

By: Representative Manning

To: Education

HOUSE BILL NO. 255

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE SCHOOL EMPLOYEES, IN THEIR DISCRETION, TO BE PAID FOR  
3 ALL UNUSED ACCUMULATED LEAVE UPON RETIREMENT; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 37-7-307, Mississippi Code of 1972, is  
7 amended as follows:

8 37-7-307. (1) For purposes of this section, the term  
9 "licensed employee" means any employee of a public school district  
10 required to hold a valid license by the Commission on Teacher and  
11 Administrator Education, Certification and Licensure and  
12 Development.

13 (2) The school board of a school district shall establish by  
14 rules and regulations a policy of sick leave with pay for licensed  
15 employees employed in the school district, and such policy shall  
16 include the following minimum provisions for sick and emergency  
17 leave with pay:

18 (a) Each licensed employee, at the beginning of each  
19 school year, shall be credited with a minimum sick leave  
20 allowance, with pay, of seven (7) days for absences caused by  
21 illness or physical disability of the employee during that school  
22 year.

23 (b) Any unused portion of the total sick leave  
24 allowance shall be carried over to the next school year and  
25 credited to such licensed employee if the licensed employee  
26 remains employed in the same school district. In the event any  
27 public school licensed employee transfers from one public school

28 district in Mississippi to another, any unused portion of the  
29 total sick leave allowance credited to such licensed employee  
30 shall be credited to such licensed employee in the computation of  
31 unused leave for retirement purposes under Section 25-11-109.  
32 Accumulation of sick leave allowed under this section shall be  
33 unlimited.

34 (c) No deduction from the pay of such licensed employee  
35 may be made because of absence of such licensed employee caused by  
36 illness or physical disability of the licensed employee until  
37 after all sick leave allowance credited to such licensed employee  
38 has been used.

39 (d) For the first ten (10) days of absence of a  
40 licensed employee because of illness or physical disability, in  
41 any school year, in excess of the sick leave allowance credited to  
42 such licensed employee, there may be deducted from the pay of such  
43 licensed employee the established substitute amount of licensed  
44 employee compensation paid in that local school district,  
45 necessitated because of the absence of the licensed employee as a  
46 result of illness or physical disability. Thereafter, the regular  
47 pay of such absent licensed employee may be suspended and withheld  
48 in its entirety for any period of absence because of illness or  
49 physical disability during that school year.

50 (3) Beginning with the school year 1983-1984, each licensed  
51 employee at the beginning of each school year shall be credited  
52 with a minimum personal leave allowance, with pay, of two (2) days  
53 for absences caused by personal reasons during that school year.  
54 Such personal leave shall not be taken on the first day of the  
55 school term, the last day of the school term, on a day previous to  
56 a holiday or a day after a holiday. Personal leave may be used  
57 for professional purposes, including absences caused by attendance  
58 of such licensed employee at a seminar, class, training program,  
59 professional association or other functions designed for  
60 educators. No deduction from the pay of such licensed employee  
61 may be made because of absence of such licensed employee caused by  
62 personal reasons until after all personal leave allowance credited  
63 to such licensed employee has been used. However, the  
64 superintendent of a school district, in his discretion, may allow

65 a licensed employee personal leave in addition to any minimum  
66 personal leave allowance, under the condition that there shall be  
67 deducted from the salary of such licensed employee the actual  
68 amount of any compensation paid to any person as a substitute,  
69 necessitated because of the absence of the licensed employee.

70 (4) Beginning with the school year 1992-1993, each licensed  
71 employee shall be credited with a professional leave allowance,  
72 with pay, for each day of absence caused by reason of such  
73 employee's statutorily required membership and attendance at a  
74 regular or special meeting held within the State of Mississippi of  
75 the State Board of Education, the Commission on Teacher and  
76 Administrator Education, Certification and Licensure and  
77 Development, the Commission on School Accreditation, the  
78 Mississippi Authority for Educational Television and the meetings  
79 of the state textbook rating committees.

80 (5) Upon retirement from employment, each licensed and  
81 nonlicensed employee may be paid, in the employee's discretion,  
82 for all unused accumulated leave earned while employed by the  
83 school district in which the employee is last employed. Such  
84 payment for licensed employees shall be made by the school  
85 district at a rate equal to the amount paid to substitute teachers  
86 and for nonlicensed employees, the payment shall be made by the  
87 school district at a rate equal to the federal minimum wage. The  
88 payment shall be treated in the same manner for retirement  
89 purposes as a lump sum payment for personal leave as provided in  
90 Section 25-11-103(e). Any remaining lawfully credited unused  
91 leave, for which payment has not been made, shall be certified to  
92 the Public Employees' Retirement System in the same manner and  
93 subject to the same limitations as otherwise provided by law for  
94 unused leave.

