

Office of the Attorney General
State of LOUISIANA

Opinion No. 81-286
February 27, 1981

92-A-2(M).

Fire fighter is entitled to 52 week period for sick leave period. No specific amount of time must be served on the job between sick leave periods. The 52 week sick leave period is not restricted to one calendar year. R.S. 33:1995

Mr. Willie Miller
Fire Chief
East Baton Rouge Parish
P.O. Box 96
Baton Rouge, LOUISIANA 70821

Dear Chief Miller:

Reference is made to your letter dated February 23, 1981, which requested our opinion with regard to the construction of R.S. 33:1995.

R.S. 33:1995 provides:

Every fireman in the employ of a municipality, parish or fire protection district to which this Sub-part applies, shall be entitled to full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion for a period of not less than fifty-two weeks.

More specifically, in regard to the construction of this provision, you have asked these questions:

1. How much time must an employee work between illnesses before he qualifies for another fifty-two (52) weeks?
2. Does the fifty-two (52) weeks mean fifty-two (52) weeks total during the employee's tenure?
3. Does this mean fifty-two(52) weeks in any one calendar year?

In Opinion No. 78-1337, we opined the sick leave provision provided at R.S. 33:1995 must be given a fireman who cannot perform duties incumbent upon him as a fireman.

Moreover, in Opinion No. 79-113, we concluded a full-time fireman on probational status (working test) would be entitled to the sick leave benefit provided at Section 1995.

We turn now to your second question, which we will address first. We construe R.S. 33:1995 as providing for fifty-two weeks of paid sick leave whenever a fireman is incapacitated by sickness or injury not brought about by

his negligence or culpable indiscretion. Thus, it is our opinion that the period of sick leave provided at R.S. 33:1995 would be applicable upon each occurrence of illness or injury not caused by the fireman's negligence or culpable indiscretion. We do not view the fifty-two weeks as a total period afforded during a fireman's tenure.

Next, you question whether a fireman on return to duty subsequent to a sick leave period of absence must serve a specified period of active service in order to be eligible for further sick leave.

The provision is silent in this regard. However, the fireman is only allowed to return to active duty upon termination of the illness or injury. (See Opinion No. 76-456 which concluded a fireman must return to work when completely recuperated whether recuperation takes longer or shorter than fifty-two week period). Therefore, if after complete recuperation and return to active service the fireman is taken ill or incurs injury, he would be again entitled to the benefit provided at Section 1995.

As to your third question, Section 1995, unlike R.S. 31:2214B, does not limit the fifty-two weeks to one calendar year. We do not view the sick leave period at R.S. 33:1995 as limiting the fifty-two week period to a calendar year.

Trusting this will serve in response to your inquiries, we remain

Very truly yours,

William J. Guste, Jr.
Attorney General

BY: Charles L. Patin, Jr.
Assistant Attorney General

La. Atty. Gen. Op. No. 81-286, 1981 WL 155333 (La.A.G.)
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