

By Senator McKay

26-191-98

1                                   A bill to be entitled

2           An act relating to education; amending s.

3           231.40, F.S.; providing for payment into pretax

4           annuities for accumulated sick leave to certain

5           employees of district school systems; limiting

6           the amount of pay certain employees of district

7           school systems may receive for unused sick

8           leave upon termination of employment; amending

9           s. 231.481, F.S.; limiting the amount of pay

10          certain employees of district school systems

11          may earn for unused vacation leave upon

12          termination of employment; amending s. 240.343,

13          F.S.; providing for community college district

14          boards of trustees to adopt rules allowing

15          payment for unused sick leave into pretax

16          annuities; limiting the amount of pay certain

17          employees of community college districts may

18          receive for unused sick leave upon termination

19          of employment; providing an effective date.

20

21 Be It Enacted by the Legislature of the State of Florida:

22

23           Section 1. Paragraph (a) of subsection (3) of section

24   231.40, Florida Statutes, is amended to read:

25           231.40 Sick leave.--

26           (3) PROVISIONS GOVERNING SICK LEAVE.--The following

27   provisions shall govern sick leave:

28           (a) Extent of leave.--

29           1. Each member of the instructional staff employed on

30   a full-time basis shall be entitled to 4 days of sick leave as

31   of the first day of employment of each contract year and shall

1 thereafter earn 1 day of sick leave for each month of  
2 employment, which shall be credited to the member at the end  
3 of that month and which shall not be used prior to the time it  
4 is earned and credited to the member. Each other employee  
5 shall be credited with 4 days of sick leave at the end of the  
6 first month of employment of each contract year and shall  
7 thereafter be credited for 1 day of sick leave for each month  
8 of employment, which shall be credited to the employee at the  
9 end of the month and which shall not be used prior to the time  
10 it is earned and credited to the employee. However, each  
11 member of the instructional staff and each other employee  
12 shall be entitled to earn no more than 1 day of sick leave  
13 times the number of months of employment during the year of  
14 employment. If the employee terminates his or her employment  
15 and has not accrued the 4 sick days available to him or her,  
16 the school board may withhold the average daily amount for the  
17 sick days used ~~utilized~~ but unearned by the employee. Such  
18 leave shall be taken only when necessary because of sickness  
19 as herein prescribed. Such sick leave shall be cumulative  
20 from year to year. There shall be no limit on the number of  
21 days of sick leave which a member of the instructional staff  
22 or an educational support employee may accrue, except that at  
23 least one-half of this cumulative leave must be established  
24 within the district granting such leave.

25         2. A school board may establish policies and prescribe  
26 standards to permit an employee to be absent 6 days each  
27 school year for personal reasons. However, such absences for  
28 personal reasons shall be charged only to accrued sick leave,  
29 and leave for personal reasons shall be noncumulative.

30         3. District school boards are authorized to adopt  
31 rules permitting the annual payment for accumulated sick leave

1 that is earned for that year and that is unused at the end of  
2 the school year, based on the daily rate of pay of the  
3 employee multiplied by up to 80 percent. Days for which such  
4 payment is received shall be deducted from the accumulated  
5 leave balance. Such annual payment may apply only to  
6 instructional staff and educational support employees, except  
7 that, for any district school board employee classified as an  
8 "administrator," in lieu of such authorized cash payment that  
9 same amount may be contributed annually by the employer, upon  
10 request by the employee, to an approved pretax annuity in the  
11 name of the employee, pursuant to rules of the school board  
12 and in compliance with federal tax laws and regulations.

13 4. A school board may establish policies to provide  
14 terminal pay for accumulated sick leave to instructional staff  
15 and educational support employees of the district school  
16 board. If termination of employment is by death of the  
17 employee, any terminal pay to which the employee may have been  
18 entitled may be made to his or her beneficiary. However, such  
19 terminal pay shall not exceed an amount determined as follows:

20 a. During the first 3 years of service, the daily rate  
21 of pay multiplied by 35 percent times the number of days of  
22 accumulated sick leave.

23 b. During the next 3 years of service, the daily rate  
24 of pay multiplied by 40 percent times the number of days of  
25 accumulated sick leave.

26 c. During the next 3 years of service, the daily rate  
27 of pay multiplied by 45 percent times the number of days of  
28 accumulated sick leave.

29 d. During the next 3 years of service, the daily rate  
30 of pay multiplied by 50 percent times the number of days of  
31 accumulated sick leave.

1 e. During and after the 13th year of service, the  
2 daily rate of pay multiplied by 100 percent times the number  
3 of days of accumulated sick leave.

4 5. A school board may establish policies to provide  
5 terminal pay for accumulated sick leave to any full-time  
6 employee of the district school board other than instructional  
7 staff or educational support employees as defined in this  
8 section. If termination of the employee is by death of the  
9 employee, any terminal pay to which the employee may have been  
10 entitled may be made to the employee's beneficiary.

11 a. ~~However, for such employees hired on or after July~~  
12 ~~1, 1995, Terminal pay shall not exceed an amount determined as~~  
13 ~~follows:~~

14 ~~a.~~ one-fourth of all unused sick leave accumulated on  
15 or after July 1, 1998, and may 1995; however, terminal pay  
16 allowable for such accumulated sick leave shall not exceed a  
17 maximum of 60 days of actual payment, in addition to the total  
18 amount of any disbursements that have been made at the end of  
19 each year pursuant to subparagraph 3. This limit does not  
20 impair any contractual agreement established before July 1,  
21 1998; however, a previously established contract renewed on or  
22 after July 1, 1998, shall be considered a new contract.

