Revised December 15, 2021

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SECRETARY'S POLICY AND PROCEDURE MEMORANDUM (PPM) NO. 15

SUBJECT: Annual, Sick, and Other Forms of Leave

EFFECTIVE DATE: April 1, 1977

INSTRUCTIONS: This memorandum supersedes all other memoranda and manuals.

1. EARNING OF LEAVE (CLASSIFIED EMPLOYEES)

A. Annual leave and sick leave are earned by every employee who has a regular tour of duty (which includes job appointments and probational appointments as well as employees with permanent status). Compensatory leave (K-time) is earned when overtime is performed in accordance with PPM No. 12, Compliance with Fair Labor Standards Act (FLSA). Employees on Classified or Unclassified "When Actually Employed" (WAE) appointments are not eligible to earn annual or sick leave and are restricted to working 1245 hours in a 12-month period.

B. Any unused accumulated annual and sick leave is forwarded to succeeding calendar years. There is no limit on the amount of such leave an employee may accumulate through the years of employment. Upon retirement or resignation, the employee will be paid at his/her current rate of pay for all unused annual leave in an amount not to exceed 300 hours. In addition, when an employee retires, his/her unused leave is reported to the retirement system. This includes all unused sick leave, as well as any unused annual leave beyond the 300 hours for which payment is made by the Department. The employee has the option of either electing to have the unused leave converted to additional service credit or receiving a lump-sum payment for the actuarial value of the leave.

C. Any overtime hour, which causes a non-exempt employee's time and one-half compensatory leave balance to exceed 240 hours will be paid to the employee. (Payment is made on the pay day for the payroll period during which excess overtime is earned.) At the end of each fiscal year, all employees will be paid for all straight time compensatory leave accrued in excess of 360 hours, at a straight rate. In accordance with Civil Service Rule 21.12(a), upon separation of employment or transfer to another state agency, all compensatory leave earned at the time and one-half rate and credited to an employee shall be paid according to the method of calculation of hourly rate contained in the Fair Labor Standards Act.

D. For exempt employees with respect to straight K-time balances, a maximum of 360 hours can be carried forward to the next fiscal year; exempt employees may be paid for up to 200 hours of accrued straight K-time in excess of 360 hours, if funds are available. All straight K-time remaining in excess of 360 hours carried forward to

the next fiscal year and 200 hours paid shall be canceled. For more detailed information on compensatory leave, refer to PPM No. 12.

2. ANNUAL LEAVE

A. Annual leave may be granted to an employee for the purposes of rest and relaxation or to attend to personal matters. Annual leave should be requested in advance, if possible, and must be approved by the Appointing Authority or his/her designee. Annual leave cannot be advanced to an employee.

B. The Appointing Authority may require an employee to take annual leave at any time it is determined to be in the best interest of the Department. However, no employee will be required to reduce his/her accrued annual leave to fewer than 240 hours, except when it is determined that the need to be absent from work is due to a condition covered by the Family and Medical Leave Act (FMLA).

C. For FMLA leave related to one's own serious health condition, the LaGov Human Capital Management (HCM) payroll system will automatically draw down from the annual leave balance whenever the employee has exhausted his/her sick leave, has an annual leave balance, and has not yet taken the 12-week family leave entitlement.

D. The Appointing Authority may grant up to 20 working days (consisting of 160 hours) of earned annual leave preceding resignation or retirement of an employee. The employee is required to make an application for such earned annual leave in advance, and such application will contain a certification by the employee that at the expiration of such leave, his/her retirement or resignation will become effective. Requests for leave exceeding 20 days must be submitted through the Appointing Authority to the Secretary with justification. Requests will be reviewed on a case-by-case basis and approved at the Secretary's discretion. The employee is also required to complete either an Application for Retirement (Form ER-4) or Separation Notice (LDOL-ES77), with an effective date immediately following the termination of his/her annual leave. The Appointing Authority will advise the employee that retirement/resignation is irrevocable upon his/her acceptance of the terminal leave.

