



State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

March 11, 2021

Transmittal Sheet No. 71

Subject: Adoption of State Police Commission Rule 21.2.1(e).

Effective Date: March 11, 2021

At its meeting on March 11, 2021, on motions duly made and seconded, by the unanimous vote of the members present, the State Police Commission voted to adopt SPC Rule 21.2.1(e).

Attached is a complete copy of Chapter 21.

Sincerely,



Jason Hannaman, PHR, SHRM-CP
Executive Director

Attachment

CHAPTER 21

EMERGENCY RULES RESPONSE TO CORONAVIRUS DISEASE 2019 ("COVID-19")

The emergency rules in this chapter are prompted by the COVID-19 pandemic declaration of emergency in the State of Louisiana. The appointing authority is encouraged to consider telework for employees, as practical.

21.1 Sick Leave Expansion

The appointing authority may permit the use of sick leave for the following reasons:

- (a) To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
- (b) To care for a dependent child residing in his household due to a school closure related to COVID-19; or

Provision (b) of this rule was extended by the Commission until 11:59 P.M. on April 15, 2021.

- (c) To an employee with high-risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

21.2 Special Paid Leave

- (a) After an employee has exhausted all sick, compensatory and annual leave, the appointing authority may grant the employee special leave under Rule 11.23(d) for the following reasons:

1. To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
2. To care for a dependent child residing in his household due to a school closure related to COVID-19;

Provision (a)2 of this rule was NOT extended and expired at 12:01 A.M. on April 13, 2020.

3. To care for himself due to a positive diagnosis of COVID-19; or

4. To allow for an employee with high risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.
- (b) The appointing authority is authorized to grant special leave out of an abundance of caution and in the best interest of the agency for situations related to COVID-19 not otherwise addressed herein.

21.2.1 Special Leave Related to COVID-19 Health Pandemic

- (a) Effective September 14, 2020, the use of special leave under State Police Commission Rule 11.23(d) shall not be granted by the appointing authority for any employee absence related to the COVID-19 health pandemic. The Executive Director is granted the authority to reinstate special paid leave under State Police Commission Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.
- (b) The 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 related to COVID-19, or experiencing COVID-19 symptoms and is seeking medical diagnosis.

Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.

- (c) In the event an employee has exhausted the special paid leave entitlement pursuant to section (b) of this rule, the appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.

Such special paid leave shall not extend beyond 14 calendar days for each occurrence as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed

with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.

- (d) The appointing authority may submit a request for reinstatement of annual or sick leave charged to an employee between the date of issuance of the Governor's Proclamation Order No. 43 JBE 2020 through September 13, 2020. The request for reinstatement must be for hours that would have qualified under sections (b) and/or (c) of this rule. Any hours reinstated will be tracked by the department and count toward the total number of eligible hours possible under sections (b) and/or (c). Under this provision, the Executive Director may review and reinstate up to 80 hours. The Executive Director shall submit a request to the Commission for consideration if the request is found to be questionable or if it exceeds 80 hours.
- (e) The 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 administration of the vaccine. The appointing authority shall require the employee to provide proof of vaccination for documentation purposes.

21.3 Required Sick Leave

The appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave but presents for duty displaying symptoms associated with COVID-19 including fever, cough and/or shortness of breath or was potentially exposed to COVID-19 even though the employee has not been presumptively or positively diagnosed with the coronavirus. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after personally examining the employee, certifies that he is capable of performing the essential functions of his position without posing a risk of harm to himself or others. If the employee is diagnosed with COVID-19, the provisions of Rule 21.2(a)3 apply; otherwise, regular sick leave rules under Chapter 11 shall apply.

21.4 Limitation of State Police Commission Rule 12.10

For the effective period of this emergency rule of this Chapter, the appointing authority shall not non-disciplinarily remove an employee for exhaustion of sick leave related to COVID-19.

21.5 Overtime Pay Expansion

For the duration of this Chapter, state overtime performed by both exempt and non-exempt employees related to the COVID-19 pandemic may be paid at the time and one-half rate.

21.6 Delegation of Authority to Director

- (a) Because guidance from healthcare authorities and government officials is constantly changing due to the fluidity of the COVID-19 situation, the authority granted to the Executive Director in State Police Commission Rule 3.1(k) is expanded to allow the Executive Director to act between meetings on non-routine matters requiring Commission approval including, but not limited to, work schedules, leave, compensation and staffing matters of an urgent nature related to COVID-19. Such authority includes, but is not limited to, authority to promulgate emergency rules to address these matters.
- (b) In the event the Executive Director acts under this authority, the Executive Director shall notify commissioners of his action electronically. The action shall be reviewed at the next meeting of the Commission.

21.7 Suspension of Deadlines

All deadlines imposed by the State Police Commission Rules are suspended for forty-five calendar days effective retroactively to March 13, 2020, unless such suspension is extended by the Commission or the Executive Director. This provision does not apply to deadlines imposed by the Constitution, including the 30-day period for appealing the Commission's decision to the Court of Appeal.

The provisions of this rule were extended by the Executive Director until 12:01 A.M. on May 31, 2020. This rule was NOT extended beyond May 31, 2020, and has expired.

21.8 Special Meeting Rules

During the COVID-19 pandemic declaration of emergency in the State of Louisiana and in the absence of ability to otherwise

establish a quorum, as certified and posted with the meeting agenda, Commission members who are unable to attend a meeting of the State Police Commission in person due to conditions closely and directly related to the pandemic may attend and participate in the meeting via electronic means. Except for executive session, deliberations involving Commission members participating electronically must be conducted in such a manner that all members and the public can hear.

21.9 Supporting Documentation

The Appointing Authority may require appropriate documentation to establish a need for leave as set forth in Rules 21.1 and 21.2.

21.10 Duration of Chapter

This Chapter is effective retroactively from March 13, 2020. The provisions of Rule 21.1(b) and 21.2(a)2 shall expire at 12:01 a.m. on April 13, 2020 unless extended by the Commission or the Director. The remaining provisions of this Chapter expire upon Order of the Commission or in 120 days, whichever comes first.

This Chapter was extended by the Commission until 11:59 P.M. on April 15, 2021.

T/S-68 Rules 21.2.1, 21.10	09/18/2020
T/S-70 Rule 21.2.1(d)	02/11/2021
T/S-71 Rule 21.2.1 (e)	03/11/2021