

SENATE BILL NO. 437

BY SENATORS JACKSON, BARROW, BOUIE, CARTER, CATHEY, CLOUD, FIELDS, HARRIS, HEWITT, JOHNS, MCMATH, MILLIGAN, ROBERT MILLS AND SMITH AND REPRESENTATIVES ADAMS, BRASS, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, COX, ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, LYONS, MARCELLE, MARINO, MCFARLAND, MOORE, CHARLES OWEN, PHELPS, PIERRE, PRESSLY, SELDERS, STAGNI, THOMAS AND THOMPSON

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**  
18 **with the provisions of R.S. 17:2149.**

19 \* \* \*

20 §2149. Use of sick leave, non-teaching personnel

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

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

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

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

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

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

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

10 ~~(2)~~**B.** The minimum charge for sick leave shall be four hours (½ day) and if  
11 more, shall be charged in hour increments to the nearest hour.

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

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

20 ~~(5)~~**(2)** The value of any advanced sick leave which has not been repaid at the  
21 time of the employee separation from the unclassified service shall be deducted from  
22 his last paycheck ~~and/or~~ **or** paid in cash to the appointing authority unless the  
23 separation is for the purpose of moving to another state agency, in which case the  
24 advanced sick leave shall be forwarded to the agency accepting him as an employee.

25 ~~(6)~~**(3)** Upon separation caused by disability, death or retirement, all advanced  
26 sick leave shall be cancelled.

27 ~~(7)~~**E.** Upon death or retirement of an unclassified employee, sick leave  
28 accrued to his credit shall be computed and the value thereof shall be paid to him  
29 provided that the sick leave had been accrued under established leave regulations and  
30 a daily attendance record has been maintained for the employee by his supervisor,

1 except that such payment shall not exceed the value of twenty-five working days  
 2 computed on the basis of a five-day week and on a four-week per month basis for  
 3 personnel employed on a less than ~~twelve-month~~ **twelve-month** employment basis  
 4 and on the basis of a five-day week and fifty-two week year for twelve-month  
 5 employees. The rate of pay shall be computed utilizing the base rate the employee  
 6 is receiving at the time of termination.

7 \* \* \*

8 §3311. Sick leave for unclassified; academic personnel

9 Each board vested with management and supervision of colleges and  
 10 universities shall recognize the following sick leave policy for unclassified and  
 11 academic personnel:

12 A. Employees, work weeks, and definitions

13 \* \* \*

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

18 \* \* \*

19 §3312. Use of sick leave

20 A. Sick leave may be used as follows:

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

23 \* \* \*

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

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

27 \* \* \*

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

30 \* \* \*

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_