



**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER JBE 2023 – 18**

***RULES AND POLICIES ON LEAVE FOR UNCLASSIFIED SERVICE –
AMENDED NOVEMBER 1, 2023***

WHEREAS, no permanent rules or policies on annual, compensatory, sick, special, military, and other leave exist for employees and appointees who are in the unclassified service of the State of Louisiana;

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 employees and appointees in the unclassified service of the executive branch of the State of Louisiana, with the exception of elected officials and their 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 unclassified employee or appointee 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 employees thereof, authorized by statute or lawfully delegated authority to make appointments to positions in state service. For purposes of this Order, use of the term "appointing authority" applies also to the appointing authority's designee.
- C. "Compensatory leave" means leave earned in lieu of wages at the straight-time or time and one-half rate as compensation for overtime hours worked. Crediting of such leave is based upon a determination

of the employee's status as exempt or non-exempt as defined by the FLSA, and also upon the number of hours actually worked throughout the scheduled work period.

- D. "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).
- E. "Educational leave" means paid or unpaid leave that may be granted by an appointing authority to an unclassified employee or appointee for the purpose of attending an accredited educational institution to receive formalized training which will materially assist the unclassified employee or appointee in performing the type of work performed by his department or agency.
- F. "Governor's Executive Office" means the budget unit 01-100 as listed in Schedule 01 of the General Appropriations Act.
- G. "Intermittent employee" means a person employed in state service that is not hired to work on a regularly scheduled basis.
- H. "Leave without pay" and "leave of absence without pay" mean a period of leave or time off from work granted or imposed by the appointing authority for which the unclassified employee or appointee receives no pay.
- I. "Overtime hour" means an hour worked at the discretion and direction of the appointing authority by an unclassified employee who is serving in a position which earns compensatory leave:
 - 1. On a day observed as a holiday (statutory, proclaimed or designated);
 - 2. In excess of the regularly scheduled workday;
 - 3. In excess of the regularly scheduled work period; or
 - 4. On a day in which a department or certain locations thereof are declared closed due to a natural disaster or emergency.
- J. "Regular work schedule" means the designated work hours and days an unclassified employee is required to work.
- K. "Seasonal employee" means a person employed on a non-continuous basis for a recognized peak work load project.
- L. "Sick leave" means leave with pay granted to an unclassified employee or appointee who is unable to perform his or her usual duties and responsibilities due to illness, injury, or disability, or when he or she requires medical, dental, or optical consultation or treatment.
- M. "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 employment must have been performed for a Louisiana public entity. Contract service does not constitute state service.
- N. "Temporary employee" means an employee 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 twelve (12) consecutive calendar months.

- O. “Unclassified appointee” means a person serving in the unclassified service of the executive branch appointed by:
1. The governor to serve:
 - a) On the governor’s executive staff;
 - b) On the governor’s cabinet;
 - c) On the executive staff of the governor’s cabinet; or
 - d) As 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.

The governor, cabinet members and agency heads are required to identify, in accordance with the definition set forth above, their executive staff who are designated as unclassified appointees and, as described in Section 13, are ineligible to receive compensation of any nature for overtime hours worked. By February 1 of each year, a listing of such persons shall be provided and will be subject to review by the commissioner of administration. Appointing authorities are required to ensure that unclassified appointees do not receive overtime compensation.

An unclassified appointee shall be on duty and available to serve and in contact with his appointing authority throughout the term of his appointment except when on leave.

- P. “Unclassified employee” means an officer or employee who serves at the pleasure of his appointing authority and whose position is designated as such by Civil Service Rule 4.1, Sections (c)-(e), and Louisiana Constitution Article X, Section 2.
- 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 employee, the appointing authority shall establish a work week of not less than forty (40) hours or work period of not less than eighty (80) hours.

SECTION 4: Granting Leave

Leave must be requested and approved prior to use, and such approval is at the discretion of the unclassified employee’s appointing authority or designee.

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 by 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 by unclassified employees and appointees 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, contract service does not constitute full time 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 employee or appointee in the unclassified state service.

- C. No unclassified employee or appointee shall be credited with annual or sick leave:
1. For any overtime hour;
 2. For any hour of leave without pay except as set forth in Section 17 of this Order;
 3. For any hour of on-call status outside the employee's regular duty hours;
 4. For any hour of travel or other activity outside the employee's regular duty hours; or
 5. For any hour of a holiday or other non-work day which occurs while in leave without pay status 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 employee or appointee shall be carried forward to succeeding calendar years without limitation.

