
LEAVE

I. POLICY

The policy of the Department of Energy and Natural Resources (DENR) is to afford employees the right to use accrued leave to address personal needs, while also managing such leave usage in the manner that most effectively maximizes employee attendance to serve the public's interests. This policy fully complies with the requirements of the Fair Labor Standards Act (FLSA) and Civil Service Rules.

For purposes of this policy, the terms "child, son and daughter" shall be defined in accordance with the Family and Medical Leave Act (FMLA) as follows: Child – a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *en loco parentis* (in the place of the parent), who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

II. PURPOSE

This policy establishes guidelines and procedures for governing the use of leave by DENR's classified employees. Excessive tardiness and absenteeism create an unnecessary hardship upon those responsible for getting the job done. This policy ensures that employees understand the importance of reporting for work on time, maximizing their presence at work throughout the entirety of the workday, and minimizing unnecessary and unreasonable absences from duty. This policy also identifies the process for requesting leave, the constraints permissible by law upon leave usage, and the consequences for excessive/unauthorized absences from duty.

III. APPLICABILITY

This policy applies to all classified DENR employees, except those serving on When Actually Employed (WAE) appointments.

Leave entitlement and usage requirements for DENR employees serving in the unclassified service are governed by [Executive Order No. JBE 2016-75](#).

IV. LEAVE ACCRUAL AND REQUESTS

A. Leave Accrual (Civil Service Rule 11.5; 11.6)

Annual and sick leave are earned by full-time employees. Such leave is credited to an employee's leave balance at the end of each pay period and is available for use thereafter with supervisory approval. Unused annual and sick leave are carried over to succeeding years and can be accumulated, without limitation, throughout state service. Employees are reminded that accrued annual and sick leave are valuable property rights which can be converted to service credit for retirement purposes upon reaching eligibility for retirement.

Based upon full-time service, annual and sick leave accrue in accordance with the following schedule:

Years of Service	Hours of Leave Earned for Each Hour of Regular Duty	Hours of Leave Earned Each Pay Period
Less than 3 years	.0461	3.6880
3 years, but less than 5 years	.0576	4.6080
5 years, but less than 10 years	.0692	5.5360
10 years, but less than 15 years	.0807	6.4560
15 years or more	.0923	7.3840

B. Leave Requests (Civil Service Rule 11.7)

Employees are responsible for the timely and accurate submission of a leave request in the CATS system for each absence from duty. A leave request must appropriately designate the type of leave requested, including FMLA leave. Annual, compensatory and sick leave requests for foreseeable/scheduled absences should be submitted in advance. Absences for unscheduled and unforeseen reasons (i.e., illnesses, emergencies, etc.) should be submitted for supervisory approval on the first day of the employee's return to duty.

V. LEAVE AUTHORIZED BY CIVIL SERVICE RULES

A. Annual Leave (Civil Service Rules 11.9; 11.10; 11.19)

Time off from work, with pay, granted an employee for the purpose of recreation, vacation, transaction of personal business, to care for an ill family member, and restoration and maintenance of work efficiency.

1. Approval of Annual Leave

- a. The approval of annual leave is not automatic and annual leave requests do not have to be approved; instead, approval will be based upon workload, deadlines, leave usage history, leave balances, coverage requirements and other factors related to the business needs of DENR.
- b. Annual leave must be requested and approved prior to use. Requests for such leave should be submitted for supervisory approval as far in advance as possible.
- c. An employee needing to leave work unexpectedly is required to first obtain permission from his/her supervisor or, if unavailable, the next person in the supervisory chain of command. It is not acceptable simply to submit a leave request without securing supervisory approval prior to departure.

2. Enforced Annual Leave (Civil Service Rule 11.9)

- a. An appointing authority may require an employee to take annual leave whenever it is determined that such action is in the best interest of the department and will not cause the employee's annual leave balance to be reduced below 240 hours.
- b. An appointing authority shall require an employee to use any and all accrued annual leave before being granted authorized leave without pay.

3. Terminal Annual Leave

Terminal annual leave is the authorized use of annual leave prior to an employee's retirement from state service.

- a. A retiring employee who has sufficient accumulated hours of annual leave may be authorized to continuously use such leave, immediately prior to retirement, for a period not to exceed 160 work hours.
- b. The granting of terminal annual leave will be contemporaneous with an appointing authority's acceptance of the employee's fixed and irrevocable retirement date. DENR views the prospective retirement date in the nature of a contract which can be rescinded or changed only with approval of the Secretary.

- c. Terminal annual leave may be granted provided the employee's absence from duty will not impair the efficient operation of the employee's work unit.
- d. While on terminal annual leave, an employee is prohibited from engaging in outside employment which would be prohibited during regular employment by either the Code of Governmental Ethics, the Civil Service Rules, the Dual Office-Holding Act or DENR policy.
- e. Any employee commencing terminal annual leave without first completing the required documentation will be placed on unauthorized leave without pay for the duration of his/her absence.

4. Annual Leave Payout Upon Separation (Civil Service Rule 11.10)

Upon separation, an employee shall be paid the value of his/her accrued annual leave, not to exceed 300 hours, calculated on the basis of his/her hourly rate of pay at the time of separation. This entitlement is separate and distinct from the granting of terminal annual leave to an employee prior to retirement.

NOTE: Payment of annual leave upon separation will not be made to any employee dismissed for theft of departmental funds or property.

B. Sick Leave (Civil Service Rule 11.13; 11.13.1; 11.14; 11.21; 12.6)

Time off from work, with pay, granted an employee because of the employee's own or immediate family member's disability, illness or injury which prevents him/her from performing customary duties, or for medical, dental or optical consultation or treatment.

In accordance with Civil Service Rule 1.15.2.4, an immediate family member is an employee's spouse, child or stepchild, foster-child, parent or stepparent.

1. Approval of Sick Leave (Civil Service Rule 11.13)

- a. The employee's own illness or injury.
- b. The employee's own medical, dental, or optical consultation or treatment for the duration of time required for such appointments when it is not possible to arrange such appointments for non-duty hours.
- c. For scheduled absences for health care appointments, treatment, therapy or surgery, sick leave must be requested and approved in advance. Such a request should be made as far in advance as possible to avoid unscheduled absences.
- d. An employee needing to leave work unexpectedly due to illness or medical emergency is required to first obtain approval from his/her supervisor or, if unavailable, the next person in the supervisory chain of command. It is not acceptable simply to submit a leave request without securing such approval prior to departure.
- e. The employee's own need, supported by medical certification, 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.
- f. The employee's 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/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.

- g. Sick leave in lieu of annual leave – Civil Service Rule 11.13 (b):
An employee may request to use sick leave in lieu of annual leave for the employee’s need to be absent due to the illness, injury or medical, optical or dental appointment of the employee’s immediate family member. To use sick leave in lieu of annual leave for this purpose the employee must request it (Absence Code LBIF) and the request must be approved by their supervisor.

2. Physician Certificates (Civil Service Rule 11.14)

At any time and regardless of the duration of an employee’s absence, a supervisor, in consultation with the Human Resources Director, may require an employee to produce a statement from a health care professional certifying his/her need to be off from work and ability to return to work. In imposing this requirement, consideration shall be given to the employee’s history of leave usage and patterns, leave balances, frequency and duration of absences and unscheduled occurrences.

3. Workers’ Compensation Benefits (Civil Service Rule 11.21)

An absence from work due to an illness or injury occurring on the job may be compensable under this State’s workers’ compensation laws. An absence from duty for such a compensable injury is coded as sick leave and may also be qualifying as leave under the FMLA. Employees must immediately report all on-the-job injuries and seek assistance from Human Resources regarding workers’ compensation benefits.

4. Exhaustion of Sick Leave

[Civil Service Rule 12.6 \(a\) 1](#) provides that an employee may be non-disciplinarily removed for exhaustion of sick leave if unable to report for duty or perform customary job responsibilities due to illness or medical disability. For this reason, employees should conserve sick leave and utilize such leave only when necessary and only for the duration of time necessary for illness, treatment or recovery. Employees are encouraged to schedule medical appointments during the early morning or late afternoon hours to minimize absences from work.

Should exhaustion of sick leave occur, an employee may request to use annual leave for a continuing illness. The granting of such a request is at the discretion of the appointing authority, in consultation with the Secretary, except that an employee shall be permitted to use annual leave, upon exhaustion of sick leave, for the remainder of the FMLA period for his/her own FMLA-qualifying serious health condition.

NOTE: Employees are reminded that sick leave is a valuable benefit that should be used only when necessary since, upon reduction of an employee’s sick leave balance below eight (8) hours, the employee may be non-disciplinarily removed under [Civil Service Rule 12.6 \(a\) 1](#).

C. Compensatory Leave

Leave earned by exempt and non-exempt employees in lieu of wages calculated at the straight-time rate or time and one-half rate as compensation for overtime hours worked.

- 1. In accordance with the Fair Labor Standards Act, DENR has categorized positions as non-exempt (eligible to earn compensatory leave at the time and one-half rate) and exempt (eligible to earn compensatory leave only at the straight-time rate).

