Leave Policy for Classified LDH Employees

	Louisiana Department of Health	
	Policy Number	28.8
	Content	Policy governing leave administration for classified employees in LDH
	Effective Date	January 1, 2024
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LDH is committed to fostering, cultivating and preserving a culture of equity, diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our Department's reputation and achievement as well.

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. POLICY STATEMENT

It shall be the policy of the Louisiana Department of Health (LDH) to administer leave for classified employees as equitably as possible in accordance with all applicable laws, regulations and Civil Service Rules. All leave shall be charged in 6-minute increments within LDH. Appointing authorities may implement procedures for the administration of leave within the parameters provided by this policy and Civil Service Rules. Specific types of leave are addressed in subsequent parts of this policy.

For purposes of this policy, the terms "child, son and daughter" shall be defined in accordance with the Family and Medical Leave Act (FMLA) as follows: Child - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing en loco parentis (in the place of the parent), who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

Appointing authorities are the officers and employees authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

II. APPLICABILITY

This policy applies to all classified employees within LDH who are eligible to earn leave. The Governor customarily issues an Executive Order to provide leave policies that are applicable to unclassified appointees and unclassified employees. The Executive Order that is currently in effect is Executive Order Number JBE 2016-75 (Rules and Policies on Leave for Unclassified Service – Amended December 19, 2016). For further information, please refer to LDH Policy #136 - Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave.

III. RESPONSIBILITIES

The appointing authority for each office and facility within LDH shall be responsible for the administration of this policy. Authority for leave administration may be delegated to subordinate managers and supervisors.

IV. TYPES OF LEAVE AND POLICY PROVISIONS FOR EACH TYPE

A. ANNUAL LEAVE (CIVIL SERVICE RULES 11.5; 11.6; 11.7; 11.9; 11.10; 11.19)

1. Annual leave may be granted to employees for rest and relaxation or to attend to personal business when the granting of such leave does not unduly hamper the agency's operations. Employees should request annual leave in advance whenever possible to avoid unscheduled absences. Annual leave shall only be used if approval is obtained from an appointing authority or designee who has the authority to approve leave. An appointing authority or designee does not have to approve a request for annual leave. An appointing authority or designee may rescind a previous approval of annual leave prior to the effective date of the leave for rational business reasons.

2. Requests for annual leave shall be approved for qualifying events as defined by the Family and Medical Leave Act (FMLA) if the request for FMLA is approved in accordance with LDH Policy #29 – Family and Medical Leave and federal regulations. Requests for annual leave shall be approved for military purposes in accordance with Civil Service Rule 11.26 and this policy.

3. Annual leave in lieu of sick leave should be granted only when doing so is in the best interest of the agency's operations unless the employee qualifies to use the annual leave in lieu of sick leave under the FMLA.

4. An appointing authority may require an employee to take annual leave (Enforced Annual Leave) when it is in the best interest of the agency to do so. However, the employee cannot be required to reduce their annual leave balance to less than 240 hours. Before placing an employee on Enforced Annual Leave, the appointing authority must consult with human resources to ensure compliance with all applicable rules and regulations. If an emergency arises requiring the immediate removal of an employee from the workplace, the appointing authority may enforce annual leave on the spot but must contact human resources for guidance as soon as possible after enforcing annual leave.

5. Upon separation from LDH, employees should consult with human resources staff regarding the disposition of accrued annual leave.

B. SICK LEAVE (CIVIL SERVICE RULES 11.13; 11.13.1; 11.14; 11.18; 11.19)

1. Sick leave shall be granted to employees provided that:
   The employee has a legitimate need to use sick leave;
   The employee has a sufficient sick leave balance to cover the absence;
   The employee has submitted their request for sick leave in accordance with their agency's procedures.

