

HB103 ENROLLED



1 RBDFNN-3
2 By Representatives Baker, Collins
3 RFD: Children and Senior Advocacy
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to public education employee sick leave; to
5 amend Section 16-1-18.1, Code of Alabama 1975, to authorize
6 the use of up to eight weeks of sick leave for attending to an
7 ill child for whom a petition for adoption has been filed and
8 for attending to an adopted child.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 16-1-18.1 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§16-1-18.1

13 (a) Definitions. When used in this section, the
14 following terms shall have the following meanings,
15 ~~respectively~~:

16 (1) EMPLOYEE. Any person employed full time as provided
17 by law by those employers enumerated in this section; and
18 adult bus drivers.

19 (2) EMPLOYER. All public city and county boards of
20 education; the Board of Trustees of the Alabama Institute for
21 Deaf and Blind; the Alabama Youth Services Department District
22 Board in its capacity as the Board of Education for the Youth
23 Services Department District; the Board of Directors of the
24 Alabama School of Fine Arts; the Board of Trustees of the
25 Alabama High School of Mathematics and Science; the Board of
26 Trustees of the Alabama School of Cyber Technology and
27 Engineering; for purposes of subsection (c) only, the Alabama
28 State Senate, the Lieutenant Governor, the Office of the



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29 Senate President Pro Tempore, the Speaker of the House of
30 Representatives, the Alabama House of Representatives, the
31 Legislative ~~Reference Service~~ Services Agency; any
32 organization participating in the Teachers' Retirement System
33 (excluding any state governmental department not listed
34 herein); the ~~State Board of Education as applied to two-year~~
35 ~~postsecondary education institutions~~ Board of Trustees of the
36 Alabama Community College System; and for the purposes of
37 subsection (c) only, all four-year public institutions of
38 higher learning.

39 (3) EXECUTIVE OFFICER. The superintendent of any public
40 county school system or any public city school system; the
41 President of the Alabama Institute for Deaf and Blind; the
42 president of any two-year school or college under the auspices
43 of the ~~State Board of Education~~ Board of Trustees of the
44 Alabama Community College System; the Superintendent of the
45 Department of Youth Services School District; the Executive
46 Director of the Alabama School of Fine Arts; the Executive
47 Director of the Alabama High School of Mathematics and
48 Science; the President of the Alabama School of Cyber
49 Technology and Engineering; the Secretary of the Senate⁷; the
50 Clerk of the House of Representatives⁷; the Lieutenant
51 Governor; the Speaker of the House of Representatives; the
52 Director of the Legislative Services Agency; and the chief
53 executive officer of any other employer as provided in this
54 section.

55 ~~(4)~~ (5) SICK LEAVE. The absence from duty by an employee
56 as a result of any of the following:



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- 57 a. Personal illness or doctor's quarantine.
- 58 b. Incapacitating personal injury.
- 59 c. Attendance upon an ill member of the employee's
60 immediate family (parent, spouse, child, foster child
61 currently in the care and custody of the employee, sibling,
62 child currently in the care and custody of the employee for
63 whom a petition for adoption has been filed); or an individual
64 with a close personal tie.
- 65 d. Death in the family of the employee (parent, spouse,
66 child, sibling, parent-in-law, son-in-law, daughter-in-law,
67 brother-in-law, sister-in-law, nephew, niece, grandchild,
68 grandparent, uncle, or aunt).
- 69 e. Death, injury, or sickness of another person who has
70 unusually strong personal ties to the employee, such as a
71 person who stood in loco parentis.
- 72 f. Attendance upon an adopted child, who is three years
73 of age or younger.
- 74 ~~(5)~~ (4) ON-THE-JOB INJURY. Any accident or injury to the
75 employee occurring during the performance of duties or when
76 directed or requested by the employer to be on the property of
77 the employer which prevents the employee from working or
78 returning to his or her job.
- 79 (b) Sick leave for employees.
- 80 (1) EARNINGS. The employee shall earn one sick leave
81 day per month of employment.
- 82 (2) REASONS FOR TAKING SICK LEAVE. The employee ~~shall~~
83 ~~be allowed and authorized to~~ may take sick leave for any of
84 the reasons ~~so~~ enumerated and defined in this section. Sick



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85 leave taken for the purpose of attending to an adopted child,
86 as provided in paragraph (a) (5) e., may be taken for a maximum
87 of eight weeks, or 320 consecutive hours. Nothing in this
88 section shall permit an employee to use sick leave that he or
89 she has not earned or has not been donated.

90 (3) EMPLOYEE PAY WHILE ON SICK LEAVE. Reimbursement of
91 pay for the employee per day of sick leave shall be at the
92 daily rate of pay for the employee.

93 (c) Sick leave accumulation and transfers.

94 (1) An employee ~~shall be allowed to~~ may accumulate an
95 unlimited number of sick leave days. Earned sick leave days
96 which have been accrued by an employee shall be transferrable
97 from one employer to another. The executive officer of the
98 employer shall ~~take care to~~ ensure that certification of the
99 number of unused sick leave days is provided to the new
100 employer when an employee transfers employment. All of the
101 earned and unused sick leave days which an employee has
102 accumulated shall be transferred to the new employer for use
103 by the employee as provided by law. However, for purposes of
104 applying accrued sick leave as credit for retirement purposes,
105 an employee is limited to a maximum of sick leave as
106 authorized in subdivision (1) of subsection (b). As pertains
107 to receiving retirement credit for accrued sick leave, the
108 Teacher's Board of Control ~~shall have the authority to~~ may
109 adopt ~~such~~ policies and procedures necessary to effectuate a
110 uniform policy pursuant to this section.

