### HB103 ENGROSSED



- 1 RBDFNN-2
- 2 By Representatives Baker, Collins
- 3 RFD: Children and Senior Advocacy
- 4 First Read: 07-Mar-23



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| 6  | A BILL   |
| 7  | TO BE ENTITLED   |
| 8  | AN ACT   |
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| 10 | Relating to public education employee sick leave; to           |
| 11 | amend Section 16-1-18.1, Code of Alabama 1975, to authorize    |
| 12 | the use of up to eight weeks of sick leave for attending to an |
| 13 | ill child for whom a petition for adoption has been filed and  |
| 14 | for attending to an adopted child.                             |
| 15 | BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:                   |
| 16 | Section 1. Section 16-1-18.1 of the Code of Alabama            |
| 17 | 1975, is amended to read as follows:                           |
| 18 | "§16-1-18.1  |
| 19 | (a) Definitions. When used in this section, the                |
| 20 | following terms shall have the following meanings $_{	au}$     |
| 21 | respectively:  |
| 22 | (1) EMPLOYEE. Any person employed full time as provided        |
| 23 | by law by those employers enumerated in this section; and      |
| 24 | adult bus drivers.   |
| 25 | (2) EMPLOYER. All public city and county boards of             |
| 26 | education; the Board of Trustees of the Alabama Institute for  |
| 27 | Deaf and Blind; the Alabama Youth Services Department District |
| 28 | Board in its capacity as the Board of Education for the Youth  |



29 Services Department District; the Board of Directors of the 30 Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; the Board of 31 32 Trustees of the Alabama School of Cyber Technology and 33 Engineering; for purposes of subsection (c) only, the Alabama 34 State Senate, the Lieutenant Governor, the Office of the 35 Senate President Pro Tempore, the Speaker of the House of 36 Representatives, the Alabama House of Representatives, the Legislative Reference Service Services Agency; any 37 organization participating in the Teachers' Retirement System 38 39 (excluding any state governmental department not listed herein); the State Board of Education as applied to two-year 40 postsecondary education institutions Board of Trustees of the 41 Alabama Community College System; and for the purposes of 42 43 subsection (c) only, all four-year public institutions of 44 higher learning. 45 (3) EXECUTIVE OFFICER. The superintendent of any public 46 county school system or any public city school system; the 47 President of the Alabama Institute for Deaf and Blind; the 48 president of any two-year school or college under the auspices 49 of the State Board of Education Board of Trustees of the 50 Alabama Community College System; the Superintendent of the 51 Department of Youth Services School District; the Executive 52 Director of the Alabama School of Fine Arts; the Executive 53 Director of the Alabama High School of Mathematics and 54 Science; the President of the Alabama School of Cyber Technology and Engineering; the Secretary of the Senate; the 55 56 Clerk of the House of Representatives; the Lieutenant



- 57 Governor; the Speaker of the House of Representatives; the
- Director of the Legislative Services Agency; and the chief
- 59 executive officer of any other employer as provided in this
- 60 section.
- 61  $\frac{(4)}{(5)}$  SICK LEAVE. The absence from duty by an employee
- as a result of any of the following:
- a. Personal illness or doctor's quarantine.
- b. Incapacitating personal injury.
- 65 c. Attendance upon an ill member of the employee's
- 66 immediate family (parent, spouse, child, foster child
- 67 currently in the care and custody of the employee, sibling,
- 68 child currently in the care and custody of the employee for
- 69 whom a petition for adoption has been filed); or an individual
- 70 with a close personal tie.
- 71 d. Death in the family of the employee (parent, spouse,
- 72 child, sibling, parent-in-law, son-in-law, daughter-in-law,
- 73 brother-in-law, sister-in-law, nephew, niece, grandchild,
- 74 grandparent, uncle, or aunt).
- e. Death, injury, or sickness of another person who has
- 76 unusually strong personal ties to the employee, such as a
- 77 person who stood in loco parentis.
- f. Attendance upon an adopted child, who is three years
- 79 of age or younger.
- 80 (5) (4) ON-THE-JOB INJURY. Any accident or injury to the
- 81 employee occurring during the performance of duties or when
- 82 directed or requested by the employer to be on the property of
- 83 the employer which prevents the employee from working or
- 84 returning to his or her job.



85 (b) Sick leave for employees.

- 86 (1) EARNINGS. The employee shall earn one sick leave 87 day per month of employment.
  - be allowed and authorized to may take sick leave for any of the reasons—so enumerated and defined in this section. Sick leave taken for the purpose of attending to an adopted child—as provided in paragraph (a) (5)e., may be taken for a maximum of eight weeks, or 320 consecutive hours. Nothing in this section shall permit an employee to take sick leave that he or she has not earned.
  - (3) EMPLOYEE PAY WHILE ON SICK LEAVE. Reimbursement of pay for the employee per day of sick leave shall be at the daily rate of pay for the employee.
    - (c) Sick leave accumulation and transfers.
  - (1) An employee shall be allowed to may accumulate an unlimited number of sick leave days. Earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law. However, for purposes of applying accrued sick leave as credit for retirement purposes, an employee is limited to a maximum of sick leave as authorized in subdivision (1) of subsection (b). As pertains



