

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 2180, by substituting the attached floor substitute (Request #2173) for the title, enacting clause, and entire body of the measure.

Submitted by:


Senator K. Thompson

I hereby grant permission for the floor substitute to be adopted.

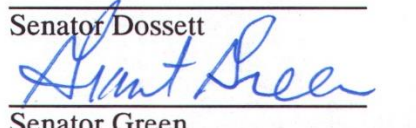

Senator Pugh, Chair (required)


Senator Seifried


Senator Bergstrom


Senator Daniels


Senator Dossett

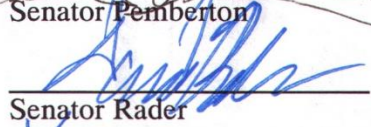

Senator Green

Senator Hicks

Senator Murdock


Senator Paxton


Senator Pemberton


Senator Rader


Senator Thompson (Kristen)

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Education committee majority requires seven (7) members' signatures.

Thompson(K)-EB-FS-HB2180

4/26/2023 8:27 AM

(Floor Amendments Only)

Date and Time Filed: 4-26-23

4:30 pm *fd*

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 2180

By: Lowe (Dick) of the House

and

Thompson (Kristen) of the
Senate

FLOOR SUBSTITUTE

An Act relating to school employees; entitling full-time public school district employees who have worked for a certain amount of time to certain amount of paid maternity leave; directing maternity leave be in addition to certain sick leave; prohibiting employee on maternity leave from being deprived of certain compensation or benefits; directing the Legislature to appropriate adequate funding to provide paid maternity leave to certain school employees; providing for allocation of funds if certain appropriation is not made; providing for promulgation of rules; amending 70 O.S. 2021, Section 6-104.1, which relates to leave without pay for teachers; updating statutory reference; allowing maternity leave in addition to certain sick leave and extended leave; updating statutory language; amending 70 O.S. 2021, Section 6-104.5, which relates to pay deductions for certain leave; adding statutory reference; allowing certain deductions after exhausting certain sick leave and maternity leave; amending 70 O.S. 2021, Section 6-104.6, which relates to establishment of leave sharing programs; allowing certain district employees to participate in certain shared leave after exhausting maternity leave; requiring maternity leave and sick leave to be used

1 prior to shared sick leave; making language gender
2 neutral; providing for codification; providing an
3 effective date; and declaring an emergency.
4
5

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6-104.8 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 A. A full-time employee of a public school district in this
11 state who has been employed by the school district for at least one
12 year and has worked at least one thousand two hundred fifty (1,250)
13 hours during the preceding twelve-month period shall be entitled to
14 eight (8) weeks of paid maternity leave following the birth of the
15 employee's child. The eight (8) weeks of paid maternity leave shall
16 be used immediately following the birth of the school district
17 employee's child.

18 B. Paid maternity leave provided pursuant to this section shall
19 be in addition to and not in place of sick leave due to pregnancy,
20 as provided for in Section 6-104 of Title 70 of the Oklahoma
21 Statutes.

22 C. A school district employee who takes maternity leave
23 pursuant to the provisions of this section shall not be deprived of
24

1 any compensation or other benefits to which the employee is
2 otherwise entitled.

3 D. Each fiscal year, the Legislature shall appropriate adequate
4 funding to the State Board of Education for the purpose of providing
5 paid maternity leave to eligible school district employees pursuant
6 to this act. If the Legislature does not appropriate adequate
7 funding specifically for the purpose of providing paid maternity
8 leave to school district employees, the State Board of Education
9 shall allocate from the funds appropriated to the State Board of
10 Education for the support of public school activities an amount to
11 fully fund paid maternity leave.

