

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 247 Sick Leave Benefits for Public School Administrators
SPONSOR(S): Arza, and others
TIED BILLS: none **IDEN./SIM. BILLS:** SB 2246

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) State Administration	5 Y, 1 N	Bond	Everhart
2) Education K-20	24 Y, 1 N	Carlson	Bohannon
3) Education Appropriations (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

Current law requires local school boards to provide sick leave benefits to all full-time employees. The amount of accrued sick leave payable to school board employees upon final termination from employment is restricted by formula; one applicable to administrators, and another applicable to all other employees. This bill eliminates all restrictions on terminal sick leave payable to administrators, although no change is made to the limitations applicable to all other employees.

Current law also allows a local school board to provide that employees other than administrators may receive a percentage of their accumulated sick leave balance annually as an additional employee benefit. This bill allows a school board to offer this benefit to administrators.

The Committee on Education K-20 adopted an amendment to the bill. This is discussed in Section IV of this analysis.

This bill does not appear to have a fiscal impact on state or local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0247e.edk.doc
DATE: April 14, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain: Not applicable.

B. EFFECT OF PROPOSED CHANGES:

Background

In order to maintain the solvency of local school boards, and to maintain a uniform system of education, state education laws regulate a number of financial concerns of such school boards. Section 1012.61, F.S., governs sick leave policies of local school boards. Unlike typical employers that utilize sick leave policies on a per-hour basis, sick leave policies for school board employees are typically calculated on a per-day basis. Full-time instructional staff is entitled to 4 days of sick leave as of the first day of the contract year, and one additional day of sick leave for each month of employment. All other school board employees accrue 4 days of sick leave in the beginning month of each contract year of employment, and one day of sick leave for each month thereafter.

District school boards are allowed to enact a policy whereby instructional staff and educational support employees may elect to cash out their unused sick leave at the end of a contract year. Payment of the benefit is limited to 80% of regular pay. See s. 1012.61(2)(a)3., F.S.

Defined at s. 1012.01(2), F.S., instructional personnel not only includes classroom teachers, but also media center specialists, guidance counselors, and other employees with direct regular student contact in some sort of teaching role. In Fall 2002, there were 157,981 instructional staff in Florida public schools, representing 55.1% of total personnel. Defined at s. 1012.01(6), F.S., educational support employees includes clerical staff, custodial, maintenance, and food service workers. In Fall 2002, there were 118,818 support staff in Florida public schools, representing 41.5% of total personnel. The 9,714 administrators¹ represent the remaining 3.4% of total Florida school board employees.²

District school boards are also allowed to enact policies for payment of “terminal pay for accumulated sick leave”. This is payment for accrued sick leave benefits payable to an employee at final termination of the employee’s employment with the school board. Section 1012.61(2)(a)4., F.S., provides a formula limiting the amount of terminal pay for accumulated sick leave applicable to instructional staff and educational support personnel. Section 1012.61(2)(a)5., F.S., provides a separate formula limiting the terminal pay for accumulated sick leave applicable to administrators. Such employees may not be paid more than one-fourth of all unused sick leave accumulated on or after July 1, 2001; and total payment of all sick leave, regardless of when accrued, may not exceed 60 days. The current limits were enacted by ch. 2001-103, L.O.F.

¹ This analysis uses the term “administrators” to cover the two classifications of employees other than instructional personnel and educational support employees. These categories are “administrative personnel” defined in s. 1012.01(3), F.S., and “managers” defined in s. 1012.01(7), F.S.

² Statistical Brief Series 2003-15B, by the Florida Department of Education.

Effect of Bill

This bill amends s. 1012.61(2)(a)3., F.S., to eliminate the restriction prohibiting administrators from receiving an annual cash-out of accumulated sick leave benefits.

This bill amends s. 1012.61(2)(a)5., F.S., to remove all limitations on how much a school board may elect to pay as terminal pay for accumulated sick leave to administrators. It provides that sick leave accrued after June 30, 2003 will be compensated at no more than the daily rate of pay applicable at the time the sick leave was earned.

C. SECTION DIRECTORY:

Section 1 amends s. 1012.61, F.S., to amend the restrictions on sick leave policies of local school boards.

Section 2 provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS:

This bill would have a fiscal impact on school boards that elect to offer increased benefits to administrators.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.
2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Committee on Education K-20 adopted an amendment on April 14, 2003. The amendment adds language to s. 1012.61(2)(a)5., F.S. It requires that for terminal pay purposes, sick leave accrued after June 30, 2003 shall be compensated at no more than the daily rate of pay applicable at the time the sick leave was earned.