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GENERAL CIRCULAR NUMBER 2023-029

DATE: May 12, 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)

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, June 7, 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.

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

Sincerely,

s/Byron P. Decoteau
Director



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

The State Civil Service Commission will consider the proposed adoption of Rule 11.36 to Chapter 11 of the Civil Service Rules at its regularly scheduled business meeting on Wednesday, June 7, 2023. Please refer to [General Circular No. 2023-029](#) for more information.

Proposed Effective Date: January 1, 2024

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

Reason for Adoption:

To provide for paid parental leave.

- Up to 6 weeks (240) hours paid parental leave without deduction to an eligible employee's annual, sick, or compensatory leave balances; however, parental leave shall run concurrently with the Family and Medical Leave Act (FMLA) if applicable.
- Such leave shall be for qualifying purposes related to an employee's child born or placed for adoption or foster care on or after January 1, 2024, and as described in the proposed rules.
- Employees shall be continuously employed in leave earning positions and have worked in the state classified service for at least 6 months immediately preceding a qualifying event to be eligible for parental leave.

Paid parental leave would be available to eligible employees with the following relationship to the child/birth mother:

- The birth mother;
- Spouse of the birth mother;
- Biological parents of the child for whom leave is taken;
- Adoptive parents of the child for whom leave is taken; or
- Foster parents of the child for whom leave is taken.

Paid parental leave would be available to eligible employees for the following qualifying events:

- The birth of a child;
- Placement of a child for adoption; or
- Placement of a child for foster care.

Paid parental leave would be available to eligible employees experiencing qualifying events when the employee requests leave for the following purposes:

- For a birth mother to care for her own post-delivery healthcare needs;
- To care for the birth mother following the birth of her child;
- To care for or bond with the child; or
- To attend post placement court proceedings or mandatory meetings related to adoption or foster placement.

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

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

11.36 PARENTAL LEAVE

(a) This rule is intended to provide up to 6 weeks (240 hours) of paid parental leave without deduction to an eligible employee's annual, sick, or compensatory leave balances. Such leave shall be for a qualifying purpose related to an employee's child born or placed for adoption or foster care on or after January 1, 2024, and as described throughout this rule.

(b) Qualifying Events:

1. Birth of a child;
2. Placement of a child for adoption;
3. Placement of a child for foster care.

(c) Eligibility:

1. Parental leave is only available to employees in leave-earning positions;
2. Parental leave is only available to employees who have been continuously employed in the state classified service for at least 6 months immediately preceding the qualifying event;
3. Parental leave is only available to the birth mother, the spouse of the birth mother, or the biological parents, adoptive parents or foster parents of the child for whom parental leave is taken.

(d) Qualifying Purposes:

1. For a birth mother to care for her own post-delivery healthcare needs;
2. To care for the birth mother following the birth of her child;
3. To care for or bond with the child; or
4. To attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

(e) Duration:

1. Parental leave is available for use commencing on the first date of a qualifying event;
2. Parental leave is available for use during the 12 weeks (84 calendar days) immediately following the qualifying event.
3. Parental leave may be used continuously or intermittently.

(f) Compensation:

1. Full-time employees shall be compensated at the rate of 100% of the employee's base pay for a period not to exceed 6 weeks (240 hours) during the available 12-week period;

- 43 2. Part-time employees shall be compensated at the rate of 100% of the
44 employee's base pay for a period not to exceed 6 weeks based upon the
45 employee's average number of hours worked in the 6 months immediately
46 preceding the commencement of parental leave. (Example: if an employee
47 works an average of 25 hours per week during the 6 month look-back
48 period, the employee shall be paid their base pay for 25 hours per week
49 for 6 weeks).

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51 (g) Limitations:

- 52 1. Parental leave shall not be donated to another employee or leave pool;
53 2. Unused parental leave shall not be reserved for use during a subsequent
54 qualifying event nor paid to the employee;
55 3. This rule is not intended to provide any form of unpaid leave after
56 exhaustion of 6 weeks of paid parental leave. Additional leave, if any, must
57 be taken under the provisions of another rule, law or policy;
58 4. At least 12 months must elapse from the end of one parental leave period
59 before an employee is eligible for another parental leave period. For a new
60 parental leave period, there must be a new qualifying event on or after the
61 12-month waiting period and the eligibility requirements of Section (c)
62 must be satisfied as of the date of the new qualifying event;
63 5. Eligible employees utilizing parental leave for occurrences also qualifying
64 under the Family and Medical Leave Act ("FMLA") must use FMLA leave
65 concurrently with parental leave;
66 6. In using parental leave, employees must comply with their agency's
67 customary leave practices. That is, as practicable, advance notice of leave
68 needs must be provided and leave approved prior to use;
69 7. An Appointing Authority may require an employee requesting parental
70 leave to produce acceptable proof in support of their request, such as their
71 relationship to the person for whom parental leave is requested, proof of
72 the qualifying event, attendance at court proceedings or other mandated
73 meetings related to adoption or foster placement;
74 8. An employee's use of parental leave in compliance with this rule and
75 agency policy shall not have a negative or adverse impact upon their
76 employment relationship.

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78 (h) Policies:

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