

State Police Commission



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General Circular No. 115

Issue Date: October 15, 2001

Subject: State Police Commission Rule 11.26

Pursuant to the provisions of State Police Commission Rules 2.5(a) and (b) and 2.10(b), the State Police Commission will hold a public hearing on Thursday, October 18, 2001 to consider repealing and reenacting State Police Commission Rule 11.26. The hearing will begin at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana.

11.26 Military Leave.

(a) Military Leave with Pay.

- (a) 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.
- (b) No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
- (c) 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
- (b) 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,
- (c) 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;
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.

This revision will allow leave without pay for a period not to exceed six years. The current rule allows the utilization of leave without pay for 180 consecutive calendar days.

Please post this General Circular prominently, so that all employees will receive notice of this hearing. If any special accommodations are needed, please notify us prior to the hearing date.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director