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SYNOPSIS:

Under existing law, certain state public educational authorities may implement a sick leave bank to facilitate the transfer of sick leave or catastrophic leave from one employee to another, subject to certain limitations.

This bill would require the State Board of Education to adopt a model sick leave policy providing for the use of sick leave banks, catastrophic leave, and the donation of sick leave.

This bill would remove the cap limiting how much catastrophic sick leave an employee may donate to another employee.

This bill would require the sick leave policy to allow employees to donate sick leave directly to another employee, subject to certain limitations, even if the donor and receiving employee work for different education authorities.

This bill would require each educational authority to implement a sick leave bank policy that does not contradict the requirements of this bill.

This bill would also revise the duties of sick leave bank committees and require policies developed by local sick leave bank committees to be approved by the educational authority.



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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:

(1) BOARD. The State Board of Education.

(2) CATASTROPHIC ILLNESS. Any illness, injury, or



57 pregnancy or medical condition related to childbirth,
58 certified by a licensed physician, which causes the employee
59 to be absent from work for an extended period of time and
60 which is unrelated to the Public Education Employee Injury
61 Compensation Program or paid parental leave.

62 (3) ~~(2)~~ CHIEF EXECUTIVE OFFICER. The superintendent of
63 any public ~~county or city~~ K-12 school system; the President of
64 the Alabama Institute for Deaf and Blind; ~~the president of any~~
65 ~~two-year school or college under the auspices of the State~~
66 ~~Board of Education; the President of Alabama Agricultural and~~
67 ~~Mechanical University;~~ the Superintendent of the Department of
68 Youth Services School District; the Executive Director of the
69 Alabama School of Fine Arts; ~~and~~ the Executive Director of the
70 Alabama High School of Mathematics and Science; the Executive
71 Director of the Alabama School of Cyber Technology and
72 Engineering; and the Executive Director of the Alabama School
73 of Healthcare Sciences.

74 (4) ~~(3)~~ EDUCATIONAL AUTHORITY or AUTHORITY ~~or BOARD~~.
75 Each ~~city and county~~ local board of education; the Board of
76 Trustees of the Alabama Institute for Deaf and Blind; the
77 Alabama Youth Services Board in its capacity as the Board of
78 Education for the Department of Youth Services School
79 District; the Board of Directors of the Alabama School of Fine
80 Arts; the Board of Directors of the Alabama High School of
81 Mathematics and Science; the Board of Directors of the Alabama
82 School of Cyber Technology and Engineering; and the Board of
83 Directors of the Alabama School of Healthcare Sciences ~~the~~
84 ~~State Board of Education as applied to two-year postsecondary~~



85 ~~institutions; and the Board of Trustees of Alabama~~
86 ~~Agricultural and Mechanical University.~~

87 (5) ~~(4)~~ EMPLOYEE. Any ~~person~~individual employed by ~~the~~
88 an educational authority on a full-time or part-time basis.

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

91 ~~(5)~~ (7) SICK LEAVE. The same meaning as Section
92 16-1-18.1.

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

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

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

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

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

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

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

108 1. Necessary for the operation and administration of
109 sick leave banks and sick leave donation;

110 2. To ensure the orderly transfer and acceptance of
111 catastrophic sick leave days from one sick leave bank to
112 another; and



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

115 b. The forms established under this subdivision may be
116 used by any educational authority.

117 (c) (1) Each~~An~~ educational authority, upon the request
118 of 10 percent of its full-time certificated and full-time
119 support personnel, shall establish a sick leave bank plan for
120 each of the two groups either jointly or separately. The
121 decision whether to have a joint or separate sick leave bank
122 shall be the exclusive decision of the employees, utilizing a
123 secret balloting process.

124 (2) (e) At the beginning of each scholastic year, an
125 election shall be held among the sick leave bank participating
126 members to determine by secret ballot the four participating
127 members who are to serve on the sick leave bank committee. The
128 term of office shall be one year. The chief executive officer
129 of the authority shall be responsible for conducting the
130 election in a fair and equitable manner and~~r~~, ensuring the
131 confidentiality of the secret balloting process. The chief
132 executive officer of the authority shall also appoint the
133 authority's representative on the committee, subject to ~~board~~
134 approval by the educational authority.

