



**EXECUTIVE DEPARTMENT**  
**EXECUTIVE ORDER NUMBER JBE 2016 – 48**

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***RULES AND POLICIES ON LEAVE FOR UNCLASSIFIED SERVICE***

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**WHEREAS,** no permanent rules or policies on annual, compensatory, sick, special, military, and other leave exist for certain officers and employees who are in the unclassified service of the state;

**NOW THEREFORE, I, JOHN BEL EDWARDS,** Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

**SECTION 1:** Applicability

- A. The rules and policies established by this Order shall be applicable to all officers and employees in the unclassified service of the executive branch of the state of Louisiana with the exception of elected officials and their officers and employees, and the officers and employees of a system authorized by the Louisiana Constitution or legislative act to manage and supervise its own system. Elected officials of the executive branch may adopt the rules and policies set forth in this Order to govern the unclassified officers and employees within their department.
- B. Nothing in this Order shall be applied in a manner which violates, or is contrary to, the Fair Labor Standards Act (hereafter "FLSA"), the Family and Medical Leave Act, or any other applicable federal or state law, rule, or regulation.

**SECTION 2:** Definitions

Unless the context of this Order clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

- A. "Annual leave" means leave with pay granted to an officer or employee for the purpose of rehabilitation, restoration, or maintenance of work efficiency, or the transaction of personal affairs.
- B. "Appointing authority" means the agency, department, board, or commission, or the officers and employees thereof, authorized by statute or lawfully delegated authority to make appointments to positions in state service.
- C. "Compensatory leave" means time credited for hours worked outside the regularly assigned work schedule.
- D. "Continuing position" means an office or position of employment with the state which reasonably can be expected to continue for more than one (1) calendar year or twelve (12) consecutive months.
- E. "Duty for military purposes" means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training, and inactive duty for training (weekend drills).

- F. "Educational leave" means leave that may be granted by an appointing authority to an officer or employee for a limited educational purpose in accordance with the uniform rules developed by the commissioner of administration. "Educational leave with pay" is a subclass of educational leave and is for the purpose of attending an accredited educational institution to receive formalized training which will materially assist the officer or employee in performing the type of work performed by the officer or employee's department.
- G. "Governor's Executive Office" ("executive department, Office of the Governor") means the budget unit 01-100 as listed in Schedule 01 of the General Appropriations Act
- H. "Intermittent employee" means a person employed in state service that is not hired to work on a regularly scheduled basis.
- I. "Leave without pay" and/or "leave of absence without pay" means a period of leave or time off from work granted by the appointing authority, or the appointing authority's designee, for which the officer or employee receives no pay.
- J. "Overtime hour" means an hour worked at the direction of the appointing authority, or the appointing authority's designee, by an unclassified officer or employee who is serving in a position which earns compensatory leave:
1. On a day which is observed as a holiday in the department and area of the officer or employee's employment and falls on a day within the workweek, or is observed as a designated holiday in lieu of a regular holiday observed in the department;
  2. In excess of the regular duty hours in a regularly scheduled workday;
  3. In excess of the regular duty hours in a regularly scheduled workweek;
  4. In excess of forty (40) hours worked during any regularly recurring and continuous seven (7) day calendar work period where excessive hours are systematically scheduled;
  5. In excess of eighty (80) hours worked during any regularly recurring and continuous fourteen (14) day calendar work period where excessive hours are systematically scheduled;
  6. In excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average forty (40) hours per week, regardless of the manner in which scheduled; or
  7. For the hours an officer or employee works on a day in which a department or division thereof is closed due to an emergency, within the meaning of R.S. 1:55(B)(5).
- K. "Regular tour of duty" means an established schedule of work hours and days recurring regularly on a weekly, biweekly, or monthly basis for full-time or part-time unclassified officers or employees.
- L. "Seasonal employee" means a person employed on a non-continuous basis for a recognized peak work load project.
- M. "Sick leave" means leave with pay granted to an officer or employee who is unable to perform their usual duties and responsibilities due to illness, injury, or other disability, or when the officer or employee requires medical, dental, or optical consultation or treatment.
- N. "State service" means employment in the executive branch of state government, including state supported schools, agencies and universities; public parish school systems; public student employment; membership on a public board or commission; and employment in the legislative and judicial branches. To constitute state service, the service or employment must have been performed for a Louisiana public entity. Contract service does not constitute state service.

