



Responsible Administrator: VP Admin/Finance  
Responsible Office: Human Resources  
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## Classified Leave Policy

### Policy Statement

Southeastern Louisiana University provides eligible employees with leave (time off) in accordance with state and federal laws, UL System policy, and University policy.

### Purpose of Policy

To provide employees with information and guidance on the availability of all types of paid and unpaid time off.

### Applicability

This policy applies to classified employees only.

### Policy Procedure

#### ANNUAL AND SICK LEAVE

**Annual Leave:** Leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

**Sick Leave:** Leave with pay granted an employee who has a medical condition which prevents him/her from performing his/her usual duties and responsibilities and/or who requires medical, dental, or optical consultation or treatment, including annual physical exams.

#### Earning of Annual and Sick Leave

Annual and sick leave shall be earned by each full-time and each part-time classified employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on an intermittent appointment or on a WAE appointment.

The earning of such leave shall be based on the equivalent years of full-time state service and shall be creditable at the end of each regular pay period in accordance with the following general schedule.

LENGTH OF SERVICE	AMOUNT EARNED PER HOUR WORKED	HRS/PAY PERIOD BASED ON 80 HOURS WORKED	DAYS/ YEAR
Less than 3 years	.0461	3.6880	12
3 but less than 5	.0576	4.6080	15
5 but less than 10	.0692	5.5360	18
10 but less than 15	.0807	6.4560	21
15 or more	.0923	7.3840	24

No classified employee shall be credited with annual or sick leave:

- for any overtime hour,
- for any hour of leave without pay,
- for any hour in on-call status outside regular duty hours,
- for any hour of travel or other activity outside regular duty hours, and/or
- for any hour of a holiday or other non-work day which occurs while he/she is on leave without pay.

### **Carrying Leave Forward**

Accrued unused annual and sick leave earned by an employee shall be carried forward to succeeding calendar years.

### **Use of Annual Leave**

Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his/her designated representative. Leave is requested electronically either on-line or through email. Annual leave must be approved in advance, except in cases of an emergency, which is subject to the approval of the supervisor. Employees may be required to use annual leave during University closures; for example, during the Christmas break for days other than State holidays. For this reason, all employees are encouraged to save their annual leave.

Annual leave shall not be charged for non-work days. The minimum charge to annual leave records shall not be less than fifteen (15) minutes. Annual leave may only be taken in fifteen (15) minute increments.

### **Enforced Annual Leave**

Subject to Civil Service Rule 11.9(b), and military leave provisions in Civil Service Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his/her administrative judgment such action would be in the best interest of the University.

No employee shall be required to reduce his/her accrued annual leave to less than 240 hours except:

1. prior to being granted leave without pay, but subject to the right granted the employee by the military leave provisions of these rules; or,
2. where it is determined that the need to be absent from work is because of a condition covered by FMLA; or,
3. the leave is required during closures in accordance with Rule 17.10 as a layoff avoidance measure.

### **Payment for Annual Leave Upon Separation**

Each employee upon separation shall be paid the value of his/her 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 dismissed for theft of agency funds or property. The payment for such leave shall be computed by multiplying his/her hourly rate by the number of hours of accrued annual leave.

- 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 separation. The hourly rate of pay for employees who are on detail shall not include the employee's pay in the detail position.
- No payment for annual leave under this rule shall operate to continue the payee as a classified employee beyond the last date of active duty.
- When an employee, who has been paid under this Rule for accumulated annual leave, is reemployed in a classified position, he/she shall pay the Department (state agency) which reemploys him/her the value of such annual leave at the rate paid him/her less the value of the working hours 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/she has made reimbursement, except when:

1. An employee returns to work for the first time after retirement or
2. An employee is rehired into a job appointment or non-leave earning position, he/she shall not be required to make reimbursement.

### **Use of Sick Leave**

Sick leave may be used by an employee, who has sufficient leave to his/her credit, for a necessary absence from duty because of:

- Illness or injury which prevents performance of usual duties
- Medical, dental, or optical consultation or treatment
- Assertion, supported by medical certification, of his own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of a diagnosed high-risk immunological disorder.
- 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
- Illness, or injury of an immediate family member which necessitates the absence
- Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours

Sick leave shall not be charged for non-work days. The minimum charge for sick leave shall be 15 minutes. Sick leave may only be taken in 15-minute increments.

