

Office of the Attorney General
State of LOUISIANA

Opinion No. 80-471
May 13, 1980

90--POLITICAL SUBDIVISIONS--OFFICERS, AGENTS & EMPLOYEE

A policeman is allowed sick leave benefits for 52 weeks a year whenever he is actually sick or injured, whether or not the disability occurred while in the performance of his duties.

Nick A. Congemi
Detective Sergeant
City of Kenner
1801 Williams Boulevard
Kenner, LOUISIANA

Dear Sergeant Congemi:

This opinion responds to your request wherein you pose the following questions relating to R.S. 33:2214(B):

- (1) If an employee calls in sick with a headache for eleven divided or separate days, is he entitled to pay for the eleventh day or any day thereafter for other minor ailments such as a stomachache or cold?
- (2) If an employee while off duty breaks his arm and is out from work for one month, does he get paid for ten days or one month?
- (3) Does the injury or illness have to be job related before he is entitled to compensation in accordance with R.S. 33:2214(B)?
- (4) What dictates 'when the conditions actually warrant'?

The reason that you ask the above questions is because your department allows each employee ten days sick leave while R.S. 33:2214(B) grants 52 weeks a year. All of the interrogatories that you have asked have been answered by the court in *Hoffpauier v. City of Crowley*, 241 So.2d 67 (App. 1970).

Under R.S. 33:2214(B), a policeman is actually accorded sick leave for 52 weeks a year. In other words, even if his ailment keeps him out of work for more than ten days, he is allowed sick leave under the terms of the statute in question. Therefore, in answer to your first and second questions, each of those employees would be allowed sick leave beyond the ten days.

According to the above cited case, an injury or illness does not have to be job related in order to receive sick leave benefits. The court held that 'the Legislature intended for it [i.e. R.S. 33:2214(B)] to apply to all employees of the police department, whether or not the disability occurred while in the performance of their duties.' Therefore, the answer to your third question is

in the negative.

Finally, the answer to your fourth question is also addressed in the Hoffpauir case. The court held that 'the words 'when the conditions actually warrant' were intended to refer to the employee's physical condition or disability.' In short, an employee is entitled to sick leave benefits whenever he is actually sick or injured.

In conclusion, it is the opinion of this office that a policeman is allowed sick leave benefits for 52 weeks a year whenever he is actually sick or injured, whether or not the disability occurred while in the performance of his duties.

Sincerely,

William J. Guste, Jr.
Attorney General

By: Philip A. Costa
Staff Attorney

La. Atty. Gen. Op. No. 80-471, 1980 WL 115958 (La.A.G.)
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