

HB103 ENGROSSED



1 RBDFNN-2
2 By Representatives Baker, Collins
3 RFD: Children and Senior Advocacy
4 First Read: 07-Mar-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to public education employee sick leave; to amend Section 16-1-18.1, Code of Alabama 1975, to authorize the use of up to eight weeks of sick leave for attending to an ill child for whom a petition for adoption has been filed and for attending to an adopted child.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-18.1 of the Code of Alabama 1975, is amended to read as follows:

"§16-1-18.1

(a) Definitions. When used in this section, the following terms shall have the following meanings,

respectively:

(1) EMPLOYEE. Any person employed full time as provided by law by those employers enumerated in this section; and adult bus drivers.

(2) EMPLOYER. All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth



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29 Services Department District; the Board of Directors of the
30 Alabama School of Fine Arts; the Board of Trustees of the
31 Alabama High School of Mathematics and Science; the Board of
32 Trustees of the Alabama School of Cyber Technology and
33 Engineering; for purposes of subsection (c) only, the Alabama
34 State Senate, the Lieutenant Governor, the Office of the
35 Senate President Pro Tempore, the Speaker of the House of
36 Representatives, the Alabama House of Representatives, the
37 Legislative ~~Reference Service~~ Services Agency; any
38 organization participating in the Teachers' Retirement System
39 (excluding any state governmental department not listed
40 herein); the ~~State Board of Education as applied to two-year~~
41 ~~postsecondary education institutions~~ Board of Trustees of the
42 Alabama Community College System; and for the purposes of
43 subsection (c) only, all four-year public institutions of
44 higher learning.

45 (3) EXECUTIVE OFFICER. The superintendent of any public
46 county school system or any public city school system; the
47 President of the Alabama Institute for Deaf and Blind; the
48 president of any two-year school or college under the auspices
49 of the ~~State Board of Education~~ Board of Trustees of the
50 Alabama Community College System; the Superintendent of the
51 Department of Youth Services School District; the Executive
52 Director of the Alabama School of Fine Arts; the Executive
53 Director of the Alabama High School of Mathematics and
54 Science; the President of the Alabama School of Cyber
55 Technology and Engineering; the Secretary of the Senate ; the
56 Clerk of the House of Representatives ; the Lieutenant



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57 Governor; the Speaker of the House of Representatives; the
58 Director of the Legislative Services Agency; and the chief
59 executive officer of any other employer as provided in this
60 section.

61 ~~(4)~~ (5) SICK LEAVE. The absence from duty by an employee
62 as a result of any of the following:

63 a. Personal illness or doctor's quarantine.

64 b. Incapacitating personal injury.

65 c. Attendance upon an ill member of the employee's
66 immediate family (parent, spouse, child, foster child
67 currently in the care and custody of the employee, sibling,
68 child currently in the care and custody of the employee for
69 whom a petition for adoption has been filed); or an individual
70 with a close personal tie.

71 d. Death in the family of the employee (parent, spouse,
72 child, sibling, parent-in-law, son-in-law, daughter-in-law,
73 brother-in-law, sister-in-law, nephew, niece, grandchild,
74 grandparent, uncle, or aunt).

75 e. Death, injury, or sickness of another person who has
76 unusually strong personal ties to the employee, such as a
77 person who stood in loco parentis.

78 f. Attendance upon an adopted child, who is three years
79 of age or younger.

80 ~~(5)~~ (4) ON-THE-JOB INJURY. Any accident or injury to the
81 employee occurring during the performance of duties or when
82 directed or requested by the employer to be on the property of
83 the employer which prevents the employee from working or
84 returning to his or her job.



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85 (b) Sick leave for employees.

86 (1) EARNINGS. The employee shall earn one sick leave
87 day per month of employment.

88 (2) REASONS FOR TAKING SICK LEAVE. The employee ~~shall~~
89 ~~be allowed and authorized to~~ may take sick leave for any of
90 the reasons ~~so~~ enumerated and defined in this section. Sick
91 leave taken for the purpose of attending to an adopted child,
92 as provided in paragraph (a)(5)c., may be taken for a maximum
93 of eight weeks, or 320 consecutive hours. Nothing in this
94 section shall permit an employee to take sick leave that he or
95 she has not earned.

96 (3) EMPLOYEE PAY WHILE ON SICK LEAVE. Reimbursement of
97 pay for the employee per day of sick leave shall be at the
98 daily rate of pay for the employee.

99 (c) Sick leave accumulation and transfers.

100 (1) An employee ~~shall be allowed to~~ may accumulate an
101 unlimited number of sick leave days. Earned sick leave days
102 which have been accrued by an employee shall be transferrable
103 from one employer to another. The executive officer of the
104 employer shall ~~take care to~~ ensure that certification of the
105 number of unused sick leave days is provided to the new
106 employer when an employee transfers employment. All of the
107 earned and unused sick leave days which an employee has
108 accumulated shall be transferred to the new employer for use
109 by the employee as provided by law. However, for purposes of
110 applying accrued sick leave as credit for retirement purposes,
111 an employee is limited to a maximum of sick leave as
112 authorized in subdivision (1) of subsection (b). As pertains



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113 to receiving retirement credit for accrued sick leave, the
114 Teacher's Board of Control ~~shall have the authority to~~ may
115 adopt ~~such~~ policies and procedures necessary to effectuate a
116 uniform policy pursuant to this section.

