

Regular Session, 2014

HOUSE BILL NO. 717

BY REPRESENTATIVE HILL

SCHOOLS/EMPLOYEES: Provides relative to extended sick leave for teachers and other school employees

1 AN ACT

2 To amend and reenact R.S. 17:500.2(A)(2)(c), 1202(A) and (E)(1)(a), and 1206.2(A)(2)(c),  
3 to enact R.S. 17:500.2(A)(2)(d) and 1206.2(A)(2)(d), and to repeal R.S.  
4 17:500.2(E)(1)(b), 1202(E)(1)(b), and 1206.2(E)(1)(b), relative to extended sick  
5 leave for employees of school boards; to provide for additional such leave for  
6 teachers for certain purposes; to provide definitions; to provide relative to  
7 requirements for extension of such leave; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:500.2(A)(2)(c), 1202(A) and (E)(1)(a), and 1206.2(A)(2)(c) are  
10 hereby amended and reenacted and R.S. 17:500.2(A)(2)(d) and 1206.2(A)(2)(d) are hereby  
11 enacted to read as follows:

12 §500.2. School bus operators; extended sick leave

13 A.

14 \* \* \*

15 (2) As used in this Section, the following terms shall have the following  
16 meanings:

17 \* \* \*

18 (c) "Medical necessity" means the result of catastrophic illness or injury, a  
19 life threatening condition, a chronic condition, or an incapacitating condition, as  
20 certified by a physician, of a school bus driver or an immediate family member.

1 (d) "Parent" means the biological parent of a school bus operator or an  
2 individual who stood in loco parentis to the school bus operator.

3 \* \* \*

4 §1202. Teachers; extended sick leave

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

6 (a) Each teacher to take up to ninety days of extended sick leave in each six-  
7 year period of employment, which may be used for a medical necessity in the  
8 manner provided in this Section at any time that the teacher has no remaining regular  
9 sick leave balance.

10 (b) Each teacher granted maternity leave in accordance with the provisions  
11 of R.S. 17:48 or 1211 and who has no remaining sick leave balance available to take  
12 in the manner provided in this Section up to thirty days of additional extended sick  
13 ~~leave in each six-year period of employment~~ for personal illness relating to  
14 pregnancy, illness of an infant, or for required medical visits certified by a physician  
15 as relating to infant or maternal health related to the purpose for which the maternity  
16 ~~leave was granted.~~

17 (2) As used in this Section the following terms shall have the following  
18 meanings:

19 (a) "Child" means a biological son or daughter, an adopted son or daughter,  
20 a foster son or daughter, a stepson or daughter, or a legal ward of a teacher standing  
21 in loco parentis to that ward who is either under the age of eighteen, or who is  
22 eighteen years of age but under twenty-four years of age and is a full-time student,  
23 or who is nineteen years of age or older and incapable of self-care because of a  
24 mental or physical disability.

25 (b) "Immediate family member" means a spouse, parent, or child of a  
26 teacher.

27 (c) "Infant" means a child under one year of age.

1           (d) "Medical necessity" means the result of catastrophic illness or injury, a  
2           life threatening condition, a chronic condition, or an incapacitating condition, as  
3           certified by a physician, of a teacher or an immediate family member.

4           (e) "Parent" means the biological parent of a teacher or an individual who  
5           stood in loco parentis to the teacher.

6   \*           \*           \*

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

13   \*           \*           \*

14           §1206.2. Employees; extended sick leave

15           A.

16   \*           \*           \*

17           (2) As used in this Section the following terms shall have the following  
18           meanings:

19   \*           \*           \*

20           (c) "Medical necessity" means the result of catastrophic illness or injury, a  
21           life threatening condition, a chronic condition, or an incapacitating condition, as  
22           certified by a physician, of an employee or an immediate family member.

23           (d) "Parent" means the biological parent of an employee or an individual  
24           who stood in loco parentis to the employee.

25   \*           \*           \*

26           Section 2. R.S. 17:500.2(E)(1)(b), 1202(E)(1)(b), and 1206.2(E)(1)(b) are hereby  
27           repealed in their entirety.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

## 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)]

Hill

HB No. 717

**Abstract:** Provides relative to the purposes for which a teacher may be granted additional extended sick leave and provides for the definition of "medical necessity" as it applies to extended sick leave for teachers, school bus operators, and other school board employees.

Extended sick leave for teachers, school bus operators, and other school board employees

Present law requires public school boards to permit teachers, school bus operators, and other school board employees to take up to 90 days of extended sick leave in each six-year period of employment, which may be used for a "medical necessity" any time that the person has no remaining regular sick leave balance. Proposed law retains present law.

Additional extended sick leave for teachers

Present law requires school boards to permit a teacher who has been granted maternity leave and has no remaining extended sick leave balance available to take up to 30 days of extended sick leave for personal illness relating to the purpose for which the maternity leave was granted. Proposed law specifies that these shall be 30 additional days and instead of requiring that the personal illness be related to such purpose, provides the following purposes:

- (1) Personal illness relating to pregnancy.
- (2) Illness of an infant (defined as a child under one year of age).
- (3) Required medical visits certified by a physician as relating to infant or maternal health.

Present law limits the taking of these 30 days to each six-year period of employment. Proposed law removes the six-year period restriction.

Certification

Present law provides that on every occasion that a school bus driver or other school board employee uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for him to be absent for at least 10 consecutive work days shall be presented prior to the extension of such leave. Proposed law retains present law.

Present law provides that on every occasion that a teacher uses extended sick leave, a statement from a licensed physician certifying that the leave is either of the following shall be presented prior to the extension of such leave:

- (1) For personal illness related to the purpose for which maternity leave was granted.
- (2) A medical necessity for the teacher to be absent for 10 consecutive work days.

Proposed law instead requires that such statement certify that the leave is either of the following:

- (1) For personal illness related to pregnancy, illness of an infant, or required medical visits relating to infant or maternal health.
- (2) A medical necessity.

Present law, for the purposes of the required physician's certification, applicable to teachers, school bus operators, and other school board employees, defines a "medical necessity" as the result of catastrophic illness or injury, which means a life threatening condition, a chronic condition, or an incapacitating condition of the person or an immediate family member. Proposed law defines "medical necessity" as the result of a catastrophic illness or injury, a life-threatening condition, a chronic condition, or an incapacitating condition of the employee or a member of his immediate family. It also broadens the application of this definition to all present law purposes relative to extended sick leave for such persons and specifies that such "medical necessity" shall be as certified by a physician.

(Amends R.S. 17:500.2(A)(2)(c), 1202(A) and (E)(1)(a), and 1206.2(A)(2)(c); Adds R.S. 17:500.2(A)(2)(d) and 1206.2(A)(2)(d); Repeals R.S. 17:500.2(E)(1)(b), 1202(E)(1)(b), and 1206.2(E)(1)(b))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. For school bus operators and other school board employees:
  - (a) Deletes proposed law provisions granting up to 30 additional days of extended sick leave under certain circumstances and requiring that such circumstances be certified by a physician.
  - (b) Restores present law provisions requiring, on every occasion that extended sick leave is used, a physician's certification that it is a medical necessity that the person be absent for at least 10 consecutive work days prior to the extension of such leave.
2. For teachers in special schools: Deletes all proposed law and restores all present law provisions relative to extended sick leave for these teachers.