SECTION 7: Use of Annual Leave

- A. Annual leave must be requested prior to use, and such approval is at the discretion of the unclassified employee's appointing authority.
- B. Annual leave shall not be charged for non-work days nor for hours beyond the unclassified employee's regular work schedule.
- C. When engaged in political activities during regular work hours, unclassified employees shall apply for and use accrued annual leave, compensatory leave or leave without pay.

- 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. Annual leave shall only be approved for use after it has been accrued by an unclassified employee or appointee. Annual leave shall not be advanced.
- F. An appointing authority may require an unclassified employee to use accrued annual leave whenever doing so is determined to be in the best interest of the department. When such occurs, no unclassified employee shall be required to reduce his accrued annual leave balance to less than two hundred forty (240) hours except:
 - 1. Prior to being granted leave without pay, but subject to the military leave provisions 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 must be requested prior to use when possible, and approval is at the discretion of the unclassified employee's appointing authority.
- B. Accrued sick leave shall be used by an unclassified employee when an illness, injury or disability prevents him from reporting for duty or for medical, dental or optical consultation or treatment.
- C. Accrued sick leave shall be used by an unclassified appointee when he is mentally or physically unable to serve his appointing authority due to illness, injury or disability.
- D. An appointing authority has the right, at any time, to require that an unclassified employee produce a statement from a qualified healthcare provider certifying that the employee was ill and unable to report to work for the duration of an absence.
- E. Sick leave shall not be charged for non-work days nor for hours beyond the unclassified employee's regular work schedule.
- F. 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.
- G. Sick leave shall only be approved for use after it has been accrued by an unclassified employee or appointee. Sick leave shall not be advanced.
- H. An appointing authority has discretion to place an unclassified employee on sick leave after the employee asserts the need to be absent from work or when it is apparent that the employee is unfit for duty due to an illness, injury or disability.

SECTION 9: Transfer of Annual and Sick Leave

- A. A classified or unclassified employee shall have all accrued annual and sick leave credited to him when the employee transfers without a break in state service into a position covered by this Order.
- B. When an unclassified employee or appointee transfers without a break in state service to a position covered by other leave rules of the state, his 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 unclassified employee's or appointee's accumulated leave shall not be reduced during such integration.

SECTION 10: Terminal Annual Leave

Terminal annual leave is the authorized use of annual leave prior to an unclassified employee's or appointee's retirement from state service.

- A. A retiring unclassified employee or appointee who has sufficient hours of annual leave may be authorized to continuously use such leave, immediately prior to retirement, for a period not to exceed 160 work hours.
- B. Terminal annual leave will be granted only after the appointing authority's acceptance of the unclassified employee's or appointee's fixed and irrevocable retirement date. The prospective retirement date is viewed in the nature of a contract which can be rescinded or changed only with approval of the appointing authority.
- C. Terminal annual leave may be granted provided the unclassified employee's or appointee's absence on leave will not impair the efficient operation of the work unit.
- D. The appointing authority, for business reasons, has discretion to cancel previously approved terminal annual leave and require that the unclassified employee or appointee return to duty.
- E. While on terminal annual leave, an unclassified employee or appointee is prohibited from engaging in outside employment which would be prohibited during regular employment by either the Code of Governmental Ethics, the Civil Service Rules, the Dual Office-Holding Act, or agency policy.

SECTION 11: Special Provision – Unclassified Appointees

Unclassified appointees who are separating from state service, but ineligible for terminal annual leave under Section 10, may be authorized to use annual leave for a period of time not to exceed 160 work hours. Such leave requires prior approval of the unclassified appointee's appointing authority and must be used on a continuous basis immediately prior to separation. The limitations of Paragraphs C, D, and E in Section 10 above apply to such leave usage.

SECTION 12: Disbursement of Accrued Annual Leave Upon Separation

- A. Upon the resignation, death, removal, layoff, retirement, or other final separation from state service of an unclassified employee or appointee, his accrued annual leave, up to a maximum of three hundred (300) hours, shall be paid in a lump sum, disregarding any final fraction of an hour. The payment shall be computed as follows:
 - 1. When the unclassified employee or appointee is paid on an hourly basis, the regular hourly rate that he received at the time of separation from state service shall be multiplied by the number of hours of accrued annual leave, which number is not to exceed three hundred (300) hours; or
 - 2. When the unclassified employee or appointee is paid on other than an hourly basis, his hourly rate shall be

determined by converting the salary he received at the time of separation from service into an hourly rate. The converted hourly rate shall be multiplied by the number of hours of accrued annual leave, which number is not to exceed three hundred (300) hours.

