

RULE VIII
ANNUAL, SICK AND OTHER LEAVE

Section 1 Annual Leave

Annual leave is paid leave of absence available to regular employees, earned in amounts determined by length of continuous service and the hours for which each employee is paid, excluding overtime, holidays, on-call time, or travel and training outside normal working hours.

- 1.1 Continuous service is measured from the first day of the next complete pay period after completion of the probationary period.
- 1.2 Increments in annual leave earnings shall begin on the anniversary of the date identified in Section 1.1.
- 1.3 Continuous Service affects Annual Leave earnings as provided by the following Earning Rate Schedule:

| <u>CONTINUOUS SERVICE</u> | <u>HOURS OF ANNUAL LEAVE EARNED</u> | | | | | |
|---------------------------|-------------------------------------|----------------|---------------|-------------------------------------|----------------|---------------|
| | <u>Regular Employees</u> | | | <u>12-Hour Shift Reg. Employees</u> | | |
| | <u>Hourly</u> | <u>Monthly</u> | <u>Yearly</u> | <u>Hourly</u> | <u>Monthly</u> | <u>Yearly</u> |
| 6 months but < 5 years | 0.0462 | 8 | 96 | 0.0486 | 8 | 96 |
| 5 years but < 10 years | 0.0577 | 10 | 120 | 0.0608 | 10 | 120 |
| 10 years but < 15 years | 0.0693 | 12 | 144 | 0.0729 | 12 | 144 |
| 15 years but < 20 years | 0.0808 | 14 | 168 | 0.0851 | 14 | 168 |
| 20 years and over | 0.0923 | 16 | 192 | 0.0972 | 16 | 192 |

- 1.4 Each employee must utilize at least 40 hours of annual leave each calendar year, unless in the judgment of the Appointing Authority valid work requirements prohibit this. Twelve (12) hour rotating shift employees must schedule annual leave in 12-hour days. *(Revised 5/8/14) (Revised 10/1/14)*
- 1.5 Annual Leave may not be charged for non-work days.

- 1.6 Annual Leave is at all times subject to the approval of the Appointing Authority, is to be requested by the employee in advance of its being taken and may be taken in units no smaller than ½ hour. (*Revised 2/27/14*)
- 1.7 Eligible employees may be granted annual leave in advance of its being earned, but in amounts that do not exceed earnings for the calendar year in which the leave is advanced.
- 1.8 Annual Leave may be carried from one calendar year to the next provided that the amount carried forward does not exceed the current year's earnings. Annual leave in excess of that which can be carried forward shall be credited to the employee's sick leave balance.
- 1.9 Upon termination of employment, regardless of reason, employees subject to these rules shall be paid for all accumulated Annual Leave. In cases of death, the payment shall be made to the estate of the deceased.
- 1.10 Upon termination of employment, for reasons other than layoff or death, employees who have taken leave in advance that exceeds the balance at termination must repay the amount of any unearned leave they have taken.
- 1.11 The Appointing Authority shall, after each pay period, prepare an updated record of each employee's Annual Leave earned, taken and the resulting balance, and shall make this record available to the employee and the Director as requested.

Section 2 Sick Leave

Sick Leave is paid leave of absence available to regular and probationary employees, in amounts credited for each hour for which they are paid, to be taken for reasons of their illness, injury or medical condition preventing their working, or absences necessary to obtain medical, dental, psychological, chiropractic or optical care, consultation or treatment.

- 2.1 Sick Leave is credited to all regular and probationary classified employees at rates of .0462 hour (.0486 for 12 hr. shift employees) per each regularly scheduled non-overtime hour of work (equivalent to 8 hours per month) from the date of employment.
- 2.2 Sick leave may not be taken in advance of being credited, nor may it be taken in amounts less than ½ hour. (*Revised 2/27/14*)
- 2.3 Sick leave may not be charged for non-work days.
- 2.4 In service status changes shall not affect accumulated sick leave credits.
- 2.5 Sick leave credits are cumulative from year to year, the entire balance shall be

carried forward to each succeeding calendar year.

2.6 In cases of absence charged to sick leave in excess of three days, or (24 hours [two work shifts] absences in cases of employees who work 12 hour shifts), the Appointing Authority must require the employee to present a physician's certificate stating the nature of the illness and need for the absence, or some other acceptable proof that the employee was ill and unable to work.

A. In cases of reasonable doubt as to the validity of sick leave charges, the Appointing Authority may require the subject employee to provide a physician's certification of the need for sick leave for absences of less than three days, or (24 hours [two work shifts] absences in cases of employees who work as hour shifts), provided that the employee has been made aware of this requirement prior to, or when the supervisor was first notified of the absence.

