

**ACT No. 649**

2022 Regular Session

HOUSE BILL NO. 980

BY REPRESENTATIVE FREEMAN

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§441. Definitions

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

\* \* \*

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

~~(4) "Personal emergency" means~~ (a) The employee experiences a catastrophic illness or serious injury; that prevents the employee from performing his duties for a period of more than ten consecutive days that the employee is scheduled to work, and the employee does not have sufficient annual, sick, or compensatory leave credited to the employee personally to cover the entire period of illness or injury to a full-time state employee participating in the employing agency's leave-transfer program, or to the employee's spouse or a

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

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

11           §442. Leave transfer pools; establishment

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

18           §443. Pool leave account; participation; use

19   \*           \*           \*

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

24   \*           \*           \*

25           §444. Pool account leave request

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

29   \*           \*           \*

1 §445. Agency procedures

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

6 B. A ~~personal emergency~~ qualifying circumstance affecting a leave recipient  
7 terminates when the employing agency determines that the ~~personal emergency~~  
8 qualifying circumstance no longer exists or the leave recipient's employment  
9 terminates.

10 \* \* \*

11 §446. Agency considerations

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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