

# EMPLOYMENT LAW SUMMARY

## Louisiana Employee Leave Laws - Overview



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As part of their overall compensation packages, employers may provide their employees with various types of paid or unpaid leave, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Louisiana employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal laws not discussed here, such as the Family and Medical Leave Act, that require employee leave.)

Louisiana has state laws that mandate:

- Pregnancy leave;
- Jury duty leave;
- School and day care activities leave;
- Volunteer first responder leave;
- Military leave;
- Bone marrow donation leave; and
- Genetic testing and cancer-screening leave.

The chart below provides a high-level overview of Louisiana's employee leave laws.

### Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
<b>Pregnancy Leave</b>	<p>An employer with <b>more than 25 employees</b> must allow an employee up to <b>six weeks</b> of leave if the employee is affected by a normal pregnancy. Pregnancy-related conditions need not meet any definition of disability for leave to apply. The requirement also applies to contracts and subcontracts for goods and services.</p> <p>An employee who is disabled due to pregnancy, childbirth or related medical conditions must be granted a leave of absence <b>not to exceed four months</b>.</p> <p>Employees must be permitted to use any accrued vacation leave during pregnancy leave. An employer may require an employee to give reasonable notice of the intended start and end dates of the leave.</p> <p>Employers must provide employees with written notice of the law to new employees at the start of their employment. The written notice must also be conspicuously posted in the workplace.</p>
<b>Jury Duty Leave</b>	<p>Employers must provide one paid day to employees who are called to serve as jurors. An employee must provide reasonable notice regarding his or her jury service. An employer may not discharge or take other adverse action against any employee who serves as a juror.</p>

TYPE OF LEAVE	REQUIREMENTS
<b>Louisiana School and Day Care Conference and Activities Leave</b>	<p>Employers may grant their employees <b>up to 16 hours</b> of leave during any 12-month period in order to attend, observe or participate in conferences or classroom activities related to employees' dependent children. Leave is <b>unpaid</b> and an employee must provide reasonable notice of his or her intent to take leave. Employees are permitted to substitute unpaid leave with accrued vacation or other paid leave.</p>
<b>Volunteer First Responder Leave</b>	<p>An employee who is a volunteer first responder to the Governor's Office of Homeland Security and Emergency Preparedness must be granted an unpaid temporary leave of absence by their employer to perform first responder duties. Covered first responders include, but are not limited to, medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers, state agency essential workers, emergency service dispatchers and emergency response operators, and members of the Civil Air Patrol.</p> <p>An employee may, with agreement by the employer, use any amount or combination of available accrued paid leave, vacation, sick leave or compensatory leave during first responder leave.</p> <p>First responders must give employers notice of their call to service as soon as practical, and include the day of departure as well as the probable length or duration of service.</p> <p>The temporary leave of absence is subject to the terms and conditions of the employer's stated leave of absence policy.</p> <p>Upon return, the employee must be reinstated to his or her previous position or comparable position with equal compensation, seniority, status and benefits. To be eligible for reinstatement, an employee must report to work within 72 hours after being released from duty or recovery.</p>
<b>Military Leave</b>	<p>In addition to USERRA, Louisiana provides the following employment protections for returning military members:</p> <ul style="list-style-type: none"> <li>• Reemployment requirements for military members in the uniformed services;</li> <li>• Reemployment requirements for persons in active state service, including the National Guard (and service in the National Guard for other states); and</li> <li>• Fair employment protections prohibiting workplace discrimination on the basis of military service.</li> </ul>
<b>Bone Marrow Donation Leave</b>	<p>Employers with 20 or more employees must provide up to <b>40 work hours of paid leave</b> to an eligible employee who is seeking to undergo a medical procedure to donate bone marrow. An eligible employee is one who has worked for a covered employer for an average of 20 or more hours per week. The employer must agree to leaves exceeding 40 work hours.</p> <p>An employer may require verification by a physician of the purpose and length of each leave requested. Employers may not retaliate against an employee for requesting or taking bone marrow donor leave.</p>
<b>Genetic Testing and Cancer-screening Leave</b>	<p>The Louisiana Employment Discrimination Law requires employers to provide one day of unpaid leave for employees to receive medically necessary genetic testing or preventive cancer screening. The mandate applies to employers with 20 or more employees for 20 or more calendar weeks in the current or preceding year. It covers state employers, but not private educational and religious institutions or nonprofit corporations.</p> <p>All employees are covered by the law. They may substitute accrued vacation time or other appropriate paid leave for the leave.</p> <p>Experimental, investigational and cosmetic services are excluded from the definition of "medically necessary," along with services not approved by the U.S. Food and Drug Administration unless coverage for early screening and detection is provided for under Louisiana law.</p> <p>Employers must conspicuously post a workplace <a href="#">notice</a> about the law. Employees must give 15 days' notice before taking the leave, and they must make a reasonable effort to schedule the leave so as not to unduly disrupt the employer's operations. Employers may request documentation confirming the testing or screening, but not the results of the procedure.</p>

**SPECIAL NOTE:** The information in this chart concerns statewide laws. Cities, towns and counties across the country have also passed employee leave laws (including the [New Orleans Living Wage Ordinance](#)), and employers must generally comply with both local and statewide law where it applies.

Contact Heffernan Insurance Brokers for more information on employee leave laws in Louisiana.

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