Sick leave should be applied for in advance for routine medical visits, eye and dental exams. An employee may be required to provide an excuse signed by a health care professional when applying for sick leave approval, at the discretion of the supervisor. In all cases, an excuse is required when an employee has been on sick leave for 40 or more consecutive hours. The 40 hours can cross pay weeks and pay periods. An excuse must be submitted with each time sheet for each respective pay period involved. To return to work following an illness, injury, or surgery for which an employee has been under a medical provider's care, a release from the health care professional must be submitted. It will be up to the supervisor to determine if light duty is available. If it is not, then the employee will be required to have a release to full-duty.

An employee who has exhausted all sick leave may be separated from his/her employment. A separation under these conditions is not considered a disciplinary action and is done because of a need to have the duties of the position performed. An employee must have used 12 weeks of leave under FMLA, if eligible, to be terminated under this provision. See Civil Service Rule 12.6.

Absence from duty caused by maternity is considered to be a temporary disability similar to any other medical disability. Employees may use accumulated sick leave for this purpose. If the employee's sick leave balance is insufficient to cover the entire period of absence, the employee must seek approval from their appointing authority or his/her designee to use annual leave, or to use leave without pay. Sick leave may be used only for that period of time during which the employee is unable to perform her duties because of pregnancy. Additional time off must be covered by other types of leave when the employee is discharged by her health care professional, usually six weeks following delivery. Maternity leave will be designated under FMLA. (Louisiana Law R.S. 23:342 allows up to 4-months of leave for pregnancy/childbirth leave.)

Before being granted leave for maternity purposes, the employee is required to furnish a statement from her health care professional to the effect that she can no longer perform the duties required and the expected date of delivery. Before an employee can return to work following leave for pregnancy, the health care professional must certify in writing that the employee is able to return to regular duties. To prepare for possible replacement of an employee who is

requesting maternity leave, the employee's written request for leave should be submitted a minimum of two months in advance of the proposed beginning of leave. No later than one month prior to the termination of the approved leave period, the employee should notify the Human Resources Office in writing of her plans to resume duty on the established date.

A classified employee cannot be paid for unused sick leave upon termination. If the employee is reemployed in state service within five years from a non-disqualifying separation, the employee will be credited with all sick leave and any annual leave for which he/she was not paid. If the employee transfers to another LA State agency, their leave balances are transferred to the gaining State agency.

#### **ENFORCED SICK LEAVE**

An appointing authority may place an employee on sick leave when:

- (a) the employee asserts an inability to work due to the employee's illness or injury and/or
- (b) there is an apparent need to remove the employee from the workplace to avoid the spread of illness.

Under subsection (b) an appointing authority may place an employee on sick leave and require that he/she remove himself/herself from the workplace when he/she has declined to utilize sick leave and presents for duty displaying symptoms of illness. In order to enforce sick leave under this subsection, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory capacity. The employee may be returned to duty at the appointing authority's discretion; however, he/she shall be returned to duty upon presentation of a certificate from a medical doctor or nurse practitioner who, after examining the employee, certifies that the employee is fit for duty.

#### **CIVIL LEAVE**

An employee shall be given time off without loss of pay, annual or sick leave when:

1. If an employee is summoned to jury duty.
2. Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for this purpose 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 employment. To qualify for jury or witness duty leave, a copy of the subpoena to serve must be submitted to the supervisor as soon as it is received. In addition, proof of service from the Clerk of Court when your jury duty or witness duty is completed must be provided, listing the dates and times served. Reasonable travel time will be taken into consideration when calculating the amount of Civil Leave for which an employee is eligible. The University will make no attempt to have service on jury duty postponed except where business conditions necessitate such action.
3. Performing emergency civilian duty in relation to national defense.
4. The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States. The employee is a member of the National Guard and is ordered into active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences or of extraordinary and emergent nature which threatens or affects the peace or property of the people.
5. The employee is a current member of a Civil Air Patrol and incident to such membership is ordered 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 meetings or training conducted during such meetings.

