

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), and 1206.1 and to enact R.S.
3 17:1200(C), relative to sick leave for public school employees; to provide relative
4 to sick leave benefits to public school teachers, school bus operators, and other
5 school employees who are disabled under certain circumstances; to provide relative
6 to requirements for certification of such disability by a physician; to provide for
7 definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 are hereby amended and
10 reenacted and R.S. 17:1200(C) is hereby enacted to read as follows:

11 §500.1. School bus operators; sick leave

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

1 authorized by R.S. 17:500, provided that additional sick leave for ~~incapacity~~
2 disability as a result of physical assault and battery shall not be accumulated from
3 year to year, nor shall such additional sick leave be compensated for at death or
4 retirement, or compensated for in any other manner except as authorized in this
5 ~~section~~ Section.

6 B. At any time during the period of certified disability, if the school board
7 questions the validity of the physician certification, the board may require the school
8 bus operator to be examined by a physician selected by the board. In such a case, the
9 board shall pay all costs of the examination and any tests determined to be necessary.
10 If the physician selected by the board certifies the disability, the leave shall be
11 granted or continued as appropriate. If the physician selected by the board disagrees
12 with the certification of the physician selected by the school bus operator, the board
13 may require the school bus operator to be examined by a third physician whose name
14 appears next in the rotation of physicians on a list established by the local or state
15 medical society for such purpose and maintained by the board. All costs of an
16 examination and any tests required by a third physician shall be paid by the board.
17 The opinion of the third physician shall be determinative of the issue.

18 C. (1) The school board shall not reduce the pay or accrued sick leave of a
19 school bus operator who is absent from his duties to seek medical attention or
20 treatment as a result of an injury as provided in this Section.

21 (2) If the school bus operator's physician determines that he is able to return
22 to active service as a school bus operator with restrictions and the board does not
23 allow the school bus operator to return to active service as a school bus operator
24 subject to those restrictions, then the school bus operator's leave shall be granted or
25 continued, as appropriate, as provided in this Section.

26 D. As used in this Section, "disabled" or "disability" means unable to or the
27 inability to perform the essential functions of the job of a school bus operator.

28 * * *

29

1 §1200. Definitions

2 * * *

3 C. As used in this Subpart "disabled" or "disability" means unable to or the
4 inability to perform the essential functions of the job the member of the teaching
5 staff or employee was performing at the time of his injury.

6 §1201. Amount of sick leave; reimbursement; injury on the job

7 * * *

8 C.(1)

9 * * *

10 (b)(i) ~~Any~~ A member of the teaching staff of the public schools who while
11 acting in his official capacity is ~~injured~~ or disabled as a result of physical contact
12 with a student while providing physical assistance to a student to prevent danger or
13 risk of injury to the student shall receive sick leave for a period up to one calendar
14 year without reduction in pay and without reduction in accrued sick leave days while
15 ~~injured~~ or disabled as a result of rendering such assistance. Such member of the
16 teaching staff shall be required to present a certificate from a physician selected by
17 the teaching staff member certifying ~~such injury~~ or the disability. Nothing in this
18 Subsection shall prohibit a city, parish, or other local public school board from
19 extending this period beyond one calendar year.

20 (ii) ~~If~~ At any time during the period of certified disability, if the school board
21 questions the validity or accuracy of the physician certification provided for in ~~Item~~
22 ~~(i) of this Subparagraph,~~ this Section, the board may require the teaching staff
23 member to be examined by a physician selected by the board. In such a case, the
24 board shall pay all costs of the examination and any tests determined to be necessary.
25 If the physician selected by the board certifies the ~~injury~~ or disability, the leave shall
26 be granted or continued as appropriate. If the physician selected by the ~~school~~ board
27 disagrees with the certificate of the physician selected by the ~~teaching~~ staff member,
28 then the board may require the staff member to be examined by a third physician
29 whose name appears next in the rotation of physicians on a list established by the

1 local or state medical society for such purpose and maintained by the board. All
2 costs of an examination and any tests required by a third physician shall be paid by
3 the board. The opinion of the third physician shall be determinative of the issue.

4 (iii) The opinion of each physician consulted as provided in this
5 Subparagraph shall be submitted to the school board in the form of a sworn statement
6 ~~which that~~ shall be subject to the provisions of R.S. 14:125.

7 (iv) The board shall not reduce the pay or accrued sick leave of a member
8 of the teaching staff who is absent from his duties to seek medical attention or
9 treatment as a result of an injury as provided in this Subsection.

10 (v) If the member of the teaching staff's physician determines that the
11 member is able to return to active service as a member of the teaching staff with
12 restrictions and the board does not allow the member to return to active service as
13 a member of the teaching staff subject to those restrictions, then the member's leave
14 shall be granted or continued as provided in this Subsection.

15 * * *

16 §1206.1. School employees; sick leave

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

1 D.(1) The school board shall not reduce the pay or accrued sick leave of an
 2 employee who is absent from his duties to seek medical attention or treatment as a
 3 result of an injury as provided in this Section.

4 (2) If the employee's physician determines that he is able to return to active
 5 service as a school employee with restrictions and the board does not allow the
 6 employee to return to active service as a school employee subject to those
 7 restrictions, then the employee's leave shall be granted or continued, as appropriate,
 8 as provided in this Section.

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 Reengrossed

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 by a physician from a list

established by the local medical society 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. Proposed law, for all three groups, provides that the third physician (if one is used) shall be a physician from a list established by the local or state medical society.

Proposed law prohibits local school boards from reducing the pay or accrued sick leave of a school bus operator, member of the teaching staff, or other school employee who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in present law and proposed law. Provides that if the school bus operator's, member of the teaching staff's, or other school employee's physician determines that he is able to return to active service in the same capacity with restrictions and the school board does not allow him to so return subject to those restrictions, then his leave shall be granted or continued, as appropriate, as provided in present law and proposed law.

Proposed law defines "disabled" or "disability" as unable to or the inability to perform the essential functions of the job of the school bus operator, member of the teaching staff, or other school employee.

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), and 1206.1; Adds R.S. 17:1200(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add definition of "disabled" or "disability".
2. Add provision that the third physician (if one is used) may be a physician from a list established by the state medical society.

3. Prohibit local school boards from reducing the pay or accrued sick leave of a school bus operator, member of the teaching staff, or other school employee who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in present law and proposed law.
4. Add that if the physician determines that a person is able to return to active service with restrictions and the school board does not allow him to so return subject to those restrictions, then his leave shall be granted or continued as provided in present law and proposed law.