- B. An unclassified employee or appointee who is paid for accrued annual leave upon separation from service and who is subsequently reemployed in a leave earning classified or unclassified position shall reimburse the state, through the new employing agency, for the number of hours he was paid which exceeded the number of work hours that transpired during his break from state service. In turn, the unclassified employee or appointee shall receive a credit for the number of hours of annual leave for which he made reimbursement to the state.
- C. The provisions of this Section shall not extend to any unclassified employee or appointee who is dismissed for theft of state funds or property.

SECTION 13: Disbursement of Accrued Sick Leave Upon Separation

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

SECTION 14: Restoration of Annual and Sick Leave

An unclassified employee or appointee shall receive credit for all accrued and unpaid annual leave and all accrued unused sick leave upon reemployment by the state in the classified or unclassified service within a period of five (5) years from the date of separation from state service.

SECTION 15: Compensatory Leave

- A. Compensatory leave shall not be earned by the following persons:
 - 1. Unclassified appointees;
 - 2. Student employees;
 - 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 shall be earned and credited in accordance with the FLSA when an appointing authority requires or authorizes a non-exempt unclassified employee serving in a compensatory leave earning position to work overtime. That is, the rate of compensatory leave credited (at the straight-time or time and one-half rate) shall be based upon whether such non-exempt unclassified employee worked less than or greater than forty (40) hours in the scheduled work period.
- C. Compensatory leave may be earned and credited when an appointing authority requires or authorizes an exempt unclassified employee serving in a compensatory leave earning position to work overtime. If credited, the compensatory leave earned shall be equal to and not in

excess of the number of overtime hours actually worked (i.e., such compensatory leave shall be calculated at the straight-time rate).

- D. When earned, compensatory leave shall be claimed by and credited to the unclassified employee during the pay period in which the overtime is worked and, upon approval of the appointing authority, may be used by the unclassified employee at a future date.

SECTION 16: Use and Disbursement of Compensatory Leave While in Service

- A. Notwithstanding any provision herein to the contrary, a non-exempt unclassified employee shall be paid in wages at the time and one-half rate for any overtime hour worked in excess of the maximum amount allowed to be accrued by the FLSA.
- B. Compensatory leave earned at the straight-time rate may be accrued without limitation. For most employees, not more than a total of three hundred sixty (360) such hours may be carried forward from one fiscal year to the next. For employees engaged in qualifying law enforcement and health care activities, not more than a total of five hundred forty (540) such hours can be carried forward from one fiscal year to the next. These caps apply to both exempt and non-exempt employees.
- C. Compensatory leave earned at the straight-time rate in excess of the authorized cap shall be handled as followed:
 - 1. For non-exempt employees, payment for the excess compensatory leave shall be made within ninety (90) days of the beginning of the fiscal year; and
 - 2. For exempt employees, payment for the excess compensatory leave may be made within ninety (90) days of the beginning of the fiscal year. Any such payment shall be at the sole discretion and direction of the appointing authority, and subject to the availability of funding. All straight-time compensatory leave above the applicable cap, if not paid, shall be canceled within ninety (90) days of the beginning of the fiscal year.
- D. An appointing authority may require an unclassified employee to work overtime at any time, including during emergency situations and office closures, as necessary to accomplish job assignments and serve the public's needs. Employees can be disciplined, up to and including termination, for failing or refusing to work overtime as directed.
- E. An unclassified employee may be required by an appointing authority to use all or part of his accrued compensatory leave at any time. Compensatory leave earned at the time and one-half rate shall be taken before compensatory leave earned at the straight-time rate.
- F. Subject to approval of the commissioner of administration, an appointing authority may authorize the payment of wages for accrued compensatory leave previously earned by an unclassified employee.

SECTION 17: Payment of Compensatory Leave Upon Separation or Transfer

- A. All unused compensatory leave earned at the time and one-half rate shall be paid upon transfer from one state agency to another or upon separation from state service.
- B. All unused compensatory leave earned at the straight-time rate by non-exempt employees shall be paid by the employing agency upon

the unclassified employee's transfer from one state agency to another or upon separation from state service.

