

ACT No. 849

HOUSE BILL NO. 1253

BY REPRESENTATIVE NANCY LANDRY

1 AN ACT

2 To amend and reenact R.S. 17:500.2(E)(2)(a), (b), and (c), 1202(E)(2)(a), (b), and (c), and
3 1206.2(E)(2)(a), (b), and (c), relative to powers of local public school boards and
4 local superintendents of schools; to provide relative to requirements for extension of
5 sick leave for school bus drivers, teachers, and school employees; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:500.2(E)(2)(a), (b), and (c), 1202(E)(2)(a), (b), and (c), and
9 1206.2(E)(2)(a), (b), and (c) are hereby amended and reenacted to read as follows:

10 §500.2. School bus operators; extended sick leave

11 * * *

12 E.

13 * * *

14 (2)(a) If the board or superintendent, upon review of the application,
15 questions the validity or accuracy of the certification, the ~~employer~~ board or
16 superintendent, as the case may be, referred to in this Paragraph as the "challenging
17 party", may require the school bus operator or the immediate family member, as a
18 condition for continued extended leave, to be examined by a licensed physician
19 selected by the ~~employer~~ challenging party. In such a case, the employer shall pay
20 all costs of the examination and any tests determined to be necessary. If the
21 physician selected by the ~~employer~~ challenging party finds medical necessity, the
22 leave shall be granted.

1 (b) If the physician selected by the ~~public school employer~~ challenging party
 2 disagrees with the certification of the physician selected by the school bus operator,
 3 then the ~~employer~~ challenging party may require the school bus operator or the
 4 immediate family member, as a condition for continued extension of sick leave, to
 5 be examined by a third licensed appropriate physician whose name appears next in
 6 the rotation of physicians on a list established by the local medical society for such
 7 purpose and maintained by the ~~board~~ challenging party. All costs of an examination
 8 and any required tests by a third doctor shall be paid by the employer. The opinion
 9 of the third physician shall be determinative of the issue.

10 (c) The opinion of all physicians consulted as provided in this Paragraph
 11 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
 12 which shall be subject to the provisions of R.S. 14:125.

13 * * *

14 §1202. Teachers; extended sick leave

15 * * *

16 E.

17 * * *

18 (2)(a) If the board or superintendent, upon review of the application,
 19 questions the validity or accuracy of the certification, the ~~employer~~ board or
 20 superintendent, as the case may be, referred to in this Paragraph as the "challenging
 21 party", may require the teacher or the immediate family member, as a condition for
 22 continued extended leave, to be examined by a licensed physician selected by the
 23 ~~employer~~ challenging party. In such a case, the employer shall pay all costs of the
 24 examination and any tests determined to be necessary. If the physician selected by
 25 the ~~employer~~ challenging party finds medical necessity, the leave shall be granted.

26 (b) If the physician selected by the ~~public school employer~~ challenging party
 27 disagrees with the certification of the physician selected by the teacher or the
 28 immediate family member, then the ~~employer~~ challenging party may require the
 29 teacher or the immediate family member, as a condition for continued extension of
 30 sick leave, to be examined by a third licensed appropriate physician whose name

1 appears next in the rotation of physicians on a list established by the local medical
2 society for such purpose and maintained by the ~~board~~ challenging party. All costs
3 of an examination and any required tests by a third doctor shall be paid by the
4 employer. The opinion of the third physician shall be determinative of the issue.

5 (c) The opinion of all physicians consulted as provided in this Paragraph
6 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
7 which shall be subject to the provisions of R.S. 14:125.

8 * * *

9 §1206.2. Employees; extended sick leave

10 * * *

11 E.

12 * * *

13 (2)(a) If the board or superintendent, upon review of the application,
14 questions the validity or accuracy of the certification, the ~~employer~~ board or
15 superintendent, as the case may be, referred to in this Paragraph as the "challenging
16 party", may require the employee or the immediate family member, as a condition
17 for continued extended leave, to be examined by a licensed physician selected by the
18 ~~employer~~ challenging party. In such a case, the employer shall pay all costs of the
19 examination and any tests determined to be necessary. If the physician selected by
20 the ~~employer~~ challenging party finds medical necessity, the leave shall be granted.

21 (b) If the physician selected by the ~~public school employer~~ challenging party
22 disagrees with the certification of the physician selected by the employee or the
23 immediate family member, then the ~~employer~~ challenging party may require the
24 employee or the immediate family member, as a condition for continued extension
25 of sick leave, to be examined by a third licensed appropriate physician whose name
26 appears next in the rotation of physicians on a list established by the local medical
27 society for such purpose and maintained by the ~~board~~ challenging party. All costs
28 of an examination and any required tests by a third doctor shall be paid by the
29 employer. The opinion of the third physician shall be determinative of the issue.

1 (c) The opinion of all physicians consulted as provided in this Paragraph
2 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
3 which shall be subject to the provisions of R.S. 14:125.

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____