



**Byron P. Decoteau, Jr., Director**

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## GENERAL CIRCULAR NUMBER 2020-028 AMENDED

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**DATE:** May 5, 2020

**TO:** Heads of State Agencies and Human Resources Directors

**SUBJECT:** COVID-19 – No. 21: Proposed changes to Chapters 1, 11 and 27 of the Civil Service Rules – **AMENDED**

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This general circular provides amendments to the previously outlined proposed changes to Chapter 27 of the State Civil Service Rules and proposed emergency rules under Chapters 1 and Chapter 11 issued via General Circular No. 2020-28 on April 24, 2020. ***Amendments to the previous proposals are presented in bold red font under the Proposed Rule columns.***

These proposals will be presented to the State Civil Service Commission at its regularly scheduled business meeting on Wednesday, May 6, 2020. Due to the COVID-19 health pandemic, this meeting will occur virtually.

Audio of this meeting will be available for the public. To join this meeting virtually, please use the following link: <https://attendee.gotowebinar.com/register/4565827994008729101>.

Public comments on these proposals may be submitted in the following manner:

- Use the form attached to the end of this General Circular and submit via email to [scsinfo@la.gov](mailto:scsinfo@la.gov) or fax to (225) 342-8058.
- Via telephone: (225) 342-8274

**NOTE: Only comments received prior to noon on Wednesday, May 6, 2020, will be included in the record for this commission meeting.**

### EXHIBIT A SUMMARY: CHANGES TO CHAPTER 27 EMERGENCY RULES

Exhibit A outlines the Director's recommendation to the Commission to repeal the following provisions of Chapter 27 effective May 6, 2020:

- 27.1 Sick Leave Expansion
- 27.2 Special Paid Leave
- 27.3 Required Sick Leave
- 27.9 Supporting Documentation

Please note the following provisions have already expired or have been extended under the Director's authority:

- 27.1(b) (Sick Leave Expansion for Childcare): Extended until May 6, 2020
- 27.2(a)2 (Special Paid Leave for Childcare): Expired April 13, 2020
- 27.7 (Suspension of Deadlines): Extended and Expires on May 31, 2020.

Unless Rule 27.7 is further extended by the Commission at the May 6, 2020 meeting, it will expire on May 31, 2020. Please note that this is not an extension of 30 days from May 31, 2020, i.e. until June 30, 2020. All actions or documentation that have been delayed under Rule 27.7 must be completed and submitted by May 30, 2020. As of May 31, 2020, all deadlines are in full force and effect.

The remaining provisions of these rules are set to expire upon Order of the Commission or in 120 days from first adoption (July 16, 2020), whichever comes first.

#### EXHIBIT B SUMMARY: PROPOSED EMERGENCY RULES TO CHAPTER 1 and CHAPTER 11

Exhibit B outlines proposed changes that will be considered by the Commission for adoption on an emergency basis in accordance with Rule 2.10(f). In summary, these proposals will allow for the following:

- An employee to use sick leave to care for an immediate family member (*Amendment clarifies that it is the employee's choice to request sick leave in lieu of annual leave and further clarifies that such leave may only be used when approved by the Appointing Authority or his designated representative*)
- An employee to use sick leave to care for a child due to a school closure or childcare provider closure related to COVID-19 through December 31, 2020 (*Amendment clarifies that use of leave is available when there is no other suitable person available to care for the child*)
- An employee with a high-risk immunological disorder to use sick leave to be away from the workplace to avoid a health exposure during a declared health pandemic
- An Appointing Authority to enforce sick leave under certain conditions
- Special paid leave for absences related to COVID-19 for emergency responders and healthcare providers exempted from the Families First Coronavirus Response Act
- End special paid leave under 11.23(d) (Act of God) for all employee absences related to COVID-19 effective May 31, 2020
- Grant the Director the authority to reinstate emergency paid leave under 11.23(d) (Act of God) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic (*Language moved into proposed rule 11.35*)
- *Amendment provided under proposed rule 11.35 to allow an appointing authority the discretion to grant special paid leave to an asymptomatic employee who has been denied work and asked to test for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed COVID19 diagnosis. Appointing Authorities should consider telework options prior to use of such leave.*

## EXHIBIT A: CHANGES TO CHAPTER 27 EMERGENCY RULES

### **EMERGENCY RULE 27.1 SICK LEAVE EXPANSION**

The Department recommends repealing all provisions of this emergency rule. In addition, the Department is proposing emergency rules under Chapter 1 and Chapter 11 to address the expansion of sick leave to immediate family members. Other proposals include provisions to allow for the use of sick leave to care for a child whose school or place of care has closed due to COVID-19 related reasons and to provide for the use of sick leave by individuals with high-risk immunological disorders during a declared health pandemic by the Governor. ***Please refer to Exhibit B for details.***