- C. All or a portion of unused compensatory leave earned at the straight-time rate by exempt unclassified employees may be paid by the employing agency upon the unclassified employee's transfer from one state agency to another or upon separation from state service. Any such payment shall be at the sole direction and discretion of the appointing authority, and subject to the availability of funding. If not paid, such unused compensatory leave shall be canceled and not re-credited upon reemployment in state service.
- D. Any compensatory leave paid upon separation or transfer shall be calculated using the employee's final regular rate of pay.

SECTION 18: Special Provision – Natural Disasters and Emergency Situations

- A. Notwithstanding any provision herein to the contrary, an unclassified employee eligible to be credited with compensatory leave may be compensated via the payment of wages in accordance with the FLSA (at the straight-time or time and one-half rate) for authorized hours actually worked at designated locations during official office closures due to and directly related to a natural disaster or emergency situation.
- B. Notwithstanding any provision herein to the contrary, an unclassified employee eligible to be credited with compensatory leave may be compensated via the payment of wages in accordance with the FLSA (at the straight-time or time and one-half rate) for authorized hours actually worked at designated locations beyond an employee's regular work schedule due to and directly related to a natural disaster or emergency situation. This authorization extends to overtime hours worked in preparation for, response and/or recovery from such a disaster or emergency.

SECTION 19: Special Leave

- A. An unclassified employee or appointee serving in a leave earning position shall be given time off, without loss of pay, annual 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, provided that for purposes of this subsection, a plaintiff or defendant shall not be considered a witness, nor shall this subsection apply to an employee summoned as a witness as a result of employment other than state employment;
 - 3. Performing emergency civilian duty in relation to national defense;
 - 4. Voting in a primary, general, or special election which falls on the employee's scheduled work day, provided not more than two (2) hours of leave shall be allowed an employee to vote in the parish of employment, and not more than one (1) day of leave shall be allowed an 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 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 employee;
 - 7. The appointing authority determines that, due to local conditions or celebrations, it is impracticable for the

- employee to work in the locality;
8. The employee/appointee is ordered to report for a pre-induction physical examination incident to possible entry into the armed forces of the United States;
 9. The employee/appointee 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 employee/appointee 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 employee/appointee 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.
 12. The Adjutant General performs active duty under Title 32 of the United States Code relating to his duties for the State of Louisiana under La. R.S. 29:11, not including periods of annual training under 32 U.S.C. 502(a)(2).

- B. Any unclassified employee serving in a non-leave earning position, but who is regularly employed by the state, who is called to serve on a state or federal grand or petit jury during regular work hours shall be granted a leave of absence without loss of pay for the duration of the jury service.

SECTION 20: Military Leave

- A. **Military Leave With Pay**
 1. An unclassified employee or appointee serving in a leave earning position 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 employee or appointee who is a member of a reserve component 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 his appointing authority. Advance notice is not required when precluded by military necessity, or otherwise impossible or unreasonable.
- B. The provisions of this Subsection apply to unclassified employees and appointees who are called to active duty and are on leave without pay by choice or because all annual and/or compensatory leave have been

exhausted. The provisions of this Section shall not apply to employees and appointees on inactive duty for training (weekend drills).

1. When military leave with pay has been exhausted, an unclassified employee or appointee 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 unclassified employee's or appointee's regular state pay. Unclassified employees and appointees receiving pay differential shall provide to agency officials any documentation appropriate and necessary to ensure the payment amount is calculated correctly. Unclassified employees and appointees who choose to use accrued annual and/or compensatory leave during their period of military absence shall not be eligible to receive pay differential.
2. Unclassified employees and appointees shall continue to accrue sick and annual leave for the entire period of absence while in military service. Leave shall be accrued on the same basis as though the unclassified employee or appointee had not been activated. Such leave earned shall be credited to the unclassified employee or appointee upon his return from active duty.
3. Unclassified employees and appointees 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 unclassified employee or appointee returns to leave without pay status.
4. Leave without pay for military purposes shall not exceed six (6) years, after which the unclassified employee or appointee shall be separated from state service.

