

**EVANGELINE PARISH LIBRARY (EPL)
EMPLOYEE LEAVE AND HOLIDAY POLICY**

Approved by Library Board, December 19, 2007

Revised by Board June 12, 2008

Family and Medical Leave Policy (included below) Revised by Board September 22, 2008; additional revisions by Board Dec. 3, 2008

Sick Leave revised and Holiday Leave clarified by Board April 25, 2009.

Revised policy approved by Library Board at Aug. 25, 2009, meeting

Additional Revision (section deletion) approved by Library Board at Sept. 19, 2012, meeting

1. Classifications and Definitions:

1.1 **Exempt and nonexempt:** The position of Director is exempt from the overtime requirements of the Fair Labor Standards Act. All other positions currently are nonexempt.

1.2 **Salaried and hourly:** Employees are salaried or hourly. Employees who are assigned to work forty hours per week on a usual basis are salaried, i.e. paid the same amount of base pay (not including overtime) monthly. Those who work varying amounts less than 40 hours per week on a usual basis are hourly, i.e. their hours for the specific pay period are totaled first to determine the correct amount of base pay due.

1.3 **Full benefits and prorated benefits:** Salaried (40 hour per week) employees receive full benefits, including vacation and sick leave, which are accrued based on years of service. Employees who are assigned to work from 28 through 39 hours per week on a usual basis also receive benefits accrued based on years of service, but the level of benefits is prorated in accordance with Appendix A of this document.

1.4 **Number of hours assigned:** This is at the discretion of the director. If employees wish to increase or decrease their normal weekly hours, then they must seek written approval from the director. Since any change in hours will affect prorated benefits, changes should be infrequent and scheduled to begin with new pay periods.

1.5 **Typical work schedules** and their relationship to **overtime** and **compensatory leave** are covered in Sections 15 and 16 of this document.

1.6 **Full-time, leave-eligible, eligible, part-time, and substitute employees:** The phrase "full-time employees" in this policy refers to all employees who work an average of 28 hours per week or more and thus receive some level of paid holidays, vacation leave, and sick leave. They are also referred to as "leave

eligible” or “eligible” employees. All other employees are “part-time.” Part-time employees may or may not be “substitutes”.

1.7 Permanent employees. *This term is not used by EPL in determining leave and holiday pay eligibility, the subjects of this policy.* However, it is used in relation to retirement. Louisiana is an at-will employment state, and no period of employment is guaranteed. Nonetheless, in accordance with Louisiana Revised Statute 11:1902 an employee can be designated as a “permanent” employee for purposes of determining eligibility and required participation in the Parochial Employees’ Retirement System of Louisiana (PERS). **Under R.S. 11:1902 employees designated permanent and who work at least 28 hours per week are required to participate in PERS.** See Appendix B for R.S. 11:1902 and 11:1924 (dealing with how one ceases to be a member of PERS).

1.8 Introductory periods of work: The introductory period for all employees is 6 months. For substitute clerks who fail to work at least 60 hours during the first six months, the introductory period can be extended to allow further time to assess the clerk’s work. Substitutes may also be removed from the substitute roll at any time if they are consistently unable to accept the majority of assignments offered them.

1.9 Hire date or date of hire: When these terms are used in relation to retirement, the “hire date” is the date at which the employee became a participant in PERS (an employee designated “permanent” and working at least 28 hours per week, see section 1.6 and R.S. 11:1902 in Appendix B). When used in relation to leave accrual, the term refers to when the employee became eligible to accrue leave. Currently this is when an employee becomes “full time” working an average of 28 hours per week or more AND is formally designated as eligible. Substitutes and part-timers may work 40 hours per week for periods of time without becoming classified as full-time and eligible for leave accrual or as permanent for required PERS participation.

2. Approval of Leave

2.1 All employees requesting leave must fill out Evangeline Parish Library’s Application for Leave.

2.2 Leave must be approved by the Director and/or appropriate supervisors.

2.3 Additional approval/documentation requirements apply to differing types of leave (vacation, sick, civil, etc.). See specific sections of this document for differing types of leave.

3. Accruals of Leave

3.1 Employees who work less than 28 hours per week do not accrue sick leave or vacation leave.

3.2 Leave is accrued as of the last day of the month and becomes available for use on the first day of the following month.

3.3 Change of Accrual Rate: Accrual rate changes will become effective the first day of the month following the pay period in which the employee becomes eligible for the higher rate.

3.4 Vacation and sick leave have to be accrued before they can be taken. All vacation and sick leave is approved contingent on the employee having adequate leave accrued. The employee is expected to keep the monthly leave documentation provided him or her and check to ensure that adequate leave is available for any requests made. When in doubt, it is the employee's responsibility to check with the appropriate payroll personnel.