#### **SPECIAL LEAVE**

Employees may be granted special leave when prevented from performing duties by an Act of God (i.e. snow, ice, hurricane, heavy rains, tornado, flooding, etc.). The President of the University or his/her official designee will decide what action will be taken. The President may close an office, designate, which personnel may be excused, and which

employees will remain on duty or report to duty to continue to provide public service. It will be necessary to contact your supervisor when in doubt.

Special leave may also be granted when scheduled to take a Civil Service Exam if the exam is scheduled on the employee's normal workday or taking a required examination pertinent to the examinee's State employment, before a State licensing board. A maximum of 5 hours will be allowed for each exam. The amount of special leave granted may vary depending on the employee's shift schedule. Employees will need to provide proof that they sat for the exam as certified by the Department of Civil Service. The certification should be maintained in the home department payroll file as required by timekeeping procedure.

Special leave may also be granted when the appointing authority determines that because of local conditions or celebrations it is impractical for his/her employees in such locality to work.

An employee 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, may not accept the special leave compensation.

#### **FUNERAL LEAVE**

Probationary and permanent employees may be granted time off for 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, grandparent, or grandchild; provided such time off shall not exceed two consecutive days on any one occasion. Part-time employees may be given time off on a pro-rated basis.

If additional time off is needed by the employee, the employee may request to use additional leave as applicable. For payroll purposes the name of the deceased person, relationship to the employee, the date(s) of the wake or funeral and the funeral home handling the services should be disclosed.

#### **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.

#### **EDUCATIONAL LEAVE**

**Educational Leave Without Pay** - leave without pay for educational purposes, may be granted to an employee for a period equivalent to the period of attendance at the educational institution. Employees granted educational leave without pay may also be granted a stipend if there are funds available for that purpose.

**Educational Leave With Pay** may be granted to 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/her department. An employee on a regular appointment may be granted leave for a maximum of ninety calendar days in one calendar year if the University requires him/her to take special training.

#### **MILITARY LEAVE**

The provisions of this rule shall apply to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units which are called to active duty as a result of a non-local or non-state emergency. This may be designated on military orders as "ADT", "FTTD", "AT" or "IADT". Federal Law, State Law, and Civil Service Rules impact the rights of employees called to active duty. Federal Law is supreme and our state statutes track the Federal Law. Civil Service Rules complement the rights granted by these Federal and State Laws. Federal and state law applies to all employees.

**(a) Military Leave with Pay**

1. Provided they give advance notice, employees serving on job appointment, provisional, probationary or permanent status, shall be entitled to military leave with pay.
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 15 working days per calendar year.

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

1. Employees serving on job appointment, provisional, 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) Military Leave without Pay**

Employees serving on job appointment, provisional, probationary or permanent status, who have both exhausted annual leave and compensatory time or choose not to use their 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 years. After six years, if the employee has not returned to work, then he/she shall be separated from the classified service. This rule does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, the agency may end the appointment as originally scheduled and the employee may be separated.

While the employee is on paid leave, the employee shall continue to accrue sick leave and annual leave. The employees do NOT continue to accrue leave after being placed on leave without pay. However, their period of leave (with or without pay) counts as state service for purposes of calculating leave accrual rate and adjusted state service date for layoff and layoff avoidance purposes.

**Parental Leave**

- A. Eligible classified employees and appointees are entitled to up to 240 hours of paid parental leave without deduction to their annual, sick, or compensatory leave balances. Such leave shall be for a qualifying purpose related to the classified employee's or appointee's child born or placed with such individual for adoption or foster care.
- B. Qualifying Events:
  1. Birth of a child;
  2. Placement of a child under the age of eighteen (18) with the classified employee or appointee for adoption; or
  3. Placement of a child under the age of eighteen (18) with the classified employee or appointee for foster care.
- C. Eligibility:
  1. Parental leave is only available to classified employees and appointees in leave-earning positions on the date of the qualifying event.
  2. Parental leave is only available to classified employees and appointees who, on the date of the qualifying event, have been employed by the State for at least twelve (12) months and who have actually worked at least 1250 hours in the twelve (12) months preceding the parental leave request.
  3. Parental leave is only available to the legal parents, adoptive parents or foster parents of the child for whom parental leave is taken when said parents have an active and ongoing role in parenting the child and are taking leave for one of the qualifying purposes set forth below. For purposes of this Order, a legal parent is

a person having a genetic relationship to the child or filiated to the child through legal presumption or assisted reproductive technology.

