

Regular Session, 2008

HOUSE BILL NO. 179

BY REPRESENTATIVE CARTER

EDUCATION/PERSONNEL: Provides for an alternative leave program for unclassified and academic personnel at public postsecondary education institutions

1 AN ACT

2 To enact R.S. 17:3311(F) and R.S. 42:421(C), relative to sick and annual leave for certain  
3 unclassified and academic personnel; to authorize each public postsecondary  
4 education management board to implement an alternative leave program for  
5 unclassified and academic personnel employed in public postsecondary education  
6 institutions under the management and supervision of each board; to provide  
7 conditions; to provide for program components; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3311(F) is hereby enacted to read as follows:

10 §3311. Sick leave for unclassified; academic personnel

11 \* \* \*

12 F. Each public postsecondary education management board shall have the  
13 option to provide sick and annual leave for unclassified and academic personnel  
14 pursuant to the provisions of this Section, R.S. 17:3312, and R.S. 42:421(B), as  
15 applicable, or to provide an alternative leave program as provided for in R.S.  
16 42:421(C), provided that such program does not yield a greater benefit than the sick  
17 and annual leave benefits as provided in this Section, R.S. 17:3312, and R.S.  
18 42:421(B), as applicable.

1 Section 2. R.S. 42:421(C) is hereby enacted to read as follows:

2 §421. Annual leave; limitation on amount of payment in lieu thereof

3 \* \* \*

4 C. Each public postsecondary education management board shall have the  
5 option to provide sick and annual leave for unclassified and academic personnel  
6 pursuant to the provisions of R.S. 17:3311 and 3312 and Subsection B of this  
7 Section, as applicable, or to provide an alternative leave program, or "Paid Time  
8 Off", as described in this Subsection, provided such program does not yield a greater  
9 benefit than the sick and annual leave benefits as provided in R.S. 17:3311 and 3312  
10 and Subsection B of this Section, as applicable. The Paid Time Off program shall  
11 include but not be limited to the following components:

12 (1) All sick and annual leave shall be combined into a Paid Time Off bank.

13 (2) All academic personnel appointed on a fiscal-year basis and all  
14 unclassified personnel shall accrue to a Paid Time Off bank.

15 (3) Accrual of leave, including limits on maximum accrual, shall be as  
16 defined by each public postsecondary education institution.

17 (4) Leave accrued in the Paid Time Off bank may be used for the purpose  
18 of rest, relaxation, vacation, or personal or family illness and needs as defined by  
19 each public postsecondary education institution.

20 (5) In addition to the Paid Time Off bank, all academic and unclassified  
21 personnel shall accrue sick leave in an Extended Sick Leave bank and such leave  
22 may be used for personal or family illness as defined by each public postsecondary  
23 education institution.

24 (6) Accrual of extended sick leave, including limits on maximum accrual,  
25 shall be as defined by each public postsecondary education institution.

26 (7) Accrued leave in a Paid Time Off bank for which unclassified and  
27 academic personnel may be paid upon separation of employment shall not exceed  
28 three hundred hours.

---

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)]

---

Carter

HB No. 179

**Abstract:** Authorizes public postsecondary education management boards to implement an alternative leave program for unclassified and academic personnel and provides conditions and program components.

Present law (R.S. 17:3311) requires public postsecondary education management boards to recognize a specified sick leave policy for unclassified and academic personnel. Requires the establishment of 40-hour work weeks for full-time employees for the purpose of providing a system of accounting for the taking of sick leave. Specifies that present law shall not require academic teaching personnel to be physically present in their classrooms, laboratories, offices, or any other place their employment duties are performed for the 40 hours per week. Requires the establishment of work weeks for part-time employees that are proportionate to such 40-hour work weeks.

Requires the maintenance of certain daily attendance and leave records for unclassified employees and requires that such records be signed by the employee and reported monthly to the personnel office.

Defines sick leave as leave with pay granted an employee who is suffering from a disability which prevents his performing his usual duties and responsibilities and who requires medical, dental, or optical consultation or treatment.

Provides that sick leave shall be earned by each 12-month employee and by each employee employed on a basis other than a 12-month basis. Provides that sick leave earnings shall be based on the equivalent of years of full-time state service and shall be creditable at the end of each calendar month in accordance with general schedules as specified in present law. Provides that no employee shall be credited with sick leave for any calendar month until he has completed the calendar month. Prohibits such employee from being credited with such leave during any calendar month in which he has been on leave without pay for 10 or more working days or while serving in the military.

Permits accrued unused sick leave earned by an employee to be carried forward to the succeeding years without limitation.