CURRENT	PROPOSED
<p><b>27.1 Sick Leave Expansion</b></p> <p>An appointing authority may grant sick leave for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;</li> <li>(b) To care for a dependent child residing in his household due to a school closure related to COVID-19; or</li> </ul> <p><i>Provision (b) of this rule was extended by the Civil Service Director until 12:01 a.m. on April 30, 2020.</i></p> <p><i>Provision (b) of this rule was extended by the Civil Service Director until 12:01 a.m. on May 6, 2020.</i></p> <ul style="list-style-type: none"> <li>(c) To an employee with high-risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.</li> </ul>	<p><b>Repealed by Order of the Commission effective May 6, 2020.</b></p>

### **EMERGENCY RULE 27.2 SPECIAL PAID LEAVE**

The Department recommends repealing all provisions of this emergency rule.

CURRENT	PROPOSED
<p><b>27.2 Special Paid Leave</b></p> <p>(a) After an employee has exhausted all sick, compensatory and annual leave, the appointing authority may grant the employee special leave under Rule 11.23(d) for the following reasons:</p> <ol style="list-style-type: none"> <li>1. To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;</li> <li>2. To care for a dependent child residing in his household due to a school closure related to COVID-19;</li> </ol>	<p><b>Repealed by Order of the Commission effective May 6, 2020.</b></p>

<p><i>Provision (a)2 of this rule was NOT extended, and expired at 12:01 a.m. on April 13, 2020.</i></p> <p>3. To care for himself due to a positive diagnosis of COVID-19; or          4. To allow for an employee with high risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.          (b) An appointing authority is authorized to grant special leave out of an abundance of caution and in the best interest of the agency for situations related to COVID-19 not otherwise addressed herein.</p>	
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### EMERGENCY RULE 27.3 REQUIRED SICK LEAVE

The Department recommends repealing this emergency rule. In addition, the Department is proposing emergency rules under Chapter 11 to provide for enforced sick leave by an appointing authority.

CURRENT	PROPOSED
<p><b>27.3 Required Sick Leave</b></p> <p>An appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave but presents for duty displaying symptoms associated with COVID-19 including fever, cough and/or shortness of breath. For this rule to apply, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory position. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after personally examining the employee, certifies that he is capable of performing the essential functions of his position without posing a risk of harm to himself or others. If the employee is diagnosed with COVID-19, the provisions of Rule 27.2(a)3 apply; otherwise, regular sick leave rules under Chapter 11 shall apply.</p>	<p><b>Repealed by Order of the Commission effective May 6, 2020.</b></p>

### EMERGENCY RULE 27.4 LIMITATION OF CIVIL SERVICE RULE 12.6

The Department does not recommend any changes to this emergency rule. This rule will expire upon Order of the Commission or in 120 days (July 16, 2020), whichever comes first.

CURRENT	PROPOSED
<b>27.4 Limitation of Civil Service Rule 12.6</b>	<b>NO CHANGES</b>

<p>For the duration of this Chapter, an appointing authority shall not non-disciplinarily remove an employee for exhaustion of sick leave or unscheduled absences related to COVID-19.</p>	
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#### **EMERGENCY RULE 27.5 OVERTIME PAY EXPANSION**

The Department does not recommend any changes to this emergency rule. This rule will expire upon Order of the Commission or in 120 days (July 16, 2020), whichever comes first.

CURRENT	PROPOSED
<p><b>27.5 Overtime Pay Expansion</b>            For the duration of this Chapter, state overtime performed by both exempt and non-exempt employees related to the COVID-19 pandemic may be paid at the time and one-half rate.</p>	<p><b>NO CHANGES</b></p>

#### **EMERGENCY RULE 27.6 DELEGATION OF AUTHORITY OF DIRECTOR**

The Department does not recommend any changes to this emergency rule. This rule will expire upon Order of the Commission or in 120 days (July 16, 2020), whichever comes first.

CURRENT	PROPOSED
<p><b>27.6 Delegation of Authority of Director</b>            Because guidance from healthcare authorities and government officials is constantly changing due to the fluidity of the COVID-19 situation, the authority granted to the Director in Civil Service Rule 3.1(k) is expanded to allow the Director to act between meetings on non-routine matters requiring Commission approval including, but not limited to, work schedules, leave, compensation and staffing matters of an urgent nature related to COVID-19. Such authority includes, but is not limited to, authority to promulgate emergency rules to address these matters.</p>	<p><b>NO CHANGES</b></p>

#### **EMERGENCY RULE 27.7 SUSPENSIONS OF DEADLINES**

The Department does not recommend any changes to this emergency rule. This rule will expire at 12:01 a.m. on May 31, 2020, unless extended by the Commission or the Director. No extensions would extend beyond 120 days (July 16, 2020) allowed under emergency rule provisions. Unless this Rule is extended by the Commission at the May 6, 2020 Commission meeting, it will expire on May 31, 2020. Please note that this is not an extension of 30 days from May 31, 2020, i.e. until June 30, 2020. All actions or documentation that have been delayed under Rule 27.7 must be completed and submitted by May 30, 2020. As of May 31, 2020, all deadlines are in full force and effect.

