

2016 Regular Session

HOUSE BILL NO. 165

BY REPRESENTATIVE PEARSON

SCHOOLS/EMPLOYEES: Provides relative to sick leave granted to teachers, school bus drivers, and other public school employees in certain instances

1 AN ACT

2 To amend and reenact R.S. 17:500.1, 1201(C) and (D), and 1206.1, relative to sick leave for  
3 public school employees; to provide the same sick leave benefits to public school  
4 teachers, school bus operators, and other school employees who are disabled while  
5 assisting students under certain circumstances; to provide for the amount of such sick  
6 leave granted; to provide for requirements, conditions, and limitations relative to  
7 such sick leave; to remove provisions granting sick leave to such persons if injured  
8 or disabled as a result of assault and battery; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:500.1, 1201(C) and (D), and 1206.1 are hereby amended and  
11 reenacted to read as follows:

12 §500.1. School bus operators; sick leave

13 A.(1)(a) ~~Any~~ A school bus operator as defined in R.S. 17:500 who is ~~injured~~  
14 ~~or incapacitated~~ disabled while acting in his official capacity as a result of ~~physical~~  
15 ~~assault and or battery by any~~ or physical contact with or by a student or person shall  
16 receive sick leave for a period of up to one calendar year from the date of disability  
17 ~~without reduction in pay while incapacitated as a result of such injury; provided,~~  
18 ~~however, that when a~~ and without reduction in accrued sick leave days while so  
19 disabled. Such school bus operator is ~~absent for six or more consecutive days as a~~  
20 ~~result of such injury or incapacitation,~~ he shall be required to present a certificate  
21 from a physician certifying such ~~injury or incapacitation.~~ disability. A city, parish,

1 or other local public school board may extend this period beyond one calendar year.

2 If a school bus operator who is receiving sick leave without reduction in pay as  
3 provided in this Section begins to receive a benefit from the Teachers' Retirement  
4 System of Louisiana or the Louisiana School Employees' Retirement System, the  
5 leave shall cease.

6 (b) If the school board questions the validity or accuracy of the physician  
7 certification required pursuant to Subparagraph (a) of this Paragraph, the board may  
8 require the school bus operator to be examined by a physician selected by the board.  
9 In such a case, the board shall pay all costs of the examination and any tests  
10 determined to be necessary. If the physician selected by the board certifies  
11 disability, the leave shall be granted. If the physician selected by the board disagrees  
12 with the certification of the physician selected by the school bus operator, the board  
13 may require the school bus operator to be examined by a third physician whose name  
14 appears next in the rotation of physicians on a list established by the local medical  
15 society for such purpose and maintained by the board. All costs of an examination  
16 and any tests required by a third physician shall be paid by the board. The opinion  
17 of the third physician shall be determinative of the issue.

18 (c) The opinion of each physician consulted as provided in this Paragraph  
19 shall be submitted to the school board in the form of a sworn statement, which shall  
20 be subject to the provisions of R.S. 14:125.

21 (2) The sick leave authorized by this ~~section~~ Section shall be in addition to  
22 all other sick leave authorized by R.S. 17:500, ~~provided that additional~~ Additional  
23 sick leave for incapacity earned during the period of disability as a result of physical  
24 assault and battery shall not be accumulated from year to year, nor shall such  
25 additional sick leave be compensated for at death or retirement; or compensated for  
26 in any other manner except as authorized in this ~~section.~~ Section. A school bus  
27 operator shall not receive any compensation or payment greater than the salary to  
28 which he was entitled at the time the disability occurred.



1 a city, parish, or other local public school board from extending this period beyond  
2 one calendar year. If a member of the teaching staff who is receiving sick leave  
3 without reduction in pay as provided in this Section begins to receive a benefit from  
4 the Teachers' Retirement System of Louisiana, the leave shall cease.

5 (ii) (b) If the school board questions the validity or accuracy of the physician  
6 certification provided for in ~~Item (i) of this Subparagraph (a) of this Paragraph~~, the  
7 board may require the teaching staff member to be examined by a physician selected  
8 by the board. In such a case, the board shall pay all costs of the examination and any  
9 tests determined to be necessary. If the physician selected by the board certifies the  
10 ~~injury or~~ disability, the leave shall be granted. If the physician selected by the school  
11 board disagrees with the ~~certificate~~ certification of the physician selected by the  
12 teaching staff member, ~~then~~ the board may require the staff member to be examined  
13 by a third physician whose name appears next in the rotation of physicians on a list  
14 established by the local medical society for such purpose and maintained by the  
15 board. All costs of an examination and any tests required by a third physician shall  
16 be paid by the board. The opinion of the third physician shall be determinative of  
17 the issue.

18 (iii) (c) The opinion of each physician consulted as provided in this  
19 ~~Subparagraph~~ Paragraph shall be submitted to the board in the form of a sworn  
20 statement, which shall be subject to the provisions of R.S. 14:125.

21 (2) The sick leave authorized by this Subsection shall be in addition to all  
22 other sick leave authorized in this Section, ~~provided that additional~~ Additional sick  
23 leave earned during the period of disability ~~as a result of such assault and battery~~  
24 shall not be accumulated from year to year, nor shall such additional sick leave be  
25 compensated for at death or retirement or compensated for in any other manner  
26 except as authorized in this Subsection. A member of the teaching staff shall not  
27 receive any compensation or payment greater than the salary to which he was  
28 entitled at the time the disability occurred.



