

2024 Regular Session

SENATE BILL NO. 426

BY SENATOR JENKINS AND REPRESENTATIVE FREEMAN

SCHOOLS. Provides for paid parental leave for eligible employees. (gov sig)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To enact Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1214 and 1215, and R.S. 17:3996(B)(82), relative to parental leave for educators; to provide for paid leave for eligible employees; to provide for definitions; to provide for requirements to qualify for parental leave; to provide for compensation and length of time for use of parental leave; to provide for policies and procedures to implement the parental leave; to provide for certain notification; to provide for a special fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1214 and 1215, and R.S. 17:3996(B)(82) are hereby enacted to read as follows:

SUBPART C-1. PARENTAL LEAVE

§1214. Parental leave for educators; tenure status unaffected; definitions

A. As used in this Subpart, the following terms have the following meanings:

1           (1) "Child" means under the age of eighteen years, the biological,  
2           adopted, or foster child, stepchild, legal ward, or other minor to whom a  
3           covered individual stands in loco parentis.

4           (2) "Department" means the Louisiana Department of Education.

5           (3) "Eligible employee" means any individual identified in R. S. 17:43,  
6           17:411, 17:441, 17:491, 17:1200, or 17:1205 who is classified as full or part time  
7           and has been employed for at least twelve months with a local education agency.

8           (4) "LEA" means local education agency, which has the same definition  
9           as in R.S. 17:1942.

10          (5) "Paid parental leave" means six weeks, or two hundred-forty hours,  
11          of paid leave at one hundred percent of the eligible employee's base pay without  
12          deduction to an eligible employee's annual, sick, or compensatory leave  
13          balances.

14          (6) "Qualifying event" means:

15          (a) Before and after the birth of a child, including but not limited to  
16          prenatal and postnatal appointments.

17          (b) Pregnancy loss, including stillbirth.

18          (c) Placement of a child with the employee for adoption, including but  
19          not limited to mandatory meetings related to adoption or preplacement and  
20          post-placement court proceedings.

21          (d) Placement of a child with the employee for foster care, including but  
22          not limited to mandatory meetings related to foster placement or preplacement  
23          and post-placement court proceedings.

24          (7) "Superintendent" means the superintendent of the Louisiana  
25          Department of Education.

26          B.(1) Pursuant to this Section, every city, parish, and other local public  
27          school board shall:

28          (a) Grant paid parental leave to an eligible employee who experiences a  
29          qualifying event, and as of the date of the qualifying event has been employed

1 by the LEA for at least twelve months.

2 (b) Allow the position to be filled by the appointment of substitute  
3 teachers when it has been vacated by a teacher who has been granted paid  
4 parental leave, or by a teacher transferred to the position when it has been  
5 vacated by a teacher taking a maternity, foster, or adoptive leave pursuant to  
6 this Section. A substitute teacher appointed, pursuant to this Subparagraph,  
7 shall not acquire any tenure rights or privileges, unless the substitute teacher  
8 has subsequently been appointed to fill a regular vacancy and has the necessary  
9 qualifications.

10 (c) Allow an eligible employee to use paid parental leave continuously or  
11 intermittently, provided that the paid parental leave is used within twelve  
12 months of the qualifying event.

13 (d) Allow an eligible employee who takes fewer than six weeks, or two  
14 hundred-forty hours, of paid parental leave to be entitled to reserve his  
15 remaining weeks of paid parental leave for use at a later date should another  
16 qualifying event occur within the same twelve month period.

17 (e) Compensate a full-time employee at the rate of one hundred percent  
18 of the employee's base pay for a period not to exceed six weeks during the  
19 available leave period.

20 (f) Compensate a part-time employee at the rate of one hundred percent  
21 of the employee's base pay for a period not to exceed six weeks, based upon a  
22 prorated basis corresponding to the percentage of hours the employee normally  
23 works.

24 (g) Prohibit the donation of paid parental leave to another employee or  
25 leave pool.

26 (h) Allow both parents, if they are eligible employees, paid parental leave  
27 to be taken concurrently, consecutively, or at a different time as the other  
28 eligible employee.

29 (i) Prohibit requiring the use of an eligible employee's sick, annual, or

1 other accrued leave before taking paid parental leave. Paid parental leave shall  
2 run concurrently with leave requested under the Family and Medical Leave Act  
3 "FMLA".

4 (2)(a) It shall be unlawful for an LEA or any other person to commit  
5 interference or restrain or deny the exercise of, or the attempt to exercise, any  
6 right protected under this Section.

7 (b) It shall be unlawful for an LEA's absence control policy to count paid  
8 parental leave taken under this Section, as an absence that may lead to or result  
9 in discipline, discharge, demotion, suspension, or any other adverse action.

10 (3) The granting of paid parental leave shall not affect any of the tenure  
11 rights which the eligible employee may have acquired under the provisions of  
12 R.S. 17:441 et seq.

13 (4)(a) The provisions of this Section does not diminish an employer's  
14 obligation to comply with any of the following that provide more generous leave  
15 or more generous benefits:

16 (i) A collective bargaining agreement.

