Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave

Louisiana Department of Health (LDH)	
Policy Number	136.2
Content	Policy governing leave administration for unclassified appointeesand unclassified employees of LDH
Effective Date	January 1, 2024
Inquiries to	Office of Management and Finance Division of Human Resources P. O. Box 4818 Baton Rouge, Louisiana 70821-4818

LDH is committed to fostering, cultivating and preserving a culture of equity, diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our Department's reputation and achievement as well.

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. POLICY STATEMENT

It shall be the policy of the Louisiana Department of Health (LDH) to manage attendance and leave for unclassified appointees and unclassified employees of LDH in accordance with Executive Order Number JBE 2023-18 (Rules and Policies on Leave for Unclassified Service – Amended November 1, 2023) and all applicable laws, regulations and LDH policies. All leave shall be charged in 6-minute increments within LDH. For information regarding leave policies for classified LDH employees, please refer to LDH Policy #28 – Leave Policy for Classified LDH Employees.

II. APPLICABILITY

This policy applies to unclassified appointees and unclassified employees of LDH

III. DEFINITIONS

A. **Executive Order Number JBE 2023-18 (Section 2)** contains definitions of terms used in the Order. Those definitions are incorporated herein by reference.

B. **LaGov HCM Human Resources System** – The computer-based integrated human resources and payroll system used by the executive branch departments of the State of Louisiana.

C. **LEO (Louisiana Employees Online)** – Employee access to time and pay information stored in LaGov HCM.

D. **Parental Leave** - Parental leave is paid leave that provides the employee time to bond with a child following the birth of a child or placement of a child under the age of 18 with the employee for adoption or foster care. Parental leave also allows adoptive and foster parents to attend court proceedings and mandatory meetings related to the placement.

IV. POLICY PROVISIONS

A. UNCLASSIFIED APPOINTEES

1. Identification of unclassified appointees in LDH - In accordance with the definition of "Unclassified appointee" contained in Executive Order Number JBE 2023-18 (Section 2.O), LDH has identified the following positions serving as unclassified appointees:

<u>Appointed by the Governor:</u>

- Secretary (Position Number 3140)
- Physician – Surgeon General (Position Number 146019)
- Undersecretary (Position Number 2028)
- Assistant Secretary, Office of Aging and Adult Services (Position Number 50366030)
- Assistant Secretary, Office of Behavioral Health (Position Number 190355)
- Assistant Secretary, Office for Citizens with Developmental Disabilities (Position Number 145587)
- Assistant Secretary, Office of Public Health (Position Number 199066)
- Assistant Secretary, Office on Women's Health and Community Health (Position Number 50653452)

<u>Appointed by the LDH Secretary:</u>

- Chief of Staff (Position Number 50386652)
- Deputy Secretary (Position Number 2840)
- Executive Counsel (Position Number 5036669)

2. Compensatory leave shall not be earned by any unclassified appointee. Unclassified appointees shall not enter requests for compensatory leave in LEO.

3. Certification of attendance for unclassified appointees:

   a. Each unclassified appointee, except the LDH Secretary, shall timely certify their attendance and leave usage in LEO at the end of each pay period. This certification shall be based on the employee working or taking the appropriate leave for a minimum of eighty (80) hours each pay period irrespective of the daily work schedule that is required by the LaGov HCM system.

   b. The LDH Secretary shall complete and sign the following "Payroll Certification" at the end of each pay period.

LOUISIANA DEPARTMENT OF HEALTH

OFFICE OF THE SECRETARY

LDH Secretary PAYROLL CERTIFICATION

I HEREBY CERTIFY that I have worked the number of hours required by my appointment during this payroll period, or have taken the appropriate leave for hours for which I was unavailable.

PAY PERIOD: _____

FROM: _____ TO: _____

APPOINTEE SIGNATURE _____

PRINTED NAME _____

PERSONNEL # _____

   c. It is the time administrator's responsibility to retain a copy of the completed and signed "Unclassified Appointee Payroll Certification" statement in the payroll files for each applicable pay period.