D. Qualifying Purposes:

1. For a legal, adoptive or foster parent to bond with the child for whom leave is taken. A need to bond with the child exists when there is a new relationship between the parent and child and the classified employee or appointee will spend time with the child to create an ongoing mutual attachment. This rule is not intended to apply where a relationship resembling parent-child already exists and the primary change is the legal nature of the relationship. (Examples: foster parent to adoptive parent and intra-family adoptions such as adoptions by step-parents); or
2. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

E. Duration:

1. Parental leave is available for use only during the twelve (12) weeks (84 calendar days) immediately following the occurrence of the qualifying event.
2. Parental leave is available for use commencing on the first date of a qualifying event and for only as much of the parental leave period as the classified employee or appointee is engaged in a qualifying purpose.
3. Parental leave may be used continuously or intermittently, in accordance with the need therefor.
4. Unless the appointing authority determines that a classified employee or appointee is utilizing parental leave in violation of this Order, the appointing authority shall not reduce the authorized parental leave period nor interfere with the classified employee's or appointee's use of parent leave.

F. Compensation:

1. Full-time classified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed 240 hours during the applicable twelve (12) week period.
2. Part-time classified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed six (6) weeks based upon the average number of hours worked per week in the six (6) months immediately preceding the commencement of parental leave. (Example: if an individual works an average of twenty-five (25) hours per week during the six (6) month look-back period, the employee shall be paid their base pay for twenty-five (25) hours per week for six (6) weeks).

G. Limitations:

1. Parental leave shall not be donated to another employee or leave pool.
2. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the classified employee or appointee.
3. This Order is not intended to provide any form of unpaid leave after exhaustion of 240 hours (or the appropriate part-time allotment) of paid parental leave. Additional leave, if any, shall be taken in accordance with this Order or other applicable law.
4. At least twelve (12) months shall elapse from the beginning of one parental leave period until an classified employee or appointee is eligible for another parental leave period. For a new parental leave period, there shall be a new qualifying event on or after the 12-month waiting period and the eligibility requirements of Section C shall be satisfied as of the date of the new qualifying event.
5. Eligible classified employees and appointees utilizing parental leave for occurrences also qualifying under the Family and Medical Leave Act ("FMLA") shall use FMLA leave concurrently with parental leave.
6. When both parents of the child for whom parental leave is used are employed in state service, each is entitled to utilize a full 240-hour (or appropriate part-time allotment) parental leave period.
7. In using parental leave, classified employees and appointees shall comply with their agency's customary leave practices. That is, as practicable, advance notice of leave needs shall be provided and leave requests approved prior to use.

8. A classified employee's and appointee's use of parental leave in accordance with this Order and agency policy shall not have a negative impact upon their employment relationship. Classified employees and appointees not utilizing parental leave in accordance with this Order and /or in violation of agency policy may be disciplined, including the possibility of termination.

H. Establishing Eligibility for Parental Leave:

1. Prior to granting parental leave, an appointing authority shall have the requesting classified employee or appointee complete the request form developed by State Civil Service.
2. In addition to this request form, an appointing authority may require an classified employee or appointee requesting parent leave to produce acceptable proof in support of their request, such as a birth certificate or insurance certificate confirming their relationship to the child for whom parental leave is requested, or proof of attendance at court proceedings or other mandated meetings related to adoption or foster placement. An appointing authority shall not require that a classified employee or appointee produce medical records or scientific evidence to prove paternity.

## LEAVES OF ABSENCE

A **Leave of Absence without Pay (LWOP)** is time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.

LWOP may be requested by an employee listing the reasons needed, the duration of the leave, and obligations of the employees during the period requested. Employees on leave without pay for more than ten working days in any month are responsible for the employer portion of any match on health and life insurance premiums unless they are on FMLA Leave. Leaves of absence without pay may be granted for maternity leave or to care for an ill family member under FMLA.