12 E. The State Board of Education may promulgate rules to
13 implement the provisions of this section.

14 SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-104.1, is
15 amended to read as follows:

16 Section 6-104.1. After exhausting sick leave and extended leave
17 pursuant to Sections 6-104 and 6-104.5 of ~~Title 70 of the Oklahoma~~
18 ~~Statutes~~ this title and maternity leave pursuant to Section 1 of
19 this act, a full-time teacher who, with the proper approval of the
20 district board of education, takes not more than ninety (90) school
21 days of leave without pay to care for the teacher's child during the
22 first year of the child's life, shall receive full credit for the
23 days on leave without pay as though the teacher had been on leave
24 with pay for purposes of computing experience for the minimum

1 teacher salary schedule. A teacher on leave without pay pursuant to
2 this section who pays the actuarial cost, as determined by the Board
3 of Trustees of the Teachers' Retirement System of Oklahoma, shall
4 have the period during which such leave without pay is taken,
5 counted toward retirement service credit as though the teacher had
6 been on leave with pay. The teacher shall notify ~~their~~ his or her
7 employer and the System in writing within thirty (30) days from the
8 date he or she returns to service that ~~they~~ he or she will pay such
9 actuarial cost. The teacher shall have up to twelve (12) months
10 from the date he or she returns to service to pay such actuarial
11 cost.

12 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-104.5, is
13 amended to read as follows:

14 Section 6-104.5. A. If, after exhausting all sick leave
15 pursuant to Section 6-104 of this title and maternity leave pursuant
16 to Section 1 of this act, a teacher is absent from his or her duties
17 due to personal accidental injury, illness, or pregnancy, the
18 teacher shall receive for a period of not to exceed twenty (20) days
19 his or her full contract salary less the amount:

- 20 1. ~~actually~~ Actually paid a certified substitute teacher for
21 his or her position if a certified substitute teacher is hired; or
- 22 2. ~~normally~~ Normally paid a certified substitute teacher for
23 his or her position if a certified substitute teacher is not hired.

24

1 B. The district's plan may provide that the teacher is entitled
2 to payment for accrued but unused sick leave upon termination of
3 employment.

4 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-104.6, is
5 amended to read as follows:

6 Section 6-104.6. A. The board of education of each school
7 district may establish a leave sharing program for all district
8 employees. The program shall permit district employees to donate
9 sick leave to a fellow district employee who is pregnant or
10 recovering from childbirth or who is suffering from or has a
11 relative or household member suffering from an extraordinary or
12 severe illness, injury, impairment, or physical or mental condition
13 which has caused or is likely to cause the employee to take leave
14 without pay or to terminate employment.

15 B. As used in this section:

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

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

1 3. "Severe" or "extraordinary" means serious, extreme, or life-
2 threatening including temporary disability resulting from pregnancy,
3 miscarriage, childbirth, and recovery therefrom; and

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

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

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

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

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

14 1. The receiving employee has exhausted, or will exhaust, ~~only~~
15 maternity leave granted pursuant to Section 1 of this act or sick
16 leave earned pursuant to Section 6-104 of this title due to
17 pregnancy, miscarriage, childbirth and recovery therefrom, an
18 illness, injury, impairment, or physical or mental condition, which
19 is of an extraordinary or severe nature, and involves the employee,
20 a relative of the employee, or household member;

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

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

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

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

5 E. The board of education of each school district shall
6 determine the amount of donated leave an employee may receive.

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

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

14 H. The receiving employee shall be paid the regular rate of pay
15 of the employee. The sick leave received will be designated as
16 shared sick leave and be maintained separately from all other sick
17 leave balances.

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

20 J. ~~Only~~ Maternity leave granted pursuant to Section 1 of this
21 act and sick leave earned pursuant to Section 6-104 of this title
22 available for use by the recipient ~~must~~ shall be used prior to using
23 shared sick leave.
24

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

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

11 M. In addition to the sick leave sharing program provided for
12 in this section, the board of education of each school district may
13 establish a sick leave sharing bank for all district employees. A
14 district employee may donate sick leave to a common fund which may
15 be used by any district employee who is eligible to receive shared
16 leave as set forth in subsection A of this section. The terms and
17 conditions for donation and use of sick leave to a leave sharing
18 bank shall be subject to the provisions of this section, unless
19 negotiations, entered into pursuant to Section 509.1 et seq. of this
20 title, between district employees and the school district establish
21 terms and conditions for a sick leave sharing bank in excess of
22 those provided for in this section.

23 SECTION 5. This act shall become effective July 1, 2023.
24

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health, or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 59-1-2173 EB 4/26/2023 5:06:55 PM

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