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## M-391 USE OF LEAVE

Effective July 4, 2005, all leave shall be taken and compensatory time shall be earned in fifteen (15) minute increments. No leave will be charged for less than seven (7) minutes, but the employee may be subjected to unauthorized leave without pay and/or disciplinary action if a pattern of tardiness or early departure of less than seven (7) minute increments is established.

The following chart will be used to code fractions of an hour:

Leave taken/time worked	Increment to enter
1 to 7 minutes	0.00 leave taken or earned
8 to 22 minutes	0.25 leave taken or earned
23 to 37 minutes	0.50 leave taken or earned
38 to 52 minutes	0.75 leave taken or earned
53 to 60 minutes	1.00 leave taken or earned

### M-391-1 Annual Leave

Annual leave must be requested and approved in advance (unless there is an emergency situation). Employees do not have the right to use annual leave whenever they wish and supervisors have the right to ask employees why annual leave is needed. Use the following to code annual leave:


- LA - annual leave (compensatory (K-leave) leave must be used prior to annual leave).
- LALB - annual leave in lieu of sick leave (Employee must have exhausted all sick leave before this code is used).
- LAFM – FMLA - Family (time and one-half compensatory would not be deducted with this code).

### M-391-2 Sick Leave

All valid requests for sick leave shall be approved. Sick leave for medical, dental, or optical treatments or appointments shall be requested and approved in advance whenever possible. Use the following to code sick leave:

- LB – sick leave
- LBFM – employee FMLA

### M-391-3 Compensatory Leave

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Compensatory Leave shall be requested and approved in advance (unless an emergency situation). Employees do not have the right to use compensatory leave, except for military purposes, whenever they wish and supervisors have the right to ask employees why compensatory leave is needed.

All compensatory leave must be exhausted prior to using annual leave and leave without pay. Compensatory leave may also be used in lieu of sick leave upon the employee's request.

Unused compensatory leave shall be paid upon separation from the agency.

Use the following to code compensatory time:

- Z001 – Compensatory leave earned (System will calculate time and one-half rate or straight time rate.
- Z002 – Compensatory Paid overtime (must have prior approval before using this code).

Timekeepers should have prior approval before using the following codes:

- ZA02 – Paid overtime @ straight time rate
- ZA03 – Paid overtime @ time and one-half rate.
- ZA04 – Compensatory leave @ straight time rate
- ZA05 – Compensatory leave @ time and one half


#### M-391-4 Other Types of Leave

##### M-391-4-1 Leave Without Pay (LW)

An employee must have exhausted all annual, sick and compensatory leave, unless the appointing authority placed the employee on unauthorized leave without pay.

An employee on leave without pay the day preceding and following a holiday or other non-working day(s) shall be charged leave without pay.

The following Unauthorized Leave Without Pay/Tardiness chart gives the coding to be used for time files that corresponds with the number of minutes an employee is placed on unauthorized leave without pay.

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Minutes Late	Code
1	0.02
2	0.03
3	0.05
4	0.07
5	0.08
6	0.10
7	0.12
8	0.13
9	0.15
10	0.17
11	0.18
12	0.20
13	0.22
14	0.23
15	0.25
16	0.27
17	0.28
18	0.30
19	0.32
20	0.33
21	0.35
22	0.37
23	0.38
24	0.40
25	0.42
26	0.43
27	0.45
28	0.47
29	0.48
30	0.50

Minutes Late	Code
31	0.52
32	0.53
33	0.55
34	0.57
35	0.58
36	0.60
37	0.62
38	0.63
39	0.65
40	0.67
41	0.68
42	0.70
43	0.72
44	0.73
45	0.75
46	0.77
47	0.78
48	0.80
49	0.82
50	0.83
51	0.85
52	0.87
53	0.88
54	0.90
55	0.92
56	0.93
57	0.95
58	0.97
59	0.98
60	1.00

#### M-391-4-2 Educational Leave (LEJR)

An employee may be granted a maximum of thirty (30) days in one calendar year to attend an educational institution if the course is pertinent to the work of the employee, if applied in advance and the employee's absence does not adversely affect the operations of the agency.

#### M-391-4-3 Funeral Leave (LF)

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An employee may be granted time off to attend the burial rites service held prior to the burial or traveling time to the burial location. An employee **shall not** be granted funeral leave if the burial or the service prior to the burial is on a non-working day.

#### M-391-4-4 Family Medical Leave

Family medical leave is granted in accordance with [DSS Policy 4-11](#), Family Medical Leave Act (FMLA) available at <http://stellent:8080/LADSS/getContent?mimeType=application%2Fpdf&docName=026585&rendition=web&noSaveAs=true&id=89779> . FMLA provides for 12 weeks of leave beginning with the first date of occurrence and ending one year from that date. Absence quotas must be created giving the employee 480 hours or 12 weeks of leave to be used.

Use code FMLB for all absences pertaining to the family leave. A family medical leave rollover code will deduct from the 12-week quota balance. The employee must be coded taking the appropriate leave and using the appropriate FMLB code.

- Employee on FMLA for self:
  - LBFM or LWFM
  - FMLB
- Employee on FMLA for family member:
  - LAFM or LWFM
  - FMLB

#### M-391-4-5 Worker's Compensation

Employee injured on the job must be coded on Worker's Compensation (LD).


LD will roll through sick leave, time and one-half compensatory time, straight time compensatory and then annual leave.

LDLW should be use if the employee has no available leave balance.

#### M-391-4-6 Military Leave

Employee shall be granted fifteen (15) days per calendar year for military purposes.

