

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 165** HLS 16RS 274
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 11, 2016 12:10 PM	Author: PEARSON
Dept./Agy.: School Employees	Analyst: Jodi Mauroner
Subject: Sick Leave and Extended Sick Leave	

SCHOOLS/EMPLOYEES EG SEE FISC NOTE LF EX See Note Page 1 of 2

Provides relative to extended sick leave granted to teachers, school bus drivers, and other public school employees in certain instances

Present law provides extended sick leave for school bus operators, members of the teaching staff of public schools, and other public school employees as follows: School Bus Operator 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; Teaching Staff 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; or 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. 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; or 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. **Continued on Page Two**

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					
Annual Total						

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is an indeterminable impact to local school districts as a result of the proposed changes to sick leave. The exact impact will vary across school districts and will be determined by the number of teachers, school employees, and school bus drivers involved in qualifying events, the frequency of such events, the severity and certification of the injuries sustained and the extent to which liabilities are reduced due to Workers Compensation contributions or receipt of TRSL benefits.

Schools responding to the LFO request for information indicated the following: The most common example of occurrences are breaking up fights, so the elimination of assault and battery is unlikely to significantly reduce the number of qualifying instances. Alternatively one district indicated that currently if leave for unintentional contact from students did not exceed two weeks, it was charged to the regular sick leave balance but would now be eligible for the extended leave.

Changing the severity of the injury from injured or incapacitated to disabled would appear to limit the severity of the injury required in order to grant the additional leave. School districts indicated the term disabled has been interpreted liberally by physicians. Furthermore, their use of the resolution process for challenges currently available to teachers, (and extended to all other employees in the proposed legislation), as to whether individuals were actually disabled proved to be unsuccessful in both the district courts and the workers' compensation courts. Further the cost of any such challenges must be borne by the school district. Thus it is indeterminable whether costs will actually be reduced.

Capping the length of leave for bus drivers to one calendar year may reduce future exposure; however, extending the length of leave for school employees from 90 days to 12 months could increase costs.

Finally, to the extent employees are eligible to receive benefits from either Teacher's Retirement System or Worker's Compensation, school districts liabilities will be reduced.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|--|--------------|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} | |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

Proposed law deletes provisions for extended sick leave for all three groups in cases of injury or disability as a result of assault or battery.

Proposed law generally retains present law provisions relative to such leave for teaching staff and makes nearly identical provisions applicable to school bus operators and other school employees. Those provisions include: Allows local public school boards to extend the leave beyond one year. Provides requirements for certification from a physician regarding any such disability. Prohibits the accumulation of such additional sick leave from year to year and being compensated for it at death or retirement. Provides that if the person begins to receive a benefit from a state retirement system, such leave will cease. Entitles the person to weekly wage benefits under the workers' compensation law and present law sick leave benefits (accumulated) but prohibits such benefits from exceeding the total amount of the regular salary the member was receiving at the time the disability occurred. Provides that if a person supplements workers' compensation with accumulated sick leave, the amount of sick leave is calculated on an hourly basis.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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