

SB211 INTRODUCED



1 SB211
2 MSI7QWW-1
3 By Senator Allen
4 RFD: Education Policy
5 First Read: 27-Jan-26



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4 SYNOPSIS:

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

10 This bill would expand the definition of
11 "educational authority" to include local boards of
12 education, two-year and four-year public institutions
13 of higher education, and certain other public schools
14 in this state.

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

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

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

27 This bill would require each educational
28 authority to implement a sick leave bank policy that

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29 does not contradict the requirements of this bill.

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

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36 A BILL

37 TO BE ENTITLED

38 AN ACT

39

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

53 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

56 "§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) ACCS. The Alabama Community College System.

(2) ACHE. The Alabama Commission on Higher Education.

(3) BOARD. The State Board of Education.

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

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

(5) (2) CHIEF EXECUTIVE OFFICER. The superintendent of any public ~~county or city~~ K-12 school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the ~~State Board of Education~~ Alabama Community College System; the ~~President of Alabama Agricultural and Mechanical University~~; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; ~~and~~ the Executive Director of the Alabama High School of Mathematics and Science; the Executive Director of the Alabama School of Cyber Technology and Engineering; the Executive Director of the Alabama School of Healthcare Sciences; and the president of the board of trustees of any public four-year institution of higher education.

(6) (3) EDUCATIONAL AUTHORITY or AUTHORITY ~~or~~ BOARD.

Each ~~city and county~~ local board of education; the Board of



85 Trustees of the Alabama Institute for Deaf and Blind; the
86 Alabama Youth Services Board in its capacity as the Board of
87 Education for the Department of Youth Services School
88 District; the Board of Directors of the Alabama School of Fine
89 Arts; the Board of Directors of the Alabama High School of
90 Mathematics and Science; the Board of Directors of the Alabama
91 School of Cyber Technology and Engineering; the Board of
92 Directors of the Alabama School of Healthcare Sciences; the
93 ~~State Board of Education~~ Board of Trustees of ACCS as applied
94 to two-year postsecondary institutions; and the ~~Board~~ board of
95 ~~Trustees~~ trustees of ~~Alabama Agricultural and Mechanical~~
96 ~~University~~ each public four-year institution of higher
97 education in the state.

98 (7) ~~(4)~~ EMPLOYEE. Any ~~person~~ individual employed by ~~the~~
99 an educational authority on a full-time or part-time basis.

100 (8) PARTICIPATING MEMBER. An employee who voluntarily
101 chooses to participate in a sick leave bank.

102 (8) ~~(9)~~ SICK LEAVE. The same meaning as Section
103 16-1-18.1.

104 (10) SICK LEAVE BANK COMMITTEE. A committee of five
105 employees, one representing the authority and four
106 representing the participating members of the sick leave bank.

107 (b) (1) The board shall adopt a model sick leave policy
108 and adopt rules to implement and administer the model policy.
109 The board may collaborate with other educational authorities
110 to develop and implement the model policy.

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

112 a. Employees to deposit an equal number of days, not to



113 exceed five, of their earned sick leave into the bank. The
114 days deposited shall be available to be loaned to any
115 participating member whose sick leave has been exhausted;

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

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

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

121 1. Necessary for the operation and administration of
122 sick leave banks and sick leave donation;

123 2. To ensure the orderly transfer and acceptance of
124 catastrophic sick leave days from one sick leave bank to
125 another; and

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

128 b. The forms established under this subdivision may be
129 used by any educational authority.

130 (c) (1) Each~~An~~ educational authority, upon the request
131 of 10 percent of its full-time certificated and full-time
132 support personnel, shall establish a sick leave bank plan for
133 each of the two groups either jointly or separately. The
134 decision whether to have a joint or separate sick leave bank
135 shall be the exclusive decision of the employees, utilizing a
136 secret balloting process.

137 (2)~~(e)~~ At the beginning of each scholastic year, an
138 election shall be held among the sick leave bankparticipating
139 members to determine by secret ballot the fourparticipating
140 members who are to serve on the sick leave bank committee. The



141 term of office shall be one year. The chief executive officer
142 of the authority shall be responsible for conducting the
143 election in a fair and equitable manner and, ensuring the
144 confidentiality of the secret balloting process. The chief
145 executive officer of the authority shall also appoint the
146 authority's representative on the committee, subject to ~~board~~
147 approval by the educational authority.