B. Certification of need for sick leave by a physician, where required, shall be made available to the Appointing Authority upon the employee's return to duty or by the fifth day of absence, whichever comes first. Variance in these filing times may be authorized by the Appointing Authority for good cause, otherwise failure to comply shall result in absences not being charged to sick leave.

2.7 Payment for Unused Sick Leave

A. Upon regular or disability retirement, all employees shall be paid for accumulated unused Sick Leave at the regular hourly rate of pay.

1. Employees under investigation by the Appointing Authority for possible delinquency or misconduct, where the employee and Human Resources have been so informed in writing at the investigation's beginning, and who voluntarily separate from service with a retirement benefit while the investigation is ongoing, shall not be eligible for payment for their unused sick leave. Upon failure to conclude the investigation within 90 days of the employee's notification, or a finding that does not result in discharge of said employee, he shall be paid for unused sick leave.
(Revised 9/21/05)

B. Upon layoff, provided an offer of employment in a position of equal pay in a similar class was not refused, employees subject to these rules shall be paid for unused Sick Leave.

C. Except for leave credits granted pursuant to worker's compensation adjustments, termination for misconduct, substandard performance, violation of substance abuse policy, abandonment of position or otherwise

for cause, shall render a separating employee ineligible for payment of unused sick leave, regardless of circumstances, even though the employee qualifies for a pension benefit at termination. *(Revised 5/19/04)*

D. Upon the death of an employee, accumulated sick leave shall be paid to the estate of the deceased employee.

2.8 Accrued annual leave benefits of up to 196 hours per year may be assigned for use by another employee, through the Employee Assistance Program or any other appropriate program. Assignment is limited to employees who have had a serious personal illness or injury or who have a family member who has a serious personal illness or injury. *(Revised 4/30/18)*

A. For the purposes of this rule, a “year” is defined as the 12 consecutive calendar months following the first date that donated annual leave benefits are used. *(Revised 9/5/18)*

B. For the purposes of this rule, a “family member” is defined as an employee’s spouse, child, stepchild, parent, stepparent, sibling, grandparent, grandchild, step-grandchild, or any person for whom the employee has been granted legal guardianship. *(Revised 9/5/18)*

C. Any employee to whom annual leave benefits have been transferred and assigned shall be required to use such benefits in accordance with all provisions of this section.

D. Annual leave benefits for employees may only be transferred and assigned to an employee who has used and exhausted all accrued sick and annual leave, and still faces a serious personal illness or injury or who have a family member who has a serious personal illness or injury.

Section 3 Worker’s Compensation and Leaves of Absence

3.1 An employee who is absent due to a disability compensable through Worker’s Compensation may, to the extent an employee’s Sick Leave balance allows, elect to be charged Sick Leave, in the amounts necessary for the subject employee’s payments from the employer and the Worker’s Compensation combined to equal his regular pay. *(Revised 10/8/19)*

3.2 An employee who is absent due to a disability compensable through Worker’s Compensation may, after an employee’s Sick Leave balance is exhausted, elect to be charged Annual Leave, in the amounts necessary for the subject employee’s payments from the employer and Worker’s Compensation combined to equal his regular pay. *(Revised 10/8/19)*

3.3 An employee who is absent due to a disability compensable through Worker’s

Compensation shall, after the employee's Sick and Annual Leave balances are exhausted, be granted Leave Without Pay for up to 30 calendar days, subject to extension in 30 day increments if the Appointing Authority judges it in the public interest to do so. *(Revised 10/8/19)*

- 3.4 Leave credits resulting from adjustments due to Worker's Compensation or from employment shall not be available for use until the employee's return to duty.

Section 4 Funeral Leave

Funeral Leave is a paid leave of absence from the hours the employee is scheduled to work, granted to employees subject to these rules following the death of a family member.

- 4.1 In the event of the death of the employee's spouse, child, stepchild, parent/guardian or step-parent, said employee may be granted a paid leave of absence from the hours the employee is scheduled to work during the five (5) consecutive calendar days (three (3) consecutive days for 12 hour shift employees) one of which must be the day of the funeral.
- 4.2 In the event of the death of the employee's grandparent, grandchild/ step grandchild, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, sibling's spouse, son-in-law or daughter-in-law, said employee may be granted a paid leave of absence from the hours the employee is scheduled to work during three (3) consecutive calendar days (two (2) consecutive days for 12 hour shift employees) one of which must be the day of the funeral.
- 4.3 With prior written notice by the Appointing Authority, proof of funeral attendance may be required.

Section 5 Civil Leave

Civil Leave is a paid leave of absence that may be granted employees subject to these rules by the Appointing Authority to perform non-military civic duties or due to Acts of God where attendance or performance of duties are prevented through no fault of the employee.

