

# **FAMILY AND MEDICAL LEAVE ACT**

**LOUISIANA EXECUTIVE BRANCH  
AGENCY EMPLOYEES**

**PERFORMANCE AUDIT SERVICES**

**Informational Report  
December 18, 2025**

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December 18, 2025

The Honorable J. Cameron Henry, Jr.,  
President of the Senate  
The Honorable Phillip R. Devillier,  
Speaker of the House of Representatives

Dear Senator Henry and Representative Devillier:

This report provides information on the Family and Medical Leave Act and how it is used by employees of Louisiana executive branch agencies. We compiled this information to further the goals of the Governor's Fiscal Responsibility Program, known as LA DOGE. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the State Department of Civil Service and the executive branch agencies we surveyed for their assistance during this review.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA  
Legislative Auditor

MJW/aa

FMLA





# Louisiana Legislative Auditor

Michael J. "Mike" Waguespack, CPA



## Family and Medical Leave Act Louisiana Executive Branch Agency Employees

December 2025

Audit Control # 40250027

### Introduction

This report provides information on the Family and Medical Leave Act (FMLA) and how it is used by classified and unclassified employees of Louisiana executive branch agencies. We compiled this information to further the goals of the Governor's Fiscal Responsibility Program, known as LA DOGE.<sup>1</sup>

Congress passed FMLA in 1993 with the purposes of balancing workplace demands with the needs of families, promoting the stability and the economic security of families, promoting national interests in preserving family integrity, and entitling employees to take reasonable leave for specified family and medical reasons.<sup>2</sup> Public agencies, schools, and private businesses with more than 50 employees are required under FMLA to provide leave to eligible employees.<sup>3</sup> FMLA excludes legislative branch agencies. FMLA is the result of several Congressional findings provided in federal law,<sup>4</sup> including:

- The significant increase in the number of households with working parents.
- The importance of fathers and mothers being able to participate in early childrearing and the care of family members who have serious health conditions for the development of children and the family unit.
- There is inadequate job security for employees with serious health conditions preventing temporary work periods.

According to the U.S. Department of Labor (DOL), since its enactment in 1993, FMLA has served as the cornerstone of DOL's efforts to promote work-life balance and in support of the principle that no worker should have to choose between the job they need and the family they love.

**Source:**

<https://www.dol.gov/agencies/whd/fmla/employer-guide>

<sup>1</sup> The Fiscal Responsibility Program, also known as LA DOGE, was created through an executive order ([Executive Order Number JML 24-176](#)) by Governor Jeff Landry on December 12, 2024, to evaluate state spending and to identify opportunities for efficiencies.