2. Sick leave may be legitimately used for:
   a. The employee's own illness or injury.
   b. The employee's own medical, optical or dental appointments.
   c. Sick leave in lieu of annual leave – Civil Service Rule 11.13 (b):
      An employee may request to use sick leave in lieu of annual leave for the employee's need to be absent due to the illness, injury or medical, optical or dental appointment of the employee's spouse, child, stepchild, foster-child, parent or stepparent. To use sick leave in lieu of annual leave for this purpose the employee must request it (Absence Code LBIF) and the request must be approved by the appointing authority or their designee. Any denials of requests to use sick leave in lieu of annual leave must be reported to Human Resources by the staff member authorized to approve or deny the leave.
   d. The employee's own need, supported by medical certification, to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of the employee's own diagnosed high-risk immunological disorder.
   e. The employee's need to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the Governor and there is no other suitable person available to care for the son or daughter because their school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.

3. In accordance with Civil Service Rule 11.13(a) 2, sick leave to be used for medical, optical and dental appointments may be approved only for the duration of time required for such appointments when it is not possible to arrange such appointments for non-duty hours.

4. Employees should request sick leave in advance, if possible, to avoid unscheduled absences.

5. Under certain circumstances, an employee who has less than 8 hours of sick leave and is unable to perform the essential functions of their position may be permanently removed from their position under Civil Service Rule 12.6. The appointing authority must consult with human resources before effecting such a removal.
6. Enforced Sick Leave (Civil Service Rule 11.13.1) - An appointing authority may place an employee on sick leave when:
   a. The employee asserts an inability to work due to the employee's illness or injury.

b. There is an apparent need to remove the employee from the workplace to avoid the spread of illness. For this reason, an appointing authority may place an employee on sick leave and require that the employee remove themselves from the workplace when they have declined to utilize sick leave and present for duty displaying symptoms of illness. In order to enforce sick leave for this reason, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory capacity. Before placing an employee on Enforced Sick Leave, the appointing authority must consult with human resources to ensure compliance with all applicable rules and regulations. If an emergency arises requiring the immediate removal of an employee from the workplace, the appointing authority may enforce sick leave on the spot but must contact human resources for guidance as soon as possible after enforcing sick leave. The employee may be returned to duty at the appointing authority's discretion; however, the employee shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that the employee is fit for duty.

7. At any time, the appointing authority or other agency official authorized to approve sick leave may require the employee to furnish a medical certificate for any absence for which sick leave is requested regardless of the duration of the absence. Only Human Resources professionals may contact the health care provider directly to clarify information contained in the medical certificate. If the required medical certificate is not furnished by the employee, the request for sick leave shall not be approved and the employee shall be placed on leave without pay for the absence. If there is doubt about the legitimacy of a medical certificate, the appointing authority may require the employee to obtain a second opinion from a licensed physician selected by the agency as long as the agency pays for the second medical consultation. Documentation requirements for sick leave used FMLA purposes may be found in LDH Policy #29 - Family and Medical Leave.

8. Upon separation from LDH, employees should consult with human resources staff regarding the disposition of accrued sick leave.

9. Annual leave in lieu of sick leave should be granted only when doing so is in the best interest of the agency's operations unless the employee qualifies to use the annual leave in lieu of sick leave under the FMLA.

C. COMPENSATORY LEAVE (CIVIL SERVICE RULES – CHAPTER 21)

1. Compensatory leave is compensation in lieu of cash payment for overtime worked. Policies regarding the earning of compensatory leave are included in LDH Policy #45 – Overtime.

2. All accrued compensatory leave shall be reduced before any reduction of accrued annual leave. Provisions for the use of compensatory leave for FMLA purposes are contained in LDH Policy # 29 - Family and Medical Leave.

3. Straight (hour for hour) compensatory leave is earned under the provisions of the Civil Service Rules governing State Overtime. By these rules, employees are allowed to carry over no more than 360 hours of straight compensatory leave from one fiscal year to the next. Payout of straight compensatory leave at the end of each fiscal year will be made as follows:
   a. For non-exempt employees whose straight compensatory leave balance exceeds the 360-hour cap, payment shall be made within 90 days after the beginning of the fiscal year for the excess compensatory leave.
   b. For exempt employees whose straight compensatory leave balance exceeds the 360-hour cap, payment of up to 200 hours of the excess compensatory leave may be made within 90 days after the beginning of the fiscal year as submitted by the Assistant Secretary and approved by the Deputy Secretary and Undersecretary.

4. Time-and-one-half compensatory leave is earned under the provisions of the federal Fair Labor Standards Act. By these regulations, covered ("non-exempt") employees are allowed to accumulate up to 240 hours of time and one-half compensatory leave. Non-exempt employees shall receive cash payment as compensation for any overtime hours worked in excess of 240 hours.

5. Appointing authorities may require employees to use accumulated compensatory leave at any time.

6. When a non-exempt employee requests the use of their accrued compensatory leave earned at the time-and-one-half rate, the Fair Labor Standards Act requires that their request be approved unless doing so would pose an undue burden on the agency's ability to provide acceptable services to its clients. Under the Act (FLSA), mere inconvenience to the employer is an insufficient reason for denial of a non-exempt employee's request to use compensatory leave earned at the time-and-one-half rate.

7. Compensatory leave accrued by employees within LDH and remaining to their credit at the time of their transfer within or separation from the Department shall be disposed of as follows:
   a. A non-exempt employee's accrued compensatory leave shall be paid in cash to the employee by the budget unit under which such leave was earned upon the employee's separation from the budget unit, whether the employee is transferring to another budget unit within LDH or separating from LDH.
   b. An exempt employee's accrued compensatory leave shall be disposed of as follows:
      (1) Transfer within LDH: An exempt employee shall only be paid in cash for up to 200 hours in accrued straight time compensatory leave at the time of transfer by the budget unit under which such leave was earned except that up to 200 hours of accrued leave may be transferred with the employee subject

to the approval of the head of the budget unit to which the employee is being transferred. The amount paid at transfer and any compensatory leave already paid in cash during the fiscal year cannot exceed 200 hours in total. All remaining straight time compensatory leave shall be canceled at the time of transfer.

(2) Separation from LDH: An exempt employee shall only be paid in cash for up to 200 hours in accrued straight time compensatory leave at separation. The amount paid at separation and any compensatory leave already paid in cash during the fiscal year cannot exceed 200 hours in total. All remaining straight time compensatory leave shall be canceled at separation and not reinstated should the employee return to state employment.

D. CIVIL, EMERGENCY AND SPECIAL LEAVE (CIVIL SERVICE RULE 11.23)

1. Civil, emergency and special leave are granted to eligible employees without loss of pay or charge of annual, sick or compensatory leave.

2. Specific provisions for each type of leave are:

a. Jury Duty – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Civil leave shall be granted to an eligible employee summoned to perform jury duty. When requesting civil leave for jury duty, the employee must furnish a copy of the court summons prior to the date they are to appear in court. Civil leave for this purpose shall be granted only for the hours the employee is required to be present in court plus reasonable travel time.

b. Court Summons – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Civil leave shall be granted to an eligible employee who is summoned to appear as a witness by a court, grand jury or other public body or commission provided that the employee is not the plaintiff or defendant. Civil leave for this purpose shall be granted only for the hours the employee is required to be present in court plus reasonable travel time. Any employee summoned as a result of employment other than their position within the state service shall not be granted civil leave.

c. Emergency Civilian Duty in Relation to National Defense – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Civil leave shall be granted to an eligible employee performing emergency civilian duty in relation to national defense. The employee requesting such leave must furnish documentation of the need for the leave.

d. Special Leave/Office Closure (LSOC) - Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. If a state office location or an employee's alternative worksite is closed by an appointing authority or other authorized state government official the following provisions apply to eligible employees:

(1) Employees scheduled but not required to work at the closed location shall be credited with special leave (LSOC) for the hours affected by the closure.

(2) Employees who are required to work at the closed location during the office closure shall be considered to be working overtime for all hours worked during the closure.

(3) Employees assigned to work locations that are not closed shall be considered to be on regular duty status and shall not be eligible for special leave (LSOC).

(4) Employees on approved annual or sick leave shall be granted special leave (LSOC) instead of being charged with annual or sick leave for the hours affected by the closure.

(5) Employees on leave without pay immediately before and after the closure shall not be eligible for special leave (LSOC).

(6) Employees shall not be eligible for special leave (LSOC) on their days off.

e. Special Leave/Act of God (LSAG) – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave.

(1) If a state office location or the employee's alternative worksite is not closed and the appointing authority determines that it is not practical for one or more employees to report to work or remain at work in that location, the appointing authority may approve up to 20 hours of special leave (LSAG) per event on a case-by-case basis for affected employees. Employees remaining at work are considered to be on regular duty.

(2) Special LSAG provisions for a State of Emergency declared by the Governor- If the Governor declares a State of Emergency and a state office location or the employee's alternative worksite is not closed and the appointing authority determines that it is not practical for one or more employees to report to work or remain at work in that location, the appointing authority may approve up to 80 hours of special leave (LSAG) for affected employees. This authority expires 90 days after the effective date of the State of Emergency. Employees remaining at work are considered to be on regular duty.

(3) "Affected employees" are those for whom the appointing authority has determined that it is not practical for them to report to work in a location that is not closed.

Typical instances that may warrant the approval of LSAG include the following: Ice on roads/bridges, isolated flooding, limited power outages, and other isolated weather impacts. In addition, during a declared State of Emergency, affected employees may include those who need to meet extensively with insurance adjusters or FEMA representatives.

f. Special Leave/Local Conditions (LSLC) – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave.
   (1) If a state office location is not closed, but the appointing authority determines that because of local conditions or celebrations, it is impracticable for one or more employees in such locality to report to work or remain at work, they may grant special leave (LSLC) on a case-by-case basis to the affected employees.
   (2) This type of special leave (LSLC) shall not be granted for weather-related conditions.

g. Civil Service Exams/Licensing Board Exams – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Special leave shall be granted to eligible employees to take Civil Service exams or state licensing board exams for a maximum of six (6) exams per calendar year. The employee must furnish proof that they took the exam on the date and time specified on their leave request. Failure to provide such proof shall result in the rescission of special leave. For an employee to be eligible for this leave, state licensing board exams must be pertinent to their current state employment.

h. Pre-induction Physical Examination – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. An eligible employee who is ordered to report to a pre-induction physical examination for possible entry into the U. S. military shall be granted special leave for the duration of the absence. The employee must furnish proof of the need for this type of leave.

i. National Guard Emergency Duty – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Special leave shall be granted to an eligible employee who is a member of the National Guard and is called to state active duty by the Governor in response to a declared emergency.

j. Attorneys – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. When an eligible attorney is ordered by the court to represent a client in criminal proceedings and there is no other form of compensation provided, they shall be granted special leave so long as they furnish documentation provided by the court to substantiate the need for the leave.

k. Civil Air Patrol – Employees serving on permanent, probationary or job appointments are eligible for this type of non-chargeable leave. Special leave shall be granted to an eligible employee who is a current member of the Civil Air Patrol and incident to such membership is ordered to perform duty or

participate in field exercises or training, except that such leave shall not be used for unit meetings or training conducted during unit meetings.

l. Funeral Leave – At the discretion of the appointing authority, employees serving on probationary or permanent appointment may be granted funeral leave to attend the funeral and/or burial rites of the following relatives: parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, and grandchild. Funeral leave shall not exceed two days on any one occasion. The employee must provide the name of the deceased and their relationship to the employee when requesting funeral leave.

m. Voluntary Disaster Service Leave - At the discretion of the appointing authority, a full-time probationary or permanent employee may be granted special leave for a period not to exceed 15 work days in any calendar year, to participate in American Red Cross relief services in Louisiana for disasters designated at Level III or above in the American Red Cross Regulations and Procedures. Such employees must have received a certification from the American Red Cross as a Trained Disaster Volunteer. All such requests must be made in writing and accompanied by a copy of the employee's Red Cross certificate, the nature and location of the disaster, the anticipated duration of the leave, the name and title of the employee's Red Cross Supervisor and a written request from the Red Cross for the employee's services. Upon their request to return to work, the employee must provide written certification from their Red Cross Supervisor that they performed volunteer emergency work along with the number of hours of service.

