

2020 Regular Session

SENATE BILL NO. 437

BY SENATORS JACKSON, BARROW, BOUIE, CARTER, CATHEY, CLOUD, FIELDS,
HARRIS, HEWITT, JOHNS, MCMATH, MILLIGAN, ROBERT
MILLS AND SMITH

COLLEGES/UNIVERSITIES. Provides relative to postsecondary education management board sick leave policies. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:2148(A)(4), 2149, and 3311(A)(4), and to enact R.S.
3 17:3312(A)(1)(c), (d), and (8), relative to postsecondary education management
4 board sick leave policies; to provide for the definition of sick leave; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:2148(A)(4), 2149, and 3311(A)(4) are hereby amended and
8 reenacted and R.S. 17:3312(A)(1)(c), (d), and (8) are hereby enacted to read as follows:

9 §2148. Sick leave for unclassified, nonteaching, academic leave

10 The appropriate management boards shall recognize the following sick leave
11 policy for unclassified, nonteaching, academic personnel:

12 A. Employees, work weeks, and definitions.

13 * * *

14 (4) ~~Definition of sick leave:~~

15 (a) Sick leave is leave with pay granted an employee ~~who is suffering with~~
16 ~~a disability which prevents his performing his usual duties and responsibilities, who~~
17 ~~requires medical, dental, or optical consultation or treatment~~ **for use in accordance**

1 with the provisions of R.S. 17:2149.

2 * * *

3 §2149. Use of sick leave, non-teaching personnel

4 A.(1) ~~Sick leave may be used as follows for non-teaching personnel:~~

5 Sick leave with pay may be taken by an employee who has sufficient leave
6 to his credit for the following:

7 (a) Illness or injury which prevents performance of his usual duties.

8 (b) Medical, dental, or optical consultation or treatment.

9 (c) Care for an immediate family member who is ill or injured.

10 (d) Accompanying an immediate family member to a medical, dental, or
11 optical consultation or treatment.

12 (2) As used in this Subsection, "immediate family member" means a
13 spouse, parent, or child of an employee.

14 ~~(2)B.~~ The minimum charge for sick leave shall be four hours (1/2 day) and if
15 more, shall be charged in hour increments to the nearest hour.

16 ~~(3)C.~~ The employee may use sick leave for maternity purposes when
17 postnatal or prenatal condition of the employee prevents the performance of usual
18 duties provided the employee has sufficient sick leave credit. The limit to the use of
19 sick leave for a postnatal condition is six weeks except if a physician certifies
20 inability to return to work.

21 ~~(4)D.(1)~~ An appointing authority may advance sick leave with pay in an
22 amount not exceeding twenty-two working days to an unclassified employee who
23 has exhausted all his sick leave.

24 ~~(5)(2)~~ The value of any advanced sick leave which has not been repaid at the
25 time of the employee separation from the unclassified service shall be deducted from
26 his last paycheck ~~and/or~~ or paid in cash to the appointing authority unless the
27 separation is for the purpose of moving to another state agency, in which case the
28 advanced sick leave shall be forwarded to the agency accepting him as an employee.

29 ~~(6)(3)~~ Upon separation caused by disability, death or retirement, all advanced

1 sick leave shall be cancelled.

2 (~~7~~)E. Upon death or retirement of an unclassified employee, sick leave
3 accrued to his credit shall be computed and the value thereof shall be paid to him
4 provided that the sick leave had been accrued under established leave regulations and
5 a daily attendance record has been maintained for the employee by his supervisor,
6 except that such payment shall not exceed the value of twenty-five working days
7 computed on the basis of a five-day week and on a four-week per month basis for
8 personnel employed on a less than ~~twelve-month~~ **twelve-month** employment basis
9 and on the basis of a five-day week and fifty-two week year for twelve-month
10 employees. The rate of pay shall be computed utilizing the base rate the employee
11 is receiving at the time of termination.

12 * * *

13 §3311. Sick leave for unclassified; academic personnel

14 Each board vested with management and supervision of colleges and
15 universities shall recognize the following sick leave policy for unclassified and
16 academic personnel:

17 A. Employees, work weeks, and definitions

18 * * *

19 (4) Definition of sick leave: Sick leave is leave with pay granted an employee
20 ~~who is suffering from a disability which prevents his performing his usual duties and~~
21 ~~responsibilities and who requires medical, dental, or optical consultation or treatment~~
22 **for use in accordance with the provisions of R.S. 17:3312.**

23 * * *

24 §3312. Use of sick leave

25 A. Sick leave may be used as follows:

26 (1) Sick leave with pay may be taken by an employee who has sufficient
27 leave to his credit for the following:

28 * * *

29 **(c) Care for an immediate family member who is ill or injured.**

1 **(d) Accompanying an immediate family member to a medical, dental, or**
2 **optical consultation or treatment.**

3 * * *

4 **(8) As used in this Subsection, "immediate family member" means a**
5 **spouse, parent, or child of an employee.**

6 * * *

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 437 Reengrossed 2020 Regular Session Jackson

Present law requires the postsecondary education management boards to provide for a sick leave policy for unclassified personnel, both nonteaching and academic. Further defines sick leave and provides for the uses of sick leave, all of which are limited to use for personal care.

Proposed law retains present law and further provides that sick leave may be used to care for an immediate family member who is ill or injured or to accompany an immediate family member to a medical, dental, or optical consultation or treatment. Defines "immediate family member" as a spouse, parent, or child of an employee.

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

(Amends 17:2148(A)(4), 2149, and 3311(A)(4); adds R.S. 17:3312(A)(1)(c), (d), and (8))