3.5. If anything occurs to deplete the leave after the request has been submitted and approved but before the anticipated leave would actually occur, it is the employee's responsibility to promptly in writing notify his or her supervisor or the Director so that appropriate adjustments may be made.

3.6 Employees do not accrue sick leave after the last day worked and are not paid for accrued sick leave upon termination of employment.

3.7 Workmen's Compensation and Leave Without Pay: Employees do not accrue either sick or vacation leave while on workmen's compensation or on Leave Without Pay.

4. Accrued Leave and Retirement

4.1 Sick leave may be converted at retirement (subject to restrictions in 4.2).

4.2 Library employees whose hire date, as defined in section 1.9, is Jan. 1, 2007, or later will be limited to no more than 720 hours (90 eight-hour days) of leave that can be converted at retirement.

4.3 No employee, regardless of date of hire, will be paid for unconverted sick leave.

4.4 Unused vacation leave at retirement will be reimbursed at the employee's final rate of pay. Note that vacation leave has an annual cap on fiscal year carry over, based on number of years of service (covered later in this policy).

5. Accrued Leave and Termination of Employment

5.1 Unused vacation leave at termination will be reimbursed at the employee's final rate of pay. Note that vacation leave has an annual cap on fiscal year carry over, based on number of years of service (covered later in this policy).

5.2 Unused sick leave is lost upon termination of employment.

5.3 Warning: Sick leave is only permitted for uses enumerated later in this policy. A physician's certificate may be required after three days or more of absence. Abuse of sick leave may result in termination of employment. See Section 7 below for detailed discussion of sick leave.

6. Vacation Leave:

6.1 Annual vacation leave is granted to leave-eligible employees, i.e., employees averaging 28 hours or more of work per week. The amount of vacation leave varies according to job classification and length of employment. It is based on a 40 hour week and is prorated according to the hours worked each week. Exact amounts earned per month are listed in Appendix A.

6.2 Application for vacation leave must be requested on EPL's "Application for Leave" form and must be approved and signed by the director or asst. director.

6.3 Employees must have accrued vacation leave to take vacation leave. Leave Without Pay (LWOP) is not authorized for vacation leave, except in the event of an emergency such as an act of God (i.e., flood, hurricane) or bereavement of approved family member.

6.4 (Note: The following paragraph applies to leave taken during non-holiday periods only. For leave taken close to Library holidays, etc., see the next paragraph.) For non-holiday periods, vacation leave requests should be submitted no later than two weeks prior to the leave dates requested if a substitution worker will be required to fill in during an employee's absence. Emergency leave requests and requests that do not allow two weeks' advance notice must be called into the director or his/her designate before leave is approved. The two-week rule does not apply if a substitution worker is not required. However, after noon on Wednesday, all non-emergency changes to leave for the following week must be avoided, in order to maintain the work schedule at the main library and branches. Any employee who habitually attempts to make short notice changes to non-emergency leave may be counseled for failure to maintain his or her assigned work schedule.

6.5 SIXTY DAY'S ADVANCE NOTICE should be given by ALL employees to take vacation leave during holiday periods (i.e. leave adjacent to or close to any of the 13 holidays set in the Library's schedule—Christmas, New Year's, Thanksgiving, Easter, 4th of July, etc.) While leave may be granted on shorter notice if staffing levels and Library needs permit, advance scheduling is necessary to allow for adequate customer service and administrative and technical support staffing at all times throughout the Library system and is particularly difficult to maintain near holidays. Employees can submit leave for these periods with less than sixty day's notice; however, later submission may reduce the feasibility of granting leave.

6.6 Leave will be routinely DENIED for weeks that include more than two designated holidays. Only emergency sick leave will be granted for these weeks. This sick leave will require a doctor's note.

6.7 The Library system reserves the right to deny leave use, even with sixty days' notice, when taking leave would impair the functioning of the system as a whole or cause undue hardship on other employees. Employees who have accumulated leave that exceeds the maximum fiscal year carry over are strongly cautioned against holding this leave for the last quarter of the year with its Thanksgiving, Christmas, and New Year's Eve holiday periods, since the leave may not be granted and could be lost. For maximum carry over amounts, see sections 6.9 and 6.10 below.

6.8 If an employee has been granted leave and the leave subsequently has to be cancelled by the Library administration due to the needs of the Library, then that leave will be allowed to carry over, even if it exceeds the maximum allowable.