- O. "Temporary employee" means any person, other than an unclassified appointee, who is continuously employed in the unclassified service of the executive branch for a period which does not exceed and is not reasonably expected to exceed one (1) year or twelve (12) consecutive calendar months.
- P. "Unclassified appointee," a subclass of officers and employees in the unclassified service of the executive branch, means certain unclassified officers who are appointed by:
  - 1. The governor to serve on the governor's executive staff, the governor's cabinet, and the executive staff of the governor's cabinet, or to serve as the head of a particular agency;
  - 2. A cabinet member to serve on the cabinet member's executive staff;
  - 3. The superintendent of the Department of Education to serve on the superintendent's executive staff;
  - 4. An elected official in the executive branch who has adopted the rules and policies set forth in this Order, to serve on the elected official's executive staff; or
  - 5. The secretary of the Department of Economic Development to serve in the unclassified service in the Office of Business Development. An unclassified appointee shall be on duty and available to serve and in contact with their appointing authority throughout the term of their appointment except when on leave.
- Q. "Unclassified service" means those positions of state service, as defined in Article X, Sections 2 and 42 of the Louisiana Constitution of 1974, which are not positions in the classified service.

**SECTION 3: Full-time Employees**

For each full-time unclassified officer or employee, each appointing authority shall establish administrative work weeks of not less than forty (40) hours per week.

**SECTION 4: Granting Leave**

- A. At the discretion of their appointing authority, or the appointing authority's designee, unclassified officers and employees may be granted time off for vacations, illnesses, and emergencies.
- B. At the discretion of their appointing authority, or the appointing authority's designee, an unclassified officer or employee may, for disability purposes, be granted annual leave, leave without pay, or sick leave.

**SECTION 5: Earning of Annual and Sick Leave**

- A. Annual and sick leave shall not be earned by the following persons:
  - 1. Members of boards, commissions, or authorities;
  - 2. Student employees, as defined under Civil Service Rules;
  - 3. Temporary, intermittent, or seasonal employees; and
  - 4. Part-time employees of the Governor's Executive Office.
- B. The earning of annual and sick leave shall be based on the equivalent of years of full time state service and shall be credited at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general schedule:
  - 1. Less than three (3) years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty;
  - 2. Three (3) or more years but less than five (5) years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty;

3. Five (5) or more years but less than ten (10) years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty;
4. Ten (10) or more years but less than fifteen (15) years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty; and
5. Fifteen (15) or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

For purposes of this Section, an unclassified appointee shall only accrue sick and annual leave on the basis of a forty (40) hour work week. Unclassified appointees shall earn annual and sick leave based on their equivalent years of full-time state service in accordance with the following general schedule.

1. Less than three (3) years of service, at the rate of twelve (12) days per year each for annual and sick leave;
2. Three (3) or more years but less than five (5) years of service, at the rate of fifteen (15) days per year each for annual and sick leave;
3. Five (5) or more years but less than ten (10) years of service, at the rate of eighteen (18) days per year each for annual and sick leave;
4. Ten (10) or more years but less than fifteen (15) years of service, at the rate of twenty-one (21) days per year each for annual and sick leave; and
5. Fifteen (15) or more years of service, at the rate of twenty-four (24) days per year each for annual and sick leave.

For purposes of this Section, contract service does not constitute either fulltime or part-time state service and cannot be used to determine, and has no effect upon, the rate at which annual leave and sick leave is earned by, accrued by, or credited to a full-time or part-time officer or employee in unclassified state service.

C. No unclassified officer or employee shall be credited with annual or sick leave:

1. For any overtime hour(s);
2. For any hour(s) of leave without pay, except as set forth in Section 17 of this Order;
3. For any hour(s) of on-call status outside the officer or employee's regular duty hour(s);
4. For any hour(s) of travel or other activity outside the officer or employee's regular duty hours; or
5. For any hour(s) of a holiday or other non-work day which occurs while on leave without pay, except as set forth in Section 17 of this Order.

## **SECTION 6: Carrying Annual and Sick Leave Forward**

Accrued unused annual and sick leave earned by an unclassified officer or employee shall be carried forward to succeeding calendar years without limitation.

## **SECTION 7: Use of Annual Leave**

- A. An unclassified officer or employee shall apply for use of annual leave, but it may be used only with the approval of the appointing authority, or the appointing authority's designee.
- B. An unclassified officer or employee shall apply for use of, and use, annual leave, compensatory leave, or leave without pay when unavailable to serve their appointing authority as a result of voluntary or involuntary conditions, such as personal vacations or trips unrelated to the officer or employee's duties; performing political activities during regular tour of duty hours; or performing

for compensation non-appointment related activities, duties, or work during regular tour of duty hours.

