STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1190 BY: ADAIR

AS INTRODUCED

AN ACT RELATING TO EDUCATION; AMENDING 70 O.S. 1981, SECTION 6-104, AS LAST AMENDED BY SECTION 1, CHAPTER 104, O.S.L. 1988 (70 O.S. SUPP. 1990, SECTION 6-104), WHICH RELATES TO LEAVE AND BENEFITS FOR TEACHERS AND SUPPORT EMPLOYEES; REQUIRING SCHOOL DISTRICTS TO PROVIDE PERSONAL BUSINESS LEAVE FOR SUPPORT EMPLOYEES; PROVIDING THAT STATUTORY PROVISION SHALL NOT NEGATE ANY NEGOTIATED LEAVE WHICH EXCEEDS STATUTORY MINIMUM; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1981, Section 6-104, as last amended by Section 1, Chapter 104, O.S.L. 1988 (70 O.S. Supp. 1990, Section 6-104), is amended to read as follows:

Section 6-104. A. The board of education of each school district in the state shall provide for sick leave for all teachers employed in the district and shall pay such teachers the full amount

of their contract salaries during any absence from their regular school duties for a period of time and under such conditions as the board may determine, but not less than the minimum benefits hereafter specified. Payment for sick leave shall be made on the basis of the current salary rate then in effect for the teacher receiving the payment. The plan shall provide that a teacher may be absent from his or her duties due to personal accidental injury, illness or pregnancy, or accidental injury or illness in the immediate family without the loss of salary for not to exceed ten (10) days during each school year, except that said absence without loss of salary for teachers employed on an eleven-month contract shall not exceed eleven (11) days during each school year and for those teachers employed on a twelve-month contract shall not exceed twelve (12) days during each school year, if said contract is for the work period, and not merely for pay purposes. The right to such leave shall vest at the beginning of the school year. Each school district shall provide for all teachers a minimum of three (3) days for personal business leave, upon the request of the teacher. Salary deductions for such leave shall not exceed the salary level for substitute teachers. Provided further, that these terms for personal business leave shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Each school district may provide not more than five (5) days each year for emergency leave. Each school district will determine the purposes for which emergency leave can be used. Those days shall not be chargeable to sick leave and will be noncumulative. Unused sick leave shall be cumulative up to a total of sixty (60) days, and cumulative sick leave shall be transferable to another school district where the teacher is employed the next succeeding school year, provided that the number of days transferred shall not exceed the maximum days permitted by the receiving district and that such transferred days shall be used first in case of illness and,

provided further, that if the receiving district pays teachers for unused sick leave upon retirement or termination of contract, then said payments shall be for only those days accumulated in the receiving district. The school board of the sending district shall certify the exact number of days eligible for transfer.

B. The plan of each school district for sick leave benefits may include other terms and conditions, but shall not provide less sick leave benefits than those prescribed herein. Hospital and medical proceeds may not be charged against sick leave benefits, but the proceeds received by the teacher from any insurance provided by the district for loss of compensable time may be charged against sick leave benefits. Provided the board of education may provide all or part of hospital and medical benefits, and sickness, accident, health and life insurance or any of the aforesaid for any or all of its employees. On authorization of the teacher, the district may approve payroll deductions for such teacher's portion of the aforesaid.

C. Each school district shall grant a teacher leave for jury service or as a witness subpoenaed in a criminal, civil or juvenile proceeding and shall pay the teacher during such service the full, current contract salary. Provided that the district may deduct any compensation received for serving as a juror or witness from the teacher's salary during such service.

D. A school district shall also provide for benefits for personnel other than teachers. Benefits for support personnel employees shall include provisions for paid sick leave of at least one (1) day per month of employment not to exceed the number of hours per day for which they are regularly employed cumulative to a total of sixty (60) days and cumulative sick leave shall be transferable to another school district where the person is employed the next succeeding school year; provided, that the number of days transferred shall not exceed the maximum days permitted by the

receiving district and that such transferred days shall be used first in case of illness up to a maximum of ten (10) transferred days per school year unless the local board of education authorizes the use of additional transferred days during the school year in an amount set by the board and, provided further, that if the receiving district pays such person for unused sick leave upon retirement or termination of employment, then said payments shall be for only those days accumulated in the receiving district. The school board of the sending district shall certify the exact number of days eligible for transfer. Each school district shall provide for all support employees, a minimum of three (3) days for personal business leave, upon the request of the support employee. Salary deductions for personal business leave shall not exceed an amount necessary to cover the costs of services provided to the district by the support employee and shall not exceed the salary of the support employee. The terms for personal business leave provided by this subsection shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Payment for such leave shall be calculated with regard to the definition of "support employee" provided by Section ~~24-133~~ 6-101.40 of this title. Provided that such benefits shall not exceed those authorized for teachers hereunder.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5499 KVR