E. An employee cannot be charged with abuse of annual leave. Approval of annual leave is at the discretion of the Appointing Authority, and any unauthorized leave shall be designated as leave without pay.

F. The Appointing Authority may grant annual leave in lieu of sick leave up to 80 consecutive hours. Annual leave in lieu of sick leave above 80 consecutive hours will require consultation with the respective Office Head.

3. SICK LEAVE

A. Sick leave may be granted to an employee for their own illness or injury, which prevents them from reporting to duty and for medical, dental, or optical consultation. In lieu of requesting annual leave, an employee who has sufficient leave available may be granted sick leave for necessary absence from duty to directly care for an immediate family member due to their illness or injury and for their medical, dental, or optical consultation when it is not possible to arrange such appointments during non-duty hours.

(1) Immediate family member for the purposes of sick leave is defined as an employee's spouse, child or step-child, foster-child, parent, or step-parent.

(2) Sick leave for an immediate family member may only be used when approved by the Appointing Authority. The Appointing Authority may require appropriate documentation to establish the need for sick leave for an immediate family member.

B. The need to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the Governor, and there is no other suitable person available to care for the son or daughter because his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.

C. When there is reasonable doubt that the employee was ill, or when the employee is absent over three (3) consecutive working days because of illness, the Appointing Authority may require a statement from a registered physician indicating when the employee was treated, anticipated duration of treatment or recovery, and that the employee can return to regular duty following an illness or injury. Personal knowledge of the employee's condition may be considered acceptable proof.

D. The Appointing Authority must notify the HQ/HR Employee Relations Unit, via a completed Continuous Sick Leave Notification Form (Refer to the Human Resources, Forms and Job Aids intranet link), when an employee on continuous sick leave has: (1) fewer than eight [8] hours of sick leave, and (2) is currently unable to work due to his/her own illness/disability, and (3) has exhausted FMLA leave (if eligible). Advance notice should be made if it is foreseen that these three (3) conditions will be met by an employee within the next two (2) pay periods.

E. When an employee returns to work following injury or illness for light or restricted duty that is not work-related (refer to PPM No. 58 for job-related injuries):

(1) The employee must provide his/her supervisor with a physician's statement detailing the medical restrictions and possible duration of the restrictions;

(2) The supervisor and the Appointing Authority will discuss the details of the release and the impact of the restrictions on the employee's ability to perform his/her job duties;

(3) The decision regarding the employee's ability to return to work on light or restricted duty will be made on a case-by-case basis, taking into consideration the functions of the job the employee can perform, the availability of suitable work, and any safety concerns; and

(4) If allowed to work on light or restricted duty, he/she must notify his/her supervisor as soon as the physician has lifted the medical restriction.

F. An employee's sick leave record shall be carefully examined when he/she is being considered for promotions or reallocation in a CPG. Generally, frequent and continued unexplained 1- or 2-day absences because of illness shall be considered cause for deferment of promotion or reallocation in a CPG. On the other hand, an extended absence because of a serious health condition should not be held against the employee. However, evaluation of sick leave as it applies to promotions and reallocations in a CPG remains largely a discretionary matter with the Appointing Authority.

G. If an employee qualifies for Family and Medical Leave and has a serious health condition (as defined by the Family and Medical Leave Act of 1993), he/she will not be terminated under Civil Service Rule 12.6(a)(1) (exhaustion of sick leave) unless he/she has first been granted up to 12 weeks of family leave (paid and/or unpaid) during the past year.

H. An Appointing Authority may place an employee on sick leave when an employee asserts an inability to work due to the employee's illness or injury, there is an apparent need to remove the employee from the workplace to avoid the spread of illness, or the employee asserts the need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of their diagnosed high-risk immunological disorder, which is supported by medical certification.

(1) Enforced sick leave requires that the employee has declined to utilize sick leave and reports for duty displaying symptoms of illness. The symptoms must be observed by at least two individuals, one of whom must be a supervisor. The employee may return to duty at the Appointing Authority's

discretion; however, certification from a medical doctor or nurse practitioner may be required certifying the employee is fit to return to duty.

