

By: Senator(s) Harden

To: Education; Fees,
Salaries and Administration

SENATE BILL NO. 2469

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO ALLOW TEACHERS TO ACCUMULATE PERSONAL LEAVE FROM YEAR TO YEAR
3 UP TO FIVE DAYS; 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 two (2) days
52 for absences caused by personal reasons during that school year.
53 Such personal leave shall not be taken on the first day of the
54 school term, the last day of the school term, on a day previous to
55 a holiday or a day after a holiday. Personal leave may be used
56 for professional purposes, including absences caused by attendance
57 of such licensed employee at a seminar, class, training program,
58 professional association or other functions designed for
59 educators. No deduction from the pay of such licensed employee
60 may be made because of absence of such licensed employee caused by



61 personal reasons until after all personal leave allowance credited
62 to such licensed employee has been used. However, the
63 superintendent of a school district, in his discretion, may allow
64 a licensed employee personal leave in addition to any minimum
65 personal leave allowance, under the condition that there shall be
66 deducted from the salary of such licensed employee the actual
67 amount of any compensation paid to any person as a substitute,
68 necessitated because of the absence of the licensed employee. Any
69 unused portion of the total personal leave allowance up to five
70 (5) days shall be carried over to the next school year and
71 credited to such licensed employee if the licensed employee
72 remains employed in the same school district.

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

83 (5) Upon retirement from employment, each licensed and
84 nonlicensed employee shall be paid for not more than thirty (30)
85 days of unused accumulated leave earned while employed by the
86 school district in which the employee is last employed. Such
87 payment for licensed employees shall be made by the school
88 district at a rate equal to the amount paid to substitute teachers
89 and for nonlicensed employees, the payment shall be made by the
90 school district at a rate equal to the federal minimum wage. The
91 payment shall be treated in the same manner for retirement
92 purposes as a lump sum payment for personal leave as provided in
93 Section 25-11-103(e). Any remaining lawfully credited unused



94 leave, for which payment has not been made, shall be certified to
95 the Public Employees' Retirement System in the same manner and
96 subject to the same limitations as otherwise provided by law for
97 unused leave.

98 (6) The school board may adopt rules and regulations which
99 will reasonably aid to implement the policy of sick and personal
100 leave, including, but not limited to, rules and regulations having
101 the following general effect:

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

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

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

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

121 (7) School boards may include in their budgets provisions
122 for the payment of substitute teachers, necessitated because of
123 the absence of regular licensed employees. All such substitute
124 teachers shall be paid wholly from district funds other than
125 minimum education program funds, except as otherwise provided for
126 long-term substitute teachers in Section 37-19-20. Such school



127 boards, in their discretion, also may pay, from district funds
128 other than minimum education program funds, the whole or any part
129 of the salaries of licensed employees granted leaves for the
130 purpose of special studies or training.

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

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

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

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

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

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



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

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

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

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

185 (vi) Donated leave shall not be used in lieu of
186 disability retirement.

187 **SECTION 2.** This act shall take effect and be in force from
188 and after July 1, 2003.

