Louisiana Housing Corporation

LOUISIANA HOUSING CORPORATION	PERSONNEL POLICY NO. 13		
SUBJECT: LEAVE			
Review Dates:	07/2012, 2/2020		
Approval:		**Date:**	2/18/20
	Kevin Brady, Human Resources Director		
Approval:		**Date:**	2/18/20
	E. Keith Cunningham, Jr., Executive Director		

SUMMARY OF CHANGES		
Date	**Author**	**Change Description**
2/2020	K. Brady	• Grammar, spelling, and punctuation corrections. • Reorganized format for better flow • Added information on Compensatory (K) Leave, Holiday Leave, Voluntary Disaster Service Leave, and Leave Without Pay (LWOP). • Removed information on FMLA and referred to Personnel Policy 12: Family and Medical Leave Act Policy. • Incorporated Policy 11: Educational Leave • Incorporated Policy 36: Use of Leave Upon Retirement

LHC RELATED POLICIES:

Policy 12 Family and Medical Leave Act
Policy 14 Overtime
Policy 25 Attendance and Time Reporting
Policy 43 Education Reimbursement

Louisiana Housing Corporation

I. **Policy**.

In compliance with all aspects of State and Federal Laws and Civil Service Rules, it is the policy of the Louisiana Housing Corporation (LHC) that all employees be informed of the rules regarding time and attendance and leave usage, and that these rules shall be enforced in a fair and consistent manner in accordance with this policy.

II. **Purpose**.

This policy is intended to ensure that each employee understands his/her responsibility in the area of leave and to the extent possible, to allow supervisors more control over their employees' work schedule while maintaining an efficient and effective operation. Excessive leave creates an unnecessary handicap to those who are responsible for accomplishing departmental tasks. It is necessary for the effective operation of business that supervisors are aware when their employees are present and able to perform their job duties when expected.

III. **Applicability**.

This policy shall be applicable to all full-time and part-time regular unclassified employees and classified employees serving on permanent, probationary, and job appointments. This policy shall not apply to employees on student, WAE, or contract appointments.

IV. **Types of Leave.**

Employees shall request the utilization of any type of leave, including leave without pay (LWOP). The employee's supervisor must approve the leave request before the leave can be charged.

Family and Medical Leave (FMLA) is not a type of leave; it provides a reason to take extended applicable leave for health or military reasons. Eligibility and other specifics are addressed in LHC Policy 12: Family and Medical Leave Act.

Annual and sick leave are the only two (2) types of leave earned. All other types of leave are administered to eligible employees as requested and approved.

1. **Annual and sick leave.**
   a. Earning of annual and sick leave: Annual and sick leave shall be earned by each eligible employee according to their length of state service as outlined below.

Length of Service	Hourly Rate	Biweekly Rate
Less than 3 years	.0461 hours	3.688 hours
3 < 5 years	.0576 hours	4.608 hours
5 < 10 years	.0692 hours	5.536 hours
10 < 15 years	.0807 hours	6.456 hours
15 years and above	.0923 hours	7.384 hours

b. No employee shall be credited with annual or sick leave:
   i. For any overtime hour(s);
   ii. For any hour(s) of LWOP;
   iii. For any hour(s) in on-call status outside the employee's regular duty work hours;
   iv. For any hour(s) of travel or other activity outside the employee's regular duty work hours; or
   v. For any hour(s) of a holiday or other non-work day which occurs while on leave without pay.

c. Use of annual leave.
   Annual leave is for the rest and recreation of the employee. It is also used when the employee needs time off to care for a sick family member. Other than when the employee is sick or has an appointment with a health care practitioner, annual leave is used for nearly all other absences.

   i. An employee must request prior approval from their supervisor and the supervisor must approve the utilization of annual leave.
   ii. Annual leave shall not be charged for non-work days.
   iii. The minimum charge to annual leave records shall be fifteen (15) minute increments.
   iv. Annual leave shall not be advanced.

d. Use of sick leave.
   i. Sick leave can only be used when an employee's own illness or injury prevents them from performing their regular duties or when an employee has an appointment with a health care practitioner. Sick leave also covers the travel time to and from the appointment, if it occurs during the employee's regular schedule.
   ii. Sick leave should be requested in advance when possible.
   iii. Sick leave shall not be charged for non-work days.

iv. Employees shall complete a sick leave request to document the absence. The employee's supervisor may require a statement from a health care practitioner that the employee suffered an illness or injury and was unable to report to work.
v. If an employee is in sick leave status for three (3) or more consecutive work days, then upon return to work, the employee is required to present medical certification that they are able to return to full duty, noting the return date.
vi. The minimum charge to sick leave records shall be fifteen (15) minute increments.
vii. Sick leave shall not be advanced.
viii. An employee's immediate supervisor has discretion to place an employee on sick leave after an employee asserts the need to be absent from work due to an injury or illness.

e. Carrying leave forward.
Any annual or sick leave an employee has earned and not used by December 31st, shall be carried forward to the next calendar year as long as the individual is employed in a position eligible to earn annual and sick leave.