4. FAMILY MEDICAL LEAVE

A. In accordance with the Family and Medical Leave Act of 1993 (FMLA), employees with at least 12 months of state employment in the previous seven years and who have worked at least 1,250 hours (excluding leave and holidays) in the previous 12 continuous months on the date which any FMLA is to commence are entitled to up to 12 work weeks of unpaid, job-protected leave per 12-month period for any of the following reasons:

(1) For pregnancy, the birth of a child, and/or to care for a newborn child within one year of birth.

(2) To care for a newly adopted child or a newly placed foster child within one year of placement.

(3) To care for the employee's spouse, child, or parent, who has a serious health condition.

(4) For a serious health condition that makes the employee unable to perform the essential functions of his/her job.

(5) For a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent who is a member of the National Guard, Reserves, or Regular Armed Forces and who is on covered active duty or has been notified of an impending call or order to covered active duty status in support of a contingency operation.

B. For military caregiver leave, FMLA eligible employees are entitled to take up to 26 work weeks of unpaid, job protected leave during a single 12-month period under the following circumstances:

(1) To provide care to a current covered service member with a serious injury or illness who is the employee's spouse, son, daughter, parent or next of kin.

(2) To provide care to a covered veteran with a serious injury or illness who is the employee's spouse, son, daughter, parent, or next of kin.

C. Employees will be charged accrued paid leave (sick, hour-for-hour compensatory leave and annual) for FMLA leave purposes. When paid leave is exhausted, leave without pay will be granted to provide the 12-week entitlement.

D. The employee may be required to submit a certification form (or other acceptable documentation) when requesting FMLA. If an employee fails to provide the requested certification within the allotted time, the supervisor may delay FMLA leave until the employee submits the certification form. If an employee never produces a requested certification, the leave may not be FMLA leave, and the employee's absence may not be protected by FMLA. As a common-sense practice, however, and in order to afford the FMLA-eligible employee with FMLA protection, the supervisor shall designate the leave as FMLA when the supervisor has personal knowledge that the employee's absence is due to a FMLA-qualifying condition even if the certification is not provided.

E. Once an employee is absent from work due to a serious health condition for the minimum duration specified on the certification form (or other acceptable documentation), the appointing authority may require the employee to provide a written physician's statement indicating that the employee remains under the physician's care and is unable to report to work. Such verification may be required every 30 days (or every other payroll period) until the employee returns to work. This provision also applies to employees on workers' compensation. No recertification may be requested for military caregiver or qualifying exigency FMLA.

5. LEAVE FOR MATERNITY

A. A female employee is eligible for up to six (6) weeks of unpaid, job-protected maternity leave for a normal pregnancy and up to four (4) months of unpaid, job-protected maternity leave if there is a medical complication resulting from the pregnancy.

B. Maternity leave runs concurrently with FMLA leave for FMLA-eligible employees. As such, FMLA eligible employees may receive up to 12 weeks of unpaid, job-protected leave. A FMLA certification must be completed per the procedures outlined in PPM #16 – Family and Medical Leave Policy.

C. In all cases, if there is a medical complication resulting from the pregnancy, a female employee is eligible for up to four (4) months of unpaid job-protected leave.

D. Pregnant employees must provide their Appointing Authority with written notice of anticipated dates of absence at least 30 days before leave is to begin. If 30 days

notice is not possible due to an emergency situation relating to the pregnancy, notice must be given as soon as possible.

E. Employees will be charged accrued paid leave (sick, hour-for-hour compensatory leave, and annual). When paid leave is exhausted, leave without pay will be granted.

F. Female employees seeking a reasonable accommodation due to pregnancy, child birth, or related medical conditions, should complete the Reasonable Accommodation Request form, located under 'Forms and Job Aids' on the HR Internet webpage.

G. Discrimination based on medical needs arising from pregnancy, childbirth, or related medical condition is strictly prohibited.

6. CIVIL AND EMERGENCY LEAVE

A. Civil Service Rule 11.23 provides that employees serving with job appointment, probationary or permanent status will be granted time off without loss of pay, annual leave, or sick leave for the following:

(1) Performance of jury duty.

