

## Senate Amendments to House Bill No. 656

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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

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

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

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

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

teacher assistant in the computation of unused leave for retirement purposes under Section 25-11-109. Accumulation of sick leave allowed under this section shall be unlimited.

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

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

(3) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow

69 a licensed employee personal leave in addition to any minimum  
70 personal leave allowance, under the condition that there shall be  
71 deducted from the salary of such licensed employee the actual  
72 amount of any compensation paid to any person as a substitute,  
73 necessitated because of the absence of the licensed employee. Any  
74 unused portion of the total personal leave allowance up to five  
75 (5) days shall be carried over to the next school year and  
76 credited to such licensed employee if the licensed employee  
77 remains employed in the same school district.

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

89 (5) (a) Upon retirement from employment, each licensed and  
90 nonlicensed employee shall be paid for not more than thirty (30)  
91 days of unused accumulated leave earned while employed by the  
92 school district in which the employee is last employed. Such  
93 payment for licensed employees shall be made by the school  
94 district at a rate equal to the amount paid to substitute teachers  
95 and for nonlicensed employees, the payment shall be made by the  
96 school district at a rate equal to the federal minimum wage. The  
97 payment shall be treated in the same manner for retirement  
98 purposes as a lump sum payment for personal leave as provided in  
99 Section 25-11-103(e). Any remaining lawfully credited unused  
100 leave, for which payment has not been made, shall be certified to  
101 the Public Employees' Retirement System in the same manner and  
102 subject to the same limitations as otherwise provided by law for  
103 unused leave. No payment for unused accumulated leave may be made

104 to either a licensed or nonlicensed employee at termination or  
105 separation from service for any purpose other than for the purpose  
106 of retirement.

107       (b) Vacation leave granted to either licensed or  
108 nonlicensed employees shall be synonymous with personal leave.  
109 Unused vacation or personal leave accumulated by licensed  
110 employees in excess of the maximum five (5) days which may be  
111 carried over from one (1) year to the next may be converted to  
112 sick leave not to exceed the conversion of ten (10) days of  
113 personal or vacation leave days to sick days per year. In the  
114 case of unused vacation or personal leave accumulated by  
115 nonlicensed employees, no more than ten (10) days of unused  
116 personal or vacation leave may be converted to sick leave per  
117 year. Any personal or vacation leave previously converted to sick  
118 leave pursuant to a lawfully adopted policy prior to the effective  
119 date of this bill shall be recognized as accrued leave by the  
120 local school district and available for use by the employee. Such  
121 leave converted under a lawfully adopted policy may be certified  
122 to the Public Employees' Retirement System upon termination of  
123 employment and any such leave previously converted and certified  
124 to the Public Employees' Retirement System shall be recognized.

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

129       (a) Requiring the absent employee to furnish the  
130 certificate of a physician or dentist or other medical  
131 practitioner as to the illness of the absent licensed employee,  
132 where the absence is for four (4) or more consecutive school days,  
133 or for two (2) consecutive school days immediately preceding or  
134 following a nonschool day;

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

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

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

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

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

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

(i) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery,

that result in intermittent absences from work and that are  
long-term in nature and require long recuperation periods may be  
considered catastrophic.

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

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

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

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

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

(iv) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the

209 anticipated date that the recipient employee will be able to  
210 return to work.

211 (v) If the total amount of leave that is donated  
212 to any employee is not used by the recipient employee, the whole  
213 days of donated leave shall be returned to the donor employees on  
214 a pro rata basis, based on the ratio of the number of days of  
215 leave donated by each donor employee to the total number of days  
216 of leave donated by all donor employees.

217 (vi) Donated leave shall not be used in lieu of  
218 disability retirement.

219 **SECTION 2.** This act shall take effect and be in force from  
220 and after its passage.

**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 CLARIFY THAT ASSISTANT TEACHERS RECEIVE THE SAME NUMBER OF  
3 MINIMUM SICK LEAVE DAYS AS LICENSED TEACHERS; TO CLARIFY THE  
4 DEFINITION OF "CATASTROPHIC INJURY OR ILLNESS" FOR TEACHER LEAVE  
5 PURPOSES; TO CLARIFY THE TREATMENT OF UNUSED ACCUMULATED LEAVE FOR  
6 RETIREMENT PURPOSES; AND FOR RELATED PURPOSES.

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John O. Gilbert  
Secretary of the Senate