
DIGEST

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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.