- to receiving retirement credit for accrued sick leave, the
  Teacher's Board of Control shall have the authority to may
  adopt—such policies and procedures necessary to effectuate a
  uniform policy pursuant to this section.
- 117 (2) Employees of the Alabama State Senate, the 118 Lieutenant Governor, the Office of the Senate President Pro 119 Tempore, the Speaker of the House of Representatives, the 120 Alabama House of Representatives, and the Legislative Reference Services Agency may only accrue unlimited 121 sick leave under this section until January 1, 2013. On 122 123 January 1, 2013, an employee subject to this section may carry 124 over only the actual number of sick leave hours the employee 125 has or the number allowed under Section 36-26-36, whichever is 126 greater. After January 1, 2013, sick leave earned by an 127 employee subject to this section in excess of the amount 128 determined on January 1, 2013, is subject to Section 129 36-26-36(d).
  - (d) On-the-job injury. The following regulations, procedures, and rights are established pertaining to employees who are injured while on the job:

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133 (1) NOTICE OF INJURY. The employee shall make proper notification of the injury to the executive officer, for to 134 135 the principal of the school, if applicable, within 24 hours 136 after the injury occurred, or where the employee is not 137 clinically able to make notification, it shall be permissible 138 for another person who is reasonably knowledgeable to may make the notification of the injury. Other notification procedures 139 140 and forms shall be as established by written policy of the



141 employer.

- (2) PHYSICIAN CERTIFICATION. The employer may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury. The executive officer—may, at his or her discretion, may require a second opinion from another physician at the expense of the employer. The employer may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work. A uniform physician certification form shall be adopted by the State Board of Education and distributed to each executive officer.
- (3) SALARY CONTINUED. Upon determination by the executive officer that an employee has been injured on the job and cannot return to work as a result of the injury, the salary and fringe benefits of the employee shall be continued for a period of up to ninety (90) 90 working days consistent with the employee's injury and the subsequent absence from work resulting from the injury. This provision shall apply to the temporary disability of the employee as applicable to the job-related injury.
  - (4) EXTENSION OF DAYS. The employer may adopt a written policy to extend the 90-day sick leave period for on-the-job injuries. Additional job-injury policies may be adopted by the employer if the policies do not conflict with the section.
  - (5) REIMBURSEMENT TO EMPLOYER. Any reasonable on-the-job injury costs incurred by the employer, (to hire a substitute), per absent injured employee in a fiscal year





169 shall be reimbursed to the employer by the state during the 170 next succeeding fiscal year upon application by the employer 171 to the appropriate State Board of Education department on a 172 form adopted by the state board, +not to exceed 90 work days -. 173 The department shall subsequently submit the request to the 174 Legislature as a line-item in its budget request for 175 reimbursement to the employer, and, if approved by the 176 Legislature, shall reimburse the employer at the amount per 177 day for sick leave authorized and funded in the annual budget

act for public schools and colleges.

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- (6) EMPLOYEE'S SICK LEAVE. Sick leave shall not be deducted from the employee's account if absence from work is found to be a result of an on-the-job injury as provided in this section.
- 183 (7) ADDITIONAL EXPENSES. Any unreimbursed medical 184 expenses and costs which the employee incurs as a result of an 185 on-the-job injury may be filed for reimbursement with the 186 State Board of Adjustment. Reimbursement to the employee shall 187 be determined by the Board of Adjustment's policies, rules, 188 and regulations which may be adopted from time to time. The 189 Board of Adjustment shall adopt appropriate rules, 190 regulations, and forms for submission by the employee.
  - (8) The executive officer, or his or her designee, shall inform the employee who is injured on the job of his or her rights about appearing before the Board of Adjustment and also about applicable written policies within thirty (30) 30 calendar days of after notification of the injury.
    - (e) Vacations and leaves of absences. The employer

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197 shall have the authority, under the rules and regulations 198 promulgated adopted from time to time by the State Board of 199 Education, to may provide for paid leaves of absences and 200 vacations for its employees. Payment may be from public funds. 201 The employer may provide for leaves of absence during the times the schools are, or are not, in session when the teacher 202 203 or employee devotes the leave to instructing in or attending 204 schools for appropriate training, or when approved by the 205 State Board of Education as beneficial to the state's 206 educational objectives. The employer may also provide for the 207 payment of any full-time teachers or employees for absences during the time schools are in session when the absence 208 209 results from an unavoidable cause which prevents the teacher 210 or employee from discharging his or her duties. Pay for the 211 absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during 212 213 any one scholastic year.

annual leave. As applied to postsecondary Alabama Community

College System employers, any employee who earns and accumulates annual leave shall be entitled to may accumulate up to 60 days of annual leave at a rate not to exceed that in the policy established by the State Board of Education.

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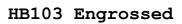
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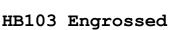
(g) Policies. The policies and procedures required and permitted by this section shall be adopted by the employer consistent with and as required by Section 16-1-30."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by





the Governor, or its otherwise becoming law.





226 227 228 House of Representatives Read for the first time and referred ......07-Mar-23 to the House of Representatives 230 committee on Children and Senior 231 232 Advocacy 233 Read for the second time and placed .................22-Mar-23 on the calendar: 235 236 1 amendment 237 238 Read for the third time and passed ...........04-Apr-23 as amended 239 Yeas 105 240 241 Nays 0 Abstains 0 242 243 244 245 John Treadwell Clerk 246 247