- C. Annual leave shall not be charged for non-work days and/or non-regular tour of duty hours.
- D. The minimum charge to annual leave records shall be in increments of not less than one-tenth (.1) of an hour, or six (6) minutes.
- E. An appointing authority, or the appointing authority's designee, may require an unclassified officer or employee to use their accrued annual leave whenever such an action is determined by the appointing authority, or the appointing authority's designee, to be in the best interest of the department. When such an instance occurs, no unclassified officer or employee shall be required to reduce their accrued annual leave to less than two hundred forty (240) hours except:
  - 1. When granted leave without pay, but subject to the military leave provision of Section 17 of this Order; or
  - 2. When the absence from work is due to a condition covered by the Family and Medical Leave Act.

**SECTION 8:** Use of Sick Leave

- A. Sick leave with pay shall be used by an unclassified officer or employee who has accrued sick leave, when an illness or injury prevents the officer or employee from reporting to duty, or when medical, dental, or optical consultation or treatment is attended. Nonetheless, an unclassified appointee shall apply for use of, or use, sick leave when the appointee is unavailable or mentally or physically unable to serve their appointing authority as a result of voluntary or involuntary conditions.
- B. A medical certificate is not required for an unclassified officer or employee to use accrued sick leave, but the appointing authority, or the appointing authority's designee, has discretion to require such a certificate as justification for an absence.
- C. Sick leave shall not be charged for non-work days, or for non-regular tour of duty hours.
- D. The minimum charge to sick leave records shall be in increments of not less than one-tenth (.1) of an hour, or six (6) minutes.
- E. Sick leave with pay shall only be granted after it has been accrued by an unclassified officer or employee. Sick leave with pay shall not be advanced.
- F. An appointing authority, or the appointing authority's designee, has discretion to place an unclassified officer or employee on sick leave after an officer or employee asserts the need to be absent from work due to an injury or illness.

**SECTION 9:** Transfer of Annual and Sick Leave

- A. A classified or unclassified officer or employee shall have all accrued annual and sick leave credited to them when the officer or employee transfers without a break in state service into a position covered by this Order.
- B. An officer or employee shall have all accumulated annual and sick leave, to the extent that it was earned, credited to them when the officer or employee transfers without a break in service from a department not covered by this Order into a department covered by this Order.
- C. When an unclassified officer or employee transfers without a break in service to a position covered by other leave rules of the state, the officer or employee's accrued annual and sick leave shall be transferred to the new employing state department or agency. The new employing department or agency shall either hold the annual and sick leave in abeyance or integrate the leave into its own system.

The officer or employee's accumulated leave shall not be reduced during such integration.

**SECTION 10: Disbursement of Accrued Annual Leave Upon Separation**

- A. Upon the resignation, death, removal, or other final termination from state service of an unclassified officer or employee, the officer or employee's accrued annual leave shall be paid in a lump sum, up to a maximum of three hundred (300) hours, disregarding any final fraction of an hour. The payment shall be computed as follows:
1. When the officer or employee is paid on an hourly basis, the regular hourly rate that the officer or employee received at the time of termination from state service shall be multiplied by the number of hours of their accrued annual leave, which number is not to exceed three hundred (300) hours; or
  2. When the officer or employee is paid on other than an hourly basis, the officer or employee's hourly rate shall be determined by converting the salary the officer or 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 annual leave, which number is not to exceed three hundred (300) hours.
- B. An unclassified officer or employee who is paid for accrued annual leave upon termination from service and who is subsequently re-employed in a leave earning classified or unclassified position shall reimburse the state service, through the employing agency, for the number of hours the officer or employee was paid which exceeded the number of work hours that transpired during the officer or employee's break from state service. In turn, the officer or employee shall receive a credit for the number of hours of annual leave for which the officer or employee made reimbursement to state service.

**SECTION 11: Disbursement of Accrued Sick Leave Upon Separation**

An unclassified officer or employee shall not receive payment, directly or in kind, for any accrued sick leave remaining at the time of their termination from unclassified service.

**SECTION 12: Continuance of Annual and Sick Leave**

An unclassified officer or employee shall receive credit for all accrued unpaid annual leave and all unused sick leave upon re-employment by the state in the unclassified service within a period of five (5) years from date of their termination from state service if the officer or employee's re-employment occurs during the effective period of this Order.