135 (d) (1) Notwithstanding any other provision of law to
136 the contrary, ~~it shall be the exclusive responsibility of the~~
137 each sick leave bank committee ~~to write~~ shall provide
138 administrative and clerical support to the educational
139 authority related to the operation of the sick leave bank by:

140 a. Implementing and administering the model sick leave



141 policy created pursuant to subsection (b); and

142 b. Developing and implementing any additional~~the~~
143 ~~guidelines~~and or administrative procedures~~of~~ as necessary
144 for compliance with this section, the orderly operation of the
145 sick leave bank, including~~the~~ catastrophic leave and direct
146 sick leave donation as provided in~~provisions of~~ this section,
147 subject to the approval of the educational authority.~~It shall~~
148 ~~also be the committee's duty to develop all necessary forms~~
149 ~~for the orderly operation and administration of the sick leave~~
150 ~~bank and catastrophic leave provisions of this section.~~

151 ~~To ensure the orderly transfer and acceptance of~~
152 ~~catastrophic sick leave days from one sick leave bank to~~
153 ~~another, the State Board of Education shall provide a uniform~~
154 ~~state form.~~

155 ~~(c) Each plan shall allow the employees to deposit an~~
156 ~~equal number of days (not to exceed five) of his or her earned~~
157 ~~sick leave into the bank. The days deposited shall be~~
158 ~~available to be loaned to any participating member whose sick~~
159 ~~leave has been exhausted.~~

160 ~~(f) Upon the establishment of a sick leave bank, the~~
161 ~~sick leave bank committee shall establish procedures providing~~
162 ~~for the uniform administration of the sick leave bank.~~

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

165 (2) The guidelines developed by a sick leave bank
166 committee shall be approved by: (i) a secret ballot vote of
167 the participating members of the sick leave bank; and (ii) the
168 educational authority. The accounting of the sick leave bank



169 shall be the responsibility of the authority. Vacancies
170 occurring on ~~the~~a committee shall be filled ~~by the respective~~
171 ~~parties~~in the same manner as provided in subdivision (c) (2).

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

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

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

191 (2) Appropriate administrative forms for administering
192 the sick leave bank shall comply with the model policy and
193 uniform forms created pursuant to this section and be
194 developed by the sick leave bank committee, subject to the
195 approval of the educational authority.

196 (3) Sick leave days borrowed from the sick leave bank



197 shall be repaid to the sick leave bank monthly as re-earned by
198 the participating member. Upon the resignation or other
199 termination of an employee who has an outstanding loan of sick
200 leave days, the value of the loan shall be deducted from the
201 final paycheck at the employee's prevailing rate of pay.

202 (4) A participating member of the sick leave bank shall
203 not be allowed to accumulate more days than allowed in Section
204 16-1-18.1, including days in the sick leave bank.

205 (5) Employee membership in the sick leave bank shall be
206 voluntary.

207 (6) Any alleged abuse of the use of the sick leave bank
208 shall be investigated by the applicable sick leave bank
209 committee. On the finding of wrongdoing, the participating
210 member shall repay all of the sick leave credits drawn from
211 the sick leave bank and be subject to other appropriate
212 disciplinary action as determined by the ~~local~~educational
213 authority.

214 (7) Upon retirement or transfer of the sick leave bank
215 member, days on deposit with the sick leave bank shall be
216 withdrawn and transferred with the employee or made accessible
217 for retirement credit, as applicable.

218 (8) Before being eligible to use catastrophic sick
219 leave days, the participating member ~~of the sick leave bank~~
220 shall first borrow and utilize days from the sick leave bank,
221 up to a maximum of 15 days. However, if the participating
222 member later qualifies for catastrophic sick leave, donated
223 catastrophic sick leave days may be used to repay days owed to
224 the sick leave bank to the credit of the affected



225 participating member.