During a period of LWOP, benefits associated with pay status are affected unless on FMLA leave. Insurance coverage may be continued by making advance payments of the full premiums. Tax-sheltered annuities are suspended. Scheduled deductions for reimbursement accounts covered under the cafeteria plan must be brought up-to-date by the end of the plan year. If an employee gets behind because of LWOP, deduction amounts may be increased to catch up. Social Security contributions/coverage cease. Annual and sick leave do not accrue during a period of leave without pay. Membership in the retirement systems is suspended. Contributions may not be withdrawn from the state retirement systems without the action being considered as a termination or resignation from employment.

If an employee who has been granted leave fails to report to duty on the first working day following the expiration of leave, he/she shall be considered as having deserted his/her position and shall be removed from the position.

Southeastern Louisiana University may, for any reasonable cause, or at the request of the employee, curtail a period of leave of absence without pay, provided such curtailment is in the best interest of the University and proper notice is furnished to the employee. This policy for leave without pay will be in effect for periods in excess of four weeks of leave without pay. After 30 days of leave without pay, the employee's leave is reported to Civil Service and their adjusted service date is corrected to reflect actual state service when the employee returns to duty.

## HOLIDAYS

A holiday is the employee's actual or designated holiday observed; whichever the appointing authority selects for compensation purposes. The University usually provides paid time off to all employees in leave earning status for the holidays listed below.

- |                                 |                    |
|---------------------------------|--------------------|
| • New Year's Day                | • Labor Day        |
| • Martin Luther King's Birthday | • Thanksgiving Day |
| • Mardi Gras                    | • Acadian Day      |
| • Good Friday                   | • Christmas Eve    |



- Memorial Day
- Christmas Day
- Independence Day

In addition to these paid holidays usually observed, the President may designate three additional holidays to be observed during the year for a total of 14 paid holidays.

Employees are notified prior to the beginning of each calendar year; which holidays will be observed. The holiday schedule is subject to change at the discretion of the President of the University. Overtime on a designated holiday is paid the appropriate overtime compensation.

Holidays will be observed based upon the university's approved holiday schedule.

Holidays for employees, such as University Police Officers, whose work schedule differs from the standard university schedule, will be determined based upon the following criteria. If the designated holiday occurs on the employee's scheduled workday then the employee's holiday, will be the designated holiday. If the employee is scheduled to be off on the designated holiday, but is scheduled to work on the actual holiday, then the actual holiday will be the employee's holiday. If the designated holiday and actual holiday falls on an employee's schedule day off then the holiday for this employee will be moved to the employee's closest scheduled workday that occurs during the same calendar year when compared to the actual holiday. Overtime on a designated or actual holiday is paid at the appropriate OT or KSE according to the university's approved holiday schedule.

If a supervisor determines that there is a business need, and an employee works a schedule that differs from the standard university schedule, a supervisor may request approval to move an employee's holiday to a day that differs from the university's designated holiday or from the actual holiday. This action requires approval from the appropriate Vice-President and the Vice-President for Administration and Finance.

Flex schedules will not be observed during the Thanksgiving or Christmas holiday periods.

To be eligible to receive holiday pay, an employee must be in pay status a minimum of 4-hours the day before or the day following the holiday. In other words, hours worked must touch the holiday. Approved paid leave is considered a day worked for holiday pay eligibility.

## **COMPENSATORY LEAVE**

The normal business of a university or college campus is not restricted to the normal 40-hour workweek observed by many state agencies. Many functions and activities occur in the evening hours and weekends when certain employees are required to attend. To compensate employees for work performed in excess of the normal workweek compensatory leave is utilized. Compensatory leave shall not be credited to any employee in the classified service while serving on an intermittent basis. Classified employees may be exempt or non-exempt from the Fair Labor Standards Act that regulates overtime and compensatory leave.

**Non-exempt Employees:** In cases where the Fair Labor Standards Act applies, such leave will be credited to non-exempt employees at the rate of one and one-half hour for each hour worked. For overtime hours worked during weeks when leave is taken (with or without pay), or when holidays are observed, the agency may opt to use straight-time hour-for-hour compensatory leave or straight-time cash payments to compensate non-exempt employees. Accrual of K-time earned at the time-and-one-half rate is capped at 240 hours. Once an employee reaches this FLSA accrual cap, he must be paid cash at the time-and-one-half rate for any additional FLSA overtime worked. A non-exempt employee, who has more than 360 hours of hour-for-hour compensatory leave at the beginning of a new fiscal year, must be paid for any hours over 360 within 90 days of the new fiscal year. Payment will be calculated in accordance with Civil Service Rule 21.5(a).