E. EDUCATIONAL LEAVE (CIVIL SERVICE RULE 11.24)

1. Educational leave is administered in accordance with Civil Service Rule 11.24.
2. The intent of Civil Service Rule 11.24 (b) (educational leave with pay) is to permit an employee to obtain formalized training that will materially assist the employee in conducting their current job duties. Educational leave requests for classes that are only remotely or not at all related to the employee's current job duties must not be approved. These requests should be addressed through regular leave procedures or in accordance with Civil Service Rule 11.24 (a) which allows for leave without pay.

F. MILITARY LEAVE (CIVIL SERVICE RULE 11.26)

1. Military leave is administered in accordance with Civil Service Rule 11.26. An appointing authority, manager or supervisor who receives a request for military leave must consult with Human Resources before approving or disapproving the leave request.
2. Military leave applies to any employee who is a member of the Reserve Component of the Armed Forces of the United States and to members of National Guard Units who are called to duty for military purposes. Military leave with pay for military training (Leave Code LMTL) or military active duty (Leave Code LMAL) is limited to 15 working days per calendar year. Military leave with pay for a member of the National Guard who is called to Title 32

active duty in response to a declared emergency by the Governor is limited to 22 working days per calendar year (Leave Code LMNG).

3. An employee does not lose the right to their protections under the military leave provisions even when it might be rationally concluded that the employee is abusing the right to volunteer for military service and causing undue hardship for the agency (for example, volunteering for training over and over). However, the appointing authority may contact the appropriate military authority to discuss any problems in this area to try to arrive at a mutually agreeable solution.

G. LEAVE WITHOUT PAY (CIVIL SERVICE RULE 11.27; 11.27.1)

1. When an employee fails to request annual leave in advance, the appointing authority may place the employee on leave without pay for the period of the unauthorized absence even if the employee has annual leave or compensatory leave to their credit. This action is not a disciplinary action.
2. Provisions for leave without pay used for FMLA purposes may be found in LDH Policy #29 - Family and Medical Leave.
3. Leave without pay up to 30 calendar days may be approved by the appointing authority if requested in advance. Requests for leave without pay in excess of 30 calendar days must be referred to the Division of Human Resources for consultation prior to approval.
4. In order to continue to receive benefits, an employee on leave without pay must pay their portion of the premiums according to instructions provided by their human resources office.
5. An employee who does not return to work immediately upon the expiration of approved leave without pay shall be removed from their position or dismissed in accordance with applicable Civil Service Rules. The appointing authority must consult with human resources before taking such an action.

H. USE OF ACCRUED LEAVE IMMEDIATELY PRIOR TO RETIREMENT

1. An employee who has submitted a Civil Service Form SF-14 (Resignation and Exit – Interview Report) giving notice that they will retire may be granted up to 20 working days of leave (combination of annual and compensatory leave) by the appointing authority as long as such leave ends immediately prior to the retirement date. The SF-14, once signed by the employee and accepted by the appointing authority, is irrevocable.
2. There is no entitlement to leave prior to retirement; the appointing authority must consider the impact on agency operations before granting such leave.
3. The employee shall not engage in employment during the period of leave that would be prohibited by the Commission on Governmental Ethics, the Civil Service Rules or any other regulations.

4. At the discretion of the appointing authority, the leave may be canceled at any time and the employee returned to duty.

I. UNSCHEDULED ABSENCE (CIVIL SERVICE RULE 12.6 [A] 2)

An unscheduled absence occurs when an employee is absent from work without having obtained approved leave by the close of business on the last working day prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

J. MATERNITY LEAVE

1. FMLA - The birth of a child is considered a qualifying event under the FMLA. Please refer to LDH Policy #29 – Family and Medical Leave Act Policy for information regarding leave for employees who are eligible to use the FMLA.