CURRENT	PROPOSED
<p><b>27.7 Suspension of Deadlines</b></p>	<p><b>NO CHANGES</b></p>

<p>All deadlines imposed by the Civil Service Rules are suspended for thirty calendar days effective March 18, 2020, unless such suspension is extended by the Commission or the Director. This provision does not apply to deadlines imposed by the Constitution, including the 15-day period for filing an Application for Review of a Referee's decision and the 30-day period for appealing the Commission's decision to the Court of Appeal.</p> <p><i>The provisions of this rule were extended by the Civil Service Director until 12:01 a.m. on April 30, 2020.</i></p> <p><i>The provisions of this rule were extended by the Civil Service Director until 12:01 a.m. on May 31, 2020. Unless this Rule is extended by the Commission at the May 6, 2020 Commission meeting, it will expire on May 31, 2020.</i></p>	
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#### **EMERGENCY RULE 27.8 SPECIAL MEETING RULES**

The Department does not recommend any changes to this emergency rule. This rule will expire upon Order of the Commission or in 120 days (July 16, 2020), whichever comes first.

CURRENT	PROPOSED
<p><b>27.8 Special Meeting Rules</b></p> <p>During the COVID-19 pandemic declaration of emergency in the State of Louisiana and in the absence of ability to otherwise establish a quorum, as certified and posted with the meeting agenda, Commission members who are unable to attend a meeting of the Civil Service Commission in person due to conditions closely and directly related to the pandemic may attend and participate in the meeting via electronic means. Except for executive session, deliberations involving Commission members participating electronically must be conducted in such a manner that all members and the public can hear.</p>	<b>NO CHANGES</b>

#### **EMERGENCY RULE 27.9 SUPPORTING DOCUMENTATION**

The Department recommends repealing this emergency rule. In addition, the Department is proposing emergency rules under Chapter 11 that would allow for documenting the need to care for a child due to a school closure or a childcare provider being unavailable.

CURRENT	PROPOSED
<p><b>27.9 Supporting Documentation</b></p> <p>Appointing Authorities may require appropriate</p>	<b>Repealed by Order of the Commission effective May 6, 2020.</b>

documentation to establish a need for leave as set forth in Rules 27.1 and 27.2.	
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**EMERGENCY RULE 27.10 EXPIRATION OF RULE**

The Department does not recommend any changes to this emergency rule. This rule will expire upon Order of the Commission or in 120 days (July 16, 2020), whichever comes first. The provisions of 27.2(a)2 expired by authority of the Director on April 13, 2020. The provisions of 27.1(b) will expire on May 6, 2020, by authority of the Director.

CURRENT	PROPOSED
<b>27.10 Expiration of Rule</b> This Rule is effective prospectively from March 18, 2020. The provisions of Rule 27.1(b) and 27.2(a)2 shall expire at 12:01 a.m. on April 13, 2020 unless extended by the Commission or the Director. The remaining provisions of this Rule expire upon Order of the Commission or in 120 days, whichever comes first.	<b>NO CHANGES</b>

EXHIBIT B: PROPOSED EMERGENCY RULES TO CHAPTER 1 and CHAPTER 11

CHAPTER 1: DEFINITION AND TERMS USED IN THE RULES	
CURRENT RULE	PROPOSED RULE
	<b>1.15.2.4 'Immediate Family Member'</b> for the purposes of sick leave is an employee's spouse, child or stepchild, foster-child, parent or stepparent.
<b>1.39.1 'Sick Leave'</b> is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.	<b>1.39.1 'Sick Leave'</b> is leave with pay granted to an employee who is suffering with <b>an illness or injury</b> <del>a disability</del> which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment, <b>or who requires the need to care for an immediate family member with similar circumstances.</b>

CHAPTER 11: HOURS OF WORK AND TYPES OF LEAVE SUCH AS ANNUAL, SICK, COMPENSATORY, SPECIAL, ETC.	
CURRENT RULE	PROPOSED RULE
<b>11.13 Use of Sick Leave</b>	<b>11.13 Use of Sick Leave</b>

