

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 6.003

Title: LEAVE FOR UNCLASSIFIED EMPLOYEES

Authority: Board Action	Original Adoption:	05/10/2000
	Effective Date of Current Policy:	02/07/2024
	Last Revision Approved:	02/07/2024

INTRODUCTION

This policy applies to all unclassified staff and faculty under the jurisdiction of the Louisiana Community and Technical College (LCTCS) Board of Supervisors. Classified employees are covered by Civil Service rules and regulations for the State of Louisiana. This policy is intended to define and incorporate into one policy the various types of leaves of absences in order to develop procedures and maintenance of records in accordance with the LCTCS, State and Federal regulations.

POLICY

It is the responsibility of the supervisor or designee to receive and review requests for all leave, to approve or deny such requests in accordance with LCTCS policy, to ensure accurate leave records are maintained for all departmental employees, and to report information on leave accrued, leave taken and leave denied. Attendance and leave records shall be maintained for all unclassified staff and faculty. No employee shall approve or maintain records for their own leave.

Employees shall not absent themselves from their duties without proper authorization. All employees are expected to notify their supervisor when absent. Failure to do so may result in disciplinary action, up to and including termination.

DEFINITIONS

1. Appointing Authority: The LCTC System President or the Chancellor of a LCTCS college or their designee.
2. Faculty Paid Time: Paid time granted as specified by the official college calendar to eligible (full-time) 9 or 10 month faculty employed for a regular academic year. The intent is to ensure faculty receive their regular earnings but spread out between terms. This is not an accrued leave.
3. Family and Medical Leave Act (FMLA): Please refer to LCTCS Policy #6.041 Family and Medical Leave for All Employees.
4. Fair Labor Standards Act (FLSA): A federal labor law of general and nationwide application, including overtime, minimum wages, child labor protections and the equal pay act.

5. Legal Parent: A person having a genetic relationship to the child or filiated to the child through legal presumption or assisted reproductive technology.
6. Unclassified Employees: Positions specifically exempt from the classified service as defined in Article X of the Louisiana Constitution, Section 2 and 42. The term “unclassified employee” in this policy includes faculty and staff.
7. Work Week (Full-Time): For the purpose of accruing and taking leave, the Appointing Authority or designee shall establish work weeks of not less than forty (40) hours per week or pay periods of not less than eighty (80) hours per pay period. *La. R.S. 17:3311*
8. Work Week (Part-Time): For the purpose of accruing and taking leave, the Appointing Authority or designee shall establish work weeks or pay periods proportionate to their part-time appointment.

I. ANNUAL AND SICK LEAVE

A. Annual and Sick Leave Eligibility

1. Unclassified 12-month staff and faculty shall earn annual leave. Faculty appointed for 9 or 10 months do not earn annual leave.
2. Unclassified staff and faculty, including 9- and 10-month faculty, shall earn sick leave. Instructional employees with full-time contracts for the fall and spring semesters, who elect to accept adjunct contracts for summer employment, shall be eligible to earn sick leave during their summer employment at a reduced accrual rate to match percent of effort.
3. Adjunct (temporary) faculty, student workers, per diem, intermittent, seasonal or temporary employees who do not have a regular appointment are not eligible to earn leave.

B. Annual and Sick Leave Accruals

1. Annual and sick leave shall be accrued by each eligible unclassified staff and faculty. See eligibility section for details.
2. Unused annual and sick leave accrued by an employee shall be carried forward to the succeeding years without limitation.
3. LCTCS Chancellors regardless of years of state service, shall accrue annual and sick leave at the following rate:

Days Per Month	Hours Per Month	Hours Biweekly / 80-hour Pay Period	Hourly Rate Per Hour
2	16	7.39	.0923

4. Annual and sick leave accrued shall be based on the equivalent of years of full-time state service or part-time service on a pro-rated to full-time equivalency basis and shall be credited at the end to each pay period or calendar month in accordance with the following general schedule:

Years of Service	Days Per Month	Hours Per Month	Hours Bi-Weekly / 80-hour Pay Period	Hours Per Week
Less than 3 years	1.00	8.0	3.69	1.85
3 years but less than 5 years	1.25	10.0	4.61	2.31
5 years but less than 10 years	1.50	12.0	5.54	2.77
10 years but less than 15 years	1.75	14.0	6.46	3.23
15 years and over	2.00	16.0	7.39	3.70

Public parish school system employment is accepted under this policy as “state service” for determination of years of service for accurate rate calculation. Public parish school system employment does not, however, provide eligibility for transfer of leave balance from the public parish school system to the LCTCS.

5. No annual or sick leave shall be credited until the employee has completed the pay period in which they are employed.
6. No annual or sick leave is accrued for any:
 - a. Overtime hour(s),
 - b. Hour(s) of leave without pay,
 - c. Hour(s) of on-call status outside regular duty hours,
 - d. Hour(s) of travel or other activity outside the employee’s regular duty hours,
 - e. Hour(s) of a holiday or other non-workday which occurs while on leave without pay on both sides of the holiday,
 - f. Hour(s) while an employee is on sabbatical leave, or
 - g. Hour(s) of leave of absence without pay.