2. Louisiana Maternity Leave Law (Louisiana Revised Statutes 23:341 and 23:342, et seq.) – Regardless of FMLA eligibility, a female employee is eligible for up to six weeks of job-protected State Maternity Leave for a normal pregnancy and up to four months of job-protected State Maternity Leave if there is a disabling complication due to pregnancy.

   a. An employee shall not be granted more than four months of State Maternity Leave for one qualifying event.

   b. State Maternity Leave runs concurrently with any FMLA leave for which the employee may be eligible.

   c. The employee shall use all available balances of paid leave (sick, annual, compensatory) while on State Maternity Leave; if paid leave is exhausted, the employee shall be placed on leave without pay for the remainder of the State Maternity Leave period.

   d. Medical Certification for State Maternity Leave – An employee requesting State Maternity Leave must submit a medical certification documenting the need for the leave.

   e. Employees returning from State Maternity Leave shall be reinstated to the same or an equivalent position with the same pay, benefits, terms and conditions of employment unless the employee is unable to perform the functions of the position because of a physical or mental condition, including the continuation of a serious health condition.

K. PARENTAL LEAVE (CIVIL SERVICE RULE 11.36)

1. Civil Service Rule 11.36 provides up to 240 hours of paid parental leave without deduction to an eligible employee's annual, sick, or compensatory leave balances. This leave shall be for a qualifying purpose related to an employee's

child born or placed with the employee for adoption or foster care on or after January 1, 2024, and as described throughout this policy.

2. Qualifying Events
   a. Birth of a child;
   b. Placement of a child under the age of 18 with the employee for adoption;
   c. Placement of a child under the age of 18 with the employee for foster care.

3. Employee Eligibility
   a. Parental leave is only available to employees in leave-earning positions on the date of the qualifying event.
   b. Parental leave is only available to employees who, on the date of the qualifying event, have been employed by the State of Louisiana for at least 12 months, and who have actually worked at least 1250 hours in the 12 months preceding the date of the qualifying event (leave taken and holidays do not count as hours actually worked).
   c. Parental leave is only available to the legal parents, adoptive parents or foster parents of the child for whom parental leave is taken when the parents have an active and on-going role in parenting the child and are taking leave for one of the qualifying purposes.

4. Qualifying Purposes
   a. For a legal, adoptive or foster parent to bond with the child for whom leave is taken. A need to bond with the child exists when there is a new relationship between the parent and child and the employee will spend time with the child to create an on-going mutual attachment; parental leave is not intended to apply where a relationship resembling parent-child already exists and the primary change is the legal nature of the relationship. (Examples include foster parent to adoptive parent and some intra-family adoptions such as adoptions by step-parents).
   b. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

5. Duration
   a. Parental leave is available for use only during the 12 weeks (84 calendar days) immediately following the date of the qualifying event.
   b. Parental leave is available for use beginning on the first date of a qualifying event and for only as much of the parental leave period as the employee is engaged in a qualifying purpose.
   c. Parental leave may be used continuously or intermittently, as needed by the employee for a qualifying purpose.
   d. Unless the appointing authority determines that an employee is using parental leave in violation of Civil Service Rule 11.36, the appointing

authority shall not reduce the parental leave period or interfere with the employee's use of parental leave.

6. Compensation
   a. Full-time employees shall be compensated at the rate of 100% of the employee's base pay for a period not to exceed 240 hours during the available 12-week period.
   b. Part-time employees shall be compensated at the rate of 100% of the employee's base pay for a period not to exceed 6 weeks based upon the employee's average number of hours worked in the 6 months immediately preceding the beginning of parental leave. (Example: if an employee worked an average of 25 hours per week during the previous 6 months, the employee shall be paid their base pay for 25 hours per week for 6 weeks).

7. Limitations
   a. Parental leave shall not be donated to another employee or leave pool.
   b. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the employee;
   c. Parental leave is not intended to provide any form of unpaid leave after exhaustion of paid parental leave. Additional leave, if any, shall be taken under the provisions of another Civil Service rule or state or federal law, such as the Family and Medical Leave Act.
   d. At least 12 months shall elapse from the beginning of one parental leave period until an employee is eligible for another parental leave period. For a new parental leave period, there shall be a new qualifying event on or after the 12-month waiting period and the employee eligibility requirements must be satisfied as of the date of the new qualifying event.
   e. Eligible employees using parental leave shall use any FMLA leave available to them concurrently with parental leave.
   d. When both parents to the child for whom parental leave is taken are employed in the state classified service, both parents are entitled to use a full allotment of parental leave during the parental leave period.
   f. As practicable, the employee shall provide advance notice of the need for parental leave, and obtain approval to use parental leave prior to using it.
   g. An employee's use of approved parental leave in accordance with Civil Service Rule 11.36 and this policy shall not have a negative impact upon their employment with LDH.