226 (9) At the beginning of the scholastic year, or upon
227 employment of a new employee, as the case may be, the
228 appropriate number of sick leave days ~~shall~~, upon application
229 of the employee, shall be credited to the employee's account
230 to enable the employee to join the sick leave bank if the
231 employee does not have the minimum number of sick leave days
232 to enable him or her to join the bank. ~~The~~Each sick leave bank
233 committee shall develop in its guidelines a provision whether
234 ~~or not~~ to allow other employees who have previously failed or
235 refused to join the sick leave bank the option to join upon
236 deposit of the prerequisite number of sick leave days. Any
237 policy developed by the sick leave bank committee shall be
238 uniformly applied to all employees.

239 (10)a. No employee may be required to appear before the
240 sick leave bank committee or request approval from the sick
241 leave bank committee in order to donate or receive leave under
242 this section, provided that each employee shall provide the
243 applicable educational authority with a written plan regarding
244 the employee's intended use of leave that he or she intends to
245 take pursuant to this section.

246 b. Any discretionary functions relating to the sick
247 leave bank are the responsibility of the educational
248 authority.

249 (f) ~~(h) Catastrophic sick leave.~~ Employees, at their
250 discretion, may donate a specific number of days to the sick
251 leave bank to be designated for a specific employee for use
252 against a catastrophic illness ~~as defined by this section.~~ A



253 donating employee shall not be required to donate a minimum
254 number of catastrophic days to the sick leave bank. The
255 recipient employee may use catastrophic sick leave days for
256 himself or herself or for other covered ~~persons~~individuals as
257 provided in Section 16-1-18.1. Before sick leave days for a
258 catastrophic illness may be used by a recipient employee, the
259 recipient employee shall have first exhausted all sick and
260 personal leave. Donated days shall become available for use by
261 the particular employee who shall not be required to repay the
262 days. Any employee who donates sick leave days to the sick
263 leave bank for a particular employee suffering from a
264 catastrophic illness shall be clearly informed that the
265 donated days are not to be recovered or returned to the donor.
266 If a particular employee does not require all of the days
267 donated to the credit of the employee, the days shall revert
268 to the credit of those employees who donated the days in
269 accordance with the guidelines adopted by the sick leave bank
270 committee. ~~No employee may donate more than 30 sick leave~~
271 ~~days, exclusive of the provisions of subsection (c), to the~~
272 ~~sick leave bank for the catastrophic sick leave of any one~~
273 ~~employee.~~ A sick leave bank ~~is authorized to~~ may donate sick
274 leave days to another sick leave bank for use by a particular
275 employee who is suffering a catastrophic illness. An employee
276 must be a participating member of the sick leave bank to
277 donate or receive catastrophic sick leave days.

278 (g) (1) ~~(i)~~ Beginning with the 2027-2028 school year, an
279 employee may directly donate sick leave to any other employee
280 of any educational authority for any reason. An employee



281 donating leave under this section may donate to an employee of
282 any other educational authority, even if the donor is employed
283 by a different educational authority than the receiving
284 employee. Sick leave donated under this subsection shall not
285 be deposited into a sick leave bank. The recipient employee is
286 not required to repay the donor for the sick leave. No
287 individual employee may receive more than 30 total sick leave
288 days per academic school year under this subsection.

289 (2) If an educational authority has not authorized a
290 sick leave bank, the authority shall adopt procedures to
291 implement this subsection as the policy pertains to the direct
292 donation of sick leave.

293 (h) Compliance required. If an authority fails to comply
294 with this section within 30 calendar days after receiving the
295 petition to establish a sick leave bank, the State
296 Superintendent of Education ~~(for the public schools), the~~
297 ~~Chancellor of Postsecondary Education (for the two-year~~
298 ~~postsecondary schools), or the president of the governing~~
299 ~~board of trustees (for four-year colleges and universities)~~
300 shall investigate the situation and shall immediately take due
301 and appropriate steps to ensure compliance with this section."

302 Section 2. This act shall become effective on July 1,
303 2026.