

2016 Regular Session

SENATE BILL NO. 212

BY SENATOR PETERSON

EMPLOYMENT. Requires employers to give workers paid sick leave. (2/3 - CA7s2.1)(gov sig)

1 AN ACT

2 To enact R.S. 23:643, relative to employment; to provide for certain minimum, earned, paid
3 sick leave benefits; to provide for certain minimum, earned, unpaid sick leave
4 benefits; to provide for the number of hours of sick leave benefits; to provide for the
5 permitted uses of the benefits; to prohibit retaliation; to provide for rules and
6 regulations; to provide for enforcement; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:643 is hereby enacted to read as follows:

9 **§643. Sick leave benefits**

10 **A.(1) Beginning January 1, 2017, an employer who employs five or more**
11 **full-time employees shall provide paid sick leave benefits for all full-time**
12 **employees.**

13 **(2) Beginning January 1, 2017, an employer who employs less than five**
14 **employees shall provide unpaid sick leave benefits for all full-time employees.**

15 **B.(1) The employee shall earn sick leave benefits of one hour of sick leave**
16 **for every forty hours worked up to a maximum number of fifty-two hours of**
17 **sick leave per year.**

1 (2) The employee is entitled to use the earned sick leave benefits after the
2 employee has been employed for ninety days.

3 (3) The employee may carry forward unused sick leave benefits from the
4 previous year to the next calendar year.

5 (4)(a) The employer shall not be required to pay the employee for unused
6 sick leave benefits when the employee is separated from employment.

7 (b) If an employee is rehired by the employer within twelve months of the
8 separation, all previously accrued but unused sick leave benefits shall be
9 reinstated.

10 C. The employee may use sick leave benefits for any of the following:

11 (1) Employee's medical treatment or care for illness.

12 (2) Medical treatment or care for illness of a family member.

13 (3) Business closure due to a public health emergency.

14 (4) Employee's child's school closure due to a public health emergency.

15 (5) Injuries sustained by the employee as a result of domestic violence,
16 sexual assault, or stalking.

17 (6) An employee's attendance at a meeting at the employee's child's
18 school related to the child's disability or health related matter.

19 (7) Employee compliance with quarantine requirements during a public
20 health emergency.

21 D. For purposes of this Section, "family member" shall mean children,
22 parents, in-laws, spouses, grandparents and grandchildren, siblings, and any
23 other person related by blood or affinity whose association with the employee
24 is the equivalent of a family relationship. The term "family member" shall
25 include domestic partners if the employer provides other benefits to domestic
26 partnerships in the course and scope of employment.

27 E. An employer who provides coverage for sick leave benefits as an
28 employee benefit which is the same as or greater than the benefit required in
29 this Section need not provide the benefit pursuant to this section to the

1 employee.

2 F.(1) Nothing in this Section shall diminish an employer's obligation to
3 comply with a collective bargaining agreement or employer policy, as
4 applicable, that provides greater sick leave benefits for any of the purposes in
5 Subsection C of this Section.

6 (2) An employee's right to paid sick leave benefits under this Section may
7 not be diminished by a collective bargaining agreement entered into or renewed,
8 or an employer policy adopted or retained, after the effective date of this
9 Section.

10 G.(1) An employee is required to notify the employer, either orally or in
11 writing, that they intend to use sick leave benefits.

12 (2) For any use of sick leave benefits of three days or longer, the
13 employer may require an employee to obtain reasonable certification from a
14 health care provider or an official related to the use of the sick leave benefits for
15 the purposes provided for in Subsection C of this Section.

16 H. No employer shall retaliate, discharge, expel, demote, or otherwise
17 discriminate, or take adverse employment action against an employee because
18 the employee has used sick leave benefits provided for under this Section.

19 I. Notice of employees' rights and employers' obligations shall be posted
20 in a conspicuous location at every work site and provided individually to
21 employees at the beginning of their employment as provided for in R.S. 23:15.

22 J. Prior to January 1, 2017, the Louisiana Workforce Commission shall
23 promulgate rules and regulations pursuant to the Administrative Procedure Act
24 necessary to carry out the provisions of this Section.

25 K. Whoever violates a provision of this Section shall be subject to a civil
26 fine to be levied by and payable to the Louisiana Workforce Commission in an
27 amount not less than twenty dollars nor more than two hundred dollars. Each
28 day such violation continues shall constitute a separate offense.

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 212 Original

2016 Regular Session

Peterson

Proposed law provides that beginning January 1, 2017, an employer who employs five or more full-time employees is required to provide paid sick leave benefits for all full-time employees.

Proposed law provides that beginning January 1, 2017, an employer who employs less than five employees is required to provide unpaid sick leave benefits for all full-time employees.

Proposed law provides that the employee shall earn sick leave benefits of one hour of sick leave for every 40 hours worked up to a maximum number of 52 hours of sick leave per year.

Proposed law provides that the employee is entitled to use the earned sick leave benefits after he has been employed for 90 days.

Proposed law provides that the employee may carry forward unused sick leave benefits to the next calendar year.

Proposed law provides that the employer is not required to pay the employee for unused sick leave benefits when the employee is separated from employment.

Proposed law provides that if an employee is rehired by the employer within 12 months of the separation, all previously accrued but unused sick leave benefits shall be reinstated.

Proposed law provides that an employee may use sick leave benefits for any of the following:

- (1) Employee's medical treatment or care for illness.
- (2) Medical treatment or care for illness of a family member.
- (3) Business closure due to a public health emergency.
- (4) Employee's child's school closure due to a public health emergency.
- (5) Injuries sustained by the employee as a result of domestic violence, sexual assault, or stalking.
- (6) An employee's attendance at a meeting at the employee's child's school related to the child's disability or health related matter.
- (7) Employee compliance with quarantine requirements during a public health emergency.

Proposed law provides that for purposes of proposed law "family member" means children, parents, in-laws, spouses, grandparents and grandchildren, siblings, and any other person related by blood or affinity whose association with the employee is the equivalent of a family relationship. Proposed law further provides that the term "family member" shall include domestic partners if the employer provides other benefits to domestic partnerships in the course and scope of employment.

Proposed law provides that an employer who provides coverage for sick leave benefits as an employee benefit which is the same as or greater than the benefit required in proposed law, need not provide any greater benefit to the employee.

Proposed law provides that nothing in proposed law shall diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater sick leave benefits than that provided for in proposed law.

Proposed law provides that an employee's right to paid sick leave benefits under proposed law may not be diminished by a collective bargaining agreement entered into or renewed, or an employer policy adopted or retained, after the effective date of proposed law.

Proposed law provides that an employee is required to notify the employer, either orally or in writing, that he intends to use sick leave benefits.

Proposed law provides that, for an absence of three days or longer, the employer can require an employee to obtain reasonable certification from a health care provider or an official related to the use of the sick leave benefits for the purposes provided for in proposed law.

Proposed law provides that no employer will retaliate, discharge, expel, demote, or otherwise discriminate, or take adverse employment action against an employee because the employee has used sick leave benefits provided for under proposed law.

Proposed law provides that notice of employees' rights and employers' obligations must be posted in a conspicuous location at every work site and provided individually to employees at the beginning of their employment.

Proposed law provides that prior to Jan.1, 2017, the La. Workforce Commission shall promulgate rules and regulations pursuant to the Administrative Procedure Act necessary to carry out the provisions of proposed law.

Proposed law provides that whoever violates a provision of proposed law will be subject to a civil fine to be levied by and paid to the La. Workforce Commission in an amount between \$20 and \$200. Each day such violation continues shall constitute a separate offense.

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

(Adds R.S. 23:643)