**SECTION 13: Compensatory Leave**

- A. Compensatory leave shall not be earned by the following persons:
1. Unclassified appointees;
  2. Student employees, as defined under the Civil Service Rules;
  3. Temporary, intermittent, or seasonal employees;
  4. Members of boards, commissions, or authorities;
  5. The executive director or equivalent chief administrative officer of all boards, commissions, and authorities operating within the executive branch who are appointed by a board, commission, or authority;
  6. Other officers of the state who are appointed by the governor, including members of boards, commissions, and/or authorities; and
  7. Part-time employees of the Governor's Executive Office.

- B. Compensatory leave may be earned when an appointing authority, or the appointing authority's designee, requires an unclassified officer or employee in a compensatory leave earning position to work on a holiday or at a time that the officer or employee is not regularly required to be on duty. At the discretion of the appointing authority, compensatory leave may be granted for such overtime hours worked outside the regularly assigned work schedule or on holidays. However, officers or employees exempt from the FLSA shall be compensated for such overtime in accordance with the FLSA.
- C. No unclassified officer or employee who sets his own work schedule shall be eligible to earn compensatory leave. However, for overtime work which the appointing authority judges to be extraordinary and which the appointing authority closely monitors, the appointing authority may grant compensatory leave to such an unclassified officer or employee.
- D. If an appointing authority permits the earning of compensatory leave to an FLSA-exempt unclassified officer or employee, then the amount of such leave shall be equal to, and not in excess of, the number of extra hours such an officer or employee is required to work.
- E. When earned, compensatory leave shall be promptly credited to the unclassified officer or employee and, upon the approval of the appointing authority or the appointing authority's designee, it may be used by the officer or employee at a future time.

**SECTION 14:** Use and Disbursement of Compensatory Leave While in Service

- A. An unclassified officer or employee who is not exempt from the FLSA shall be paid in cash for any overtime hours worked in excess of the maximum balance allowed by the FLSA.
- B. At the discretion of the appointing authority, an unclassified officer or employee may be paid in cash for any compensatory leave earned at the hour for hour rate in excess of three hundred sixty (360) hours. However, an appointing authority, with approval of the commissioner of administration, may authorize cash payments for any compensatory hours earned by officers or employees holding non-management disaster recovery related positions.
- C. An appointing authority may require an unclassified officer or employee to use their earned compensatory leave at any time.

**SECTION 15:** Disbursement of Accrued Compensatory Leave Upon Separation

- A. When an unclassified officer or employee transfers without a break in service to another department within state service, at the discretion of the new appointing authority, the new department may credit accrued compensatory leave to the transferring officer or employee.
- B. When the unclassified officer or employee, who is not exempt from the FLSA, separates from state service or transfers from the department in which the officer or employee earned compensatory leave to a department not crediting the officer or employee with the accrued balance of compensatory leave, the accrued compensatory leave shall be paid at the higher of the following rates:
  - 1. The average regular rate of pay received by the officer or employee during the last three (3) years of his or her employment; or
  - 2. The final regular rate of pay received by the officer or employee.
- C. When an unclassified officer or employee, who is exempt from the FLSA, separates from state service or transfers from the department in which the officer or employee earned compensatory leave to a department not crediting the officer or employee with the accrued balance of compensatory leave, the accrued compensatory leave, if

paid, shall be paid at the higher of the following rates:

1. The average regular rate of pay received by the officer or employee during the last three (3) years of his or her employment; or
2. The final regular rate of pay received by the officer or employee.

