

By: Senator(s) Walls

To: Education;
Appropriations

SENATE BILL NO. 2913

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT UPON RETIREMENT, LICENSED TEACHERS SHALL BE PAID
3 FOR UP TO 30 DAYS OF UNUSED LEAVE AT A RATE EQUAL TO THE SALARY
4 PAID TO SUCH TEACHER IMMEDIATELY PRIOR TO RETIREMENT; AND FOR
5 RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

81 (5) Upon retirement from employment, each licensed and
82 nonlicensed employee shall be paid for not more than thirty (30)
83 days of unused accumulated leave earned while employed by the
84 school district in which the employee is last employed. Such
85 payment for licensed employees shall be made by the school
86 district at a rate equal to the salary paid to such teachers
87 immediately prior to retirement and for nonlicensed employees, the
88 payment shall be made by the school district at a rate equal to
89 the federal minimum wage. The payment shall be treated in the
90 same manner for retirement purposes as a lump sum payment for
91 personal leave as provided in Section 25-11-103(e). Any remaining
92 lawfully credited unused leave, for which payment has not been
93 made, shall be certified to the Public Employees' Retirement
94 System in the same manner and subject to the same limitations as
95 otherwise provided by law for unused leave.

96 (6) The school board may adopt rules and regulations which
97 will reasonably aid to implement the policy of sick and personal

98 leave, including, but not limited to, rules and regulations having
99 the following general effect:

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

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

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

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

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

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

131 (9) (a) For the purposes of this subsection, the following
132 words and phrases shall have the meaning ascribed in this
133 paragraph unless the context requires otherwise:

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

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

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

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

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

164 (iii) An employee must have exhausted all of his
165 or her accumulated personal leave and sick leave before he or she
166 will be eligible to receive any leave donated by another employee.
167 Eligibility for donated leave shall be based upon review and
168 approval by the donor employee's supervisor.

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

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

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

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