6.9 No more than the eligible amount of annual leave that an employee earns each fiscal year may be carried forward at the end of the fiscal year, December 31. The allowable amount according to job classification is listed below. This requirement may be waived by the director under extraordinary circumstances, on a case-by-case basis.

6.10 Vacation leave accrual and maximum fiscal year carry over:

Eligible Library Employees

Vacation Hours*	**Years of Service	Maximum FY carry over*
96 hours + 2 days float	0-3	96 hours
120 hours + 2 days float	4-10	120 hours
160 hours +2 days float	11 & above	160 hours

Library Director		
Vacation Hours	Years of Service	Maximum FY carry over*
160 hours +2 days float	0 & above	160 hours

***Total earned per year, based on 40 hours work week.** See Appendix A for 28 to 39 hour employees.

****Years as an eligible employee.** Does not include years of part-time ineligible service.

6.11 With the approval of the Director or his/her designate, employees may change their annual leave to sick leave if they become ill while they are on vacation leave. Medical documentation to support the change must be presented.

6.12 Upon termination of employment or death, an employee or his estate must be paid all accumulated vacation leave.

6.13 For an employee who has been placed on Family and Medical Leave Act leave, any accrued vacation leave will run concurrently with Family and Medical Leave Act leave. See Section 18 of this document.

7. Sick Leave:

7.1 Leave-eligible employees earn 120 hours of sick leave a year based on 40 hours a week or an amount proportionate to the amount of hours worked a week according to Appendix A.

7.2 The maximum amount of sick leave that can be earned by any employee is 120 hours each fiscal year.

7.3 On December 31, the end of the fiscal year, accrued sick leave is carried forward to the next year.

7.4 Employees may accrue an unlimited amount of sick leave. **However, all sick leave is lost without reimbursement upon termination of employment.**

7.5 When an employee takes sick leave and does not have enough accrued sick leave to cover the time that the employee was away from work, the employee's vacation leave will be used prior to an employee going into a leave without pay (LWOP) status.

7.6 Employees desiring to take sick leave without pay (LWOP) must have their request approved by the Director prior to taking the time off if the leave is for any reason other than an employee's unforeseen illness or the unforeseen illness of an approved family member. Approvals for other than these stated

circumstances will only be granted on a case-by-case basis, usually in the event of an emergency.

7.7 Sick leave is authorized for the following reasons:

- illness or injury;
- exposure to contagious disease when there is danger that the disease may spread to co-workers or to the public;
- personal medical, mental, dental, or optical examination;
- illness of employee's child under the age of 18 or medical emergency with an immediate family member. Immediate family member is defined as spouse, sibling, son or daughter (biological, foster, adopted, step-child, a legal ward, or 18+ that is normally incapable of self-care because of mental or physical disability), parent or person "in loco parentis."

7.8 Any person who has been absent for any of the reasons listed must fill out EPL's "Application for Leave" form on the first day back at work; or in the case of a personal doctor's appointment, as far in advance as possible.

7.9 With the approval of the director or his/her designate, absences may be made up if it is done in the same work week and the employee does not work over 12 hours in one work day, or more than 40 hours in a work week.

7.10 After three consecutive work days of sick leave, or following a recurring pattern of sick leave use, an employee may be required to produce a doctor's excuse.

7.11 An employee who is returning to work after more than three consecutive work days of sick leave may be required to produce a doctor's certification of illness prior to returning to work. The employee may also be required to produce a doctor's statement showing that the employee is able to return to work and noting any activity restrictions. See "Fitness to Return to Work" document, Appendix C.

7.12 For an employee who has been placed on Family and Medical Leave Act leave, any accrued sick leave will run concurrently with Family and Medical Leave Act leave. See Section 18 of this document.

8. Bereavement Leave:

8.1 Three days of leave with pay, each fiscal year, may be granted to any leave-eligible employee upon the death of the employee's only living relative or any family member of the employee's "immediate family."

8.2 For bereavement leave the "immediate family" is defined as father, mother, parent or person "in loco parentis," mother-in-law, father-in-law, wife, husband, son, daughter, brother, sister, step-child, grandchild, legal ward, or grandparent.

9. Civil Leave:

9.1 An employee who is eligible to receive leave will be granted leave with pay when:

- performing jury duty;
- summoned to appear before a court, grand jury, or other lawful body or commission, except as a plaintiff or defendant.

10. Holidays:

10.1 Employees **are not paid** for holidays while on workmen's compensation or Leave Without Pay (including unpaid Family and Medical Leave Act leave, if all concurrently running accrued paid leave has already been expended).