However, time spent on sabbatical leave does count as service toward leave accrual rate change.
7. Fulltime faculty with an annual contract of less than 12-month duration, who are employed as adjunct faculty during the summer immediately following the end of their contract, shall accrue sick leave prorated, as necessary, during the actual weeks of employment. Such faculty shall earn sick leave according to the rates shown above.

C. Use of Annual Leave

1. Written or electronic application should be made at least one week in advance for periods of one week or more, except when medical necessity makes it impractical to make the request in advance;
2. Granting of annual leave is not automatic and may be denied or restricted based on business necessity;
3. Any employee not reporting to work when a request for annual leave has been denied will be considered on unauthorized leave without pay and will be subject to disciplinary action;
4. Annual leave may be used for voluntary or involuntary conditions for personal time off, including when performing for compensation non-appointment related activities or work during regular work week;
5. An Appointing Authority may require an employee who has sufficient annual leave to their credit to take annual leave whenever the Appointing Authority feels that it is best for the employee or the LCTCS;

6. Annual leave is to be taken in minimum increments of one-half hour;
7. No employee shall be charged annual leave until available compensatory leave balance has first been exhausted;
8. The use of accrued unused annual leave immediately preceding resignation or retirement of unclassified staff will be limited to a maximum equal to the amount accrued in a 24-month period for said employee. As with all annual leave, this is not automatic and may be denied or restricted based on business necessity. *Exceptions require recommendation of the Appointing Authority and approval by the Board of Supervisors.*

D. Use of Sick Leave

1. An unclassified employee shall apply for use of sick leave when:
 - a. Illness or injury prevents them from performing their work duties; or
 - b. They have medical, dental, or optical consultation or treatment.*When practical, such application shall be made in advance.*
2. Sick leave may be used to care for an immediate family member suffering with an illness or injury or to accompany an immediate family member to a medical, dental, or optical consultation or treatment. Immediate family member means a spouse, parent, or child of an employee.
3. Employees may be required to provide a physician's excuse. The need for written proof of short-term illness shall be determined by the supervisor.
4. Employees absent for more than five (5) consecutive work-days for personal illness will be required to submit a release to return to work from a licensed physician or practitioner.
5. Employees may choose to use compensatory leave in place of sick leave.
6. Sick leave is to be taken in minimum increments of one-half hours.
7. Abuse of sick leave may result in disciplinary action, up to and including termination.

E. Workers' Compensation and Leave Use

When unclassified staff or faculty are absent from work due to disabilities for which they are entitled to worker's compensation, they may choose to use sick and/or annual leave combined with workers' compensation payments equal to, but not to exceed, the employee's regular salary.

F. Advancement of Leave

No advancement of annual or sick leave will be granted.

G. Transfer and Retention of Leave Balances

1. Accrued and unused annual and sick leave balances of an employee will be certified and credited to the leave record when an employee changes employment status such as (but not limited to):
 - a. Employee type status change within the LCTCS;
 - b. Re-employed by the LCTCS;
 - c. Hired from another state agency to the LCTCS;
 - d. Employee leaves LCTCS for employment at another state agency;*NOTE: The employee must be in a leave earning position and return to state service within five (5) years for any of the above to apply.*
2. An employee cannot be credited more leave than they could have accrued had they performed all of their service under the leave regulations of the LCTCS.

3. An employee cannot be credited leave if they were previously terminated for cause (disciplinary action). *Established by the LCTCS Board of Supervisors to match Louisiana State Civil Service Rule 11.18.b, ensures all types of employees are treated equally in regards to this rule.*
4. Any accrued and unused annual and sick leave remaining after payment in accordance with this policy, will be maintained in the LCTCS records for a period of five (5) years from the date of non-retirement separation.
 - a. The credits will be verified and transferred, upon request, to a new state employer, or reinstated if re-employed within the LCTCS, as long as the individual has not been out of state service for more than five (5) years.
 - b. The credits will be cleared from the LCTCS records after five (5) years from the date of the employee's non-retirement separation of employment.
5. Upon request by the gaining agency any unused annual and sick leave shall be forwarded.
6. Public parish school system employment is accepted as "state service" for years of service in calculating leave accrual earning rates. However, such public parish school system leave does not apply to the transfer of leave balances into the LCTCS.

H. Re-Employment and Reimbursement

1. An unclassified employee who is paid for accrued annual leave upon termination from state service and who is subsequently re-employed in a leave earning position shall reimburse the state leave payout, through the employing agency, for the number of hours they were paid which exceeded the number of work hours that transpired during their break from state service.
2. Payment shall be made at the same rate which was paid to the employee.
3. In turn, the employee shall receive a credit for the number of hours of annual leave for which they made reimbursement to state service.

I. Reemployment After Retirement

Unused, unpaid annual and sick leave is *not* re-credited to individuals reemployed after retirement from state service.

