2022 Regular Session

HOUSE BILL NO. 980

## BY REPRESENTATIVE FREEMAN

# STATE EMPLOYEE/LEAVE: Provides relative to the state employee leave transfer program

1	AN ACT
2	To amend and reenact R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), and
3	445(A) and (B) and to repeal R.S. 42:441(4) and 446, relative to the state employee
4	leave transfer program; to provide for qualification for the state employee leave
5	transfer program; to provide relative to parental leave; and to provide for related
6	matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), and 445(A)
9	and (B) are hereby amended and reenacted to read as follows:
10	§441. Definitions
11	For the purposes of this Part, the following words and terms, when used in
12	this Part, shall have the following meanings:
13	* * *
14	(3) "Leave recipient" means a full-time employee of an employing agency
15	who has a personal emergency and is selected need to receive annual, sick, or
16	compensatory leave from the pool leave account of his employing agency and who
17	meets one the following qualifying circumstances:-
18	(4) "Personal emergency" means (a) The employee experiences a
19	catastrophic illness or serious injury, that prevents the employee from performing his
20	duties for a period of more than ten consecutive days that the employee is scheduled

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1	to work, and the employee does not have sufficient annual, sick, or compensatory
2	leave credited to the employee personally to cover the entire period of illness or
3	injury.to a full-time state employee participating in the employing agency's leave-
4	transfer program, or to the employee's spouse or a
5	(b) The employee has a significant other, minor child, child who is still
6	financially supported by the employee, or dependent parent for whom the employee
7	is the primary caregiver who experiences a catastrophic illness or serious injury of
8	the employee, which that prevents the employee from performing his duties for a
9	period of more than ten consecutive days which that the employee is scheduled to
10	work, and the employee does not have sufficient annual, sick, or compensatory leave
11	credited to the employee personally to cover the entire period of illness or injury.
12	(c) The employee experiences the birth or adoption of a child and does not
13	have sufficient annual, sick, or compensatory time to cover a minimum of six weeks
14	of parental leave immediately following the birth or adoption.
15	§442. Leave transfer pools; establishment
16	The State Civil Service Commission and the State Police Commission may
17	establish a plan for the participation in the leave-transfer program, allowing full-time
18	employees to pool their annual, sick, and compensatory leave and allowing any leave
19	thus pooled to be used by any participating employee for a personal emergency leave
20	recipient, when that employee has used all annual, sick, and compensatory leave that
21	has been personally accrued by him.
22	§443. Pool leave account; participation; use
23	* * *
24	D. A leave recipient approved for participation under the pool account may
25	use annual, sick, or compensatory leave from the pool account in the same manner
26	for a personal emergency as if the recipient had accrued the leave in the manner
27	provided by law, rule, regulation, or policy.
28	* * *

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1	§444. Pool account leave request
2	Employees of a state agency requesting leave from the pool leave account for
3	a personal emergency under the provisions of this Part, must shall submit a written
4	leave request to the employing agency with the following information included:
5	* * *
6	§445. Agency procedures
7	A. The employing agency shall monitor the status of the personal emergency
8	qualifying circumstance affecting the leave recipient and establish procedures to
9	ensure that transferred annual, sick, or compensatory leave from the pool is not used
10	after a personal emergency such circumstance ceases to exist.
11	B. A personal emergency qualifying circumstance affecting a leave recipient
12	terminates when the employing agency determines that the personal emergency
13	qualifying circumstance no longer exists or the leave recipient's employment
14	terminates.
15	* * *
16	Section 2. R.S. 42:441(4) and 446 are hereby repealed in their entirety.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abstract: Expands the state employee leave transfer program to include parental leave.

Present law authorizes the State Civil Service Commission and the State Police Commission to establish a leave transfer program allowing full-time employees to pool unused leave for use by a participating employee who has used all of his leave.

Present law provides that an employee may receive leave from the employing agency's leave transfer program if the employing agency finds that the employee, the employee's spouse, or the minor child of the employee has suffered a catastrophic illness or serious injury which prevents the employee from performing his duties for a period of more than 10 consecutive days which the employee is scheduled to work and the employee does not have sufficient annual, sick, or compensatory leave.

Proposed law retains present law and provides that such employee may also receive leave from the leave transfer program to cover six weeks of parental leave immediately after the birth or adoption of a child. Additionally provides that an employee may request leave from the leave transfer program if a child who is still supported by the employee, a significant

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other, or a dependent parent for whom the employee is the primary caregiver experiences catastrophic illness or serious injury.

<u>Present law</u> allows the employing agency to consider the likely impact on morale and efficiency within the agency in considering a leave recipient's request to use leave transferred from the pool account, except the request involves a medical condition affecting the leave recipient.

Proposed law removes this provision.

(Amends R.S. 42:441(3), 442, 443(D) and (E), 444(intro. para.), and 445(A) and (B); Repeals R.S. 42:441(4) and 446)