

# State Police Commission



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August 29, 2007

Transmittal Sheet No. 40

Subject: State Police Commission Rules 6.25(c) and 11.29(f)

Effective Date: August 23, 2007

At its meeting on August 23, 2007, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rules 6.25(c) and 11.29(f). Attached are complete copies of Chapters 6 and 11 for inclusion in your Rules.

Sincerely,

*Debra L. Johnson*

Debra L. Johnson  
Director

Attachments (2)

## CHAPTER 6

### PAY PLAN

#### 6.1 Philosophy.

The pay rates for the State's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employees' performance and level of funding available. The State will not be a market leader, but, for the most part, will follow the market as the value of jobs change.

#### 6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with the appointing authority and the state fiscal officer, and after conducting such research as the Director deems appropriate, shall cause to be prepared for submission to the Commission, a uniform pay plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state, depending upon availability of applicants and other factors impacting compensation.
- (b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

#### 6.3 Adoption of Pay Plan.

- (a) Any Pay Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.
- (b) The State Police Commission, upon adoption of a Pay Plan, shall specify the manner in which the Pay Plan is to be implemented.
- (c) A Pay Plan may include, but not necessarily be limited to, an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.
- (d) A Pay Plan or amendment thereto, when adopted by the Commission after public hearing, shall become effective:
  - 1. After approval in its entirety by the Governor; and
  - 2. Subject to appropriation of sufficient funds by the legislature.

#### 6.4 Rates in Pay Plan.

- (a) The pay range for each job shall consist of established salary rates.
- (b) Subject to the provisions of Rules 6.5(e), 6.8(b), 6.10(c), 6.11, 6.15, 6.16, and 17.11(e) each employee shall be paid at an established salary rate within the range of the job to which the position is allocated.

#### 6.5 Hiring Rate.

Pay upon employment shall be at the lowest salary rate of the range established for the grade of the job to which the position is allocated except:

- (a) Job Appointment.

The pay of a job appointee shall not be reduced when an employee who has been earning more than the hiring rate for the job occupied is then probationally appointed to a position in the same job without a break in service of one or more working days.

- (b) Special Entrance or Retention Rates.

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range for the job in a limited geographical area or for positions in a job where employment conditions are unusual.

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applied to any salary up to but not to exceed the amount of the percent difference between the special rate and the current hiring rate.
2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.
3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be set at any salary rate in the range that does not exceed the highest salary the employee previously earned while serving with permanent status in a classified position other than detail to special duty and does not exceed the salary rate designated for the total number of years of State Police Service by the employee. If the range for the job has been adjusted and the range hiring rate is higher than the employee's former salary, the employee will enter at the hiring rate. If the value of the salary rate column equal to the total number of years of State Police Service acquired by the employee has been raised since the employee's separation, their pay may be set at the higher rate. If the former salary is higher than the range highest salary rate, the employee's pay rate shall be set no higher than the range highest salary rate. The appointing authority may, at any time and to the extent permitted by other provisions of these Rules, grant any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was separated for delinquency, misconduct or unsatisfactory performance, or who resigned to avoid disciplinary action.

(d) Return From Military.

Subject to Rule 8.19, when an employee returns from military service and is restored to duty in their former, equivalent, or lower position, the employee's pay shall be set at the rate earned before leaving the classified State Police Service. If the job or equivalent job had been upgraded or any pay adjustments granted, the employee shall be granted a pay rate reflecting the impact of these adjustments, as though the employee had been in that job at the time of the adjustments. If the employee's rate of pay does not match that of the established salary rate for the total years of State Police Service in the grade assigned to the position the employee will occupy, the employee's salary rate shall be red circled in accordance with the provisions of Rule 6.15.

(e) The Director, with the approval of the Commission, may establish special hire rates for workers employed by the appointing authority which administers federal funds for use in this state, either directly or indirectly, or as a grant-in-aid or to be matched or otherwise, provided the appointing authority is required to, by rule or regulation of, or contract with, a participating federal authority to pay such special rates, except that the appointing authority must comply with the minimum wage rate, as prescribed and required by Federal rules, statutes, regulations and judicial decisions, which such minimum rate is more than that provided for in these rules.

#### 6.5.1 Pay Upon Appointment From a Department Preferred Re-employment List.

Subject to Rule 6.14, the pay of a person appointed from a department preferred re-employment list may be set no higher than the employee's rate of pay at the time of the layoff or displacement action, which entitled the employee to placement on the preferred list from which they are appointed, or at the employee's current rate if such rate is higher based on other provisions of these Rules. Never shall the rate of pay be higher than the range highest salary rate for the class to which appointed.

