

ACT No. 296

HOUSE BILL NO. 652 (Substitute for House Bill No. 599 by Representative Dustin Miller)

BY REPRESENTATIVE DUSTIN MILLER

1 AN ACT

2 To amend and reenact R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c),
3 (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and
4 (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through
5 (c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through
6 (c), and (3) and to enact R.S. 17:1200(D), relative to signature authority for certain
7 healthcare professionals; to provide for sick leave procedures for teachers, school bus
8 operators, and teaching staff; to provide for definitions; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c),
12 (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and
13 (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through (c), and
14 (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through (c), and (3) are
15 hereby amended and reenacted and R.S. 17:1200(D) is hereby enacted to read as follows:

16 §500. Sick leave for school bus operators; minimum pay for substitute

17 * * *

18 B.(1) All school bus operators employed by the parish and the city school
19 boards of this state shall be entitled to and shall be allowed a minimum of ten days
20 absence per school year because of personal illness or because of other emergencies
21 or special circumstances, without loss of pay. Such sick leave when not used in any
22 year shall be accumulated to the credit of the school bus operator without limitation.
23 When a school bus operator is absent for six or more consecutive days because of
24 personal illness, he shall be required to present a certificate from a clinician
25 certifying such illness. As used in this Subpart "clinician" means a physician,
26 physician assistant providing ~~health care~~ healthcare services in accordance with R.S.

1 §1201. Amount of sick leave; reimbursement; injury on the job

2 A.

3 * * *

4 (2) When a member of the teaching staff is absent for six or more
5 consecutive days because of personal illness, he shall be required to present a
6 certificate from a clinician ~~physician, physician assistant providing health care~~
7 ~~services in accordance with R.S. 37:1360.28, or nurse practitioner providing health~~
8 ~~care services in accordance with R.S. 37:913 certifying such illness.~~ Each parish and
9 city school board may adopt such rules and regulations as are necessary relative to
10 the use of such sick leave, either current or accumulated, for emergencies or special
11 circumstances. The parish and city school boards may grant additional sick leave,
12 without loss of pay, or with such reduction of pay as they may establish and fix.

13 * * *

14 §1202. Teachers; extended sick leave

15 A.(1) Every city, parish, and other local public school board shall permit:

16 * * *

17 (b) Each teacher granted maternity or adoptive leave in accordance with the
18 provisions of R.S. 17:48 or 1211 and who has no remaining sick leave balance
19 available to take in the manner provided in this Section up to thirty days of additional
20 extended sick leave in each six-year period of employment for personal illness
21 relating to pregnancy, illness of an infant, or for required medical visits certified by
22 a ~~physician~~ clinician as relating to infant or maternal health.

23 (2) As used in this Section, the following terms ~~shall~~ have the following
24 meanings:

25 * * *

26 (d) "Medical necessity" means the result of catastrophic illness or injury, a
27 life threatening condition, a chronic condition, or an incapacitating condition, as
28 certified by a ~~physician~~ clinician, of a teacher or an immediate family member.

29 * * *

1 D.(1) No teacher may undertake additional gainful employment while on
2 extended sick leave, unless all of the following conditions are met:

3 * * *

4 (b) The ~~physician~~ clinician who certifies the medical necessity of the leave
5 indicates that such part-time work does not impair the purpose for which the
6 extended leave is required.

7 * * *

8 E.(1)(a) On every occasion that a teacher uses extended sick leave, a
9 statement from a ~~licensed physician~~ clinician certifying that it is for personal illness
10 relating to pregnancy, illness of an infant, or for required medical visits related to
11 infant or maternal health or that it is a medical necessity shall be presented prior to
12 the extension of such leave.

13 (c) The ~~physician~~ clinician statement required by this Paragraph may be
14 presented and the extended sick leave may be requested subsequent to the teacher's
15 return to service. In such a case, the extended leave shall be granted for all days for
16 which such leave is requested and the required documentation is presented provided
17 the leave is requested and the required documentation is presented within three days
18 after the teacher returns to service.

