

# YOUTH SERVICES POLICY

<b>Title:</b> Requirement of Physician's Certificate for Sick Leave Usage	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.6
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<b>References:</b> Civil Service Rule 11.14, "Certificate Required When Sick Leave Taken"; the Family and Medical Leave Act of 1993, FR Part 825.118 (Health Care Provider Definition); YS Policy Nos. A.2.1 "Employee Manual", A.2.5 "Family and Medical Leave of Absence", A.2.37 "Separation for Unscheduled Absences", A.2.45 "Performance Evaluation System (PES) and Market Rate Adjustments"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>William A. Sommers, Deputy Secretary</i>	<b>Date of Approval:</b> 10/27/2022

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish a formal policy for determining when a statement from a health care provider may be required for an absence due to illness and when an unusual pattern of sick leave usage is evident.

## III. APPLICABILITY:

All YS employees. Each Unit Head is responsible for ensuring that all appropriate procedures are in place to comply with the provisions of this policy.

## IV. DEFINITIONS:

***Essential Functions Form (EFF)*** - A form generated by YS' Human Resources (HR) Liaisons that lists the fundamental job duties of a position. Before an applicant can be hired and before an employee can return to work after an illness or injury, they must have the EFF filled out completely and signed by their physician of choice. Each time an employee is required to provide a medical certification by YS Policies A.2.5 or A.2.73, a current EFF must be provided.

***Family and Medical Leave*** - Leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act (FMLA) of 1993. (Refer to YS Policy No. A.2.5)

***Health Care Provider*** - Refers to licensed doctors of medicine or osteopathy authorized to practice medicine or surgery by the state; licensed podiatrists, dentists, clinical psychologists, optometrists, and chiropractors; licensed nurse practitioners and nurse midwives.

***Juvenile Justice Specialist (JJS)*** – Provides security of youth and assists in application of clinical treatment in accomplishing the overall goal of evaluation and/or treatment of individuals judicially remanded to a YS secure care facility.

***Unit Head*** - For the purposes of this policy, the Unit Head consists of the Deputy Secretary, Facility Directors and Regional Managers.

***YS Central Office (CO)*** - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Secretary, Chief of Operations, Probation and Parole Program Director, Youth Facilities Director - Statewide, Executive Management Advisor, General Counsel, Regional Directors, and their support staff.

## **V. POLICY:**

It is the Deputy Secretary's policy that staff may be required to provide a statement from a health care provider when absences due to illness represent extended sick leave or constitute an unusual pattern of sick leave usage, as outlined in this policy.

Employees must make every effort to secure leave in advance (refer to YS Policy No. A.2.37). In addition, the standards and requirements that are expected of YS/OJJ staff are explained in YS Policy No. A.2.1.

## **VI. NOTIFICATION OF ILLNESS OR INJURY:**

- A. YS employees unable to report for duty due to illness or injury shall immediately notify their supervisor or ensure such notification is made to their supervisor.
- B. YS employees shall communicate to their supervisor the nature of the injury or illness, the location where the employee shall be recuperating, and the expected date of return to duty.
- C. YS employees shall advise their supervisor of any changes in Section VI.B of this policy which may occur after the original notification was given. The supervisor may require a doctor's certificate.

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- D. YS employees injured on duty shall report such injury to their immediate supervisor as soon as possible, and comply with the provisions of all other existing regulations pertaining to such injuries.
- E. YS employees shall not feign or perpetrate or attempt to perpetrate deception of illness or injury to any state official or representative of this agency as to the real nature of their physical condition.
- F. YS employees on extended leave may be required to submit an “Essential Functions Form”, completed by their health care provider, which outlines to the agency whether the employee needs to stay on extended leave or return to work in a light duty or full duty position.

Completion of the “Essential Functions Form” is critical to verifying the cause for the extended absence, and is also for the safety of the returning employee.

Failure to respond to a request to complete an “Essential Functions Form” within 15 days of the request may result in designation of the employee in Leave without Pay (LWOP) status until such form is completed.

## **VII. PROCEDURES:**

- A. Each Unit Head shall establish and implement a process which shall serve as a guide to supervisors and staff in determining when a statement from a health care provider may be required for an absence due to illness and when an unusual pattern of sick leave usage is evident. Requirements are outlined below:
  - 1. Facility Directors are responsible for maintaining staff/youth ratios. Facility Directors and supervisors of Juvenile Justice Specialist (JJS) staff shall establish and implement a process to make certain facilities are staffed to ensure safety and services to youth in the care of YS. Medical certification may be required for employees working in secure care facilities whose recurring absences create a burden upon other staff or create a safety issue within a facility.
  - 2. All other staff may be required to produce a statement from a health care provider at the discretion of their supervisors and/or higher authority, depending on the circumstances. When staff is required to produce a statement from a health care provider, they shall provide it no later than the first day back to work. This includes statements from health care providers for extended sick leave usage, as well as when an unusual pattern of sick leave usage is evident.

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- B. The Unit Head's process shall outline the procedure through which sick leave usage is individually assessed and how a determination can be made as to whether or not a statement from a health care provider will be required for an absence due to illness.

The determination of an unusual pattern of sick leave usage shall include, but is not limited to, factors such as the amount of sick leave taken during a specific period of time and/or a noticeable practice of sick leave on specific days of the week or holidays.

Documentation of a discussion with the staff member regarding any unusual pattern of sick leave usage must be included in the appropriate performance evaluation file, and the matter considered when conducting the staff member's performance evaluation review. (Refer to YS Policy No. A.2.45)

**Previous Regulation/Policy Number:** A.2.6

**Previous Effective Date:** 10/19/2020

**Attachments/References:**