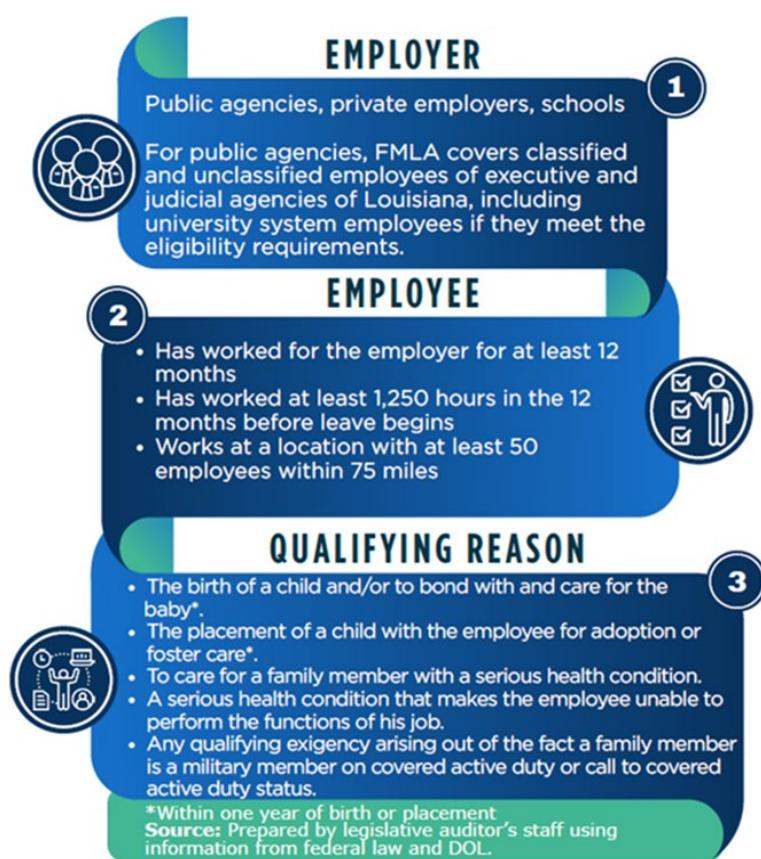
<sup>2</sup> 29 USCA §§ 2601

<sup>3</sup> 29 USCA § 2611 and 29 USCA § 203

<sup>4</sup> 29 USCA § 2601(a)

FMLA provides eligible employees with up to 12 weeks<sup>5</sup> of unpaid, job-protected leave for specified family<sup>6</sup> and medical reasons within a one-year<sup>7</sup> timespan. However, federal law<sup>8</sup> allows employers to require employees to use any accrued paid leave concurrently during an FMLA absence, which state agencies have elected to do in Louisiana. Upon an employee returning from FMLA leave, the employer must restore the employee to the same job and pay held prior to the start of FMLA leave or place the employee in an equivalent job.<sup>9</sup> In addition, federal law prohibits an employer from discriminating or retaliating against an employee or prospective employee for having exercised or attempting to exercise their FMLA right. Exhibit 1 summarizes FMLA eligibility criteria.

### Exhibit 1 FMLA Eligibility Criteria



<sup>5</sup> Or up to 26 weeks of unpaid FMLA leave for qualifying exigencies arising out of the fact that the employee's family is a military member on covered active duty or call to covered active-duty status.

<sup>6</sup> The term "family" will be used throughout the report and includes children, parents, or a spouse.

<sup>7</sup> 29 CFR § 825.200(b) permits the employer to choose the method to define the 12-month FMLA leave entitlement period. Louisiana state agencies generally use the "rolling" 12-month period measured from the first date an employee uses any FMLA leave.

<sup>8</sup> 29 USCA §§ 2601-2654

<sup>9</sup> The employee is not guaranteed the same actual job held prior to leave. An equivalent job is defined as a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).

The FMLA leave process can be initiated by the employee or the employer. According to the Act, this process requires an employer to provide the employee with an Eligibility notice, a Rights and Responsibilities notice, and a Medical Certification form, if requested by the employer, that is completed by a health care provider.<sup>10</sup> An employer may request the Medical Certification form to determine whether the employee or family member's condition is FMLA eligible. The employer is required to notify the employee within five business days of the request if the employee's FMLA leave request is approved. If FMLA leave is approved, the employee must use any approved FMLA leave within one year. The employer may also require the employee to submit medical recertification documentation periodically.

FMLA leave may be taken on a continuous basis or on an intermittent or reduced leave schedule.<sup>11</sup> To accommodate the recurring periods of leave, federal law<sup>12</sup> allows an employer to temporarily transfer an employee on an intermittent or reduced FMLA leave schedule to an alternate position with the same pay and at the same location. Appendix A summarizes the FMLA approval process.

To conduct this review, we analyzed Louisiana's LaGov Enterprise Resource Planning system (LaGov)<sup>13</sup> to determine how FMLA is being used in state agencies. Because of time constraints, we surveyed 10 state agencies<sup>14</sup> to obtain information on their FMLA policies and procedures. We received responses from all 10 agencies.

The objective of this review was:

**To provide information on executive branch state employees' use of FMLA leave.**

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A summarizes the FMLA approval process.

**Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not follow *Government Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We provided a draft to the Department of State Civil Service and incorporated its feedback throughout this informational report.**

<sup>10</sup> If the employer questions the validity of the medical certification, it may request a second/third opinion at the employer's cost, according to FMLA.

<sup>11</sup> Reduced leave schedule is when the employee has a work schedule with reduced hours.

<sup>12</sup> 29 USCA § 2612

<sup>13</sup> LaGov is used by Louisiana executive branch state agencies to manage financials, logistics, human resources/payroll, and business intelligence.