- 5.1 Jury selection and duty shall render an employee eligible for Civil Leave for the duration of such service.
- 5.2 Service on or before Grand Juries or Courts, except as a plaintiff or defendant, as well as public service in the polling place during an election or service on a public board or commission, shall render an employee eligible for Civil Leave.
- 5.3 Acts of God such as extreme weather conditions or natural disasters where the Appointing Authority determines that an employee is prevented from attending or

performing his duties shall render the employee eligible for Civil Leave.

- 5.4 All employees, exempt or non-exempt, below the level of Department Director who are allowed or required by their Department Director to work during a period of civil leave declared for all personnel shall be compensated for hours worked at the rate of one and one-half their normal hourly rate.

Section 6 Military Leave

Military Leave is leave of absence granted employees serving in the armed forces of the United States including the state National Guard which may be with pay or without pay, depending on the duration of service as provided by this section, upon the conclusion of which the employee continues in the Classified Service.

- 6.1 Membership of a Reserve or National Guard unit which is ordered to active duty due to emergency, Act of God, civil or criminal insurrection or disobedience, or similar occurrences threatening the peace and property of the public, and service under those conditions, shall render an employee eligible for Military Leave with Pay.
- 6.2 Membership of a Reserve or National Guard unit which is ordered to active duty due for field training (summer camp) for a period not to exceed 15 days in any calendar year, and performance of said duty, shall render an employee eligible for Military Leave with Pay. Weekend drill and “make up sessions” do not enable said leave, but may be charged to Annual Leave or be subject to Leave Without Pay, at the option of the employee.
- 6.3 Regular employees of the Classified Service who are inducted into or called to active duty in the armed forces of the United States for indefinite periods or periods in excess of their annual field training shall be placed on Military Leave Without Pay for the period of service plus 90 days. *(Revised 7/25/05)*
- 6.4 Upon return from Military Leave Without Pay an employee shall be reinstated in the same or similar position provided he or she served under honorable conditions, are qualified and able to perform, and apply for reinstatement within 90 days of separation. *(Revised 7/25/05)*

Section 7 Leave Without Pay

- 7.1 An employee may be granted leave without pay not to exceed thirty (30) calendar days by the Appointing Authority, when it is determined that such leave is in the best interest of Consolidated Government. Such leave may be granted only after all accumulated sick (if applicable), and annual leave has been exhausted.
- 7.2 Such leaves as granted under the provisions of Sections 3.3 or 7.1 of this Rule may be extended for a period(s) not to exceed a total of one year when determined

by the Appointing Authority to be in the best interest of Consolidated Government and when approved by the Director.

- 7.3 Requests for leave without pay for illness or injury must include a statement from a registered physician that the employee is unable to perform his duties and must indicate the approximate length of time that he will be unable to perform his duties.
- 7.4 A leave without pay may be curtailed by the Appointing Authority when it is determined to be in the best interest of Consolidated Government and reasonable and proper notice thereof is furnished to the employee.
- 7.5 Employees shall be provided written confirmation, including starting and ending dates, of all leaves of absence granted by the Appointing Authority.
- 7.6 An employee shall be terminated upon failure to return to work on the first working day following expiration of a leave without pay. If the absence was for illness or injury and the employee is still unable to perform his duties, his or her name shall be placed on the reemployment list.
- 7.7 A leave without pay for a probationary employee shall not be extended beyond the initial thirty day period for any reason other than worker's compensation disability, unless authorized by specific federal, state or local law. *(Revised 7/25/05)*

Section 8 Family and Medical Leave

Family and Medical Leave as provided in the United States Code is available to employees through the use of types of leave defined in preceding sections of this rule, as needed due to birth or adoption of a child or where serious health conditions require care of a child, spouse or parent, or prevent the employee's performance of his duties, subject to the following provisions:

- 8.1 Employees who have 12 months service or more and worked 1,250 hours or more during the 12 months preceding the request, shall be granted up to 12 weeks leave in a 12 month period, subject to this section. LCG will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, LCG will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. *(Revised 7/25/05)*
- 8.2 Employees may request an intermittent leave schedule to provide care described above, and in such cases the Appointing Authority may temporarily assign the employee to another available position that better accommodates such a schedule provided that no reduction in pay occurs and subject to the approval of the

Director.

