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TO: Dr. Monty Sullivan
President

FROM: Joseph F. Marin
Chief Operations Officer

SUBJECT: Review and Advisement: Policy #6.003 "Leave Record Establishment
and Regulations for all Unclassified, Non-Civil Service Employees"

DATE: September 27, 2016

FOR REVIEW AND ADVISEMENT

Recommendation: Staff recommends that the Board accept for review and advisement
the revisions to the attached policy #6.003 "Leave Record Establishment and Regulations
for all Unclassified, Non-Civil Service Employees" effective August 15, 2016.

Background: Education leave is currently provided through policy #6.003, titled "Leave
Record Establishment and Regulations for all Unclassified, Non-Civil Service
Employees" for full time employees and was crafted to provide education leave under
traditional academic semester timeframes. However, with the advent of diverse and
shorter mini semesters (non-traditional academic semesters), chancellors have requested
that the policy be updated to reflect this reality to offer faculty and staff the ability to
receive education leave to account for compressed course delivery timeframes. The
education leave offered would be at the same rate of leave as provided for traditional
academic semesters.

Fiscal Impact: N/A

History of Prior Action: The board amended the policy at the April 13, 2016 meeting.

Benefits to the System: This revision will allow for greater flexibility in utilizing
educational leave that more accurately reflects the diverse course delivery offerings of
today's colleges and universities.

[Handwritten signature of Monty Sullivan]

Approved for Recommendation to the Board
Dr. Monty Sullivan, President

Date

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 6.003

Title: LEAVE RECORD ESTABLISHMENT AND REGULATIONS FOR ALL UNCLASSIFIED, NON-CIVIL SERVICE EMPLOYEES

| | | |
|-------------------------|-----------------------------------|----------|
| Authority: Board Action | Original Adoption: | 5/10/00 |
| | Effective Date of Current Policy: | 4/13/16 |
| | Last Revision: | 9/1/2014 |

A. Introduction

The rules and policies set forth below shall be applicable to all unclassified, non-civil service employees under the jurisdiction of the Board of Supervisors. It is the policy of the Board of Supervisors that unclassified employees shall enjoy benefits comparable to other classes of state employees, and these rules and policies are promulgated under that concept. Classified employees are covered by Civil Service rules and regulations for the State of Louisiana.

Employees shall not absent themselves from their duties without proper authorization. It is the responsibility of the department head or his/her designee to receive and review requests for all leave and approve or disapprove such requests in accordance with LCTCS policy, and to ascertain that the department staff keeps accurate leave records on all departmental employees and reports information on leave accrued, leave taken and leave denied. No employee shall approve or maintain records for his/her own leave.

B. Definitions:

1. Administrative Leave is paid or unpaid leave enforced upon an employee for a specific or indefinite period of time when such action would be in the best interest of the system.
2. Advanced Degree Leave is leave with either no pay or partial pay granted full-time non-faculty employees for study which will culminate in the receipt of an advanced degree, the object of which is to enable the employee to increase their professional efficiency and usefulness to the LCTCS.
3. Annual Leave is leave with pay granted to unclassified 12-month employees on a regular tour of duty for the purpose of rehabilitation, restoration, maintenance of work efficiency, Family and Medical Leave (FMLA) or attention to other personal concerns.
4. Appointing Authority means the System President, the Chancellor of each LCTCS community college, technical community college and the Senior Vice President of Career and Technical Education for the Louisiana Technical College, or as delegated by the System President, and as authorized by statute or lawfully delegated authority to make appointments to positions in the Louisiana Community & Technical College System. Note: In any instance where the term Appointing Authority is used, this will also mean the appointing authority's designee.
5. Classified Employee – all employees in positions covered by the provisions of the Civil Service System of the State of Louisiana.

6. Compensatory Leave is leave granted to and used by unclassified non-faculty employees for work and duties performed in excess of the normal 40-hour workweek or 80-hour pay period as approved by the Appointing Authority.
7. Educational Leave is paid leave that may be granted to and used by unclassified non-civil service employees for the purpose of attending an approved job-related course of study.
8. Faculty Leave is leave granted only to faculty members employed on the 9-month and 10-month (academic year) basis in lieu of annual leave and is comprised of the days between terms and at holiday periods when students are not in classes. This special form of leave is not an accrued leave. It is granted as appropriate and shall be taken as it is granted. Faculty leave ensures that the regular earnings of eligible faculty members are not reduced during the prescribed periods, i.e. they do not lose pay because classes are not in session.
9. Family and Medical Leave (FMLA – the Family and Medical Leave Act of 1993 as amended) is unpaid leave granted to eligible employees that enables them to take up to a maximum of twelve work weeks for qualifying events, or up to 26 weeks in a single 12-month period for military caregiver purposes. It provides for continuation of health care premiums when the employee has and wishes to continue health care coverage during the period of approved family and medical leave. LCTCS policy requires concurrent use of paid leave as appropriate, based on the eligibility for use of such leave.
10. FLSA – Fair Labor Standards Act is a federal labor law of general and nationwide application, including Overtime, Minimum Wages, Child Labor Protections and the Equal Pay Act.
11. Immediate Family Member (Funeral Leave) is an employee's spouse, child, step-child, sister, step-sister, brother, step-brother, parent, step-parent, mother-in-law, father-in-law, grandparent, or grandchild.
12. Job-related course of study is a course in which the course content is of direct and significant assistance to the employee in carrying out present duties and responsibilities or contributing to his or her professional development, as approved by the supervisor. This also includes courses that are part of a job-related degree/certificate program.
13. Leave without pay is leave, for which the employee receives no pay that is granted and taken as it is granted.
14. Leave of absence without pay is a period of leave or time off from work granted by the appointing authority, under stipulated conditions, for which the employee receives no pay.
15. LCTCS – The system office and colleges that make up the Louisiana Community and Technical College System.
16. Military Leave means leave granted for continuous and uninterrupted military duty on a voluntary or involuntary basis to include active duty, active duty for training, full-time National Guard duty, annual training, and inactive duty for training (weekend drills).
17. Regular Tour of Duty is an established schedule of work hours and days recurring regularly on a weekly, bi-weekly, or monthly basis for full-time or part-time unclassified employees.
18. Sabbatical Leave is leave granted to full-time faculty for the purpose of professional or cultural improvement, study, and research, the object of which is to enable the faculty to increase their professional efficiency and usefulness to the LCTCS.
19. Sick Leave is leave with pay granted to an unclassified employee who is suffering with an illness or injury which prevents performance of work duties that is for medical, dental, or optical consultation or treatment including for Family and Medical Leave Act (FMLA) purposes.
20. Special, Civil, Emergency, and Other Leave is leave with pay, without loss of annual leave or sick leave, granted by the appointing authority under stipulated conditions.
21. State Service, for purposes of all employees of the LCTCS on July 1, 1999 and thereafter, is employment in the executive branch of state government, including state supported schools, agencies and universities; public parish school systems; public student employment; and

