

# HB103 INTRODUCED



1 RBDFNN-1  
2 By Representatives Baker, Collins  
3 RFD: Children and Senior Advocacy  
4 First Read: 07-Mar-23  
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SYNOPSIS:

Under existing law, full-time education employees are permitted to use sick leave for personal illness or for attending to the personal illness or death of other specific individuals.

This bill would 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.

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



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29 following terms shall have the following meanings,  
30 ~~respectively:~~

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

34 (2) EMPLOYER. All public city and county boards of  
35 education; the Board of Trustees of the Alabama Institute for  
36 Deaf and Blind; the Alabama Youth Services Department District  
37 Board in its capacity as the Board of Education for the Youth  
38 Services Department District; the Board of Directors of the  
39 Alabama School of Fine Arts; the Board of Trustees of the  
40 Alabama High School of Mathematics and Science; the Board of  
41 Trustees of the Alabama School of Cyber Technology and  
42 Engineering; for purposes of subsection (c) only, the Alabama  
43 State Senate, the Lieutenant Governor, the Office of the  
44 Senate President Pro Tempore, the Speaker of the House of  
45 Representatives, the Alabama House of Representatives, the  
46 Legislative ~~Reference Service~~ Services Agency; any  
47 organization participating in the Teachers' Retirement System  
48 (excluding any state governmental department not listed  
49 herein); the ~~State Board of Education as applied to two-year~~  
50 ~~postsecondary education institutions~~ Board of Trustees of the  
51 Alabama Community College System; and for the purposes of  
52 subsection (c) only, all four-year public institutions of  
53 higher learning.

54 (3) EXECUTIVE OFFICER. The superintendent of any public  
55 county school system or any public city school system; the  
56 President of the Alabama Institute for Deaf and Blind; the



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57 president of any two-year school or college under the auspices  
58 of the ~~State Board of Education~~ Board of Trustees of the  
59 Alabama Community College System; the Superintendent of the  
60 Department of Youth Services School District; the Executive  
61 Director of the Alabama School of Fine Arts; the Executive  
62 Director of the Alabama High School of Mathematics and  
63 Science; the President of the Alabama School of Cyber  
64 Technology and Engineering; the Secretary of the Senate~~;~~; the  
65 Clerk of the House of Representatives~~;~~; the Lieutenant  
66 Governor; the Speaker of the House of Representatives; the  
67 Director of the Legislative Services Agency; and the chief  
68 executive officer of any other employer as provided in this  
69 section.

70 ~~(4)~~ (5) SICK LEAVE. The absence from duty by an employee  
71 as a result of any of the following:

- 72 a. Personal illness or doctor's quarantine.
- 73 b. Incapacitating personal injury.
- 74 c. Attendance upon an ill member of the employee's  
75 immediate family (parent, spouse, child, foster child  
76 currently in the care and custody of the employee, sibling,  
77 child currently in the care and custody of the employee for  
78 whom a petition for adoption has been filed); or an individual  
79 with a close personal tie.
- 80 d. Death in the family of the employee (parent, spouse,  
81 child, sibling, parent-in-law, son-in-law, daughter-in-law,  
82 brother-in-law, sister-in-law, nephew, niece, grandchild,  
83 grandparent, uncle, or aunt).
- 84 e. Death, injury, or sickness of another person who has



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85 unusually strong personal ties to the employee, such as a  
86 person who stood in loco parentis.

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

89 ~~(5)~~ (4) ON-THE-JOB INJURY. Any accident or injury to the  
90 employee occurring during the performance of duties or when  
91 directed or requested by the employer to be on the property of  
92 the employer which prevents the employee from working or  
93 returning to his or her job.

94 (b) Sick leave for employees.

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

97 (2) REASONS FOR TAKING SICK LEAVE. The employee ~~shall~~  
98 ~~be allowed and authorized to~~ may take sick leave for any of  
99 the reasons ~~so~~ enumerated and defined in this section. Sick  
100 leave taken for the purpose of attending to an adopted child,  
101 as provided in paragraph (a) (5)e., may be taken for a maximum  
102 of eight weeks, or 320 consecutive hours.