10.2 Employees who work less than 28 hours per week are not eligible to receive paid holidays, with the following exception (approved by the Board 10/27/2005, and effective from 11/01/2005 on, modified June 2008 to be compatible with other portions of this policy as revised June 12, 2008)):

10.3 Employees who have consistently worked at least 25 hours per week for the library but less than the stated leave threshold for at least three years shall receive 6 hours of vacation pay for **each scheduled library holiday that falls on the person(s)' normally scheduled work day.**

10.4 Paid holidays for employees eligible to receive holiday pay are as follows:

- New Years Day
- Dr. Martin Luther King, Jr. Day
- Mardi Gras Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day
- Day after Christmas
- New Year's Eve

The day after Thanksgiving may also be granted by the Board in some years, but cannot be assumed to be a holiday.

10.4.1 If a holiday falls on a Saturday, it will be celebrated on the Friday immediately before; if it falls on a Sunday, it will be celebrated on the Monday immediately after. The actual holiday date will then be an unpaid holiday (library closure).

10.5 For each holiday, leave-eligible employees will be paid for one-fifth (20%) of the hours in the employees' standard work week. For example, a 40 hour employee would receive pay for 8 hours, while a 36 hour employee would receive pay for 7.25 (7.2 hours rounded up to the next quarter hour increment). The maximum pay that any employee could receive for any holiday will be 8 hours, since nobody is authorized to work more than 40 hours per week.

10.6 If an employee would have been scheduled to **work more than the allotted hours** on the day when the holiday falls, then the employee will need to make up the balance during the week or else take leave for the balance or apply pre-existing comp time to cover the balance.

10.7 If an employee would have been scheduled to **work less than the allotted hours** on the day when the holiday falls, then the employee may schedule fewer hours during the week or acquire **straight 1 for 1 comp time** for use in future weeks.

10.7 An employee shall not receive a paid holiday if on unauthorized leave the day before or after the holiday.

10.8 The Evangeline Parish Library Board may proclaim other holidays or one-time holidays by a resolution as it deems necessary. It may assign a holiday to another day if the holiday falls on what would not be a typical work day for the Library system as a whole (see 10.4.1 above). The Board may also close the Library to the public without declaring a holiday (i.e. for training sessions, etc.). It can also close the library without authorizing a paid holiday if necessary, and it may change or revoke the holiday schedule at any time by Board revision of this policy.

10.9 For an employee who has been placed on Family and Medical Leave Act leave, holiday leave will run concurrently with Family and Medical Leave Act leave. See Subpart 10.1 above and Section 18 of this document.

11. Floating Holidays

11.1 In addition to the holidays listed above, leave-eligible employees are authorized two "floating" holidays each fiscal year.

11.2 The first floating holiday must be used during the first six months of a fiscal year, and the second floating holiday must be used during the second six months of the fiscal year.

11.3 Employees may not carry floating holidays from one six month period to the next six-month period or into a new fiscal year.

11.4 If a floating holiday is not used during the appropriate six-month period, the floating holiday is automatically forfeited.

11.5 Float days are selected days and may not be taken in increments. Floating holiday pay will be computed the same way as for the listed holidays (See Section 10 above). Floating holidays' effect on scheduling will also be computed the same way as for the listed holidays (Section 10 above).

11.6 For an employee who has been placed on Family and Medical Leave Act leave, float days will run concurrently with Family and Medical Leave Act leave. See Section 18 of this document.

12. Military Leave:

12.1 Military leave will be granted in accordance with the Veterans Reemployment Rights Act (VRRA) of 1994 and changes thereto; and applicable Louisiana state laws, as well as in accordance with the Nov. 2008 revision of the Family Medical and Leave Act.

13. Educational Leave: This section deleted by the Library Board at its Sept. 19, 2012, meeting, except for 13.5, due to policy conflict with Attorney General's Opinion.

13.5 The library director may employ flex-time scheduling to achieve the goal of continuing education for employees.

14. Other Continuing Education:

14.1 At the discretion of the director and depending on the availability of funds, continuing education workshops, short courses, seminars, professional meetings and conferences, etc. may all be included as part of an employee's regular work responsibility.

14.2 EPL may also require that an employee attend certain continuing educational opportunities. When this occurs, the Library will bear all expense involved, within the limits of EPL's travel policy and applicable state laws.

14.3 Employees may be required to reimburse the Library if they fail to attend scheduled continuing education classes, workshops, seminars or conferences that are paid for by EPL and for which EPL is unable to send a substitute. Exceptions for emergency circumstances will be handled on a case-by-case basis.

14.4 If the employee is unable to attend and does not attend work on the day(s) of the continuing education event, then he or she will have to take leave for those days.

14.5 In all of the above instances regarding continuing education, proof of satisfactory completion of the course of instruction will be furnished to the director for inclusion in the staff member's personnel record.

