STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1080 By: Widener

AS INTRODUCED

An Act relating to schools; authorizing school districts to establish a leave sharing program; allowing school district employees to donate certain leave to fellow employees under certain conditions; providing definitions; providing eligibility conditions; establishing donation conditions; providing a maximum amount of donated leave an employee may use; requiring verification of medical condition; allowing transfer of donated leave between districts; establishing dollar value of donated leave; providing for return of donated leave; requiring donation to be voluntary; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-104.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of education of each school district shall establish a leave sharing program for all district employees. The

program shall permit district employees to donate sick leave to a fellow district employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate employment.

B. As used in this section:

1. "Relative of the employee" means a spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;

2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;

3. "Severe" or "extraordinary" means serious, extreme or life-threatening; and

4. "District employee" means a teacher or any full-time employee of the school district.

C. A district employee may be eligible to receive shared leave pursuant to the following conditions:

1. The board of education determines that the employee meets the criteria described in this section; and

2. The employee has abided by district policies regarding the use of sick leave.

D. A district employee may donate annual leave to another district employee only pursuant to the following conditions:

1. The receiving employee has exhausted, or will exhaust, all sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, a relative of the employee or household member;

2. The condition has caused, or is likely to cause, the employee to go on leave without pay or to terminate employment; and

3. The board of education of the district permits the leave to be shared with an eligible employee.

The donating employee may donate any amount of sick leave provided the donation does not cause the sick leave balance of the donating employee to fall below eighty (80) hours.

District employees may not donate excess sick leave that the donor would not be able to otherwise take.

E. The board of education of each school district shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of one hundred (100) days of shared leave during total district employment.

F. The board of education shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

G. Donated sick leave is transferable between employees of different school districts in the state with the agreement of both boards of education of each school district.

H. The receiving employee shall be paid the regular rate of pay of the employee; therefore, one hour of shared sick leave may cover more or less than one hour of the salary of the recipient. The calculation of the leave value of the recipient shall be in accordance with the policies, regulations, and procedures of the district. The dollar value of the leave is converted from the donor to the recipient. The sick leave received will be designated as shared sick leave and be maintained separately from all other sick leave balances.

I. Any donated sick leave may only be used by the recipient for the purposes specified in this section.

J. All sick leave available for use by the recipient must be used prior to using shared sick leave.

K. Any shared sick leave not used by the recipient during each occurrence as determined by the board of education shall be returned to the donor. The shared sick leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the annual leave balance of each donor.

L. All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

SECTION 2. This act shall become effective July 1, 1993.

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.

44-1-5031 KB