111 (2) Employees of the Alabama State Senate, the
112 Lieutenant Governor, the Office of the Senate President Pro



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113 Tempore, the Speaker of the House of Representatives, the
114 Alabama House of Representatives, and the Legislative
115 ~~Reference Service~~ Services Agency may only accrue unlimited
116 sick leave under this section until January 1, 2013. On
117 January 1, 2013, an employee subject to this section may carry
118 over only the actual number of sick leave hours the employee
119 has or the number allowed under Section 36-26-36, whichever is
120 greater. After January 1, 2013, sick leave earned by an
121 employee subject to this section in excess of the amount
122 determined on January 1, 2013, is subject to Section
123 36-26-36(d).

124 (d) On-the-job injury. The following regulations,
125 procedures, and rights are established pertaining to employees
126 who are injured while on the job:

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

136 (2) PHYSICIAN CERTIFICATION. The employer may require
137 medical certification from the employee's physician that the
138 employee was injured and cannot return to work as a result of
139 the injury. The executive officer ~~may~~, at his or her
140 discretion, may require a second opinion from another



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141 physician at the expense of the employer. The employer may
142 require a statement from the physician that there is a
143 reasonable expectation that the employee will be able to
144 return to work. A uniform physician certification form shall
145 be adopted by the State Board of Education and distributed to
146 each executive officer.

147 (3) SALARY CONTINUED. Upon determination by the
148 executive officer that an employee has been injured on the job
149 and cannot return to work as a result of the injury, the
150 salary and fringe benefits of the employee shall be continued
151 for a period of up to ~~ninety (90)~~ 90 working days consistent
152 with the employee's injury and the subsequent absence from
153 work resulting from the injury. This provision shall apply to
154 the temporary disability of the employee as applicable to the
155 job-related injury.

156 (4) EXTENSION OF DAYS. The employer may adopt a written
157 policy to extend the 90-day sick leave period for on-the-job
158 injuries. Additional job-injury policies may be adopted by the
159 employer if the policies do not conflict with the section.

160 (5) REIMBURSEMENT TO EMPLOYER. Any reasonable
161 on-the-job injury costs incurred by the employer, ~~to hire a~~
162 ~~substitute~~, per absent injured employee in a fiscal year
163 shall be reimbursed to the employer by the state during the
164 next succeeding fiscal year upon application by the employer
165 to the appropriate State Board of Education department on a
166 form adopted by the state board, ~~not to exceed 90 work days~~.
167 The department shall subsequently submit the request to the
168 Legislature as a line-item in its budget request for



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169 reimbursement to the employer, and, if approved by the
170 Legislature, shall reimburse the employer at the amount per
171 day for sick leave authorized and funded in the annual budget
172 act for public schools and colleges.

173 (6) EMPLOYEE'S SICK LEAVE. Sick leave shall not be
174 deducted from the employee's account if absence from work is
175 found to be a result of an on-the-job injury ~~as provided in~~
176 ~~this section.~~

177 (7) ADDITIONAL EXPENSES. Any unreimbursed medical
178 expenses and costs which the employee incurs as a result of an
179 on-the-job injury may be filed for reimbursement with the
180 State Board of Adjustment. Reimbursement to the employee shall
181 be determined by the Board of Adjustment's policies, rules,
182 and regulations which may be adopted from time to time. The
183 Board of Adjustment shall adopt appropriate rules,
184 regulations, and forms for submission by the employee.

185 (8) The executive officer, or his or her designee,
186 shall inform the employee who is injured on the job of his or
187 her rights about appearing before the Board of Adjustment and
188 also about applicable written policies within ~~thirty (30)~~ 30
189 calendar days ~~of~~ after notification of the injury.

190 (e) Vacations and leaves of absences. The employer
191 ~~shall have the authority,~~ under the rules and regulations
192 ~~promulgated~~ adopted from time to time by the State Board of
193 Education, ~~to~~ may provide for paid leaves of absences and
194 vacations for its employees. Payment may be from public funds.
195 The employer may provide for leaves of absence during the
196 times the schools are, or are not, in session when the teacher



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197 or employee devotes the leave to instructing in or attending
198 schools for appropriate training, or when approved by the
199 State Board of Education as beneficial to the state's
200 educational objectives. The employer may also provide for the
201 payment of any full-time teachers or employees for absences
202 during the time schools are in session when the absence
203 results from an unavoidable cause which prevents the teacher
204 or employee from discharging his or her duties. Pay for the
205 absences resulting from unavoidable causes other than sickness
206 shall not be allowed for a longer time than one week during
207 any one scholastic year.

208 (f) ~~Postsecondary~~ Alabama Community College System
209 annual leave. As applied to ~~postsecondary~~ Alabama Community
210 College System employers, any employee who earns and
211 accumulates annual leave ~~shall be entitled to~~ may accumulate
212 up to 60 days of annual leave at a rate not to exceed that in
213 the policy established by the State Board of Education.

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

217 Section 2. This act shall become effective on the first
218 day of the third month following its passage and approval by
219 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 04-Apr-23, as amended.

John Treadwell
Clerk

Senate **02-May-23**

Passed

House **24-May-23**

Concurred in
Senate Amendment