II. PAYMENT OF ANNUAL AND SICK LEAVE ACCRUALS

A. Annual Leave

Terminal payment of **annual leave for unclassified staff may not exceed 300 hours** of unused annual leave at the time of retirement or termination of state service. *La. R.S. 17:425*

1. TRSL and LSERS members entering DROP may elect to receive 300 hours of unused annual leave upon entrance into DROP or at retirement. *La. R.S. 17:425.1*
2. Unclassified LASERS members may elect to receive 300 hours of unused annual leave upon eligibility for retirement, entrance into DROP, or at retirement. *La. R.S. 17:425.2*
3. ORP member retiring shall receive 300 hours of unused annual leave at the time of retirement.

B. Sick Leave

Terminal payment of **sick leave for unclassified staff or faculty may not exceed 200 hours** of unused sick leave upon retirement or death prior to retirement. *La. R.S. 17:425.*

1. TRSL and LSERS members entering DROP may elect to receive 200 hours of unused sick leave upon entrance into DROP or at retirement. *La. R.S. 17:425.1*

2. Unclassified LASERS members may elect to receive 200 hours of unused sick leave upon eligibility for retirement, entrance into DROP, or at retirement. *La. R.S. 17:425.2*
3. ORP member retiring shall receive 200 hours of unused sick leave at the time of retirement. Unclassified staff or faculty shall not receive payment, directly or in kind, for any accrued sick leave remaining at the time of their non-retirement separation from state service.

C. Leave Payment

1. Based on the employee’s annual base rate of pay at the time of separation of state service.
2. Received provided that leave regulations and attendance records have been maintained for the employee by their supervisor.
3. When the employee is paid on other than an hourly basis, the employee’s hourly rate shall be determined by converting the salary the employee received at the time of separation of state service into a working hourly rate. The converted working hourly rate for leave payments shall be calculated as follows:

Base Year	Formula	Total Hours in a Year	Total Days in a Year
12 Months	52 weeks x 40 hours	2080	260
10 Months	10 months x 4 weeks x 40 hours	1600	200
9 Months	9 months x 4 weeks x 40 hours	1440	180

D. Transfer to Non-Eligible Position

1. An employee transferring from an LCTCS entity into a non-benefits eligible position at another LCTCS entity or state agency, will receive annual leave payment for **unused annual leave not to exceed 300 hours**.
2. Payment will not be made until the gaining agency provides Human Resources with confirmation that the position into which the employee is transferring to is a non-benefits eligible position.
3. When an employee’s position changes from a leave eligible position to a non-leave eligible position in the same institution, the accrued leave balance will be held in the system until the employee returns to a leave eligible position.

E. Leave in Excess of Standard Payout at Retirement

1. LASERS Members:
 - a. Have the option to receive a lump sum payment from LASERS for the actuarial value of their unused annual and sick leave at retirement, in excess of annual and sick leave payout that would otherwise be converted to service credit.
 - b. Employees interested in this option should inform Human Resources and LASERS well in advance of their projected retirement date. *La. R.S. 11:424*
Please refer to LASERS rules regarding conversion of service credit and eligibility.
2. TRSL Members:
 - a. The amount of unused sick leave eligible for conversion is determined by a formula specified in state law that depends on when the sick leave was earned:
 - 1) On or before June 30, 1988;
 - 2) On or after July 1, 1988
 - b. Have the option to convert unused annual leave, in excess of annual leave payment to service credit by purchasing the leave at actuarial cost through TRSL.

Please refer to TRSL rules regarding conversion of service credit and eligibility.

3. ORP Members:
 - a. The amount of unused annual leave after payment at the time of retirement is not available for any sort of conversion.
 - b. The amount of unused sick leave after payout at the time of retirement is not eligible for any sort of conversion.
4. LSERS Members:
 - a. Allowed to convert unused sick and annual leave by subtracting the number of days paid at the time of retirement from the number of unused days remaining at the time of retirement and then divided by the number of days equal to a full year of service (180, 240, 250).
Please refer to LSERS rules regarding conversion of service credit and eligibility.
5. Reemployment After Retirement:
 - a. Unused annual and sick leave is not paid out at time of separation after reemployment because leave was paid at retirement.
 - b. Unused annual and sick leave is paid out if employee retirees from another retirement system due to reemployment.

III. COMPENSATORY LEAVE

Compensatory leave is leave earned in lieu of paying an eligible non-exempt unclassified employee for overtime hours worked. To determine non-exempt or exempt positions LCTCS and its member colleges follow the Fair Labor Standards Act (FLSA) status of exempt or non-exempt.

Exempt employees are hired to work 40-hour workweeks/80-hour pay periods and are usually not eligible for compensatory leave. Only in extreme circumstances with prior Appointing Authority approval may an exempt unclassified employees receive compensatory leave.

