

HB 0305

2004

1 A bill to be entitled
 2 An act relating to employees of public schools; amending
 3 s. 1012.61, F.S.; deleting a restriction on who may
 4 receive annual payment for accumulated sick leave;
 5 revising restrictions regarding terminal pay for
 6 accumulated sick leave to certain employees; providing a
 7 definition; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Paragraph (a) of subsection (2) of section
 12 1012.61, Florida Statutes, is amended to read:

13 1012.61 Sick leave.--

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

16 (a) Extent of leave.--

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

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

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

49 3. District school boards may adopt rules permitting the
50 annual payment for accumulated sick leave that is earned for
51 that year and that is unused at the end of the school year,
52 based on the daily rate of pay of the employee multiplied by up
53 to 80 percent. Days for which such payment is received shall be
54 deducted from the accumulated leave balance. ~~Such annual payment~~
55 ~~may apply only to instructional staff and educational support~~
56 ~~employees.~~

57 4. A district school board may establish policies to
58 provide terminal pay for accumulated sick leave to instructional

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59 staff and educational support employees of the district school
 60 board. If termination of employment is by death of the
 61 employee, any terminal pay to which the employee may have been
 62 entitled may be made to his or her beneficiary. However, such
 63 terminal pay may not exceed an amount determined as follows:

64 a. During the first 3 years of service, the daily rate of
 65 pay multiplied by 35 percent times the number of days of
 66 accumulated sick leave.

67 b. During the next 3 years of service, the daily rate of
 68 pay multiplied by 40 percent times the number of days of
 69 accumulated sick leave.

70 c. During the next 3 years of service, the daily rate of
 71 pay multiplied by 45 percent times the number of days of
 72 accumulated sick leave.

73 d. During the next 3 years of service, the daily rate of
 74 pay multiplied by 50 percent times the number of days of
 75 accumulated sick leave.

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

79 5. A district school board may establish policies to
 80 provide terminal pay for accumulated sick leave to any full-time
 81 employee of the district school board other than instructional
 82 staff or educational support employees ~~as defined in this~~
 83 ~~section~~. If termination of the employee is by death of the
 84 employee, any terminal pay to which the employee may have been
 85 entitled may be made to the employee's beneficiary. For terminal
 86 pay purposes, sick leave accrued after June 30, 2004, shall be

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87 compensated at no more than the daily rate of pay applicable at
 88 the time the sick leave was earned.

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

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

99 ~~e. If an employee has an accumulated sick leave balance of~~
 100 ~~60 days of actual payment or more prior to July 1, 2001, sick~~
 101 ~~leave earned after that date may not be accumulated for terminal~~
 102 ~~pay purposes until the accumulated leave balance for leave~~
 103 ~~earned before July 1, 2001, is less than 60 days.~~

104
 105 For purposes of this section, "educational support employee"
 106 means any person employed by a district school board as a
 107 teacher assistant; an education paraprofessional; a member of
 108 the transportation, operations, maintenance, or food service
 109 department; a secretary; or a clerical employee.

110 Section 2. This act shall take effect July 1, 2004.

CODING: Words **stricken** are deletions; words **underlined** are additions.