#### 6.6 Market Rate Job Assignment.

- (a) When the pay range for the grade to which a job is currently assigned either is not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Director may, in accordance with Rules 6.1 and 3.1(n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.

#### 6.7 Rate of Pay Upon Promotion.

- (a) When an employee is promoted to a position in a higher grade, their pay shall be the rate of pay established for the corresponding salary rate at the higher grade.
- (b) When an employee has been detailed with pay to a higher job and is promoted to that same job directly from the detail, their pay eligibility on promotion shall not be less than they received on detail.

#### 6.8 Pay Upon Grade Assignment.

When the Director assigns a job to a different grade or reallocates a position from one job to another:

- (a) If the job to which the position is allocated is in a higher grade or if the job is assigned to a higher grade, the affected employee's pay shall be set in accordance with Rule 6.7.
- (b) If the job to which the position is allocated is in a grade lower than the current job or the job is assigned to a lower grade, the affected employee's pay will not change, but shall be subject to the provisions of Rule 6.15.
- (c) If the job to which the position is allocated is in the same grade, or if the job is assigned to the same grade level, the employee's pay shall not change.

## 6.9 Pay Upon Reassignment.

When an employee is reassigned to another position, their rate of pay shall not be reduced without their permission.

## 6.10 Rate of Pay Upon Demotion.

- (a) When an employee is demoted for disciplinary reasons or in lieu of layoff required solely by budgetary reasons, the appointing authority may set the employee's pay at any salary rate within the lower pay range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee.
- (b) When an employee takes a voluntary demotion, their rate of pay in the lower grade shall be set at a salary rate within the lower range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee as agreed to by the employee and the appointing authority.
- (c) When an employee is involuntarily demoted for non-disciplinary reasons, their pay shall not be changed except for layoffs required solely by budgetary cuts and Rule 6.15 shall apply.

## 6.11 Rate of Pay on Detail to Special Duty.

When an employee is detailed to special duty, their pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, their pay shall be increased to the rate they could receive upon promotion to such position, provided:

- (a) Any such temporary increase granted the employee shall not affect their eligibility for pay increases which they would have acquired in their regular position had they not been detailed.
- (b) At the conclusion of the detail, the employee's pay shall revert to their authorized rate of pay in their regular position.

## 6.12 Compensation for Part-Time Services.

- (a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.
- (b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.

- (c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

#### 6.12.1 Compensation for Holidays.

Employees shall be eligible for compensation on holidays observed, except:

- (a) When the employee's regular work schedule averages less than 20 hours a week;
- (b) When the employee is on restricted appointment;
- (c) When the employee is on leave without pay immediately preceding and following the holiday period; or
- (d) When the employee is on an intermittent work schedule.

#### 6.13 Certification and Payment.

- (a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the State Police Commission Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.
- (a) If payments to an employee are found to have been made in violation of the provisions of Article X, the State Police Commission Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, the Director may take any corrective action deemed appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescission of any actions and associated compensation, or restitution to the employee.

#### 6.14 Merit Increases.

- (a) When applying the merit increase, the employee's current pay increases to the rate of pay established for the higher salary rate immediately following the employee's current rate within the pay range for which the employee's job is assigned.
- (b) Upon a new employee's successful completion of the State Police Training Academy, they become eligible for and may be granted a merit increase provided that the appointing authority has determined their performance merits such an award.

- (c) At the end of the new employee's Field Training Officer (FTO) program, or, if the new employee's position does not require participation in the Cadet FTO program and the new employee has been continuously employed without a break in service of one or more working days for eight (8) months, the employee becomes eligible for and may be granted an additional merit increase provided that the appointing authority has determined their performance merits such an award.
- (d) At the end of each one-year period of continuous employment following the employee's original appointment, the employee may be granted an additional merit increase, not exceeding the salary rate designated for 20 years of State Police Service, if the appointing authority has determined that their performance merits such an award. This date of eligibility shall be known as an anniversary date and shall not change through such continuous employment within the classified service. Upon the employee's twenty-fifth year anniversary in the State Police Service, they become eligible for and may be granted a final merit increase, if the appointing authority has determined that their performance merits such an award.
- (e) The appointing authority may, at any time within three (3) years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which they have attained eligibility provided the employee has not received an unsatisfactory service rating for the applicable year(s). A part-time employee shall receive the same credit they would receive if they were employed on a full-time basis.
- (f) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the highest established salary rate for the range to which the position is assigned.
- (g) An employee's eligibility for the increases authorized in Subsections (b), (c), and (d) shall not be interrupted by time served in the military service if they are reemployed under the provisions of Rule 8.19.
- (h) A former employee who is re-employed following a break in service of one or more working days, except those appointed from a department preferred re-employment list and except those who are restored to duty, under the provisions of Rule 8.19, upon return from military service, shall be considered a "new" employee within the meaning of this rule.
- (i) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.
- (j) An employee who has a current service rating of unsatisfactory shall not be eligible for any increase under the provisions of this rule.



