

September 12, 2000
OPINION 00-343

Mr. Charles Duff
Human Resources
The University of Louisiana at Monroe
700 University Avenue
Monroe, LA 71209-2300

94 Schools & School Districts
22-B Education, Colleges
Employee of university may be paid for up to twenty-five days of
unused sick leave upon retirement.

Dear Mr. Duff:

Responding to your inquiry of recent date, note that unclassified, non-teaching employees of colleges and universities are paid for up to twenty-five days of unused sick leave at the time of retirement or death under R.S. 17:2149(A)(7)¹. Unclassified teaching employees at colleges and universities are paid for up to twenty-five days of unused sick leave at the time of retirement or death under R.S. 17:3312(A)(7)².

Pursuant to these statutes, such payment is not made because of termination of employment. It is only paid to the employee when he in fact retires. See Attorney

¹ R.S. 17:2149(A)(7) provides:

§ 2149. Use of sick leave, non-teaching personnel

* * * * *

- (7) Upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to him provided that the sick leave had been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his supervisor, except that such payment shall not exceed the value of twenty-five working days computed on the basis of a five day week and on a 4 week per month basis for personnel employed on a less than 12 month employment basis and on the basis of a five-day week and fifty-two week year for twelve month employees. The rate of pay shall be computed utilizing the base rate the employee is receiving at the time of termination.

² R. S. 17:3312(a)(7) provides:

§ 3312. Use of sick leave

* * * * *

- (8) Upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to him provided that the sick leave had been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his supervisor, except that such payment shall not exceed the value of twenty-five working days computed on the basis of a five day week and on a 4 week per month basis for personnel employed on a less than 12 month employment basis and on the basis of a five-day week and fifty-two week year for twelve month employees. The rate of pay shall be computed utilizing the base rate the employee is receiving at the time of termination.

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General Opinions 84-1030 and 80-483. We continue to adhere to this determination, and conclude that the university employee referenced in your correspondence is entitled to the payment of such unused sick leave at the time of his actual retirement.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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cc: Mr. James Falls
Director of Human Resources

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95 Schools & School Districts
22-B Education, Colleges & Other Institutions of Higher Education

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Date Received:
Date Released: September 12, 2000

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL