

2022 Regular Session

HOUSE BILL NO. 980

BY REPRESENTATIVE FREEMAN

STATE EMPLOYEE/LEAVE: Provides relative to the state employee leave transfer program

1 AN ACT

2 To amend and reenact R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), 445(A)  
3 and (B), and 446 and to repeal R.S. 42:441(4), relative to the state employee leave  
4 transfer program; to provide for qualification for the state employee leave transfer  
5 program; to provide relative to parental leave; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), 445(A) and  
8 (B), and 446 are hereby amended and reenacted to read as follows:

9 §441. Definitions

10 For the purposes of this Part, the following words and terms, when used in  
11 this Part, shall have the following meanings:

12 \* \* \*

13 (3) "Leave recipient" means a full-time employee of an employing agency  
14 who has a ~~personal emergency and is selected~~ need to receive annual, sick, or  
15 compensatory leave from the pool leave account of his employing agency and who  
16 meets one of the following qualifying circumstances:-

17 ~~(4) "Personal emergency" means~~ (a) The employee experiences a  
18 catastrophic illness or serious injury; that prevents the employee from performing his  
19 duties for a period of more than ten consecutive days that the employee is scheduled

1 to work, and the employee does not have sufficient annual, sick, or compensatory  
2 leave credited to the employee personally to cover the entire period of illness or  
3 injury to a full-time state employee participating in the employing agency's leave-  
4 transfer program, or to the employee's spouse or a

5 (b) The employee has a significant other, minor child, child who is still  
6 financially supported by the employee, or dependent parent for whom the employee  
7 is the primary caregiver who experiences a catastrophic illness or serious injury of  
8 the employee, which that prevents the employee from performing his duties for a  
9 period of more than ten consecutive days which that the employee is scheduled to  
10 work, and the employee does not have sufficient annual, sick, or compensatory leave  
11 credited to the employee personally to cover the entire period of illness or injury.

12 (c) The employee experiences the birth or adoption of a child and does not  
13 have sufficient annual, sick, or compensatory time to cover a minimum of six weeks  
14 of parental leave immediately following the birth or adoption.

15 §442. Leave transfer pools; establishment

16 The State Civil Service Commission and the State Police Commission may  
17 establish a plan for the participation in the leave-transfer program, allowing full-time  
18 employees to pool their annual, sick, and compensatory leave and allowing any leave  
19 thus pooled to be used by any ~~participating employee for a personal emergency~~ leave  
20 recipient, when that employee has used all annual, sick, and compensatory leave that  
21 has been personally accrued by him.

22 §443. Pool leave account; participation; use

23 \* \* \*

24 D. A leave recipient ~~approved for participation under the pool account~~ may  
25 use annual, sick, or compensatory leave from the pool account in the same manner  
26 ~~for a personal emergency~~ as if the recipient had accrued the leave in the manner  
27 provided by law, rule, regulation, or policy.

28 \* \* \*

1 §444. Pool account leave request

2 Employees of a state agency requesting leave from the pool leave account ~~for~~  
3 ~~a personal emergency~~ under the provisions of this Part, ~~must~~ shall submit a written  
4 leave request to the employing agency with the following information included:

5 \* \* \*

6 §445. Agency procedures

7 A. The employing agency shall monitor the status of the ~~personal emergency~~  
8 qualifying circumstance affecting the leave recipient and establish procedures to  
9 ensure that transferred annual, sick, or compensatory leave from the pool is not used  
10 after a ~~personal emergency~~ such circumstance ceases to exist.

11 B. A ~~personal emergency~~ qualifying circumstance affecting a leave recipient  
12 terminates when the employing agency determines that the ~~personal emergency~~  
13 qualifying circumstance no longer exists or the leave recipient's employment  
14 terminates.

15 \* \* \*

16 §446. Agency considerations

17 Unless a ~~personal emergency~~ the qualifying circumstance is the birth or  
18 adoption of a child or directly involves a medical condition affecting the leave  
19 recipient, the employing agency may consider the likely impact on morale and  
20 efficiency within the agency in considering a leave recipient's request to use leave  
21 transferred from the pool account.

22 Section 2. R.S. 42:441(4) is hereby repealed in its entirety.

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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)]

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HB 980 Reengrossed                      2022 Regular Session                      Freeman

**Abstract:** Expands the state employee leave transfer program to include parental leave.

Present law authorizes the State Civil Service Commission and the State Police Commission to establish a leave transfer program allowing full-time employees to pool unused leave for use by a participating employee who has used all of his leave.

Present law provides that an employee may receive leave from the employing agency's leave transfer program if the employing agency finds that the employee, the employee's spouse, or the minor child of the employee has suffered a catastrophic illness or serious injury which prevents the employee from performing his duties for a period of more than 10 consecutive days which the employee is scheduled to work and the employee does not have sufficient annual, sick, or compensatory leave.

Proposed law retains present law and provides that such employee may also receive leave from the leave transfer program to cover six weeks of parental leave immediately after the birth or adoption of a child. Additionally provides that an employee may request leave from the leave transfer program if a child who is still supported by the employee, a significant other, or a dependent parent for whom the employee is the primary caregiver experiences catastrophic illness or serious injury.

Present law provides that unless a personal emergency involves a medical condition affecting the leave recipient, the employing agency may consider the likely impact on morale and efficiency within the agency in considering a leave recipient's request to use leave transferred from the pool account.

Proposed law provides that the employing agency has discretion in considering a leave recipient's request unless the qualifying circumstance is the birth or adoption of a child or directly involves a medical condition affect the leave recipient.

(Amends R.S. 42:441(3), 442, 443(D) and (E), 444(intro. para.), and 445(A) and (B); Repeals R.S. 42:441(4))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove repeal of a provision of present law regarding an employer's discretion in considering a request to use leave from the pool.

#### The House Floor Amendments to the engrossed bill:

1. Remove discretion of employer to consider morale and efficiency in considering leave request if request is related to birth or adoption of a child.