- (k) A former employee who is re-employed following certification from a department preferred re-employment list within a year of the layoff date shall retain the anniversary dates and merit increase eligibilities earned under subsections (b), (c), (d), and (e) for which they have not been granted an increase. If re-employed from a preferred list after one year, they shall be considered a new employee with regard to the establishment of their anniversary date and merit increase eligibility.
- (l) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on their individual pay rate in the higher job.

#### 6.15 Red Circle Rates.

- (a) Rates that fall precisely on an established salary rate become the employee's authorized individual pay rate.
- (b) Individual pay rates that fall between established salary rates become temporary red circle rates and remain in effect until the employee becomes eligible for and receives an increase which places their salary on an established salary rate. Individuals whose salary rates are temporarily red circled shall be eligible for any other pay adjustments provided for in the rules.
- (c) Individual pay rates that fall above the highest salary rate established for the grade become red circle rates and remain in effect until the range catches up with the rate. However, eligibility for a red circle rate above the highest salary rate grade is lost upon separation from State Police Service, demotion, or promotion. Individuals whose salary rates are red circled above the highest salary rate shall not be eligible for any other pay adjustments provided for in the rules.
- (d) Red circle rates are assigned under the conditions outlined below:
  - (1) When the job to which a position is allocated is assigned to a lower grade.
  - (2) When a position is reallocated to a job assigned to a lower pay grade.
  - (3) When an adjustment to the pay structure lowers the range for the grade to which a job is assigned.
  - (4) When positions are declared to be in the classified service and the employee's current rate of pay falls above the highest salary rate of the range for the grade of the job into which the position(s) are

allocated.

- (5) When the employee's pay exceeds the highest salary rate of an approved market grade.
- (6) When an employee has returned from military duty and their pay is set for an amount other than an established salary rate under the provisions of Rule 6.5(e).
- (7) When an employee's pay does not match an established salary rate due to an involuntary demotion for non-disciplinary reasons under the provisions of Rule 6.10(c).

#### 6.16 Special Pay Rates.

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

(a) Shift Differential.

In order to remain competitive with the pay practices of market competitors, additional pay may be authorized for shift work or other non-standard work hours.

(b) Extraordinary Duty.

Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of their regularly assigned duties.

(c) Individual Pay Adjustment.

When the appointing authority requests, and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant a special adjustment in pay for individual employees.

(d) The appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.

(e) Premium Pay.

In order to provide a special pay rate to apply to situations which other rules do not cover, the State Police Commission may authorize premium pay for positions in a job where employment conditions are unusual, to remain competitive with the pay practices of market competitors.

- (f) The special pay rates authorized by the Rule shall not be effective until approval by the Commission at a public Hearing; with the limited exception that the State Police Commission Director may grant interim approval of individual pay adjustments for an employee until the next Commission meeting where a pay adjustment request can be placed on the agenda. At that time, the appointing authority shall provide justification for the special pay adjustment. In the event the request is denied by the Commission, the employee shall not suffer any loss of pay from the date of the interim approval until the date the Commission denies the request.

#### 6.17 Pay On Entering the Classified Service

An employee who enters the classified service because their position has been declared to be in the classified service shall have their pay established as follows:

- (a) If the employee's current rate of pay falls on an established salary rate within the range, their rate of pay shall remain the same.
- (b) If the employee's current rate of pay is below the range hiring rate, it shall be brought to the range hiring rate.
- (c) If the employee's current rate of pay is above the range highest salary rate, Rule 6.15 shall apply.
- (d) If the employee's current rate of pay is between salary rates, Rule 6.15 shall apply.

