
Debra L. Johnson
Director