

2020 Regular Session

HOUSE BILL NO. 475

BY REPRESENTATIVE HILFERTY

STATE EMPLOYEE/LEAVE: Provides relative to family and parental leave for state employees

1 AN ACT

2 To enact R.S. 42:422, relative to leave and absences for state government employees; to
3 require that state government employers allow certain absences for parents without
4 penalizing the employee; to require state government employers to allow use of
5 accrued leave under specified circumstances; to require payment of female
6 employees during certain medically required absences related to pregnancy; to
7 provide relative to the use of accrued sick leave; to require establishment of crisis
8 leave pools; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 42:422 is hereby enacted to read as follows:

11 §422. Parental and family leave policies

12 The leave policies for full-time employees of every state government
13 employer shall, at a minimum, comply with the requirements of this Section:

14 (1) An employer shall allow an employee who has been employed by the
15 employer for at least twelve months to take up to twelve consecutive weeks of leave
16 during the first twelve months after the birth of a child or the placement of an
17 adopted or foster child with the employee. The employer shall allow the employee
18 to apply any paid leave available to him to such an absence. The employer shall
19 maintain coverage under any group health plan under the same conditions of
20 coverage for the employee for the duration of such leave. Upon return, the employer

1 shall restore the employee to an equivalent position with equivalent benefits,
2 compensation, and other terms and conditions of employment.

3 (2)(a) An employer shall allow a female employee to take leave for medical
4 visits during pregnancy and during a period of three months after the birth of a child.

5 (b) An employer shall allow a female employee to take up to sixteen weeks
6 of leave during pregnancy at any time a doctor determines that she is disabled due
7 to pregnancy or related medical conditions or that such leave is medically indicated
8 for the health of her unborn child. The employer shall allow the employee to apply
9 any paid leave available to her to such an absence. The employer shall maintain
10 coverage under any group health plan under the same conditions of coverage for the
11 duration of the leave. Upon return, the employer shall restore the employee to an
12 equivalent position with equivalent benefits, compensation, and other terms and
13 conditions of employment.

14 (c) An employer shall pay an employee who is taking leave covered by this
15 Paragraph sixty-five percent of her regular pay during any portion of such absence
16 that is not covered by paid leave available to the employee.

17 (3) An employer shall allow an employee to use available sick leave to care
18 for a sick child, spouse, parent, spouse's parent, and any family member of the
19 employee whose care is the responsibility of the employee.

20 (4) An employer shall establish a plan for employee participation in a leave-
21 transfer program, which allows employees to pool their annual, sick, and
22 compensatory leave and allows any leave thus pooled to be used by any participating
23 employee for a personal emergency after that employee has used all annual, sick, and
24 compensatory leave that has been personally accrued by him.

25 Section 2. This Act shall take effect and become operative if and when the proposed
26 amendment of Article X of the Constitution of Louisiana contained in the Act which
27 originated as House Bill No. 161 of this 2020 Regular Session of the Legislature is adopted
28 at a statewide election and becomes effective.

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)]

HB 475 Original

2020 Regular Session

Hilferty

Abstract: Provides minimum requirements for family and parental leave for all full-time state government employers and employees.

Proposed law requires that the leave policies for full-time employees of every state government employer to, at a minimum, comply with the following requirements:

- (1) An employer shall allow an employee who has been employed for at least 12 months to take up to 12 consecutive weeks of leave during the first 12 months after the birth of a child or the placement of an adopted or foster child with the employee. Requires the employer to: allow the employee to apply any paid leave available to him to such an absence, maintain the employee's health insurance coverage, and restore the employee to an equivalent position with equivalent benefits, compensation, and other terms and conditions of employment.
- (2) Relative to female employees during and after pregnancy:
 - (a) An employer shall allow a female employee to take leave for medical visits during pregnancy and during a period of three months after the birth of a child.
 - (b) An employer shall allow a female employee to take up to 16 weeks of leave during pregnancy at any time a doctor determines that she is disabled due to pregnancy or related medical conditions or that such leave is medically indicated for the health of her unborn child. Requires the employer to: allow the employee to apply any paid leave available to her to such an absence, maintain the employee's health insurance coverage, and restore the employee to an equivalent position with equivalent benefits, compensation, and other terms and conditions of employment.
 - (c) Requires that an employer pay a female employee taking leave covered by (a) or (b) above to pay the employee 65% of her regular pay during any portion of such absence that is not covered by paid leave.
- (3) An employer shall allow an employee to use available sick leave to care for a sick child, spouse, parent, spouse's parent, and any family member of the employee whose care is the responsibility of the employee.
- (4) An employer shall establish a plan for the participation in a leave-transfer program, allowing employees to pool their annual, sick, and compensatory leave and allowing any leave thus pooled to be used by any participating employee for a personal emergency after the employee has used all of his personal leave.

Effective if and when the proposed amendment of Article X of the Constitution of La. contained in the Act which originated as House Bill No. 161 of this 2020 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 42:422)