#### 6.18 Definition of Overtime Hour.

An overtime hour is an hour worked by an employee at the direction of the appointing authority:

- (a) On the employee's official holiday; or
- (b) In excess of the regular duty hours in a regularly scheduled workday, as designated under Rule 11.1(c), or 11.2(b); or
- (c) In excess of the regular duty hours in a regularly scheduled workweek, as designated under 11.1(c) or 11.2(b); or
- (d) In excess of forty hours worked during any regularly recurring and continuous seven-day calendar work period, where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked;
- (e) In excess of eighty hours worked during any regularly recurring and continuous bi-weekly calendar work period, where excessive hours are

systematically scheduled. Any holiday observed during this work period is counted as a day worked;

- (f) In excess of the hours worked in a regularly established, continuous and regularly recurring work period, where hours average forty 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; or
- (g) A day on which the department, or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provisions of Section B(5) of LSA.R.S. 1:55.

#### 6.19 Methods of Compensation for Overtime Hours Worked.

Compensation for overtime, if applicable, shall be one of the following:

- (a) Cash payment at the time and one-half rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of the employee's wages under the Fair Labor Standards Act may be included in calculating the rate of pay at time and one-half.)
- (b) Cash payment at the regular rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages under the Fair Labor Standards Act shall not be included in calculating the rate of pay at the regular rate.)
- (c) Compensatory leave earned hour for hour.
- (d) Compensatory leave earned at the time and one-half rate.

#### 6.20 Options for Full-time Employees for Overtime Hours Actually Worked in Excess of Eighty Hours Per Work Period.

As provided by Rule 6.24, the appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 80 hours per work period.

##### FLSA STATUS

##### OPTIONS

- |               |  |
|---------------|--|
| (a) Nonexempt | (1) Cash payment at time and one-half rate;<br>or        |
|               | (2) Compensatory leave earned at time and one-half rate. |

- (b) Exempt
  - (1) Cash payment at regular rate; or
  - (2) Compensatory leave earned hour for hour; or
  - (3) No overtime compensation.

6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Eighty Hours per Work Period Due to Holidays Observed or Leave Taken.

The appointing authority shall select and use one of the applicable options listed below for those overtime hours not actually worked in excess of eighty hours per work period due to holidays observed or leave taken.

<u>FLSA STATUS</u>	<u>OPTIONS</u>
(a) Nonexempt	<ul style="list-style-type: none"> <li>(1) Cash payment at regular rate; or</li> <li>(2) Compensatory leave earned hour for hour.</li> </ul>
(b) Exempt	<ul style="list-style-type: none"> <li>(1) Cash payment at regular rate; or</li> <li>(2) Compensatory leave earned hour for hour; or</li> <li>(3) No overtime compensation.</li> </ul>

6.22 Overtime Options for Part-Time Employees.

The appointing authority shall select and use one of the applicable options for:

- (a) A regular part-time employee who works in excess of their scheduled workday or work period, but does not work in excess of eighty hours in a work period:
  - 1. Cash payment at regular rate; or
  - 2. Compensatory leave earned hour for hour.
- (b) A regular part-time employee who works in excess of eighty hours per work period and is nonexempt shall be compensated in accordance with Rule 6.20.

- (c) A regular part-time employee who works in excess of eighty hours per work period and is exempt:
  - 1. Cash payment at regular rate; or
  - 2. Compensatory leave earned hour for hour.
- (d) An intermittent employee:
  - 1. Overtime for work in excess of eighty hours per work period by nonexempt employees shall be compensated in accordance with Rule 6.20; or
  - 2. Overtime for work in excess of eighty hours per work period by exempt employees shall be compensated by cash payment at the regular rate; or
  - 3. Work not in excess of eighty hours per work period is not considered overtime.

6.23 Overtime Options for Work on Holidays.

- (a) The appointing authority shall select and use one of the applicable options for overtime work not in excess of eighty hours per work period performed on holidays.

FLSA STATUS

OPTIONS

- |              |   |
|--------------|---|
| 1. Nonexempt | <ul style="list-style-type: none"> <li>(a) Cash payment at time and one-half rate; or</li> <li>(b) Cash payment at regular rate; or</li> <li>(c) Compensatory time earned hour for hour.</li> </ul> |
| 2. Exempt    | <ul style="list-style-type: none"> <li>(a) Cash payment at regular rate; or</li> <li>(b) Compensatory time earned hour for hour; or</li> <li>(c) No overtime compensation.</li> </ul>               |

- (b) Work performed in excess of eighty hours per work period shall receive overtime compensation in accordance with Rule 6.20, whether or not work is performed on a holiday.

