

hbd-05

Bill No. SB 638, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Attkisson, Needelman, Diaz-Balart, and
12 Negron offered the following:

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14 **Amendment (with directory language and title**
15 **amendments)**

16 On page 1, between lines 15 and 16, of the bill

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18 insert:

19 (a) Extent of leave.--

20 1. Each member of the instructional staff employed on
21 a full-time basis is ~~shall be~~ entitled to 4 days of sick leave
22 as of the first day of employment of each contract year and
23 shall thereafter earn 1 day of sick leave for each month of
24 employment, which shall be credited to the member at the end
25 of that month and which may ~~shall~~ not be used before ~~prior to~~
26 ~~the time~~ it is earned and credited to the member. Each other
27 employee shall be credited with 4 days of sick leave at the
28 end of the first month of employment of each contract year and
29 shall thereafter be credited for 1 day of sick leave for each
30 month of employment, which shall be credited to the employee
31 at the end of the month and which may ~~shall~~ not be used before

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

17 2. A district school board may establish policies and
18 prescribe standards to permit an employee to be absent 6 days
19 each school year for personal reasons. However, such absences
20 for personal reasons must ~~shall~~ be charged only to accrued
21 sick leave, and leave for personal reasons is ~~shall be~~
22 noncumulative.

23 3. District school boards may adopt rules permitting
24 the annual payment for accumulated sick leave that is earned
25 for that year and that is unused at the end of the school
26 year, based on the daily rate of pay of the employee
27 multiplied by up to 80 percent. Days for which such payment
28 is received shall be deducted from the accumulated leave
29 balance. Such annual payment may apply only to instructional
30 staff and educational support employees.

31 4. A district school board may establish policies to

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1 provide terminal pay for accumulated sick leave to
2 instructional staff and educational support employees of the
3 district school board. If termination of employment is by
4 death of the employee, any terminal pay to which the employee
5 may have been entitled may be made to his or her beneficiary.
6 However, such terminal pay may ~~shall~~ not exceed an amount
7 determined as follows:

8 a. During the first 3 years of service, the daily rate
9 of pay multiplied by 35 percent times the number of days of
10 accumulated sick leave.

11 b. During the next 3 years of service, the daily rate
12 of pay multiplied by 40 percent times the number of days of
13 accumulated sick leave.

14 c. During the next 3 years of service, the daily rate
15 of pay multiplied by 45 percent times the number of days of
16 accumulated sick leave.

17 d. During the next 3 years of service, the daily rate
18 of pay multiplied by 50 percent times the number of days of
19 accumulated sick leave.

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

23 5. A district school board may establish policies to
24 provide terminal pay for accumulated sick leave to any
25 full-time employee of the district school board other than
26 instructional staff or educational support employees as
27 defined in this section. If termination of the employee is by
28 death of the employee, any terminal pay to which the employee
29 may have been entitled may be made to the employee's
30 beneficiary. ~~However, for such employees hired on or after~~
31 ~~July 1, 1995,~~

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- 1 a. Terminal pay may shall not exceed an amount
- 2 ~~determined as follows:~~
- 3 ~~a. one-fourth of all unused sick leave accumulated on~~
- 4 ~~or after July 1, 2001, and may 1995; however, terminal pay~~
- 5 ~~allowable for such accumulated sick leave shall not exceed a~~
- 6 ~~maximum of 60 days of actual payment. This limit does not~~
- 7 ~~impair any contractual agreement established before July 1,~~
- 8 ~~2001; however, a previously established contract renewed on or~~
- 9 ~~after July 1, 2001, constitutes a new contract.~~
- 10 b. For unused sick leave accumulated before ~~prior to~~
- 11 July 1, 2001 ~~1995~~, terminal payment shall be made pursuant to
- 12 a district school board's policies, contracts, or rules that
- 13 which are in effect on June 30, 2001 ~~July 1, 1995.~~
- 14 c. If an employee has an accumulated sick leave
- 15 balance of 60 days of actual payment or more prior to July 1,
- 16 2001, sick leave earned after that date may not be accumulated
- 17 for terminal pay purposes until the accumulated leave balance
- 18 for leave earned before July 1, 2001, is less than 60 days.

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21 == D I R E C T O R Y L A N G U A G E A M E N D M E N T ==

22 And the directory language is amended as follows:

23 On page 1, lines 11-12,
24 remove: all of said lines

25
26 and insert in lieu thereof:

27 Section 1. Paragraph (a) of subsection (3) of section
28 231.40, Florida Statutes, is amended, and paragraph (e) is
29 added to said subsection to read:

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 3 ,

4

5 insert after the semicolon:

6 limiting the amount of pay certain employees of

7 district school systems may receive for unused

8 sick leave upon termination of employment;

9 providing conditions on the use of sick leave;

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