



**House Education Policy Reported Substitute for
SB211**

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A BILL
TO BE ENTITLED
AN ACT

Relating to public education employees; to amend Section 16-22-9, Code of Alabama 1975; to revise the definition of "education authority" for purposes of sick leave; to require the State Board of Education to adopt a model policy relating to sick leave; to require the model policy to authorize the direct donation of sick leave between education employees employed by any educational authority; to require educational authorities to implement the model policy; to require policies developed by the sick leave bank committee to be approved by the educational authority; to further provide for the duties of sick leave bank committees; and to further provide for sick leave banks and catastrophic sick leave.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-22-9, Code of Alabama 1975, is amended to read as follows:

"§16-22-9

(a) ~~The following terms shall have the following meanings, respectively~~ For the purposes of this section, the following terms have the following meanings:



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- 29 (1) BOARD. The State Board of Education.
- 30 (2) CATASTROPHIC ILLNESS. Any illness, injury, or
 31 pregnancy or medical condition related to childbirth,
 32 certified by a licensed physician, which causes the employee
 33 to be absent from work for an extended period of time and
 34 which is unrelated to the Public Education Employee Injury
 35 Compensation Program or paid parental leave.
- 36 (3) ~~(2)~~ CHIEF EXECUTIVE OFFICER. The superintendent of
 37 any public ~~county or city~~ K-12 school system; the President of
 38 the Alabama Institute for Deaf and Blind; ~~the president of any~~
 39 ~~two-year school or college under the auspices of the State~~
 40 ~~Board of Education; the President of Alabama Agricultural and~~
 41 ~~Mechanical University;~~ the Superintendent of the Department of
 42 Youth Services School District; the Executive Director of the
 43 Alabama School of Fine Arts; ~~and~~ the Executive Director of the
 44 Alabama High School of Mathematics and Science; the Executive
 45 Director of the Alabama School of Cyber Technology and
 46 Engineering; the Executive Director of the Alabama School of
 47 Healthcare Sciences; and the chief executive officer of any
 48 employer whose employees participate in the Teachers'
 49 Retirement System pursuant to Chapter 25.
- 50 (4) ~~(3)~~ EDUCATIONAL AUTHORITY or AUTHORITY ~~or BOARD.~~
 51 Each ~~city and county~~ local board of education; the Board of
 52 Trustees of the Alabama Institute for Deaf and Blind; the
 53 Alabama Youth Services Board in its capacity as the Board of
 54 Education for the Department of Youth Services School
 55 District; the Board of Directors of the Alabama School of Fine
 56 Arts; the Board of Directors of the Alabama High School of



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57 Mathematics and Science; the Board of Directors of the Alabama
 58 School of Cyber Technology and Engineering; the Board of
 59 Directors of the Alabama School of Healthcare Sciences; and
 60 the governing body of any employer whose employees participate
 61 in the Teachers' Retirement System pursuant to Chapter 25~~the~~
 62 ~~State Board of Education as applied to two-year postsecondary~~
 63 ~~institutions; and the Board of Trustees of Alabama~~
 64 ~~Agricultural and Mechanical University.~~

65 (5) ~~(4)~~ EMPLOYEE. Any ~~person~~ individual employed by ~~the~~
 66 an educational authority on a full-time or part-time basis.

67 (6) PARTICIPATING MEMBER. An employee who voluntarily
 68 chooses to participate in a sick leave bank.

69 ~~(5)~~ (7) SICK LEAVE. The same meaning as Section
 70 16-1-18.1.

71 (8) SICK LEAVE BANK COMMITTEE. A committee of five
 72 employees, one representing the authority and four
 73 representing the participating members of the sick leave bank.

74 (b) (1) The board shall adopt a model sick leave policy
 75 and adopt rules to implement and administer the model policy.

76 (2) The board's model policy shall provide for:

77 a. Employees to deposit an equal number of days, not to
 78 exceed five, of their earned sick leave into the bank. The
 79 days deposited shall be available to be loaned to any
 80 participating member whose sick leave has been exhausted;

81 b. The use of catastrophic leave, as provided in
 82 subsection (f); and

83 c. Employees to donate their earned sick leave directly
 84 to any other employee, as provided in subsection (g).



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85 (3)a. The board shall develop uniform state forms:

86 1. Necessary for the operation and administration of
87 sick leave banks and sick leave donation;

88 2. To ensure the orderly transfer and acceptance of
89 catastrophic sick leave days from one sick leave bank to
90 another; and

91 3. To ensure the orderly direct donation of sick leave
92 days from one employee to another.

93 b. The forms established under this subdivision may be
94 used by any educational authority.