#### 6.24 Special Overtime Pay Provisions (Fair Labor Standards Act, Section 7)

The appointing authority may use any of the special overtime pay provisions permitted by the Fair Labor Standards Act; however, if an employee actually works in excess of full-time hours during the pay period, but less than the number of hours required to be treated as overtime under FLSA, Rule 6.20 shall only apply for such overtime hours.

#### 6.25 Caps on Accumulation of Compensatory Leave.

- (a) Employees who accrue Fair Labor Standards Act compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.
- (b) Once the maximum balance of Fair Labor Standards Act compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of 80 hours per two-week pay period must be paid to an eligible employee in cash at the time and one-half rate.
- (c) Compensatory leave earned hour for hour (non-Fair Labor Standards Act) may be accrued up to a maximum balance of 540 hours at the end of any fiscal year. Transfer, cancellation and crediting of compensatory leave is provided for under the provisions of Rule 11.29.

#### 6.26 State Police Commission Review of Nonexempt Positions.

- (a) It is the responsibility of the appointing authority on an ongoing basis to determine whether an employee occupying a position should be considered nonexempt under the Fair Labor Standards Act. Such employees must be paid in accordance with the Fair Labor Standards Act, and prior approval from the Director is unnecessary. Following such determination, the appointing authority shall provide the Director with a listing of such job titles and number of positions.
- (b) Such listing will be reviewed by the Director in order to serve as a check to insure an understanding of the FLSA exemptions and to compare with information provided for classification purposes.

#### 6.27 Exceptions to the Overtime Rules.

Exceptions to the Rules on overtime compensation are as follows:

- (a) For positions which are exempt under the Fair Labor Standards Act, the Commission may grant authority to use any of the options for overtime

compensation when:

1. The appointing authority petitions the Commission for this authority. The Commission, may, with such restrictions as it deems appropriate, permit the use of time and one-half compensation to employees who occupy exempt positions.
  2. The Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs. Such authorizations, when approved, shall be published in a General Circular.
- (b) Unless otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions, cash payment at time and one-half rate, cash payment at the regular rate, and compensatory leave earned at time and one-half rate do not apply for employees:
1. While performing civilian duty, under the administrative supervision of one other than the appointing authority, during an officially declared national, regional or a local emergency.
  2. While "on call" away from their duty post.
  3. While attending or traveling to and from conventions, workshops, training courses, study groups and related activities.
  4. While performing duties pursuant to a determination made by the appointing authority under the provisions of Rule 11.29(g).
- (c) All payable compensatory leave earned by an employee, before April 15, 1986, who later separated from the classified service to enter the military, shall be paid for such leave at the time and one-half rate upon restoration to duty in accordance with State Police Commission Rules 8.19, II.26(a), or II.26(b). This shall apply only to payable leave for which the employee received no payment and which they did not take before separation.

#### 6.28 On-Call Pay.

- (a) The Director may authorize payment of on-call pay through policy directives which establish guidelines for on-call pay and which establish maximum authorized rates. The Commission may authorize on-call pay at a higher rate than established by the Director.
- (b) Such on-call pay is compensation for hours in excess of the employee's regularly scheduled hours of duty, when they are available for call back to their duty station, work-ready, within a specified period, at the direction of the



appointing authority. On-call pay is in addition to the employee's regular pay and is not to be included in computation of overtime payments or terminal leave payments allowed under the provisions of other Sections of the Rules.

On-call pay shall not be granted to an employee for their regularly scheduled hours of duty. Further, when an employee is called back they shall be considered in duty status and eligible for applicable overtime compensation.

#### 6.29 Other Compensation.

If the appointing authority desires to provide compensation not specifically covered either by Chapter 6 of these Rules, or by the classification and pay plan, it shall obtain approval from the Commission of a plan for providing such compensation, and shall obtain certification in accordance with Rule 6.13, prior to providing such compensation. The alteration of any such plan shall not be made without the prior approval of the Commission.

## CHAPTER 11

### HOURS OF WORK, ANNUAL, SICK AND OTHER FORMS OF LEAVE

#### 11.1 Full-Time Employees.

- (a) Subject to the provisions of subsections (b) and (c) hereof, the work week for each full-time employee in the classified service shall be forty (40) hours.
- (b) An appointing authority, with the approval of the Commission, may specify a work week exceeding forty (40) hours for employees in specific classes of positions within his agency, or for employees in specific divisions or activities within his agency.
- (c) Subject to the provisions of subsections (a) and (b) of this Rule, the appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each full-time employee.
- (d) Each specification prepared under the provisions of subsection (b) of this Rule shall be filed with the Director.