<sup>14</sup> Using our initial LaGov analyses, we identified and surveyed the 10 agencies with the highest average number of employees on FMLA leave between fiscal years 2023 to 2025. However, these agencies may not match with those presented throughout the report based on further analyses which focused only on fiscal year 2025.

## Objective: To provide information on executive branch state employees' use of FMLA leave.

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Overall, we found:

- **During fiscal year 2025, 5,707 (13.0%) out of 43,981 executive branch state employees took FMLA leave. Classified employees used FMLA at a higher rate than unclassified employees, with 5,444 (13.8%) of the 39,569 classified employees and 263 (6.0%) of the 4,412 unclassified employees taking leave. More than half of employees (2,946 of 5,707) took 20 days or fewer of FMLA leave during this time.** In June 2025, FMLA leave made up 12.7% (100,641) of the 789,609 hours of total leave used across state agencies.
- **Of the 5,707 employees who took FMLA leave during fiscal year 2025, 3,011 (52.8%) used their FMLA leave intermittently.** The remaining employees used their FMLA leave continuously (i.e., at one time). Intermittent leave may make it harder for an agency to cover staffing without notice, but is allowable under FMLA.
- **Agency FMLA leave policies we reviewed were inconsistent and did not always include essential FMLA provisions.** Statewide guidance that establishes clear, well-written FMLA policies may help ensure FMLA leave is managed consistently across all state agencies.

This information is discussed in more detail in the following sections.

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**During fiscal year 2025, 5,707 (13.0%) out of 43,981 executive branch state employees took FMLA leave. Classified employees used FMLA at a higher rate than unclassified employees, with 5,444 (13.8%) of the 39,569 classified employees and 263 (6.0%) of the 4,412 unclassified employees taking leave. More than half of employees (2,946 of 5,707) took 20 days or fewer of FMLA leave during this time.**

FMLA provides unpaid, job-protected leave for up to 12 workweeks a year<sup>15</sup> to eligible employees, which includes classified and unclassified state employees. During fiscal year 2025, Louisiana's executive branch state agencies had a total of 43,981 employees working at any time, including 39,569 (90.0%) classified employees and 4,412 (10.0%) unclassified employees.<sup>16</sup>

**Classified state** employees are subject to the provisions of Civil Service Rules and can only be removed after being provided due process. **Unclassified state** employees are "at will" employees and may be removed without cause or due process.

**During fiscal year 2025, 5,707 (13.0%) of the 43,981 state employees took FMLA leave. Classified employees used FMLA at a higher rate than unclassified employees, with 5,444 (13.8%) of the 39,569 classified employees and 263 (6.0%) of the 4,412 unclassified employees taking leave.** According to a 2020 report<sup>17</sup> prepared for the DOL, which was based on a 2018 survey of both private and public sector employees, 15% of U.S. employees reported taking leave for a qualifying FMLA reason in the past 12 months.<sup>18</sup> More than half of employees (2,946 of 5,707) took 20 days or fewer of FMLA leave during fiscal year 2025. Exhibit 2 shows the distribution of the amount of leave taken in days during fiscal year 2025.

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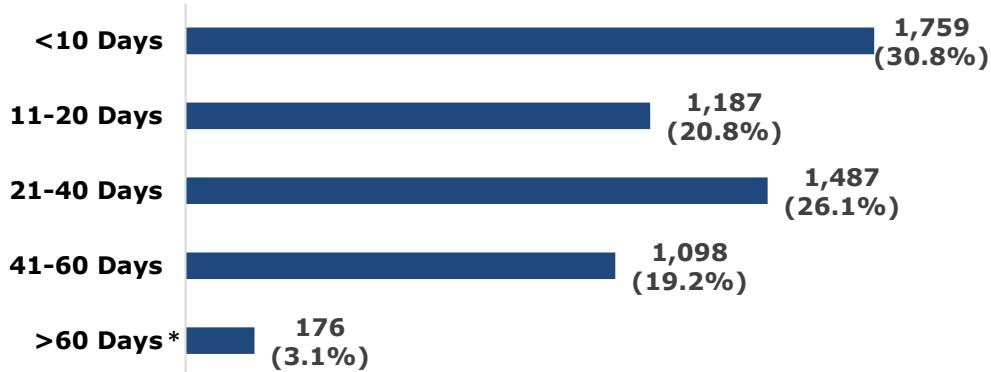
<sup>15</sup> Louisiana state agencies define an annual FMLA period as 12 months from the date of an FMLA-qualifying reason. However, our analyses used an annual period based on fiscal year. In addition, an eligible employee may have more than one qualifying FMLA circumstance, but the amount of unpaid FMLA leave still cannot exceed 12 workweeks a year.