A. Eligibility and Approval for Compensatory Leave

1. Non-Exempt Unclassified Employees:
 - a. May be eligible to earn compensatory leave;
 - b. Must have written prior approval from the Appointing Authority;
 - c. Approval must specify the reason for the approval;
 - d. Approval document shall be filed in the appropriate campus office;
2. Exempt Unclassified Employee:
 - a. Under normal work conditions exempt unclassified employees do not earn compensatory leave.
 - b. The Appointing Authority may approve rare exceptions for exempt unclassified employees to earn compensatory leave;
To prevent confusion regarding eligibility, the Appointing Authority shall document which exempt positions may not be eligible for compensatory leave regardless of circumstances;
 - c. Must have written prior approval from the Appointing Authority;
 - d. Approval must specify the unique circumstances for the exception;
 - e. Approval document shall be filed in the appropriate campus office;
3. Compensatory leave is not to be used to extend an employee's workday or in lieu of a lunch break.
4. Those individuals employed with a status of faculty, intermittent, seasonal, student, or temporary are ineligible to earn compensatory leave and are not paid when the college is officially closed, unless hours are worked.

Time worked without prior written authorization shall not be approved for compensatory leave.

B. Accruals and Limits of Compensatory Leave

1. Non-Exempt Unclassified Employees Accruals:
 - a. When a holiday or paid leave is used towards the 40-hour work week, the non-exempt unclassified employee shall earn straight time of compensatory leave for hours worked over the 40-hours;
 - b. When a non-exempt unclassified employee actually works all 40-hours in a workweek, the non-exempt unclassified employee shall earn time and one-half hours of compensatory leave for the hours **actually worked** over 40 in a workweek;
2. Non-Exempt Unclassified Employees Limits:
 - a. No more than **240 hours** of unused compensatory leave can be carried forward into any fiscal year for non-exempt unclassified employees. The employee must be paid out over the 240 limit; *FLSA (29 USCA §207(o)(3)(A); 29 C.F.R. § 553.21)*
 - b. Non-exempt unclassified employees working in a public safety activity, an emergency response activity, or a seasonal activity may accrue no more than **480 hours** of compensatory leave for hours worked. *FLSA (29 USCA §207(o)(3)(A); 29 C.F.R. § 553.21)*
3. Exempt Unclassified Employees Accruals:
 - a. In extreme circumstances with pre-approval from the Appointing Authority may an exempt unclassified employee earn compensatory leave;
 - b. Compensatory leave earnings are straight-time for hours worked over 40 in a workweek.
 - c. When an exempt unclassified employee actually works all 40-hours in a workweek, the employee may earn compensatory leave for the hours **actually worked** over 40 in a workweek;
4. Exempt Unclassified Employees Limits:
 - a. No more than **360 hours** of unused compensatory leave can be carried forward from one fiscal year to the next for exempt employees. Compensatory leave over the 360 hours will not be accrued nor payout. *Established by the LCTCS Board of Supervisors to match Louisiana State Civil Service Rule 12.11, ensures all employees receive the same limits.*
 - b. Exempt unclassified employees engaged in law enforcement and health care activities may accrue no more than **540 hours** of compensatory leave for hours worked. *Established by the LCTCS Board of Supervisors to match Louisiana State Civil Service Rule 12.11, ensures all employees receive the same limits.*
5. Compensatory leave shall be earned at a minimum of 30-minute increments.
6. Compensatory leave shall be claimed by and credited to the eligible unclassified employee during the pay period the overtime is worked and, upon approval, may be used by the employee at a future date.

C. Travel and Compensatory Leave

1. When a non-exempt unclassified employee's work assignment requires travel to and from an assigned work site that is different than their normal work site the employee is considered to be on official travel.

- a. During a regular workday or holiday, the non-exempt unclassified employee may be granted a *maximum* of five (5) hours of compensatory leave for hours worked after 4:30 p.m. (or the official workday in effect).
- b. When the travel is on a weekend, a non-exempt unclassified employee may be granted a *maximum* of eight (8) hours of compensatory leave per day.
2. The non-exempt unclassified employee's time spent for a typical commute from home to the office should not be included when granting compensatory leave for travel to and from a work assignment destination.
3. For purposes of computing compensatory leave hours, travel will be considered "ceased" upon arrival at the destination (place of lodging/work site) and considered "begun" when the non-exempt unclassified employee leaves the destination.
4. When a non-exempt unclassified employee is on official travel and chooses a different mode of travel than that offered (ex: chooses to drive rather than fly), any additional hours of travel time incurred as a result of the non-exempt unclassified employee's personal decision shall not be considered hours worked and will not be eligible for compensatory leave.
5. Time spent in session for a conference/convention is to be reported as working time. Compensatory time for a non-exempt unclassified employee will be accrued for travel to and from conferences and conventions only when the travel is mandated by the college.

Exempt Unclassified Employees do not earn compensatory leave while traveling.