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

106 (c) Sick leave accumulation and transfers.

107 (1) An employee ~~shall be allowed to~~ may accumulate an  
108 unlimited number of sick leave days. Earned sick leave days  
109 which have been accrued by an employee shall be transferrable  
110 from one employer to another. The executive officer of the  
111 employer shall ~~take care to~~ ensure that certification of the  
112 number of unused sick leave days is provided to the new



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113 employer when an employee transfers employment. All of the  
114 earned and unused sick leave days which an employee has  
115 accumulated shall be transferred to the new employer for use  
116 by the employee as provided by law. However, for purposes of  
117 applying accrued sick leave as credit for retirement purposes,  
118 an employee is limited to a maximum of sick leave as  
119 authorized in subdivision (1) of subsection (b). As pertains  
120 to receiving retirement credit for accrued sick leave, the  
121 Teacher's Board of Control ~~shall have the authority to~~ may  
122 ~~adopt such~~ policies and procedures necessary to effectuate a  
123 uniform policy pursuant to this section.

124 (2) Employees of the Alabama State Senate, the  
125 Lieutenant Governor, the Office of the Senate President Pro  
126 Tempore, the Speaker of the House of Representatives, the  
127 Alabama House of Representatives, and the Legislative  
128 ~~Reference Service~~ Services Agency may only accrue unlimited  
129 sick leave under this section until January 1, 2013. On  
130 January 1, 2013, an employee subject to this section may carry  
131 over only the actual number of sick leave hours the employee  
132 has or the number allowed under Section 36-26-36, whichever is  
133 greater. After January 1, 2013, sick leave earned by an  
134 employee subject to this section in excess of the amount  
135 determined on January 1, 2013, is subject to Section  
136 36-26-36(d).

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

140 (1) NOTICE OF INJURY. The employee shall make proper



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141 notification of the injury to the executive officer, ~~+~~ or to  
142 the principal of the school, if applicable~~+~~, within 24 hours  
143 after the injury occurred, or where the employee is not  
144 clinically able to make notification, ~~it shall be permissible~~  
145 ~~for~~ another person who is reasonably knowledgeable ~~to~~ may make  
146 the notification of the injury. Other notification procedures  
147 and forms shall be as established by written policy of the  
148 employer.

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

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



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

173 (5) REIMBURSEMENT TO EMPLOYER. Any reasonable  
174 on-the-job injury costs incurred by the employer,    ~~to hire a~~  
175 ~~substitute~~,    per absent injured employee in a fiscal year  
176 shall be reimbursed to the employer by the state during the  
177 next succeeding fiscal year upon application by the employer  
178 to the appropriate State Board of Education department on a  
179 form adopted by the state board,    ~~not to exceed 90 work days~~.  
180 The department shall subsequently submit the request to the  
181 Legislature as a line-item in its budget request for  
182 reimbursement to the employer, and, if approved by the  
183 Legislature, shall reimburse the employer at the amount per  
184 day for sick leave authorized and funded in the annual budget  
185 act for public schools and colleges.

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

190 (7) ADDITIONAL EXPENSES. Any unreimbursed medical  
191 expenses and costs which the employee incurs as a result of an  
192 on-the-job injury may be filed for reimbursement with the  
193 State Board of Adjustment. Reimbursement to the employee shall  
194 be determined by the Board of Adjustment's policies, rules,  
195 and regulations which may be adopted from time to time. The  
196 Board of Adjustment shall adopt appropriate rules,





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197 regulations, and forms for submission by the employee.

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

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

221 (f) ~~Postsecondary~~ Alabama Community College System  
222 annual leave. As applied to ~~postsecondary~~ Alabama Community  
223 College System employers, any employee who earns and  
224 accumulates annual leave ~~shall be entitled to~~ may accumulate



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225 up to 60 days of annual leave at a rate not to exceed that in  
226 the policy established by the State Board of Education.

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

230 Section 2. This act shall become effective on the first  
231 day of the third month following its passage and approval by  
232 the Governor, or its otherwise becoming law.