<sup>16</sup> This is the cumulative total of all employees employed at any time during fiscal year 2025 in an executive branch agency and therefore may be higher than the total number of authorized positions.

<sup>17</sup> Abt Associates, [Employee and Worksite Perspectives of the Family and Medical Leave Act: Executive Summary for Results from the 2018 Surveys](#), July 2020.

<sup>18</sup> The DOL report does not differentiate the results between private and public sector employees.

**Exhibit 2**  
**Distribution of Length of FMLA Leave**  
**Fiscal Year 2025**  
**5,707 Total FMLA Employees**



\*Although this range is greater than 60 days, which is equivalent to 12 workweeks, an employee may have been granted FMLA leave for another 12-month period that started during the fiscal year. An employee can take up to 12 workweeks in one year from the date FMLA leave starts, not during one fiscal year.

**Source:** Prepared by legislative auditor's staff using information from LaGov.

The percentage of employees on FMLA leave was highest in the Department of Children and Family Services, with 21.0% of employees taking FMLA leave at any time during fiscal year 2025. Exhibit 3 summarizes the percentage of employees using FMLA leave at each executive branch state agency<sup>19</sup> during fiscal year 2025.

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<sup>19</sup> Executive branch agencies as designated in Louisiana Revised Statute (R.S.) 36:4 and House Bill No. 1 of the 2024 Regular Legislative Session (for the operating budget for fiscal year 2025).

**Exhibit 3**  
**Percent of Employees Using FMLA Leave**  
**Fiscal Year 2025**

Department*	Total Employees	Employees on FMLA Leave	Percent
Department of Children and Family Services	4,290	900	21.0%
Department of Revenue	836	153	18.3%
Department of Health	9,382	1,573	16.8%
Department of Public Safety and Corrections—Corrections Services**	6,432	908	14.1%
Louisiana Workforce Commission	992	134	13.5%
Department of Energy and Natural Resources	380	49	12.9%
Executive Department	4,005	497	12.4%
Department of State Civil Service	252	31	12.3%
Department of Environmental Quality	776	93	12.0%
Department of Transportation and Development	4,786	544	11.4%
Department of Education	658	62	9.4%
Department of Justice	654	58	8.9%
Department of Public Safety and Corrections—Youth Services (Office of Juvenile Justice)**	1,281	110	8.6%
Department of Wildlife and Fisheries	835	70	8.4%
Department of Insurance	270	21	7.8%
Secretary of State	956	63	6.6%
Department of Veterans Affairs	1,231	77	6.3%
Department of Public Safety and Corrections—Public Safety**	3,061	190	6.2%
Department of Agriculture and Forestry	695	42	6.0%
Department of Culture, Recreation, and Tourism	996	58	5.8%
Special Schools and Commissions	877	50	5.7%
Office of the Lieutenant Governor	22	24***	n/a
Department of Treasury	76		
Department of Public Service (Public Service Commission)	89		
Louisiana Economic Development	149		
<b>Total</b>	<b>43,981</b>	<b>5,707</b>	<b>13.0%</b>

\*Excludes Higher Education entities including universities, Board of Regents, and Louisiana Office of Student Financial Assistance, because most Higher Education employees are not included in the LaGov system.

\*\*Based on R.S. 36:406, we separated Corrections Services, Youth Services, and Public Safety Services within the Department of Public Safety and Corrections.

\*\*\*Because of the low number of employees on FMLA leave at these agencies, we suppressed the number at each for privacy concerns.

