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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Francis Aucoin.

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SB 426 Engrossed

DIGEST  
2024 Regular Session

Jenkins

Proposed law creates the "Parental Leave for Educators Act".

Proposed law provides for definitions and requires that every city, parish, and other local public school board to allow the appointment of substitute teachers when a teacher is on parental leave under the provisions of proposed law.

Proposed law prohibits an appointed substitute teacher from acquiring tenure rights or privileges, unless the substitute has been appointed to fill a regular vacancy and has the necessary qualifications.

Proposed law provides that an eligible employee who takes fewer than six weeks, or 240 hours, of paid parental leave must be entitled to reserve his remaining weeks of paid parental leave for use at a later date should another qualifying event occur within the same 12-month period.

Proposed law provides that an employer may provide a more generous leave or more generous benefits.

Proposed law provides that a full-time employee must be compensated at the rate of 100% of his base pay for a period not to exceed six weeks. Proposed law further provides that a part-time employee must be compensated at the rate of 100% of his base pay for a period not to exceed six weeks based upon a prorated basis with the percentage of hours the employee normally works.

Proposed law allows both parents, if they are eligible employees, paid parental leave to be taken concurrently, consecutively, or at a different time as the other eligible employee.

Proposed law prohibits requiring the use of an eligible employee's sick, annual, or other accrued leave before taking paid parental leave. Proposed law further provides that paid parental leave must run concurrently with leave requested under the Family and Medical Leave Act "FMLA".

Proposed law provides that the granting of parental leave cannot affect any of the tenure rights the employee has acquired under present law.

Proposed law provides that each LEA must provide in writing to each employee upon hiring and annually thereafter all of the following:

- (a) Its policies and procedures.

- (b) The employee's right to parental leave benefits and the terms under which it may be used.
- (c) The amount of parental leave benefits available to the employee.
- (d) The procedure for applying for parental leave.
- (e) That discrimination and retaliatory actions against an employee, for requesting, applying for or using parental leave benefits, are prohibited.

Proposed law provides for an employee to file a grievance within 24 months after a violation occurred if the employee believes that his rights were restrained, violated, denied, or otherwise discriminated against.

Proposed law provides for a severability clause.

Proposed law creates the "Paid Parental Leave For Educators Fund".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1214, 1215, and 3996(B)(82))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical changes.
2. Changes number of months required for an eligible employee to be eligible for paid parental leave from three to 12 months.
3. Allows an LEA to provide more generous leave or benefits.
4. Removes the Department of Education from the grievance process.
5. Clarifies how implementation will take place.
6. Clarifies that reimbursement to the LEAs are for substitute employees.
7. Requires the Department of Education to use existing communication methods to promote the Paid Parental Leave for Educators.
8. Inserts a provision creating the "Paid Parental Leave For Educators Fund".