95 (6) The school board may adopt rules and regulations which  
96 will reasonably aid to implement the policy of sick and personal  
97 leave, including, but not limited to, rules and regulations having

98 the following general effect:

99           (a) Requiring the absent licensed employee to furnish  
100 the certificate of a physician or dentist or other medical  
101 practitioner as to the illness of the absent licensed employee,  
102 where the absence is for four (4) or more consecutive school days,  
103 or for two (2) consecutive school days immediately preceding or  
104 following a nonschool day;

105           (b) Providing penalties, by way of full deduction from  
106 salary, or entry on the work record of the licensed employee, or  
107 other appropriate penalties, for any materially false statement by  
108 the licensed employee as to the cause of absence;

109           (c) Forfeiture of accumulated or future sick leave, if  
110 the absence of the licensed employee is caused by optional dental  
111 or medical treatment or surgery which could, without medical risk,  
112 have been provided, furnished or performed at a time when school  
113 was not in session;

114           (d) Enlarging, increasing or providing greater sick or  
115 personal leave allowances than the minimum standards established  
116 by this section in the discretion of the school board of each  
117 school district.

118           (7) School boards may include in their budgets provisions  
119 for the payment of substitute teachers, necessitated because of  
120 the absence of regular licensed employees. All such substitute  
121 teachers shall be paid wholly from district funds other than  
122 minimum education program funds. Such school boards, in their  
123 discretion, also may pay, from district funds other than minimum  
124 education program funds, the whole or any part of the salaries of  
125 licensed employees granted leaves for the purpose of special  
126 studies or training.

127           (8) The school board may further adopt rules and regulations  
128 which will reasonably implement such leave policies for all other  
129 nonlicensed school employees as the board deems appropriate.

130           (9) (a) For the purposes of this subsection, the following

131 words and phrases shall have the meaning ascribed in this  
132 paragraph unless the context requires otherwise:

133           (i) "Catastrophic injury or illness" means a  
134 severe condition or combination of conditions affecting the mental  
135 or physical health of an employee or a member of an employee's  
136 immediate family, including pregnancy, that requires the services  
137 of a licensed physician for an extended period of time and that  
138 forces the employee to exhaust all leave time accumulated by that  
139 employee, thereby resulting in the loss of compensation from the  
140 school district for the employee.

141           (ii) "Immediate family" means spouse, parent,  
142 stepparent, sibling, child or stepchild.

143           (b) Any school district employee may donate a portion  
144 of his or her unused accumulated personal leave or sick leave to  
145 another employee of the same or another school district who is  
146 suffering from a catastrophic injury or illness or who has a  
147 member of his or her immediate family suffering from a  
148 catastrophic injury or illness, in accordance with the following:

149           (i) The employee donating the leave (the "donor  
150 employee") shall designate the employee who is to receive the  
151 leave (the "recipient employee") and the amount of unused  
152 accumulated personal leave and sick leave that is to be donated,  
153 and shall notify the school district superintendent or his  
154 designee of his or her designation.

155           (ii) The maximum amount of unused accumulated  
156 personal leave that an employee may donate to any other employee  
157 may not exceed a number of days that would leave the donor  
158 employee with fewer than seven (7) days of personal leave  
159 remaining, and the maximum amount of unused accumulated sick leave  
160 that an employee may donate to any other employee may not exceed  
161 fifty percent (50%) of the unused accumulated sick leave of the  
162 donor employee.

163           (iii) An employee must have exhausted all of his

164 or her accumulated personal leave and sick leave before he or she  
165 will be eligible to receive any leave donated by another employee.

166 Eligibility for donated leave shall be based upon review and  
167 approval by the donor employee's supervisor.

168 (iv) Before an employee may receive donated leave,  
169 he or she must provide the school district superintendent or his  
170 designee with a physician's statement that states the beginning  
171 date of the catastrophic injury or illness, a description of the  
172 injury or illness, and a prognosis for recovery and the  
173 anticipated date that the recipient employee will be able to  
174 return to work.

175 (v) If the total amount of leave that is donated  
176 to any employee is not used by the recipient employee, the whole  
177 days of donated leave shall be returned to the donor employees on  
178 a pro rata basis, based on the ratio of the number of days of  
179 leave donated by each donor employee to the total number of days  
180 of leave donated by all donor employees.

181 (vi) Donated leave shall not be used in lieu of  
182 disability retirement.

183 SECTION 2. This act shall take effect and be in force from  
184 and after July 1, 1999.