NOTE: Employees should review [Statewide Personnel Policy No. 2, Overtime-Compensatory Time](#), for a better understanding of the manner in which overtime is compensated via the granting of compensatory leave.

2. The principles applicable to annual leave apply to compensatory leave. Most notably, the use of compensatory leave is not automatic, and must be requested and approved in advance.
3. No overtime for which compensatory leave is granted shall be worked by a DENR employee without prior supervisory approval and business need. Both employees and supervisors are required to minimize the accumulation of compensatory leave.
4. Authorized overtime hours worked for which compensatory leave is granted shall be reported on the electronic time statement in the same pay period in which it is earned.
5. **Use of Compensatory Leave**
 - a. Compensatory leave must be used before annual leave is used; and
 - b. When an employee has both time and one-half and straight-time compensatory leave balances, charges for leave use first shall be credited against the time and one-half compensatory leave balance.
6. **Enforced Compensatory Leave**

An appointing authority may require an employee, at any time, in furtherance of the interests of the department, to use all or a portion of his/her compensatory leave balance.

D. Leave Without Pay (Civil Service Rule 11.27)

Time off from work, without pay, for an approved or unapproved absence from duty. Leave without pay is charged when an employee does not have sufficient accumulated leave to cover a period of absence, is absent from duty without authorization or for the duration of a disciplinary suspension.

1. Approved Absence - Employee Request

An employee request to be placed in leave without pay must be fully documented and the reason(s) therefor fully explained. Such a request will be granted only under exceptional circumstances and with due consideration afforded the department's needs. Extended periods of leave without pay can be approved only by the appointing authority, in consultation with the Secretary, and then only when no other applicable leave is available for use.

2. Unapproved (Unauthorized) Absence

Leave without pay may be imposed for any of the following: absence from duty without obtaining prior approval; failure to provide timely notification of leave; failure to provide an acceptable physician's statement to support leave when directed to do so; tardiness in reporting to work at the scheduled time or in returning from an authorized lunch or break period; and leaving the duty station prior to the end of the workday without proper authorization. Supervisors at all levels must be alert to identify offenses and are required to take both preventative action and appropriate corrective measures upon detecting leave abuse or misuse.

3. Loss of Benefits

Employees do not accrue leave nor earn credit towards retirement during any period of leave without pay. Furthermore, for such periods, employees may be required to pay both the employer and employee portions of the cost for maintaining existing policies of insurance.

E. Funeral Leave (Civil Service Rule 11.23.1)

Time off from work, without loss of pay or accumulated leave, not to exceed two workdays, which may be granted to a probationary or permanent employee to make arrangements for or attend the funeral or memorial services of a covered family member.

1. Covered Family Member: Parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent or grandchild.
2. An employee may be granted additional time off from work via the use of annual or compensatory leave in conjunction with the funeral or memorial services of a covered family member.
3. In the event of the death of a DENR employee, an employee's covered family member or other individual closely associated with DENR's operations, the appointing authority may authorize an employee(s) to attend funeral/memorial services as a representative of the department without loss of pay or use of leave.
4. The appointing authority may require an employee requesting funeral leave to provide proof or documentation of his/her relationship to the deceased or proof of funeral services such as an obituary.

F. Leave for Jury Duty or Court Appearance (Civil Service Rule 11.23)

Time off from work granted to an employee, without loss of pay or accumulated leave, who is summoned to serve as a juror or appear as a witness before a court, grand jury or other public body or commission. Reasonable travel time to and from the court location also shall be granted.

1. Verification of Appearance

A copy of the court summons must be furnished to the supervisor as documentary support for the leave request. Employees are required to return to work immediately upon release from jury duty or other court appearance.

2. Payment for Jury Duty or Court Appearance

Payments earned by an employee for jury duty or court appearance may be retained by the employee.

3. Leave Required

An employee who is either the plaintiff or defendant in a proceeding shall be required to use annual or compensatory leave for the period of absence. Such leave is also required of an appellant in an appeal before the State Civil Service Commission. An employee who is summoned as a witness as a result of employment other than his/her state employment shall be required to use leave for the period of absence.

G. Military Leave (Civil Service Rule 11.26)

Military service includes military duty and training on a voluntary or involuntary basis and applies to members of a Reserve Component of the Armed Forces and members of National Guard Units who are called to active duty as a result of a non-local or non-state emergency.

1. Military Leave with Pay

Provided advance notice is given, employees serving as job appointees or with probationary/permanent status shall be entitled to military leave with pay for up to fifteen (15) workdays per calendar year.