#### 11.2 Part-Time Employees.

- (a) When the services of an employee are not needed on a full-time basis his appointing authority may establish a regular tour of duty for him on a part-time basis.
- (b) The appropriate appointing authority shall designate and record the number of hours and days which will constitute the regular work week of each part-time employee.

#### 11.3 Intermittent Workers.

When the services of an employee are not needed on a regularly scheduled basis, the appointing authority may appoint an employee to serve on an intermittent hourly, daily, weekly or monthly basis.

##### 11.3.1 Authority To Require Performance of Overtime.

An employee in the classified service may be required by his appointing authority to work overtime.

#### 11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1.

#### 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 restricted appointment or while using leave from an agency leave pool as defined in Rule 11.34.
- (b) The earning of such leave 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 years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty.
  - 2. Three years but less than five 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 years but less than ten 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 years but less than fifteen 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 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.
- (c) Repealed, effective July 1, 1973.
- (d) No employee shall be credited with annual or sick leave
  - 1. For any overtime hour.
  - 2. For any hour of leave without pay.
  - 3. While he is on leave with or without pay, until such time as he returns to active working duty, except where inability to return to duty is caused by illness or incapacity as defined by Rule 1.39.1.
  - 4. For any hour in on-call status outside his regular duty hours as defined in Rules 11.1 and 11.2.
  - 5. For any hour of travel or other activity outside his regular duty hours as defined in Rules 11.1 and 11.2.

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

#### 11.6 Carrying Leave Forward.

- (a) Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.
- (b) Repealed, effective March 15, 1973.

#### 11.7 Use of Annual Leave.

- (a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.
- (b) Annual leave shall not be charged for non-work days.
- (c) The minimum charge to annual leave records shall not be less than one-half hour.

#### 11.8 Repealed, effective December 17, 1957.

#### 11.9 Enforced Annual Leave.

- (a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.
- (b) No employee shall be required to reduce his accrued annual leave to less than 240 hours; however, subject to the military leave provisions of Rule 11.26, an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.

#### 11.10 Payment For Annual Leave Upon Separation.

- (a) Subject to Sub-section (b) of this Rule each employee upon separation from the Classified Service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is terminated for theft of agency fund or property. The payment for such leave shall be computed as follows:
  1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.

2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.
  - (b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay at the time of his separation.
  - (c) No payment for annual leave under this Rule shall operate to continue the payee as a Classified employee beyond the last day of active duty.
  - (d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon termination in accord with such rules or regulations.
  - (e) When an employee who has been paid under this Rule for accumulated annual leave is re-employed in a classified position, he shall pay the Department which re-employs him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement.
  - (f) Repealed and reenacted as Sub-section (d)6 of Rule 11.5, effective July 1, 1973.
  - (g) Repealed, effective June 8, 1983.

11.11 Repealed, effective December 17, 1957.

11.12 Repealed, effective December 17, 1957.

11.13 Use of Sick Leave.

- (a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:
  1. Illness or injury which prevents him from performing his usual duties.
  2. Medical, dental, or optical consultation or treatment.
  3. Repealed, effective January 1, 1963.
- (b) Sick leave shall not be charged for non-work days.

(c) The minimum charge for sick leave shall be one-half hour.

(d) Repealed, effective June 30, 1972.

#### 11.14 Certificate Required When Sick Leave Taken.

An employee who has taken sick leave shall file with his appointing authority a certificate stating the cause of his absence and the amount of time taken. The appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill and unable to report to work.

11.15 Repealed, effective July 11, 1984.

11.16 Repealed, effective December 17, 1957.

11.17 Repealed, effective December 17, 1957.

#### 11.18 Cancellation or Continuance of Annual and Sick Leave.

(a) All annual leave accrued by an employee whose services are terminated for cause except that for which he must be paid, and all sick leave accrued by him shall be canceled at the time of termination.

(b) All annual leave accrued by an employee for which he is not paid upon being laid off and all sick leave accumulated by him shall again be credited to him if he is re-employed within five years following his layoff: provided, that this Subsection shall apply only to a laid off employee who is re-employed on or after January 1, 1972.

(c) Repealed, effective December 17, 1957.

(d) Subject to the provisions of Rule 11.19(c), all annual leave accrued by an employee for which he is not paid upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is later employed with probationary, or permanent appointment status in the classified service within a period of five years from date of separation; provided, that the privileges of this Rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

(e) Subject to the provisions of Rule 11.19 and Subsection (d) hereof, all annual leave for which he is not paid upon resignation and all sick leave accrued by an employee who resigns shall be canceled.