D. Use of Compensatory Leave

1. Eligible employees requesting the use of compensatory leave shall be permitted by their supervisor to use such leave within a reasonable time, as long as the use of compensatory leave does not unduly disrupt the operations of the organization.
 - a. The Appointing Authority may require an eligible (non-exempt or exempt) unclassified employee to use their accrued compensatory leave at any time, especially if they have reached their maximum accrual.
 - b. Compensatory leave is to be taken and will be reduced in minimum increments of 30 minutes.
 - c. When annual leave is requested and approved, compensatory leave balances will be exhausted before any reduction in the annual leave in order to minimize the institution's liability. This reduction will be an automatic process by the payroll system.
 - d. Compensatory leave *may* be used in place of sick leave.
 - e. Management of compensatory use is at the discretion of each Appointing Authority and appropriate documentation shall be maintained.
2. Compensatory leave should not be confused with flexible time.
3. Employees approved for a leave under the FMLA are required to use paid compensatory leave prior to the use of paid annual leave. *Please refer to Policy #6.041, Family and Medical Leave for All Employee for more details.*

E. Payment, Transfer, Continuance or Disbursement of Compensatory Leave Balances

1. Non-Exempt Unclassified Employee:
 - a. If the compensatory leave is not transferred to a new state agency, the unused compensatory leave earned by a non-exempt unclassified employee may be paid upon transfer; or
 - b. Upon separation from state service a non-exempt unclassified employee shall be compensated for all unused compensatory leave earned.

2. Exempt Unclassified Employee:
 - a. Shall not be paid for unused compensatory leave upon separation or retirement.
 - b. May be able to receive credit if transferring without a break in service to another state agency. The receiving agency's Appointing Authority has the discretion of such transfer.
 - c. Shall not have such balances reinstated if reemployed by LCTCS.

IV. LEAVE OTHER THAN ANNUAL, SICK, COMPENSATORY, OR EDUCATIONAL

A. Administrative Leave

An Appointing Authority may place an employee on administrative leave with or without pay for a specific or indefinite period of time when in the Appointing Authority's opinion, such action would be in the best interest of the college or the system.

The LCTCS President must be notified when such action is taken.

B. Civil Leave

An eligible employee shall be given time off without loss of pay or annual and sick leave for:

1. Performing state or federal grand or petit jury duty;
2. Summoned to appear as a witness before a court, grand jury, or other public body or commission on a work-related matter or in an official capacity;
3. Upon request of the employee and approval of the supervisor, time off with pay may be allowed for voting in accordance with the following schedule:

Voting Residence Within the Radius of the Campus	
0 to 30 miles	2 hours of leave
31 to 50 miles	4 hours of leave
61 or more miles	1 day of leave

The supervisor, in accordance with the above schedule, will have the discretion of determining the amount of leave and when the time off will be given during the workday.

C. Crisis Leave

Paid leave to an eligible employee who is experiencing a catastrophic illness or injury to themselves or eligible family member. The intent is to assist employees who, through no fault of their own, have insufficient paid leave to cover the crisis period. The Board Office and each College may develop their own policy and terms. Crisis leave is to be managed per established Board Office or College policy and in accordance with all state and federal regulations.

D. Emergency Leave

An eligible employee shall be given time off without loss of pay or annual and sick leave for the following purposes:

1. Performing emergency civilian duty in relation to national defense;
2. Being ordered by the National Guard to active duty due to a local emergency, an act of God, a civil or criminal insurrection, a civil or criminal disobedience, or a similar occurrence of an extraordinary and emergency nature which threatens or affects the peace or property of the people of the state of Louisiana or the United States;*

3. Performing certified American Red Cross Trained Disaster Volunteer duties in Level III designated American Red Cross relief services in Louisiana (may not exceed 15 working days in any calendar year);*

*NOTE: *Emergency leave does not apply to hourly part-time or non-leaving earning employees.*

E. Funeral Leave

When attending the funeral or burial rites of immediate family members, to include: a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, step-grandparent, or grandchild provided such time off shall not exceed two (2) days on any one occasion.

Employees may request annual leave or leave without pay to attend funeral or burial rites of friends or relatives who are not immediate family. Whenever possible, prior notice of the need to take such leave shall be given by the employee to the supervisor. *Established by the LCTCS Board of Supervisors to match Louisiana State Civil Service Rule 11.23.1, ensures all employees receive the same type of funeral leave.*

F. Military Leave

The provisions of this section 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 or state of emergency.

1. Military Leave With Pay

- a. Provided they give advance notice, employees shall be entitled to military leave with pay.
- b. No advance notice is required when such notice is either precluded by military necessity or is otherwise impossible or unreasonable.
- c. Maximum military leave with pay for military training or duty is 15 working days per fiscal year. *5 USC 6323(a)*
- d. Military leave with pay for a member of the National Guard who is called to Title 32 active duty in response to a declared emergency by the Governor is limited to 22 working days per calendar year. *5USC 6323 (b)*

2. Use of Annual and Compensatory Leave for Military Purposes

- a. Employees who give advance notice of military obligations and apply for annual or compensatory leave for military obligations shall be granted such leave.
- b. No advance notice is required when such notice is either precluded by military necessity or is otherwise impossible or unreasonable.

3. Use of Leave Without Pay for Military Purposes

- a. Employees who have either exhausted annual leave and compensatory leave, or choose not to use their paid leave for military purposes, shall be placed on leave without pay.
- b. This period of leave without pay for military purposes shall not exceed six (6) years. After six (6) years, they shall be separated from employment with the LCTCS.
- c. If the original term of the appointment was less than six (6) years, LCTCS may end the appointment as originally scheduled and the employee may be separated.