15. Compensatory Leave:

15.1 **Straight comp time:** Compensatory straight **1 for 1 time** may be earned due to holidays or floating holidays. For example, if a holiday falls on a day when the employee is scheduled to work fewer hours than one-fifth of her total weekly schedule, then the employee may choose to take the difference as comp time and use it later. Example: an employee is scheduled to work only 6 hours on the day when the holiday falls, but is entitled to 8 hours of holiday pay. If the employee cannot schedule 2 hours off somewhere else in the weekly schedule, then the employee will receive 2 hours of comp time to use later. However, the employee will NOT receive time and half (see 15.2 below) unless he or she actually works more than 40 hours in the week.

15.2 **Time and half comp time:** Compensatory leave is earned at the rate of 1.5 times for each hour **actually worked over 40 hours a week**, except for emergency work performed on holidays (due to a hurricane or other disaster, etc.). **THE DIRECTOR IS EXEMPT AND CAN ONLY RECEIVE STRAIGHT 1 FOR 1 COMP TIME RATHER THAN TIME AND A HALF.**

15.3 The holiday/emergency rate is 2.0 times each hour **actually worked over 40 hours a week**. **THE DIRECTOR IS EXEMPT AND CAN ONLY RECEIVE STRAIGHT 1 FOR 1 COMP TIME RATHER THAN DOUBLE TIME.**

15.4 No employee is authorized to work above his or her normal work hours without the prior approval of the Director.

15.5 No employee is to have more than 12 compensatory leave hours at any given time without approval of the Director. Exceptions will be made on a case-by-case basis.

15.6 The Director will be responsible for ensuring that appropriate records of all compensatory leave earned and compensatory leave taken are maintained.

15.7 Compensatory leave must be requested on EPL's "Application for Leave" form and approved by the Director. All use of comp time is at the discretion of the director.

15.8 Although the maximum accumulation of compensatory leave shall not exceed 12 hours without the approval of the Library Director, under no circumstances shall it exceed the 240 hour maximum prescribed by law.

15.9 Along with the "Application for Leave," the employee requesting compensatory leave is responsible for supplying the Director or his or her designate with any documentation that may be required to support his or her request.

15.10 All compensatory leave should be exhausted prior to the expiration of a fiscal year unless authorized by the Director.

15.11 Upon termination of employment or death, an employee or his estate shall be paid all accumulated compensatory leave.

15.12 For an employee who has been placed on unpaid Family and Medical Leave Act leave, accrued paid compensatory leave will run concurrently with Family and Medical Leave Act leave. See Section 18 of this document.

16. Compensatory Leave and Work Schedules:

16.1 All personnel may be asked to adjust schedules or work more hours on a temporary basis as needed and may be temporarily assigned to different Library branches with different work schedules as the need arises, especially under emergency circumstances (temporary branch closures, etc.). However, compensatory time does NOT apply unless the conditions in section 15 above are met.

16.2 If an employee is required to work at more than one branch or other designated outreach work station (community center, Head Start center, school, etc.) during the same day, then travel time to get from one location to another will be counted in work time. Time traveling to the first work station of the day from home will not be counted, nor will time journeying home from the last station of the day.

16.3 Employees will be paid for each hour worked and normally will be expected to be present each of their scheduled work days, unless either they have filed for leave or the Library is closed. They will not, without specific written authorization,

accrue extra time on some days and use this as a basis for not coming in on other days for which they would normally work.

Note that possible schedule variations and schedule adjustments for use of comp time will be different at different Library branches, due to variations in staffing levels, work requirements, and public contact hours.

16.4 **Director:** The Director is an exempt employee. He or she sets his or her own schedule and adjusts it as necessary for the good of the organization.

16.5 All decisions about possible compressed work weeks or flex scheduling are at the discretion of the Director. The Director may also cancel or temporarily suspend specific flex or compressed work week schedules if necessary at any time.

17. Leave Of Absence (LOA) and Leave Without Pay (LWOP):

17.1 LOA for leave-eligible employees is defined as any period over one month.

17.2 All applicable accrued leave must be exhausted prior to an employee taking LOA or LWOP.

17.3 LOA or LWOP will not be approved to look for or perform work at another job, or to start a business. Others requests for LOA will not normally be approved, either, except as prescribed in accordance with VRRRA, FMLA, or other applicable federal and state laws.

