

Regular Session, 2014

HOUSE BILL NO. 1253

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/EMPLOYEES: Provides relative to the powers of local public school boards and superintendents with respect to extended sick leave for school bus drivers, teachers, and school employees

1 AN ACT

2 To amend and reenact R.S. 17:500.2(E)(2)(a), (b), and (c), 1202(E)(2)(a), (b), and (c), and
3 1206.2(E)(2)(a), (b), and (c), relative to powers of local public school boards and
4 local superintendents of schools; to provide relative to requirements for extension of
5 sick leave for school bus drivers, teachers, and school employees; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:500.2(E)(2)(a), (b), and (c), 1202(E)(2)(a), (b), and (c), and
9 1206.2(E)(2)(a), (b), and (c) are hereby amended and reenacted to read as follows:

10 §500.2. School bus operators; extended sick leave

11 * * *

12 E.

13 * * *

14 (2)(a) If the board or superintendent, upon review of the application,
15 questions the validity or accuracy of the certification, the ~~employer~~ board or
16 superintendent, as the case may be, referred to in this Section as the "challenging
17 party", may require the school bus operator or the immediate family member, as a
18 condition for continued extended leave, to be examined by a licensed physician
19 selected by the ~~employer~~ challenging party. In such a case, the employer shall pay

1 all costs of the examination and any tests determined to be necessary. If the
2 physician selected by the ~~employer~~ challenging party finds medical necessity, the
3 leave shall be granted.

4 (b) If the physician selected by the ~~public school employer~~ challenging party
5 disagrees with the certification of the physician selected by the school bus operator,
6 then the ~~employer~~ challenging party may require the school bus operator or the
7 immediate family member, as a condition for continued extension of sick leave, to
8 be examined by a third licensed appropriate physician whose name appears next in
9 the rotation of physicians on a list established by the local medical society for such
10 purpose and maintained by the ~~board~~ challenging party. All costs of an examination
11 and any required tests by a third doctor shall be paid by the employer. The opinion
12 of the third physician shall be determinative of the issue.

13 (c) The opinion of all physicians consulted as provided in this Paragraph
14 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
15 which shall be subject to the provisions of R.S. 14:125.

16 * * *

17 §1202. Teachers; extended sick leave

18 * * *

19 E.

20 * * *

21 (2)(a) If the board or superintendent, upon review of the application,
22 questions the validity or accuracy of the certification, the ~~employer~~ board or
23 superintendent, as the case may be, referred to in this Section as the "challenging
24 party", may require the teacher or the immediate family member, as a condition for
25 continued extended leave, to be examined by a licensed physician selected by the
26 ~~employer~~ challenging party. In such a case, the employer shall pay all costs of the
27 examination and any tests determined to be necessary. If the physician selected by
28 the ~~employer~~ challenging party finds medical necessity, the leave shall be granted.

1 (b) If the physician selected by the ~~public school employer~~ challenging party
 2 disagrees with the certification of the physician selected by the teacher or the
 3 immediate family member, then the ~~employer~~ challenging party may require the
 4 teacher or the immediate family member, as a condition for continued extension of
 5 sick leave, to be examined by a third licensed appropriate physician whose name
 6 appears next in the rotation of physicians on a list established by the local medical
 7 society for such purpose and maintained by the ~~board~~ challenging party. All costs
 8 of an examination and any required tests by a third doctor shall be paid by the
 9 employer. The opinion of the third physician shall be determinative of the issue.

10 (c) The opinion of all physicians consulted as provided in this Paragraph
 11 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
 12 which shall be subject to the provisions of R.S. 14:125.

13 * * *

14 §1206.2. Employees; extended sick leave

15 * * *

16 E.

17 * * *

18 (2)(a) If the board or superintendent, upon review of the application,
 19 questions the validity or accuracy of the certification, the ~~employer board or~~
 20 superintendent, as the case may be, referred to in this Section as the "challenging
 21 party", may require the employee or the immediate family member, as a condition
 22 for continued extended leave, to be examined by a licensed physician selected by the
 23 ~~employer~~ challenging party. In such a case, the employer shall pay all costs of the
 24 examination and any tests determined to be necessary. If the physician selected by
 25 the ~~employer~~ challenging party finds medical necessity, the leave shall be granted.

26 (b) If the physician selected by the ~~public school employer~~ challenging party
 27 disagrees with the certification of the physician selected by the employee or the
 28 immediate family member, then the ~~employer~~ challenging party may require the
 29 employee or the immediate family member, as a condition for continued extension

1 of sick leave, to be examined by a third licensed appropriate physician whose name
2 appears next in the rotation of physicians on a list established by the local medical
3 society for such purpose and maintained by the ~~board~~ challenging party. All costs
4 of an examination and any required tests by a third doctor shall be paid by the
5 employer. The opinion of the third physician shall be determinative of the issue.

6 (c) The opinion of all physicians consulted as provided in this Paragraph
7 shall be submitted to the ~~board~~ challenging party in the form of a sworn statement
8 which shall be subject to the provisions of R.S. 14:125.

9 * * *

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

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)]

Nancy Landry

HB No. 1253

Abstract: Provides relative to responsibilities of local public school boards and local public superintendents of schools with respect to sick leave.

Present law provides for general procedures with respect to sick and personal leave for school bus operators, teachers, and other school employees. Further provides for an extension of such leave in certain circumstances. Also provides that such employees shall be required to present a certificate from a physician selected by the employee certifying the injury or disability.

Present law in general provides that, if the school board questions the validity or accuracy of the physician certification provided for in present law, the school board may require the employee or immediate family member to be examined by a physician selected by the school board. In such a case, the school board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the school board certifies the injury or disability, then leave shall be granted. If the physician selected by the school board disagrees with the certification of the physician selected by the employee, then the school board may require the employee to be examined by a third physician. All costs of an examination and any tests required by a third physician shall be paid by the school board. The opinion of the third physician shall be determinative of the issue. Also requires that the opinion of all physicians consulted as provided in present law be submitted to the board in

the form of a sworn statement which shall be subject to the provisions of present law (R.S. 14:125) relative to the crime of false swearing.

Proposed law retains present law except adds that the powers, duties, and responsibilities granted in present law to a local school board with respect to questioning the validity or accuracy of such certification, to requiring medical examination, and to physician selection apply to the board or the local superintendent.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:500.2(E)(2)(a), (b), and (c), 1202(E)(2)(a), (b), and (c), and 1206.2(E)(2)(a), (b), and (c))