

ACT No. 227

2017 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVE PEARSON

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AN ACT

To amend and reenact R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 and to enact R.S. 17:1200(C), relative to sick leave for public school employees; to provide relative to sick leave benefits to public school teachers, school bus operators, and other school employees who are disabled under certain circumstances; to provide relative to requirements for certification of such disability by a physician; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 are hereby amended and reenacted and R.S. 17:1200(C) is hereby enacted to read as follows:

§500.1. School bus operators; sick leave

A. ~~Any~~ A school bus operator as defined in R.S. 17:500 who is injured ~~or incapacitated~~ in his official capacity as a result of physical assault and battery by any student or person and is disabled as a result of such injury and cannot perform his functions as a school bus operator, shall receive sick leave without reduction in pay while ~~incapacitated~~ disabled as a result of such injury. ~~; provided, however, that when~~ If a school bus operator is absent for six or more consecutive days as a result of such ~~injury or incapacitation~~ disability, he shall be required to present a certificate from a physician certifying ~~such injury or incapacitation~~ the disability. The sick leave authorized by this ~~section~~ Section shall be in addition to all other sick leave

1 authorized by R.S. 17:500, provided that additional sick leave for ~~incapacity~~
2 disability as a result of physical assault and battery shall not be accumulated from
3 year to year, nor shall such additional sick leave be compensated for at death or
4 retirement, or compensated for in any other manner except as authorized in this
5 ~~section~~ Section.

6 B. At any time during the period of certified disability, if the school board
7 questions the validity of the physician certification, the board may require the school
8 bus operator to be examined by a physician selected by the board. In such a case, the
9 board shall pay all costs of the examination and any tests determined to be necessary.
10 If the physician selected by the board certifies the disability, the leave shall be
11 granted or continued as appropriate. 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 or state
15 medical society for such purpose and maintained by the board. All costs of an
16 examination and any tests required by a third physician shall be paid by the board.
17 The opinion of the third physician shall be determinative of the issue.

18 C. (1) The school board shall not reduce the pay or accrued sick leave of a
19 school bus operator who is absent from his duties to seek medical attention or
20 treatment as a result of an injury as provided in this Section.

21 (2) If the school bus operator's physician determines that he is able to return
22 to active service as a school bus operator with restrictions and the board does not
23 allow the school bus operator to return to active service as a school bus operator
24 subject to those restrictions, then the school bus operator's leave shall be granted or
25 continued, as appropriate, as provided in this Section.

26 D. As used in this Section, "disabled" or "disability" means unable to or the
27 inability to perform the essential functions of the job of a school bus operator.

28 * * *

29 §1200. Definitions

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1 C. As used in this Subpart "disabled" or "disability" means unable to or the
2 inability to perform the essential functions of the job the member of the teaching
3 staff or employee was performing at the time of his injury.

4 §1201. Amount of sick leave; reimbursement; injury on the job

5 * * *

6 C.(1)

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8 (b)(i) ~~Any A~~ A member of the teaching staff of the public schools who while
9 acting in his official capacity is ~~injured~~or disabled as a result of physical contact
10 with a student while providing physical assistance to a student to prevent danger or
11 risk of injury to the student shall receive sick leave for a period up to one calendar
12 year without reduction in pay and without reduction in accrued sick leave days while
13 ~~injured~~or disabled as a result of rendering such assistance. Such member of the
14 teaching staff shall be required to present a certificate from a physician selected by
15 the teaching staff member certifying ~~such injury or~~ the disability. Nothing in this
16 Subsection shall prohibit a city, parish, or other local public school board from
17 extending this period beyond one calendar year.

18 (ii) ~~If~~ At any time during the period of certified disability, if the school board
19 questions the validity ~~or accuracy~~ of the physician certification provided for in ~~Item~~
20 ~~(i) of this Subparagraph,~~ this Section, the board may require the teaching staff
21 member to be examined by a physician selected by the board. In such a case, the
22 board shall pay all costs of the examination and any tests determined to be necessary.
23 If the physician selected by the board certifies the ~~injury~~or disability, the leave shall
24 be granted or continued as appropriate. If the physician selected by the ~~school~~ board
25 disagrees with the certificate of the physician selected by the ~~teaching~~ staff member,
26 then the board may require the staff member to be examined by a third physician
27 whose name appears next in the rotation of physicians on a list established by the
28 local or state medical society for such purpose and maintained by the board. All
29 costs of an examination and any tests required by a third physician shall be paid by
30 the board. The opinion of the third physician shall be determinative of the issue.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscoring
are additions.