23 b. For unused sick leave accumulated before ~~prior to~~  
24 July 1, 1998 ~~1995~~, terminal payment shall be made pursuant to  
25 a district school board's policies that ~~which~~ are in effect on  
26 July 1, 1998 ~~1995~~.

27 Section 2. Section 231.481, Florida Statutes, is  
28 amended to read:

29 231.481 Terminal pay for accrued vacation leave.--A  
30 district school board may establish policies to provide for a  
31 lump-sum payment for accrued vacation leave to an employee of

1 the school board upon termination of employment or upon  
2 retirement, or to the employee's beneficiary if service is  
3 terminated by death. Effective July 1, 1998 ~~1995~~, terminal pay  
4 for accrued vacation leave may not exceed a maximum of 60 days  
5 of actual payment ~~for employees hired on or after that date.~~  
6 This limit does not impair any contractual agreement  
7 established before July 1, 1998. For unused vacation leave  
8 accumulated before July 1, 1998, terminal payment shall be  
9 made pursuant to the district school board's policies that are  
10 in effect on July 1, 1998.

11 Section 3. Paragraph (e) of subsection (2) of section  
12 240.343, Florida Statutes, is amended, and paragraph (f) is  
13 added to that subsection, to read:

14 240.343 Sick leave.--Each community college district  
15 board of trustees shall adopt rules whereby any full-time  
16 employee who is unable to perform his or her duties at the  
17 college on account of personal sickness, accident disability,  
18 or extended personal illness, or because of illness or death  
19 of the employee's father, mother, brother, sister, husband,  
20 wife, child, or other close relative or member of the  
21 employee's own household, and who consequently has to be  
22 absent from work shall be granted leave of absence for  
23 sickness by the president or by the president's designated  
24 representative. The following provisions shall govern sick  
25 leave:

26 (2) EXTENT OF LEAVE WITH COMPENSATION.--

27 (e) For full-time employees other than instructional  
28 staff or educational support employees, the board of trustees  
29 may, by rule, authorize accumulated sick leave that is earned  
30 during the year and is unused at the end of that year to be  
31 paid into an approved pretax annuity. The amount paid annually

1 into a pretax annuity may not exceed an amount equal to 80  
2 percent of the accumulated sick leave multiplied by the  
3 employee's daily rate of pay for the time the sick leave was  
4 accumulated. Such payments must be made pursuant to the rules  
5 of the board of trustees and must comply with federal tax law.  
6 An employee eligible under such rules has the option to  
7 participate provided the amount of sick leave for which  
8 payment is made into a pretax annuity shall be deducted from  
9 the employee's accumulated unused sick leave balance.~~A board~~  
10 ~~of trustees may establish rules or policies to provide~~  
11 ~~terminal pay for accumulated sick leave to any full-time~~  
12 ~~employee of a community college other than instructional staff~~  
13 ~~or educational support employees as defined in this section.~~  
14 ~~If termination of employment is by death of the employee, any~~  
15 ~~terminal pay to which the employee may have been entitled may~~  
16 ~~be made to the employee's beneficiary. However, for such~~  
17 ~~employees hired on or after July 1, 1995, terminal pay shall~~  
18 ~~not exceed an amount determined as follows:~~  
19       ~~1. One-fourth of all unused sick leave accumulated on~~  
20 ~~or after July 1, 1995; however, terminal pay allowable for~~  
21 ~~such accumulated sick leave shall not exceed a maximum of 60~~  
22 ~~days of actual payment.~~  
23       ~~2. For unused sick leave accumulated prior to July 1,~~  
24 ~~1995, terminal payment shall be made pursuant to a board of~~  
25 ~~trustees' policies which are in effect on July 1, 1995.~~  
26       (f) The board of trustees may, by rule, provide for  
27 terminal pay for accumulated unused sick leave to be paid to  
28 any full-time employee of a community college, other than  
29 instructional staff or educational support employees. If  
30 termination of employment is by death of the employee, any  
31

1 terminal pay to which the employee may have been entitled  
2 shall be made to the employee's beneficiary.

3 1. For unused sick leave accumulated before July 1,  
4 1998, terminal payment shall be made pursuant to rules or  
5 policies of the board of trustees which are in effect on June  
6 30, 1998.

7 2. For unused sick leave accumulated on or after July  
8 1, 1998, terminal payment may not exceed an amount equal to  
9 one-fourth of the employee's unused sick leave or 60 days of  
10 the employee's pay, whichever amount is less.

11 Section 4. This act shall take effect July 1, 1998.

12 \*\*\*\*\*

13 \*\*\*\*\*  
14 SENATE SUMMARY

15 Provides that, for district school board employees  
16 classified as administrators, payment for unused sick  
17 leave may be paid into an approved pretax annuity;  
18 authorizes community college boards to provide by rule  
19 for similar payments for their employees other than  
20 instructional or educational support employees. Imposes  
21 limits on terminal pay for unused sick or vacation leave  
22 for specified employees of school districts and for  
23 unused sick leave for specified employees of community  
24 college districts.  
25  
26  
27  
28  
29  
30  
31