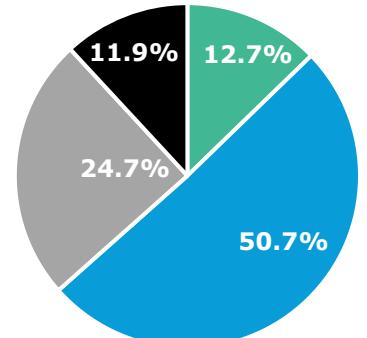
**Source:** Prepared by legislative auditor's staff using information from LaGov, R.S. 36:4, and House Bill No. 1 of the 2024 Regular Legislative Session (for the operating budget for fiscal year 2025).

**FMLA leave was most commonly taken for reasons directly affecting an employee rather than their family, accounting for 63.7% of the total FMLA leave hours (718,147 of 1,127,354) during fiscal year 2025.** In addition, 11.2% (126,700) of hours were taken to support a family member, and 0.2% (1,853) of hours were taken for more than one reason. We could not identify the reason for the remaining 24.9% (280,654) of total hours taken because of a combination of improper coding and the use of a leave code that does not indicate the reason for the FMLA leave. In addition, although FMLA leave can be taken for

more than one qualifying reason in the same 12-month period, multiple serious health conditions or qualifying reasons do not increase the total FMLA leave available to the employee. For example, an employee may qualify for FMLA leave for themselves due to a serious health condition and may also qualify for FMLA leave due to a family member's serious health condition; however, this is not covered for more than 12 workweeks in 12 months.

**Other types of leave account for more employee absences than FMLA leave.** During June 2025, FMLA leave made up 12.7% (100,641) of the 789,609 hours of total leave used across state agencies, with annual leave totaling 50.7% (400,278) and sick leave totaling 24.7% (194,874). The remaining 11.9% (93,816) is leave coded for other reasons, such as court and crisis leave. Generally, an agency's staffing may be impacted by employee absences for any leave type and require the redistribution of the absent employee's workload. During June 2025, we found that employees on paid accrued leave (sick and vacation) accounted for more than 75% of total leave. Exhibit 4 summarizes the types of leave taken by state employees during June 2025.

**Exhibit 4**  
**Types of Leave Taken**  
**June 2025**



■ FMLA ■ Annual ■ Sick ■ Other

**Source:** Prepared by legislative auditor's staff using LaGov.

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**Of the 5,707 employees who took FMLA leave during fiscal year 2025, 3,011 (52.8%) used their FMLA leave intermittently. The remaining employees used their FMLA leave continuously (i.e., at one time).**

FMLA leave is either taken as 12 workweeks of continuous leave (e.g., after the birth of a child or surgery) or as intermittent or reduced schedule leave (e.g., for a chronic illness). Intermittent leave can be used at different times throughout the 12-month FMLA leave period at different intervals. For example, an employee may have medical treatments that require them to take one or two days off every other week. This would be an example of intermittent leave, while continuous FMLA leave is one uninterrupted stretch, such as for the birth and care of a newborn. Intermittent leave is not always predictable and cannot always be easily planned like most continuous leave. Employees have the right to take continuous FMLA leave all at once, or, when medically necessary,

According to the DOL, not all absences caused by serious health conditions are predictable. Health care providers are expected to provide only their best-informed medical judgement when estimating the need for unforeseeable intermittent leave. The FMLA does not permit an employer to require an exact schedule of leave for such circumstances.

**Source:**  
<https://www.dol.gov/agencies/whd/fmla/employer-guide>

intermittent FMLA leave in separate blocks of time or by reducing the time they work each day or week.

