



To: Byron P. Decoteau, Jr., Director  
Louisiana Department of State Civil Service

From: Stacey Roussel, Deputy Director  
Louisiana Budget Project

Date: August 29, 2023

Re: General Circular Number 2023-047: Proposed Changes to Civil Service Rules Chapter 11 – Hours of Work, Annual, Sick and Other Forms of Leave (Proposed Adoption of Parental Leave)

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Thank you for the opportunity to provide public comment on the proposed adoption of Rule 11.36 to Chapter 11 of the Civil Service Rules, which would provide paid parental leave to eligible state employees. The proposed rule is an important step for Louisiana and will bring the state in line with the majority of other states and the federal government in providing paid parental leave to its employees.

**The State Civil Service Commission should adopt proposed rule 11.36 with the following changes:**

- 1. Extend the period within which parental leave is available from 12 weeks following the qualifying event to at least 6 months. Ideally, it should be 12 months to be consistent with FMLA and the majority of Southern peer states (11.36(e)(1)).**

**Recommendation:** On page 4, Lines 45 and 46: Parental leave is available for use only during the 12 months ~~weeks (84 calendar days)~~ immediately following the commencement of the qualifying event;

Louisiana is an outlier in this provision. Only three of the 31 states, plus D.C., that provide paid parental leave to state employees have a 12-week limitation within which to take leave, including: [Idaho \(2020\)](#), [Kansas \(2021\)](#), and [Missouri \(2017\)](#). There are *no* Southern states that require such a short leave period. [Virginia \(2018\)](#) is the only Southern state that requires leave to be taken within 6 months. The following Southern peer states allow leave to be taken within 12 months of a qualifying event: [North Carolina \(2019\)](#), [Georgia \(2021\)](#), [Texas \(2023\)](#), [Tennessee \(2023\)](#), and [South Carolina \(2022\)](#).

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The Family and Medical Leave Act (FMLA) provides 12 weeks of job protected leave within a 12-month period from the date of birth or placement of the child.<sup>1</sup> This allows, among other things, for parents to stagger their leave time, which provides families more flexibility and newborns more time at home. Bringing this provision into line with FMLA also alleviates an administrative burden for state agencies that comply with both Civil Service Rules and FMLA regulations.

- 2. Delete the limitation of the number of times an employee is eligible to use parental leave (11.36(g)(5)).**

**Recommendation:** On page 4, Lines 82-83: ~~Employees are eligible for paid parental leave under this Rule only three times during their career in state government;~~

No other state limits the number of times an eligible employee may use parental leave. Instead, the general standard is a 12-month waiting period between qualifying events consistent with FMLA, which is already included in section 11.36(g)(4) of the proposed rule.

- 3. Add pre-placement needs as an allowable use of paid parental leave in relation to foster care and adoption to be consistent with FMLA (11.36(d)(2)).**

**Recommendation:** On page 3, Lines 40-41: For adoptive or foster parents to attend pre- and post-placement court proceedings or mandatory meetings related to adoption or foster placement.

The proposed rule includes post-placement needs related to foster care and adoption. The rule should be amended to add pre-placement needs so that families are able to complete the legal and procedural requirements associated with foster care and adoption in the event they do not have other leave available. This change would also bring the rule into alignment with FMLA.<sup>2</sup>

- 4. Delete the 1,250 hour requirement to ensure part-time employees remain eligible (11.36(c)(2))**

**Recommendation:** On page 3, Lines 19-22: Parental leave is only available to employees who on the date of the qualifying event have been employed by the State for at least 12 months ~~and who have actually worked at least 1250 hours in the 12 months preceding the parental leave request.~~

The proposed rule includes a six month look-back period (11.36(f)(2)) to calculate compensation for part-time employees. Employees who do not satisfy the 1,250 hours in a 12 month period

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<sup>1</sup> The Family and Medical Leave Act of 1993, Title 29 Subtitle B Chapter V Subchapter C Part 825. 120 Leave for pregnancy or birth. <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-C/part-825/subpart-A/section-825.120>

<sup>2</sup> The Family and Medical Leave Act of 1993, Title 29 Subtitle B Chapter V Subchapter C Part 825.121 Leave for adoption or foster care. <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-C/part-825/subpart-A/section-825.121>

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(an average of 25 hours per week) would be deemed ineligible under this provision regardless of wages. By striking the hour requirement, part-time employees remain eligible at the prorated compensation rate.

**5. Extend the amount of paid parental leave from the proposed 6 weeks to at least 8 weeks aligning Louisiana with the average number of weeks provided by states with paid parental leave (11.36(a); 11.36(f)(1), (2); 11.36(g)(3)).**

Louisiana is in the bottom half of states by providing 6 weeks of leave. The average length of paid parental leave is 8.6 weeks among the 28 states and D.C. that provide paid parental leave.<sup>3</sup> The median - or the number of weeks where half of states provide more and half provide less - is 8 weeks. Eleven states provide 12 weeks of paid parental leave, which allows parents to receive a paycheck for the full amount of leave provided by FMLA.

