

RULE

Department of State

Elections Division

Prohibition on Accumulation of Annual, Sick and Compensatory Leave for Registrars of Voters

(LAC 31:II.117)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), and under the authority of R.S. 18:18, R.S. 18:134, R.S. 18:1400.8 and R.S. 36:742, the secretary of state has adopted this Rule to amend LAC 31:II.Chapter 1 to implement a uniform time and attendance policy for the registrars of voters. The registrars of voters, who are the agency heads for their offices, in 53 of the 64 parishes have adopted a uniform time and attendance policy which has been accepted by the Department of State. This Rule serves to implement this time and attendance policy statewide, thus requiring all registrars of voters to adopt, implement and comply with this policy. Additionally, statewide implementation of this policy will provide for consistency in the human resources functions statutorily required of the Department of State for and on behalf of the registrars of voters.

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrar of Voters

§117. Prohibition on Accumulation of Annual, Sick and Compensatory Leave for Registrars of Voters

A. Definitions

Duty Status – a registrar of voters shall be available and ready to perform the tasks and responsibilities necessary to fulfill the mandated duties and functions of his/her office, and shall be on-call at all times.

B. The registrar of voters of each parish shall not be eligible to earn or accrue any type of annual or sick leave or paid time off, including compensatory leave, during his/her tenure as the registrar of voters.

C. Registrars of voters shall be considered in “duty status” at all times and therefore will not be required to report absences from the office, take leave for time away from the office or report hours worked to the Department of State for purposes of payroll processing, except for those overtime hours actually worked during early voting for which payment is required and authorized by R.S. 18:1400.8. Each registrar of voters will be solely responsible for the performance of the mandated duties of his/her office. Variances in time and attendance shall not

affect the provision of duties and services mandated for each registrar of voters by the Louisiana Constitution and Title 18 of the Louisiana Revised Statutes.

D. Registrars of voters will remain eligible to receive pay for overtime hours actually worked during early voting as authorized by R.S. 18:1400.8.

E. The current balances of accrued annual, sick and compensatory leave for each registrar of voters that were frozen pursuant to Department of State Policy #46, "Prohibition on Accumulation of Annual & Sick Leave & Compensatory Time for Registrars of Voters", shall remain frozen pursuant thereto, and no further annual, sick or compensatory leave shall accrue after the effective date of this Rule. Upon retirement or separation from service, each registrar of voters will be eligible to be paid for up to a combined total of 300 hours of accumulated annual and compensatory leave previously earned pursuant to Department of State Policy #2, "Attendance and Leave". The leave balances (annual, sick and compensatory) remaining will be reported by the Human Resources Division of the Department of State to the Registrars of Voters Employees' Retirement System for purposes of certification for retirement credit and calculation of retirement benefits, as allowed by the laws and rules governing that system.

F. Any annual, sick and compensatory leave accrued by an employee appointed as registrar of voters in the future shall be carried forward and frozen as of the date of the appointment as the registrar of voters. Upon retirement or separation from service, the registrar of voters will be eligible to be paid for up to a combined total of 300 hours of accumulated annual and compensatory leave. The leave balances (annual, sick and compensatory) remaining will be reported by the Human Resources Division of the Department of State to the Registrar of Voters Employees' Retirement System for purposes of certification for retirement credit and calculation of retirement benefits, as allowed by the laws and rules governing that system.

G. The provisions of this rule shall not be applied in violation of any provision of the Fair Labor Standards Act. Any application of such is strictly prohibited and shall render the applicable portion of the rule null and void.

H. The provisions of this rule apply to all 64 registrars of voters in the State of Louisiana and all registrars of voters that may be appointed in the future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:134, R.S. 18:1400.8, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:



Tom Schedler
Secretary of State