

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2313**

**By Senator(s) Chaney, Harden, Tollison**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 and teacher assistants employed in the school district,  
16 and such policy shall include the following minimum provisions for  
17 sick and emergency leave with pay:

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

26 licensed employee or teacher assistant remains employed in the  
27 same school district. In the event any public school licensed  
28 employee or teacher assistant 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 or  
31 teacher assistant shall be credited to such licensed employee or  
32 teacher assistant in the computation of unused leave for  
33 retirement purposes under Section 25-11-109. Accumulation of sick  
34 leave allowed under this section shall be unlimited.

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

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

52 (3) Beginning with the school year 1983-1984, each licensed  
53 employee at the beginning of each school year shall be credited  
54 with a minimum personal leave allowance, with pay, of two (2) days  
55 for absences caused by personal reasons during that school year.  
56 Such personal leave shall not be taken on the first day of the  
57 school term, the last day of the school term, on a day previous to  
58 a holiday or a day after a holiday. Personal leave may be used  
59 for professional purposes, including absences caused by attendance  
60 of such licensed employee at a seminar, class, training program,

61 professional association or other functions designed for  
62 educators. No deduction from the pay of such licensed employee  
63 may be made because of absence of such licensed employee caused by  
64 personal reasons until after all personal leave allowance credited  
65 to such licensed employee has been used. However, the  
66 superintendent of a school district, in his discretion, may allow  
67 a licensed employee personal leave in addition to any minimum  
68 personal leave allowance, under the condition that there shall be  
69 deducted from the salary of such licensed employee the actual  
70 amount of any compensation paid to any person as a substitute,  
71 necessitated because of the absence of the licensed employee.

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

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

96 unused leave.

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

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

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

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

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

120 (7) School boards may include in their budgets provisions  
121 for the payment of substitute teachers, necessitated because of  
122 the absence of regular licensed employees. All such substitute  
123 teachers shall be paid wholly from district funds other than  
124 minimum education program funds, except as otherwise provided for  
125 long-term substitute teachers in Section 37-19-20. Such school  
126 boards, in their discretion, also may pay, from district funds  
127 other than minimum education program funds, the whole or any part  
128 of the salaries of licensed employees granted leaves for the  
129 purpose of special studies or training.

130 (8) The school board may further adopt rules and regulations

131 which will reasonably implement such leave policies for all other  
132 nonlicensed school employees as the board deems appropriate.

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

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

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

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A MINIMUM SICK LEAVE ALLOWANCE FOR ASSISTANT TEACHERS,  
3 AND TO PROVIDE THAT ACCRUED SICK LEAVE FOR TEACHER ASSISTANTS  
4 SHALL BE UNLIMITED; AND FOR RELATED PURPOSES.