
DIGEST

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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.