4. Rights and Requirements Upon Return to Work

Employees returning to their unclassified positions under the provisions of this section, which governs time frame requirements for restoration to state employment, 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 for military training or military active duty. Upon return the orders are required.

5. Pay Differential for Military Leave

a. The provisions of this section:

- 1) Apply to 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.
- 2) Apply retroactively to September 11, 2001.
- 3) Shall NOT apply to employees on “inactive duty for training” (weekend drills).

b. An employee whose military base pay is less than their state base pay shall be paid the difference between their military base pay and their regular state base pay provided:

- 1) Military Leave with Pay (Section O.1 above) has been exhausted;
- 2) Such payment shall be made on the same frequency and manner as the employee’s regular state pay, unless other voluntary arrangements are made;
- 3) Employees shall provide the agency documentation appropriate to ensure the payment amount is calculated correctly;
- 4) Employees who choose to use the pay differential option shall have their leave balance re-credited with a leave amount equal to the value of the pay differential the employee would have received had this rule been in effect on September 11, 2001, if the paid leave has been used during any portion of service from September 11, 2001, through the date of adoption of this policy;
- 5) Employees who choose to use their annual leave during their period of military absence shall not be eligible for receipt of the pay differential, unless the leave was used between September 11, 2001, and the date of the adoption of this Military Leave policy section;
- 6) The pay differential shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.

6. Leave Accruals During Military Leave

- a. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service.
- b. Leave shall be accrued on the same basis as though the employee had not been activated.
- c. Leave earned shall be credited to the employee upon their return from active duty.

7. Rescinding Resignation

An employee, who was called to active duty for military purposes and who resigned from state service may:

- a. Request that their resignation be rescinded and become eligible for the above benefits;
- b. Such request must be made within 90 days of their release from active duty.

G. Other Leave

An eligible employee shall be given time off without loss of pay or annual and sick leave for the following purposes:

1. Taking a required examination pertinent to the employee’s state employment before a state or national licensing board;*
2. An employee that is a current member of the Civil Air Patrol and, incidental to such membership, is ordered to perform duty with troops or participate in field exercises or training except that such leave shall not exceed fifteen (15) working days in any one (1) calendar year and shall not be used for unit meetings or training conducted during such meetings;*

3. A full-time faculty member, who does not earn annual leave, shall be allowed to use up to two (2) days absence during each academic year without loss of pay for personal purposes as may be determined by the full-time faculty member. The employee shall provide their immediate supervisor at least twenty-four (24) hours' notice prior to taking the leave. The personal leave shall be charged to and deducted from the employee's accrued sick leave as provided by R.S. 17:3311. Personal leave shall not be accumulated from year to year nor shall personal leave be compensated for upon the death or retirement of the faculty member or paid in other manner. *La. R.S. 17:3312.B.(1) **

**NOTE: Other leave does not apply to hourly part-time or non-leaving earning employees.*

H. Parental Leave

Paid leave of up to six (6) weeks (240 hours) without loss of annual, sick, or compensatory leave for the birth of an employee's child or the placement of a child under the age of 18 for adoption or foster care for eligible employees.

NOTE: Additionally, employees may request leave for a pregnancy-related medical condition or disability as an accommodation under the Pregnant Workers Fairness Act (PWFA), Pregnancy Discrimination Act (PDA), or Americans with Disabilities Act (ADA). Employees should inquire with their institution's human resources department for information about eligibility requirements under these laws. This leave may run concurrently with other leave, including under the FMLA and paid time off, where permitted by state and federal law.

1. An eligible employee shall:
 - a. Be in a leave earning position;
 - b. Have been employed by the state for at least 12 months and have actually worked at least 1250 hours in the past 12 months immediately preceding the date of the qualifying event;
 - c. Be the legal, adoptive or foster parent of the child under the age of 18 or whom the parental leave is taken. Said parent must have an active and on-going role in parenting the child. 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.
2. Qualifying Purposes:
 - a. Legal, adoptive, or foster parents to bond with the child under the age of 18 for whom leave is taken; or
 - b. Adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.
 - c. 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 stepparents).
3. Duration of parental leave:
 - a. Up to six (6) weeks (240 hours) paid leave during the 12 weeks (84 calendar days) immediately following the commencement of the qualifying event;
 - b. Commencing on the first day of a qualifying event and for only as much of the parental leave period as the employee is engaged in a qualifying purpose;
 - c. Can be used continuously or intermittently for qualifying purposes.
 - d. Unless the appointing authority determines that an unclassified employee is utilizing parental leave in violation of this policy, the appointing authority shall not reduce the

authorized parental leave period nor interfere with the unclassified employee's use of parental leave.