2. Use of Annual and Compensatory Leave for Military Services

Upon exhaustion of the fifteen (15) workday military leave entitlement, provided advance notice is given, employees serving as job appointees or with probationary/permanent status may apply for and shall be granted use of annual or compensatory leave for military service.

NOTE: Advance notice is not required when such is either precluded by military necessity or otherwise impossible or unreasonable.

3. Use of Leave Without Pay for Military Purposes

Employees serving as job appointees or with probationary/ permanent status who have either exhausted all available annual and compensatory leave or have chosen to not use such leave for military purposes shall be placed in leave without pay status. This period of leave without pay for military purposes shall not exceed six (6) years, after which the employee shall be separated from the classified service.

4. Pay Differential

Employees serving in a job appointment or with probationary/ permanent status who are called to active duty and placed in leave without pay status by choice or because all annual and/or compensatory leave have been exhausted may be entitled to pay differential (difference between military base pay and state service base pay). An employee's eligibility for this benefit must be confirmed by Human Resources based upon the review of required supporting documentation.

5. Maintenance of Employee Benefits and Pay

It is the employee's responsibility to contact Human Resources to maintain any insurance, retirement or pay benefit for which he/she may be entitled during the period of absence on military leave.

6. Rights Upon Return

Employees serving as job appointees or with probationary/permanent status who return to the classified service after an extended absence for military service shall return with such seniority, status, pay and annual and sick leave as such would have accrued had they not been absent for military service.

H. Leave Under Act of God or Local Conditions (Civil Service Rule 11.23)

Employees serving in a job appointment or with probationary/permanent status shall be granted time off from work, without loss of pay or accumulated leave, when:

1. An appointing authority, in consultation with the Secretary, determines that he/she is prevented by an act of God from performing duty; or
2. An appointing authority, in consultation with the Secretary, determines that because of local conditions or celebrations, it is impractical for employees in such locality to work.

I. Licensing Board and Civil Service Examinations, Job Interviews, Training, and Pre-Retirement Appointments (Civil Service Rule 11.23)

1. Licensing Board

Employees serving as job appointees or with probationary/permanent status shall be granted time off from work, without loss of pay or accumulated leave, when taking a state licensing board examination pertaining to his/her employment.

2. Civil Service Examination

Employees serving as job appointees or with probationary/permanent status shall be granted time off from work, without loss of pay or accumulated leave, when taking a Civil Service examination.

Absences for this purpose shall be documented by presenting a copy of both the notice to appear for the examination and the final test result. The employee also shall request a signed form from Civil Service showing the date of the examination, time the examination began and time completed.

Employees are expected to arrange for such examinations and inform their supervisors of such in advance so that the department's operations are not disrupted. Failure to provide adequate advance notice may be cause for the supervisor to require that the examination be delayed until a later date.

3. Job Interviews

Employees are encouraged to apply for promotions and other job opportunities within DENR for which they qualify. An employee seeking such opportunities may participate in a job interview during work hours without the loss of pay or accumulated leave. Job interviews with any other Department or organization shall require use of annual leave.

4. Training

If the Appointing Authority deems an employee's attendance at a training seminar, convention or workshop to be in the best interest of the Department, the employee shall attend without the loss of pay or accumulated leave.

5. Pre-Retirement Appointments

Employees may attend one (1) LASERS Pre-Retirement Education Program (PREP) workshop and one (1) appointment with LASERS for purposes of obtaining a retirement benefits estimate without loss of pay or accumulated leave. Any classes or appointments in excess of this require use of annual leave.

J. Holidays (Civil Service Rule 11.28)

Designated statutory legal holidays include:

New Year's Day	Independence Day
Dr. Martin Luther King Jr.'s Birthday	Labor Day
Mardi Gras	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

Additionally, Inauguration Day, once every four (4) years in the **City of Baton Rouge only**, and General Election Day, every two (2) years, are holidays.

By Executive Order, the Governor may proclaim additional days as holidays. For example, the day after Thanksgiving, Acadian Day, generally is proclaimed a holiday.

K. Parental Leave (Civil Service Rule 11.36)

Eligible employees may take up to 240 hours (6 weeks) of paid parental leave without deduction to an employee's annual, sick, or compensatory leave balances. Such leave shall be for a qualifying purpose related to an employee's child born or placed with the employee for adoption or foster care on or after January 1, 2024.

Parental leave shall be applied as outlined in [State Civil Service Rule 11.36](#). Employees requesting to use parental leave shall complete and submit the [SCS Parental Leave Certification Form](#) to the Human Resources Division to determine eligibility.

