

By: Senator(s) Harden

To: Education; Fees,
Salaries and Administration

SENATE BILL NO. 2314

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO ALLOW TEACHERS TO ACCUMULATE PERSONAL LEAVE UP TO FIVE DAYS;
3 AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

49 (3) Beginning with the school year 1983-1984, each licensed
50 employee at the beginning of each school year shall be credited
51 with a minimum personal leave allowance, with pay, of five (5)
52 days for absences caused by personal reasons during that school
53 year. Such personal leave shall not be taken on the first day of
54 the school term, the last day of the school term, on a day
55 previous to a holiday or a day after a holiday. Personal leave
56 may be used for professional purposes, including absences caused
57 by attendance of such licensed employee at a seminar, class,
58 training program, professional association or other functions
59 designed for educators. No deduction from the pay of such
60 licensed employee may be made because of absence of such licensed



61 employee caused by personal reasons until after all personal leave
62 allowance credited to such licensed employee has been used.
63 However, the superintendent of a school district, in his
64 discretion, may allow a licensed employee personal leave in
65 addition to any minimum personal leave allowance, under the
66 condition that there shall be deducted from the salary of such
67 licensed employee the actual amount of any compensation paid to
68 any person as a substitute, necessitated because of the absence of
69 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 shall be paid for not more than thirty (30)
82 days of 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; and

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, except as otherwise provided for
123 long-term substitute teachers in Section 37-19-20. Such school
124 boards, in their discretion, also may pay, from district funds
125 other than minimum education program funds, the whole or any part



126 of the salaries of licensed employees granted leaves for the
127 purpose of special 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, 2003.