membership on a public board or commission; and employment in the legislative and judicial branches. To constitute state service, the service or employment shall have been performed for a Louisiana public entity. Contract service does not constitute state service.

22. Unauthorized Leave without Pay is when an employee is administratively placed on leave without pay as a result of the employee failing or refusing to request leave and leave without pay status is determined to be necessary.
23. Unclassified service means those positions of state service as defined in Article X, Section 2 and 42 of the Louisiana Constitution of 1974, which are not positions in the classified service. The term "unclassified employee" in this policy includes both faculty and non-faculty employees not covered by civil service, unless otherwise indicated.

C. Work Weeks, Attendance and Leave Records for Unclassified Employees:

1. For each full-time unclassified employee, each appointing authority shall establish administrative work weeks of not less than forty (40) hours per week or pay periods of not less than eighty (80) hours per pay period. The purpose of establishing the 40-hour week/80-hour pay period is to provide appointing authorities a system of accounting for and the taking of leave. A work station normally will be one's office or elsewhere on the employer's premises, or at other locations as approved by the appointing authority while representing the employer. For example, it is understood that some faculty work may be done outside the office in places such as the library, in laboratories or in off-campus sites.
2. For purposes of leave, appointing authorities shall establish work weeks / pay periods proportionate to the provisions of the previous paragraph for part-time employees. Part-time unclassified employees with a regular tour of duty shall earn leave on a pro-rata basis in accordance with the accrual procedures as defined for the types of leave as defined in this policy.
3. Attendance and leave records shall be maintained for all unclassified employees. These records shall be signed by the employee and the supervisor and reported to the appropriate office at the end of the regular pay period.
4. Adjunct (temporary) faculty, student workers, per diem, intermittent, seasonal or temporary employees who do not have a regular tour of duty are not eligible to earn leave provided that 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.

D. Faculty Leave for Faculty on Nine (9) Month and Ten (10) Month (Academic Year) Basis Only:

1. Faculty Leave is leave granted to eligible (full-time) faculty members employed for the academic year and who have a regular tour of duty.
2. Faculty Leave is leave granted in lieu of annual leave and is comprised of the days between terms and at holiday periods when students are not in classes to ensure that the regular earnings of eligible faculty members are not reduced during the prescribed periods, i.e. they do not lose pay because classes are not in session. NOTE: Such faculty are eligible for holiday pay; but if the faculty member is on unpaid leave before or after the holiday, his or her pay may be reduced.

E. Faculty Leave shall be granted as specified by the official calendar of the institution served, and shall be taken as it is granted. Annual Leave for Unclassified Employees on the 12-Month Basis:

1. Accrual of Annual Leave

- a. Annual leave shall be accrued by each eligible employee on a twelve-month basis who has a regular tour of duty.
- b. LCTCS Chancellors, regardless of years of state service, shall accrue annual leave at the following rate:

| Days of Leave Per Month | Hours of Leave Per Month | Hour of Leave Bi-weekly /80-hour Pay Period | Hourly Rate Per Hour |
|-------------------------|--------------------------|---|----------------------|
| 2 | 16 | 7.39 | .0923 |

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

ACCRUAL RATES OF ANNUAL LEAVE
UNCLASSIFIED FULL-TIME EMPLOYEES ON 12-MONTH BASIS

| Months of Leave Eligible Service | Hours Earned Based Upon Eligible Service as Calculated in the Banner System | | | | |
|----------------------------------|---|------------|------------|------------|-----------|
| | 35 or less | 36-59 | 60-119 | 120-179 | 180 + |
| Hours of Leave Earned Per Week | 1.85 hours | 2.31 hours | 2.77 hours | 3.23 hours | 3.7 hours |

| | | | | | |
|---|------------|------------|------------|------------|------------|
| Hours of Leave Per (80-hour) Pay Period | 3.69 hours | 4.61 hours | 5.54 hours | 6.46 hours | 7.39 hours |
|---|------------|------------|------------|------------|------------|

- d. No annual leave shall be credited until the employee has completed the pay period in which s/he is employed. No annual leave is accrued for any overtime hour(s), for any hour(s) of leave without pay, for any hour(s) of on-call status outside regular duty hours, for any hour(s) of travel or other activity outside the employee’s regular duty hours, for any hour of a holiday or other non-work day which occurs while on leave without pay, for any hour while an employee is on sabbatical leave, for any hour while an employee is on advanced degree leave, or leave of absence without pay. However, time spent on sabbatical leave and advanced degree leave does count as service toward leave accrual rate change.
- e. Public parish school system employment is accepted under this policy as “state service” for determination of years of service in calculation of accrual rate for the earning of leave. Such public parish school system employment does not, however, provide eligibility for transfer of leave balance from the public parish school system to the LCTCS.

2. Use of Annual Leave

Annual leave for:

- a. voluntary or involuntary conditions such as personal vacations or trips unrelated to the employee’s duties, or
- b. performing for compensation non-appointment related activities, duties or work during regular tour of duty hours, shall be applied for in advance by the employee and may be taken only when approved by the supervisor.

The granting of annual leave is not automatic and may be denied or restricted based on business necessity. All employees are expected to notify their supervisor when absent. Failure to do so may result in disciplinary action, including termination.