2. **Civil, Emergency, and Special Leave**
LHC employees shall be given time off, without loss of pay, annual leave, or sick leave in the circumstances listed below. Employees shall complete a leave request to document the use of Civil, Emergency, and Special Leave. Proper documentation to verify utilization may be required by LHC.

a. Performing jury duty; requires a jury subpoena and proof of jury assignment.

b. Appearing as a summoned witness before a court, grand jury, or other public body or commission; requires a subpoena.

c. Performing emergency civilian duty in relation to national defense; requires orders.

d. Participating in a State Civil Service examination or taking a required examination pertinent to the employee's state employment before a state licensing board, during the employee's regular work schedule; requires proof that the employee sat for the exam.

e. The Appointing Authority determines an Act of God or an event beyond the Corporation's control prevented the performance of the duties of the employee; no documentation by employee necessary.

f. The employee is ordered to report for a pre-induction physical examination incident to possible entry into the Armed Forces of the United States; requires military orders.

g. The employee is a member of the National Guard and is ordered to active duty incident 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 emergent nature which threatens or affects the peace or property of the people of Louisiana or the United States; requires military orders.

3. Funeral Leave

a. An employee will be granted time off for sixteen (16) consecutive work hours without loss of pay, annual leave, or sick leave, for attendance at 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.

   Bereavement time for domestic partners, friends, and other relatives not listed above is not covered by Funeral leave. Supervisors should consider these personal relationships when employees request to use annual leave on these occasions.

b. As soon as possible, the employee should inform their supervisor of the need to take Funeral Leave and the prospective dates. The relationship to the employee shall be indicated on the leave request.

c. Additional time greater than two (2) days may be requested using a different type of leave, but approval is at the discretion of the employee's supervisor.

d. Employees serving on job appointments are not eligible for Funeral Leave. Supervisors shall allow the use of annual leave in lieu of funeral leave for employees serving on job appointments.

4. **Holiday Leave**
   a. Eligible employees are granted from twelve (12) to fourteen (14) holidays per calendar year, which are categorized as statutory, proclaimed, or designated holidays.

   b. Eight (8) hours of holiday leave are earned for employees for each holiday. Employees who do not have a 5 day/ 8 hour per day work scheduled are required to convert to a 5 day/ 8 hours per day work schedule during weeks when Holiday Leave is applied.

   c. An employee required to work on an official holiday is entitled to overtime compensation in accordance with LHC Policy 14: Overtime.

5. **Compensatory (K) Leave**
   a. When an employee works overtime, they are generally compensated with Compensatory (K) leave either at the straight rate or time-and-one-half rate according to their FLSA status.

   b. When an employee requests annual leave and has K leave balances, LHC utilizes the K leave before annual leave.

   c. LHC has the authority to force an employee to utilize their accumulated K leave.

6. **Educational Leave**
   a. Eligible employees may request educational leave to obtain formalized training that will materially assist them in conducting their work without using their own leave. The training and education authorized by this policy must be job-related such that completion of the coursework materially assist the employee in performing the essential functions of their position.

      While personally benefiting the employee, this training/ education must also further the business operations of LHC. The benefits of this policy will not be extended to non-work related training or education.

   b. This policy does not apply to training workshops, conventions, seminars, CPTP courses, or attendance at meetings of professional organizations, which generally occur during regular duty hours.

c. Eligibility. The employee:
   i. Shall be serving with permanent status at the time of the request;
   ii. Shall have been employed at LHC for a minimum of two (2) consecutive years at the time of the request; and
   iii. Shall have received a rating of 'Successful' or higher on their most recent Performance Evaluation.

d. Educational leave is optional at the appointing authority's discretion and may be approved as designated below.

   i. Leave without pay for the period equivalent to an employee's actual attendance for the training/ education.

   ii. Educational leave with pay for a maximum of thirty (30) calendar days in a calendar year.

   iii. Educational leave with pay for ninety (90) days (720 hours) in one calendar year, if the training is required by LHC.

e. Procedure.
   i. Educational leave requests must be submitted to the supervisor in advance so that final approval will be received before the course start date.

   ii. The request for Educational Leave shall include:
      1. Educational institution providing the course;
      2. A description of the course;
      3. The course dates and times; and
      4. A thorough narrative explaining how the coursework is directly related to the employee's current job, and how it will enhance the employee's performance in their position.

   iii. The department head shall carefully consider the job-relatedness of the request, along with the impact of the employee's absence from duty on the department's operations.

   iv. Once approved by the department head, the request shall be submitted to Human Resources for review.

v. Human Resources will review employee eligibility, ensure all documentation is included, and makes a recommendation to the Appointing Authority for final approval.

f. Under no circumstances should an employee assume that educational leave will be granted prior to receiving the approval.

