

By: Senator(s) Harden

To: Education; Fees,  
Salaries and Administration

SENATE BILL NO. 2157

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW TEACHERS TO ACCUMULATE PERSONAL LEAVE UP TO THREE 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 and teacher assistants employed in the school district,  
15 and such policy shall include the following minimum provisions for  
16 sick and emergency leave with pay:

17 (a) Each licensed employee and teacher assistant, at  
18 the beginning of each school year, shall be credited with a  
19 minimum sick leave allowance, with pay, of seven (7) days for  
20 absences caused by illness or physical disability of the employee  
21 during that school 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 and teacher assistant if the  
25 licensed employee or teacher assistant remains employed in the  
26 same school district. In the event any public school licensed  
27 employee or teacher assistant 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 or  
30 teacher assistant shall be credited to such licensed employee or  
31 teacher assistant in the computation of unused leave for  
32 retirement purposes under Section 25-11-109. Accumulation of sick  
33 leave allowed under this section shall be unlimited.

34 (c) No deduction from the pay of such licensed employee  
35 or teacher assistant may be made because of absence of such  
36 licensed employee or teacher assistant caused by illness or  
37 physical disability of the licensed employee or teacher assistant  
38 until after all sick leave allowance credited to such licensed  
39 employee or teacher assistant 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 three (3)  
54 days for absences caused by personal reasons during that school  
55 year. Such personal leave shall not be taken on the first day of  
56 the school term, the last day of the school term, on a day  
57 previous to a holiday or a day after a holiday. Personal leave  
58 may be used for professional purposes, including absences caused  
59 by attendance of such licensed employee at a seminar, class,  
60 training program, professional association or other functions

61 designed for educators. No deduction from the pay of such  
62 licensed employee may be made because of absence of such licensed  
63 employee caused by personal reasons until after all personal leave  
64 allowance credited to such licensed employee has been used.  
65 However, the superintendent of a school district, in his  
66 discretion, may allow a licensed employee personal leave in  
67 addition to any minimum personal leave allowance, under the  
68 condition that there shall be deducted from the salary of such  
69 licensed employee the actual amount of any compensation paid to  
70 any person as a substitute, necessitated because of the absence of  
71 the licensed employee. Any unused portion of the total personal  
72 leave allowance up to five (5) days shall be carried over to the  
73 next school year and credited to such licensed employee if the  
74 licensed employee remains employed in the same school district.

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

86 (5) Upon retirement from employment, each licensed and  
87 nonlicensed employee shall be paid for not more than thirty (30)  
88 days of unused accumulated leave earned while employed by the  
89 school district in which the employee is last employed. Such  
90 payment for licensed employees shall be made by the school  
91 district at a rate equal to the amount paid to substitute teachers  
92 and for nonlicensed employees, the payment shall be made by the  
93 school district at a rate equal to the federal minimum wage. The

94 payment shall be treated in the same manner for retirement  
95 purposes as a lump sum payment for personal leave as provided in  
96 Section 25-11-103(e). Any remaining lawfully credited unused  
97 leave, for which payment has not been made, shall be certified to  
98 the Public Employees' Retirement System in the same manner and  
99 subject to the same limitations as otherwise provided by law for  
100 unused leave.

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

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

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

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

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

124 (7) School boards may include in their budgets provisions  
125 for the payment of substitute employees, necessitated because of  
126 the absence of regular licensed employees. All such substitute

127 employees shall be paid wholly from district funds, except as  
128 otherwise provided for long-term substitute teachers in Section  
129 37-19-20. Such school boards, in their discretion, also may pay,  
130 from district funds other than adequate education program funds,  
131 the whole or any part of the salaries of all employees granted  
132 leaves for the purpose of special studies or training.

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

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

140 (i) "Catastrophic injury or illness" means a  
141 severe condition or combination of conditions affecting the mental  
142 or physical health of an employee or a member of an employee's  
143 immediate family, including pregnancy, that requires the services  
144 of a licensed physician for an extended period of time and that  
145 forces the employee to exhaust all leave time available to that  
146 employee.

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

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

155 (i) The employee donating the leave (the "donor  
156 employee") shall designate the employee who is to receive the  
157 leave (the "recipient employee") and the amount of unused  
158 accumulated personal leave and sick leave that is to be donated,

159 and shall notify the school district superintendent or his  
160 designee of his or her designation.

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

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

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

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

187 (vi) Donated leave shall not be used in lieu of  
188 disability retirement.

189 **SECTION 2.** This act shall take effect and be in force from  
190 and after July 1, 2004.