

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 656

BY: Committee

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

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

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

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

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

25 (b) Any unused portion of the total sick leave
26 allowance shall be carried over to the next school year and

27 credited to such licensed employee and teacher assistant if the
28 licensed employee or teacher assistant remains employed in the
29 same school district. In the event any public school licensed
30 employee or teacher assistant transfers from one public school
31 district in Mississippi to another, any unused portion of the
32 total sick leave allowance credited to such licensed employee or
33 teacher assistant shall be credited to such licensed employee or
34 teacher assistant in the computation of unused leave for
35 retirement purposes under Section 25-11-109. Accumulation of sick
36 leave allowed under this section shall be unlimited.

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

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

54 (3) Beginning with the school year 1983-1984, each licensed
55 employee at the beginning of each school year shall be credited
56 with a minimum personal leave allowance, with pay, of two (2) days
57 for absences caused by personal reasons during that school year.
58 Such personal leave shall not be taken on the first day of the

59 school term, the last day of the school term, on a day previous to
60 a holiday or a day after a holiday. Personal leave may be used
61 for professional purposes, including absences caused by attendance
62 of such licensed employee at a seminar, class, training program,
63 professional association or other functions designed for
64 educators. No deduction from the pay of such licensed employee
65 may be made because of absence of such licensed employee caused by
66 personal reasons until after all personal leave allowance credited
67 to such licensed employee has been used. However, the
68 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;

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

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

148 (7) School boards may include in their budgets provisions
149 for the payment of substitute employees, necessitated because of
150 the absence of regular licensed employees. All such substitute
151 employees shall be paid wholly from district funds, except as
152 otherwise provided for long-term substitute teachers in Section
153 37-19-20. Such school boards, in their discretion, also may pay,
154 from district funds other than adequate education program funds,

155 the whole or any part of the salaries of all employees granted
156 leaves for the purpose of special studies or training.

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

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

164 (i) "Catastrophic injury or illness" means a
165 life-threatening injury or illness of an employee or a member of
166 an employee's immediate family that totally incapacitates the
167 employee from work, as verified by a licensed physician, and
168 forces the employee to exhaust all leave time earned by that
169 employee, resulting in the loss of compensation from the state for
170 the employee. Conditions that are short-term in nature,
171 including, but not limited to, common illnesses such as influenza
172 and the measles, and common injuries, are not catastrophic.
173 Chronic illnesses or injuries, such as cancer or major surgery,
174 that result in intermittent absences from work and that are
175 long-term in nature and require long recuperation periods may be
176 considered catastrophic.

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

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

185 (i) The employee donating the leave (the "donor
186 employee") shall designate the employee who is to receive the

187 leave (the "recipient employee") and the amount of unused
188 accumulated personal leave and sick leave that is to be donated,
189 and shall notify the school district superintendent or his
190 designee of his or her designation.

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

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

204 (iv) Before an employee may receive donated leave,
205 he or she must provide the school district superintendent or his
206 designee with a physician's statement that states the beginning
207 date of the catastrophic injury or illness, a description of the
208 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.