SECTION 21: Parental Leave

- A. Eligible unclassified employees and appointees are entitled to up to 240 hours of paid parental leave without deduction to their annual, sick, or compensatory leave balances. Such leave shall be for a qualifying purpose related to the unclassified employee's or appointee's child born or placed with such individual for adoption or foster care.
- B. Qualifying Events:
 1. Birth of a child;
 2. Placement of a child under the age of eighteen (18) with the unclassified employee or appointee for adoption; or
 3. Placement of a child under the age of eighteen (18) with the unclassified employee or appointee for foster care.
- C. Eligibility:
 1. Parental leave is only available to unclassified employees and appointees in leave-earning positions on the date of the qualifying event.
 2. Parental leave is only available to unclassified employees and appointees who, on the date of the qualifying event, have been employed by the State for at least twelve (12) months and who have actually worked at least 1250 hours in the twelve (12) months preceding the parental leave request.
 3. Parental leave is only available to the legal parents, adoptive parents or foster parents of the child for whom parental leave

is taken when said parents have an active and ongoing role in parenting the child and are taking leave for one of the qualifying purposes set forth below. For purposes of this Order, a legal parent is a person having a genetic relationship to the child or filiated to the child through legal presumption or assisted reproductive technology.

D. Qualifying Purposes:

1. For a legal, adoptive or foster parent to bond with the child for whom leave is taken. A need to bond with the child exists when there is a new relationship between the parent and child and the unclassified employee or appointee will spend time with the child to create an ongoing mutual attachment. This rule is not intended to apply where a relationship resembling parent-child already exists and the primary change is the legal nature of the relationship. (Examples: foster parent to adoptive parent and intra-family adoptions such as adoptions by step-parents); or
2. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

E. Duration:

1. Parental leave is available for use only during the twelve (12) weeks (84 calendar days) immediately following the occurrence of the qualifying event.
2. Parental leave is available for use commencing on the first date of a qualifying event and for only as much of the parental leave period as the unclassified employee or appointee is engaged in a qualifying purpose.
3. Parental leave may be used continuously or intermittently, in accordance with the need therefor.
4. Unless the appointing authority determines that an unclassified employee or appointee is utilizing parental leave in violation of this Order, the appointing authority shall not reduce the authorized parental leave period nor interfere with the unclassified employee's or appointee's use of parental leave.

F. Compensation:

1. Full-time unclassified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed 240 hours during the applicable twelve (12) week period.
2. Part-time unclassified employees and appointees shall be compensated at the rate of 100% of their base pay for a period not to exceed six (6) weeks based upon the average number of hours worked per week in the six (6) months immediately preceding the commencement of parental leave. (Example: if an individual works an average of twenty-five (25) hours per week during the six (6) month look-back period, the employee shall be paid their base pay for twenty-five (25) hours per week for six (6) weeks).

G. Limitations:

1. Parental leave shall not be donated to another employee or leave pool.
2. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the unclassified employee or appointee.

3. This Order is not intended to provide any form of unpaid leave after exhaustion of 240 hours (or the appropriate part-time allotment) of paid parental leave. Additional leave, if any, shall be taken in accordance with this Order or other applicable law.
4. At least twelve (12) months shall elapse from the beginning of one parental leave period until an unclassified employee or appointee is eligible for another parental leave period. For a new parental leave period, there shall be a new qualifying event on or after the 12-month waiting period and the eligibility requirements of Section C shall be satisfied as of the date of the new qualifying event.
5. Eligible unclassified employees and appointees utilizing parental leave for occurrences also qualifying under the Family and Medical Leave Act (“FMLA”) shall use FMLA leave concurrently with parental leave.
6. When both parents of the child for whom parental leave is used are employed in state service, each is entitled to utilize a full 240-hour (or appropriate part-time allotment) parental leave period.
7. In using parental leave, unclassified employees and appointees shall comply with their agency’s customary leave practices. That is, as practicable, advance notice of leave needs shall be provided and leave requests approved prior to use.
8. An unclassified employee’s and appointee’s use of parental leave in accordance with this Order and agency policy shall not have a negative impact upon their employment relationship. Unclassified employees and appointees not utilizing parental leave in accordance with this Order and/or in violation of agency policy may be disciplined, including the possibility of termination.

H. **Establishing Eligibility for Parental Leave:**

1. Prior to granting parental leave, an appointing authority shall have the requesting unclassified employee or appointee complete the request form developed by State Civil Service.
2. In addition to this request form, an appointing authority may require an unclassified employee or appointee requesting parental leave to produce acceptable proof in support of their request, such as a birth certificate or insurance certificate confirming their relationship to the child for whom parental leave is requested, or proof of attendance at court proceedings or other mandated meetings related to adoption or foster placement. An appointing authority shall not require that an unclassified employee or appointee produce medical records or scientific evidence to prove paternity.