**SECTION 16: Special Leave**

- A. An unclassified officer or employee who is serving in a position that earns annual and sick leave shall be given time off, without loss of pay, annual leave, or sick leave when:
  1. Performing state or federal grand or petit jury duty;
  2. Appearing as a summoned witness before a court, grand jury, or other public body or commission;
  3. Performing emergency civilian duty in relation to national defense;
  4. Voting in a primary, general, or special election which falls on the officer or employee's scheduled work day, provided not more than two (2) hours of leave shall be allowed an officer or employee to vote in the parish of employment, and not more than one (1) day of leave shall be allowed an officer or employee to vote in another parish;
  5. Participating in a state civil service examination on a regular work day, or taking a required examination pertinent to the officer or employee's state employment before a state licensing board;
  6. The appointing authority determines an act of God prevents the performance of the duties of the officer or employee;
  7. The appointing authority determines that, due to local conditions or celebrations, it is impracticable for the officer or employee to work in the locality;
  8. The officer or employee is ordered to report for a pre-induction physical examination incident to possible entry into the armed forces of the United States;
  9. The officer or 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;
  10. The officer or employee is engaged in the representation of a pro-bono client in a civil or criminal proceeding pursuant to an order of a court of competent jurisdiction; and/or
  11. The officer or employee is a current member of Civil Air Patrol and, incident 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.
- B. At the discretion of their appointing authority, an unclassified officer or employee who is not serving in a position which earns annual or sick leave, but who is regularly employed by the state of Louisiana in the executive branch within the meaning of La. R.S. 23:965(B) and who is called to serve or is serving on a state or federal grand or petit jury during regular tour of duty hours, may, in conjunction with the provisions of La. R.S. 23:965(B), be granted a leave of absence without loss of pay or use of accrued leave for a period of up to twelve (12) days per year.

## **SECTION 17: Military Leave**

- A. **Military Leave With Pay**
1. An unclassified officer or employee serving in a position that earns annual and sick leave who is a member of a reserve component of the armed forces of the United States and called to duty for military purposes, or who is a member of a National Guard unit called to active duty as a result of a non-local or non-state emergency, shall be granted a leave of absence from a state position without loss of pay or deduction of leave for a period not to exceed fifteen (15) working days per calendar year (hereafter "military leave with pay"). In addition, an appointing authority may grant annual leave, compensatory leave, leave without pay, or any combination thereof, for a period in excess of fifteen (15) working days per calendar year, in accordance with this Order and/or as required by state and/or federal law.
  2. An unclassified officer or employee who is a member of a reserve competent of the armed forces of the United States or a National Guard unit, ordered and/or called to duty for military purposes, shall give prompt notice of the duty to their appointing authority, or the appointing authority's designee. Advanced notice is not required when precluded by military necessity, or otherwise impossible or unreasonable.
  3. An unclassified employee that qualifies for leave under this Section shall accrue annual and sick leave as they would if they had not been absent for military training or military active duty.
- B. The provisions of this Subsection apply to employees who are called to active duty and are on Leave Without Pay by choice or because all annual and/or compensatory leave has been exhausted. The provisions of this Section shall not apply to employees on "inactive duty for training" (weekend drills).
1. When Military Leave with Pay 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.
  2. 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.
  3. Employees who are on Leave Without Pay shall receive, each calendar year, the full 15-days of Military Leave with Pay provided for in Subsection A. The pay differential allowed shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.

## **SECTION 18: Other Leave**

An unclassified officer or employee serving in a position that earns annual and sick leave may be eligible to use the following additional types of leave:

- A. **Optional Leave with Pay:** An unclassified officer or employee who is absent from work due to a disability for which the officer or employee is entitled to receive worker's compensation benefits, may use accrued sick or annual leave to receive combined leave and worker's compensation payments equal to, and, in an amount not to exceed, the officer or employee's regular salary.
- B. **Law Enforcement Disability Leave:** When an unclassified officer or employee in law enforcement becomes disabled while in the performance of a duty of a hazardous nature which results in their being unable to perform their usual or normal duties, the disabled officer or employee's appointing authority may, with the approval of the commissioner of administration, grant the disabled officer or employee a leave of absence with full pay during the period of such disability without charge against accrued sick or annual leave, provided the officer or employee pays to the employing department all amounts of weekly worker's compensation benefits received by the officer or employee during that period of leave with full pay.
- C. **Funeral Leave:** An unclassified officer or employee may, at the discretion of the appointing authority, be granted leave without loss of pay, or use of accrued leave to attend the funeral, burial, or last rites of a spouse, parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent, grandchild, or any other person that the officer or employee's appointing authority deems appropriate, provided such leave shall not exceed a period of two (2) days for any single occurrence. Whenever possible, prior notice of the need to take such leave shall be given by the officer or employee to the appointing authority. At all other times, the officer or employee shall give notice of the need to take such leave at the time it is taken.
- D. **Educational Leave:**
  - 1. An appointing authority may grant an unclassified officer or employee educational leave without pay for an approved educational purpose, for a maximum period of twelve (12) months, in accordance with the rules developed by the commissioner of administration. Consecutive periods of leave without pay may be granted to the officer or employee by the appointing authority.
  - 2. Upon the approval of the commissioner of administration and in accordance with the rules developed by the commissioner of administration, an appointing authority may grant an unclassified officer or employee educational leave with pay for a maximum period of thirty (30) calendar days during one (1) calendar year. Upon the approval of the commissioner of administration and in accordance with the rules developed by the commissioner of administration, an appointing authority may grant an unclassified officer or employee educational leave with pay for a maximum of ninety (90) calendar days during one (1) calendar year if, in addition to the general prerequisites necessary for qualification for educational leave with pay, the educational instruction or training to be taken by the officer or employee is also necessary to, or will substantially aid, the administration of the state agency.
  - 3. In accordance with the rules developed by the commissioner of administration, an appointing authority may grant a stipend to an unclassified officer or employee who has been granted educational leave if:
    - a. funds are available for such purposes,
    - b. the commissioner of administration approves the stipend, and
    - c. the commissioner of administration finds the stipend will be used for a proper, designated purpose and its proper use is clearly supported with appropriate

