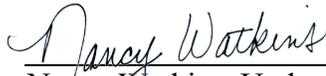


PPM #29

Policy Name: *Crisis Leave Pool*
Effective Date: *November 10, 2010*
Revision Date: *October 7, 2020*

Authorization:



Nancy Watkins, Undersecretary

PURPOSE

The purpose of the Crisis Leave Policy is to establish and administer a pool of annual leave that may be used by eligible employees who cannot work because of a catastrophic illness or injury to himself, herself, or an eligible family member. The intent of the program is to assist employees who have insufficient appropriate paid leave to use during the crisis period. All requests for Crisis Leave are treated as confidential.

APPLICABILITY

This policy shall be applicable to all sections of the Office of Lieutenant Governor (OLG) and the Department of Culture, Recreation and Tourism (DCRT).

DEFINITIONS

- A. *Catastrophic Illness or Injury*– A severe, and catastrophic condition or combination of conditions that:
- (1.) Affect the physical or mental health of the eligible employee or the eligible employee’s eligible family member; and
 - (2.) Require treatment by a licensed medical services provider for a prolonged period of time; and
 - (3.) Prevent the eligible employee from reporting to work for a period of ten (10) or more consecutive days and force the eligible employee to exhaust all appropriate paid leave in accordance with Chapter 11 of the Civil Service Rules.
- B. *Crisis Leave Committee* – A committee comprised of one representative from each OLG/DCRT agency and the Leave Pool Manager or his/her designee. The committee is responsible for reviewing each request for crisis leave and rendering a decision about approval/disapproval in a fair and equitable manner. The committee is selected by the appointing authority from each OLG/DCRT agency.
- C. *Crisis Leave Pool* – A pool of donated annual leave, which is managed on an hour-for-hour basis, regardless of the giving or receiving employee’s rate of pay.

- D. *Crisis Leave Pool Policy Year* – Calendar year beginning January 1 and ending December 31.
- E. *Leave Donor* – An eligible full-time OLG/DCRT employee who volunteers in writing to donate annual leave to the Crisis Leave Pool.
- F. *Eligible Employee* – A full time employee who is serving in a leave- earning benefits-eligible appointment. Classified employees must have attained permanent status to donate into or receive annual leave from the crisis leave pool.
- G. *Eligible Family Member* – An individual living in the same household who is related to the eligible employee by kinship, adoption, or marriage, or a foster child so certified by the Louisiana Department of Children and Family Services; or an individual not living in the same household who is related to the eligible employee by kinship, adoption or marriage, and is totally dependent upon the eligible employee for personal care or services on a continuing basis.
- H. *Leave Pool Manager* – The Human Resources Director or designee.
- I. *Licensed Medical Service Provider (LMSP)* – A practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP’s field of service), who is practicing within the scope of his or her license. This includes licensed physicians (M.D.), or doctor of osteopathy (D.O.), or licensed chiropractors, counselors or therapists, as recognized and licensed by appropriate State boards or authorities.

DONATIONS OF LEAVE

A. General Information/Requirements

Contributions to the Crisis Leave Pool are strictly voluntary. No employee shall be coerced or pressured to donate leave. Employees donating to the pool may not designate a particular employee to receive the donated time. Donations are accumulated in the pool and are awarded on a first-come, first-served basis to eligible employees.

Donations may be made at any time during the Crisis Leave Pool Policy Year, but are limited to the following terms:

- (1.) Only eligible employees may donate to the pool.
- (2.) An employee may donate a minimum of 4 hours and a maximum of 240 hours of annual leave to the Crisis Leave Pool per crisis leave policy year. The leave donor must have a minimum of 120 hours of annual leave remaining after the donation. Sick and compensatory leave are not eligible for donation.

- (3.) Leave will not be restored or returned to the leave donor once the leave has been transferred to the pool.
- (4.) If the Crisis Leave Pool has a balance of 300 hours or less, the Human Resources Section may solicit for donations to the pool by means of e-mail, intranet notices, or other methods. The number of solicitations may not exceed two (2) per calendar year.

B. Donation Procedures

The procedures for donating leave are as follows:

- (1.) The leave donor must complete the Donor Application Form indicating the number of hours of annual leave to be transferred to the Crisis Leave Pool and forward it to the Leave Pool Manager for review and approval.
- (2.) The Leave Pool Manager ensures that the form has been properly completed and signed, and that the employee will have a sufficient remaining annual leave balance after the donation is made. If these conditions are met, the Leave Pool Manager approves the application.
- (3.) The Leave Pool Manager forwards the approved application to the HR Specialist to process the deduction of the authorized hours of annual leave from the employee's balance and to transfer the leave to the Crisis Leave Pool. A copy of the approved application is then forwarded to the leave donor to verify that the transfer of leave has been processed.

CRISIS LEAVE REQUESTS

A. Eligibility Requirements

An employee is eligible to request crisis leave if all of the following requirements are met:

- (1.) A full time employee who is serving in a leave- earning benefits-eligible appointment. Classified employees must have attained permanent status to donate into or receive annual leave from the crisis leave pool.
- (2.) The eligible employee or employee's eligible family member suffers from a catastrophic illness or injury;
- (3.) The eligible employee has exhausted all appropriate paid leave. This includes annual, sick, and compensatory leave for employee's illness or injury; annual and compensatory leave for employee's family member illness or injury;

- (4.) The eligible employee has received a “Satisfactory” rating or its equivalent on their most recent PES evaluation.
- (5.) The eligible employee has exhibited satisfactory attendance (with no history of leave abuse).
- (6.) The eligible employee is not currently absent from work due to disciplinary reasons;
- (7.) The appropriate documentation from a LMSP, including LMSP’s signature and dates of treatment, is provided to the Leave Pool Manager.