1           ~~B. Any(a) An employee of the parish or city school boards of this state, as~~  
2           ~~the word "employee" is as~~ defined in R.S. 17:1205; who is ~~injured or~~ disabled while  
3           acting in his official capacity as a result of assault or battery or physical contact with  
4           or by a student ~~while providing physical assistance to a student to prevent danger~~  
5           ~~or risk of injury to the student~~ shall receive sick leave for a period up to ~~ninety days~~  
6           one calendar year without reduction in pay and without reduction in accrued sick  
7           leave days while ~~injured or disabled as a result of rendering such assistance; so~~  
8           disabled. Such employee shall be required to present a certificate from a physician  
9           certifying such ~~injury or~~ disability. Nothing in this Section shall prohibit a city, ~~or~~  
10          parish, or other local public school board from extending this period beyond ~~ninety~~  
11          ~~days~~ one calendar year. If an employee who is receiving sick leave without  
12          reduction in pay as provided in this Section begins to receive a benefit from the  
13          Teachers' Retirement System of Louisiana or the Louisiana School Employees'  
14          Retirement System, the leave shall cease.

15           (b) If the school board questions the validity or accuracy of the physician  
16          certification provided for in Subparagraph (a) of this Paragraph, the board may  
17          require the employee to be examined by a physician selected by the board. In such  
18          a case, the board shall pay all costs of the examination and any tests determined to  
19          be necessary. If the physician selected by the board certifies disability, the leave  
20          shall be granted. If the physician selected by the school board disagrees with the  
21          certification of the physician selected by the employee, the board may require the  
22          employee to be examined by a third physician whose name appears next in the  
23          rotation of physicians on a list established by the local medical society for such  
24          purpose and maintained by the board. All costs of an examination and any tests  
25          required by a third physician shall be paid by the board. The opinion of the third  
26          physician shall be determinative of the issue.

27           (c) The opinion of each physician consulted as provided in this Paragraph  
28          shall be submitted to the board in the form of a sworn statement, which shall be  
29          subject to the provisions of R.S. 14:125.

1           (2) The sick leave authorized by this Subsection shall be in addition to all  
 2           other sick leave authorized in this Section. Additional sick leave earned during the  
 3           period of disability shall not be accumulated from year to year, nor shall such  
 4           additional sick leave be compensated for at death or retirement or compensated for  
 5           in any other manner except as authorized in this Subsection. An employee shall not  
 6           receive any compensation or payment greater than the salary to which he was  
 7           entitled at the time the disability occurred.

8           B.(1) An employee as defined in R.S. 17:1205 who is disabled while acting  
 9           in his official capacity shall be entitled to wage benefits under the Louisiana  
 10           Workers' Compensation Law or to sick leave benefits under R.S. 17:1206, or both,  
 11           at his option, but such benefits shall not exceed the total amount of the regular salary  
 12           the employee was receiving at the time the disability occurred.

13           (2) If an employee elects to supplement workers' compensation with  
 14           accumulated sick leave, the amount of sick leave used shall be calculated on an  
 15           hourly basis.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 165 Reengrossed

2016 Regular Session

Pearson

**Abstract:** Provides relative to sick leave for teachers, school bus drivers, and other public school employees who are disabled as a result of assault or battery or physical contact with or by a student or person. Provides for amounts, requirements, conditions, and limitations for such sick leave.

Present law provides sick leave for school bus operators, members of the teaching staff of public schools, and other public school employees (each as defined in present law) as follows:

#### **School Bus Operators**

A school bus operator who is *injured or incapacitated* while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay *while incapacitated* as a result of such assault or battery.

**Teaching Staff**

- (1) A member of the teaching staff who is *injured* or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Further provides that if any member is *injured* or disabled while acting in his official capacity as a result of physical contact with a student while *assisting the student to prevent danger or injury* to the student, he shall receive sick leave for up to one calendar year without reduction in pay and without reduction in accrued sick leave.

**School Employees**

- (1) A school employee who is *injured* or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Further provides that if an employee is *injured* or disabled while acting in his official capacity as a result of physical contact with a student while *assisting the student to prevent danger or injury* to the student he shall receive sick leave for up to 90 days without reduction in pay and without reduction in accrued sick leave.

Proposed law deletes present law provisions for sick leave for all three groups in cases of injury; provides for sick leave only if the employee is disabled.

Proposed law deletes present law providing for sick leave only if the employee is disabled while providing assistance to a student to prevent danger or injury to the student.

Proposed law generally retains present law provisions relative to sick leave for up to one year for teaching staff disabled and makes nearly identical provisions applicable to school bus operators and other school employees. Those provisions include: allowing local public school boards to extend the leave beyond one year; providing requirements for certification from a physician regarding any such disability; prohibiting the accumulation of such additional sick leave from year to year and being compensated for it at death or retirement; and providing that if the person begins to receive a benefit from a state retirement system, such leave will cease. Entitles the person to weekly wage benefits under the workers' compensation law and present law sick leave benefits (accumulated) but prohibits such benefits from exceeding the total amount of the regular salary the member was receiving at the time the disability occurred. Provides that if a person supplements workers' compensation with accumulated sick leave, the amount of sick leave is calculated on an hourly basis.

Present law (R.S. 17:500, 1201(A), and 1206) allows a minimum of 10 days absence per school year for sick leave or other emergencies without loss of pay for school bus operators, teaching staff, and other school employees. Allows any unused leave to be accumulated from year to year and allows school boards to grant additional sick leave with or without loss of pay. Proposed law retains present law.

(Amends R.S. 17:500.1, 1201(C) and (D), and 1206.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Remove references characterizing the sick leave being modified by proposed law as "extended".



The House Floor Amendments to the engrossed bill:

1. Delete present law and proposed law providing for sick leave for school bus drivers, teachers, and other school employees only if disabled while providing assistance to a student to prevent danger or injury to the student.
2. Retain present law provisions for sick leave for all three groups in cases of disability as a result of assault or battery.