



On Jan. 19, 1972, the [La. Commission on Governmental Ethics](#) issued its Opinion Number 10 which stated that while it neither denied, repudiated, nor indicated disapproval of the concepts of annual and sick leave policies which are in effect in the classified service, any scheme or conspiracy entered into with the intent to evade the legal limitation on terminal leave payments is considered fraudulent and unethical.

This ruling gave rise to many questions from Human Resources staff because many legitimate requests for leave can be made prior to an employee's resignation or retirement. Therefore, the following guidelines have been established to govern the application of the principles set forth in the Commission's Opinion:

1. The employee's appointing authority has established a written policy which permits the use of annual leave by employees prior to separation in an even-handed and non-discriminatory manner; and
2. The employee does not engage in employment during the period of time he is on leave which he would be prohibited from engaging in during his regulation employment with the State by provisions either of the Code of Ethics, Rules and Regulations of the Civil Service Commission, or regulations of his own Department.

In cases of employees who are planning to resign or retire, there can be many instances of legitimate requests for annual leave. Such requests may be approved without hesitation if they are otherwise allowable under the employing agency's policies and work demands. The value of the leave thus approved will not be charged against the maximum allowable terminal leave payment (i.e., 300 hours), unless the employee's remaining leave balance is less than 300 hours.