17.4 Any request for LOA or LWOP not governed by law must be approved by the Director.

18. Family/ Medical Leave Act Leave:

18.1 Although the Evangeline Parish Library does not have 50 or more employees within a 75 mile radius of any of its work sites, the Library supports the Family and Medical Leave Act of 1993 by providing up to 12 weeks of **unpaid**, job-protected leave, for certain family and medical reasons (see 18.4) to employees who have worked at the Library for at least one year, and for 1,250 hours over the previous 12 months.

18.2 Family and Medical Leave Act unpaid leave will run **concurrently with any accrued paid leave.**

18.3 Extension of Family and Medical Leave Act Leave:

Provided that the conditions in section 18.4 below continue to be met, Family and Medical Leave Act leave will continue until all paid leave is exhausted or until 12 weeks are over, whichever time period is greater.

18.4 Reasons For Taking Family and Medical Leave Act Leave:

Unpaid leave shall be granted for any of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care.
2. To care for the employee's spouse, son or daughter, or parents, who has a serious health condition, or
3. For a serious health condition that makes the employee unable to perform his/her job.

18.5 Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Use of leave may be denied if these requirements are not met.

1. The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
2. The Library will require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the Library's expense). The Library will require a fitness for duty report to return to work.

18.6 Employer Determination and Placement:

1. The Library will place the employee on Family and Medical Leave Act leave as soon as it has been determined that the employee's situation will likely be of significant seriousness and duration to warrant placement.

18.7 Employee Notification:

1. The Library will promptly notify the employee in writing that he or she has been placed on Family and Medical Leave Act leave. If the employee is too incapacitated to be notified, the Library will make all reasonable efforts to promptly notify the employee's next of kin.

18.8 Job Benefits and Protection:

1. For the duration of FMLA leave, the Library will maintain any share it might have of the premium for health coverage under the Police Jury health plan. The employee is responsible for his/her share.
2. Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, or other employment terms.
3. The FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

18.9 Employee Fitness to Return to Work:

1. In the case of FMLA leave because of a serious employee injury or illness, the Library will require a satisfactory fitness for duty report from the employee's physician before the employee will be allowed to return to work. See Appendix C.

18.10 Incapacity to Return to Work Following Conclusion of FMLA Leave:

1. If an employee cannot return to work at the conclusion of FMLA leave, then the employee will be subject to separation from Library employment. See Personnel Policy Manual section, "Nondisciplinary Demotion and Separation."

18.11 Intermittent Use of Family and Medical Leave Act Leave

1. Some conditions may require FMLA leave to be taken intermittently. In those cases, accrued paid leave, including vacation leave, sick leave, and float days will still run concurrently with FMLA leave.
2. Holidays will not count as part of FMLA leave if the employee is taking FMLA leave in less than an increment of one week.
3. For intermittent FMLA leave, the total available will be the total of all accrued paid leave available or 12 weeks, whichever is greater.

18.12 Unlawful Acts by Employers:

FMLA makes it unlawful for the Library to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA.

2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in proceedings under or relating to FMLA.

18.13 Enforcement:

1. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
2. An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

18.14 Further Information:

See Appendix D for Department of Labor clarification.

19. CONFIDENTIALITY OF RECORDS:

19.1 Employees are strongly warned that any behavior that could be construed as checking without authorization into the payroll or leave records or any other records of another employee and/or sharing those records with anyone not authorized to have them may result in disciplinary action, including termination of employment.

APPENDIX A
PROPORTIONATE WORK WEEK CHART
 Revised and simplified, February, 2012

Note: This chart assumes eligible years of service less than 4. For more years of service, the same percentages apply: i.e., a person working 28 hours per week is working 70% of a full 40-hour work week and would receive approximately 70% of the vacation or sick leave hours for a person working 40 hours per week with the same number of years of service. [Note: If amount does not fall on a full hour, half hour, or quarter hour fraction, it will be rounded up to the next quarter hour.] **Amounts earned per month at less than 4 years of service are:**

If your weekly schedule is: 40 you will receive 8.0 hours vacation, 10.0 sick (100%)
 (93%)
 If your weekly schedule is: 36 you will receive 7.25 hours vacation, 9.0 sick (90%)
 If your weekly schedule is: 35 you will receive 7.0 hours vacation, 9.0 sick (88%) [Note: this is a grandfathered schedule; 35 hour schedules for new employees are not currently allowed.]
 If your weekly schedule is: 32 you will receive 6.5 hours vacation, 8.0 sick (80%)
 If your weekly schedule is: 30 you will receive 6.0 hours vacation, 7.5 sick (75%)
 If your weekly schedule is: 28 you will receive 5.75 hours vacation, 7.0 sick (70%)

Leave-eligible Library Employees (assuming 40 hours work per month, prorate for hours 28 up through 39 based on the percentages above):

Vacation Hours*	**Years of Service	Maximum FY carry over
96 hours + 2 days float	0-3	96 hours
120 hours + 2 days float	4-10	120 hours
160 hours +2 days float	11 & above	160 hours
Library Director		
Vacation Hours	Years of Service	Maximum FY carry over
160 hours +2 days float	0 & above	160 hours

***Total hours earned per year, based on 40 hours work week.**

****Leave eligible years only**

Sick Leave (all): 120 hours per year or a prorated percentage of 120 hours per year. Unlimited carryover.