Provides that when an employee changes his position from one state agency to another, his accumulated sick leave shall be forwarded to the new agency and shall be credited to him.

Proposed law (R.S. 17:3311(F)) retains present law and adds that each public postsecondary education management board shall have the option to provide sick and annual leave for unclassified and academic personnel pursuant to the provisions of present law (R.S. 17:3312 and R.S. 42:421(B)), as applicable, or to provide an alternative leave program as provided for in proposed law (R.S. 42:421(C)), provided that such program does not yield a greater benefit than the sick and annual leave benefits as provided in present law (R.S. 17:3312 and R.S. 42:421(B)), as applicable.

Present law (R.S. 17:3312) provides for uses of sick leave for unclassified and academic personnel for illness or injury which prevents performance of his usual duties or medical, dental, or optical consultation or treatment.

Provides that the minimum charge for sick leave shall be four hours (1/2 day), and if more, shall be charged in hour increments to the nearest hour. Authorizes the use of sick leave for maternity purposes under specified circumstances and provides limits relative thereto.

Authorizes appointing authorities to advance sick leave with pay in an amount not exceeding 22 working days to an unclassified employee who has exhausted all his sick leave.

Provides that the value of any advanced sick leave which has not been repaid at the time of the employee separation from the unclassified service shall be deducted from his last paycheck or paid in cash to the appointing authority, or both, unless the separation is for the purpose of moving to another state agency, in which case the advanced sick leave shall be forwarded to the agency accepting him as an employee.

Provides that upon separation caused by disability, death, or retirement, all advanced sick leave shall be canceled.

Further provides that upon death or retirement of an unclassified employee, sick leave accrued to his credit shall be computed and the value thereof shall be paid to him, provided that the sick leave had been accrued under established leave regulations and a daily attendance record has been maintained for the employee by his supervisor. Prohibits such payment from exceeding the value of 25 working days computed on the basis of a five-day week and on a four-week-per-month basis for personnel employed on a less than 12-month-employment basis and on the basis of a five-day week and 52-week year for 12-month employees. Provides that the rate of pay shall be computed utilizing the base rate the employee is receiving at the time of termination.

Proposed law retains present law.

Present law (R.S. 42:421(B)) provides that no limitation shall be placed upon the amount of annual leave which any employee of the state or any state agency may accrue during the period of his employment. Provides that such employee shall accrue annual leave at the same rate as is provided for members of the classified service of the state by the Civil Service Commission. Further provides that any such employee or any ex-employee of the state or of any state agency may be paid for accrued annual leave amounting to the same maximum as is provided for members of the classified service of the state by the Civil Service Commission as approved by the governor after his separation from his office or employment if the annual leave has been accrued under established leave regulations and an attendance record has been maintained for the employee by his supervisor.

Provides that when an employee covered by present law retires, or whenever any such employee dies while still a member of any retirement system to which the state contributes in whole or in part and before retirement, leaving a surviving spouse or dependent, or both, who are entitled to benefits from said system, his unused accumulated annual leave in excess of the amount for which payment is received shall be added to his membership service. Specifies that the employee's unused accumulated annual leave shall not be used to determine eligibility for retirement but shall be credited to the member only after it is determined that the member is otherwise eligible for retirement.

Proposed law (R.S. 42:421(C)) retains present law and adds that each public postsecondary education management board shall have the option to provide sick and annual leave for unclassified and academic personnel pursuant to the provisions of R.S. 17:3311 and 3312 and present law, as applicable, or to provide an alternative leave program, or Paid Time Off (PTO), as described in proposed law, provided that such program does not yield a greater benefit than the sick and annual leave benefits as provided in R.S. 17:3311 and 3312 and present law, as applicable. Provides that the PTO program shall include but not be limited to the following components:

- (1) All sick and annual leave shall be combined into a PTO bank.

- (2) All academic personnel appointed on a fiscal-year basis and all unclassified personnel shall accrue to a PTO bank.
- (3) Accrual of leave, including limits on maximum accrual, shall be as defined by each public postsecondary education institution.
- (4) Leave accrued in the PTO bank may be used for the purpose of rest, relaxation, vacation, or personal or family illness and needs as defined by each public postsecondary education institution.
- (5) In addition to the PTO bank, all academic and unclassified personnel shall accrue sick leave in an Extended Sick Leave bank, and such leave may be used for personal or family illness as defined by each public postsecondary education institution.
- (6) Accrual of extended sick leave, including limits on maximum accrual, shall be as defined by each public postsecondary education institution.
- (7) Accrued leave in a PTO bank for which unclassified and academic personnel may be paid upon separation of employment shall not exceed 300 hours.

(Adds R.S. 17:3311(F) and R.S. 42:421(C))