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## GENERAL CIRCULAR NUMBER 2023-050

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**DATE:** August 31, 2023

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

**SUBJECT:** Proposed Changes to Civil Service Rules Chapter 11 – Hours of Work, Annual, Sick and Other Forms of Leave (Proposed Adoption of Parental Leave) – AMENDMENTS

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The State Civil Service Commission will consider the proposed adoption of Rule 11.36 to Chapter 11 of the State Civil Service Rules at its regularly scheduled business meeting on Wednesday, September 6, 2023. The meeting will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge Louisiana, at 9 a.m. Individuals who wish to comment should provide feedback prior to the meeting in writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111. Comments may also be directed to the attention of the [civilservicecommission@la.gov](mailto:civilservicecommission@la.gov).

**As stated in this General Circular, State Civil Service is proposing amendments for Commission consideration in regards to the proposed parental leave rules outlined in General Circular No. 2023-047 issued on August 11, 2023.**

Please see the attachment for details of the amendments to Chapter 11.

Sincerely,

s/Byron P. Decoteau, Jr.  
Director



## STATECIVILSERVICE

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### Proposed Adoption of State Civil Service Rule 11.36 PROPOSED ADOPTION OF PARENTAL LEAVE **Proposed Amendments**

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**Proposed Effective Date:** January 1, 2024

**Approval is required by both the State Civil Service Commission and the Governor.**

**Proposed Amendments:**

Please be advised that State Civil Service is proposing amendments for Commission consideration in regards to the proposed parental leave rules outlined in General Circular No. 2023-047 issued on August 11, 2023.

Originally, State Civil Service proposed parental leave rules through General Circular No. 2023-029, that was issued on May 12, 2023 and heard by the State Civil Commission at their June 7, 2023 public meeting. After receiving public comments, the Commission asked the Director to address the comments and feedback received and repromulgate a set of proposed rules for their September 6, 2023 meeting. In repromulgating these rules via General Circular No. 2023-047, there were a few unintentional oversights that occurred. The proposed amendments are aimed at addressing these oversights.

The proposed amendments address the following areas:

**Amendment No 1.**

- Adds the term “legal parents” to the proposed rules. Legal parents, persons named as parents on a birth certificate but who are not biologically related to the child, would not be eligible for parental leave as previously proposed. Legal parents may include, but are not limited to, parents who conceived a child through In vitro fertilization (IVF) or other assistive reproductive technology. The attached amendment inserts legal parents into sections (c)3 and (d)1 to ensure their coverage under the rule.

Refer to Proposed Rules: Line Items No. 23 and 31

**Amendment No 2.**

- Re-inserts agency policy provisions. The repromulgation of the proposed rule also omitted language regarding agency policies. At the time it was determined that such was not necessary because an agency does not need authority via rule to develop a policy to implement the rule; however, due to questions received, paragraph (i) re-inserts the agency policy provision.

Refer to Proposed Rules: Line Item No. 111

Please direct any questions regarding proposed Rule 11.36 to Sherri Gregoire, General Counsel, at 225-342-8274 or [sherri.gregoire@la.gov](mailto:sherri.gregoire@la.gov).

**Please read the proposed rule in its entirety for specific qualifications, eligibility, duration, compensation methods, and limitations.**

1 **Chapter 11: Hours of Work, Annual, Sick and Other Forms of Leave**

2  
3 **11.36 PARENTAL LEAVE**

4  
5 (a) This rule provides up to 240 hours of paid parental leave without deduction to an  
6 eligible employee’s annual, sick, or compensatory leave balances. Such leave shall  
7 be for a qualifying purpose related to an employee’s child born or placed with the  
8 employee for adoption or foster care on or after January 1, 2024, and as described  
9 throughout this rule.

10  
11 (b) Qualifying Events:

- 12 1. Birth of a child;  
13 2. Placement of a child under the age of 18 with the employee for adoption;  
14 3. Placement of a child under the age of 18 with the employee for foster care.

15  
16 (c) Eligibility:

- 17 1. Parental leave is only available to employees in leave-earning positions on  
18 the date of the qualifying event;  
19 2. Parental leave is only available to employees who on the date of the  
20 qualifying event have been employed by the State for at least 12 months  
21 and who have actually worked at least 1250 hours in the 12 months  
22 preceding the parental leave request.  
23 ★ 3. Parental leave is only available to the biological parents, **legal parents,**  
24 adoptive parents or foster parents of the child for whom parental leave is  
25 taken when said parents have an active and on-going role in parenting the  
26 child and are taking leave for one of the qualifying purposes set forth  
27 below.

