

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Arza offered the following:

Amendment (with title amendment)

Between line(s) 77 and 78, insert:

Section 3. Paragraph (a) of subsection (2) of section 1012.61, Florida Statutes, is amended to read:

1012.61 Sick leave.--

(2) PROVISIONS GOVERNING SICK LEAVE.--The following provisions shall govern sick leave:

(a) *Extent of leave.*--

1. Each member of the instructional staff employed on a full-time basis is entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which may not be used before it is earned and credited to the member. Each other employee shall be credited

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28 with 4 days of sick leave at the end of the first month of
29 employment of each contract year and shall thereafter be
30 credited for 1 day of sick leave for each month of employment,
31 which shall be credited to the employee at the end of the month
32 and which may not be used before it is earned and credited to
33 the employee. However, each member of the instructional staff
34 and each other employee is entitled to earn no more than 1 day
35 of sick leave times the number of months of employment during
36 the year of employment. If the employee terminates his or her
37 employment and has not accrued the 4 days of sick leave
38 available to him or her, the district school board may withhold
39 the average daily amount for the days of sick leave used but
40 unearned by the employee. Such leave may be taken only when
41 necessary because of sickness as prescribed in this section. The
42 sick leave shall be cumulative from year to year. There shall be
43 no limit on the number of days of sick leave which a member of
44 the instructional staff or an educational support employee may
45 accrue, except that at least one-half of this cumulative leave
46 must be established within the district granting such leave.

47 2. A district school board may establish policies and
48 prescribe standards to permit an employee to be absent 6 days
49 each school year for personal reasons. However, such absences
50 for personal reasons must be charged only to accrued sick leave,
51 and leave for personal reasons is noncumulative.

52 3. District school boards may adopt rules permitting the
53 annual payment for accumulated sick leave that is earned for
54 that year and that is unused at the end of the school year,
55 based on the daily rate of pay of the employee multiplied by up
56 to 80 percent. Days for which such payment is received shall be

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57 deducted from the accumulated leave balance. ~~Such annual payment~~
58 ~~may apply only to instructional staff and educational support~~
59 ~~employees.~~

60 4. A district school board may establish policies to
61 provide terminal pay for accumulated sick leave to instructional
62 staff and educational support employees of the district school
63 board. If termination of employment is by death of the employee,
64 any terminal pay to which the employee may have been entitled
65 may be made to his or her beneficiary. However, such terminal
66 pay may not exceed an amount determined as follows:

67 a. During the first 3 years of service, the daily rate of
68 pay multiplied by 35 percent times the number of days of
69 accumulated sick leave.

70 b. During the next 3 years of service, the daily rate of
71 pay multiplied by 40 percent times the number of days of
72 accumulated sick leave.

73 c. During the next 3 years of service, the daily rate of
74 pay multiplied by 45 percent times the number of days of
75 accumulated sick leave.

76 d. During the next 3 years of service, the daily rate of
77 pay multiplied by 50 percent times the number of days of
78 accumulated sick leave.

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

82 5. A district school board may establish policies to
83 provide terminal pay for accumulated sick leave to any full-time
84 employee of the district school board other than instructional
85 staff or educational support employees ~~as defined in this~~

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86 ~~section.~~ If termination of the employee is by death of the
87 employee, any terminal pay to which the employee may have been
88 entitled may be made to the employee's beneficiary. For terminal
89 pay purposes, sick leave accrued after June 30, 2003, shall be
90 compensated at no more than the daily rate of pay applicable at
91 the time sick leave was earned.

92 ~~a. Terminal pay may not exceed one-fourth of all unused~~
93 ~~sick leave accumulated on or after July 1, 2001, and may not~~
94 ~~exceed a maximum of 60 days of actual payment. This limit does~~
95 ~~not impair any contractual agreement established before July 1,~~
96 ~~2001; however, a previously established contract renewed on or~~
97 ~~after July 1, 2001, constitutes a new contract.~~

98 ~~b. For unused sick leave accumulated before July 1, 2001,~~
99 ~~terminal payment shall be made pursuant to a district school~~
100 ~~board's policies, contracts, or rules that are in effect on June~~
101 ~~30, 2001.~~

102 ~~e. If an employee has an accumulated sick leave balance of~~
103 ~~60 days of actual payment or more prior to July 1, 2001, sick~~
104 ~~leave earned after that date may not be accumulated for terminal~~
105 ~~pay purposes until the accumulated leave balance for leave~~
106 ~~earned before July 1, 2001, is less than 60 days.~~

107
108 For purposes of this section, "educational support employee"
109 means any person employed by a district school board as a
110 teacher assistant; an education paraprofessional; a member of
111 the transportation, operations, maintenance, or food service
112 department; a secretary; or a clerical employee.

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

116 Remove line(s) 8, and insert:

117 purposes; amending s. 1012.61, F.S.; deleting restriction that

118 permits annual payment for accumulated sick leave only to

119 instructional staff and educational support employees; revising

120 restrictions regarding terminal pay for accumulated sick leave

121 to employees other than instructional staff or educational

122 support employees; defining "educational support employee;"

123 amending s. 1012.79, F.S.; revising the number