- Military Active Duty – LMAL
- Military Training Leave – LMTL

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- Military Physical Exam – LMPE

#### M-391-4-7 Office Closures (LSOC)

Office closure due to a natural emergency or local condition.


- Authorized by the Governor - If the office is officially closed by the Governor before the workday begins, no leave shall be charged and compensatory leave shall be earned by employees who report to and remain on duty. An employee on leave without pay is not eligible for paid leave and shall be charged leave without pay.
- Authorized by the Governor – If the office is officially closed by the Governor after the workday begins, employees who reports to work shall be credited with regular duty time from the beginning until the official closure. Compensatory leave shall be granted to employees who remain on duty after the official closure. Employees on approval leave prior to the closure shall remain on leave until the official closure.
- Authorized by the Department - Same as above.
- Temporary Isolated Incident – If only part of an office is affected and the office is not officially closed, employees on approved leave or leave without pay must be charged with the type of leave previously approved and no compensatory leave shall be granted to anyone who remains on duty.

#### M-391-4-8 Other

No time file coding is necessary for the following attendances:

- Conference/convention
- Court appearances (job related)
- Drug testing
- Interview
- Training
- Testing/exams

#### M-392 ACCRUAL OF LEAVE

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Annual and Sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty. Employees hired on a restricted appointment do not earn leave.

The accrual of leave is based on the equivalent of years of full-time State service and is credited at the end of each pay period.

The earning rate is as follow:

- Less than 3 years, 3.6880 or .0461 hour for each hour of regular duty.
- Three years but less than five years, 4.6080 or .0576 hour for each hour of regular duty.
- Five years but less than ten years, 5.5360 or .0692 hour for each hour of regular duty.
- Ten years but less than fifteen years, 6.4560 or .0807 hour for each hour of regular duty.
- Fifteen or more years of service, 7.3840 or .0923 hour for each hour of regular duty.

The Human Resources Section needs notification of employee's total state service in order for the employee to earn leave at the correct rate.

All accrued unused annual and sick leave earned by the employee shall be carried forward to succeeding calendar years.

#### M-392-1 Compensatory Leave


An employee in the classified service may be required by its appointing authority to work overtime. The agency shall determine the exempt and non-exempt status of all positions, in accordance with the Fair Labor Standards Act (FLSA).

Exempt employees shall be compensated in accordance with Civil Service rules for State Overtime.

Non-Exempt employees shall be compensated for overtime in accordance with the FLSA for overtime conditions that are covered by the FLSA, and shall be compensated in accordance with Civil Service rules for State Overtime.

Overtime compensation may be granted in the form of cash payment or compensatory leave earned.

Compensatory leave shall be given for overtime hours worked unless prior written approval for payment is authorized from the appointing authority.

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Employee must receive prior approval from their appointing authority before working overtime. Employees are not authorized to work overtime on a voluntary basis.

#### M-392-1-1 Non-Exempt Positions

Employees who occupy non-exempt positions may be compensated by one of the following:

- Time and one-half compensatory leave time for overtime hours worked in excess of 40 hours in a work-week.
- Time and one-half pay for overtime hours worked in excess of 40 hours in a work- week.
- Straight time (hour for hour) compensatory leave time for overtime worked when 40 hours have not been worked in a work-week.
- Straight time (hour for hour) pay for overtime worked when 40 hours have not been worked in the work-week.

At the discretion and direction of the appointing authority, State Overtime hours worked by an employee occupying a non-exempt positions may be compensated at the straight time, may be compensated at time and one half rate for services performed during official closures due to emergency situations or services performed on a holiday.


Example: Week 1 – Employee worked 40 hours plus 10 hours overtime. Employee would earn 10 hours of compensatory leave or pay at time and one-half rate.

Week 2 – Employee worked 35 hours (used 5.0 annual leave) plus 10 hours overtime. Employee would earn 5 hours of compensatory leave or pay at time and one-half rate and 5 hours at straight time rate. If the 10 hours of overtime worked was during an official closure or holiday, the employee could be compensated at time and one-half rate with approval.

#### M-392-1-2 Exempt Positions

Employees who occupy exempt positions may be compensated by one of the following:

- No compensation
- Straight time pay authorized by the appointing authority.
- Straight time compensatory leave.
- Compensation at the time and one-half rate for overtime performed during official closures due to emergency situations

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- Compensation at the time and one-half rate approved by the Civil Service Commission.

Ex: Week 1: Employee worked 40 hours plus 10 hours of overtime.

Week 2: Employee worked 35 hours (5 hours of annual leave) plus 10 hours overtime.

Employee may receive no compensation or 10 hours at straight time rate per workweek. This employee would only be compensated at the time and one-half rate if the overtime worked was during an official closure due to an emergency situation or approval was received from Civil Service.

Overtime is computed after an employee completes a 40-hour workweek. The employee must have actually worked the 40 hours in order to receive the time and one-half rate. Leave taken by the employee during the workweek is not considered hours worked and the employee would be compensated at the straight time rate.

The maximum amount of compensatory leave earned at the time and one-half rate is 240 hours. The employee must be paid at the time and one-half rate for any overtime hours above the 240-hour cap. It is the supervisor's responsibility to assure that the 240-hour cap is not exceeded.

The maximum amount of compensatory leave earned at the straight time rate is 360 hours. If the cap exceeded the 360 hours as of December 31 of any year, the balance must be reduced to 360 by close of business on December 31 for exempt employees. For non-exempt employees, payment must be made within 90 days after January 1 of each year for hours that exceeded the 360 hours.