2020 First Extraordinary Session

HOUSE RESOLUTION NO. 49

BY REPRESENTATIVE JAMES

EMPLOYMENT: Requests the Louisiana Workforce Commission to study and determine new parameters of what constitutes good cause for job separation and suitable work protections.

A RESOLUTION

To urge and request the Louisiana Workforce Commission to study and clarify new parameters of what constitutes good cause for job separation and suitable work protections.

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 et seq., the governor declared a public health emergency in Proclamation Number 25 JBE 2020; and

WHEREAS, COVID-19 poses an extreme risk of person-to-person transmission throughout the United States and Louisiana and significantly threatens the safety, health, and security of the residents of this state; and

WHEREAS, the state of Louisiana moved into Phase 2 of recovery on Friday, June 5, 2020; and

WHEREAS, with the reopening of businesses, there is a need for employees to return to their jobs to restore their livelihoods and reboot our state's economy; and

WHEREAS, Louisianans must return to work in a safe environment to prevent a second wave of infections; and

WHEREAS, the Centers for Disease Control and Prevention reports that immunocompromised individuals, which include those groups at higher risk of severe illness or death from COVID-19, are those over 65 years of age and people of any age who have certain chronic underlying health conditions; and
WHEREAS, the COVID-19 pandemic has posed a critical threat to workers who are immunocompromised or have a household with immunocompromised individuals; and

WHEREAS, the COVID-19 pandemic has caused some workers who are immunocompromised or have a household with immunocompromised individuals to take necessary measures such as taking leave or resigning from their place of employment; and

WHEREAS, these workers have to take these necessary measures because their employers fail to uphold the Centers for Disease Control and Prevention's recommendations, such as enacting workplace policies that encourage social distancing and providing adequate personal protective equipment (PPE); and

WHEREAS, the term "good cause" for job separation is defined as when a worker takes leave or resigns from his place of employment because he is immunocompromised or has a household member who is immunocompromised and the worker's employer does not have adequate PPE available; and

WHEREAS, other states have created policies and safety measures redefining good cause for workers who resign from their place of employment and enacted suitable work protections for workers who are looking to safely return to the workforce; and

WHEREAS, the National Domestic Violence Hotline has recognized that for survivors of domestic violence, any external factors, including a national health concern such as COVID-19, that add stress and financial strain can negatively impact survivors and create circumstances where their safety is further compromised; and

WHEREAS, an employee may be deemed to have left his most recent employment during the pandemic with "good cause" if he leaves his employment to protect his family from domestic violence abuse; and

WHEREAS, an employee may have small children who require care while the employee is at work, and the COVID-19 pandemic has impacted childcare by forcing schools and daycares across the state of Louisiana to close; and

WHEREAS, these closures force an employee to voluntarily leave his employment in order to care for his children when there are no other practical alternatives for childcare; and
WHEREAS,"suitable work protections" is determined by whether a workplace has
complied with the local health department's and Louisiana Department of Health's
recommendations and guidelines to prevent exposure and has considered the needs of
high-risk employees; and
WHEREAS, the Louisiana Workforce Commission is charged with examining
employment policies and procedures; and
WHEREAS, the Louisiana Workforce Commission's guidance is needed in these
unprecedented times to help enact policies and procedures to ensure the safety of both
employees and employers; and
WHEREAS, the Louisiana Workforce Commission has the authority to promulgate
future rules and regulations that determine what constitutes good cause and suitable work
protections in this new workforce environment created by the COVID-19 pandemic.

THEREFORE, BE IT RESOLVED that the House of Representatives of the
Legislature of Louisiana does hereby urge and request the Louisiana Workforce Commission
to study and determine new parameters of what constitutes good cause and suitable work
protections as they relate to the COVID-19 pandemic.

BE IT FURTHER RESOLVED that the Louisiana Workforce Commission shall
report its findings and recommendations to the House of Representatives of the Legislature
of Louisiana no later than September 1, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
secretary of the Louisiana Workforce Commission.

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)]

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Requests the Louisiana Workforce Commission (LWC) to study and clarify new parameters
of what constitutes good cause for job separation and suitable work protections.

The LWC shall report its findings and recommendations to the House of Representatives of
the Legislature of Louisiana no later than Sept. 1, 2020.