3. Requirements concerning the use of annual leave include the following:

- a. An appointing authority may require an employee who has sufficient annual leave to his/her credit to take annual leave whenever the authority feels that it is best for the employee or the LCTCS.
- b. Except when given special advance approval for absence from duty, an employee shall be at his work station for the day in order to be classified as on duty. A work station normally will be one’s office or elsewhere on the employer’s premise, or at other locations as approved by the appointing authority while representing the employer.
- c. Annual leave is to be taken in minimum increments of one-half hour. For purposes of leave approved as Family and Medical Leave, the leave to be taken shall be identified as Family and Medical Leave on all leave slips/time sheets.
- d. No employee shall be charged annual leave until available compensatory leave balance has first been utilized.

- e. Upon death, removal, or other voluntary or involuntary separation of employment of an unclassified employee from state service, annual leave up to a maximum of 300 hours and accrued to his credit shall be computed and paid to the employee or his heirs, provided leave regulations and attendance records have been maintained for the employee by his supervisor. Such pay shall be computed at the employee's base rate of pay at the time of separation of employment from state service.
- 1) When the employee is paid on an hourly basis, the regular hourly rate that the employee received at the time of separation from state service shall be multiplied by the number of hours of earned unused annual leave, which number is not to exceed three hundred (300) hours; or
 - 2) 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 hourly rate shall be multiplied by the number of hours of earned unused annual leave, which number is not to exceed three hundred (300) hours. The converted working hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);
 - Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).
- f. The use of accrued, unused annual leave immediately preceding resignation, termination or retirement of unclassified personnel will be limited to a maximum equivalent to the amount of annual leave the employee would accrue in a 24-month period. E.g. an individual with 60 months (5 years) of state service, accruing 5.54 hours of leave per 80 hour bi-weekly pay period, may be granted approval to take up to 288 hours (5.54 x 52 pay periods) of accrued, unused annual leave. The granting of annual leave is not automatic and may be denied or restricted based on business necessity. Exceptions require recommendation of appointing authority and approval by the Board of Supervisors.

4. FMLA Annual Leave

- a. Employees subject to FMLA are required to utilize his/her available, earned annual and/or compensatory leave for the birth of a child and/or to care for the child; for the placement of a child through adoption or foster care; due to the serious health condition of the employee's spouse or other immediate family member or ~~in the case of~~ for military family leave.
- b. Employees are required to provide 30 days' notice for FMLA annual leave unless it is medically impossible or impractical to provide such notice.
- c. Employees are required to provide physician certification for all such FMLA annual leave to be taken. Such certification shall be provided within 15 calendar days of notice of use of the leave.

5. Application Required When Using Annual Leave

- a. Granting of annual leave by the supervisor will be based upon the department's work load, scheduled annual leave of other employees, attendance record, etc. Written application should be made at least one week in advance for periods of one week or more, except in the case of FMLA when medical necessity makes it impractical to make the request in advance.
- b. 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.

6. Advance of Leave

- a. No advance of annual leave will be granted. Employees who have exhausted their annual leave may request, in writing, that they be placed on leave without pay. The granting of leave without pay is not automatic, and is at the discretion of the employer. Employees who have exhausted their annual leave and who fail or refuse to request leave without pay shall administratively be placed on unauthorized leave without pay and may be subject to disciplinary action, including termination.
- b. Annual leave cannot be shared or borrowed from the leave balances of other employees.

7. Transfer and Continuance of Annual Leave Balances

- a. When an employee *changes employment status within the LCTCS, i.e. changes from faculty to non-faculty status, is re-employed by the LCTCS, or is hired from another State Agency to the LCTCS* without a break in service of one or more working days, accrued and unused annual leave credits of the employee will be certified and credited to the leave record; provided that
 - an employee cannot be given more leave credit than he/she could have accrued had he/she performed all of the service under the leave regulations of the LCTCS.
 - the employee is eligible to accrue unearned leave and termination was not made for cause (disciplinary action).
- b. The employee must be re-employed in a benefits eligible position as a condition for *using* credited annual leave, otherwise such leave will be held in abeyance until such time as this policy stipulates the credited leave may be used.
- c. When an employee changes their position from one state agency to another, without a break in service of one or more working days, the unused annual leave shall be forwarded to the gaining agency, upon request by the gaining agency, for credit to the employee by that agency according to that agency's leave policies.
- d. When a former LCTCS employee is rehired into state service following a break of one or more working days, accrued, unused annual leave balances remaining in LCTCS records will be transferred to the hiring agency upon request, provided the duration of the break in state service does not exceed 5 years.
- e. Public parish school system employment is accepted under this policy as "state service" for determination of years of service in calculation of accrual rate for the earning of leave. Such public parish school system employment does not, however, provide eligibility for transfer of leave balance from the public parish school system to the LCTCS.

8. Disbursement of Earned Annual Leave Upon Separation (non-retirement); Repayment under Certain Circumstances

- a. An employee upon non-retirement separation from state services will receive a payment for all unused annual leave credits to which he/she is entitled, up to a maximum of three hundred (300) hours.
- b. An employee, upon transferring from an LCTCS entity into a non-benefits eligible position at another LCTCS entity or state agency, will receive payment for all annual leave credits to which he/she is entitled (subject to the 300-hour maximum). Payment will not be made until the gaining agency provides human resources with confirmation that the position into which the employee is transferring/being hired is a non-benefits eligible position. E.g. full-time 12-month faculty member at one college transfers from an annual leave accruing position to a 9-month position at a different college, in which no annual leave is accrued. Payment for the leave will be made at the hourly rate of the last annual leave earning position held prior to the transfer.
- c. An unclassified employee who is paid for accrued annual leave upon termination from service and who is subsequently re-employed in a leave earning position shall reimburse the state service, through the employing agency, for the number of hours he was paid which exceeded the number of work hours that transpired during his break from state service. Payment shall be made at the same rate which was paid to the employee. In turn, the employee shall receive a credit for the number of hours of annual leave for which he made reimbursement to state service.

9. Retention Limit for Unused Annual Leave

Any accrued, unused annual leave credits remaining after payment in accordance with this policy, will be maintained in LCTCS records for a period of 5 years from the date of non-retirement separation. These credits will be verified and transferred, upon request, to a new state employer, or re-instated if re-employed with an LCTCS institution, as long as the individual has not been out of state service for more than 5 years. The credits will be cleared from LCTCS records after 5 years from the date of the employee's non-retirement separation from employment.

