

SENATE BILL NO. 473

BY SENATOR JACKSON AND REPRESENTATIVES ARMES, AUBERT, BOBBY BADON, BARROW, HENRY BURNS, BURRELL, CARMODY, CHANEY, DIXON, EDWARDS, ELLINGTON, GEYMANN, GISCLAIR, ELBERT GUILLORY, HARRISON, GIROD JACKSON, MICHAEL JACKSON, ROSALIND JONES, LABRUZZO, LAFONTA, LEGER, LIGI, MARCHAND, MONICA, MORRELL, NORTON, PETERSON, RITCHIE, ROY, JANE SMITH, PATRICIA SMITH, WILLIAMS AND WOOTON

1 AN ACT

2 To enact R.S. 17:1206.2, relative to extended sick leave for employees; to permit employees  
3 of every parish and city school board to take up to ninety days of extended sick leave  
4 in each six-year period of employment; to provide for definitions; to provide relative  
5 to physician statements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:1206.2 is hereby enacted to read as follows:

8 **§1206.2. Employees; extended sick leave**

9 **A.(1) Every parish and city school board shall permit each "employee,"**  
10 **as defined in R.S. 17:1205, to take up to ninety days of extended sick leave in**  
11 **each six-year period of employment which may be used for personal illness or**  
12 **illness of an immediate family member in the manner provided in this**  
13 **Subsection at any time that the employee has no remaining regular sick leave**  
14 **balance.**

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

17 **(a) "Child" means a biological son or daughter, an adopted son or**  
18 **daughter, a foster son or daughter, a stepson or stepdaughter, or a legal ward**  
19 **of an employee standing in loco parentis to that ward who is either under the age**

1 of eighteen, or who is eighteen years of age but under twenty-four years of age  
2 and is a full-time student, or who is nineteen years of age or older and incapable  
3 of self-care because of a mental or physical disability.

4 (b) "Immediate family member" means a spouse, parent, or child of an  
5 employee.

6 (c) "Parent" means the biological parent of an employee or an individual  
7 who stood in *loco parentis* to the employee.

8 B.(1) Unused days during any six-year period of employment shall not  
9 accumulate or carry forward into the next six-year period of employment.

10 (2) The balance of days of extended leave available to an employee shall  
11 transfer with such employee from one public school employer to another  
12 without loss of days and without restoration of days.

13 (3) Interruptions of service between periods of employment with a public  
14 school employer shall not be included in any calculation of a six-year period,  
15 such that any employment with any public school employer, regardless of when  
16 it occurs, shall be included in any determination of the balance of days of  
17 extended sick leave available to an employee.

18 C.(1) All time while on extended sick leave is regular service time for all  
19 purposes for which service time is calculated or used.

20 (2) Any employee on extended sick leave shall be paid sixty-five percent  
21 of the salary paid to him at the time the extended sick leave begins.

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

24 (a) The employee can demonstrate that he will be working not more than  
25 twenty hours a week in a part-time job that he has been working for not less  
26 than one hundred twenty days prior to the beginning of any period of extended  
27 sick leave.

28 (b) The physician who certifies the medical necessity of the leave  
29 indicates that such part-time work does not impair the purpose for which the  
30 extended leave is required.

1           (2) Any violation of this prohibition may require the employee to return  
2           to the employer all compensation paid during any week of extended leave in  
3           which the employee worked more than twenty hours and to reimburse the  
4           employer all related employment costs attributable to such period as calculated  
5           by the employer, without any restoration of such days.

6           E.(1)(a) On every occasion when an employee uses extended sick leave,  
7           a statement from a licensed physician certifying that the leave is medically  
8           necessary for the employee or that the immediate family member's illness is  
9           serious and requires the presence of the employee shall be presented prior to the  
10          extension of such leave.

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

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

24          (b) If the physician selected by the public school employer disagrees with  
25          the certification of the physician selected by the employee or the immediate  
26          family member, then the employer may require the employee or the immediate  
27          family member, as a condition for continued extension of sick leave, to be  
28          examined by a third licensed appropriate physician whose name appears next  
29          in the rotation of physicians on a list established by the local medical society for  
30          such purpose and maintained by the board. All costs of an examination and any

1           required tests by a third doctor shall be paid by the employer. The opinion of  
2           the third physician shall be determinative of the issue.

3                   (c) The opinion of all physicians consulted as provided in this Paragraph  
4                   shall be submitted to the board in the form of a sworn statement which shall be  
5                   subject to the provisions of R.S. 14:125.

6                   (d)(i) In addition to the authority provided in R.S. 17:1206(A)(1), the  
7                   board shall adopt a policy regarding providing for employees suffering from  
8                   catastrophic and long-term illness.

9                   (ii) The board may, as part of a collective bargaining agreement, or by  
10                  its own policy provide additional compensation or extended leave days in excess  
11                  of what is required in this Section.

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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