7. Military Leave.

When an employee is ordered to military duty, the employee shall give prompt and immediate notice to their supervisor.

a. An employee who is serving in a leave earning position and who is a member of a reserve component of the U.S. Armed Forces or National Guard, shall be granted a leave of absence from their position, without loss of pay or deduction of leave, when ordered to military duty for a period not to exceed fifteen (15) working days in any one (1) calendar year.

In addition, the Executive Director may grant annual leave, compensatory leave, LWOP, or a combination of these leave types for a period which exceeds fifteen (15) working days in one (1) calendar year, in accordance with state and/or federal law.

b. An employee who is serving in a position that earns sick and annual leave and who is inducted into or ordered to military duty to fulfill a reserve obligation or ordered to active duty in connection with reserve activities for an indefinite period or for a period in excess of annual field training, is eligible for leave with pay as required by state and/or federal law.

8. Voluntary Disaster Service Leave.

A full-time probationary or permanent classified employee may be granted up to fifteen (15) fifteen working days off with pay to participate in an American Red Cross relief effort in the State of Louisiana. The employee must have received a certification from the Red Cross as a Trained Disaster Volunteer. The request from the employee must be to the appointing authority in writing.

9. Leave Without Pay (LWOP).

a. While on LWOP, employees do not earn annual or sick leave, nor do they receive benefit of any holidays that occur during their absence.

b. If an employee has no applicable compensatory, sick, and/or annual leave, then the employee must request LWOP. Applicable leave balances must be less than .25 before LWOP is applied.

   i. The immediate supervisor may approve LWOP if an employee is within the first six (6) months of state employment and has low balances of annual and sick leave.
   ii. All other LWOP requests must be presented in writing and approved by the Appointing Authority prior to use.

c. If an employee has applicable compensatory, sick, and/or annual leave, then the employee cannot elect LWOP in lieu of applicable leave.

d. The supervisor may approve LWOP if an employee is late, takes a lengthy lunch, or leaves their work station during the regularly scheduled work day without prior approval. Supervisors may also discipline the employee for the violation.

V. Leave upon separation

The provisions of this section allow an employee to be paid for up to 300 hours of accrued annual leave when they separate from state service. Leave payout is the state's form of severance pay.

1. Annual leave:
   a. When an employee separates, whether voluntarily or involuntarily, by termination, resignation, or retirement, the employee is paid up to three hundred (300) hours of their accrued annual leave balance, providing the employee was not dismissed for theft of agency funds or property.

   b. The leave is paid at the employee's hourly salary rate at time of separation. If the employee is detailed, the employee is returned from detail to their regular position and the leave is paid at the hourly salary rate of the employee's regular position.

   c. When an employee who has been paid for up to 300 hours of annual leave is reemployed in the classified service, the employee shall pay the re-hiring department an amount equal to the number of workdays paid upon separation minus the value of any intervening workdays between the date of separation and the date of rehire. The employee must be re-credited the number of hours of annual leave repaid.

d. Any remaining annual leave balance remains on the employee's records. Employees who are rehired into a probationary or permanent position within five years of separation should have all annual leave re-credited to them, unless the last separation was by dismissal or resignation to avoid dismissal.

2. Sick leave:
   a. No sick leave is paid upon separation.

   b. An employee's sick leave balance remains on the employee's records. Employees who are rehired into a probationary or permanent position within five years of separation should have all annual and sick leave re-credited to them, unless the last separation was by dismissal or resignation to avoid dismissal.

VI. Use of annual leave upon notification of retirement

1. Eligible employees may request use of not more than 480 hours of annual and/or compensatory leave immediately prior to the retirement date. The request is subject to approval by the appointing authority, who shall take into consideration the employee's attendance history, budget availability, staffing needs, deadlines, workload, and the impact of the employee's absence upon the Corporation's operations.

2. Eligibility. The employee making the request:
   i. Shall be eligible for retirement;
   ii. Shall have submitted an application for retirement with the appropriate retirement system;
   iii. Shall have submitted a retirement date to their supervisor and Human Resources;
   iv. Shall have a balance of annual leave greater than 300 hours at the time of the request; and
   v. Shall have used no more than a total of 300 hours of annual, compensatory and/or sick leave during the 12 months immediately preceding the effective date of the request.

3. Administrators/Managers/Supervisors are responsible for:
   i. Evaluating all requests for leave in conjunction with retirement and submitting the request, along with a recommendation, to the appointing authority, and

ii. Making recommendations based on non-discriminatory, job related considerations.

4. Employees are responsible for:
   i. Making a written request and submitting this request in a reasonable time prior to the expected commencement of the leave;
   ii. Not engaging in conduct during the period of leave which would be prohibited during regular employment by the Code of Ethics, Civil Service Rules, or Corporation regulations; and
   iii. For returning to work immediately upon begin notified that the leave is rescinded.

VI. Questions.

Questions regarding this policy should be directed to the Human Resources Director.

VII. Violations.

Failure to follow any provisions of this policy may result in disciplinary action. Particularly, reporting an incorrect type of leave, not reporting leave when taken, or supporting leave with fraudulent documentation is considered payroll fraud, which is addressed through disciplinary action, up to and including termination.