10. Payment of Annual Leave Upon Retirement from Active Duty, Entry into Deferred Retirement Option Plan (DROP) or Death

- a. Employees who are members of Louisiana State Employees' Retirement System (LASERS) who are eligible for retirement or are participating in Deferred Retirement Option Plan (DROP) are eligible to receive severance pay pursuant to sections A-E of LRS 17:425.2. and are eligible to receive payment for all annual leave credits to which he/she is entitled (not to exceed the maximum of three hundred (300) hours). The hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);
 - Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).

LASERS members also have the option to receive a lump sum payment from LASERS for the actuarial value of their unused annual leave at retirement, in excess of annual leave payout that would otherwise be converted to service credit.

Employees interested in this option should inform human resources and LASERS well in advance of their projected retirement date. (L.R.S. 11:424). LASERS allows leave in excess of the annual leave payout to be converted to service credit – the retirement system, not this policy, regulates the conversion of leave and all questions should be directed to the retirement system. In no case shall annual leave be used to determine eligibility for retirement.

- b. An employee retiring as a member of Teachers' Retirement System of Louisiana (TRSL) is entitled to receive payment for annual leave credits not to exceed 300 hours. TRSL members who enter the Deferred Retirement Option Program (DROP) may elect to be paid annual leave upon entering DROP or at separation from state service (L.R.S. 17:425.1) TRSL allows leave in excess of the annual leave payout to be converted to service credit – the retirement system regulates the conversion of leave and all questions should be directed to the retirement system. In no case shall annual leave be used to determine eligibility for retirement.
 - 1) An employee who is retiring from employment as a member of an Optional Retirement Plan (ORP) will receive payment for all annual leave credits to which he/she is entitled (not to exceed three hundred (300) hours). ORP members, as regulated by the retirement system, will not receive credit for unused, unpaid annual leave in excess of the annual leave payout upon separation or retirement. The hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);
 - Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).
 - 2) An employee who is retiring from employment as a member of Louisiana School Employees Retirement System (LSERS) is entitled to receive payment for annual leave credits not to exceed three hundred (300) hours. The hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);
 - Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).
 - 3) LSERS members who enter Deferred Retirement Option Plan (DROP) may elect to be paid annual leave payout, not to exceed three hundred (300) hours, either upon entering DROP or at final separation from state service (LRS 17:425.1). LSERS allows leave in excess of the annual leave payout to be converted to service credit – the retirement system regulates the conversion of leave and all questions should be directed to the retirement system. In no case shall annual leave be used to determine eligibility for retirement. The hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);

- Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).

11. Reemployment After Retirement

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

F. Sick Leave for All Unclassified Employees:

1. Accrual of Sick Leave

- Sick Leave for unclassified employees shall be accrued by each employee who has a regular tour of duty.
- LCTCS Chancellors, regardless of years of state service, shall accrue sick leave at the following rate:

| Days of Leave Per Month | Hours of Leave Per Month | Hour of Leave Bi-weekly | Hourly Rate Per Hour |
|-------------------------|--------------------------|-------------------------|----------------------|
| 2 | 16 | 7.39 | .0923 |

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

ACCRUAL RATES OF SICK LEAVE
UNCLASSIFIED FULL-TIME EMPLOYEES

| Months of Leave Eligible Service | Hours Earned Based Upon Eligible Service As Calculated in the Banner System | | | | | |
|---|---|------------|------------|------------|------------|------------|
| | Months of Service | 35 or less | 36-59 | 60-119 | 120-179 | 180 + |
| Hours of Leave Earned Per Week | | 1.85 hours | 2.31 hours | 2.77 hours | 3.23 hours | 3.7 hours |
| Hours of Leave Per (80-hour) Pay Period | | 3.69 hours | 4.61 hours | 5.54 hours | 6.46 hours | 7.39 hours |

- Full time 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, may accrue sick leave prorated, as necessary, during the actual weeks of

employment should their respective college choose to adopt such practice. Such faculty shall earn sick leave according to the rates shown in F.1.c. above.

- e. No sick leave shall be credited until the employee has completed the pay period in which s/he is employed. No sick leave is accrued for any overtime hour(s), for any hour(s) of leave without pay, for any hour(s) of on-call status outside regular duty hours, for any hour(s) of travel or other activity outside the employee's regular duty hours, for any hour of a holiday or other non-work day which occurs while on leave without pay, for any hour while an employee is on sabbatical leave, advanced degree leave, or leave of absence without pay. However, time spent on sabbatical leave and advanced degree leave does count as service toward leave accrual rate change.
- f. Unused sick leave accrued by an employee shall be carried forward to the succeeding years without limitation.

2. Use of Sick Leave

- a. Sick leave with pay may be taken by an employee with sufficient leave to his credit for the following:
 - 1) Illness or injury which prevents performance of work duties.
 - 2) Medical, dental or optical consultation or treatment.
 - 3) FMLA approved only for the employee's own illness or injury

All employees are expected to notify their supervisor in all instances of absence.

3. Requirements concerning the use of sick leave include the following:

- a. A supervisor may place an employee on sick leave when the employee asserts the need to be absent from work because of the employee's illness or injury.
- b. Sick leave is to be taken in minimum increments of one-half hours. For purposes of FMLA, the leave to be taken shall be identified as Family and Medical Leave on all leave slips.
- c. Sick leave may not be used to care for a child or family member.
- d. An employee may choose to use compensatory leave in place of sick leave.
- e. Sick leave shall not be charged for non-work days and/or non-regular tour of duty hours.
- f. Employees absent from work for up to 5 consecutive work days may be required to provide a doctor's note; however, any employee absent for more than 5 consecutive work days will be required to submit a release to return to work from a licensed physician or practitioner. The need for written proof of short term illness, including those of 5 days or less, will be determined by the supervisor based on such things as the employee's attendance and performance record.
- g. It is expected that sick leave will be used only as appropriate. Abuse of this privilege is cause for disciplinary action.
 - 1) The abuse of sick leave privileges may result in sick leave sanctions and/or disciplinary action regardless of the length of absence. Such sanctions will require employees to present a medical certification for any period of absence. Sick leave sanctions may not be imposed for leave covered by the FMLA. All employees are expected to notify their supervisor when absent. Failure to do so may result in disciplinary action, including termination.