95 (c) (1) Each~~An~~ educational authority, upon the request
96 of 10 percent of its full-time certificated and full-time
97 support personnel, shall establish a sick leave bank plan for
98 each of the two groups either jointly or separately. The
99 decision whether to have a joint or separate sick leave bank
100 shall be the exclusive decision of the employees, utilizing a
101 secret balloting process.

102 (2)~~(e)~~ At the beginning of each scholastic year, an
103 election shall be held among the sick leave bank participating
104 members to determine by secret ballot the four participating
105 members who are to serve on the sick leave bank committee. The
106 term of office shall be one year. The chief executive officer
107 of the authority shall be responsible for conducting the
108 election in a fair and equitable manner and~~r~~ ensuring the
109 confidentiality of the secret balloting process. The chief
110 executive officer of the authority shall also appoint the
111 authority's representative on the committee, subject to ~~board~~
112 approval by the educational authority.



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113 (d) (1) Notwithstanding any other provision of law to
114 the contrary, ~~it shall be the exclusive responsibility of the~~
115 each sick leave bank committee ~~to write~~ shall provide
116 administrative and clerical support to the educational
117 authority related to the operation of the sick leave bank by:

118 a. Implementing and administering the model sick leave
119 policy created pursuant to subsection (b); and

120 b. Developing and implementing any additional ~~the~~
121 ~~guidelines~~ and or administrative procedures ~~of~~ as necessary
122 for compliance with this section, the orderly operation of the
123 sick leave bank, including ~~the~~ catastrophic leave and direct
124 sick leave donation as provided in ~~provisions of~~ this section,
125 subject to the approval of the educational authority. ~~It shall~~
126 ~~also be the committee's duty to develop all necessary forms~~
127 ~~for the orderly operation and administration of the sick leave~~
128 ~~bank and catastrophic leave provisions of this section.~~

129 ~~To ensure the orderly transfer and acceptance of~~
130 ~~catastrophic sick leave days from one sick leave bank to~~
131 ~~another, the State Board of Education shall provide a uniform~~
132 ~~state form.~~

133 ~~(e) Each plan shall allow the employees to deposit an~~
134 ~~equal number of days (not to exceed five) of his or her earned~~
135 ~~sick leave into the bank. The days deposited shall be~~
136 ~~available to be loaned to any participating member whose sick~~
137 ~~leave has been exhausted.~~

138 ~~(f) Upon the establishment of a sick leave bank, the~~
139 ~~sick leave bank committee shall establish procedures providing~~
140 ~~for the uniform administration of the sick leave bank.~~



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~~Guidelines shall be developed by the sick leave bank committee for the operation of the sick leave bank.~~

(2) The guidelines developed by a sick leave bank committee shall be approved by: (i) a secret ballot vote of the participating members of the sick leave bank; and (ii) the educational authority. The accounting of the sick leave bank shall be the responsibility of the authority. Vacancies occurring on ~~the~~a committee shall be filled ~~by the respective parties~~in the same manner as provided in subdivision (c) (2).

No representative on the committee shall serve for a term longer than five years.

(e) Each educational authority may adopt rules and policies to implement and administer this section as to its employees and the educational institutions under its control, provided that no educational authority~~(g) Each sick leave bank's guidelines shall include the regulations of this section. Additional guidelines shall be adopted by the sick leave bank committee as may be deemed appropriate and beneficial. No board~~ or sick leave bank committee ~~shall~~ may adopt any policy or rule that~~regulation which~~ conflicts with the model policy developed under subsection (b), the catastrophic leave provisions of subsection (f), the sick leave direct donation provisions of subsection (g), any other provision of this section, or any of the following general regulations:

(1) No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50 percent of the participating members of the bank vote to extend the limit.



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169 (2) Appropriate administrative forms for administering
170 the sick leave bank shall comply with the model policy and
171 uniform forms created pursuant to this section and be
172 developed by the sick leave bank committee, subject to the
173 approval of the educational authority.

174 (3) Sick leave days borrowed from the sick leave bank
175 shall be repaid to the sick leave bank monthly as re-earned by
176 the participating member. Upon the resignation or other
177 termination of an employee who has an outstanding loan of sick
178 leave days, the value of the loan shall be deducted from the
179 final paycheck at the employee's prevailing rate of pay.

180 (4) A participating member of the sick leave bank shall
181 not be allowed to accumulate more days than allowed in Section
182 16-1-18.1, including days in the sick leave bank.

183 (5) Employee membership in the sick leave bank shall be
184 voluntary.

185 (6) Any alleged abuse of the use of the sick leave bank
186 shall be investigated by the applicable sick leave bank
187 committee. On the finding of wrongdoing, the participating
188 member shall repay all of the sick leave credits drawn from
189 the sick leave bank and be subject to other appropriate
190 disciplinary action as determined by the ~~local~~educational
191 authority.