(2) Called to appear as a witness in court, provided the employee is not the plaintiff or defendant. (An employee summoned as a result of a second employment outside the State service may not be granted leave under this rule.)

(3) Taking a physical examination for a military draft.

(4) Inability to report for duty due to an act of God.

(5) Taking a Civil Service examination. Appointing Authorities may limit the frequency for which they will allow such leave, provided employees are made aware of the limit and policy is consistently applied.

(6) Taking a required examination pertinent to the examinee's State employment, before a State licensing board.

(7) Performing emergency civilian duty in relation to national defense.

(8) As a member of the National Guard, being ordered to state active duty by the Governor in response to a declared emergency.

(9) Because of local conditions or celebrations, it is determined by the Secretary that it is impracticable for employees in an affected locality (ies) to report for duty.

(10) As a current member of a Civil Air Patrol and in relation to such membership, being ordered to perform duty with troops or participate in field exercises or training, and shall not be used for unit meetings or training conducted during such meetings.

B. In each of the above situations, the Appointing Authority may require written certification/proof of employee's whereabouts.

7. FUNERAL LEAVE

A. Civil Service Rule 11.23.1 provides that probationary and permanent employees may be granted time off without loss of pay, annual leave, or sick leave, when attending the funeral services of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild, provided such time off shall not exceed two (2) days on any one occasion.

B. Funeral leave, as described above, will not be discretionary, and the Appointing Authority shall be required to grant the employee funeral leave as described above.

8. VOLUNTARY DISASTER SERVICE LEAVE

A. Act 455 of the 1995 Regular Session of the Legislature provides for paid leave for voluntary leaves of absence for public employees who participate in specialized disaster relief services for the American Red Cross. Civil Service Rule 11.23.3 allows such leave for full-time probationary or permanent employees not to exceed 15 days per calendar year for Level III or above disasters. An Appointing Authority, however, is not required to grant it if he/she determines that it would pose a hardship on the agency.

B. Act 455 states that a qualified employee will notify his/her Appointing Authority of his/her desire for leave as soon as practicable following a disaster within Louisiana for which the employee's services are needed by a Louisiana unit of the American Red Cross. All such requests will be made in writing and will include all of the following:

(1) Certification by the employee that he/she is a Trained Disaster Volunteer.

(2) The nature and location of the disaster to which the employee is to respond.

(3) The anticipated duration of the employee's leave.

(4) The type of service the employee is to provide to the American Red Cross.

(5) The identity and title of the official of the American Red Cross unit who will be supervising the employee.

(6) A written request for the employee's service from an official of the American Red Cross.

9. EDUCATIONAL LEAVE

A. Civil Service Rule 11.24(a) allows the Appointing Authority to grant leave without pay to a permanent employee for the term of attendance at a school or educational facility. Rule 11.24(b) allows the Appointing Authority to grant leave with pay for up to 30 calendar days (i.e., 240 hours in one calendar year), if the course is pertinent to the employee's work in the Department. The 30 days may be spread throughout the year as classes are scheduled. The intent of Rule 11.24(b) is to permit a permanent employee to obtain formalized training which will materially assist the employee in conducting his/her work. Leave for a course that is only remotely related to the employee's work will not be approved. Therefore, it is the policy of the Department to approve leave for junior, senior, or graduate-level college course work at a Louisiana public or private university in a curriculum which is directly related to the employee's job. Consideration for granting educational leave for attendance at an out-of-state university will be given on a case-by-case basis. Additionally, consideration may be given to employees who are not seeking a degree, but who wish to improve their job performance by taking college courses that are specifically related to their jobs.

B. A permanent employee with a minimum of one year of DOTD service or an unclassified employee who desires to take educational leave must submit a written request (Application and Contract form, refer to the Human Resources, Forms and Job Aids intranet link.), proof of enrollment, and course description in advance to the Appointing Authority so that final approval will be received by the semester start date. (The employee must have permanent status and a minimum of one year DOTD service at time of application.) The Application and Contract form requires him/her to repay the value of educational leave received if he/she separates from the Department within a two-year period following course completion. This requirement to repay does not apply if the employee separates from the Department due to layoff, death, or mandatory transfer of agency. The Appointing Authority will carefully consider the job-relatedness of the request and whether the section's/district's workload will permit the absence of the employee for the specified amount of time, before recommending the approval of any request.

