



**House Children and Senior Advocacy Engrossed
Substitute for HB103**

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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-1-18.1

(a) Definitions. When used in this section, the following terms shall have the following meanings, **respectively**:

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

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth



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29 Services Department District; the Board of Directors of the
30 Alabama School of Fine Arts; the Board of Trustees of the
31 Alabama High School of Mathematics and Science; the Board of
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
37 Legislative ~~Reference Service~~ Services Agency; any
38 organization participating in the Teachers' Retirement System
39 (excluding any state governmental department not listed
40 herein); the ~~State Board of Education as applied to two-year~~
41 ~~postsecondary education institutions~~ Board of Trustees of the
42 Alabama Community College System; and for the purposes of
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
55 Technology and Engineering; the Secretary of the Senate~~;~~; the
56 Clerk of the House of Representatives~~;~~; the Lieutenant



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57 Governor; the Speaker of the House of Representatives; the
58 Director of the Legislative Services Agency; and the chief
59 executive officer of any other employer as provided in this
60 section.

61 ~~(4)~~ (5) SICK LEAVE. The absence from duty by an employee
62 as a result of any of the following:

63 a. Personal illness or doctor's quarantine.

64 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).

75 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.

78 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.



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85 (b) Sick leave for employees.

86 (1) EARNINGS. The employee shall earn one sick leave
87 day per month of employment.

88 (2) REASONS FOR TAKING SICK LEAVE. The employee ~~shall~~
89 ~~be allowed and authorized to~~ may take sick leave for any of
90 the reasons ~~so~~ enumerated and defined in this section. Sick
91 leave taken for the purpose of attending to an adopted child,
92 as provided in paragraph (a)(5)e., may be taken for a maximum
93 of eight weeks, or 320 consecutive hours.

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

97 (c) Sick leave accumulation and transfers.

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



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113 adopt ~~such~~ policies and procedures necessary to effectuate a
114 uniform policy pursuant to this section.

115 (2) Employees of the Alabama State Senate, the
116 Lieutenant Governor, the Office of the Senate President Pro
117 Tempore, the Speaker of the House of Representatives, the
118 Alabama House of Representatives, and the Legislative
119 ~~Reference Service~~ Services Agency may only accrue unlimited
120 sick leave under this section until January 1, 2013. On
121 January 1, 2013, an employee subject to this section may carry
122 over only the actual number of sick leave hours the employee
123 has or the number allowed under Section 36-26-36, whichever is
124 greater. After January 1, 2013, sick leave earned by an
125 employee subject to this section in excess of the amount
126 determined on January 1, 2013, is subject to Section
127 36-26-36(d).

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

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

140 (2) PHYSICIAN CERTIFICATION. The employer may require



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141 medical certification from the employee's physician that the
142 employee was injured and cannot return to work as a result of
143 the injury. The executive officer ~~may~~, at his or her
144 discretion, may require a second opinion from another
145 physician at the expense of the employer. The employer may
146 require a statement from the physician that there is a
147 reasonable expectation that the employee will be able to
148 return to work. A uniform physician certification form shall
149 be adopted by the State Board of Education and distributed to
150 each executive officer.

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

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

164 (5) REIMBURSEMENT TO EMPLOYER. Any reasonable
165 on-the-job injury costs incurred by the employer, ~~to~~ to hire a
166 substitute ~~per~~ per absent injured employee in a fiscal year
167 shall be reimbursed to the employer by the state during the
168 next succeeding fiscal year upon application by the employer



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169 to the appropriate State Board of Education department on a
170 form adopted by the state board, ~~not to exceed 90 work days~~.
171 The department shall subsequently submit the request to the
172 Legislature as a line-item in its budget request for
173 reimbursement to the employer, and, if approved by the
174 Legislature, shall reimburse the employer at the amount per
175 day for sick leave authorized and funded in the annual budget
176 act for public schools and colleges.

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

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

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

194 (e) Vacations and leaves of absences. The employer
195 ~~shall have the authority,~~ under the rules and regulations
196 ~~promulgated~~ adopted from time to time by the State Board of



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

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

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

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