

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 18** HLS 202ES 29
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.: **w/ PROP HSE COMM AMD**
 Sub. Bill For.: **REVISED**

Date: October 7, 2020 7:33 AM **Author:** GADBERRY
Dept./Agy.: Office of Youth Development - Office of Juvenile Justice
Subject: Sick Leave for Certain State Teachers **Analyst:** Monique Appeaning

TEACHERS OR SEE FISC NOTE GF EX See Note Page 1 of 2

Provides relative to sick leave benefits for certain teachers at schools under the jurisdiction of the office of juvenile justice (Item #42)

Proposed law adds to present law sick leave benefits for any member of the teaching staff of a public school or of a school within a secure care facility under the jurisdiction of the Department of Public Safety and Corrections, Office of Juvenile Justice (OJJ). Any member who is injured or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave days while disabled as a result of such assault or battery. Proposed law provides that specific OJJ staff who while acting in his official capacity is disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Proposed law provides that OJJ shall pay the costs of specific examinations and any test determined to be necessary. Proposed law adds to

SUMMARY CONTINUED ON PAGE TWO

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable expenditure impact to the Department of Public Safety and Corrections - Office of Juvenile Justice (OJJ) if a certain instructor is injured or disabled while acting in his/her official capacity. The number of instructors who may be injured or disabled while acting in their official capacity is not known; therefore, the potential fiscal impact is not known.

For informational purposes, the number of instructors that would be impacted by this measure is 39 with an average annual salary of \$67,161. These instructors are 12-month employees. NOTE: For illustrative purposes only, to the extent there is a fiscal impact, the average daily cost per instructor is \$258.31.

Facility	# of Instructors	Average Salary
Acadiana Center	8	\$66,161
Bridge City	12	\$64,580
Swanson Monroe and Columbia	<u>19</u>	<u>\$70,743</u>
	39	\$67,161

OJJ reports the following:

Currently, all OJJ educational staff do not accrue or utilize leave in the format laid out in RS 17:1201. Rather, per La. RS 17:471 they are subject to the rules and regulations of OJJ. Under these rules, OJJ educational staff earn leave in a manner different than those subject to RS 17:1201. All OJJ employees injured on the job are compensated under the Louisiana Worker's Compensation Benefits program for eligible injuries. Employees must use their sick, annual, or compensatory time for absences while disabled; however, the worker's compensation check shall be used to buy back a portion of the leave used. If this legislation is adopted, educational staff in secure care facilities will be granted paid leave without reduction in accrued leave or reduction in pay. The fiscal impact to the agency is negligible. However, it is worth noting that the change

SEE EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger
Staff Director

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CONTINUED EXPLANATION from page one:

SUMMARY CONTINUED FROM PAGE ONE

present law "certain instructors" to the definition of "teacher" or "teaching staff". Proposed law provides that OJJ shall not reduce the pay or accrued sick leave of a member of the teaching staff who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in present law. Proposed law provides that specific OJJ staff injured or disabled while acting in his official capacity shall be eligible to weekly wage benefits under the worker's compensation law of the state of Louisiana and to sick leave benefits, but in no event shall such benefit exceed the total amount of the regular salary that was received at the time the injury or disability occurred.

EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

will create two separate leave systems. One for OJJ educational staff who are unclassified state workers, and the second for the remainder of its staff who are classified civil servants and subject to agency and state leave policies and practices.

While OJJ reports that the fiscal impact to the agency as negligible, the Department of State Civil Service points out there is a fiscal impact related to the value of the leave which will be kept as a liability to the state instead of being used by teaching staff under circumstances identified by proposed law. The value is indeterminate and will depend on the number of staff injured and the number of sick days that may be necessary as a result of eligible incidents.

Division of Administration - Office of Risk Management (ORM) reports the following:
Proposed law will not have a fiscal impact on ORM. Title 23 of the Louisiana Workers' Compensation Act requires employers to provide workers' compensation coverage for employees injured in the course and scope of employment. ORM, through a Third Part Administrator, fulfills this statutory obligation on behalf of the State as an employer.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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