

SB211 ENGROSSED



1 SB211
2 5V7TAM3-2
3 By Senator Allen
4 RFD: Education Policy
5 First Read: 27-Jan-26



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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; and the Executive Director of the Alabama School
47 of Healthcare Sciences.

48 (4) ~~(3)~~ EDUCATIONAL AUTHORITY or AUTHORITY or BOARD.
49 Each city and county local board of education; the Board of
50 Trustees of the Alabama Institute for Deaf and Blind; the
51 Alabama Youth Services Board in its capacity as the Board of
52 Education for the Department of Youth Services School
53 District; the Board of Directors of the Alabama School of Fine
54 Arts; the Board of Directors of the Alabama High School of
55 Mathematics and Science; the Board of Directors of the Alabama
56 School of Cyber Technology and Engineering; and the Board of



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57 Directors of the Alabama School of Healthcare Sciences~~the~~
58 ~~State Board of Education as applied to two-year postsecondary~~
59 ~~institutions; and the Board of Trustees of Alabama~~
60 ~~Agricultural and Mechanical University.~~

61 (5)-(4) EMPLOYEE. Any person~~individual~~ employed by the
62 an educational authority on a full-time or part-time basis.

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

65 ~~(5)-(7) SICK LEAVE. The same meaning as Section~~
66 16-1-18.1.

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

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

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

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

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

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

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

82 1. Necessary for the operation and administration of
83 sick leave banks and sick leave donation;

84 2. To ensure the orderly transfer and acceptance of



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85 catastrophic sick leave days from one sick leave bank to
86 another; and

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

89 b. The forms established under this subdivision may be
90 used by any educational authority.

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

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

109 (d) (1) Notwithstanding any other provision of law to
110 the contrary,~~it shall be the exclusive responsibility of the~~
111 each sick leave bank committee to write shall provide
112 administrative and clerical support to the educational



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113 authority related to the operation of the sick leave bank by:

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

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

125 ~~To ensure the orderly transfer and acceptance of~~
126 ~~catastrophic sick leave days from one sick leave bank to~~
127 ~~another, the State Board of Education shall provide a uniform~~
128 ~~state form.~~

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

134 ~~(f) Upon the establishment of a sick leave bank, the~~
135 ~~sick leave bank committee shall establish procedures providing~~
136 ~~for the uniform administration of the sick leave bank.~~

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

139 (2) The guidelines developed by a sick leave bank
140 committee shall be approved by: (i) a secret ballot vote of



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141 the participating members of the sick leave bank; and (ii) the
142 educational authority. The accounting of the sick leave bank
143 shall be the responsibility of the authority. Vacancies
144 occurring on ~~the~~ committee shall be filled ~~by the respective~~
145 ~~parties~~ in the same manner as provided in subdivision (c) (2).
146 No representative on the committee shall serve for a term
147 longer than five years.

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

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

165 (2) Appropriate administrative forms for administering
166 the sick leave bank shall comply with the model policy and
167 uniform forms created pursuant to this section and be
168 developed by the sick leave bank committee, subject to the



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169 approval of the educational authority.

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

176 (4) A participating member of the sick leave bank shall
177 not be allowed to accumulate more days than allowed in Section
178 16-1-18.1, including days in the sick leave bank.

179 (5) Employee membership in the sick leave bank shall be
180 voluntary.

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

188 (7) Upon retirement or transfer of the sick leave bank
189 member, days on deposit with the sick leave bank shall be
190 withdrawn and transferred with the employee or made accessible
191 for retirement credit, as applicable.

192 (8) Before being eligible to use catastrophic sick
193 leave days, the participating member ~~of the sick leave bank~~
194 shall first borrow and utilize days from the sick leave bank,
195 up to a maximum of 15 days. However, if the participating
196 member later qualifies for catastrophic sick leave, donated



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197 catastrophic sick leave days may be used to repay days owed to
198 the sick leave bank to the credit of the affected
199 participating member.

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

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

220 b. Any discretionary functions relating to the sick
221 leave bank are the responsibility of the educational
222 authority.

223 (f) ~~(h) Catastrophic sick leave.~~ Employees, at their
224 discretion, may donate a specific number of days to the sick



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

252 (g) (1) ~~(i)~~ Beginning with the 2027-2028 school year, an



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253 employee may directly donate sick leave to any other employee
254 of any educational authority for any reason. An employee
255 donating leave under this section may donate to an employee of
256 any other educational authority, even if the donor is employed
257 by a different educational authority than the receiving
258 employee. Sick leave donated under this subsection shall not
259 be deposited into a sick leave bank. The recipient employee is
260 not required to repay the donor for the sick leave. No
261 individual employee may receive more than 30 total sick leave
262 days per academic school year under this subsection.

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

267 (h) ~~Compliance required.~~ If an authority fails to comply
268 with this section within 30 calendar days after receiving the
269 petition to establish a sick leave bank, the State
270 Superintendent of Education ~~(for the public schools), the~~
271 ~~Chancellor of Postsecondary Education (for the two-year~~
272 ~~postsecondary schools), or the president of the governing~~
273 ~~board of trustees (for four-year colleges and universities)~~
274 shall investigate the situation and shall immediately take due
275 and appropriate steps to ensure compliance with this section."

276 Section 2. This act shall become effective on July 1,
277 2026.



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280 Senate

281 Read for the first time and referred27-Jan-26
282 to the Senate committee on Education
283 Policy
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285 Read for the second time and placed19-Feb-26
286 on the calendar:
287 0 amendments
288
289 Read for the third time and passed10-Mar-26
290 as amended
291 Yeas 35
292 Nays 0
293 Abstains 0

294
295
296 Patrick Harris,
297 Secretary.
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