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GENERAL CIRCULAR NUMBER 2021-004

DATE: February 4, 2021

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Public Hearing to Amend Civil Service Rule 11.13(a)5, and to adopt Civil Service Rule 11.35(e)

This general circular serves as notice of proposed amendment to Civil Service Rules 11.13(a)5 and proposed adoption of Civil Service Rule 11.35(e). The State Civil Service (SCS) Commission will hold a public hearing regarding these proposals on Wednesday, March 3, 2021, at 9 a.m.

This hearing will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana. Individuals who wish to comment on these proposed rules may do so at the public hearing, by writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111, or by emailing the Civil Service Commission at civilservicecommission@la.gov. If any accommodations are needed, please notify the Department at (225) 342-8272 prior to the meeting.

Summary of Proposal to Amend Civil Service Rule 11.13(a)5:

To provide for rules that allow appointing authorities the ability to grant sick leave to employees to care for their son or daughter, who is not sick, but rather needs care due to a closure at their school or place of care which is directly related to a health pandemic declared by the Governor.

The permissibility of utilizing sick leave to care for a son or daughter due to school or place of care closures during a health pandemic originated in C.S. Rule 27.1 (b) Sick Leave Expansion, effective March 18, 2020, on an emergency basis due to the onset of the COVID-19 pandemic. Through various rule amendments over the course of 2020 and the repeal of Chapter 27, similar provisions of these rules were adopted into Chapter 11 and were valid through December 31, 2020 to coincide with the Emergency Family Medical Leave Act.

At its regularly scheduled meeting on January 6, 2021, the Commission considered and approved amendments to 11.13(a)5 on an emergency basis. Such amendments removed references to the Emergency Family Medical Leave Act and the sunset date of December 31, 2020, with the goal of extending the provisions of the rule during the current and any potential health pandemics declared by the Governor in the future. In accordance with C.S.R 2.10 (f), emergency rules shall be effective for no longer than 120

days. This general circular serves as the official promulgation notice to adopt the identical rule on a permanent basis.

Chapter 11: Hours of Work, Annual, Sick, and Other Forms of Leave	
Current Rule	Proposed Rule
<p>11.13 Use of 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> <p>5. The 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 his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.</p>	<p>11.13 Use of 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> <p>5. The 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 his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.</p>

Summary of Proposal to Adopt Civil Service Rule 11.35(e):

To provide for rules that allow appointing authorities the ability to grant employees time off without loss of pay or leave to receive a COVID-19 vaccination.

In an effort to encourage vaccination among the state's classified workforce, such paid leave would be available at the appointing authority's discretion in increments of up to 4 hours. If the employee is required by the vaccine's manufacturer to receive a second vaccination at a later date, an additional 4 hours of paid leave may be granted. The employee shall provide documentation in order to receive leave under this proposed rule. Only proof of vaccination from a pharmacy or healthcare provider is required, no medical information shall be requested.

Chapter 11: Hours of Work, Annual, Sick, and Other Forms of Leave	
Current Rule	Proposed Rule
	<p>11.35 Special Leave Related to COVID-19 Health Pandemic</p> <p>(e) An appointing authority may grant time off without loss of pay, annual leave or sick leave to an employee in order to receive a COVID-19 vaccination, provided such leave shall not exceed 4 hours for each</p>

	administration of the vaccine. Appointing authorities shall require the employee to provide proof of vaccination for documentation purposes.
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Sincerely,

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