BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 1

EFFECTIVE DATE: **August 8, 1980**

REVISED DATE: **October 2, 2009**

SUBJECT: **Leave for Maternity**

AUTHORIZATION: **Barbara Goodson, Deputy Commissioner**

I. POLICY:

In accordance with Louisiana (Revised Statues 23:341, et seq.) and the Family and Medical Leave Act of 1993 (FMLA), it is the policy of the Division of Administration (DOA) to comply with the requirements of those laws pertaining to maternity leave.

II. PURPOSE:

The purpose of this policy is to ensure that female employees who are absent from work as a result of pregnancy, childbirth, or related medical conditions are eligible for maternity leave and will be treated as any other employee who is otherwise temporarily disabled.

III. APPLICABILITY:

This policy shall be applicable to all sections of the Division of Administration, both general and ancillary appropriations.

IV. PROCEDURE:

A. Notice from Employee of Need for Maternity Leave

The time period of an absence due to maternity is frequently predictable; therefore, an eligible female employee should provide her immediate supervisor with as much advance notice as possible of anticipated dates of absence. An employee must provide **30 days advance written notice** if possible, when the leave is foreseeable. If the 30 days advance notice is not possible, the employee must notify her immediate supervisor as soon as the need for leave is known.

B. **Leave Eligibility for a Non-FMLA Employee (Normal Pregnancy)**

A non-FMLA female employee is eligible for up to **six (6) weeks** of job-protected maternity leave. All available balances of **applicable paid leave** (compensatory, sick, or annual annual leave) must be used while absent during the six (6) week period. When all available paid leave is exhausted, the employee will be placed on leave without pay for the remainder of the applicable period.

C. **Leave Eligibility for a FMLA Qualifying Employee (Normal Pregnancy)**

An FMLA qualifying female employee is eligible for up to **twelve (12) weeks** of job-protected maternity leave as more fully described in DOA Personnel Policy No. 21, *Family and Medical Leave Act (FMLA).* All available balances of **applicable paid leave** (compensatory, sick, or annual leave) must be used while absent for an FMLA eligible event. When all available paid leave is exhausted, the employee will be placed on leave without pay for the remainder of the applicable period. The employee will be required to complete the appropriate FMLA forms which are located on the DOA/OHR website at http://www.doa.louisiana.gov/ohr/index.htm.

D. **Medical Complications During Pregnancy (Non-FMLA or FMLA Qualifying Employees)**

If there is a medical complication as a result of the pregnancy, a female employee is entitled to a maximum of **four (4) months** of maternity leave. This runs concurrently with the amount of leave designated for a normal pregnancy. All available balances of **applicable paid leave** (compensatory, sick, or annual leave) must be used during this time period. When all available paid leave is exhausted, the employee will be placed on leave without pay.

Example: If an employee is on bed rest for two (2) months preceding the delivery, the employee will be allowed a maximum of two (2) additional months of job-protected leave after the birth of the child, in accordance with Louisiana law.

NOTE: Under no circumstances will an employee receive more than four (4) months of maternity leave.

E. **Doctor's Certification**

Non-FMLA Employee (Normal Pregnancy) - Non-FMLA female employees experiencing a pregnancy without medical complications shall be allowed to utilize up to six (6) weeks of sick leave following delivery without having to submit a doctor's certification.

FMLA Qualifying Employee (Normal Pregnancy) - FMLA-qualifying female employees experiencing a pregnancy without medical complications should refer to DOA Personnel Policy #21 for the terms of leave following delivery.

Medical Complications During Pregnancy - If it is necessary for a female employee to be absent from work due to medical complications due to pregnancy which exceeds the time period allowed for a normal pregnancy, a doctor's certification must be submitted verifying the employee's inability to return to work due to medical conditions. The employee is required to submit a doctor's certification of continued disability once every two weeks of their disability.

F. **Employment Status Upon Returning from Maternity Leave**

Employees returning from maternity leave will be reinstated to the same or an equivalent position with the same pay, benefits, terms and conditions of employment; unless the employee is unable to perform the functions of the position upon returning because of a physical or mental condition, including the continuation of a serious health condition.

V. RESPONSIBILITY:

Deputy/Assistant Commissioners and Equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring that each employee under his/her supervision is made aware of this policy and its contents.

Managers/Supervisors are responsible for:

Complying with this policy as directed by the section head.

Ensuring that appropriate documentation is forwarded to the Office of Human Resources and preserving the confidentiality of this information when it is disseminated.

Employees are responsible for:

Adhering to all aspects of this policy.

Providing their immediate supervisor (or his/her designee) with advance notice when the need for maternity leave is foreseeable.

Completing the appropriate documentation when the leave is FMLA qualifying.

Providing their immediate supervisor (or his/her designee) with any required documentation (i.e. a health care certificate as a result of medical complications).

Office of Human Resources is responsible for:

Ensuring that this policy and subsequent revisions are provided to section heads.

Keeping DOA administrators and employees apprised of new developments in state and federal maternity leave laws.

VI. EXCEPTIONS:

Request for exceptions to this policy must be justified, documented and submitted in writing to the appointing authority for consideration.

VII. QUESTIONS:

Questions regarding this policy should be directed to staff of the Office of Human Resources.

VIII. VIOLATIONS:

Employees found to have violated this policy may be subject to disciplinary action and/or denial or delay of requested leave.