

1 AN ACT relating to teacher leave affidavits.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 161.155 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Teacher" shall mean any person for whom certification is required as a basis  
6 of employment in the common schools of the state;

7 (b) "Employee" shall mean any person, other than a teacher, employed in the  
8 public schools, whether on a full or part-time basis;

9 (c) "Immediate family" shall mean the teacher's or employee's spouse, children  
10 including stepchildren and foster children, grandchildren, daughters-in-law  
11 and sons-in law, brothers and sisters, parents and spouse's parents, and  
12 grandparents and spouse's grandparents, without reference to the location or  
13 residence of said relative, and any other blood relative who resides in the  
14 teacher's or employee's home;

15 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by  
16 teachers or employees for use by teachers or employees who have exhausted  
17 all sick leave and other available paid leave days; and

18 (e) "Assault" shall mean an act that intentionally causes injury so significant that  
19 the victim is determined to be, by certification of a physician or surgeon duly  
20 qualified under KRS Chapter 342, incapable of performing the duties of his or  
21 her job.

22 (2) Each district board of education shall allow to each teacher and full-time employee  
23 in its common school system not less than ten (10) days of sick leave during each  
24 school year, without deduction of salary. Sick leave shall be granted to a teacher or  
25 employee if he or she presents a personal statement~~[affidavit]~~ or a certificate of a  
26 physician stating that the teacher or employee was ill, that the teacher or employee  
27 was absent for the purpose of attending to a member of his or her immediate family

1        who was ill, or for the purpose of mourning a member of his or her immediate  
2        family. The ten (10) days of sick leave granted in this subsection may be taken by a  
3        teacher or employee on any ten (10) days of the school year and shall be granted in  
4        addition to accumulated sick leave days that have been credited to the teacher or  
5        employee under the provisions of subsection (4) of this section.

6        (3) A school district shall coordinate among the income and benefits from workers'  
7        compensation, temporary disability retirement, and district payroll and benefits so  
8        that there is no loss of income or benefits to a teacher or employee for work time  
9        lost because of an assault while performing the teacher's or employee's assigned  
10       duties for a period of up to one (1) year after the assault. In the event a teacher or  
11       employee suffers an assault while performing his or her assigned duties that results  
12       in injuries that qualify the teacher or employee for workers' compensation benefits,  
13       the district shall provide leave to the teacher or employee for up to one (1) year  
14       after the assault with no loss of income or benefits under the following conditions:

15       (a) The district shall pay the salary of the teacher or employee between the time  
16       of the assault and the time the teacher's or employee's workers' compensation  
17       income benefits take effect, or the time the teacher or employee is certified to  
18       return to work by a physician or surgeon duly qualified under KRS Chapter  
19       342, whichever is sooner;

20       (b) The district shall pay, for up to one (1) year from the time of the assault, the  
21       difference between the salary of the teacher or employee and any workers'  
22       compensation income benefits received by the teacher or employee resulting  
23       from the assault. Payments by the district shall include payments for  
24       intermittent work time missed as a result of the assault during the one (1) year  
25       period. If the teacher's or employee's workers' compensation income benefits  
26       cease during the one (1) year period after the assault, the district shall also  
27       cease to make payments under this paragraph;

- 1 (c) The Commonwealth, through the Kentucky Department of Education, shall  
2 make the employer's health insurance contribution during the period that the  
3 district makes payments under paragraphs (a) and (b) of this subsection;
- 4 (d) The Commonwealth, through the Kentucky Department of Education, shall  
5 make the employer's contribution to the retirement system in which the  
6 teacher or employee is a member during the period that the district makes  
7 payments under paragraphs (a) and (b) of this subsection; and
- 8 (e) Payments to a teacher or employee under paragraphs (a) and (b) of this  
9 subsection shall be coordinated with workers' compensation benefits under  
10 KRS Chapter 342, disability retirement benefits for teachers under KRS  
11 161.661 to 161.663, and disability retirement benefits for employees under  
12 KRS 61.600 to 61.621 and 78.5522, 78.5524, 78.5526, 78.5528, and 78.5530  
13 so that the teacher or employee receives income equivalent to his or her full  
14 contracted salary, but in no event shall the combined payments exceed one  
15 hundred percent (100%) of the teacher's or employee's full contracted salary.
- 16 (4) Days of sick leave not taken by an employee or a teacher during any school year  
17 shall accumulate without limitation and be credited to that employee or teacher.  
18 Accumulated sick leave may be taken in any school year. Any district board of  
19 education may, in its discretion, allow employees or teachers in its common school  
20 system sick leave in excess of the number of days prescribed in this section and  
21 may allow school district employees and teachers to use up to three (3) days' sick  
22 leave per school year for emergency leave pursuant to KRS 161.152(3). Any  
23 accumulated sick leave days credited to an employee or a teacher shall remain so  
24 credited in the event he or she transfers his or her place of employment from one (1)  
25 school district to another within the state or to the Kentucky Department of  
26 Education or transfers from the Department of Education to a school district.
- 27 (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to

1 the opening day of the school year, a statement~~[an affidavit]~~ or a certificate of a  
2 physician is presented to the district board of education, stating that the teacher or  
3 employee is unable to commence his or her duties on the opening day of the school  
4 year, but will be able to assume his or her duties within a period of time that the  
5 board determines to be reasonable.

6 (6) Any school teacher or employee may repurchase previously used sick leave days  
7 with the concurrence of the local school board by paying to the district an amount  
8 equal to the total of all costs associated with the used sick leave.

9 (7) A district board of education may adopt a plan for a sick leave bank. The plan may  
10 include limitations upon the number of days a teacher or employee may annually  
11 contribute to the bank and limitations upon the number of days a teacher or  
12 employee may annually draw from the bank. Only those teachers or employees who  
13 contribute to the bank may draw upon the bank. Days contributed will be deducted  
14 from the days available to the contributing teacher or employee. The sick leave  
15 bank shall be administered in accordance with a policy adopted by the board of  
16 education.