I. **Policy:**

Agencies may implement a policy to give effect to the purpose and intent of this Order. For consistency purposes, any such policy shall be substantially similar to the agency’s Parental Leave Policy applicable to employees in the classified service.

SECTION 22: Other Leave

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

- A. **Worker’s Compensation Option:** An unclassified employee or appointee who is absent from work due to a disability for which he 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 unclassified employee's or appointee's regular salary.

- B. Law Enforcement Disability Leave: When an unclassified employee or appointee serving in a law enforcement capacity becomes disabled while in the performance of duty of a hazardous nature which results in his being unable to perform his usual or normal duties, the appointing authority may, with the approval of the Commissioner of Administration, grant the disabled employee or appointee a leave of absence with full pay during the period of such disability without charge against accrued sick or annual leave, provided the employee or appointee pays to the employing department all amounts of weekly worker's compensation benefits received during that period of leave with full pay. Such disability leave shall continue for a period of up to six (6) months unless extended with the approval of the Commissioner of Administration.
- C. Funeral Leave: An unclassified employee or appointee 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 or grandchild, provided such leave shall not exceed two (2) days for any single occurrence.
- D. Educational Leave: An unclassified employee or appointee, at the discretion of the appointing authority, may be granted leave without loss of pay or use of accrued leave to attend an accredited institution to complete coursework that will materially assist the employee/appointee in performing customary job duties. Personal benefit to the employee is not the standard; rather, the coursework must be job-related and further the business operations and mission of the department or agency.

Educational leave with pay may be granted for a maximum period of thirty (30) days (240 hours) during one (1) calendar year. However, if the appointing authority requires an unclassified employee/appointee to complete coursework which will materially assist him in performing the type of work performed by his department or agency, educational leave with pay may extend for a maximum period of ninety (90) days (272 hours) during one (1) calendar year.

SECTION 23: Leave of Absence Without Pay

- A. An appointing authority may approve a leave of absence without pay for an unclassified employee for a reasonable period of time not to exceed ninety (90) calendar days. Such leave may be rescinded provided proper notice is furnished to the unclassified employee and such rescission is in the best interest of the state service. If an unclassified employee is unable to or fails to report for duty on the first working day following the expiration of an authorized leave of absence, the employee shall be considered as having abandoned his position of employment.
- B. An appointing authority may impose leave without pay of reasonable duration as disciplinary action to address an unclassified employee's performance or behavioral deficiencies.

- C. In addition to disciplinary action, an appointing authority may place an unclassified employee in leave without pay status for the duration of an unapproved absence.

SECTION 24: Holidays

- A. Holidays shall be observed as provided in La. R.S. 1:55 and by proclamation issued by the governor.
- B. A non-exempt unclassified employee serving in a compensatory leave earning position shall be credited with compensatory leave at the appropriate rate under the FLSA when required to work on an observed holiday. An exempt unclassified employee serving in a compensatory leave earning position may, at the discretion of his appointing authority, be credited with compensatory leave at the straight-time rate when required to work on an observed holiday.
- C. When an unclassified employee is on leave without pay during the period immediately preceding and following an observed holiday, he shall not receive compensation for that holiday unless the holiday is actually worked by the unclassified employee.

SECTION 25: Record Keeping

- A. Leave records shall be maintained for all unclassified appointees. Daily attendance and leave records shall be maintained for all unclassified employees.
- B. An accrued balance of unused annual, compensatory, and/or sick leave shall be held in abeyance for an unclassified 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 employee, in accordance with the provisions of this Order, when he again becomes eligible to earn and/or use said leave, or when he separates from state service.

SECTION 26: Compliance

- A. All departments, commissions, boards, agencies, and unclassified employees and appointees of the state or any political subdivision thereof within the executive branch of state government affected 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 are implemented within his department.

SECTION 27: Effective Dates

- A. Upon signature by the governor, the provisions of Sections 1 through 20, and Sections 22 through 27 of this Executive Order shall be applicable to all current and future unclassified employees and appointees. Leave benefits accrued prior to the effective date hereof in compliance with a prior Executive Order shall not be adversely affected.
- B. After signature by the governor and commencing January 1, 2024, the provisions Section 21 of this Executive Order shall be applicable to all current and future unclassified employees and appointees. Leave benefits accrued prior to the effective date hereof in compliance with a prior Executive Order shall not be adversely affected.

SECTION 28: 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 in the City of Baton Rouge, on this 1st day of November, 2023.

GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

SECRETARY OF STATE