148 (d) (1) Notwithstanding any other provision of law to
149 the contrary, ~~it shall be the exclusive responsibility of the~~
150 each sick leave bank committee ~~to write~~ shall provide
151 administrative and clerical support to the educational
152 authority related to the operation of the sick leave bank by:

153 a. Implementing and administering the model sick leave
154 policy created pursuant to subsection (b); and
155 b. Developing and implementing any additional ~~the~~
156 guidelines ~~and~~ or administrative procedures ~~of~~ as necessary
157 for compliance with this section, the orderly operation of the
158 sick leave bank, including ~~the~~ catastrophic leave and direct
159 sick leave donation as provided in ~~provisions of~~ this section,
160 subject to the approval of the educational authority. ~~It shall~~
161 ~~also be the committee's duty to develop all necessary forms~~
162 ~~for the orderly operation and administration of the sick leave~~
163 ~~bank and catastrophic leave provisions of this section.~~

164 ~~To ensure the orderly transfer and acceptance of~~
165 ~~catastrophic sick leave days from one sick leave bank to~~
166 ~~another, the State Board of Education shall provide a uniform~~
167 ~~state form.~~

168 ~~(e) Each plan shall allow the employees to deposit an~~



169 ~~equal number of days (not to exceed five) of his or her earned~~
170 ~~sick leave into the bank. The days deposited shall be~~
171 ~~available to be loaned to any participating member whose sick~~
172 ~~leave has been exhausted.~~

173 ~~(f) Upon the establishment of a sick leave bank, the~~
174 ~~sick leave bank committee shall establish procedures providing~~
175 ~~for the uniform administration of the sick leave bank.~~

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

178 (2) The guidelines developed by a sick leave bank
179 committee shall be approved by: (i) a secret ballot vote of
180 the participating members of the sick leave bank; and (ii) the
181 educational authority. The accounting of the sick leave bank
182 shall be the responsibility of the authority. Vacancies
183 occurring on ~~the~~a committee shall be filled ~~by the respective~~
184 ~~parties~~in the same manner as provided in subdivision (c) (2).
185 No representative on the committee shall serve for a term
186 longer than five years.

187 (e) Each educational authority may adopt rules and
188 policies to implement and administer this section as to its
189 employees and the educational institutions under its control,
190 provided that no educational authority~~(g) Each sick leave~~
191 ~~bank's guidelines shall include the regulations of this~~
192 ~~section. Additional guidelines shall be adopted by the sick~~
193 ~~leave bank committee as may be deemed appropriate and~~
194 ~~beneficial. No board or sick leave bank committee~~~~shall~~may
195 ~~adopt any policy or rule that~~~~regulation which~~ conflicts with
196 the model policy developed under subsection (b), the



197 catastrophic leave provisions of subsection (f), the sick
198 leave direct donation provisions of subsection (g), any other
199 provision of this section, or any of the following general
200 regulations:

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

204 (2) Appropriate administrative forms for administering
205 the sick leave bank shall comply with the model policy and
206 uniform forms created pursuant to this section and be
207 developed by the sick leave bank committee, subject to the
208 approval of the educational authority.

209 (3) Sick leave days borrowed from the sick leave bank
210 shall be repaid to the sick leave bank monthly as re-earned by
211 the participating member. Upon the resignation or other
212 termination of an employee who has an outstanding loan of sick
213 leave days, the value of the loan shall be deducted from the
214 final paycheck at the employee's prevailing rate of pay.

215 (4) A participating member of the sick leave bank shall
216 not be allowed to accumulate more days than allowed in Section
217 16-1-18.1, including days in the sick leave bank.

218 (5) Employee membership in the sick leave bank shall be
219 voluntary.

220 (6) Any alleged abuse of the use of the sick leave bank
221 shall be investigated by the applicable sick leave bank
222 committee. On the finding of wrongdoing, the participating
223 member shall repay all of the sick leave credits drawn from
224 the sick leave bank and be subject to other appropriate



225 disciplinary action as determined by the local educational
226 authority.

227 (7) Upon retirement or transfer of the sick leave bank
228 member, days on deposit with the sick leave bank shall be
229 withdrawn and transferred with the employee or made accessible
230 for retirement credit, as applicable.