documentation.

**SECTION 19: Leave of Absence Without Pay**

- A. An appointing authority may extend a leave of absence without pay to an unclassified officer or employee for a period not to exceed one (1) year, provided that such leave shall not prolong the period of the officer or employee's appointment or employment in state service.
- B. If an unclassified officer or 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 appointing authority's designee, then the officer or employee shall be considered as having deserted their position of appointment or employment.
- C. At the discretion of the appointing authority, or at the request of the unclassified officer or employee, a period of leave of absence without pay that has been extended to an officer or employee may be credited, provided such curtailment is in the best interest of state service and reasonable and proper notice thereof is furnished to the officer or employee.

**SECTION 20: Holidays**

- A. Holidays shall be observed as provided in R.S. 1:55 and by proclamation issued by the governor.
- B. An unclassified officer or employee in state service in a compensatory leave earning or part-time position may, at the discretion of their appointing authority, receive additional compensation when required to work on an observed holiday.
- C. When an unclassified officer or employee is on leave without pay during the period immediately preceding and following an observed holiday, that officer or employee shall not receive compensation for that holiday unless the holiday is worked by the officer or employee.

**SECTION 21: Record Keeping**

- A. Leave records shall be maintained for all unclassified appointees. Daily attendance and leave records shall be maintained for all other unclassified officers and employees who are eligible to accrue or use annual, sick and/or compensatory leave.
- B. An accrued balance of unused annual, compensatory, and/or sick leave shall be held in abeyance for an officer or employee who becomes ineligible to earn and/or use the particular type of leave pursuant to the terms of this Order. The accrued balance(s) shall be available to the officer or employee, in accordance with the provisions of this Order, when he or she again becomes eligible to earn and/or use said leave, or when he or she separates from state service.

**SECTION 22: Compliance**

- A. All departments, commissions, boards, agencies, and officers or employees of the state, or any political subdivision thereof within the executive branch of state government effected by this Order shall comply with, be guided by, and cooperate in the implementation of the provisions of this Order.
- B. The head of each department shall be responsible for deciding the extent to which the discretionary provisions of this Order shall be implemented within their department.

**SECTION 23: Effective Dates**

Unless specifically designated otherwise, upon signature of the Governor, the provisions of this Order shall be applicable to all current and future unclassified officers and employees and, as to current officers and employees, be retroactive to noon on January 11, 2016. Any rights accrued to unclassified officers and employees prior to December 31, 2015, pursuant to the provisions of Executive Order No. BJ 12-02, shall not be adversely affected by the retroactive application of this Order.

- A. The rules and policies established by this Order shall be applicable to all officers and employees in the unclassified service of the executive branch of the state of Louisiana with the exception of elected officials and their officers and employees, and the officers and employees of a system authorized by the Louisiana Constitution or legislative act to manage and supervise its own system. Elected officials of the executive branch may adopt the rules and policies set forth in this Order to govern the unclassified officers and employees within their department.
- B. Nothing in this Order shall be applied in a manner which violates, or is contrary to, the Fair Labor Standards Act (hereafter "FLSA"), the Family and Medical Leave Act, or any other applicable federal or state law, rule, or regulation.

The provisions of this Order shall remain in effect until amended, modified, terminated, or rescinded by the governor or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 5<sup>th</sup> day of August, 2016.

  
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GOVERNOR OF LOUISIANA

ATTEST BY  
THE GOVERNOR

  
\_\_\_\_\_  
SECRETARY OF STATE