- 2) Should an employee fail to call or notify the supervisor, all hours absent will be charged as unauthorized leave without pay, unless it is shown that it was medically impossible or impractical to notify the supervisor.

4. FMLA Sick Leave

- a. Employees are required to provide 30 days' notice for FMLA sick leave unless it is medically impossible or impractical to provide such notice.
- b. Employees may use FMLA sick leave *only* when the FMLA leave is for the employee's own injury or illness, *not* for FMLA leave to care for a family member or military FMLA leave.
- c. Employees are required to provide physician certification for all such FMLA sick leave to be taken. Such certification shall be provided within 15 calendar days of notice to use of the leave. If information is missing, the employee will be given seven days to clear up the deficiency. If the employee fails to submit and complete a sufficient certification despite the opportunity to clear up the deficiency, the employer may deny the FMLA leave. Upon request, employees shall provide FMLA medical certification even when taking paid leave along with the unpaid FMLA leave.
- d. For FMLA and workers' compensation sick leave, the System President, and Chancellor/Appointing Authority may require second or third opinions (at the agency's expense) and a fitness for duty report to return to work. The employee may be required to be examined by a health care provider of the employer's designation and at the employer's expense. If the second opinion does not agree with the employee's certification, the employer may require a third opinion. For the third opinion, the employee may be required to be examined by a health care provider mutually approved by the employer and the employee at the employer's expense. In all cases of FMLA sick leave, the third opinion is final and binding. The fitness for duty (return to work) certification shall specifically address whether the employee can perform the essential functions of his or her job. If the employer has reasonable concerns about an employee's ability to safely perform a job, the employer can require an employee to provide a fitness for duty certification before the employee may return to work from an absence while on intermittent FMLA sick leave.

5. Application Required When Using Sick Leave

- a. An unclassified employee shall apply for use of, or use sick leave when the employee has an illness or injury which prevents performance of work duties or a medical, dental or optical consultation or treatment.
- b. When practical, such application shall be made in advance to the supervisor.
- c. Appointments for medical, dental or optical consultation or treatment shall be arranged to be least disruptive to the operations of the department.

6. Advance of Leave

- a. No advance of sick leave will be granted. Employees who have exhausted sick leave but who earn and have annual and/or compensatory leave will be required to make use of their annual and/or compensatory leave to continue their leave status or they may request leave without pay upon exhaustion of other paid leave balances. The granting of leave without pay is not automatic, and is at the discretion of the employer. Employees who fail or refuse to request leave without pay shall administratively be placed on

unauthorized leave without pay and may be subject to disciplinary action, including termination.

- b. Sick leave cannot be shared or borrowed from the leave balances of other employees.

7. Transfer or Continuance of Sick Leave Balances

- a. When an employee *changes employment status within the LCTCS (Faculty/Other Academic/Unclassified/Classified), is re-employed by the LCTCS, or is hired from another State Agency to the LCTCS* without a break in service of one or more working days, accrued and unused sick leave credits of the employee will be certified and credited to the leave record; provided that
 - an employee cannot be given more leave credit than he/she could have earned had he/she performed all of the service under the leave regulations of the LCTCS.
 - the employee is eligible to accrue sick leave and termination was not made for cause (disciplinary action).
- b. The employee must be re-employed in a benefit eligible position as a condition for *using* credited sick leave.
- c. When an employee changes their position from one state agency to another, without a break in service of one or more working days, the unused sick leave shall be forwarded to the gaining agency, upon request by the gaining agency, for credit to the employee by that agency according to that agency's leave policies.
- d. When a former LCTCS employee is rehired into state service following a break of one or more working days, accrued, unused sick leave balances remaining in LCTCS records will be transferred to the hiring agency upon request, provided the duration of the break in state service does not exceed 5 years.
- e. Public parish school system employment is accepted under this policy as "state service" for determination of years of service in calculation of accrual rate for the earning of leave. Such public parish school system employment does not, however, provide eligibility for transfer of leave balance from the public parish school system to the LCTCS.

8. Disbursement of Accrued Sick Leave Upon Separation (non-retirement)

An unclassified employee 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.

9. Retention Limit for Unused Sick Leave

Remaining accrued, unused sick leave credits will be maintained in LCTCS records for a period of 5 years from the date of non-retirement separation. These credits will be verified and transferred, upon request, to a new state employer, or re-instated if re-employed with an LCTCS institution, as long as the individual has not been out of state service for more than 5 years. The credits will be cleared from LCTCS records after 5 years from the date of the employee's non-retirement separation from employment.

10. Payment of Sick Leave Upon Retirement from Active Duty, Entry into Deferred Retirement Option Plan (DROP) or Death

- a. Upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to the employee or his heirs, provided that the sick leave has been accrued under established leave regulations and a

daily attendance record has been maintained for the employee, except that such payment shall not exceed the value of 25 working days computed on the basis of a five-day, 40-hour week (200 hours). Unclassified employees who are members of LASERS, LSERS, TRSL or ORP will receive payment for sick leave credits to which they are entitled (not to exceed 200 hours or 25 days),(LRS 17:425.) TRSL members who enter DROP may elect to be paid either upon entering DROP or at retirement from state service (L.R.S 17:425.1) Unclassified employees who are members of LASERS may elect to be paid either upon eligibility for retirement, participation in DROP or at retirement from state service (L.R.S. 17:425.2). The payment shall be computed as follows:

- 1) When the employee is paid on an hourly basis, the regular hourly rate that the employee received at the time of termination from state service shall be multiplied by the number of hours of their accrued sick leave, which number is not to exceed two hundred (200) hours; or
- 2) 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 termination from service into a working hourly rate. The converted hourly rate shall be multiplied by the number of hours of their accrued sick leave, which number is not to exceed two hundred (200) hours. The hourly rate for leave payments shall be calculated as follows:
 - Base fiscal year (12 month) annual salary divided by 2080 (52 weeks x 40 hours);
 - Base academic year (10 month) annual salary divided by 1600 (10 months x 4 weeks x 40 hours);
 - Base academic year (9 month) annual salary divided by 1440 (9 months x 4 weeks x 40 hours).