NOTE: An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave. Failure to provide a complete application will result in disapproval of the application.

B. Crisis Leave Request Procedures

An eligible employee may request up to 240 hours of leave from the Crisis Leave Pool for any Crisis Leave Pool Policy Year. The minimum request and need of crisis leave for a single occurrence must exceed 40 hours. When possible, requests should be submitted at least ten (10) days before the Crisis Leave is needed. The procedures for requesting crisis leave from the Crisis Leave Pool are as follows:

- (1.) The eligible employee completes a Crisis Leave Request Form, which must include:
 - (a.) Beginning date of illness or injury;
 - (b.) Detailed description of the illness or injury, including any requested information needed to determine eligibility;
 - (c.) Attached documentation from the LMSP verifying the catastrophic illness or injury, along with dates of treatment. (A copy of a completed Family and Medical Leave Act Certification is acceptable);
 - (d.) Prognosis for recovery, if the request is for an eligible employee;
 - (e.) Anticipated return to work date;
 - (f.) Number of hours being requested. Hours requested may not exceed the number of hours needed, in conjunction with available leave, to cover the crisis period.
 - (g.) Attached documentation requested by the Leave Pool Manager necessary to determine eligibility of a family member (birth certificate, marriage license, adoption papers, etc.).
- (2.) The completed Crisis Leave Request Form with the necessary documentation is submitted to the Leave Pool Manager in an envelope marked “confidential.” Each request is stamped with the date and time of receipt and handled on a first-come, first-served basis.

- (3.) The Leave Pool Manager reviews the request by gathering information regarding leave usage by the employee, performance appraisal information, previous Crisis Leave Pool usage, and Disciplinary records for the employee, to ensure the employee's eligibility.
- (4.) Upon verification of eligibility, the Leave Pool Manager verifies that the pool has a sufficient balance of leave for the request and schedules a meeting of the Crisis Leave Committee. If the committee cannot convene within five days of the eligibility determination, votes via email may be utilized. The committee reviews the request and either approve all or part of the request or deny the request. A letter of approval or denial is issued to the employee.
- (5.) If the request is approved, the Leave Pool Manager notifies the Human Resources Specialist to transfer the approved amount of crisis leave to the appropriate employee's leave balance. Any approved crisis leave is used and documented in accordance with the same procedures used for regular paid leave taken by the employee. If the employee is on leave without pay prior to receiving approval, paid leave under this program will be retroactive to the first date the employee was placed on leave without pay status during the crisis period.

C. Wage Replacement Limitation

In accordance with Civil Service Rule 11.34, an employee using leave from a crisis leave pool shall receive crisis leave in sufficient quantity to ensure their wage replacement is 75% of the pay he or she would receive in a regularly scheduled workweek. For full-time employees, this is equivalent to 30 hours per week.

CHANGES IN STATUS AFFECTING CRISIS LEAVE

The granting of crisis leave is to cover only the circumstances for which it was requested and approved. If any change occurs in the nature or severity of the illness or injury, or any other factor on which the approval was based, the employee must immediately provide documentation describing the change to the Leave Pool Manager.

The employee may request additional leave from the Crisis Leave Pool, subject to the limitations outlined above; however, extensions are not automatic and are approved on a first-come, first-served basis.

The hours granted from the Crisis Leave Pool may only be used for the reasons stated in the approved request. The use of leave from the Crisis Leave Pool for reasons other than those stated, or not in accordance with the procedures and requirements outlined in this policy, may constitute payroll fraud and may result in disciplinary action.

Employees who are able to return to work before using all of their granted crisis leave must do so, and notify the Leave Pool Manager so that the unused leave can be returned to the Crisis Leave Pool.

COMPENSATION AND BENEFITS

Crisis leave will be awarded hour-for-hour, regardless of the giving or receiving employee's rate of pay.

An employee on crisis leave will continue to receive his/her benefits. However, paid leave will not accrue to the employee while on crisis leave pursuant to Civil Service Rule 11.5(a).

APPEALS

Approval for an eligible employee is discretionary, and denial may be based on any reason, which is consistently applied, and that is not illegal or unconstitutional. The decision to approve or deny crisis leave by the Crisis Leave Committee is final and not subject to appeal.

FAMILY AND MEDICAL LEAVE

An employee's participation in the leave pool program does not extend or substitute, but rather runs concurrently with an approved leave of absence for situations covered under the Family and Medical Leave Act.

WORKER'S COMPENSATION

Employees using leave from the Crisis Leave Pool shall be eligible for reimbursement of no more than 75% of their weekly wage. Employees who are receiving Worker's Compensation salary reimbursements or leave buy backs shall be eligible to receive leave from the Crisis Leave Pool only in the quantity necessary to make up the difference between the Worker's Compensation wage replacement and the maximum wage replacement allowed under this policy.

VIOLATION OF THE POLICY

False statements or misrepresentations made in connection with an employee's application to be a leave recipient will be cause for disciplinary action, up to and including removal from state service.

UNATHORIZED USE OF ANNUAL LEAVE

Crisis leave from the leave pool shall not be:

- Included in a leave recipient's lump sum payment upon termination of employment.
- Used after the leave recipient's crisis period ends.

RESPONSIBILITY

It is the responsibility of the Crisis Leave Committee to ensure that this policy is administered in a fair and equitable manner. The decision to approve or deny crisis leave by the Crisis Leave Committee is final and not subject to review, appeal or challenge.

FORMS

Specific forms related to this policy can be found on the agency's intranet site, Channel Z, at <https://www.crt.state.la.us/management-and-finance/human-resources/policies/index>.

Summary of Changes: Revised policy number, updated link to Channel Z (July 11, 2018.) Absence limits removed (October 7, 2020)