

## SB211 INTRODUCED



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



## 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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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.

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 bank leave 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



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(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



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

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

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

~~(5)~~ (9) SICK LEAVE. The same meaning as Section 16-1-18.1.

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

~~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





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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.

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

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

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

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

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



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disciplinary action as determined by the ~~local~~educational authority.

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

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

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

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



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

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

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



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

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

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

(h) ~~Compliance required.~~ If an authority fails to comply with this section within 30 calendar days after receiving the 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.