ENGROSSED SENATE
BILL NO. 66

By: Long (Lewis) of the Senate

and

Satterfield of the House

An Act relating to schools; amending Section 1, Chapter 30, O.S.L. 1993, as amended by Section 1, Chapter 3, O.S.L. 1994 (70 O.S. Supp. 1994, Section 6-104.6), which relates to leave sharing; modifying requirements for leave sharing program; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 30, O.S.L. 1993, as amended by Section 1, Chapter 3, O.S.L. 1994 (70 O.S. Supp. 1994, Section 6-104.6), is amended to read as follows:

Section 6-104.6 A. The board of education of each school district may 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 earned pursuant to Section 6-104 of this title 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;

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

4. The amount of leave to be donated is within the limits set by the board of education of the district; and

5. 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.

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. 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 earned pursuant to Section 6-104 of this title 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. 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.

Passed the Senate the 27th day of February, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives