

Proper Use of Sick and Annual Leave

Civil Service Training

May 17, 2017



Part I: Annual Leave – Rule VIII, Section 1

- Each City Department should have an internal procedure for requesting leave and should apply it equitably to all of its employees.
- Written requests from the employee require a written response in 5 days.
- The employee has rights in determining the use of this benefit, and may opt to use leave without pay instead of annual leave.

COMMONLY ASKED QUESTIONS

1) How far in advance must requests for annual leave be made?

The appointing authority has discretion in determining how far in advance requests must be made, and should include this information in its internal policy.



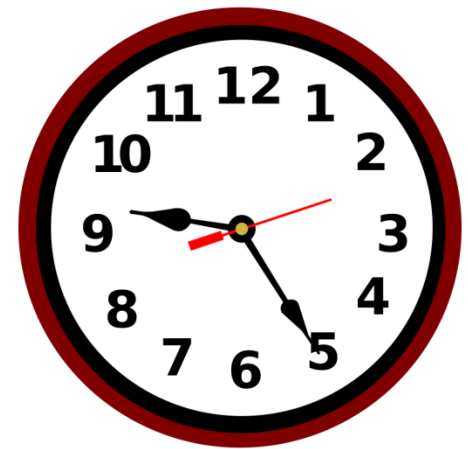
2) Can a supervisor force an employee to use annual leave ?

No, with one exception.

Annual leave is a benefit granted to classified employees. It is to be used upon an employee's request subject to the approval of the employee's appointing authority. The exception is in cases when an employee is placed on Family and Medical Leave where an employee can be required to apply paid leave toward FMLA leave.

3) What about if an employee is tardy ?

The appointing authority may allow employees to use annual leave to make up for tardiness in lieu of charging the employee leave without pay or making up the time. However, if the employee wishes to reserve their annual leave to be used at another date, they should be charged leave without pay.



4) Do I have to approve annual leave for personal emergencies ?

No. If the department chooses to allow the use of annual leave in these instances, it should apply consistent guidelines for approving this leave (such as the number of prior instances, time of notification, etc.).

The key issue is to insure that employees are treated consistently.

“I can’t remember-do I work at home or do I live at work?”



**5) Are exempt employees required to charge a fraction of a work day to sick or annual leave ?
For instance, if the employee leaves prior to the end of the work day.**

It is current City Policy that the use of leave for EAP employees shall not be reported for portions of less than one day.

Causes of Too Much Sick Leave Usage

- Propensity for physical illness
- Personal emotional issues
- An unhealthy lifestyle
- The need to care for family members
- Problems in the workplace, causing avoidance or stress-related illness
- Lack of understanding of sick leave policies
- Low job satisfaction and disengagement
- Overtime maximization



Part 2: Sick Leave – Rule VIII, Section 2

- Sick leave is only to be used for the employee's own illness, injury, or quarantine. Civil Service extends this definition to include time requested for the employee's own doctor's visits when routine or preventative in nature.
- Each City department should have an internal procedure for requesting sick leave and should apply it equitably to all of its employees. An appointing authority may require a physician's statement certifying the necessity for the employee's absence, even for absences of less than six consecutive working days.
- An appointing authority should not charge an employee sick leave as a method of docking employees for tardiness.

SHRM Sick Leave Facts

- The average working American takes 5.2 sick days annually.
- There's no hard evidence that paid sick leave drives up costs or that employees abuse sick leave policies.
- When employees work when ill, there is a higher probability they will make more errors, which potentially costs more than the cost of paid sick time .



Commonly Asked Questions- Sick Leave

1) Can an employee use sick leave to care for a sick relative?

No. Sick leave is only to be used for the employee's own illness, injury, doctor's appointment, or funeral leave as defined in the rules.

2) Can a supervisor prohibit the use of sick leave?

As long as the employee has notified his or her supervisor and has provided documentation in accordance with departmental policy and Civil Service Rules, then the leave should be permitted. However, if an appointing authority has determined that the employee has requested or charged sick leave improperly, they can require that the employee use another type of leave or leave without pay.

Commonly Asked Questions Sick Leave (cont.)

3) How far in advance should an employee provide notice for the use of sick leave?

Each department should have a written internal policy reflective of its business needs.

For example, "Supervisors should be contacted at least 30 minutes prior to the start of a shift."

Sick Leave Donations - General Information

It should be verified that the employee's incapacitation and length of incapacitation are adequately documented by a physician's statement.

It should be verified that the employee has been employed for at least six months. Appointing authorities or their representatives should also make sure that the number of days being donated is not excessive when compared to the number of days needed. If these conditions are not met, the donation forms may be returned unapproved.

Sick Leave Donations Commonly Asked Questions

1) Must a department approve all sick leave donation forms?

No, if the appointing authority believes that the donations are excessive, or not in conformance with the intent of the donation policy, the leave forms can be disapproved.

Annual and Sick Leave for Part Time Employees- General Information

Part-time employees in probationary or permanent status with the City shall earn sick and annual leave in proportion to the hours worked per pay period. Part-time employees shall follow the same procedures as full-time employees for requesting and using leave.

Part-time employees in temporary and/or transient appointments such as special hourly rate classes and NORDC summer workers shall not be eligible to accrue leave.

Breaks and Meal Periods

- Federal law does not require lunch or coffee breaks. However, when employers do offer short breaks (usually lasting about 5 to 20 minutes), federal law considers the breaks as compensable work hours.
- Bona fide meal periods (typically lasting at least 30 minutes) serve a different purpose than coffee or snack breaks and thus, are not work time and are not compensable.

Part 3: Civil Leave - General Information: Rule VIII Section 4.1

An employee shall be given time off without loss of pay:

- (a) When performing jury duty;
- (b) When subpoenaed to appear before a court, public body or Commission. However, in cases where the employee has a direct interest in the matter, Civil Leave shall not be authorized, but rather the appointing authority shall grant annual leave, or, in its absence, leave without pay;
- (c) When performing emergency civilian duty in connection with national defense;
- (d) When ordered to appear for a medical or other examination by the Selective Service System or by a branch of the Armed Forces of the State or the United States;
- (e) When taking or participating in a New Orleans City Civil Service examination;

Part 3: Civil Leave - General Information: Rule VIII Section 4.1 (continued)

An employee shall be given time off without loss of pay:

(f) When taking an examination for a license or certificate from a City or State agency, provided the appointing authority certifies in writing to the Civil Service Department that the city service will benefit by the employee's acquisition of the certificate or license.

(g) When attending meetings of the Civil Service Commission as the employee-elected member of the Commission during the employee-member's regular work day.



Civil Leave (continued)

- Civil Leave is to be granted to an employee only when he or she is engaged in any of the activities listed under Rule VIII, Section 4.1, when such activity interferes with an employee's work schedule.
- Civil leave should be reported **only for scheduled hours that can not be worked** due to any of the covered reasons. It is expected that employees work the portion of their schedule that is not affected by the civil leave activity, provided they are given reasonable travel time to get to or from work.

Civil Leave (continued)

- Civil Leave is not to be paid to employees for serving jury duty, making court appearances, etc., during non-scheduled hours.
- The employee must provide documentation to substantiate the use of Civil Leave.
- Documentation should be reviewed by the personnel officer or designee to make sure it adequately reflects the employee's participation in the civil leave activity.

What's New in Civil Leave (Closures)

Rule VIII, Section 4.1 (h) Emergency Closures

When an appointing authority reduces, suspends or closes its operations due to concerns about the health and safety of the public or its employees, it may direct employees not to report to work. In advance of such reduction, suspension, or closure, the appointing authority shall send written notice to the Personnel Director. To the extent practicable, the appointing authority should adjust the work schedules of those employees affected by the reduction, suspension or closure in order to allow the employee to make up the hours he or she was not able to work during that work period. However, if such rescheduling is not practicable, the appointing authority shall allow the employees time off without loss of pay. Such allowance will be subject to the review of the Personnel Director.

What's New in Civil Leave (Disasters)

Rule VIII, Section 4.1 (i) Employees Impacted by Disasters

When impacted by a disaster as declared by the Mayor or the Governor. City employees who wish to use Civil Leave with pay pursuant to this section will make a request to their appointing authority. Upon verification by the appointing authority that the employee was directly affected by the disaster and that the use of Civil Leave is warranted, the employee may take up to twenty (20) working days of paid leave within twelve (12) months of the date of the disaster. Any use of Civil Leave under this provision must be verified and approved by the appointing authority. Civil Leave shall be available to the employee as of the date of the emergency declaration.

Military Leave LA Revised Statutes

§394. Leave of absence for officers and employees in certain branches of armed forces

All Public Sector employees who are members of the Officers' Reserve Corps of the Army/Navy/ National Guard/ Marine/ Air Force/Citizens Training Corps/ Civil Air Patrol are entitled to leave of absence without loss of pay, time, annual leave on all days during which they are ordered to duty with troops or at field exercises, or for instruction, **for periods not to exceed fifteen (calendar)days in any one calendar year;** and when relieved from duty, they are to be restored to the positions held by them when ordered to duty.

Legal Tidbit: When is training not considered regular work time ?

Pursuant to the FLSA, attendance at lectures, meetings and similar activities need not be counted as working time if all conditions below are met.

- (1) Training is outside of normal work hours,
- (2) Training is voluntary,
- (3) Training is not job related, and
- (4) No other work is concurrently performed.

Finale- What's Coming

- Merit Pay Effective 6/4/17 Administrative
Effective 6/11/17 Police/Fire
- SHRM Conference (June 18-21)