Employees are limited in taking educational leave to courses listed on the Application and Contract.

The Appointing Authority will also indicate if leave with pay (not to exceed 30 calendar days in one calendar year) or leave without pay is recommended. The employee's Application and Contract Form will then be forwarded to the appropriate Assistant Secretary or Chief Engineer, for his/her action, with full explanation of the reasons for the request and a recommendation by the Appointing Authority. The appropriate Assistant Secretary or Chief Engineer will indicate his/her recommendation and then forward the application to the Human Resources Section for further processing and final action by the Undersecretary.

C. Educational leave requests that have been submitted and approved by the Undersecretary must be coded with absence type code "LEJR" on the employee's time sheet. Attendance at all other training courses, such as management training, CPTP courses, skills training, etc., must be coded with attendance type code "ZTRN" on payroll time sheets.

D. Upon completion of the course, the employee will submit to the Appointing Authority (Section Head /District Engineer Administrator) documentation (i.e., grade notification) that he/she has satisfactorily completed the course work. This documentation must be provided before any additional requests for educational leave can be approved.

10. MILITARY LEAVE

These provisions apply to classified employees serving on job appointment, probationary or permanent status who are members of a Reserve Component of the Armed Forces of the United States and to members of National Guard Units who are called upon for military purposes. Advance notice is required unless precluded by military necessity or otherwise improbable or unreasonable. (Civil Service Rule 11.26) ["Military purposes" means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training and inactive duty for training (weekend drills)]. (Civil Service Rule 1.20.01)

A. Military Leave with Pay – Employees are limited to 15 working days per calendar year of military leave with pay for military training or duty. Employees are limited to 22 working days per calendar year of military leave with pay when called upon as members of the National Guard, under Title 32 active duty in response to a declared emergency by the Governor.

B. Annual and Compensatory Leave for Military Purposes – Employees who apply for annual leave for military purposes shall be granted such leave. Any outstanding compensatory leave balance will first be reduced prior to use of annual leave.

C. Leave Without Pay for Military Purposes - Employees who have either exhausted annual leave and compensatory time or choose not to use paid leave for military purposes shall be placed on leave without pay for a maximum of six years. After six years, DOTD will separate this employee from his/her position.

D. Pay Differential for Employees on Leave Without Pay for Military Purposes - Employees who are called to active duty and who are on leave without pay by choice or because all annual and/or compensatory leave has been exhausted shall be paid the difference between his/her military base pay and state base pay in his/her regular position when the military base pay is less than the state base pay. [This does not apply to employees on "inactive duty for training" (weekend drills)]. Such payment shall be made in the same frequency and manner as the employee's regular state pay unless other voluntary arrangements are made. In order to receive the pay differential, employees must provide his/her Appointing Authority with military pay documentation to ensure the payment amount is calculated correctly.

Employees who choose to use annual leave during their period of military absence shall not be eligible for receipt of the pay differential. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.

Employees who are on Leave Without Pay shall receive, each calendar year, the full amount of Military Leave with Pay, provided under Sections 9.A of this policy. (Civil Service Rules 11.26(a)3 and (a)4. However, the pay differential allowed in accordance with Civil Service Rule 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted, and the employee returns to Leave Without Pay status.

11. LEAVE WITHOUT PAY

A. In cases covered by the Family and Medical Leave Act (FMLA), an Appointing Authority can place an eligible employee on leave without pay for a period up to 480 hours (12 weeks per family leave year), provided the employee has no paid leave balances. Should the Appointing Authority wish to grant a request for leave without pay which will cause the employee's total, continuous absence to exceed 480 hours, he/she must submit his/her justification to the appropriate Section Head or District Administrator, and then to the Human Resources Director who will

forward to the Assistant Secretary/Chief Engineer/Undersecretary for final action. This request will include reasons for the leave without pay and an estimated length of absence. In the absence of FMLA-qualifying circumstances, no employee will be granted extended periods of continuous Leave With Out Pay (greater than 80-hours) without consultation with the respective Office Head. This requirement also applies to employees on Workers' Compensation.