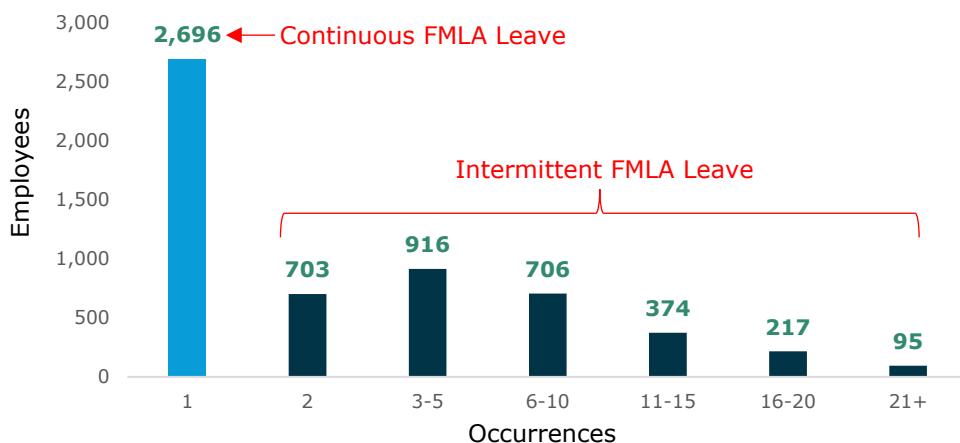
**Of the 5,707 employees that took FMLA leave during fiscal year 2025, 3,011 (52.8%) used their FMLA leave intermittently. The remaining 2,696 (47.2%) took one stretch of continuous leave.**

We defined **occurrence** as a period of FMLA leave separated by five days or fewer from the next use of FMLA leave. For example, three instances of FMLA leave usage within a one-week period will count as a single occurrence. If the employee then waits more than five days before using FMLA leave again, the next instance of FMLA leave counts as a subsequent occurrence.

**leave.** In certain circumstances, employees who have unpredictable medical conditions, such as multiple sclerosis, severe arthritis, etc., may have to use intermittent FMLA leave when symptoms are acute and not on a pre-determined day or schedule. Intermittent leave may make it harder for an agency to cover staffing without notice. For example, if a Department of Corrections employee who supervises inmates takes intermittent FMLA leave, the agency may have to find another employee to work their shift on short notice. In

these instances, FMLA allows the employer to transfer the employee to an alternative position, with equal pay, to accommodate recurring periods of leave. We found that of the 3,011 employees who used intermittent leave, more than half (1,619 or 53.8%) used between two and five leave occurrences. Exhibit 5 summarizes the number of FMLA leave occurrences during fiscal year 2025 and whether an employee took continuous or intermittent leave.

**Exhibit 5**  
**Intermittent vs. Continuous FMLA Leave**  
**FY 25**



**Source:** Prepared by legislative auditor's staff using information from LaGov.

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**Agency FMLA leave policies we reviewed were inconsistent and did not always include essential FMLA provisions. Statewide guidance that establishes clear, well-written FMLA policies may help ensure FMLA leave is managed consistently across all state agencies.**

Louisiana does not have a uniform, statewide FMLA leave policy for all state workers. As a result, each agency has developed its own FMLA leave policies. However, we found that these policies are inconsistent in the level of detail they provide and do not always include essential provisions of FMLA. Establishing a comprehensive FMLA policy for executive branch agencies that includes agency and employee rights may help ensure FMLA leave is managed consistently across all state agencies. We compared Louisiana to six other southern states<sup>20</sup> and found Arkansas, Georgia, and Mississippi have a statewide FMLA leave policy specifically for state employees.

FMLA leave is often confused with paid leave, and many employees do not fully understand its purpose or when it should be used. Having a more formal, statewide process and clearer guidance on how agencies should administer FMLA leave would be extremely helpful.

**Source:** November 2025 LLA survey of state agencies

**Agency FMLA leave policies we reviewed were inconsistent and did not always include essential FMLA provisions.** We found that four (40%) of the 10 policies we reviewed were missing some type of essential FMLA provision. Specifically, three policies (30%) were missing language about job protection and restoration upon returning to work from FMLA leave. In addition, three (30%) policies did not mention attaining a second/third medical opinion if the agency doubts the validity of the FMLA leave request. This is consistent with a 2019 LLA performance audit<sup>21</sup> that also found inconsistencies in agency FMLA policies and did not always provide essential FMLA provisions.

