

2017 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVE PEARSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Provides relative to sick leave granted to school bus operators, teachers, and other public school employees in certain instances

1 AN ACT

2 To amend and reenact R.S. 17:500.1, 1201(C)(1)(b)(i) and (ii), and 1206.1, relative to sick
 3 leave for public school employees; to provide relative to sick leave benefits to public
 4 school teachers, school bus operators, and other school employees who are disabled
 5 under certain circumstances; to provide relative to requirements for certification of
 6 such disability by a physician; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:500.1, 1201(C)(1)(b)(i) and (ii), and 1206.1 are hereby amended
 9 and reenacted to read as follows:

10 §500.1. School bus operators; sick leave

11 A. ~~Any A~~ school bus operator as defined in R.S. 17:500 who is injured ~~or~~
 12 ~~incapacitated~~ in his official capacity as a result of physical assault and battery by any
 13 student or person and is disabled as a result of such injury and cannot perform his
 14 functions as a school bus operator, shall receive sick leave without reduction in pay
 15 while ~~incapacitated~~ disabled as a result of such injury; ~~; provided, however, that~~
 16 ~~when~~ If a school bus operator is absent for six or more consecutive days as a result
 17 of such ~~injury or incapacitation~~ disability, he shall be required to present a certificate
 18 from a physician certifying ~~such injury or incapacitation~~ the disability. The sick
 19 leave authorized by this ~~section~~ Section shall be in addition to all other sick leave
 20 authorized by R.S. 17:500, provided that additional sick leave for ~~incapacity~~

1 Subsection shall prohibit a city, parish, or other local public school board from
2 extending this period beyond one calendar year.

3 (ii) If At any time during the period of certified disability, if the school board
4 questions the validity ~~or accuracy~~ of the physician certification provided for in Item
5 (i) of this Subparagraph, the board may require the teaching staff member to be
6 examined by a physician selected by the board. In such a case, the board shall pay
7 all costs of the examination and any tests determined to be necessary. If the
8 physician selected by the board certifies the ~~injury or~~ disability, the leave shall be
9 granted or continued as appropriate. If the physician selected by the ~~school~~ board
10 disagrees with the certificate of the physician selected by the ~~teaching~~ staff member,
11 then the board may require the staff member to be examined by a third physician
12 whose name appears next in the rotation of physicians on a list established by the
13 local medical society for such purpose and maintained by the board. All costs of an
14 examination and any tests required by a third physician shall be paid by the board.
15 The opinion of the third physician shall be determinative of the issue.

16 * * *

17 §1206.1. School employees; sick leave

18 A.(1) ~~Any~~ An employee of ~~the parish or city school boards of this state a~~
19 city, parish, or other local public school board, as the word "employee" is defined in
20 R.S. 17:1205, who is ~~injured or~~ disabled while acting in his official capacity as a
21 result of assault or battery by any student or person, shall receive sick leave without
22 reduction in pay and without reduction in accrued sick leave days while ~~injured or~~
23 disabled as a result of such assault or battery; however, ~~when such~~ if the employee
24 is absent for six or more consecutive days as a result of such ~~injury or~~ disability, he
25 shall be required to present a certificate from a physician certifying ~~such injury or~~
26 the disability. If the employee ~~of the parish or city school board~~ who is receiving
27 sick leave without reduction as described in this Section begins to draw his benefit
28 from the Teachers' Retirement System of Louisiana or the Louisiana School
29 Employees' Retirement System, the leave shall cease.

1 (2) The sick leave authorized by this Section shall be in addition to all other
2 sick leave authorized by R.S. 17:1206, provided that additional sick leave for ~~injury~~
3 ~~or~~ disability as a result of assault or battery shall not be accumulated from year to
4 year, nor shall such additional sick leave be compensated for at death or retirement,
5 or compensated for in any other manner except as authorized in this Section.

6 B. ~~Any~~ An employee of the parish or city school boards of this state, as the
7 word "employee" is defined in R.S. 17:1205, who is ~~injured~~~~or~~ disabled while acting
8 in his official capacity as a result of physical contact with a student while providing
9 physical assistance to a student to prevent danger or risk of injury to the student,
10 shall receive sick leave for a period up to ninety days without reduction in pay and
11 without reduction in accrued sick leave days while ~~injured~~~~or~~ disabled as a result of
12 rendering such assistance. Such employee shall be required to present a certificate
13 from a physician certifying ~~such injury~~~~or~~ the disability. Nothing in this Section
14 shall prohibit a city or parish school board from extending this period beyond ninety
15 days.

16 C. At any time during the period of certified disability, if the school board
17 questions the validity or accuracy of the physician certification, the board may
18 require the employee be examined by a physician selected by the board. In such a
19 case, the board shall pay all costs of the examination and any tests determined to be
20 necessary. If the physician selected by the board certifies disability, the leave shall
21 be granted or continued as appropriate. If the physician selected by the board
22 disagrees with the certification of the physician selected by the employee, the board
23 may require the employee to be examined by a third physician whose name appears
24 next in the rotation of physicians on a list established by the local medical society for
25 such purpose and maintained by the board. All costs of an examination and any tests
26 required by a third physician shall be paid by the board. The opinion of the third
27 physician shall be determinative of the issue.

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)]

HB 556 Engrossed

2017 Regular Session

Pearson

Abstract: Provides relative to sick leave for teachers, school bus drivers, and other public school employees who are disabled as a result of assault or battery or physical contact with or by a student or person. Provides relative to requirements for certification of such disability by a physician.

Present law provides sick leave for school bus operators, members of the teaching staff of public schools, and other public school employees (each as defined in present law) as follows:

School Bus Operators

- (1) A school bus operator who is injured *or incapacitated* while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay *while incapacitated* as a result of such assault or battery.
- (2) Requires the school bus operator to present a certificate from a physician certifying such *injury or incapacitation* when he is absent for six or more consecutive days as a result of such *injury or incapacitation*.

Teaching Staff

- (1) A member of the teaching staff who is *injured* or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Provides that if any member is *injured* or disabled while acting in his official capacity as a result of physical contact with a student while assisting the student to prevent danger or injury to the student, he shall receive sick leave for up to one calendar year without reduction in pay and without reduction in accrued sick leave.
- (3) Requires the member to submit a certificate from a physician certifying such *injury* or disability. Provides requirements for further certification if the school board questions the validity of the physician certification submitted by the member and provides that the board shall pay the costs associated with such certification. Provides that the opinion of the third physician (if one is used) shall be determinative of the issue.

School Employees

- (1) A school employee who is *injured* or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave.
- (2) Provides that if an employee is *injured* or disabled while acting in his official capacity as a result of physical contact with a student while assisting the student to prevent danger or injury to the student he shall receive sick leave for up to 90 days without reduction in pay and without reduction in accrued sick leave.

- (3) Requires the employee to present a certificate from a physician certifying such *injury* or disability.

Proposed law deletes present law provisions for sick leave for all three groups in cases of injury or incapacitation; provides for sick leave only if the employee is disabled.

Proposed law, relative to requirements for further certification by a physician, makes same provisions applicable to school bus operators and other school employees as provided in present law for members of the teaching staff.

Present law (R.S. 17:500, 1201(A), and 1206) allows a minimum of 10 days absence per school year for illness or other emergencies without loss of pay for school bus operators, teaching staff, and other school employees. Allows any unused leave to be accumulated from year to year and allows school boards to grant additional sick leave with or without loss of pay. Proposed law retains present law.

(Amends R.S. 17:500.1, 1201(C)(1)(b)(i) and (ii), and 1206.1)