Note: Civil Service General Circular 001155 dated June 16, 1994 states that classified employees are not eligible for payment of unused sick leave.

- b. Employees who are members of LASERS also have the option to receive a lump sum payment from LASERS for the actuarial value of their unused, unpaid sick leave that would otherwise be converted to service credit. Employees interested in this option should inform human resources well in advance of their projected retirement date. (L.R.S. 11:424). Payment for unused sick leave in excess of sick leave payout or conversion to service credit is made and regulated by the retirement system. All questions should be directed to the retirement system and in no case shall sick leave be used to determine eligibility for retirement.

11. Reemployment After Retirement

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

G. Compensatory Leave for Non-Faculty Unclassified Employees

Non-faculty unclassified employees are hired on an annual basis and are not compensated with cash payment for extra work beyond the normal 40-hour workweek/ 80-hour pay period. The appointing authority may grant payment for compensatory leave to a non-faculty unclassified employee for extraordinary circumstances. Written justification for such payment, signed by

the appointing authority in advance shall be filed with the time record covering the period for which the payment is granted.

No more than 240 hours of unused compensatory leave which has been granted shall be carried forward into any fiscal year. An unclassified employee shall not be paid for any hours that are not eligible to be carried forward into any fiscal year.

1. Accrual of Compensatory Leave

a. The compensatory leave policy for non-faculty unclassified employees of the Louisiana Community and Technical College System office and of the System institutions is as follows:

- 1) An appointing authority may require an employee to work overtime on a holiday or at a time that the employee is not regularly required to be on duty. Compensatory leave may be granted for hours worked outside the regularly assigned 40-hour work week/ 80-hour pay period, or when, due to holidays observed or leave taken, the employee is deemed to have worked in excess of 40 hours/80-hour pay period. Prior approval shall be obtained from the supervisor in order to be granted compensatory leave for overtime. The amount of such leave shall be equal to the amount of overtime hours the employee is required to work (on an hour for hour basis).
- 2) Compensatory leave shall not be granted to any employee at the System Office at or above the level of Director, at the Community Colleges at or above the level of Dean and at a Louisiana Technical College at or above the level of a Director, Campus Dean, or any such equivalent positions. Community College Athletic Directors and Coaches are not to be granted compensatory leave. Exceptions may be made to permit the above referenced employees to be exempted from having to take leave when the college is officially closed.
- 3) In all cases, any employee who is entitled to accrue compensatory leave under the Fair Labor Standards Act shall accrue compensatory leave in accordance with that act.
- 4) The appointing authority *may* grant compensatory leave to an unclassified employee that would not otherwise be eligible for compensatory leave for extraordinary circumstances. Written justification for such leave, signed by the appointing authority shall be filed with the time record covering the period for which the leave is granted.
- 5) When an employee's work assignment requires travel to/from the assigned work site, this places the employee on official travel. If such travel is during a regular workday or holiday, an 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). When an employee's work assignment requires travel to/from the assigned work site and this official travel is on a weekend, an unclassified employee may be granted a *maximum* of eight (8) hours of compensatory leave per day. The employee's time spent for a typical commute from home to office should not be included when requesting/granting compensatory leave for travel to/from a work assignment destination.
- 6) 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 employee leaves the destination.

- 7) Time spent in session for a conference/convention is to be reported as working time; however, no compensatory time will be accrued for travel to/from conferences and conventions.
- 8) When an employee is on official travel and chooses a different mode of travel than that offered by LCTCS (ex: chooses to drive rather than fly), any additional hours of travel time incurred as a result of the employee's personal decision to choose a different mode of travel shall not be considered hours worked and will not be eligible for compensatory leave.

2. Use of Compensatory Leave

Compensatory leave shall be promptly granted to the employee and may be used with the approval of the immediate supervisor.

3. Requirements concerning the use of compensatory leave include the following:

- a. An appointing authority may require an unclassified employee to use their accrued compensatory leave at any time.
- b. Compensatory leave is to be taken in minimum increments of one-half hour.
- c. No employee shall be charged for annual leave until all accumulated compensatory leave has first been deducted. Compensatory leave *may* be used in place of sick leave.
- d. Compensatory leave should not be confused with a flexible time policy. Employees cannot arbitrarily determine their own work schedules. In addition, work undertaken while at home does not constitute the granting of compensatory leave, unless there is specific written advance approval by the employee's appointing authority for appropriate purposes. Written justification for such leave, signed by the appointing authority shall be filed with the time record covering the period for which the leave is granted.
- e. The manner in which the compensatory leave policy is administered shall be at the discretion of each appointing authority and appropriate documentation/ attendance records shall be maintained. The appointing authority shall be responsible for the administration of this policy.

4. FMLA Compensatory Leave

- a. Employees subject to FMLA are *required* to use paid compensatory leave prior to use of paid annual leave but *may* elect to use paid compensatory leave for any approved purpose at the same time as unpaid FMLA leave.
- b. Employees are required to provide 30-days notice for FMLA compensatory leave unless it is medically impossible or impractical to provide such notice.
- c. Employees are required to provide physician certification for all such FMLA leave for which paid compensatory leave is also elected to be taken, according to the condition for which the FMLA leave is approved (see FMLA sick and FMLA annual leave). Such certification shall be provided within 15 calendar days of notice of use of the leave.

5. Application Required When Using Compensatory Leave

- a. An unclassified employee shall apply for use of compensatory leave.
- b. When practical such application shall be made in advance to the supervisor.

6. Advance of Leave

- a. No advance of compensatory leave will be granted. Employees who have exhausted their compensatory leave but who accrue and have annual and/or sick leave will be required to make use of their annual and/or sick leave to continue their leave status or they may request leave without pay upon exhaustion of other paid leave balances. The granting of leave without pay is not automatic, and is at the discretion of the employer. Employees who fail or refuse to request leave without pay shall administratively be placed on unauthorized leave without pay and may be subject to disciplinary action, including termination.
- b. Compensatory leave cannot be shared or borrowed from the leave balances of other employees

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

- a. An unclassified employee, who is exempt from the FLSA, ***shall not*** be paid for unused compensatory leave upon separation.
- b. In the event that an employee transfers without a break in state service, compensatory leave ***may*** be credited to the employee at the discretion of the employing agency's appointing authority. Compensatory leave not assumed by the employing agency at transfer shall be terminated, when the employee separates from the LCTCS, and is not eligible for reinstatement upon re-employment with the LCTCS.