**Exempt Employees:** Southeastern has the option of granting no overtime compensation at all to exempt employees; but compensatory leave may be granted for required overtime hours worked outside the regular assigned 40-hour work week, or when an employee has not worked in excess of 40 hours due to holidays observed or leave taken. Work undertaken while at home does not constitute the earning of Compensatory leave unless a part of an approved remote work agreement. An exempt employee, who has more than 360 hours of hour-for-hour compensatory leave at the beginning of a new fiscal year, may be paid for any hours over 360 within 90 days of the new fiscal year. If payment is made, it is calculated in accordance with Civil Service Rule 21.5(a). If payment is not made, the excess leave will be cancelled.

### **Use of Compensatory Leave**

Compensatory leave must be applied for by the employee and may be used only when approved by the appointing authority or his/her designated representative. Leave is requested electronically either on-line or through email. Compensatory leave must be approved in advance, except in cases of an emergency, which is subject to the approval of the supervisor. Employees may be required to use Compensatory leave during University closures; for example, during the Christmas break for days other than State holidays. For this reason, all employees are encouraged to save their compensatory leave.

Compensatory leave shall not be charged for non-work days. The minimum charge to compensatory leave records shall not be less than fifteen (15) minutes. Compensatory leave may only be taken in fifteen (15) minute increments. Compensatory leave earned at one and one-half rate shall be used before hour for hour compensatory leave. All compensatory leave shall be used before annual leave is used.

### **PAYMENT OF COMPENSATORY LEAVE UPON SEPARATION**

**Non-Exempt Employees:** Non-exempt employees shall be paid for all time and one-half compensatory leave earned for overtime as required by the Fair Labor Standards Act upon separation. Other straight, hour-for-hour compensatory leave earned in a non-exempt status shall be paid upon separation.

**Exempt Employees:** Compensatory leave credited to exempt employees may or may not be paid upon separation. Any such compensatory leave that is not paid, shall be cancelled.

### **FAMILY AND MEDICAL LEAVE (FMLA)**

As per the Family and Medical Leave Act (FMLA) of 1993, Southeastern will grant a leave of absence to regular full-time and regular part-time employees (who meet the requirements described below) for the care of a child after birth or adoption or placement with the employee for foster care, for the care of a covered family member (spouse, child, or parent) with a serious health condition, or in the event of an employee's own serious condition. Employees may also utilize FMLA to care for a military member injured in the line of duty or for a military member who has been notified of an impending call or order to active duty in support of a contingency operation. A covered employee is entitled to twelve weeks of leave in a "year." The State of Louisiana has designated that all agencies use a "first usage" year. This 12-month period begins with an employee's first usage of FMLA leave.

Employees must meet the eligibility requirements listed below.

1. One must have been employed for 12 months by the state and for at least 1250 hours during the 12 months preceding the start of FMLA leave. The employee must have actually worked 1250 hours. Leave time is excluded.
2. The 12-month period required for employment need not be continuous. If an employee has worked any part of each of 52 weeks, the 12-month employment requirement is considered met. These 52 weeks must have been within a reasonable time period.

### **GUIDELINES**

1. An employee may request to utilize FMLA or the University can place an employee on FMLA (paid or unpaid) even if the employee has not requested leave under FMLA. In either case, whether requested or designated,

the University must advise the employee in writing with notice of employee's rights and obligations when such a designation is made.