Appendix B
Louisiana Revised Statutes Pertaining to Participation in the Parochial
Employees' Retirement System of Louisiana (PERS)

RS 11:1902

1902. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings, unless a different meaning is plainly required by context:

(1) "Accumulated contributions" means the sum of all amounts deducted from a member's compensation and credited to his individual account in the annuity savings fund.

(2) "Adjusted service date" means the service date adjusted by the amount of any creditable service other than membership service, or for any periods of interrupted service, and from which all creditable service shall be calculated.

(3) "Agreement" means the document of participation between a participating employer and the board, that sets forth the requirements and procedures for covering the employees of such participating employer under this system.

(4) "Agreement date" means the date as of which the provisions of this Chapter first become applicable to an employer.

(5) "Annuity reserve fund" means the fund in which shall be held the reserves for liabilities or retirees and beneficiaries.

(6) "Annuity savings fund" means the fund to which all accumulated contributions of members are credited.

(7) "Beneficiary" means the person designated in writing by a member to receive any benefits to which he may be entitled under this Chapter.

(8) "Board" or "board of trustees" means the board of trustees of this system.

(9) "Creditable service" means all periods of time for which credit is allowed towards any benefits of this Chapter.

(10) "Disability" means a condition which in the determination of the board renders an employee permanently and totally disabled, by bodily injury or disease, from performing the duties and responsibilities of his position; provided, however, that such condition is not, directly or indirectly, the result of military service, engaging in a felonious criminal enterprise, habitual drunkenness or use of narcotics, intentionally self-inflicted injury, or declared war or enemy action.

(11) "Earnings" shall mean the full rate of compensation paid to the member (employee); however, in computing the earnings of an employee for retirement purposes, the amount of overtime earnings to be used in the computation of earnings cannot exceed the average amount of overtime earnings received for the six-year period immediately preceding retirement. Earnings shall not include fees or commissions. This definition shall supersede any contrary provisions in the general retirement statutes regarding overtime computation, including that portion of* R.S. 11:233(B), so that all overtime is included in this computation, regardless of whether it was required to be worked in the employee's regular tour of duty.

(12)(a) "Employee" means any person who is employed as a permanent employee of a parish who works at least twenty-eight hours a week and whose compensation is paid wholly or partly by said parish, but excluding all persons employed by a parish or city school board, and all persons eligible for any other public retirement system in this state.

(b) "Employee" shall also mean a person employed by either the Police Jury Association of Louisiana, the Louisiana School Boards Association, or this retirement system and elected officials of the governing authority of any parish covered by this Chapter, and shall include members of school boards at their options. In any case of doubt, the board of trustees shall be the sole judge of who is an employee.

(c) "Employee" shall also mean a person employed by a district indigent defender program in this state, without regard to the source of funds for such districts or programs, provided the employee works at least twenty-eight hours a week. No person employed by an indigent defender program shall be entitled to receive credit for service rendered prior to becoming eligible for membership in the system.

(d) "Employee" shall also mean a person employed by a soil and water conservation district in this state, without regard to the source of funds for such districts.

(13) "Employer" means any parish in the state of Louisiana, excepting Orleans and East Baton Rouge Parishes, or the police jury or any other governing body of a parish which employs and pays persons serving the parish. "Employer" means also the Police Jury Association of Louisiana, the Louisiana School Boards Association, and this retirement system. "Employer" shall not mean a parish or city school board.

(14)(a) "Final compensation", for members hired on or before December 31, 2006, means the average monthly earnings during the highest thirty-six consecutive months or joined months if service was interrupted. The earnings to be considered for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of the first through the twelfth month. The earnings to be considered for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirteenth through the twenty-fourth month.

(b) For members hired on or after January 1, 2007, "final compensation" means the average monthly earnings during the sixty highest consecutive months of employment or the sixty highest successive joined months of employment if interruption of service occurred. The earnings to be considered for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings for the first through the twelfth month. The earnings to be considered for the twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of the earnings for the thirteenth through the twenty-fourth month. The earnings to be considered for the thirty-seventh through the forty-eighth month shall not exceed one hundred fifteen percent of the earnings for the twenty-fifth through the thirty-sixth month. The earnings to be considered for the final twelve months shall not exceed one hundred fifteen percent of the earnings for the thirty-seventh through the forty-eighth month.

