

SB211 ENROLLED



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



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1 Enrolled, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§16-22-9

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

24 (1) BOARD. The State Board of Education.

25 (2) CATASTROPHIC ILLNESS. Any illness, injury, or
26 pregnancy or medical condition related to childbirth,
27 certified by a licensed physician, which causes the employee
28 to be absent from work for an extended period of time and



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29 which is unrelated to the Public Education Employee Injury
30 Compensation Program or paid parental leave.

31 (3)-(2) CHIEF EXECUTIVE OFFICER. The superintendent of
32 any public ~~county or city~~ K-12 school system; the President of
33 the Alabama Institute for Deaf and Blind; ~~the president of any~~
34 ~~two-year school or college under the auspices of the State~~
35 ~~Board of Education; the President of Alabama Agricultural and~~
36 ~~Mechanical University; the Superintendent of the Department of~~
37 Youth Services School District; the Executive Director of the
38 Alabama School of Fine Arts; ~~and~~ the Executive Director of the
39 Alabama High School of Mathematics and Science; the Executive
40 Director of the Alabama School of Cyber Technology and
41 Engineering; and the Executive Director of the Alabama School
42 of Healthcare Sciences.

43 (4)-(3) EDUCATIONAL AUTHORITY or ~~AUTHORITY or BOARD~~.
44 Each ~~city and county~~ local board of education; the Board of
45 Trustees of the Alabama Institute for Deaf and Blind; the
46 Alabama Youth Services Board in its capacity as the Board of
47 Education for the Department of Youth Services School
48 District; the Board of Directors of the Alabama School of Fine
49 Arts; the Board of Directors of the Alabama High School of
50 Mathematics and Science; the Board of Directors of the Alabama
51 School of Cyber Technology and Engineering; and the Board of
52 Directors of the Alabama School of Healthcare Sciences~~the~~
53 ~~State Board of Education as applied to two-year postsecondary~~
54 ~~institutions; and the Board of Trustees of Alabama~~
55 ~~Agricultural and Mechanical University.~~

56 (5)-(4) EMPLOYEE. Any ~~person~~ individual employed by ~~the~~



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57 an educational authority on a full-time or part-time basis.

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

60 ~~(5)~~ (7) SICK LEAVE. The same meaning as Section
61 16-1-18.1.

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

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

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

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

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

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

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

77 1. Necessary for the operation and administration of
78 sick leave banks and sick leave donation;

79 2. To ensure the orderly transfer and acceptance of
80 catastrophic sick leave days from one sick leave bank to
81 another; and

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

84 b. The forms established under this subdivision may be



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85 used by any educational authority.

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

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

104 (d) (1) Notwithstanding any other provision of law to
105 the contrary, ~~it shall be the exclusive responsibility of the~~
106 each sick leave bank committee ~~to write~~ shall provide
107 administrative and clerical support to the educational
108 authority related to the operation of the sick leave bank by:

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

111 b. Developing and implementing any additional~~the~~
112 guidelines~~and~~ or administrative procedures~~of~~ as necessary



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113 for compliance with this section, the orderly operation of the
114 sick leave bank, including the catastrophic leave and direct
115 sick leave donation as provided in provisions of this section,
116 subject to the approval of the educational authority. It shall
117 also be the committee's duty to develop all necessary forms
118 for the orderly operation and administration of the sick leave
119 bank and catastrophic leave provisions of this section.

120 ~~To ensure the orderly transfer and acceptance of~~
121 ~~eatastrophic sick leave days from one sick leave bank to~~
122 ~~another, the State Board of Education shall provide a uniform~~
123 ~~state form.~~

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

129 ~~(f) Upon the establishment of a sick leave bank, the~~
130 ~~sick leave bank committee shall establish procedures providing~~
131 ~~for the uniform administration of the sick leave bank.~~

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

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



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

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

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

160 (2) Appropriate administrative forms for administering
161 the sick leave bank shall comply with the model policy and
162 uniform forms created pursuant to this section and be
163 developed by the sick leave bank committee, subject to the
164 approval of the educational authority.

165 (3) Sick leave days borrowed from the sick leave bank
166 shall be repaid to the sick leave bank monthly as re-earned by
167 the participating member. Upon the resignation or other
168 termination of an employee who has an outstanding loan of sick



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169 leave days, the value of the loan shall be deducted from the
170 final paycheck at the employee's prevailing rate of pay.

171 (4) A participating member of the sick leave bank shall
172 not be allowed to accumulate more days than allowed in Section
173 16-1-18.1, including days in the sick leave bank.

174 (5) Employee membership in the sick leave bank shall be
175 voluntary.

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

183 (7) Upon retirement or transfer of the sick leave bank
184 member, days on deposit with the sick leave bank shall be
185 withdrawn and transferred with the employee or made accessible
186 for retirement credit, as applicable.

187 (8) Before being eligible to use catastrophic sick
188 leave days, the participating member ~~of the sick leave bank~~
189 shall first borrow and utilize days from the sick leave bank,
190 up to a maximum of 15 days. However, if the participating
191 member later qualifies for catastrophic sick leave, donated
192 catastrophic sick leave days may be used to repay days owed to
193 the sick leave bank to the credit of the affected
194 participating member.

195 (9) At the beginning of the scholastic year, or upon
196 employment of a new employee, as the case may be, the



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197 appropriate number of sick leave days—shall, upon application
198 of the employee, shall be credited to the employee's account
199 to enable the employee to join the sick leave bank if the
200 employee does not have the minimum number of sick leave days
201 to enable him or her to join the bank. ~~The~~Each sick leave bank
202 committee shall develop in its guidelines a provision whether
203 ~~or not~~ to allow other employees who have previously failed or
204 refused to join the sick leave bank the option to join upon
205 deposit of the prerequisite number of sick leave days. Any
206 policy developed by the sick leave bank committee shall be
207 uniformly applied to all employees.

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

215 b. Any discretionary functions relating to the sick
216 leave bank are the responsibility of the educational
217 authority.

218 (f) ~~(h) Catastrophic sick leave.~~ Employees, at their
219 discretion, may donate a specific number of days to the sick
220 leave bank to be designated for a specific employee for use
221 against a catastrophic illness—~~as defined by this section.~~ A
222 donating employee shall not be required to donate a minimum
223 number of catastrophic days to the sick leave bank. The
224 recipient employee may use catastrophic sick leave days for



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

247 (g) (1) (i) Beginning with the 2027-2028 school year, an
248 employee may directly donate sick leave to any other employee
249 of any educational authority for any reason. An employee
250 donating leave under this section may donate to an employee of
251 any other educational authority, even if the donor is employed
252 by a different educational authority than the receiving



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253 employee. Sick leave donated under this subsection shall not
254 be deposited into a sick leave bank. The recipient employee is
255 not required to repay the donor for the sick leave. No
256 individual employee may receive more than 30 total sick leave
257 days per academic school year under this subsection.

258 (2) If an educational authority has not authorized a
259 sick leave bank, the authority shall adopt procedures to
260 implement this subsection as the policy pertains to the direct
261 donation of sick leave.

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

271 Section 2. This act shall become effective on July 1,
272 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB211

Senate 10-Mar-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-Apr-26

By: Senator Allen