- 8.3 Employees must provide reasonable prior notice of 30 days, unless genuine and compelling reasons prevent, of the start of leave and submit a physician's statement in support of the claim's validity.
- 8.4 Employees shall be provided written advance notice of leave granted under Family and Medical Leave provisions, which includes the beginning and ending dates, by the Appointing Authority.
- 8.5 Employees who fail to return to work on the first working day after the expiration of leave granted under the provisions of this section may be terminated, except in cases of serious health condition of the employee wherein the employee will be laid off and placed on the appropriate reemployment list. *(Revised 7/25/05)*
- 8.6 For birth or placement of a child, leave must be:
 - A. Taken within 12 months of the birth or adoption of the child, and the employee must use all earned Annual Leave and Sick Leave as part of the twelve (12) weeks before going on leave without pay.
 - B. Where both parents are employees, they are eligible for 12 weeks combined rather than 12 weeks each.
- 8.7 For care of a child, spouse or parent with a serious health condition:
 - A. The employee must submit information concerning the planned treatment of the condition, unless genuine and compelling reasons prevent, and include a physician's statement supporting the claim that leave is necessary.
 - B. Employees are granted Leave Without Pay only after Annual Leave earned has been exhausted, as necessary to provide 12 weeks of leave.
- 8.8 In cases of an employee's serious health condition preventing performance as required by his or her position, the employee must:
 - A. Use all available Sick Leave,
 - B. Provide notice of, and a physician's verification of inability to perform which includes a statement of the approximate duration of the condition.
 - C. Exhaust all Sick Leave and Annual Leave before becoming eligible for Leave Without Pay as necessary to provide 12 weeks of leave.

Section 9 Holidays

Holidays are days when employees, subject to these rules, are paid as though it was an ordinary working day but may not be required to work, and those working shifts or in positions which are required to serve on those days receive a holiday allowance in addition to their regular pay.

9.1 Holidays regularly observed by the Classified Service are:

- A. New Year's Day
- B. Martin Luther King Day
- C. Mardi Gras Day
- D. Good Friday
- E. Memorial Day
- F. Independence Day
- G. Labor Day
- H. Thanksgiving Day
- I. Acadian Day (Day after Thanksgiving)
- J. Afternoon of Christmas Eve
- K. Christmas Day

9.2 Observance of Holidays shall be on dates determined by the Governing Authority.
(Revised 12/3/19)

9.3 Employees shall be paid a Holiday allowance at their regular hourly rate for the number of hours they would normally have been scheduled to work if the day were not a Holiday, This time shall be considered time worked for purposes of determining overtime hours in excess of a normal work week but not for the normal workday.

9.4 Employees shall not receive a Holiday allowance if on a non-pay status at the time of the Holiday, the day before or the day after. (Revised 7/25/05)

9.5 An employee required to work on a Holiday shall receive, in addition to the Holiday allowance, regular pay for the hours actually worked.

9.6 Holidays which occur on an employee's regularly scheduled day off shall be paid by an allowance equal to the regular hourly rate for the number of hours in employee's average workday, but not to exceed 8 hours.

9.7 Holidays which occur during a period of paid leave shall be paid by an allowance equal to the regular hourly rate for the number of hours in the employee's average workday, not to exceed 8 hours, and the employee will not be charged leave for the absence.

9.8 Holidays which occur during Leave Without Pay shall not be paid.

- 9.9 Employees working 12 hour rotating shifts shall:
- A. observe holidays on the actual calendar day of the holiday.
 - B. receive an eight-hour holiday allowance plus regular pay for the hours worked.
 - C. receive a holiday allowance of eight hours or equal time off at a later date, at the option of the Appointing Authority, if a holiday falls on an employee's scheduled day off. *(Section 9.9 Revised 8/26/09)*

Section 10 Administrative Leave

- 10.1 Employees subject to these rules may be placed on Administrative Leave with Pay during investigation of incidents involving an employee, the employee's co-workers, or that occurred in the workplace, as well as for medical examination and review of medical tests or reports, where the facts available to the Appointing Authority give reason to believe that the continued presence of the affected employee(s) on duty would not be in the best interests of the employer, the public, or would inhibit an investigation. *(Revised 7/2/12)*
- 10.2 Any employee placed on Administrative Leave with Pay must be notified in writing of the effective date of the leave and the reasons for it. An employee on administrative leave shall also be advised that he is restricted to confinement to his residence during normal working hours. If employee leaves his residence for personal business, he must receive prior approval of the Departmental Director or his designee. *(Revised 7/2/12)*
- 10.3 During a period of Administrative Leave with Pay, an employee on said leave shall suffer no loss of pay or benefit. *(Revised 7/2/12)*
- 10.4 Administrative Leave with Pay may not exceed 30 calendar days without prior approval of extensions by the Director, and all relevant records shall be made available for his review when an extension is requested. *(Revised 7/2/12)*
- 10.5 Upon completion of the investigation, medical evaluation or medical report review, the Director shall be informed of the outcome. *(Revised 7/2/12)*
- 10.6 Administrative Leave with Pay is not discipline and is appealable to the Board only when the basis of the appeal is evidence that its use circumvents the Civil Service Rules or other employment law. *(Revised 7/2/12)*