8. Procedures
   a. To request parental leave, the requesting employee shall complete the employee portion of the SCS Parental Leave Certification Form that can be accessed HERE.

b. The requesting employee shall submit the completed SCS Parental Leave Certification Form to their supervisor.

c. The employee's supervisor shall sign the form to acknowledge that they are aware of the employee's request for parental leave and submit the form to Human Resources at LDHHRBenefitsDocuments@la.gov.

d. To establish the parent-child relationship, an employee requesting paid parental leave shall produce documentation in support of their request, such as a birth certificate, birth letter or insurance certificate confirming their relationship to the child for whom parental leave is requested, or proof of attendance at court proceedings or other mandated meetings related to adoption or foster placement. LDH shall not require a requesting employee to produce medical records or scientific evidence to prove paternity. The required documentation must be submitted to Human Resources within 15 days of the qualifying event.

e. Human Resources shall complete the "To Be Completed by Human Resources" and "Agency Approval" portions of the form, sign the form as the Appointing Authority's designee, and send the form to the employee along with an approval or denial letter. Human Resources shall also send copies of the form and approval or denial letter to the employee's supervisor.

f. If the request is approved, Human Resources shall set up the parental leave quota in LaGov and the employee shall use the appropriate leave code when entering parental leave:

- Birth of a child – LSPB
- Placement of a child under the age of 18 with the employee for adoption – LSPA
- Placement of a child under the age of 18 with the employee for foster care - LSPF

V. SPECIAL LEAVE RELATED TO COVID-19 PANDEMIC

Employees serving on permanent, probationary or job appointments are eligible for these types of non-chargeable leave.

A. Special Leave/Quarantine [Leave Code LSQT] – Civil Service Rule 11.35 (c)
An appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis. Such special paid leave shall not extend beyond 14 calendar days as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, they shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.

B. Special Leave COVID Vaccination [Leave Code LSVC] - Civil Service Rule 11.35 (e) Effective April 7, 2021 an appointing authority may grant time off without loss of pay, annual or sick leave to an employee in order to receive a COVID-19 vaccination, provided such leave shall not exceed

four hours for each administration of the vaccine. Appointing authorities shall require the employee to provide proof of vaccination for documentation purposes.

VI. VIOLATIONS

Violations of this policy may result in corrective action or disciplinary action. Corrective action includes Improvement Letters (Civil Service Rule 12.9). Disciplinary actions are Suspension without Pay, Reduction in Pay, Involuntary Demotion and Dismissal (Civil Service Rule 12.3). Any corrective or disciplinary action taken is at the sole discretion of the Appointing Authority.

VII. EXCEPTIONS

The LDH Secretary or Deputy Secretary and the Undersecretary may grant an exception to this policy. However, such exceptions shall not conflict with Civil Service Rules or other regulations.

VIII. REFERENCES

Civil Service Rules (Chapters 11, 12 and 21)
LDH Policy #29 – Family and Medical Leave
LDH Policy #45 – Overtime
LDH Policy #136 – Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave

IX. REVISION HISTORY

Date	Revision
July 11, 2011	Policy created
October 15, 2014	Policy revised
May 12, 2015	Policy revised
August 01, 2017	Policy revised
January 9, 2019	Housekeeping change – Section V.B.5 on page 3
May 7, 2020	Policy revised
January 1, 2021	Policy revised (Effective date of Civil Service changes to Chapter 11)
June 16, 2021	Housekeeping change – Section V added on pages 12 – 13)
July 7, 2021	Section IV.D.2(i & k) pages 8-9; Section IV.F page 10
September 21, 2022	Policy revised
January 1, 2024	Policy revised
February 28, 2024	Policy updated
May 28, 2025	Policy reviewed