17 (8) (a) A district board of education shall establish a sick leave donation program to  
18 permit teachers or employees to voluntarily contribute sick leave to teachers  
19 or employees in the same school district who are in need of an extended  
20 absence from school. A teacher or employee who has accrued more than  
21 fifteen (15) days' sick leave may request the board of education to transfer a  
22 designated amount of sick leave to another teacher or employee who is  
23 authorized to receive the sick leave donated. A teacher or employee may not  
24 request an amount of sick leave be donated that reduces his or her sick leave  
25 balance to less than fifteen (15) days.

26 (b) A teacher or employee may receive donations of sick leave if:

27 1. a. The teacher or employee or a member of his or her immediate

- 1 family suffers from a medically certified illness, injury,  
2 impairment, or physical or mental condition that has caused or is  
3 likely to cause the teacher or employee to be absent for at least ten  
4 (10) days; or
- 5 b. The teacher or employee suffers from a catastrophic loss to his or  
6 her personal or real property, due to either a natural disaster or fire,  
7 that either has caused or will likely cause the employee to be  
8 absent for at least ten (10) consecutive working days;
- 9 2. The teacher's or employee's need for the absence and use of leave are  
10 certified by a licensed physician for leave requested under subparagraph  
11 1.a. of this subsection;
- 12 3. The teacher or employee has exhausted his or her accumulated sick  
13 leave, personal leave, and any other leave granted by the school district;  
14 and
- 15 4. The teacher or employee has complied with the school district's policies  
16 governing the use of sick leave.
- 17 (c) While a teacher or employee is on sick leave provided by this section, he or  
18 she shall be considered a school district employee, and his or her salary,  
19 wages, and other employee benefits shall not be affected.
- 20 (d) Any sick leave that remains unused, is not needed by a teacher or employee,  
21 and will not be needed in the future shall be returned to the teacher or  
22 employee donating the sick leave.
- 23 (e) The board of education shall adopt policies and procedures necessary to  
24 implement the sick leave donation program.
- 25 (9) A teacher or employee may use up to thirty (30) days of sick leave following the  
26 birth or adoption of a child or children. Additional days may be used when the need  
27 is verified by a physician's statement.

- 1 (10) (a) After July 1, 1982, a district board of education may compensate, at the time  
2 of retirement or upon the death of a member in active contributing status at  
3 the time of death who was eligible to retire by reason of service, an employee  
4 or a teacher, or the estate of an employee or teacher, for each unused sick  
5 leave day. The rate of compensation for each unused sick leave day shall be  
6 based on a percentage of the daily salary rate calculated from the employee's  
7 or teacher's last annual salary, not to exceed thirty percent (30%).
- 8 (b) Except as provided in paragraph (c) of this subsection, payment for unused  
9 sick leave days under this subsection shall be incorporated into the annual  
10 salary of the final year of service for inclusion in the calculation of the  
11 employee's or teacher's retirement allowance only at the time of his or her  
12 initial retirement, provided that the member makes the regular retirement  
13 contribution for members on the sick leave payment. The accumulation of  
14 these days includes unused sick leave days held by the employee or teacher at  
15 the time of implementation of the program.
- 16 (c) For a teacher or employee who becomes a nonuniversity member of the  
17 Teachers' Retirement System on or after January 1, 2022, as provided by KRS  
18 161.220, payment for unused sick leave days under this subsection shall not  
19 be incorporated into the annual compensation used to calculate the teacher's or  
20 employee's retirement allowance in the foundational benefit component as  
21 described by KRS 161.633 but may be deposited into the nonuniversity  
22 member's supplemental benefit component as provided by KRS 161.635.
- 23 (d) For a teacher or employee who begins employment with a local school district  
24 on or after July 1, 2008, the maximum amount of unused sick leave days a  
25 district board of education may recognize in calculating the payment of  
26 compensation to the teacher or employee under this subsection shall not  
27 exceed three hundred (300) days.

- 1 (11) Any statute to the contrary notwithstanding, employees and teachers who  
2 transferred from the Department of Education to a school district, from a school  
3 district to the Department of Education, or from one (1) school district to another  
4 school district after July 15, 1981, shall receive credit for any unused sick leave to  
5 which the employee or teacher was entitled on the date of transfer. This credit shall  
6 be for the purposes set forth in subsection (10) of this section.
- 7 (12) The death benefit provided in subsection (10) of this section may be cited as the  
8 Baughn Benefit.
- 9 ➔Section 2. KRS 161.154 is amended to read as follows:
- 10 (1) For the purpose of this section, "school employees" shall mean any person for  
11 whom certification is required as a basis of employment in the public schools.
- 12 (2) Each district board of education may provide up to three (3) personal leave days per  
13 school year to school employees, without loss of salary to the employee and without  
14 affecting any other type of leave granted by law, regulation, or school board policy.  
15 Local boards of education may establish policy regarding the number of teachers  
16 who may take personal leave on any one (1) day.
- 17 (3) Personal leave granted under this section shall not be treated as having effect on the  
18 provisions of KRS 161.152 to 161.155 and shall be supported by personal  
19 statement~~[affidavit]~~ of the school employee stating that the leave taken is personal  
20 in nature; no other reason for or verification of the leave shall be required.
- 21 (4) Payments to school employees made by a district board of education under the  
22 provisions of this section are presumed to be for services rendered and for the  
23 benefit of the common schools and such payments do not affect the eligibility of  
24 any school district to share in the distribution of funds from the public school  
25 foundation program fund as established in KRS Chapter 157.