17 (ii) An employer policy.

18 (iii) An employment contract.

19 (iv) Any applicable local, state, or federal law.

20 (b) An individual's rights, privileges, or remedies to paid parental leave  
21 and benefits under this Section may not be diminished by a collective  
22 bargaining agreement entered into, retained, amended, or renewed, or an  
23 employer policy adopted, amended, or retained, after the effective date of this  
24 Section.

25 (c) The provisions of this Section does not diminish an individual's rights,  
26 privileges, or remedies under a collective bargaining agreement, employer  
27 policy, or employment contract, as applicable.

28 (d) Any agreement by an individual to waive the individual's rights  
29 under the provisions of this Section is null and void as against public policy.

1           C. Every city, parish, and other local public school board shall adopt  
2           policies and procedures to give effect to the intent and purposes of this Section.

3           However, unless as otherwise indicated, the following applies:

4           (1) In using paid parental leave, an eligible employee shall follow his  
5           agency's customary leave practices. However, advance notice of both the  
6           request for leave and approval of the leave request shall be submitted in writing  
7           by both parties prior to the employee taking leave.

8           (2) Each LEA shall have the requesting employee complete a request for  
9           leave form developed by the superintendent prior to the granting of leave.

10          (a) In addition to the request form, an LEA may require an employee  
11          requesting paid parental leave to produce supporting documents of his request,  
12          such as a birth certificate or insurance certificate confirming his relationship  
13          to the child for whom parental leave is requested or proof of attendance at court  
14          proceedings or other mandated meetings related to adoption or foster  
15          placement. It shall not be required by an LEA that an employee produce  
16          medical records or scientific evidence to prove paternity.

17          (3) Each LEA shall provide written notice to each employee upon hiring  
18          and annually thereafter of all of the following:

19                (a) Its policies and procedures, pursuant to this Subsection.

20                (b) The employee's right to parental leave benefits under this Section and  
21                the terms under which it may be used.

22                (c) The amount of parental leave benefits available to the employee.

23                (d) The procedure for applying for parental leave.

24                (e) That discrimination and retaliatory actions against an employee, for  
25                requesting, applying for, or using parental leave benefits, are prohibited under  
26                Subsection B of this Section.

27                (f) That the employee has a right to file a grievance against an LEA for  
28                violating the provisions of this Section.

29           D. Any eligible employee who believes that his rights under this Section

1 have been violated, restrained, or denied or that he has been discharged or  
2 otherwise discriminated against, may within twenty-four months after the  
3 violation occurs, or the employee should reasonably have known that the  
4 violation occurred, file a grievance pursuant to R.S. 17:100.4.

5 E. Each LEA shall display and maintain a poster in a place accessible to  
6 employees at the employer's place of business that contains the information  
7 required by this Section in a form approved by the department. However, in the  
8 event the LEA does not maintain a physical workplace, or an employee tele-  
9 works or performs work through a web-based or app-based platform,  
10 notification shall be sent by electronic communication or a posting in the  
11 web-based or app-based platform.

12 F.(1) The implementation of this Section shall be subject to the  
13 appropriation of funds by the legislature for the purposes of this Section.

14 (2) The department shall reimburse an LEA, from the special fund  
15 created pursuant to R.S. 17:1215, that provides paid parental leave in an  
16 amount equal to the cost of substitute employees required to fill the position of  
17 an eligible employee on parental leave not to exceed six weeks.

18 (3) The department shall use existing communication methods to inform  
19 workers and employers regarding the availability of paid parental leave  
20 benefits.

21 G. If any provision of this Section or the application thereof is held  
22 invalid as to any person or circumstance, such invalidity shall not affect other  
23 provisions or applications of this Section which can be given effect without the  
24 invalid provisions or applications.

25 §1215. Paid Parental Leave For Educators Fund

26 A. There is hereby established in the state treasury, as a special fund, the  
27 Paid Parental Leave For Educators Fund, hereinafter referred to as the "fund".

28 B. Any money transferred, donated, or appropriated to the fund by the  
29 legislature shall be deposited into the fund.





- (d) The procedure for applying for parental leave.
- (e) That discrimination and retaliatory actions against an employee, for requesting, applying for or using parental leave benefits, are prohibited.

Proposed law provides for an employee to file a grievance within 24 months after a violation occurred if the employee believes that his rights were restrained, violated, denied, or otherwise discriminated against.

Proposed law provides for a severability clause.

Proposed law creates the "Paid Parental Leave For Educators Fund".

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

(Adds R.S. 17:1214, 1215, and 3996(B)(82))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical changes.
2. Changes number of months required for an eligible employee to be eligible for paid parental leave from three to 12 months.
3. Allows an LEA to provide more generous leave or benefits.
4. Removes the Department of Education from the grievance process.
5. Clarifies how implementation will take place.
6. Clarifies that reimbursement to the LEAs are for substitute employees.
7. Requires the Department of Education to use existing communication methods to promote the Paid Parental Leave for Educators.
8. Inserts a provision creating the "Paid Parental Leave For Educators Fund".