

2020 Regular Session

HOUSE BILL NO. 832

BY REPRESENTATIVE WILLARD

EMPLOYMENT: Provides with respect to sick leave benefits

1 AN ACT

2 To enact R.S. 23:643, relative to employment; to provide for paid and unpaid sick leave
3 benefits; to provide for the use of sick leave benefits; to prohibit employer
4 retaliation; to require rulemaking; to provide for definitions; to provide for penalties;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §643. Sick leave benefits; definitions; penalties; rulemaking

9 A.(1) An employer who employs twenty or more employees shall provide
10 paid sick leave benefits for all full-time and part-time employees.

11 (2) An employer who employs less than twenty employees shall provide
12 unpaid sick leave benefits for all full-time and part-time employees.

13 B.(1) The employer shall grant sick leave benefits at a rate of one hour of
14 sick leave for every thirty hours worked up to a maximum number of forty hours of
15 sick leave per year. The pay for paid sick leave is at the regular rate of the
16 employee's pay.

17 (2) The employee shall begin accruing sick leave hours at the
18 commencement of his employment.

19 (3) After ninety days of employment, the employee shall be entitled to use
20 his accrued sick leave benefits.

1 (4) The employee shall carry forward unused sick leave from the previous
2 year to the next calendar year.

3 (5)(a) The employer shall not be required to pay the employee for unused
4 sick leave if the employee separates from employment.

5 (b) If an employee is rehired by the employer within twelve months of a
6 separation, all previously accrued unused sick leave shall be reinstated.

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

8 (1) An employee's medical treatment or care for illness.

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

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

11 (4) An employee's child's school closure due to a public health emergency.

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

14 (6) An employee's attendance at a meeting at his child's school in relation to
15 the child's disability or health-related matter.

16 D. For purposes of this Section, "family member" means a child, parent, in-
17 law, spouse, grandparent, grandchild, sibling, or any other person related by blood
18 or affinity whose association with the employee is the equivalent of a family
19 relationship. The term "family member" shall include domestic partners if the
20 employer provides other benefits to domestic partnerships in the course and scope
21 of employment.

22 E. An employer who provides coverage for sick leave as an employee benefit
23 which is the same as or greater than the benefit required in this Section is not
24 required to provide any greater benefit to the employee.

25 F.(1) Nothing in this Section shall reduce an employer's obligation to comply
26 with a collective bargaining agreement or an employer policy, as applicable, that
27 provides greater sick leave benefits for any purposes in Subsection C of this Section.

1 (2) An employee's right to paid sick leave pursuant to this Section may not
2 be reduced by a collective bargaining agreement entered into or renewed, or an
3 employer policy adopted or retained, after the effective date of this Section.

4 G.(1) An employee shall notify his employer, either orally or in writing, that
5 he intends to use sick leave.

6 (2) If an employee uses sick leave for three days or more, the employer may
7 require an employee to obtain reasonable documentation from a healthcare provider
8 or an official related to the use of sick leave for the purposes provided for in
9 Subsection C of this Section.

10 H. No employer shall retaliate, discharge, expel, demote, or otherwise
11 discriminate, or take adverse employment action against an employee because the
12 employee uses sick leave provided for in this Section.

13 I. Notice of the employee's rights and the employer's obligations shall be
14 posted in a conspicuous location at every work site and shall be provided
15 individually to each employee at the commencement of his employment as provided
16 for in R.S. 23:15.

17 J. Any employer that violates a provision of this Section shall be subject to
18 a civil fine to be levied by and payable to the Louisiana Workforce Commission in
19 an amount not less than twenty dollars and not more than two hundred dollars. Each
20 day such a violation continues shall constitute a separate offense.

21 K. The Louisiana Workforce Commission shall promulgate rules and
22 regulations pursuant to the Administrative Procedure Act as may be necessary to
23 carry out the provisions of this Section.

24 Section 2. This Act shall become effective January 1, 2021.

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)]

HB 832 Original

2020 Regular Session

Willard

Abstract: Creates provisions and protections for an employee's sick leave benefits.

Proposed law provides that an employer who employs twenty or more employees shall provide paid sick leave for all full-time and part-time employees.

Proposed law provides that an employer who employs less than two employees shall provide unpaid sick leave for all full-time and part-time employees.

Proposed law provides that the employer must grant sick leave benefits at a rate equal to one hour of sick leave for every 30 hours up to a maximum of 40 hours of sick leave per year. Proposed law further provides that the paid sick leave is accrued in an amount equal to the employee's pay rate.

Proposed law provides that an employee shall begin accruing sick leave hours at the commencement of his employment and after 90 days of employment, the employee is entitled to use his sick leave.

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

- (1) An 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) An 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 his child's school in relation to the child's disability or a health-related matter.

Proposed law provides that for the purposes of this proposed law, "family member" means a child, parent, in-law, spouse, grandparent, grandchild, sibling, or any other person related by blood or affinity whose association with the employee is the equivalent of 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 employee is required to notify the employer, either orally or in writing, that he intends to use sick leave.

Proposed law provides that for any use of sick leave for 3 days or longer, the employer may require an employee to obtain reasonable documentation from a healthcare provider or other official.

Proposed law provides that an employer cannot retaliate, discharge, expel, demote, or otherwise discriminate against an employee because he uses his sick leave in accordance with proposed law.

Proposed law provides that a notice of the employee's rights and employer's obligations must be posted in a conspicuous location at every work site and shall be provided individually to each employee at the commencement of his employment.

Proposed law provides for a civil fine for employer that violates the provisions of proposed law. Proposed law further provides that the fine shall be levied and payable to Louisiana Workforce Commission (LWC) and for an amount not less than \$20 and not more than \$200.

Proposed law requires the LWC to promulgate rules and regulations pursuant to the Administrative Procedure Act in order to carry out the provisions of proposed law.

Effective Jan. 1, 2021.

(Adds R.S. 23:643)