

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

House Bill No. 1789

HOUSE BILL NO. 1789 - By: TREBILCOCK AND KERN of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 6-104, which relates to sick leave; updating and clarifying statutory language; authorizing school districts to give teachers payment or carryover for unused sick leave; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-104, is amended to read
2 as follows:
3 Section 6-104. A. The board of education of each school district in the state shall
4 provide for sick leave for all teachers employed in the district and shall pay ~~such~~ teachers
5 the full amount of their contract salaries during any absence from their regular school
6 duties for a period of time and under ~~such~~ conditions as the board may determine, but
7 not less than the minimum benefits hereafter specified. Payment for sick leave shall be
8 made on the basis of the current salary rate then in effect for the teacher receiving the
9 payment. The plan shall provide that a teacher may be absent from ~~his or her duties~~
10 duty due to personal accidental injury, illness or pregnancy, or accidental injury or
11 illness in the immediate family without the loss of salary for not to exceed ten (10) days
12 during each school year, except that said absence without loss of salary for teachers
13 employed on an eleven-month contract shall not exceed eleven (11) days during each

1 school year and for those teachers employed on a twelve-month contract shall not exceed
2 twelve (12) days during each school year, if said contract is for the work period, and not
3 merely for pay purposes. The right to ~~such~~ sick leave shall vest at the beginning of the
4 school year.

5 B. Each school district shall provide for all teachers a minimum of three (3) days for
6 personal business leave, upon the request of the teacher. Salary deductions for ~~such~~
7 personal business leave shall not exceed the salary level for substitute teachers.
8 ~~Provided further, that these~~ The terms for personal business leave provided for in this
9 subsection shall not negate any locally negotiated leave policies which exceed the
10 minimum benefits stated ~~above~~ in this subsection.

11 C. Each school district may provide not more than five (5) days each year for
12 emergency leave. Each school district ~~will~~ shall determine the purposes for which
13 emergency leave can be used. Those days shall not be chargeable to sick leave and will
14 be noncumulative. ~~Unused~~

15 D. A school district may pay a teacher for unused sick leave accumulated by the
16 teacher at the end of the school year. If the school district allows payment for unused
17 sick leave, each teacher shall annually make an election to receive payment for unused
18 sick leave or carryover unused sick leave to the next school year. If the teacher elects to
19 carryover the unused sick leave, it shall be cumulative up to a total of sixty (60) days,
20 and cumulative sick leave shall be transferable to another school district where the
21 teacher is employed the next succeeding school year, ~~provided that the~~. The number of
22 sick leave days transferred shall not exceed the maximum days permitted by the

1 receiving district and ~~that such~~ the transferred days shall be used first in case of illness
2 ~~and, provided further, that if the.~~ The receiving district ~~pays~~ may pay teachers for
3 unused sick leave upon retirement or termination of contract, ~~then said~~ provided the
4 payments shall be for only those days accumulated in the receiving district. The school
5 board of the sending district shall certify the exact number of days eligible for transfer.

6 B. E. The plan of each school district for sick leave benefits may include other
7 terms and conditions, but shall not provide less sick leave benefits than those prescribed
8 ~~herein in this section.~~ Hospital and medical proceeds may not be charged against sick
9 leave benefits, but the proceeds received by the teacher from any insurance provided by
10 the district for loss of compensable time may be charged against sick leave benefits.

11 ~~Provided the~~ The board of education may provide all or part of hospital and medical
12 benefits, and sickness, accident, health and life insurance or any of the ~~aforesaid~~ above
13 for any or all of its employees. On authorization of the teacher, the district may approve
14 payroll deductions for ~~such the~~ teacher's portion of the ~~aforesaid~~ benefits listed above
15 paid for by the teacher.

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

21 D. G. 1. A school district shall also provide for benefits for personnel other than
22 teachers. Benefits for support personnel employees shall include provisions for paid sick

1 leave of at least one (1) day per month of employment not to exceed the number of hours
2 per day for which they are regularly employed cumulative to a total of sixty (60) days and
3 cumulative sick leave shall be transferable to another school district where the person is
4 employed the next succeeding school year; ~~provided, that the~~ The number of days
5 transferred shall not exceed the maximum days permitted by the receiving district and
6 ~~that such~~ transferred days shall be used first in case of illness up to a maximum of ten
7 (10) transferred days per school year unless the local board of education authorizes the
8 use of additional transferred days during the school year in an amount set by the board
9 ~~and, provided further, that if~~ If the receiving district pays ~~such person~~ support
10 personnel for unused sick leave upon retirement or termination of employment, then said
11 payments shall be for only those days accumulated in the receiving district. The school
12 board of the sending district shall certify the exact number of days eligible for transfer.

13 2. Each school district shall provide for all support employees, a minimum of three
14 (3) days for personal business leave, upon the request of the support employee. Salary
15 deductions for personal business leave shall not exceed an amount necessary to cover the
16 costs of services provided to the district by the support employee and shall not exceed the
17 salary of the support employee. The terms for personal business leave provided by this
18 ~~subsection~~ paragraph shall not negate any locally negotiated leave policies which exceed
19 the minimum benefits stated above. Payment for such leave shall be calculated with
20 regard to the definition of "support employee" provided by Section 6-101.40 of this title.
21 ~~Provided that such~~ The benefits shall not exceed those authorized for teachers ~~hereunder~~
22 as provided for in this section.

1 SECTION 2. This act shall become effective July 1, 2007.

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

5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 02-27-08 - DO
6 PASS, As Coauthored.