

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2468

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO MAKE A ONE-TIME PAYMENT TO
3 TEACHERS FOR UNUSED SICK LEAVE CREDITED DURING THE CURRENT SCHOOL
4 YEAR EQUAL TO THE SUBSTITUTE TEACHER'S RATE; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

9 37-7-307. (1) For purposes of this section, the term
10 "licensed employee" means any employee of a public school district
11 required to hold a valid license by the Commission on Teacher and
12 Administrator Education, Certification and Licensure and
13 Development.

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

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

24 (b) Any unused portion of the total sick leave
25 allowance shall be carried over to the next school year and
26 credited to such licensed employee if the licensed employee
27 remains employed in the same school district. In the event any
28 public school licensed employee 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
31 shall be credited to such licensed employee in the computation of
32 unused leave for retirement purposes under Section 25-11-109.
33 Accumulation of sick leave allowed under this section shall be
34 unlimited.

35 (c) No deduction from the pay of such licensed employee
36 may be made because of absence of such licensed employee caused by
37 illness or physical disability of the licensed employee until
38 after all sick leave allowance credited to such licensed employee
39 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. In addition, the
51 local school board of the employing school district may, in its
52 discretion, pay a teacher a one-time payment for any unused sick
53 leave credited during the current school year at a rate equal to
54 the daily substitute teacher pay. Such payment shall not reduce
55 the accumulated leave of such teacher and shall not be subject to
56 the provisions of Section 37-19-7, which prohibits the reduction
57 of local salary supplements from the prior year. The school
58 district shall have the authority to make such payments from any
59 available funds.

60 (3) Beginning with the school year 1983-1984, each licensed
61 employee at the beginning of each school year shall be credited



62 with a minimum personal leave allowance, with pay, of two (2) days
63 for absences caused by personal reasons during that school year.
64 Such personal leave shall not be taken on the first day of the
65 school term, the last day of the school term, on a day previous to
66 a holiday or a day after a holiday. Personal leave may be used
67 for professional purposes, including absences caused by attendance
68 of such licensed employee at a seminar, class, training program,
69 professional association or other functions designed for
70 educators. No deduction from the pay of such licensed employee
71 may be made because of absence of such licensed employee caused by
72 personal reasons until after all personal leave allowance credited
73 to such licensed employee has been used. However, the
74 superintendent of a school district, in his discretion, may allow
75 a licensed employee personal leave in addition to any minimum
76 personal leave allowance, under the condition that there shall be
77 deducted from the salary of such licensed employee the actual
78 amount of any compensation paid to any person as a substitute,
79 necessitated because of the absence of the licensed employee.

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

90 (5) Upon retirement from employment, each licensed and
91 nonlicensed employee shall be paid for not more than thirty (30)
92 days of unused accumulated leave earned while employed by the
93 school district in which the employee is last employed. Such
94 payment for licensed employees shall be made by the school



95 district at a rate equal to the amount paid to substitute teachers
96 and for nonlicensed employees, the payment shall be made by the
97 school district at a rate equal to the federal minimum wage. The
98 payment shall be treated in the same manner for retirement
99 purposes as a lump sum payment for personal leave as provided in
100 Section 25-11-103(e). Any remaining lawfully credited unused
101 leave, for which payment has not been made, shall be certified to
102 the Public Employees' Retirement System in the same manner and
103 subject to the same limitations as otherwise provided by law for
104 unused leave.

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

186 (v) If the total amount of leave that is donated
187 to any employee is not used by the recipient employee, the whole
188 days of donated leave shall be returned to the donor employees on
189 a pro rata basis, based on the ratio of the number of days of
190 leave donated by each donor employee to the total number of days
191 of leave donated by all donor employees.



192 (vi) Donated leave shall not be used in lieu of
193 disability retirement.

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