VI. CALL-IN PROCEDURES FOR UNSCHEDULED ABSENCES

An unscheduled absence is defined as an absence, of any duration, for which the employee did not obtain supervisory approval by close of business on the employee's regularly scheduled workday prior to the absence. This includes: calling in absent for any reason on the day leave is needed; tardiness in reporting for duty; and, extending the lunch period or leaving work prior to the end of the scheduled workday without authorization. For such absences, an employee must request leave which may or may not be granted.

For those unexpected or unscheduled situations in which the employee's need to be absent was not requested and pre-approved, the employee shall personally contact his/her supervisor within fifteen (15) minutes of the employee's scheduled reporting time. Call-ins to anyone else or by anyone else on the employee's behalf are not acceptable. Voicemail, e-mail and text messages are not acceptable unless specifically authorized by the employee's supervisor.

During the call-in, the employee is required to designate the type of leave requested, the reason or need for leave and the expected duration of time off from work. The employee should also disclose any timelines or deadlines that may be impacted by the absence. Employees should know, however, that compliance with the call-in procedure does not automatically constitute approval of the leave request.

If the unexpected absence extends beyond the duration originally indicated during the call-in, the employee shall contact and inform his/her supervisor of the continuing leave need and the anticipated date/time of return to duty. Any extension beyond the expected return date/time requires additional contact and approval from the employee's supervisor.

NOTE: DENR has promulgated [HR Policy No. 25, Unscheduled Absenteeism Policy](#), in accordance with [Civil Service Rule 12.6 \(a\) 2](#). Employees are urged to review this policy in detail since violations thereof could result in non-disciplinary removal from the classified service.

VII. SUPERVISORY CONTROL REGARDING LEAVE USAGE

A. An employee may be required by his/her supervisor to produce acceptable documentary proof in support of a scheduled or unscheduled absence. Should the employee fail to do so, the duration of the employee's absence may be coded as leave without pay and such failure could additionally subject the employee to formal disciplinary action for failure to comply with a supervisory directive.

B. Supervisors have control over annual and compensatory leave usage since requests for such leave can be denied for legitimate business purposes. Conversely, employees have the right, with limitations, to utilize sick leave which generally will not be denied unless the employee, responsive

to a supervisory directive, fails to produce a physician's statement certifying his/her inability to report for duty.

- C. Supervisors may limit the duration of annual/compensatory leave based upon the reason for the leave and a reasonable expectation of the amount of time needed (conference with a child's teacher does not require the entire day). The same is true for sick leave (most doctor's appointments are limited in duration).
- D. Supervisors have the ability to set limitations upon the number of employees on leave at the same time. Coverage requirements may result in the denial of an employee's annual/compensatory leave requests.

VIII. PERFORMANCE EVALUATIONS

Satisfactory attendance is essential for satisfactory performance. Unquestionably, an employee's absence from work impacts DENR's operations and increases the workload upon co-workers. Employee attendance should be carefully monitored throughout the year by supervisors. Additionally, in preparing annual performance evaluations, supervisors are required to evaluate attendance and address leave abuse or misuse.

NOTE: Supervisors are reminded that under no circumstance can leave qualifying under the Family and Medical Leave Act be considered in completing an employee's performance evaluation. Employees should review [HR Policy No. 4, Family Medical Leave Act \(FMLA\)](#), for a clear understanding of the limitations and requirements of the Family and Medical Leave Act.

IX. VIOLATIONS

The failure of an employee to follow this policy's attendance requirements and/or leave request process may result in the employee's placement on leave without pay and also disciplinary action, up to and including termination. Leave violations, especially false time notations, may also result in criminal prosecution and the requirement that the employee reimburses the department for wages fraudulently received. Employees also are hereby informed of [La. R.S. 24:523](#), which requires that the Secretary immediately notify the Legislative Auditor and local District Attorney of misappropriation of public funds or assets.

X. EXCEPTIONS

The requirements and limitations of this policy are mandated by the Civil Service Rules and state and/or federal law. As such, exceptions will rarely be granted and then only by an Appointing Authority based upon consideration of the Department's needs.

XI. QUESTIONS

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

XII. REVISION HISTORY

Date	Action
November 2000	Policy Established
June 2002	Policy Revised
March 2003	Policy Revised
September 2004	Policy Revised
May 2005	Policy Revised
February 2006	Policy Revised

June 2006	Policy Revised
October 2007	Policy Revised
May 2012	Policy Revised
August 2018	Policy Revised
June 2022	Policy Revised – added the use of sick leave in lieu of annual leave for the care of an immediate family member under Section V.B.
March 2024	Policy Revised – added Parental Leave to section V.K.

AUTHORIZATION:

Mark Normand, Jr., Undersecretary