

State Police Commission



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Cathy J. Derbonne
Director

July 19, 2012

Transmittal Sheet No. 51

Subject: State Police Commission Rule 11.34

Effective Date: July 19, 2012

At its meeting on July 19, 2012, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rule 11.34 Crisis Leave Pool.

Attached is a complete copy of Chapter 11 for inclusion in your rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy J. Derbonne", is written over a horizontal line.

Cathy J. Derbonne
Director

AN EQUAL OPPORTUNITY EMPLOYER

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) hereof, the work period for each full-time employee in the classified service shall be eighty (80) hours in a two week period.
- (b) 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 period of each full-time employee.

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11.4 Repealed and re-enacted effective July 1, 1973 as Rules 1.3.1 and 1.39.1.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

(1) 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.

(2) 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.

(3) 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.

(4) 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.

- (5) 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

- (1) 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,

- (2) 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.
- (6) 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 calendar 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 compensatory, annual or sick 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 compensatory, annual or sick 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 compensatory, annual or sick 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 a 12 month period.
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.

T/S-50 Rule 11.34
07/19/2012