192 (7) Upon retirement or transfer of the sick leave bank
193 member, days on deposit with the sick leave bank shall be
194 withdrawn and transferred with the employee or made accessible
195 for retirement credit, as applicable.

196 (8) Before being eligible to use catastrophic sick



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197 leave days, the participating member ~~of the sick leave bank~~
198 shall first borrow and utilize days from the sick leave bank,
199 up to a maximum of 15 days. However, if the participating
200 member later qualifies for catastrophic sick leave, donated
201 catastrophic sick leave days may be used to repay days owed to
202 the sick leave bank to the credit of the affected
203 participating member.

204 (9) At the beginning of the scholastic year, or upon
205 employment of a new employee, as the case may be, the
206 appropriate number of sick leave days ~~shall~~, upon application
207 of the employee, shall be credited to the employee's account
208 to enable the employee to join the sick leave bank if the
209 employee does not have the minimum number of sick leave days
210 to enable him or her to join the bank. ~~The~~Each sick leave bank
211 committee shall develop in its guidelines a provision whether
212 ~~or not~~ to allow other employees who have previously failed or
213 refused to join the sick leave bank the option to join upon
214 deposit of the prerequisite number of sick leave days. Any
215 policy developed by the sick leave bank committee shall be
216 uniformly applied to all employees.

217 (10)a. No employee may be required to appear before the
218 sick leave bank committee or request approval from the sick
219 leave bank committee in order to donate or receive leave under
220 this section, provided that each employee shall provide the
221 applicable educational authority with a written plan regarding
222 the employee's intended use of leave that he or she intends to
223 take pursuant to this section.

224 b. Any discretionary functions relating to the sick



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225 leave bank are the responsibility of the educational
226 authority.

227 (f) ~~(h) Catastrophic sick leave.~~ Employees, at their
228 discretion, may donate a specific number of days to the sick
229 leave bank to be designated for a specific employee for use
230 against a catastrophic illness ~~as defined by this section.~~ A
231 donating employee shall not be required to donate a minimum
232 number of catastrophic days to the sick leave bank. The
233 recipient employee may use catastrophic sick leave days for
234 himself or herself or for other covered ~~persons~~ individuals as
235 provided in Section 16-1-18.1. Before sick leave days for a
236 catastrophic illness may be used by a recipient employee, the
237 recipient employee shall have first exhausted all sick and
238 personal leave. Donated days shall become available for use by
239 the particular employee who shall not be required to repay the
240 days. Any employee who donates sick leave days to the sick
241 leave bank for a particular employee suffering from a
242 catastrophic illness shall be clearly informed that the
243 donated days are not to be recovered or returned to the donor.
244 If a particular employee does not require all of the days
245 donated to the credit of the employee, the days shall revert
246 to the credit of those employees who donated the days in
247 accordance with the guidelines adopted by the sick leave bank
248 committee. No employee may donate more than 30 sick leave
249 days, ~~exclusive of the provisions of subsection (c), to the~~
250 ~~sick leave bank for the catastrophic sick leave of any one~~
251 ~~employee directly to any one employee per academic school year~~
252 under this subsection. A sick leave bank ~~is authorized to~~ may



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253 donate sick leave days to another sick leave bank for use by a
254 particular employee who is suffering a catastrophic illness.
255 An employee must be a participating member of the sick leave
256 bank to donate or receive catastrophic sick leave days.

257 (g) (1) ~~(i)~~ Beginning with the 2027-2028 school year, an
258 employee may directly donate sick leave to any other employee
259 of any educational authority for any reason. An employee
260 donating leave under this section may donate to an employee of
261 any other educational authority, even if the donor is employed
262 by a different educational authority than the receiving
263 employee. Sick leave donated under this subsection shall not
264 be deposited into a sick leave bank. The recipient employee is
265 not required to repay the donor for the sick leave.

266 (2) If an educational authority has not authorized a
267 sick leave bank, the authority shall adopt procedures to
268 implement this subsection as the policy pertains to the direct
269 donation of sick leave.

270 (h) ~~Compliance required.~~ If an authority fails to comply
271 with this section within 30 calendar days after receiving the
272 petition to establish a sick leave bank, the State
273 Superintendent of Education (for the public schools), or the
274 chief executive officer for any other employers whose
275 employees participate in the Teachers' Retirement System
276 pursuant to Chapter 25, the Chancellor of Postsecondary
277 Education (for the two-year postsecondary schools), or the
278 president of the governing board of trustees (for four-year
279 colleges and universities) shall investigate the situation and
280 shall immediately take due and appropriate steps to ensure



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281 compliance with this section."

282 Section 2. This act shall become effective on July 1,

283 2026.