



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

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## GENERAL CIRCULAR NUMBER 2020-066

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**DATE:** December 29, 2020

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

**SUBJECT:** COVID-19 – No. 32: Proposed Changes to Chapter 11 (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 Chapter 11 of the State Civil Service Rules on an emergency basis at its regularly scheduled business meeting on Wednesday, January 6, 2021. The meeting will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, 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).

The Department is proposing changes to Civil Service Rules **Chapter 11: Hours of Work, Annual, Sick and Other Forms of Leave** on an emergency basis in response to expiration of the Families First Coronavirus Response Act (FFCRA), and the Consolidated Appropriations Act, 2021 signed by President Trump on December 27, 2020.

The provisions of the FFCRA enacted on April 1, 2020, required state governments to provide employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. The Act expires on December 31, 2020, however, the Consolidated Appropriations Act, 2021, Division N “Additional Coronavirus Response Relief”, Section 286, essentially extends the paid sick leave and paid family leave outlined in the FFCRA on a voluntary basis by an employer through March 31, 2021. The proposals outlined in this General Circular will allow Appointing Authorities the ability to extend the current provisions of the FFCRA through March 31, 2021.

The Department is requesting an effective date of January 1, 2021.

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

CURRENT 11.13(a)5	PROPOSED EMERGENCY RULE 11.13(a)5 <i>Effective 1/1/2021</i>
<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 Emergency Family and Medical Leave Expansion Act 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.</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 <del>Emergency</del> Family and Medical Leave <del>Expansion</del> Act <b>when there is a health pandemic declared by the Governor through December 31, 2020, and</b> <del>because</del> there is no other suitable person available to care for the <del>child</del> <b>son or daughter</b> <del>and the child's</del> <b>because his or her</b> school or place of care has been closed or the childcare provider is unavailable due to a <del>COVID-19 related</del> reason <b>directly related to the health pandemic.</b></p>

CURRENT 11.35 (b)	PROPOSED EMERGENCY RULE 11.35(b) <i>Effective 1/1/2021</i>
<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p>(b) An appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine</p>	<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p>(b) An appointing authority may, <b>through March 31, 2021,</b> grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder <del>who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and</del> who has tested positive for COVID-19 or who has been advised by a healthcare provider</p>

<p>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>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>
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<p style="text-align: center;"><b>CURRENT</b></p>	<p style="text-align: center;"><b>PROPOSED EMERGENCY RULE 11.35(d) <i>Effective 1/1/2021</i></b></p>
<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p>	<p><b>11.35 Special Leave Related to COVID-19 Health Pandemic</b></p> <p><b>(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.</b></p>

Sincerely,

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