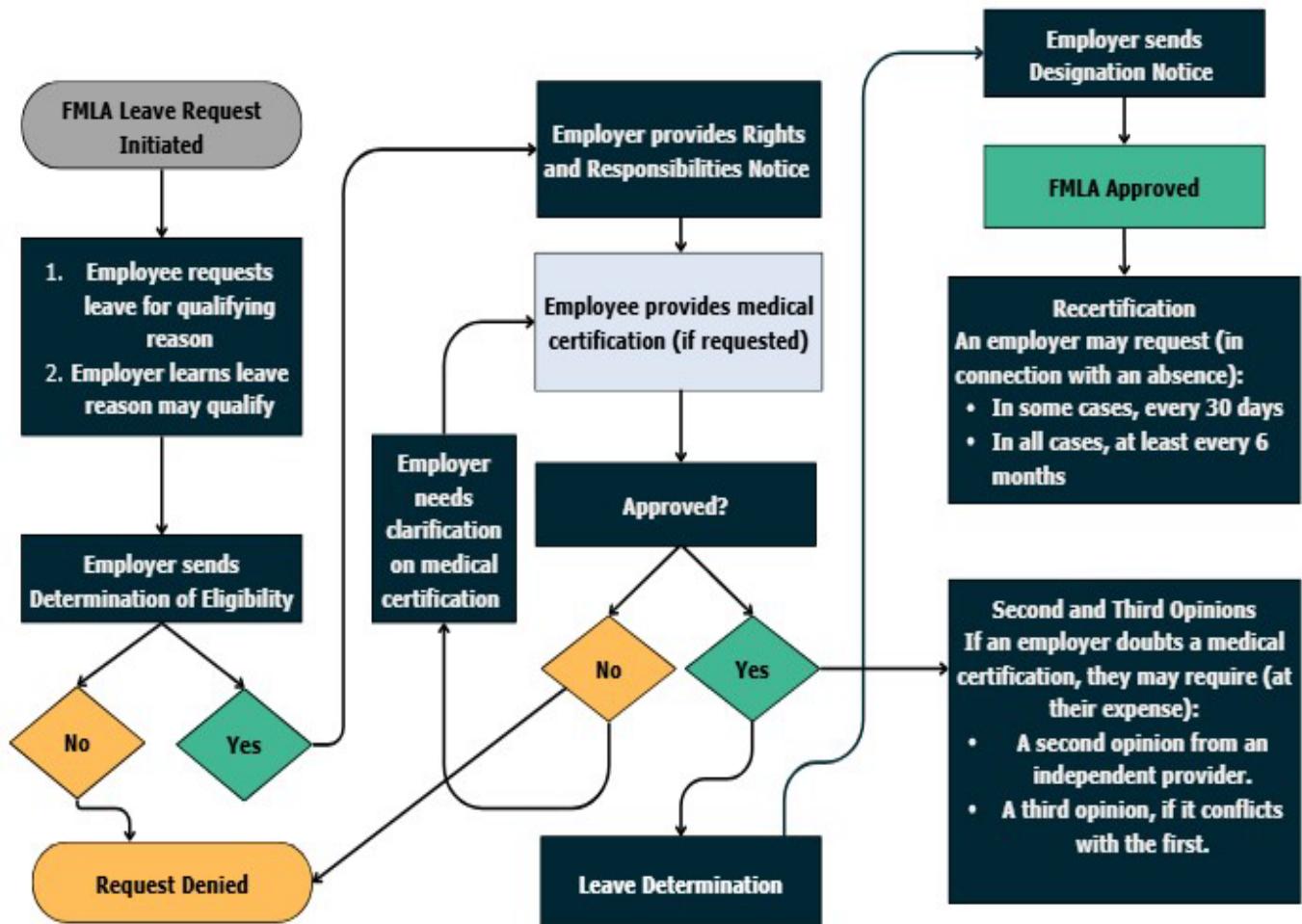
Providing FMLA training to supervisors is another provision that could be included in statewide guidance. According to DOL, providing FMLA training regularly helps to make sure those responsible for the administration of FMLA leave are up to date on the requirements of the law and the employer's policy, procedures and practices. Even though some agencies stated they informally provide training, of the 10 policies we reviewed, all 10 lacked guidance on training for supervisors managing FMLA leave.

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<sup>20</sup> Alabama, Arkansas, Florida, Georgia, Mississippi, and Texas

<sup>21</sup> [Parental Leave Policies and Practices Report, issued December 2019](#)

## APPENDIX A: FMLA APPROVAL PROCESS



**Source:** Prepared by legislative auditor's staff using federal law and the Department of Labor Employer Guide, <https://www.dol.gov/agencies/whd/fmla/employer-guide>.