4. Compensation:
 - a. Eligible full-time employees will be compensated at 100% of their base pay not to exceed 240 hours during the 12-week period;
 - b. Eligible part-time employees will be compensated at the rate of 100% of their base pay based upon the average number of hours worked in the six (6) months immediately preceding the commencement of parental leave.
5. Limitations:
 - a. Shall not be donated to another employee or leave pool;
 - b. Shall not be reserved to use during a subsequent qualifying event;
 - c. Not intended to provide any form of unpaid leave after exhaustion of 240 hours;
 - d. At least 12 months shall elapse from the beginning of one parental leave period until an employee is eligible for another parental leave period;
 - e. Parental leave occurrence also qualifying under the Family and Medical Leave Act (FMLA) shall use FMLA leave concurrently;
 - f. When both parents are employed by the State, both are entitled to parental leave;
 - g. Practicable advanced notice of leave needs shall be provided.
 - h. An unclassified employee's use of parental leave in accordance with this policy shall not have a negative impact upon their employment relationship. Unclassified employees not utilizing parental leave in accordance with and/or in violation of this policy may be disciplined, including the possibility of termination.
6. Establishing Eligibility for Parental Leave:
 - a. Necessity of Request Form: An employee shall complete a parental leave request form and obtain the Appointing Authority approval prior to the granting of parental leave.
 - b. Substantiating Documentation: An Appointing Authority may require an employee requesting parental 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 an employee produce medical records or scientific evidence to prove paternity.

I. Shared Sick Leave

Paid sick leave to an eligible employee who is experiencing a catastrophic illness or injury. The intent is to assist employees who, through no fault of their own, have insufficient paid sick leave to cover an illness or injury period. Each college may develop their own policy and terms. This leave is to be managed per the established College policy and in accordance with all state and federal regulations.

J. Special Leave

An employee shall be given time off without loss of pay or annual and sick leave for the following purposes:

1. When the Appointing Authority determines that employees are prevented from performing their duties by an act of God;*
2. When the Appointing Authority determines that local conditions make it impracticable for employees to work in the locality;*

3. When the Appointing Authority determines that closure is appropriate for business operation purposes;*
4. The employee is ordered to report for a pre-induction physical examination incidental to possible entry into the armed forces of the United States;*

**NOTE: Special leave does not apply to hourly part-time or non-leaving earning employees.*

V. EDUCATIONAL RELATED LEAVE

A. Education Leave

An eligible employee who has been employed at least one year in a full-time permanent position may receive educational leave for:

1. A maximum of three (3) hours per week per traditional academic semester or its equivalency for non-traditional semesters or activities such as terminal degree projects;
2. Approved attendance of a course of study;

Education leave:

1. May be granted or denied by the Appointing Authority;
3. Shall be without loss of pay or loss of annual and/or compensatory leave;
4. Shall not be granted more than once for the same course of study;

Prior to granting such leave the supervisor shall certify that the employee has received a “satisfactory” or above rating on their performance evaluation within the last twelve months;

Part time employees are not eligible for educational leave.

B. Sabbatical Leave

Sabbatical leave is leave with pay for the purpose of professional or cultural improvement, or for the study or research in accordance with the conditions in this policy.

1. Eligibility and Approval for Sabbatical Leave
 - a. Only full-time LCTCS “faculty” members are eligible;
 - b. “Faculty” is defined in La.R.S. 17:3304. *See reference section below for details.*
 - a. Counselors are considered “faculty” for the purpose of the LCTCS sabbatical leave provisions.
 - c. May be granted following any six (6) or more consecutive fiscal years of active service in the institution where such individual is employed;
 - d. An individual may not accumulate time in an attempt to qualify for more than one consecutive year of sabbatical leave;
 - e. Sabbatical leave shall be granted only with prior LCTCS Board of Supervisors approval.
2. Length of Sabbatical Leave and Return to Regular Duties
 - a. May be granted for two semesters (52 weeks for 12-month employees);
 - b. May be granted for one semester (26 weeks for 12-month employees) following three or more consecutive years of such service by an individual;
 - c. A sabbatical leave taken during a summer session shall be considered a semester for such leave purposes;