2. When the employee cannot work because of their own illness or injury, after sick leave is exhausted, the employee must use their accrued annual or compensatory leave. Southeastern requires employees to use all applicable leave before going into LWOP status.
3. The University requires the employee to use paid leave first. If an employee goes into leave without pay status and is unable to pay their health and life insurance premiums through payroll deduction, then they will be required to pay their portion directly to the Controller's Office.
4. While an employee's appointment may be terminated after exhaustion of sick leave, the University will not consider termination of the employee until FMLA leave has been exhausted.
5. The employee must give 30 days' notice of the need for FMLA, or if not practicable, as much notice as practicable.
6. The FMLA leave is a 12-week entitlement.
7. All medical records submitted to the employer for verification of leave must be treated as confidential.
8. Certification from a health care provider shall be required.
9. If re-certification by the Health Care Provider is requested, it will not be more often than once every 30 days. Re-certification may be required if (1) employee requests an extension of leave, (2) employer receives information that casts doubt on the continuing validity of the original certification, (3) circumstances described on the original certificate have changed significantly, or (4) employee does not return to work for medical reasons that would prevent the collection of premiums paid by the employer.
10. In personal illness cases, an employee must provide a medical release to duty, either to full-time or part-time duty. If the employee is released to part-time duty, he/she must provide a release to full-time duty when their health care provider releases them.
11. If an employee would have been laid off had he or she not taken leave, there is no obligation to return the employee to work at the end of the leave (29 C.F.R.825.216). The employer's obligation to maintain the employee's group health plan benefits and restore the employee at the end of the scheduled leave period cease when the layoff occurs, unless a collective bargaining agreement provides otherwise. The employer must be able to prove that the worker would have been laid off regardless of the FMLA leave.
12. The "key employee" provision of the federal act does not apply.

## **CRISIS LEAVE**

**Authorization:** The Crisis Leave Program is established and approved by the State Civil Service Commission in accordance with Act 1008 passed by the Louisiana Legislature in 1992, Senate Concurrent Resolution 54 of the 1997 Regular Session of the Legislature and Civil Service Rule 11.34, Crisis Leave Pool.

**Purpose:** The Crisis Leave Program is a means of providing paid leave to an eligible classified employee who has experienced a serious illness or injury to themselves or an eligible family member. For the purpose of this policy we will use the definition of serious illness or injury as outlined by the Family and Medical Leave Act. The intent of the program is to assist employees who, through no fault of their own, have insufficient paid leave balances to cover the crisis leave period. Crisis leave can only be used on a continuous basis. It cannot be used on an intermittent basis.

## **Definitions**

**Licensed Medical Service Provider (LMSP):** a practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP's field of service), who is practicing within the scope of his or her license. This includes licensed Physicians (a doctor of medicine) or MD, doctor of osteopathy or DO, or licensed Chiropractors, Counselors, or Therapists as recognized and licensed by appropriate State boards or authorities.

**Serious Health Condition** is an illness, impairment, physical or mental condition, or injury caused by a serious accident on or off the job

**Leave Pool Manager:** The Payroll Director will manage the leave pool balances.

**Crisis Leave Committee:** The committee shall be comprised of five staff members, the Human Resources Director and the Payroll Director. The President shall appoint the five staff members. The President shall also appoint the chair of the committee from the five staff members selected. The committee will serve to administer the Crisis Leave Program. When not otherwise specified in written policy, the Committee may recommend operational guidelines and procedures for the Crisis Leave Program. The Human Resources Director and the Payroll Director shall serve in an ex-officio non-voting capacity on the committee.

### **Eligibility Requirements**

To be eligible to receive annual leave from the Crisis Leave Pool an employee shall meet the requirements listed below.

1. Be a full-time permanent classified employee eligible to earn and use annual leave.
2. Have completed at least one year of service (12 months) with the university.
3. Have used all of his/her sick, annual, and compensatory leave, if applicable, before requesting annual leave from the pool.
4. The employee or the employee's eligible family member must suffer from a catastrophic or serious health condition, illness or injury.
5. The employee has exhibited a good attendance record (with no history of leave abuse) and is not absent from work due to disciplinary reasons.
6. The appropriate documentation from a licensed medical service provider is provided for the committee's review.

An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave.

Eligible Family Member is defined as:

- An individual living in the same household who is related to the employee by kinship, adoption or marriage, or a foster child so certified by the Louisiana Office of Children's Services, or
- An individual not living in the same household who is related to the employee by kinship, adoption or marriage, and is totally dependent upon the employee for personal care or services on a continuing basis.

The Crisis Leave Committee determines the amount of crisis leave granted for each serious illness or injury. The amount of leave granted to an employee will generally reflect the recommendations of the licensed medical service provider, subject to the following limits:

- A maximum of 240 hours may be requested by an employee during one calendar year.
- Crisis leave may not be granted to any individual to extend paid leave status beyond a total time in leave status of 12 weeks.
- The value of the annual leave granted as crisis leave may not exceed 75% of the employee's pay received in a regular workweek. The remaining 25% shall be leave without pay.
- Crisis leave will terminate on the date of death of the terminally ill employee or family member.