#### 11.19 Transferring Annual and Sick Leave Between Departments.

- (a) Repealed, effective July 1, 1973.
- (b) Subject to the provisions of Subsection (c) of this Rule, all annual leave accrued by an employee for which he is not paid and all sick leave accrued by him whenever he changes from employment in one department to employment in another department within a period of thirty calendar days shall be certified by his former department to the other department and shall be credited to the employee.
- (c) All annual leave accrued by an employee for which he was not paid and all sick leave accrued by him at time of separation to enter military service shall be credited to him upon his reemployment in a classified position following such military service.
- (d) The annual and sick leave credits of an unclassified employee, earned under the provisions of an Executive Order of the Governor, who enters the Classified Service without a break in service on one or more working days, shall be certified and credited in the same manner as provided in this Rule for classified employees.

#### 11.20 Repealed, effective December 17, 1957.

#### 11.21 Workmen's Compensation Payments.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation he

- (a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.
- (b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.
- (c) may be granted leave without pay.

#### 11.21.1

- (a) When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the Director, grant such disabled employee a leave of absence

with full pay not to exceed six months during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his Department all amounts received by him as Workmen's Compensation benefits. Requests for such leave shall be submitted in writing by the appointing authority and shall include all information necessary to determine whether an employee is covered by this Rule.

- (b) If a request, made in accordance with the provisions of Subsection (a) of this Rule, is found to be questionable or if the leave requested exceeds or later extends beyond six months, the Director shall submit such request to the Commission for its review and approval.

11.22 Repealed, effective December 16, 1957.

11.23 Civil, Emergency, and Special Leave.

An employee 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, provided that for purposes of this Subsection a plaintiff or defendant shall not be considered a witness, nor shall this Subsection apply to an employee summoned as a witness as a result of employment other than State employees.
- (c) Performing emergency civilian duty in relation to national defense.
- (d) His appointing authority determines that he is prevented by an act of God from performing duty.
- (e) Amended and Re-enacted effective January 11, 1989 as Rule 11.23.2.
- (f) Participating in a State Police Commission 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 his 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 emergent nature which threatens or affects the peace of property of the people.

- (j) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.
- (k) The employee is a current member of a Civil Air Patrol and incident to such membership is order 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 meeting or training conducted during such meetings.

#### 11.23.1 Funeral Leave.

Probationary and permanent employees may be granted 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, grand-parent, or grand-child; provided such time off shall not exceed three (3) days on any one occasion.

#### 11.23.2 Voting Leave.

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

#### 11.24 Educational Leave.

- (a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.
- (b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his Department, provided that a permanent employee may be granted such leave for a maximum of ninety calendar days in one calendar year if the Department requires him to take special training.
- (c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

11.25 Repealed, effective June 30, 1972.

#### 11.26 Military Leave.

(a) Military Leave with Pay.

1. Provided advance notice is given, employees serving on probationary or permanent status, who are members of a Reserve Component of the Armed Forces of the United States, shall be entitled to military leave with pay. Notice shall be in writing. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is fifteen (15) working days per calendar year, except that it shall be limited to fifteen (15) working days for each tour of active duty.

(b) Use of Annual and Compensatory Leave for Military Purposes.

1. Employees serving on probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

(c) Use of Leave Without Pay for Military Purposes.

Employees serving on probationary status or permanent status, who have either exhausted annual leave and compensatory time or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six (6) years. After six years, they shall be separated from the classified service.

(d) Rights Upon Return.

Probationary and permanent employees returning to their classified positions under the provisions of this Rule or Rule 8.12, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent military training or military active duty; however, status is subject to the provision of Rule 9.4.

(e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991 as a result of the August 1990 Persian Gulf Crisis, and is released from satisfactory active military duty, after such involuntary service, upon furnishing appropriate official documents to the appointing authority and where the military base pay was less than the State Police Trooper base pay:

1. (a) If paid leave was utilized during the entire period of voluntary service, shall be credited with the value of annual and/or compensatory leave represented by the difference in military base pay and state base pay in the same proportion as that annual leave and/or compensatory time was utilized during the period of involuntary service, and said credit shall be in the form of restoration of such leave; or
- (a) If leave without pay was utilized for the entire period of involuntary service, shall be paid the difference between the military base pay and the state base pay; or,
- (b) If leave without pay was utilized for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, part (a) shall apply; and,

Without regard to whether the military base pay was less than the State Police Trooper base pay:

2. shall be allowed fifteen (15) working days per calendar year of military leave with pay;
3. and shall continue to accrue sick and annual leave for a period not in excess of one year from the beginning date of involuntary service on the same basis as though he had not been activated and be credited such leave and all emoluments upon return from active duty as though he had not been activated;
4. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;
5. and shall not be subject to separation for the duration of the resulting involuntary active duty, provided he returns to employment within ninety days after his release from active duty; and
6. and may repurchase in one payment only all or part of any annual leave utilized during the period of involuntary service within twenty-

four months from return to active state service.