19 (2)(a) If the board or superintendent, upon review of the application,
20 questions the validity or accuracy of the certification, the board or superintendent,
21 as the case may be, referred to in this Paragraph as the "challenging party", may
22 require the teacher or the immediate family member, as a condition for continued
23 extended leave, to be examined by a ~~licensed physician~~ clinician selected by the
24 challenging party. In such a case, the employer shall pay all costs of the examination
25 and any tests determined to be necessary. If the ~~physician~~ clinician selected by the
26 challenging party finds medical necessity, the leave shall be granted.

27 (b) If the ~~physician~~ clinician selected by the challenging party disagrees
28 with the certification of the ~~physician~~ clinician selected by the teacher or the
29 immediate family member, then the challenging party may require the teacher or the
30 immediate family member, as a condition for continued extension of sick leave, to

1 be examined by a third ~~licensed~~ appropriate ~~physician~~ clinician whose name appears
 2 next in the rotation of ~~physicians~~ clinicians on a list established by the local medical
 3 society for such purpose and maintained by the challenging party. All costs of an
 4 examination and any required tests by a third ~~doctor~~ clinician shall be paid by the
 5 employer. The opinion of the third ~~physician~~ clinician shall be determinative of the
 6 issue.

7 (c) The opinion of all ~~physicians~~ clinicians consulted as provided in this
 8 Paragraph shall be submitted to the challenging party in the form of a sworn
 9 statement which shall be subject to the provisions of R.S. 14:125.

10 * * *

11 (3) All information contained in any statement from a ~~physician~~ clinician
 12 shall be confidential and shall not be subject to the public records law.

13 * * *

14 §1206. Ten days sick leave for employees; cumulation of unused sick leave

15 A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and
 16 shall be allowed a minimum of ten days leave of absence as sick leave or in case of
 17 other emergencies or special circumstances, per school year, without loss of pay.
 18 Any portion of such sick leave not used in any year shall be accumulated to the credit
 19 of the employee without limitation. When such employee is absent for six or more
 20 consecutive days because of personal illness, he shall be required to present a
 21 certificate from a clinician, ~~physician, physician assistant providing health care~~
 22 ~~services in accordance with R.S. 37:1360.28, or nurse practitioner providing health~~
 23 ~~care services in accordance with R.S. 37:913 certifying such illness.~~ Each parish and
 24 city school board may adopt such rules and regulations as are necessary relative to
 25 the use of such sick leave, either current or accumulated, for emergencies or special
 26 circumstances. The parish and city school boards may grant additional sick leave,
 27 without loss of pay, or with such reduction of pay as they may establish and fix.

28 * * *

29 §1206.2. Employees; extended sick leave

30 * * *

1 D.(1) No employee may undertake additional gainful employment while on
2 extended sick leave, unless all of the following conditions are met:

3 * * *

4 (b) The ~~physician~~ clinician who certifies the medical necessity of the leave
5 indicates that such part-time work does not impair the purpose for which the
6 extended leave is required.

7 * * *

8 E.(1)(a) On every occasion when an employee uses extended sick leave, a
9 statement from a ~~licensed physician~~ clinician certifying that it is a medical necessity
10 for the employee to be absent for at least ten consecutive work days shall be
11 presented prior to the extension of such leave.

12 * * *

13 (c) The ~~physician~~ clinician statement required by this Paragraph may be
14 presented and the extended sick leave may be requested subsequent to the employee's
15 return to service. In such a case, the extended leave shall be granted for all days for
16 which such leave is requested and the required documentation is presented provided
17 the leave is requested and the required documentation is presented within three days
18 after the employee returns to service.

19 (2)(a) If the board or superintendent, upon review of the application,
20 questions the validity or accuracy of the certification, the board or superintendent,
21 as the case may be, referred to in this Paragraph as the "challenging party", may
22 require the employee or the immediate family member, as a condition for continued
23 extended leave, to be examined by a licensed ~~physician~~ clinician selected by the
24 challenging party. In such a case, the employer shall pay all costs of the examination
25 and any tests determined to be necessary. If the ~~physician~~ clinician selected by the
26 challenging party finds medical necessity, the leave shall be granted.

27 (b) If the ~~physician~~ clinician selected by the challenging party disagrees with
28 the certification of the ~~physician~~ clinician selected by the employee or the immediate
29 family member, then the challenging party may require the employee or the
30 immediate family member, as a condition for continued extension of sick leave, to

