

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1426

By: Vancuren

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 6-104, which relates to types of employee  
9 leave; clarifying provisions for transferability of  
10 certain leave; prohibiting loss or transferability of  
11 accumulated sick leave due to break in employment for  
12 teachers; updating statutory language; barring loss  
13 or transferability of accumulated sick leave due to  
14 break in employment for support personnel; providing  
15 an effective date; and declaring an emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-104, is  
18 amended to read as follows:

19 Section 6-104. A. 1. The board of education of each school  
20 district in the state shall provide for sick leave for all teachers  
21 employed in the district and shall pay ~~such~~ teachers the full amount  
22 of their contract salaries during any absence from their regular  
23 school duties for a period of time and under ~~such~~ conditions as the  
24 board may determine, but not less than the minimum benefits  
hereafter specified. Payment for sick leave shall be made on the  
basis of the current salary rate then in effect for the teacher

1 receiving the payment. The plan shall provide that a teacher may be  
2 absent from his or her duties due to personal accidental injury,  
3 illness ~~or~~, pregnancy, or accidental injury or illness in the  
4 immediate family without the loss of salary for not to exceed ten  
5 (10) days during each school year, except that ~~said~~ an absence  
6 without loss of salary for teachers employed on an eleven-month  
7 contract shall not exceed eleven (11) days during each school year  
8 and for those teachers employed on a twelve-month contract shall not  
9 exceed twelve (12) days during each school year, if ~~said~~ the  
10 contract is for the work period, and not merely for pay purposes.  
11 The right to ~~such~~ sick leave shall vest at the beginning of the  
12 school year.

13 2. Each school district shall provide for all teachers a  
14 minimum of three (3) days for personal business leave, upon the  
15 request of the teacher. Salary deductions for ~~such~~ personal  
16 business leave shall not exceed the salary level for substitute  
17 teachers. Provided further, that these terms for personal business  
18 leave shall not negate any locally negotiated leave policies which  
19 exceed the minimum benefits stated above.

20 3. Each school district may provide not more than five (5) days  
21 each year for emergency leave. Each school district ~~will~~ shall  
22 determine the purposes for which emergency leave can be used. Those  
23 days shall not be chargeable to sick leave and ~~will~~ shall be  
24 noncumulative.

1        4. Unused sick leave shall be cumulative up to a total of sixty  
2 (60) days, and cumulative sick leave shall be transferable to  
3 another school district or to the Oklahoma School for the Blind or  
4 the Oklahoma School for the Deaf where the teacher is employed ~~the~~  
5 next ~~succeeding school year~~, provided that the number of days  
6 transferred shall not exceed the maximum days permitted by the  
7 receiving school and that ~~such~~ the transferred days shall be used  
8 first in case of illness and, provided further, that if the  
9 receiving school pays teachers for unused sick leave upon retirement  
10 or termination of contract, then ~~said~~ the payments shall be for only  
11 those days accumulated in the receiving school. Accumulated sick  
12 leave shall not be lost due to any break in employment, and the  
13 ability to transfer accumulated sick leave shall not be negated due  
14 to any break in employment. The school board of the sending  
15 district shall certify the exact number of days eligible for  
16 transfer.

17        ~~2.~~ 5. If a teacher is employed at the Oklahoma School for the  
18 Blind or the Oklahoma School for the Deaf after July 1, 2017, any  
19 unused sick leave up to a total of sixty (60) days that is  
20 accumulated at a school district prior to ~~such~~ that date shall be  
21 transferable.

22        B. The plan of each school district for sick leave benefits may  
23 include other terms and conditions, but shall not provide less sick  
24 leave benefits than those prescribed herein. Hospital and medical

1 proceeds may not be charged against sick leave benefits, but the  
2 proceeds received by the teacher from any insurance provided by the  
3 district for loss of compensable time may be charged against sick  
4 leave benefits. Provided, the board of education may provide all or  
5 part of hospital and medical benefits, and sickness, accident,  
6 health, and life insurance or any of the aforesaid for any or all of  
7 its employees. On authorization of the teacher, the district may  
8 approve payroll deductions for such teacher's portion of the  
9 aforesaid.

10 C. Each school district shall grant a teacher leave for jury  
11 service or as a witness subpoenaed in a criminal, civil or juvenile  
12 proceeding and shall pay the teacher during ~~such~~ his or her service  
13 the full, current contract salary. Provided that the district may  
14 deduct any compensation received for serving as a juror or witness  
15 from the teacher's salary during ~~such~~ the service.

16 D. 1. A school district shall also provide for benefits for  
17 personnel other than teachers. Benefits for support personnel  
18 employees shall include provisions for paid sick leave of at least  
19 one (1) day per month of employment not to exceed the number of  
20 hours per day for which they are regularly employed cumulative to a  
21 total of sixty (60) days and cumulative sick leave shall be  
22 transferable to another school district where the person is employed  
23 ~~the next succeeding school year~~; provided, that the number of days  
24 transferred shall not exceed the maximum days permitted by the

1 receiving district and that such transferred days shall be used  
2 first in case of illness up to a maximum of ten (10) transferred  
3 days per school year unless the ~~local~~ board of education authorizes  
4 the use of additional transferred days during the school year in an  
5 amount set by the board and, provided further, that if the receiving  
6 district pays such person for unused sick leave upon retirement or  
7 termination of employment, then ~~said~~ the payments shall be for only  
8 those days accumulated in the receiving district. Accumulated sick  
9 leave shall not be lost due to any break in employment, and the  
10 ability to transfer accumulated sick leave shall not be negated due  
11 to any break in employment. The school board of the sending  
12 district shall certify the exact number of days eligible for  
13 transfer. Each school district shall provide for all support  
14 employees, a minimum of three (3) days for personal business leave,  
15 upon the request of the support employee. Salary deductions for  
16 personal business leave shall not exceed an amount necessary to  
17 cover the costs of services provided to the district by the support  
18 employee and shall not exceed the salary of the support employee.  
19 The terms for personal business leave provided by this subsection  
20 shall not negate any locally negotiated leave policies which exceed  
21 the minimum benefits stated above. Payment for ~~such~~ leave shall be  
22 calculated with regard to the definition of "support employee"  
23 provided by Section 6-101.40 of this title. Provided, that ~~such~~ the  
24 benefits shall not exceed those authorized for teachers hereunder.

1        2. Support employees, as defined by Section 6-101.40 of this  
2 title, shall be entitled to pay for any time lost when school is  
3 closed on account of epidemics or otherwise when an order for ~~such~~  
4 closing has been issued by a health officer authorized by law to  
5 issue the order.

6        SECTION 2. This act shall become effective July 1, 2023.

7        SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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12        59-1-5807        EK        01/01/23  
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