(15) "Final salary" means the average monthly earnings of a member during the twelve-month period immediately preceding his death or retirement.

(16) "Medical board" means the board of physicians which shall arrange for or review medical examinations as required by this Chapter or applicable state laws.

(17) "Member" means a contributing employee who is covered under the provisions of this Chapter. A person who has received a return of accumulated contributions pursuant to R.S. 11:1935 shall no longer be considered a member. If a person who has received a return of contributions is later employed in a capacity covered under the provisions of this Chapter, he shall become a member effective upon the date of that employment, notwithstanding the repayment, if any, of the returned contributions.

(18) "Members annuity" means that portion of a retirement allowance that is attributable to a member's accumulated contributions payable for life in equal monthly installments.

(19) "Minor child" means an unmarried child under the age of eighteen years who is: the issue of a marriage; the legally adopted child of a member of this system; the natural child of a female member of this system; the child of a male member of this system if a court of competent jurisdiction has made an order of filiation declaring the paternity of such a member for the child or if the father has formally acknowledged the child; or, who was disabled at the time of the member's death and who remains in such disability status.

(20) "Pension accumulation fund" means the fund to which shall be credited all payments to the system exclusive of those amounts to be credited to the annuity savings and expense funds.

(21) "Plan A" means the revised plan to replace a combination of the regular and supplemental plans, to be effective January 1, 1980, as outlined in Part III.

(22) "Plan B" means the revised plan to replace the regular plan, to be effective January 1, 1980, as outlined in Part IV.

(22.1) "Plan C" means the plan to be effective July 1, 1997, as outlined in Part IV-A of this Chapter.

(23) "Regular plan" means the original plan that became effective upon the establishment of the retirement system in 1953, as amended, excluding the supplemental plan.

(24) "Revision date" means January 1, 1980, the effective date of the establishment of Plan A and Plan B.

(25) "Service certificate" means a statement of a member's total creditable service as approved by the board.

(26) "Service date" means the date of enrollment of a member into the system.

(27) "Supplemental plan" means the supplementary plan established by Act No. 538 of 1968, as amended, to provide benefits in addition to those of the regular plan.

(28) "Surviving spouse" means a legal spouse who was married to a member at the time of the member's death and for at least twelve months immediately prior thereto.

(29) "System" or "retirement system" means the Parochial Employees' Retirement System of Louisiana, established as of January 1, 1953, defined in Chapter 5, Title 11 of the Louisiana Revised Statutes, and as subsequently amended.

(30) "Fiscal year" shall mean the twelve-month period ending on December 31, of each year.

(31) "Actuarial equivalent" shall mean a benefit of equivalent value to the accumulated contributions, annuity, or benefits, as the case may be, computed on the basis of such mortality and interest tables as shall be adopted by the board of trustees in accordance with the provisions of R.S. 11:1985.

Acts 1979, No. 765, §1; Acts 1981, No. 598, §1; Acts 1982, No. 718, §2; Acts 1983, No. 213, §1; Acts 1983, No. 214, §1; Acts 1988, No. 133, §1; Acts 1990, No. 450, §1; Redesignated from R.S. 33:6102 by Acts 1991, No. 74, §3, eff. June 25, 1991; Amended by Acts 1993, No. 855, §1; Acts 1997, No. 867, §1, eff. July 1, 1997; Acts 2001, No. 695, §1, eff. Jan. 1, 2002; Acts 2003, No. 819, §1, eff. July 1, 2003; Acts 2006, No. 584, §1, eff. July 1, 2006; Acts 2006, No. 780, §1, eff. June 30, 2006.

*As appears in enrolled bill.

NOTE: See Acts 2006, No. 584, §3, relative to Act superseding conflicting provisions of Acts of 2006 R.S.

RS 11:1924

1924. Termination of membership

An employee shall cease to be a member upon the occurrence of any of the following circumstances:

(1) He resigns, is dismissed, or is otherwise separated from service.

(2) He withdraws from active service with a retirement allowance granted under the provisions of this Chapter.

Acts 1979, No. 765, §1, eff. Jan. 1, 1980; Redesignated from R.S. 33:6123 by Acts 1991, No. 74, §3, eff. June 25, 1991.

Appendix C:

Employee Fitness to Return to Work Certification

See next two pages (front and back of certification document)

Appendix D:

29CFR825.825.110—Which employees are “eligible” to take leave under FMLA?

http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_825/29CFR825.110.htm