8. Payment of Compensatory Leave Upon Retirement from Active Duty, Entry into Deferred Retirement Option Plan (DROP) or Death

- a. Employees shall not be paid for unused compensatory leave upon retirement from active duty, entry into Deferred Retirement Option Plan (DROP) or death.

9. Reemployment After Retirement

- a. Unused, unpaid compensatory leave is not re-credited to individuals reemployed after retirement from state service.

H. Civil, Emergency, Special and Other Leave:

An employee shall be given time off without loss of pay, annual, or sick leave for the purposes listed in this section. The following are recognized by the Board of Supervisors as appropriate reasons:

1. For performing state or federal grand or petit jury duty;
2. When 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; employees may request annual

leave, compensatory leave or leave without pay if no annual or compensatory leave is available to serve as a witness for personal/non-work related reasons;

3. For performing emergency civilian duty in relation to national defense;
4. Employees who are *unable* to vote prior to or after their workday, upon request of the employee and approval of the supervisor, *may be allowed* time off with pay for voting in accordance with the following schedule:

Voting Residence Within:

- 0-30 mile radius of the campus: 2 hours leave
- 31-60 mile radius of the campus: 4 hours leave
- 61 or more mile radius of the campus: 1 day 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. Nothing in this policy prevents the supervisor from inquiring as to the reasons why the employee cannot vote prior to or after the workday.

NOTE: Most of the leave items listed below do not apply to hourly (i.e., part time or non-leave earning) employees.

5. Taking a required examination pertinent to the employee's state employment before a state or national licensing board;
6. When the appointing authority determines that employees are prevented from performing their duties by an act of God;
7. When the appointing authority shall determine that local conditions or celebrations make it impracticable for employees to work in the locality.
8. The appointing authority *may* formally declare early closure at times for reasons that fall outside of an act of God but are deemed appropriate for business operation purposes. In these instances of early closure *those at work at the time of the declared early closure* are eligible to receive special leave for the time of the office closure that falls within the employee's regular work hours;
9. The employee is ordered to report for a pre-induction physical examination incidental to possible entry into the armed forces of the United States;
10. The employee is a member of the National Guard and is ordered to active duty incidental 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;
11. The employee 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;
12. When an employee certified as an American Red Cross Trained Disaster Volunteer participates in Level III designated American Red Cross relief services in Louisiana (may not exceed 15 working days in any calendar year);
13. 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;

14. At the discretion of the appointing authority, a full-time faculty member, who does not earn annual leave, shall be allowed to use up to two 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 give his 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. 17:3312(b). Written justification for such leave, signed by the appointing authority shall be filed with the time record covering the period for which the leave is granted.

I. Workers' Compensation and Leave Use:

When an unclassified employee is absent from work due to disabilities for which he is entitled to Worker's Compensation, he may, at his option, use sick or annual leave or any appropriate combination of sick and annual leave to receive combined leave and workers' compensation payments equal to, and, in an amount not to exceed, the employee's regular salary.

J. 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 as a result of a non-local or non-state 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 otherwise impossible or unreasonable.
- c. Maximum military leave with pay for military purposes is 15 working days per calendar year.

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 and apply for annual or compensatory leave for military purposes, shall be granted such leave.
- b. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

3. **Use of Leave Without Pay for Military Purposes:**

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. This period of leave without pay for military purposes shall not exceed six years. After six years, he/she shall be separated from employment with the LCTCS. This section does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, LCTCS may end the appointment as originally scheduled and the employee may be separated.

4. **Rights Upon Return:**

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.

5. The provisions of this section 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. The provisions of this subsection (e) shall apply retroactively to September 11, 2001. The Provisions of this subsection (e) shall NOT apply to employees on “inactive duty for training” (weekend drills).
 - a. When Military Leave with Pay as provided in this Military Leave section of the policy has been exhausted, an employee whose military base pay is less than his state base pay shall be paid the difference between his military base pay and his state base pay in his regular position. Such payment shall be made on the same frequency and manner as the employee’s regular state pay, unless other voluntary arrangements are made. Employees receiving the pay differential shall provide to agency officials any documentation appropriate to ensure the payment amount is calculated correctly. 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 subsection, in which case subparagraph (4) shall apply.
 - b. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.
 - c. Employees who are on Leave without Pay shall receive, each calendar year, the full 15-days of Military Leave with Pay provided in J (a) 3. The pay differential allowed in J (e) 1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.
 - d. If paid leave has been used during any portion of service from September 11, 2001, through the date of adoption of this section, an employee who chooses to use the pay differential option shall have his 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.
6. An employee, who was called to active duty for military purposes and who resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection J(e).

K. Educational Leave:

An employee who has been employed at least one year in a full-time permanent position may request and *may be* granted maximum time off of three (3) clock hours per week per traditional academic semester, or its equivalency for non-traditional semesters, as determined by the appointing authority, without loss of pay, annual leave, or compensatory leave for approved attendance of a job-related course of study. Such leave 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 his/her performance evaluation within the last twelve months. Part time employees are not eligible for educational leave.