**Paid parental leave has many benefits.** According to the Louisiana Workforce Commission’s “Report Requested by House Resolution 118 of the 2021 Regular Session,” released in February 2022, research shows paid leave has a positive impact on health and economic outcomes for families and employers:

***Paid leave improves infant mortality rates. Outcomes for Louisiana’s babies are among the worst in the nation. Louisiana’s infant mortality rate is 7.6 deaths per 1,000 babies, which is 33% higher than the national average.<sup>4</sup> More than one out of every ten Louisiana babies is born at a low birthweight, which often means longer hospital stays and increases their risk of health complications. An international study found that providing 10 weeks of paid leave resulted in a 10% lower neonatal and infant mortality rate.<sup>5</sup>***

***Increasing access to paid leave improves maternal mental health. Louisiana had the nation’s highest maternal mortality rate in the 2013-2017 time period. At 72 deaths per 100,000 live births, Louisiana’s maternal mortality rate is 2.4 times the national average.<sup>6</sup> Research shows that mothers who return to work after having less than 12 weeks of maternity leave and less than 8 weeks of paid leave have increased depressive symptoms and worse overall health.<sup>7</sup>***

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<sup>3</sup> The 28 states and D.C. that were included are California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia and Washington. South Dakota was omitted due to inconsistency with other states in the way in which leave is calculated.

<sup>4</sup> Annie E. Casey Foundation’s KIDS COUNT Data Center, “Infant mortality in the United States,” <https://datacenter.kidscount.org/data/tables/6051-infant-mortality#detailed/2/2-53/false/37,871,870,573,869,36,868,867,133,38/any/12718,12719>,

<sup>5</sup> March of Dimes, “Paid Family Leave,” February 2019, <https://www.marchofdimes.org/materials/Paid%20Family%20Leave%20IB%20Feb%202019.pdf>.

<sup>6</sup> United Health Foundation, “America’s Health Rankings”, [https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/maternal\\_mortality\\_a/state/LA](https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/maternal_mortality_a/state/LA)

<sup>7</sup> Maya Uniat and Lindsey Rossin-Slater “Paid Family Leave Policies and Population Health.” Paid Family Leave Policies And Population Health | Health Affairs, March 28, 2019. <https://www.healthaffairs.org/doi/10.1377/h>

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*Leave of up to 26 weeks (6 months) is associated with improved outcomes for mothers, including reductions in postpartum depression and maternal stress.<sup>8</sup>*

***Breastfeeding rates increase with access to paid leave.*** Only 49% of Louisiana mothers breastfeed for more than eight weeks. Breastfeeding is associated with improved health outcomes for babies, including reduced risk for SIDS. (...) Research from California, which implemented a statewide paid leave policy in 2004, shows that paid family leave improved breastfeeding rates, and doubled the duration of breastfeeding among mothers who took paid leave, including among low-wage workers.<sup>9</sup>

***Paid family leave has been shown to increase employee retention and lower turnover, which cuts down on rehiring and training costs.***<sup>10</sup> Research shows that the cost of replacing an employee can range from one-half to two times the employee's annual salary.<sup>11</sup> This is especially critical at a time when women in particular are leaving the workforce in huge numbers - from February 2020 to February 2021, over 2 million women nationwide exited the workforce altogether<sup>12</sup> - often due to a lack of support for family and caregiving needs. Economists are calling this a "she-cession."<sup>13</sup> Paid family leave also helps boost productivity and improve employee morale. One survey of employers found that 91% reported that paid family leave had either a positive or neutral effect on profitability.<sup>14</sup> A large majority of employers also reported positive or neutral effects on productivity (88.5%) and employee morale (98.6%).<sup>15</sup>

Thank you for the opportunity to comment on Louisiana State Civil Service proposed Rule 11.36. Please contact me directly at [stacey@labudget.org](mailto:stacey@labudget.org) with any questions or concerns regarding this comment.

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<sup>8</sup> Pinka Chatterji and Sara Markowitz "Family Leave After Childbirth and the Mental Health of New Mothers," The Journal of Mental Health Policy and Economics 15 (2012): pp. 61-76. [http://www.icmpe.org/test1/docs/15-061\\_text.pdf](http://www.icmpe.org/test1/docs/15-061_text.pdf)

<sup>9</sup> CLASP, "Paid Family Leave: A Crucial Support for Breastfeeding," <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Breastfeeding-Paid-Leave.pdf>

<sup>10</sup> Eileen Appelbaum and Ruth Milkman, Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California, (2011), p. 8, <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

<sup>11</sup> Shane Mcfeely and Ben Wigert, This Fixable Problem Costs U.S. Businesses \$1 Trillion, Gallup (March 13, 2019), <https://www.gallup.com/workplace/247391/fixable-problem-costs-businesses-trillion.aspx>.

<sup>12</sup> Pew Research Center, "U.S. labor market inches back from the COVID-19 shock, but recovery is far from complete", April 14, 2021, <https://www.pewresearch.org/fact-tank/2021/04/14/u-s-labor-market-inches-back-from-the-covid-19-shock-but-recovery-is-far-from-complete/>

<sup>13</sup> America's Recovery from the 2020 "Shecession": Building a Female Future of Childcare and Work, YWCA USA & Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, (Oct. 2020), [https://www.ywca.org/wp-content/uploads/COVID\\_WOMEN-CHILDCARE\\_R4.pdf](https://www.ywca.org/wp-content/uploads/COVID_WOMEN-CHILDCARE_R4.pdf).

<sup>14</sup> Eileen Appelbaum and Ruth Milkman, Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California, (2011), p. 8, <http://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

<sup>15</sup> Ibid.

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