4. Annual Leave and Sick Leave – Unclassified appointees shall earn, use, carry over and receive payment for annual leave and sick leave in accordance with Executive Order Number JBE 2023-18, Sections 5 - 14.

5. Special Leave – Unclassified appointees are eligible for special leave (non-chargeable leave) as specified in Executive Order Number JBE 2023-18, Section 19.

6. Military Leave – Unclassified appointees who are members of the armed forces are eligible for military leave as specified in Executive Order Number JBE 2023-18, Section

20.

7. Other Leave – Unclassified appointees are eligible for other types of leave as specified in Executive Order Number JBE 2023-18, Section 22.

B. UNCLASSIFIED EMPLOYEES

1. Defined in Executive Order Number JBE 2023-18 – Section 2.P as "An officer or employee who serves at the pleasure of their appointing authority and whose position is designated as such in accordance with Civil Service Rule 4.1, Sections (c) – (e), and Louisiana Constitution Article X, Section 2."

2. Certification of attendance for unclassified employees - Each unclassified employee (whether leave-earning or not) shall timely certify their attendance and leave usage in LEO at the end of each pay period.

   In accordance with their approved work schedules, full-time unclassified employees shall certify a minimum of 80-hours per pay period in accordance with Executive Order JBE 2023-18, Section 3.

3. Annual Leave and Sick Leave - Unclassified employees, except students and temporary, intermittent or seasonal employees as defined in Executive Order Number JBE 2023-18, Section 2, shall earn, use, carry-over and receive payment for annual leave and sick leave in accordance with Executive Order JBE 2023-18, Sections 5 – 14.

4. Compensatory Leave – Unclassified employees in leave-earning positions are eligible to earn, use, carry-over and receive payment for compensatory leave in accordance with Executive Order Number JBE 2023-18, Sections 15-17.

5. Special Leave – Unclassified employees in leave-earning positions are eligible for Special Leave (non-chargeable leave) as specified in Executive Order Number JBE 2023-18, Section 19.

6. Military Leave – Unclassified employees in-leave earning positions who are members of the armed forces are eligible for Military Leave as specified in Executive Order Number JBE 2023-18, Section 20.

7. Other Leave – Unclassified employees in leave earning positions are eligible for other types of leave as specified in Executive Order Number JBE 2023-18, Section 22.

8. Leave of Absence without Pay – An appointing authority may approve a leave of absence without pay for an unclassified employee as specified in Executive Order Number JBE 2023-18, Section 23.

V. PARENTAL LEAVE (Executive Order JBE 23-18, Section 21)

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. This leave shall be for a qualifying purpose related to an employee's child born or placed with the employee for adoption or foster care on or after January 1, 2024, and as described throughout this policy.

B. Qualifying Events
   a. Birth of a child;
   b. Placement of a child under the age of 18 with the unclassified employee or appointee for adoption;
   c. Placement of a child under the age of 18 with the unclassified employee or appointee for foster care.

C. Eligibility
   a. Parental leave is only available to unclassified employees or appointees in leave-earning positions on the date of the qualifying event.
   b. Parental leave is only available to unclassified employees or appointees who, on the date of the qualifying event, have been employed by the State of Louisiana for at least 12 months, and who have actually worked at least 1250 hours in the 12 months preceding the parental leave request (leave taken and holidays do not count as hours actually worked).
   c. Parental leave is only available to the legal parents, adoptive parents or foster parents of the child for whom parental leave is taken when the parents have an active and on-going role in parenting the child and are taking leave for one of the qualifying purposes.

D. Qualifying Purposes
   a. 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 on-going mutual attachment; parental leave 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 include foster parent to adoptive parent and some intra-family adoptions such as adoptions by step-parents).
   b. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

E. Duration
   a. Parental leave is available for use only during the 12 weeks (84 calendar days) immediately following the beginning of the qualifying event.
   b. Parental leave is available for use beginning 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.
   c. Parental leave may be used continuously or intermittently, as needed by the unclassified employee or appointee for a qualifying purpose.

d. Unless the appointing authority determines that an unclassified employee or appointee is using parental leave in violation of Executive Order JBE 23-18, the appointing authority shall not reduce the parental leave period or interfere with the unclassified employee's or appointee's use of parental leave.