B. The Appointing Authority is also authorized to place an employee on leave without pay for any unapproved absence. This action is not a disciplinary action and should be used when the employee's absence from work was not approved by the Appointing Authority.

C. While an employee is on leave without pay, he/she does not earn annual or sick leave, nor does he/she receive the benefit of paid holidays occurring during the absence.

D. Leave without pay taken on or after January 1, 1983, which equals or exceeds 30 calendar days, is deducted when calculating total State service for layoff purposes.

12. COMPENSATORY LEAVE

A. In accordance with Civil Service Rule 11.3.1, an Appointing Authority may require an employee to work overtime, for which the employee will be compensated with either pay or compensatory time, as provided in Secretary's Policy and Procedure Memorandum No. 12, Compliance with Fair Labor Standards Act (FLSA).

B. When requesting to use compensatory leave, the employee must request annual leave since there is no leave code for compensatory leave in the LaGov HCM payroll system. An employee's compensatory leave balance will, therefore, first be exhausted prior to reducing his/her annual leave balance.

C. An Appointing Authority may require an employee to take earned compensatory leave whenever there is a valid business reason to do so.

D. For family leave (FMLA) purposes, the employee's straight (hour-for-hour) compensatory leave balance will be reduced prior to his/her annual leave balance.

E. The granting of annual/compensatory leave in lieu of sick leave to employees not eligible for FMLA or for illnesses or conditions not covered by FMLA is at the Appointing Authority's discretion.

13. UNCLASSIFIED EMPLOYEES

A. Unclassified student employees do not earn annual or sick leave.

B. Unclassified appointees (appointed by the Governor or DOTD Secretary) earn leave at the same rate as classified employees but are not eligible to earn compensatory time. Other unclassified employees may only earn compensatory time when there is a documented, extraordinary situation for which the earning of compensatory time has been authorized by the Appointing Authority.

C. Upon transfer to another state agency, all accrued annual leave and sick leave shall be transferred to the new agency. Upon separation from state service, the employee shall be paid in a lump sum for his/her unused annual leave balance (up to a maximum of 300 hours and unclassified for any compensatory leave balance).

D. Unclassified employees, including appointees, are eligible for the same forms of other leave (Special leave, Military leave, Funeral leave, etc.) granted to classified employees.

E. For more specific details, refer to Executive Order JBE 16-48.

14. MISCELLANEOUS PROVISIONS

A. A request for reasonable accommodations for covered disabilities, as defined by the American with Disabilities Act Amendment Act of 2008, will be considered on a case-by-case basis in accordance with PPM No. 18.

B. The minimum charge to leave records will not be less than one-quarter hour, and leave charged will be in increments of one-quarter hour.

C. An employee will not be required to take leave to attend a grievance hearing or Civil Service appeal which he/she has filed or has been required to attend as a witness. He/she will be placed in "on duty" status. If, however, the employee is an appellant in a Civil Service Appeal, he/she will remain in "on duty" status not to exceed his/her normal work schedule. Any witness who is subpoenaed to appear to testify at a Civil Service hearing will be placed in "on duty" status until such time as he/she is released as a witness.

D. An employee will be granted time off from his/her regular duties for job interviews within the Department. The employee will be considered in "on duty" status. Supervisors will have the authority to approve the scheduling of the interview in order to provide continuity of required services. Prior to scheduling an interview, the employee will check with his/her supervisor regarding an acceptable time. An employee who interviews with another state agency or private industry will be required to take annual leave for the interview.

E. All employees, with the exception of part-time employees who work fewer than 20 hours per week, employees on Classified or Unclassified WAE appointments, and student workers, are eligible for paid holidays.

F. Any employee on leave without pay on the day before and the day after a holiday is ineligible for holiday pay.

Shawn D. Wilson, Ph.D.
Secretary