L. 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 System President must be notified when such action is taken.

M. Sabbatical Leave:

Sabbatical leave is leave with pay for the purpose of professional or cultural improvement, or for the purpose of study or research in accordance with the conditions specified below:

7. Sabbatical leave applies only to full-time LCTCS "faculty" members. "Faculty" is defined in LSA-R.S. 17:3304 (see References) as follows: "Members of the instructional staff of each college and university having the rank of instructor or higher and persons engaged in instructional, library, artistic, and investigative positions of equal dignity shall constitute the faculty of each college. The head of each college and its academic officers shall be members of the faculty." Counselors are considered "faculty" for the purpose of the LCTCS sabbatical leave provisions.
8. Sabbatical leave may be granted for two semesters (52 weeks for 12-month employees). It may be granted following any six or more consecutive fiscal years of active service in the institution where such individual is employed. An individual may not accumulate time in an attempt to qualify for more than one consecutive year of sabbatical leave. Such leave may be granted for one semester (26 weeks for 12-month employees) following three or more consecutive years of such service by an individual, provided that absence due to sick leave shall not be deemed to interrupt the active service provided for herein. A sabbatical leave taken during a summer session shall be considered a semester for such leave purposes.
9. The compensation from the LCTCS for the period of approved sabbatical leave shall be at the rate of not more than 75 percent of the salary the individual would receive during the current fiscal year for the period of time such leave is applied for and granted. Employers and employees shall contribute to the retirement system on the basis of full annual salary rate. 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.
10. In those cases where the faculty member or administrator received outside compensation, such payment is to be approved in writing and in advance by the Chancellor as supportive of the purposes of the leave. If outside compensation plus paid leave would exceed the regular salary, the leave pay will be reduced so that the LCTCS will pay no leave if the outside compensation equals or exceeds the regular pay. Nothing shall prevent the faculty member from being remunerated by outside agencies at higher rates than his/her regular pay.
11. 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.

12. 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.
13. In accepting a sabbatical leave with pay, the faculty member shall be understood to assume a legal obligation as listed in Acts 1991 and 858 (R.S. 17:3328 – see N.10 - References) to return to the institution for at least one year of further service at the close of the sabbatical leave period. 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.
14. Individuals accepting sabbatical leave (with pay) are cautioned about prohibitions against dual appointment or dual employment as described in LSA-R.S. 42:64.
15. Sabbatical leave shall be granted only with prior Board approval.
16. Reference
 LSA-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. The head of each college and its academic officers shall be members of the faculty.
 (B) 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. (Added by Acts 1975, No. 313 ^ 2, effective July 17, 1975.)

LSA-R.S. 17:3328. Sabbatical Leave

Persons granted sabbatical leave; return to service. Each person granted sabbatical leave shall sign an agreement or contract with his employing institution stipulating that as a condition of his sabbatical leave and in order to be eligible for compensation during such leave, he will return to his employing institution for at least one year of further service after leave is completed. (Added by Act 1991, No. 858)

N. Advanced Degree Leave

1. Advanced Degree Leave applies only to full time non-faculty employees of the LCTCS (faculty is defined in the section of this policy on sabbatical leave, all others equal non-faculty for purposes of advanced degree leave), who have completed three consecutive years of service in the institution where employed. Such employee may petition for a leave of absence with partial pay for not more than one year of study to pursue an advanced degree.
2. The amount of pay allowed on leave to obtain an advanced degree shall be determined in each individual case by the appointing authority, based upon available budget dollars, but in no event shall the pay exceed seventy-five percent of the regular salary which would accrue to the petitioner during the period of leave.
3. The petition shall set forth the course of study to be pursued, the accredited institution to be attended, an account of the petitioner’s prospect for securing an advanced degree, how the course of study is job-related and/or will enhance the ability to perform current/future positions, and such other information as may be required by the institution.

4. Advance degree leave requests require recommendation of the President and/or Chancellor and require prior Board approval.
5. Petitions for advanced degree leave shall be granted only after the President or Chancellor, and the appropriate administrative officer have determined that the interests of the LCTCS will best be served by granting such leave.
6. Recipients of advanced degree leave are required to furnish proof of enrollment in course of study prior to the leave being granted. Proof of successful completion of courses pursued is required to be submitted to the President or Chancellor at the end of each semester.
7. The President or Chancellor, on his own initiative or at the request of an employee, may terminate advanced degree leave due to unsuccessful completion of courses pursued or when such action is in the best interest of the institution.
8. Employees shall be required to return to their job duties for at least one year before accepting employment elsewhere or will be required to repay the amount of salary paid during the course of the Advanced Degree Leave.
9. Individuals accepting advanced degree leave (with pay) are cautioned about prohibitions against dual appointment or dual employment as described in LSA-R.S. 42:64.

O. Leave Without Pay:

Leave without pay shall be applied for in advance, when possible, by the employee and may be taken only when other appropriate paid leave has been exhausted, and leave without pay has been approved by the supervisor. The granting of leave without pay is not automatic and is at the discretion of the employer. Employees who fail or refuse to request leave without pay shall administratively be placed on unauthorized leave without pay and may be subject to disciplinary action, including termination. All employees are expected to notify their supervisor when absent. Failure to do so may result in disciplinary action, including termination. Refer to provisions of FMLA and Military Leave.

P. Leave of Absence Without Pay

1. An appointing authority may recommend to the Board of Supervisors granting of a leave of absence without pay to an unclassified employee for a period not to exceed one (1) year, provided that such leave shall not prolong the period of the employee's appointment or employment in state service. Such written request shall be considered only when all of the following conditions are met:
 - a. The employee has exhausted all credited comp, annual and/or sick leave;
 - b. The employee, has, in a timely manner, made a request in writing to the appointing authority for leave of absence without pay, listing all substantive reasons for the request; and
 - c. A division head has concurred in the request indicating that: 1) the absence of the employee will not impede the current objectives of the respective section, and 2) the leave of absence does not conflict with the best interests of the agency.
2. The appointing authority, on his own initiative or at the request of an employee, may terminate a period of authorized leave without pay extended to the employee, provided that such

termination is in the best interest of the agency, and written notification is furnished to the employee.

3. 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 without pay, or at an earlier date upon reasonable and proper notice from the appointing authority or the designee, then the employee shall be considered as having deserted their position of appointment or employment.
4. Leave of absence without pay does not count as credited service for leave accrual or retirement purposes. Service before and after leave without pay will be combined to determine leave accrual rates and total service. Sick and annual leave are not accrued while an employee is on leave without pay. Leave without pay shall be reported as such on a leave slip.

Q. Holidays/Office Closure

1. Holidays shall be observed as provided by LCTCS Policy 6.028 Holidays for All Employees.
2. 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.
3. When an unclassified employee is on leave without pay during the period immediately preceding and following an observed holiday, that employee shall not receive compensation for that holiday unless the holiday is worked by the employee.
4. An employee does not receive holiday payment for a holiday which intervenes while the employee is in a leave without pay status.

R. 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.