231 (8) Before being eligible to use catastrophic sick
232 leave days, the participating member ~~of the sick leave bank~~
233 shall first borrow and utilize days from the sick leave bank,
234 up to a maximum of 15 days. However, if the participating
235 member later qualifies for catastrophic sick leave, donated
236 catastrophic sick leave days may be used to repay days owed to
237 the sick leave bank to the credit of the affected
238 participating member.

239 (9) At the beginning of the scholastic year, or upon
240 employment of a new employee, as the case may be, the
241 appropriate number of sick leave days ~~shall~~, upon application
242 of the employee, shall be credited to the employee's account
243 to enable the employee to join the sick leave bank if the
244 employee does not have the minimum number of sick leave days
245 to enable him or her to join the bank. ~~The~~Each sick leave bank
246 committee shall develop in its guidelines a provision whether
247 ~~or not~~ to allow other employees who have previously failed or
248 refused to join the sick leave bank the option to join upon
249 deposit of the prerequisite number of sick leave days. Any
250 policy developed by the sick leave bank committee shall be
251 uniformly applied to all employees.

252 (10)a. No employee may be required to appear before the



253 sick leave bank committee or request approval from the sick
254 leave bank committee in order to donate or receive leave under
255 this section, provided that each employee shall provide the
256 applicable educational authority with a written plan regarding
257 the employee's intended use of leave that he or she intends to
258 take pursuant to this section.

259 b. Any discretionary functions relating to the sick
260 leave bank are the responsibility of the educational
261 authority.

262 (f) (h) Catastrophic sick leave. Employees, at their
263 discretion, may donate a specific number of days to the sick
264 leave bank to be designated for a specific employee for use
265 against a catastrophic illness ~~as defined by this section~~. A
266 donating employee shall not be required to donate a minimum
267 number of catastrophic days to the sick leave bank. The
268 recipient employee may use catastrophic sick leave days for
269 himself or herself or for other covered ~~persons~~individuals as
270 provided in Section 16-1-18.1. Before sick leave days for a
271 catastrophic illness may be used by a recipient employee, the
272 recipient employee shall have first exhausted all sick and
273 personal leave. Donated days shall become available for use by
274 the particular employee who shall not be required to repay the
275 days. Any employee who donates sick leave days to the sick
276 leave bank for a particular employee suffering from a
277 catastrophic illness shall be clearly informed that the
278 donated days are not to be recovered or returned to the donor.
279 If a particular employee does not require all of the days
280 donated to the credit of the employee, the days shall revert



281 to the credit of those employees who donated the days in
282 accordance with the guidelines adopted by the sick leave bank
283 committee. ~~No employee may donate more than 30 sick leave~~
284 ~~days, exclusive of the provisions of subsection (e), to the~~
285 ~~sick leave bank for the catastrophic sick leave of any one~~
286 ~~employee.~~ A sick leave bank ~~is authorized to~~ may donate sick
287 leave days to another sick leave bank for use by a particular
288 employee who is suffering a catastrophic illness. An employee
289 must be a participating member of the sick leave bank to
290 donate or receive catastrophic sick leave days.

291 (g) (1)(i) Beginning with the 2027-2028 school year, an
292 employee may directly donate sick leave to any other employee
293 of any educational authority for any reason. An employee
294 donating leave under this section may donate to an employee of
295 any other educational authority, even if the donor is employed
296 by a different educational authority than the receiving
297 employee. Sick leave donated under this subsection shall not
298 be deposited into a sick leave bank. The recipient employee is
299 not required to repay the donor for the sick leave. No
300 individual employee may receive more than 30 total sick leave
301 days per academic school year under this subsection.

302 (2) If an educational authority has not authorized a
303 sick leave bank, the authority shall adopt procedures to
304 implement this subsection as the policy pertains to the direct
305 donation of sick leave.

306 (h) Compliance required. If an authority fails to comply
307 with this section within 30 calendar days after receiving the
308 petition to establish a sick leave bank, the State



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309 Superintendent of Education ~~for the public K-12 schools~~, the
310 Chancellor of ACCS ~~Postsecondary Education~~ ~~for the two-year~~
311 community colleges ~~postsecondary schools~~), or the president of
312 the governing board of trustees ~~for four-year colleges and~~
313 universities) public institutions of higher education shall
314 investigate the situation and shall immediately take due and
315 appropriate steps to ensure compliance with this section.

316 (i) It is the intent of the Legislature that all
317 constitutionally created boards of trustees comply with the
318 requirements of this section."

319 Section 2. This act shall become effective on July 1,
320 2026.