



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

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## GENERAL CIRCULAR NUMBER 2021-011

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**DATE:** March 26, 2021

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

**SUBJECT:** COVID-19 – No. 34: Proposed Changes to Civil Service Rule 11.35(d) (On an emergency basis)

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In accordance with Civil Service Rule 2.10(f), the State Civil Service Commission will consider proposed changes to CSR 11.35(d) on an emergency basis at its regularly scheduled business meeting on Wednesday, April 7, 2021, at 9 a.m.

**PLEASE NOTE:** The Department originally issued a proposed amendment to CSR 11.35(d) on March 10, 2021, via [General Circular No. 2021-007](#). **This proposal has been withdrawn by the Director.**

**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](mailto:civilservicecommission@la.gov). If any accommodations are needed, please notify the Department at (225) 342-8272 prior to the meeting.**

### **REASON FOR THE EMERGENCY RULE:**

In an effort to continue similar COVID-19 leave provisions for classified employees that are currently in place, amendments to CSR 11.35(d) are being proposed in accordance with CSR 2.10(f). The emergency process is necessary because normal promulgation deadlines required by CSR 2.10 would cause an interruption to the provisions and negatively affect the opportunity for Appointing Authorities to grant such leave to employees.

The Department originally promulgated changes to CSR 11.35(d) to extend the provisions of the previous federal mandate of the Families First Coronavirus Response Act (FFCRA) on a voluntary basis through September 30, 2021. After the promulgation date, Congress passed and President Biden signed into law the American Rescue Plan Act of 2021 (ARPA). The ARPA does not provide mandated leave similar to the previous provisions of the former FFCRA.

Upon further evaluation of the ARPA and feedback from state agencies, the Department is clarifying through this general circular its intent to provide leave options for Appointing Authorities to assist

employees who may be affected by COVID-19 and are unable to telework. These proposals balance the needs of state agencies as an employer and the needs of employees who may be affected by COVID-19.

Below are the specific rule amendments to CSR 11.35(d) that will be proposed to the Commission for consideration on an emergency basis. These rules are no longer tied directly by reference to Emergency Paid Sick Leave or the Expanded Family and Medical Leave Act and change the leave provisions related to caring for a child whose school or place of care is closed or childcare provider is unavailable for reasons related to COVID-19.

**PROPOSED AMENDMENTS:**

- Removes references to the Emergency Paid Sick Leave Act and the Expanded Family and Medical Leave Act,
- Specifically lists each leave provision available to Appointing Authorities on a permissive basis, and
- Proposes up to 80 hours of leave for a full-time employee at two-thirds his regular rate of pay up to \$200/day (maximum \$2,000 in the aggregate for the 80 hour period) to care for a child whose school or place of care is closed or child care provider is unavailable for reasons related to COVID-19. Leave provided under CSR 11.35(d)2 shall not be used to deduct from the employee’s Family and Medical Leave Act leave allotment.

EMERGENCY RULE PROPOSAL	
	PROPOSED RULE 11.35(d) Effective 4/1/2021
<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p>(d) Appointing Authorities may grant paid leave through March 31, 2021 that is consistent with the provisions of the Emergency Paid Sick Leave Act (EPSL) and the Expanded Family Medical Leave Act (EFMLA) as outlined in the Families First Coronavirus Response Act (FFCRA), which expired on December 31, 2020. This leave is only available to employees who have not previously exhausted their leave allotment under the FFCRA.</p>	<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p>(d)</p> <ol style="list-style-type: none"> <li>1. Subject to the limitations set forth herein, Appointing Authorities may grant paid leave of up to 80 hours for a full-time employee through September 30, 2021 for any one or a combination of the following:                             <ol style="list-style-type: none"> <li>a. an employee subject to a quarantine or isolation order related to COVID-19;</li> <li>b. an employee advised by a health care provider to self-quarantine related to COVID-19;</li> <li>c. an employee experiencing COVID-19 symptoms and seeking a medical diagnosis;</li> <li>d. for an employee caring for an individual subject to a quarantine or isolation order related to COVID-19 or caring for an individual advised by a</li> </ol> </li> </ol>

	<p>health care provider to self-quarantine related to COVID-19.</p> <ol style="list-style-type: none"><li>2. Appointing Authorities may grant paid leave of up to 80 hours for a full-time employee through September 30, 2021 for an employee caring for a child whose school or place of care is closed or childcare provider is unavailable for reasons related to COVID-19.</li><li>3. For leave set forth in 1.a, b and c above, an employee may receive his regular rate of pay up to \$511/day (maximum of \$5,110.00 in the aggregate for the 80-hour period). For leave set forth in 1.d and 2 above, an employee may receive two-thirds of his regular rate of pay up to \$200/day (maximum \$2,000 in the aggregate for the 80-hour period).</li><li>4. Leave set forth in this rule is only available to employees who have not previously exhausted these leave allotments under the former Families First Coronavirus Response Act or previous versions of this rule. Leave shall be pro-rated for eligible employees working less than full-time</li></ol>
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Sincerely,

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