### **Donation Procedures**

Contributions to the Crisis Leave Pool are strictly voluntary; no employee shall be coerced or pressured to donate leave. An employee donating to the pool may not designate a particular employee to receive donated time. Donations are accumulated in the pool on a calendar basis and awarded on a first-come, first-served basis to eligible employees. Donations must be renewed annually. Donations are limited to the terms below.

- An employee may donate a minimum of four (4) hours of annual leave and up to a maximum of 240 hours of annual leave per calendar year (no sick or compensatory leave).
- Donations are made in whole hour increments.
- The donor must have a balance of at least 120 hours of annual leave remaining after the contribution.

The employee must submit a leave request and designate the leave as a “Donation to the Crisis Leave Pool”. This form should be turned in to the immediate supervisor for approval, who then forwards the form to the Payroll Director, who manages the Crisis Leave Pool.

### **Request Procedures**

A classified employee may request leave from the Crisis Leave Pool by the submission of a letter and must be accompanied by the employee’s or family member’s licensed medical service provider’s statement. The documentation must include:

- Beginning date of the illness or injury, and
- Detailed description of the illness or injury, including any requested information useful in making a final determination of eligibility, and
- Prognosis for recovery, if the request is for an employee, and
- Anticipated return to work date, and
- Documentation, as requested by the Director of Human Resources, to establish eligibility of a family member (birth certificate, marriage license, adoption papers, etc.).

The request and accompanying documentation are submitted to the Human Resources Director. The Human Resources Director reviews the request to make sure that the employee is eligible to receive crisis leave. The employee requesting crisis leave must provide all requested information necessary to make a final determination of eligibility.

All requests for crisis leave are **confidential**. The Human Resources Office Director will notify the chair of the Crisis Leave Pool Committee to call a meeting. Requests will be reviewed and approved or disapproved by the Crisis Leave Pool Committee.

Each request will be stamped with the time and day upon receipt by the Human Resources Director, and handled on a first-come, first-served basis. The request should be submitted at least ten (10) days before the crisis leave is needed, when possible. This is necessary to allow the Crisis Leave Pool Committee time to receive, review the request and either approve all or part of the request, or deny the request, and issue a letter of approval or denial to the employee, the employee’s supervisor or budget unit head. If the request is approved, the Payroll Director will credit the approved time to the employee’s leave record.

Any approved crisis leave is used and documented in accordance with the same procedures as regular paid leave taken by the employee.

### **Changes in Status Affecting Crisis Leave**

The granting of crisis leave is meant to cover only the circumstances for which it was requested. If any change occurs in the nature or severity of an illness or injury, or of any other factor on which the approval was based, the employee must provide documentation describing the change to the Human Resources Director. The employee can request more crisis leave subject to the limits outlined above; however, extensions of crisis leave are not automatic. Each extension must be approved on a first-come, first-served basis. The employee, immediate supervisor, and primary timekeeper will be notified accordingly.

Hours granted from the Crisis Leave Pool may be used only for reasons stipulated in the approved request. The use of Crisis Leave Pool that is not in accordance with procedures and requirements outlined in this policy may constitute payroll fraud and will be dealt with accordingly.

Employees, who are able to return to work before using all of their granted crisis leave, must return the unused leave to the Crisis Leave Pool.

**Compensation and Benefits**

Crisis leave will be awarded hour for hour regardless of the giving or receiving employee's rate of pay.

An employee in crisis leave status will be considered in partial paid leave status and will continue to receive benefits as appropriate.

In accordance with Civil Service Rule 11.5 (a) employees on crisis leave will not accrue annual or sick leave while using donated leave from the Crisis Leave Pool. Payroll will adjust their automatic leave earnings accordingly.

**Appeals**

The decision to approve or deny crisis leave by the Crisis Leave Committee is final and not subject to appeal.

References:     Act 1008, 1992 LA Legislature  
                      SCR 54, 1997 LA Legislature  
                      Civil Service Rule 11.34, Crisis Leave Policy  
                      Civil Service Rule 11.5 (a) Earning of Annual Leave and Sick Leave

*[End of Policy]*