1 (iii) The opinion of each physician consulted as provided in this
2 Subparagraph shall be submitted to the school board in the form of a sworn statement
3 ~~which that~~ shall be subject to the provisions of R.S. 14:125.

4 (iv) The board shall not reduce the pay or accrued sick leave of a member
5 of the teaching staff who is absent from his duties to seek medical attention or
6 treatment as a result of an injury as provided in this Subsection.

7 (v) If the member of the teaching staff's physician determines that the
8 member is able to return to active service as a member of the teaching staff with
9 restrictions and the board does not allow the member to return to active service as
10 a member of the teaching staff subject to those restrictions, then the member's leave
11 shall be granted or continued as provided in this Subsection.

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13 §1206.1. School employees; sick leave

14 A.(1) ~~Any~~ An employee of ~~the parish or city school boards of this state a~~
15 ~~city, parish, or other local public school board,~~ as the word "employee" is defined in
16 R.S. 17:1205, who is ~~injured or~~ disabled while acting in his official capacity as a
17 result of assault or battery by any student or person, shall receive sick leave without
18 reduction in pay and without reduction in accrued sick leave days while ~~injured or~~
19 disabled as a result of such assault or battery; however, ~~when such~~ if the employee
20 is absent for six or more consecutive days as a result of such ~~injury or~~ disability, he
21 shall be required to present a certificate from a physician certifying ~~such injury or~~
22 the disability. If the employee ~~of the parish or city school board~~ who is receiving
23 sick leave without reduction as described in this Section begins to draw his benefit
24 from the Teachers' Retirement System of Louisiana or the Louisiana School
25 Employees' Retirement System, the leave shall cease.

26 (2) The sick leave authorized by this Section shall be in addition to all other
27 sick leave authorized by R.S. 17:1206, provided that additional sick leave for ~~injury~~
28 ~~or~~ disability as a result of assault or battery shall not be accumulated from year to
29 year, nor shall such additional sick leave be compensated for at death or retirement,
30 or compensated for in any other manner except as authorized in this Section.

1 B. ~~Any~~ An employee of the parish or city school boards of this state, as the
2 word "employee" is defined in R.S. 17:1205, who is ~~injured or~~ disabled while acting
3 in his official capacity as a result of physical contact with a student while providing
4 physical assistance to a student to prevent danger or risk of injury to the student,
5 shall receive sick leave for a period up to ninety days without reduction in pay and
6 without reduction in accrued sick leave days while ~~injured or~~ disabled as a result of
7 rendering such assistance. Such employee shall be required to present a certificate
8 from a physician certifying ~~such injury or~~ the disability. Nothing in this Section
9 shall prohibit a city or parish school board from extending this period beyond ninety
10 days.

11 C. At any time during the period of certified disability, if the school board
12 questions the validity or accuracy of the physician certification, the board may
13 require the employee be examined by a physician selected by the board. In such a
14 case, the board shall pay all costs of the examination and any tests determined to be
15 necessary. If the physician selected by the board certifies the disability, the leave
16 shall be granted or continued as appropriate. If the physician selected by the board
17 disagrees with the certification of the physician selected by the employee, the board
18 may require the employee to be examined by a third physician whose name appears
19 next in the rotation of physicians on a list established by the local or state medical
20 society for such purpose and maintained by the board. All costs of an examination
21 and any tests required by a third physician shall be paid by the board. The opinion
22 of the third physician shall be determinative of the issue.

23 D.(1) The school board shall not reduce the pay or accrued sick leave of an
24 employee who is absent from his duties to seek medical attention or treatment as a
25 result of an injury as provided in this Section.

26 (2) If the employee's physician determines that he is able to return to active
27 service as a school employee with restrictions and the board does not allow the

1 employee to return to active service as a school employee subject to those
2 restrictions, then the employee's leave shall be granted or continued, as appropriate,
3 as provided in this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____