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GENERAL CIRCULAR NUMBER 2020-025

DATE: April 9, 2020

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: COVID-19 – No. 18: Clarification to General Circular 2020-023, “Interaction between EFMLA, Emergency Paid Sick Leave and Civil Service Rules”

Consistent with how “original” FMLA leave is treated, if an employee has a qualifying condition, the employee may request FMLA leave or the Agency may place the employee in FMLA leave status. Placement of an employee in Expanded FMLA (EFMLA) status is the proper treatment for employees who have been employed for at least thirty days and who are unable to work or telework due to the need to care for a son or daughter whose school/daycare is closed or place of care has become unavailable due to reasons related to COVID-19. **It is not permissible to circumvent the new EFMLA provisions in the Families First Coronavirus Response Act by instead placing eligible employees in special leave (Act of God).**

For employees who have not been employed for 30 days but who are unable to work or telework due to the need to care for a son or daughter whose school/daycare is closed or place of care has become unavailable due to reasons related to COVID-19, emergency paid sick leave (EPSL) is available. Employees may decline to use EPSL; however, if employees decline EPSL that does not mean that these employees are entitled to special leave (Act of God). These employees may be placed in LWOP if they do not have accrued leave available.

The elimination of special leave (Act of God) is a purposeful decision for circumstances covered by Rule 27.2(b) prior to April 13, 2020. Use of sick leave under Rule 27.1(b) remains an option for employees unable to work or telework due to the need to care for a son or daughter whose school/daycare is closed or place of care has become unavailable due to reasons related to COVID-19 until at least April 30, 2020. **Commencing no later than April 13, 2020, special leave (Act of God) under Rule 27.2(b) is not available to employees who are eligible for paid leave under the FFCRA.**

Should you have any questions about these rules, please contact your Agency Relationship Manager or email SCSInfo@la.gov.

Please continue to monitor our website and social media platforms for updates and/or changes to the situation.

Sincerely,

s/Byron P. Decoteau, Jr.
State Civil Service Director