28  
29 (d) Qualifying Purposes:

- 30  
31 ★ 1. For a biological, **legal,** adoptive or foster parent to bond with the child for  
32 whom leave is taken.  
33 i. A need to bond with the child exists when there is a new  
34 relationship between the parent and child and the employee will  
35 spend time with the child to create an on-going mutual  
36 attachment. This rule is not intended to apply where a relationship  
37 resembling parent-child already exists and the primary change is  
38 the legal nature of the relationship. (Examples: foster parent to  
39 adoptive parent; some intra-family adoptions such as adoptions by  
40 step-parents.)  
41 2. For adoptive or foster parents to attend post-placement court proceedings  
42 or mandatory meetings related to adoption or foster placement.

43  
44 (e) Duration:

- 45 1. Parental leave is available for use only during the 12 weeks (84 calendar  
46 days) immediately following the commencement of the qualifying event;
- 47 2. Parental leave is available for use commencing on the first date of a  
48 qualifying event and for only as much of the parental leave period as the  
49 employee is engaged in a qualifying purpose;
- 50 3. Parental leave may be used continuously or intermittently, in accordance  
51 with the need therefor;
- 52 4. Unless the Appointing Authority determines that an employee is utilizing  
53 parental leave in violation of this rule, the Appointing Authority shall not  
54 reduce the parental leave period authorized herein nor interfere with the  
55 employee's use of parental leave as set forth herein.

56  
57 (f) Compensation:

- 58 1. Full-time employees shall be compensated at the rate of 100% of the  
59 employee's base pay for a period not to exceed 240 hours during the  
60 available 12-week period;
- 61 2. Part-time employees shall be compensated at the rate of 100% of the  
62 employee's base pay for a period not to exceed 6 weeks based upon the  
63 employee's average number of hours worked in the 6 months immediately  
64 preceding the commencement of parental leave. (Example: if an employee  
65 works an average of 25 hours per week during the 6 month look-back  
66 period, the employee shall be paid their base pay for 25 hours per week  
67 for 6 weeks).

68  
69 (g) Limitations:

- 70 1. Parental leave shall not be donated to another employee or leave pool;
- 71 2. Unused parental leave shall not be reserved for use during a subsequent  
72 qualifying event nor paid to the employee;
- 73 3. This rule is not intended to provide any form of unpaid leave after  
74 exhaustion of 240 hours (or the appropriate allotment for part-time  
75 employees) of paid parental leave. Additional leave, if any, shall be taken  
76 under the provisions of another rule, law or policy;
- 77 4. At least 12 months shall elapse from the beginning of one parental leave  
78 period until an employee is eligible for another parental leave period. For  
79 a new parental leave period, there shall be a new qualifying event on or  
80 after the 12-month waiting period and the eligibility requirements of  
81 section (c) shall be satisfied as of the date of the new qualifying event;
- 82 5. Employees are eligible for paid parental leave under this Rule only three  
83 times during their career in state government;
- 84 6. Eligible employees utilizing parental leave for occurrences also qualifying  
85 under the Family and Medical Leave Act ("FMLA") shall use FMLA leave  
86 concurrently with parental leave;
- 87 7. When both parents to the child for whom parental leave is taken are  
88 employed in the state classified service, each is entitled to utilize a full 240-

89 hour (or the appropriate allotment for part-time employees) parental  
90 leave period.

91 8. In using parental leave, employees shall follow their agency’s customary  
92 leave practices. That is, as practicable, advance notice of leave needs shall  
93 be provided and leave approved prior to use;

94 9. An employee’s use of parental leave in accordance with this rule and  
95 agency policy shall not have a negative impact upon their employment  
96 relationship. Employees not utilizing parental leave in accordance with  
97 this rule and/or agency policy may be disciplined, including the possibility  
98 of separation or dismissal.

99  
100 (h) Establishing Eligibility for Parental Leave:

101 1. Prior to granting parental leave, an Appointing Authority shall have the  
102 requesting employee complete a request form developed by the Director.

103 2. In addition to the request form, an Appointing Authority may require an  
104 employee requesting paid parental leave to produce acceptable proof in  
105 support of their request, such as a birth certificate or insurance certificate  
106 confirming their relationship to the child for whom parental leave is  
107 requested or proof of attendance at court proceedings or other mandated  
108 meetings related to adoption or foster placement. An Appointing  
109 Authority shall not require that an employee produce medical records or  
110 scientific evidence to prove paternity.

111 ★ (i) Policies:

112 Agencies may adopt policies and procedures to give effect to the intent and  
113 purposes of this rule. Except as necessary to do so, all provisions of the Civil  
114 Service Rules remain fully applicable to employees authorized to use parental  
115 leave.