F. Compensation

a. Full-time unclassified employees and appointees shall be compensated at the rate of 100% of the unclassified employee or appointee's base pay for a period not to exceed 240 hours during the available 12-week period.

b. Part-time unclassified employees and appointees shall be compensated at the rate of 100% of the unclassified employee's or appointee's base pay for a period not to exceed 6 weeks based upon the unclassified employee or appointee's average number of hours worked in the 6 months immediately preceding the beginning of parental leave. (Example: if an unclassified employee or appointee worked an average of 25 hours per week during the previous 6 months, the unclassified employee or appointee shall be paid their base pay for 25 hours per week for 6 weeks).

G. Limitations

a. Parental leave shall not be donated to another employee or leave pool.

b. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the unclassified employee or appointee;

c. Parental leave is not intended to provide any form of unpaid leave after exhaustion of paid parental leave. Additional leave, if any, shall be taken under the provisions of Executive Order JBE-18 or other applicable law.

d. At least 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 unclassified employee or appointee eligibility requirements must be satisfied as of the date of the new qualifying event.

e. Eligible unclassified employees or appointees using parental leave shall use any FMLA leave available to them concurrently with parental leave.

d. When both parents to the child for whom parental leave is taken are employed in the state classified service, both parents are entitled to use a full allotment of parental leave during the parental leave period.

f. As practicable, the unclassified employee or appointee shall provide advance notice of the need for parental leave, and obtain approval to use parental leave prior to using it.

g. An unclassified employee's or appointee's use of approved parental leave in accordance with Executive Order JBE 23-18 and this policy shall not have a negative impact upon their employment with LDH.

H. Procedures

a. To request parental leave, the requesting unclassified employee or appointee shall complete the employee portion of the SCS Parental Leave Certification Form that can be accessed HERE.

b. The requesting unclassified employee or appointee shall submit the completed SCS Parental Leave Certification Form to their supervisor.

c. The unclassified employee's or appointee's supervisor shall sign the form to acknowledge that they are aware of the unclassified employee or appointee's request for parental leave and

submit the form to Human Resources.

d. To establish the parent-child relationship, an unclassified employee or appointee requesting paid parental leave shall produce documentation in support of their request, such as a birth certificate, birth letter 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. LDH shall not require a requesting unclassified employee or appointee to produce medical records or scientific evidence to prove paternity. The required documentation must be submitted to Human Resources within 15 days of the qualifying event.

e. Human Resources shall complete the "To Be Completed by Human Resources" and "Agency Approval" portions of the form, sign the form as the Appointing Authority's designee, and send the form to the unclassified employee or appointee along with an approval or denial letter. Human Resources shall also send copies of the form and approval or denial letter to the unclassified employee's or appointee's supervisor.

f. If the request is approved, Human Resources shall set up the parental leave quota in LaGov and the unclassified employee or appointee shall use the appropriate leave code when entering parental leave:

- Birth of a child – **LSPB**
- Placement of a child under the age of 18 with the unclassified employee or appointee for adoption – **LSPA**
- Placement of a child under the age of 18 with the unclassified employee or appointee for foster care - **LSPF**

VI. VIOLATIONS

Any unclassified appointee or unclassified employee who violates Executive Order JBE 23-18 or this policy may be subject to disciplinary action up to and including dismissal from employment. Violations include: failure to timely certify attendance and leave usage; failure to accurately enter attendance and leave usage; and claiming hours not actually worked for overtime purposes.

VII. REFERENCES

Executive Order Number JBE 2023-18

Civil Service Rule 4.1, Sections (c) – (e)

Louisiana Constitution Article X, Section 2

VIII. REVISION HISTORY

Date	Revision
December 18, 2020	Policy created
April 6, 2023	Policy updated (Section I, page 1)

April 27, 2023	Policy updated (Section IV.A.1, page 2)
January 1, 2024	Policy revised
August 15, 2024	Policy updated