- d. In accepting a sabbatical leave with pay, the faculty member assumes a legal obligation to return to the institution for at least one year of further service at the close of the sabbatical leave period. *Acts 1991 and 858 (La. R.S. 17:3328)*
 - e. A copy of this rule shall be included in the college's faculty handbook and shall be made known to each applicant for such leave.
3. Compensation During Sabbatical Leave
- a. Sabbatical leave shall be at the rate of not more than seventy-five percent (75%) of the salary the individual would receive during the current fiscal year;
 - b. Compensation payable to persons on sabbatical leave shall be paid at the time at which salaries of the other members of the faculty are paid and in the same manner;
 - c. Should an employee on sabbatical leave received outside compensation, such payment is to be approved in writing and in advance by the Appointing Authority;
 - d. If outside compensation plus paid leave would exceed the employee's regular salary, the leave pay will be reduced so that the outside compensation shall equals or not exceed the employee's regular pay.
 - e. Nothing shall prevent the faculty member from being remunerated by outside agencies at higher rates than his/her regular pay.
 - f. Individuals accepting sabbatical leave (with pay) are cautioned about prohibitions against dual appointment or dual employment as described in La.-R.S. 42:64.
4. Retirement Contribution During Sabbatical Leave
- The employer and employee portion of retirement contributions shall contribute on the basis of full annual salary rate.
5. Review of the Sabbatical Leave
- After each sabbatical leave period is completed, evidence as determined by the institution shall be submitted to the appropriate supervisor to indicate that the purpose for which the leave was granted has been achieved.
6. Departmental Requirement
- At no time during any semester of an academic year shall the number of persons on leave with pay (except sick leave) exceed 5 percent of the total faculty. Prevailing financial conditions within the State or college normally play a role in decisions to grant sabbatical leave. *La. R.S. 17:3321(B)*.
7. References
- La. R.S. 17:3304 - Faculty:
- a. Members of the instructional staff of each college having rank of instructor or higher and persons engaged in library, artistic, research and investigative positions of equal dignity, shall constitute the faculty of each college and university.
 - b. The head of each college and its academic officers shall be members of the faculty.
The designation of faculty status by the Section shall not affect or change any provision of law affecting or relating to the retirement of any person, and the retirement of all faculty personnel shall be governed by applicable retirement or the applicable laws.
- La. R.S. 17:3328 - Persons granted sabbatical leave; return to service. Each person granted sabbatical leave shall sign an agreement or contract with their employing institution stipulating that as a condition of their sabbatical leave and in order to be eligible for compensation during such leave, they will return to their employing institution for at least one year of further service after leave is completed. (Added by Act 1991, No. 858)

VI. UNPAID LEAVE

A. Leave Without Pay

Leave without pay is not automatic and is at the discretion of the Appointing Authority.

Exception: See FMLA policy regarding use of leave without pay.

1. Employees who have exhausted their annual leave may request, in writing, to be placed on leave without pay. This request should be in advance when possible.
2. Employees who have exhausted sick leave but who have annual and/or compensatory leave will be required to use their annual and/or compensatory leave before being placed on leave without pay. Upon exhaustion of these leave types, an eligible employee may request in writing to be placed on leave without pay.
3. Employees who have exhausted all types of leave will be placed on leave without pay.
4. All requests require the approval of the supervisor.
5. Annual and sick leave are not accrued while an employee is on leave without pay.
6. Leave without pay shall be reported as such on the leave request.
7. During leave without pay that is not associated with FMLA or workers compensation, an employee is responsible for both the employee and employer portion of their Office of Group Benefits (OGB) coverage. The employee is allowed to continue their coverage for 12 months. After that their coverage terminates. *Louisiana Administrative Code Title 32, Part I, Section 319 (LAC 32:I.319).*

B. Leave of Absence (Without Pay)

1. An Appointing Authority may recommend to the Board of Supervisors the granting of a leave of absence without pay for an eligible unclassified employee for a period not to exceed one (1) year;
2. Such absence shall not prolong the employee's appointment period;
3. Written request shall be considered only when all of the following conditions are met:
 - a. The employee has exhausted all credited compensatory, annual and sick leave;
 - b. The employee has made a written timely request to the Appointing Authority which includes all substantive reasons for the request; and
 - c. A division head has concurred with the request indicating that:
 - 1) The absence of the employee will not impede the current objectives of the respective section, and
 - 2) The absence does not conflict with the best interests of the institution.
4. The Appointing Authority may terminate an authorized leave of absence without pay, provided that such termination is in the best interest of the agency, and the employee receives written notification.
5. If an unclassified employee fails to report for, or refuses to be restored to duty in pay status on the first working day following the expiration of an approved leave of absence, or at an earlier date upon reasonable and proper notice from the Appointing Authority, then the employee shall be considered as having deserted their position of appointment.
6. Leave of absence does not count as credited service for leave accrual or retirement purposes.
7. Service before and after leave without pay will be combined to determine leave accrual rates and total service.
8. Annual and sick leave are not accrued while an employee is on leave without pay.
9. Leave without pay shall be reported as such on a leave request.

VII. HOLIDAY AND OFFICE CLOSURES

Holidays shall be observed as provided by LCTCS Policy 6.028 Holidays for All Employees.

An unclassified employee in a compensatory leave earning position or in a part-time status may, at the discretion of their Appointing Authority, receive compensatory leave or additional compensation, as applicable, when required by the employer to work on an observed holiday.

When an unclassified employee is on leave without pay immediately preceding and immediately following an observed holiday, that employee shall not receive compensation for that holiday unless the holiday is worked by the employee.

VIII. LEAVE HELD IN ABEYANCE FOR ONGOING / ACTIVE EMPLOYEES

A credited balance of unused annual, compensatory, and/or sick leave shall be held in abeyance for an ongoing active employee who becomes ineligible to earn and/or use the particular type of leave pursuant to the terms of this policy.

The credited balance(s) shall be available to the employee when he/she again becomes eligible to accrue and/or use said leave, or when he/she separates from state service and/or becomes eligible for leave payout based on the appropriate retirement plan.

In the event of separation from state employment, abeyance leave eligible for severance leave payment will be paid at the hourly rate of the last position held prior to separation from state employment.