

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. 17:47(D)(1) and (5), 500.2(A)(1) and (2) and (E)(1), 1202(A)(1)
3 and (2) and (E)(1)(a), and 1206.2(A)(1) and (2) and (E)(1)(a) 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 certain
6 purposes; to provide definitions; to provide relative to requirements for extension of
7 such leave; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:47(D)(1) and (5), 500.2(A)(1) and (2) and (E)(1), 1202(A)(1) and
10 (2) and (E)(1)(a), and 1206.2(A)(1) and (2) and (E)(1)(a) are hereby amended and reenacted
11 to read as follows:

12 §47. Sick and personal leave

13 * * *

14 D.(1)(a) The superintendent of the Special School District shall permit each
15 teacher to take up to ninety days of extended sick leave in each six-year period of
16 employment which may be used for personal illness or illness of an immediate
17 family member in the manner provided in this Subsection at any time that the teacher
18 has no remaining regular sick leave balance.

19 (b) Each teacher granted maternity leave in accordance with the provisions
20 of R.S. 17:48 or 1211 and who has no remaining sick leave balance available to take

1 in the manner provided in this Section shall be granted up to thirty days of additional
2 extended sick leave for personal illness relating to pregnancy, illness of an infant, or
3 for required medical visits certified by a physician as relating to infant or maternal
4 health.

5 (c) As used in this Subsection, the following terms shall have the following
6 meanings:

7 (i) "Child" means a biological son or daughter, an adopted son or daughter,
8 a foster son or daughter, a stepson or daughter, or a legal ward of a teacher standing
9 in loco parentis to that ward who is either under the age of eighteen, or who is
10 eighteen years of age but under twenty-four years of age and is a full-time student,
11 or who is nineteen years of age or older and incapable of self-care because of a
12 mental or physical disability.

13 (ii) "Immediate family member" means a spouse, parent, or child of a
14 teacher.

15 (iii) "Parent" means the biological parent of a teacher or an individual who
16 stood in loco parentis to the teacher.

17 (iv) "Infant" means a child under one year of age.

18 * * *

19 (5) On every occasion ~~when~~ that a teacher uses extended sick leave, a
20 statement from a licensed physician certifying that the leave is medically necessary
21 for the teacher, ~~or that the~~ an immediate family member's illness is serious and
22 requires the presence of the teacher, or that the leave is for a required medical visit
23 relating to infant or maternal health shall be presented prior to the extension of such
24 leave.

25 * * *

26 §500.2. School bus operators; extended sick leave

27 A.(1)(a) Every city, parish, and other local public school board shall permit
28 each school bus operator to take up to ninety days of extended sick leave in each six-
29 year period of employment, which may be used for a medical necessity in the

1 manner provided in this Section, at any time that the school bus operator has no
2 remaining regular sick leave balance.

3 (b) If a school bus operator exhausts the sick leave available pursuant to the
4 provisions of Subparagraph (a) of this Paragraph, such school bus operator shall be
5 granted up to thirty days of additional extended sick leave for personal illness related
6 to pregnancy, illness of an infant, or for required medical visits certified by a
7 physician as relating to infant or maternal health.

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

10 (a) "Child" means a biological son or daughter, an adopted son or daughter,
11 a foster son or daughter, a stepson or daughter, or a legal ward of a school bus
12 operator standing in loco parentis to that ward who is either under the age of
13 eighteen, or who is eighteen years of age but under twenty-four years of age and is
14 a full-time student, or who is nineteen years of age or older and incapable of self-care
15 because of a mental or physical disability.

16 (b) "Immediate family member" means a spouse, parent, or child of a school
17 bus operator.

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

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

22 (e) "Parent" means the biological parent of a school bus operator or an
23 individual who stood in loco parentis to the school bus operator.

24 * * *

25 E.(1)~~(a)~~ On every occasion that a school bus operator uses extended sick
26 leave, a statement from a licensed physician certifying that it is for a medical
27 necessity, a personal illness related to pregnancy, illness of an infant, or for a
28 required medical visit relating to infant or maternal health for the school bus operator

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

1 ~~to be absent for at least ten consecutive work days~~ shall be presented prior to the
2 extension of such leave.

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

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

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

7 (d) "Medical necessity" means the result of catastrophic illness or injury, a
8 life threatening condition, a chronic condition, or an incapacitating condition, as
9 certified by a physician, of an employee or an immediate family member.

10 (e) "Parent" means the biological parent of an employee or an individual who
11 stood in loco parentis to the employee.

12 * * *

13 E.(1)(a) On every occasion ~~when that~~ an employee uses extended sick leave,
14 a statement from a licensed physician certifying that it is for personal illness related
15 to pregnancy, illness of an infant, or for required medical visits related to infant or
16 maternal health or that it is a medical necessity ~~for the employee to be absent for at~~
17 ~~least ten consecutive work days~~ shall be presented prior to the extension of such
18 leave.

19 * * *

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

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 up to 30 additional days of extended sick leave for employees of school boards to be used for maternal and infant health purposes.

Present law provides that superintendents of special schools and school boards shall permit their employees (including teachers and school bus operators) to take up to 90 days of extended sick leave in each six-year period of employment. Such leave may only be used when the employee has no remaining regular sick leave balance.

Present law provides that for teachers in special schools, such extended sick leave may be used for personal illness or illness of an immediate family member (defined as a spouse, a parent, or a child of the teacher). For all other teachers and school board employees, such extended sick leave may only be used for a medical necessity.

Proposed law retains present law.

Additional Extended Sick Leave

Present law for teachers in schools other than special schools requires the school board to permit any such teacher who has been granted maternity leave pursuant to present law an additional thirty days of extended sick leave for personal illness relating to the purpose for which the maternity leave was granted. Proposed law authorizes such additional extended leave to be used only for the following purposes:

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

Present law provides that the period of additional sick leave is limited to one per six-year period of employment. Proposed law removes the six-year period restriction.

Proposed law applies this additional extended sick leave for maternal or infant health provisions to teachers in special schools, school bus operators, and other employees of school boards. Retains the restriction that such leave may only be used for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

Certification

Present law provides that prior to the extension of extended sick leave, an employee of a school board or a special school must present a certification from a licensed physician. Proposed law retains present law.

Present law provides that for teachers in special schools, the certification must state that the leave is medically necessary for the teacher or that the illness of an immediate family member is serious and requires the presence of the teacher. Proposed law further provides for certification of required medical visits relating to infant or maternal health. Otherwise retains present law.

Present law provides that for all other school board employees, the certification must state that there is a "medical necessity" (defined as a life-threatening, chronic, or incapacitating condition) requiring such teacher or employee to be absent for ten consecutive work days. Proposed law further provides for certification of personal illness relating to pregnancy, illness of an infant, or required medical visits relating to infant or maternal health. Proposed law repeals the requirement that the condition require absence for ten consecutive work days.

(Amends R.S. 17:47(D)(1) and (5), 500.2(A)(1) and (2) and (E)(1), 1202(A)(1) and (2) and (E)(1)(a), and 1206.2(A)(1) and (2) and (E)(1)(a); Repeals R.S. 17:500.2(E)(1)(b), 1202(E)(1)(b), and 1206.2(E)(1)(b))