

# State Police Commission



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Jane Orr, Director

October 31, 1991

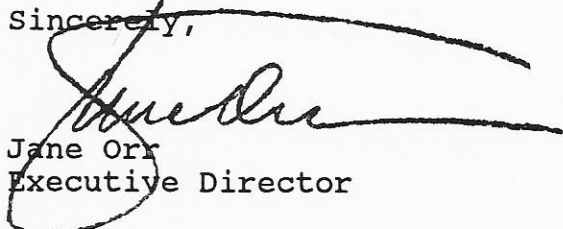
## TRANSMITTAL SHEET NO. 2

**TO:** State Police Commission Members, Colonel Marlin A. Flores, Russell J. Culotta, Rosemary Hannie, Walt Smith, James E. Jordan, Jr., Michael W. O'Neal, Wayne D. Winkler, Barry J. Hebert, Michael R. Field, Steven J. Martel, Jimmy B. Odom, James L. Matthews, III, Bernard R. Daigle, Claude O. Alford, James C. McKenzie and Albert D. Pressburg.

**SUBJECT:** Amended State Police Commission Rule 11.26(e)

At its September 16, 1991 meeting, the State Police Commission amended State Police Commission Rule 11.26(e) as attached. This Rule was approved by Governor Roemer effective September 16, 1991. Please insert these pages in Chapter 11 of the State Police Commission Rules.

Sincerely,



Jane Orr  
Executive Director

Attachments

periods in excess of 180 consecutive calendar days may be separated from State service and be restored to duty upon return as provided in Rule 8.19, or may be placed on leave without pay for the maximum periods of time specified in Rule 8.19 for restoration to duty.

(d) Rights Upon Return.

Probationary and permanent employees returning to their classified positions under the provisions of this Rule or Rule 8.19, 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; however, status is subject to the provisions of Rule 9.3.

\* (e) A probationary or permanent employee, who is a member of a reserve component of the Armed Forces of the United States and is involuntarily called to active duty prior to December 31, 1991, as a result of the August 1990 Persian Gulf Crisis, for the duration of the involuntary service, and is released from satisfactory active military duty, upon furnishing appropriate official documents to the Superintendent of State Police:

1. shall be allowed fifteen (15) working days per calendar year of military leave with pay;
2. and shall continue to accrue sick and annual leave on the same basis as though he/she had not been activated and be credited such leave and all emoluments upon return from involuntary active duty as though he/she had not been activated;
3. and shall be retained in either leave with pay or leave without pay status for the duration of the involuntary active duty;
4. and shall not be subject to separation for the duration of the resulting active duty, provided he/she returns to employment within ninety days after release from active duty;
5. and may repurchase in one payment only all or part of any annual leave used during the period of involuntary service within twenty-four (24) months from return to active state service;
6. and, where the military base pay was less than the state base pay:

(a) if leave without pay was utilized for the entire period of involuntary service, shall be

paid the difference between the military base pay and the state base pay; or

- (b) if paid annual and/or compensatory leave was used during the entire period of involuntary service, shall be recredited with the value of that used leave represented by the difference in military base pay and state base pay in the same proportion as that leave was used during the period of involuntary service; or
- (c) if leave without pay was used for a portion of the period of involuntary service, shall be paid a portion of the difference in military base pay and state base pay that is the same as the portion that leave without pay is of the total of all leave taken. For the remaining portion of the pay difference, the formula used in part (e)6(b) shall apply.
- (f) A probationary or permanent employee, who was called to involuntary active duty as a result of the August 1990 Persian Gulf Crisis, and resigned from state service, may, at his/her request, and within ninety (90) days of his/her release from active duty, have his/her resignation rescinded and become eligible for the benefits of sub-section (e) of this rule.

## 11.27

## Leave of Absence Without Pay.

- (a) An appointing authority may extend leave of absence without pay to an employee for a period not to exceed one year, provided that such leave shall not prolong the period of his appointment.
- (b) After presenting justifiable reasons in writing to the Director and with his approval, an appointing authority may extend to a permanent employee leave of absence without pay for a period or periods in excess of one year.
- (c) The appointing of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.
- (d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

- (e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be removed in accordance with the provisions of Chapter 12 of these Rules.
- (f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).
- (g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

#### 11.27.1 Leave Prohibited to Assume an Unclassified Position.

A probationary employee shall not be granted leave to serve in an unclassified position.

#### 11.28 Holidays.

- (a) An employee who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Rule 6.23(a).
- (b) When a holiday falls on an employee's regular day off, and the appointing authority requires the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only one of the two days as the employee's official holiday for overtime compensation as provided by Rule 6.23. The other day is to be compensated as regular overtime work.
- (c) Repealed, effective June 7, 1989.

## 11.29 Compensatory Leave.

- (a) Subject to provisions of Subsections (b) and (g) of this Rule, and in accordance with Rules 6.18 through 6.27 and the requirements of Federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the option of the appointing authority, be credited with compensatory leave for the hours he has been required to work.
- (b) Compensatory leave shall not be credited to any employee in the classified service while he is serving on an intermittent basis.
- (c) Subject to the provisions of Subsections (e) and (f) of this Rule, compensatory leave credited to an employee may be used by him, with the approval of his appointing authority.
- (d) An employee who has been credited with compensatory leave may be required, by his appointing authority, to take all or part of such leave at any time.
- (e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:
  1. All unused compensatory leave earned at the time and one-half rate and credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at one of the rates below, whichever is higher:
    - (a) The average regular rate received by the employee during the last three years of his employment, or
    - (b) The final regular rate received by the employee.
  2. All unused compensatory leave earned hour for hour and credited to an employee may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.
  3. All unused compensatory leave earned hour for hour, if not paid to the employee upon separation shall be cancelled upon his separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.

- (f) Caps on accumulation of compensatory leave are found under the provisions of Rule 6.25.
  - (g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people, he may require such employees to perform overtime duty; and the provisions of Rules 11.29(a), 6.20, 6.21, 6.22, and 6.23 shall not apply to such duty, unless such overtime is required by Federal rules, statutes, regulations, and judicial decisions.
  - (h) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(f).
  - (i) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).
  - (j) Amended and re-enacted, effective March 17, 1980, as Rule 11.29(g).
- 11.30 Repealed, effective December 17, 1957.
- 11.31 Forms
- The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.
- 11.32 Repealed, effective December 17, 1957.
- 11.33 Repealed, effective December 17, 1957.