117 (2) Employees of the Alabama State Senate, the
118 Lieutenant Governor, the Office of the Senate President Pro
119 Tempore, the Speaker of the House of Representatives, the
120 Alabama House of Representatives, and the Legislative
121 ~~Reference Service~~ Services Agency may only accrue unlimited
122 sick leave under this section until January 1, 2013. On
123 January 1, 2013, an employee subject to this section may carry
124 over only the actual number of sick leave hours the employee
125 has or the number allowed under Section 36-26-36, whichever is
126 greater. After January 1, 2013, sick leave earned by an
127 employee subject to this section in excess of the amount
128 determined on January 1, 2013, is subject to Section
129 36-26-36(d).

130 (d) On-the-job injury. The following regulations,
131 procedures, and rights are established pertaining to employees
132 who are injured while on the job:

133 (1) NOTICE OF INJURY. The employee shall make proper
134 notification of the injury to the executive officer, or to
135 the principal of the school, if applicable~~),~~ within 24 hours
136 after the injury occurred, or where the employee is not
137 clinically able to make notification, ~~it shall be permissible~~
138 ~~for~~ another person who is reasonably knowledgeable ~~to~~ may make
139 the notification of the injury. Other notification procedures
140 and forms shall be as established by written policy of the



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141 employer.

142 (2) PHYSICIAN CERTIFICATION. The employer may require
143 medical certification from the employee's physician that the
144 employee was injured and cannot return to work as a result of
145 the injury. The executive officer ~~may~~, at his or her
146 discretion, may require a second opinion from another
147 physician at the expense of the employer. The employer may
148 require a statement from the physician that there is a
149 reasonable expectation that the employee will be able to
150 return to work. A uniform physician certification form shall
151 be adopted by the State Board of Education and distributed to
152 each executive officer.

153 (3) SALARY CONTINUED. Upon determination by the
154 executive officer that an employee has been injured on the job
155 and cannot return to work as a result of the injury, the
156 salary and fringe benefits of the employee shall be continued
157 for a period of up to ~~ninety (90)~~ 90 working days consistent
158 with the employee's injury and the subsequent absence from
159 work resulting from the injury. This provision shall apply to
160 the temporary disability of the employee as applicable to the
161 job-related injury.

162 (4) EXTENSION OF DAYS. The employer may adopt a written
163 policy to extend the 90-day sick leave period for on-the-job
164 injuries. Additional job-injury policies may be adopted by the
165 employer if the policies do not conflict with the section.

166 (5) REIMBURSEMENT TO EMPLOYER. Any reasonable
167 on-the-job injury costs incurred by the employer, + to hire a
168 substitute +, per absent injured employee in a fiscal year



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169 shall be reimbursed to the employer by the state during the
170 next succeeding fiscal year upon application by the employer
171 to the appropriate State Board of Education department on a
172 form adopted by the state board, ~~not to exceed 90 work days~~.
173 The department shall subsequently submit the request to the
174 Legislature as a line-item in its budget request for
175 reimbursement to the employer, and, if approved by the
176 Legislature, shall reimburse the employer at the amount per
177 day for sick leave authorized and funded in the annual budget
178 act for public schools and colleges.

179 (6) EMPLOYEE'S SICK LEAVE. Sick leave shall not be
180 deducted from the employee's account if absence from work is
181 found to be a result of an on-the-job injury ~~as provided in~~
182 ~~this section~~.

183 (7) ADDITIONAL EXPENSES. Any unreimbursed medical
184 expenses and costs which the employee incurs as a result of an
185 on-the-job injury may be filed for reimbursement with the
186 State Board of Adjustment. Reimbursement to the employee shall
187 be determined by the Board of Adjustment's policies, rules,
188 and regulations which may be adopted from time to time. The
189 Board of Adjustment shall adopt appropriate rules,
190 regulations, and forms for submission by the employee.

191 (8) The executive officer, , or his or her designee, ,
192 shall inform the employee who is injured on the job of his or
193 her rights about appearing before the Board of Adjustment and
194 also about applicable written policies within ~~thirty (30)~~ 30
195 calendar days ~~of~~ after notification of the injury.

196 (e) Vacations and leaves of absences. The employer



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197 ~~shall have the authority~~, under the rules and regulations
198 ~~promulgated~~ adopted from time to time by the State Board of
199 Education, ~~to~~ may provide for paid leaves of absences and
200 vacations for its employees. Payment may be from public funds.
201 The employer may provide for leaves of absence during the
202 times the schools are, or are not, in session when the teacher
203 or employee devotes the leave to instructing in or attending
204 schools for appropriate training, or when approved by the
205 State Board of Education as beneficial to the state's
206 educational objectives. The employer may also provide for the
207 payment of any full-time teachers or employees for absences
208 during the time schools are in session when the absence
209 results from an unavoidable cause which prevents the teacher
210 or employee from discharging his or her duties. Pay for the
211 absences resulting from unavoidable causes other than sickness
212 shall not be allowed for a longer time than one week during
213 any one scholastic year.

214 (f) ~~Postsecondary~~ Alabama Community College System
215 annual leave. As applied to ~~postsecondary~~ Alabama Community
216 College System employers, any employee who earns and
217 accumulates annual leave ~~shall be entitled to~~ may accumulate
218 up to 60 days of annual leave at a rate not to exceed that in
219 the policy established by the State Board of Education.

220 (g) Policies. The policies and procedures required and
221 permitted by this section shall be adopted by the employer
222 consistent with and as required by Section 16-1-30."

223 Section 2. This act shall become effective on the first
224 day of the third month following its passage and approval by

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225 the Governor, or its otherwise becoming law.