<p>(a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> <li>1. Illness or injury, which prevents him from performing his usual duties.</li> <li>2. Medical, dental, or optical consultation or treatment.</li> <li>3. Repealed, effective January 1, 1963.</li> </ol> <p>(b) Sick leave shall not be charged for non-work days.</p> <p>(c) Each appointing authority shall select a method to charge the sick leave records of all employees. The minimum charge to sick leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.</p> <p>(d) Repealed, effective June 30, 1972.</p> <p>(e) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.</p>	<p>(a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> <li>1. <b>His own</b> illness or injury, which prevents him from performing his usual duties.</li> <li>2. <b>His own</b> medical, dental, or optical consultation or treatment <b>for the duration of time required for such appointments when it is not possible to arrange such appointments for non-duty hours.</b></li> <li>3. Repealed, effective January 1, 1963.</li> <li>4. <b>Assertion, supported by medical certification, of his own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of his diagnosed high-risk immunological disorder.</b></li> <li>5. <b>The need to care for a dependent child through December 31, 2020, because there is no other suitable person available to care for the child and the child's school or place of care has been closed or the childcare provider is unavailable due to a COVID-19 related reason.</b></li> </ol> <p><b>(b) In lieu of requesting annual leave, an employee who has sufficient leave to his credit may request sick leave for necessary absence from duty for the following reasons:</b></p> <ol style="list-style-type: none"> <li>1. <b>Illness, or injury in the immediate family, which necessitates the absence.</b></li> <li>2. <b>Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours.</b></li> </ol> <p><b>Leave under this subsection may be used only when approved by the appointing authority or his designated representative.</b></p> <p><b>(b)(c)</b> Sick leave shall not be charged for non-work days.</p> <p>(d) Repealed, effective June 30, 1972.</p> <p><b>(e) (e)</b> Each appointing authority shall select a method to charge the sick leave records of all employees. The minimum charge to sick leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.</p> <p><b>(e) (f)</b> The appointing authority shall use the same method for charging to leave records for both annual and sick leave.</p>
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	<p>(g) An appointing authority may require appropriate documentation to establish the need for leave as set forth above.</p>
<b>11.13.1 Enforced Sick Leave</b>	<p><b>11.13.1 Enforced Sick Leave</b></p> <p>An appointing authority may place an employee on sick leave when the employee asserts the need to be absent from the workplace because of the employee's illness or injury.</p> <p>An appointing authority may place an employee on sick leave when:</p> <p class="list-item-l1">(a) the employee asserts <b>an inability to work due to the need to be absent from the workplace because of the employee's illness or injury.</b></p> <p class="list-item-l1">(b) <b>there is an apparent need to remove the employee from the workplace to avoid the spread of illness.</b></p> <p>Under subsection (b) an appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave and presents for duty displaying symptoms of illness. In order to enforce sick leave under this subsection, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory capacity. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that he is <b>fit for duty, capable of performing the essential functions of his position without posing a risk of harm to himself or others.</b></p>
<b>CURRENT RULE</b>	<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p>(a) Effective May 31, 2020, the use of special leave under Civil Service 11.23(d) shall not be granted by an appointing authority for any employee absence related to the COVID-19 health pandemic. <b>The Director is granted the authority to reinstate special paid leave under Civil Service Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.</b></p> <p>(b) <b>An appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder</b></p>

	<p>who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43A JBE Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or experiencing COVID-19 symptoms and is seeking medical diagnosis.</p> <p>Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.</p> <p>(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.</p> <p>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, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.</p>
<b>CURRENT RULE</b>	<b>11.36 End of Special Leave Related to COVID-19 Health Pandemic</b>
	<b>Deleted</b>

Should you have any questions about these rules, please contact your Agency Relationship Manager or email [SCSInfo@la.gov](mailto:SCSInfo@la.gov).

Sincerely,

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



**STATECIVILSERVICE**

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## State Civil Service Commission Meeting Public Comment Form

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**Due to the COVID-19 restrictions on groups of 10 or more, including public meetings, State Civil Service is asking that the public use this form to comment on items on upcoming State Civil Service Commission meeting agendas.**

Please submit the completed form by email to [SCSInfo@la.gov](mailto:SCSInfo@la.gov) or by fax to (225) 342-8058.

<b>Public Comment Information</b>		
Date of Meeting		
Name		
Home Address		
Agenda Item or Description of Item		I am commenting in: <input type="checkbox"/> Support Or <input type="checkbox"/> Opposition
Comments (will be read on the record)		

<b>Contact Information</b>	
Email Address	
Phone Number	

**NOTE: Only comments received prior to noon on Wednesday, May 6, 2020, will be included in the record for this commission meeting.**