HLS 202ES-29 ORIGINAL

2020 Second Extraordinary Session

HOUSE BILL NO. 18

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BY REPRESENTATIVE GADBERRY

TEACHERS: Provides relative to sick leave benefits for certain teachers at schools under the jurisdiction of the office of juvenile justice (Item #42)

1 AN ACT 2 To amend and reenact R.S. 17:1201(C)(1) and (D)(1), relative to teacher sick leave; to 3 provide relative to certain benefits of members of the teaching staff at public schools; 4 to provide relative to benefits received when the member of the teaching staff is 5 injured while acting in his official capacity; to provide that such benefits shall also 6 apply to teachers of schools located within secure care facilities under the 7 jurisdiction of the office of juvenile justice; and to provide for related matters. 8 Be it enacted by the Legislature of Louisiana: 9 Section 1. R.S. 17:1201(C)(1) and (D)(1) are hereby amended and reenacted to read 10 as follows: 11 §1201. Amount of sick leave; reimbursement; injury on the job 12 13 C.(1)(a) Any member of the teaching staff of the a public schools school or 14 of a school located within a secure care facility under the jurisdiction of the 15 Department of Public Safety and Corrections, office of juvenile justice, who is injured or disabled while acting in his official capacity as a result of assault or 16 17 battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave days while disabled as a result of such assault 18 19 or battery. However, such member of the teaching staff shall be required to present

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a certificate from a physician certifying such injury and disability. If the member of

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the teaching staff who is receiving sick leave without reduction as provided in this Section begins to draw his benefit from the Teachers' Retirement System of Louisiana, the leave shall cease.

(b)(i) A member of the teaching staff of the a public schools school or of a school located within a secure care facility under the jurisdiction of the Department of Public Safety and Corrections, office of juvenile justice, who while acting in his official capacity is disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Such member of the teaching staff shall be required to present a certificate from a physician selected by the teaching staff member certifying the disability. Nothing in this Subsection shall prohibit a city, parish, or other local public school board, or the office of juvenile justice for schools in facilities under its jurisdiction, from extending this period beyond one calendar year.

or the office of juvenile justice questions the validity of the physician certification provided for in this Section, the board or the office of juvenile justice may require the teaching staff member to be examined by a physician selected by the board or the office of juvenile justice. In such a case, the board or the office of juvenile justice shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board or the office of juvenile justice certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the staff member, then the board or the office of juvenile justice of the physician selected by the staff member, then the board or the office of juvenile justice may require the staff member to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local or state medical society for such purpose and maintained by the board. The board shall provide the office of juvenile justice access to the list of such physicians upon

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ORIGINAL 1 request. All costs of an examination and any tests required by a third physician shall 2 be paid by the board or the office of juvenile justice. The opinion of the third 3 physician shall be determinative of the issue. 4 The opinion of each physician consulted as provided in this (iii) Subparagraph shall be submitted to the school board or the office of juvenile justice 5 6 in the form of a sworn statement that shall be subject to the provisions of R.S. 7 14:125. 8 (iv) The board or the office of juvenile justice shall not reduce the pay or 9 accrued sick leave of a member of the teaching staff who is absent from his duties 10 to seek medical attention or treatment as a result of an injury as provided in this 11 Subsection. 12 (v) If the member of the teaching staff's physician determines that the 13 member is able to return to active service as a member of the teaching staff with 14 restrictions and the board or the office of juvenile justice does not allow the member 15 to return to active service as a member of the teaching staff subject to those 16 restrictions, then the member's leave shall be granted or continued as provided in this 17 Subsection. 18 19

D.(1) Any member of the teaching staff in the a public schools school or in a school located within a secure care facility under the jurisdiction of the Department of Public Safety and Corrections, office of juvenile justice, who is injured or disabled while acting in his official capacity shall be entitled to weekly wage benefits under the workers' compensation law of the state of Louisiana and/or and to sick leave benefits under Subsection A C of this Section, at his option, but in no event shall such benefits exceed the total amount of the regular salary the member of the teaching staff was receiving at the time the injury or disability occurred.

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)]

HB 18 Original

2020 Second Extraordinary Session

Gadberry

Abstract: Extends certain benefits afforded to teachers of public schools who are injured while acting in their official capacity to teachers of schools located in secure care facilities under the jurisdiction of the office of juvenile justice.

<u>Present law</u> provides relative to sick leave benefits afforded to a member of the teaching staff of a public school who, while acting in his official capacity, is injured or disabled either as the result of assault and battery or as the result of physical contact with a student while providing physical assistance to prevent danger or risk of injury to the student, including that he shall receive sick leave without reduction in pay and without reduction in accrued sick leave days.

<u>Proposed law retains present law and extends its application to members of the teaching staff</u> at any school in a secure care facility under the jurisdiction of the Dept. of Public Safety and Corrections, office of juvenile justice.

(Amends R.S. 17:1201(C)(1) and (D)(1))