- (f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection (e) of this rule.

#### 11.27 Leave of Absence Without Pay.

- (a) An appointing authority may extend leave of absence without pay to an employee for a period not to exceed one year, provided that such leave shall not prolong the period of his appointment.
- (b) After presenting justifiable reasons in writing to the Director and with the approval, an appointing authority may extend to a permanent employee leave of absence without pay for a period or periods in excess of one year.
- (c) The appointing of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.
- (d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration.
- (e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier day upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.
- (f) 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. Curtailment must not conflict with the provisions of Rule 11.26(b).
- (g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

#### 11.27.1 Leave of Absence to Assume Unclassified Position.

- (a) Notwithstanding the provision of Rule 11.27(a) and/or (b), upon the acceptance by a permanent employee of a position in the unclassified State Police Service, the employee shall be placed on a leave of absence without pay. The leave of absence shall continue until the employee leaves the unclassified position by termination or resignation.

Upon placing the employee on such leave of absence, that employee's position and all vacancies within the chain of command created by the filling of that position may only be filled on a permanent basis.

- (b) An employee, who has been placed on a leave of absence without pay under the provisions of Subsection (a) hereof, shall be restored to duty, in pay status, on the first working day following the effective date of their termination or resignation from their unclassified position.

If, without valid excuse, the employee fails to report for or refuses to be restored to duty in pay status as provided for in the preceding paragraph, he or she shall be considered as having deserted their position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.

- (c) A probationary employee shall not be placed on leave to serve in an unclassified position.
- (d) If, upon the return of an employee from an unclassified position, their classification position is occupied, the employee with the greatest length of total state service shall retain that position. In such case, the employee with the lesser amount of total state service shall be displaced from that position in accordance with the provisions of Chapter 17.

#### 11.28 Holidays.

- (a) An employee who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Rule 6.23(a).
- (b) When a holiday falls on an employee's regular day off, and the appointing authority required the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only of the two days as the employee's official holiday for overtime compensation as provided by Rule 6.23. The other day is to be compensated as regular overtime work.
- (c) Repealed, effective June 7, 1989.

## 11.29 Compensatory Leave.

- (a) Subject to provision of Subsections (b) and (g) of this Rule, and in accordance with Rule 6.18 through 6.27 and the requirements of Federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the option of the appointing authority, be credited with compensatory leave for the hours he has been required to work.
- (b) Compensatory leave shall not be credited to any employee in the classified service while he is serving on an intermittent basis.
- (c) Subject to the provisions of Subsections (e) and (f) of this Rule, compensatory leave credited to an employee may be used by him, with the approval of his appointing authority.
- (d) An employee who has been credited with compensatory leave may be required, by his appointing authority, to take all or part of such leave at any time.
- (e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:
  - 1. All unused compensatory leave earned at the time and one-half rate and credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at one of the rates below, whichever is higher:
    - (a) The average regular rate received by the employee during the last three years of his employment, or
    - (b) The final regular rate received by the employee.
  - 2. All unused compensatory leave earned hour for hour and credited to an employee may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.
  - 3. All unused compensatory leave earned hour for hour, if not paid to the employee upon separation shall be canceled upon his separation or transfer from the department in which he earned it. Such leave shall not be re-credited to him upon his reemployment in that or any other department.
- (f) Caps on accumulation of compensatory leave are found under the provisions of Rule 6.25. Excess accumulation of compensatory leave earned hour for hour (non-Fair Labor Standards Act) will be canceled at the end of the fiscal

year.

- (g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or 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, he may require such employees to perform overtime duty; and the provisions of Rules 11.29(a), 6.20, 6.21, 6.22, and 6.23 shall not apply to such duty unless such overtime is required by Federal rules, statutes, regulations, and judicial decisions.
- (h) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(f).
- (i) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).
- (j) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).

11.30 Repealed, effective December 17, 1957.

11.31 Forms.

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957.

11.33 Repealed, effective December 17, 1957.

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 540 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.