

By: Representative Scott (80th)

To: Fees and Salaries of  
Public Officers

## HOUSE BILL NO. 204

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
2 CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT STATE EMPLOYEES  
3 USE PERSONAL LEAVE FOR THE FIRST DAY OF AN ILLNESS; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is  
7 amended as follows:

8 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
9 all employees and appointed officers of the State of Mississippi,  
10 who are employees as defined in Section 25-3-91, shall be allowed  
11 credit for personal leave computed as follows:

12 Continuous	Accrual Rate	Accrual Rate
13 Service	(Monthly)	(Annually)
14 1 month to 3 years	12 hours per month	18 days per year
15 37 months to 8 years	14 hours per month	21 days per year
16 97 months to 15 years	16 hours per month	24 days per year
17 Over 15 years	18 hours per month	27 days per year

18 \* \* \* However, employees who were hired prior to July 1,  
19 1984, who have continuous service of more than five (5) years but  
20 not more than eight (8) years shall accrue fifteen (15) hours of  
21 personal leave each month.

22 (b) Temporary employees who work less than a full  
23 workweek and part-time employees shall be allowed credit for  
24 personal leave computed on a pro rata basis. Faculty members  
25 employed by the eight (8) public universities on a nine-month  
26 contract and recipients of full-time educational leave, while on  
27 such leave, shall not be eligible for personal leave.

28           (2) For the purpose of computing credit for personal leave,  
29 each appointed officer or employee shall be considered to work not  
30 more than five (5) days each week. Leaves of absence granted by  
31 the appointing authority for one (1) year or less shall be  
32 permitted without forfeiting previously accumulated continuous  
33 service. The provisions of this section shall not apply to  
34 military leaves of absence. The time for taking personal leave,  
35 except when such leave is taken due to an illness, shall be  
36 determined by the appointing authority of which such employees are  
37 employed.

38           (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
39 earned personal leave of each employee shall be credited monthly  
40 after the completion of each calendar month of service and the  
41 appointing authority shall not increase the amount of personal  
42 leave to an employee's credit. It shall be unlawful for an  
43 appointing authority to grant personal leave in an amount greater  
44 than was earned and accumulated by the officer or employee.

45           (4) Employees are encouraged to use earned personal leave.  
46 Personal leave may be used for vacations and personal business as  
47 scheduled by the appointing authority \* \* \*. There shall be no  
48 limit to the accumulation of personal leave. Upon termination of  
49 employment each employee shall be paid for not more than thirty  
50 (30) days of accumulated personal leave. Unused personal leave in  
51 excess of thirty (30) days shall be counted as creditable service  
52 for the purposes of the retirement system as provided in Sections  
53 25-11-103 and 25-13-5.

54           (5) Any officer of the Mississippi Highway Safety Patrol who  
55 is injured by wound or accident in the line of duty shall not be  
56 required to use earned personal leave during the period of  
57 recovery from such injury.

58           (6) Any employee may donate a portion of his or her earned  
59 personal leave to another employee who is suffering from a  
60 catastrophic injury or illness, or to another employee who has a

61 member of his or her immediate family who is suffering from a  
62 catastrophic injury or illness, in accordance with subsection (8)  
63 of Section 25-3-95.

64 This subsection (6) shall stand repealed from and after  
65 July 1, 1999.

66 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is  
67 amended as follows:

68 25-3-95. (1) All employees and appointed officers of the  
69 State of Mississippi, except recipients of full-time educational  
70 leave, while on such leave, shall accrue credits for major medical  
71 leave as follows:

72	Continuous	Accrual Rate	Accrual Rate
73	Service	(Monthly)	(Annually)
74	1 month to 3 years	8 hours per month	12 days per year
75	37 months to 8 years	7 hours per month	10.5 days per year
76	97 months to 15 years	6 hours per month	9 days per year
77	Over 15 years	5 hours per month	7.5 days per year

78 Faculty members employed by the eight (8) public universities  
79 on a nine-month contract shall accrue credit for major medical  
80 leave as follows:

81	Continuous	Accrual Rate	Accrual Rate
82	Service	(Per Month)	(Per Academic Year)
83	1 month to 3 years	13-1/3 hours per month	15 days per
84			academic year
85	37 months to 8 years	14-1/5 hours per month	16 days per
86			academic year
87	97 months to 15 years	15-2/5 hours per month	17 days per
88			academic year
89	Over 15 years	16 hours per month	18 days per
90			academic year

91 Part-time employees shall accrue major medical leave on a pro  
92 rata basis. There shall be no maximum limit to major medical  
93 leave accumulation. All unused major medical leave shall be

94 counted as creditable service for the purposes of the retirement  
95 system as provided in Sections 25-11-103 and 25-13-5.

96 (2) Major medical leave may be used for the illness or  
97 injury of an employee or member of the employee's immediate family  
98 as defined in subsection (3) of this section \* \* \*. Major medical  
99 leave may be used \* \* \* to cover regularly scheduled visits to a  
100 doctor's office or a hospital for the continuing treatment of a  
101 chronic disease, as certified in advance by a physician. For the  
102 purposes of this section, "physician" means a doctor of medicine,  
103 osteopathy, dental medicine, podiatry or chiropractic. For each  
104 absence due to illness of thirty-two (32) consecutive working  
105 hours \* \* \*, major medical leave shall be authorized only when  
106 certified by their attending physician.

107 (3) An employee may use up to three (3) days of earned major  
108 medical leave for each occurrence of death in the immediate family  
109 requiring the employee's absence from work. No qualifying time or  
110 use of personal leave will be required prior to use of major  
111 medical leave for this purpose. For the purpose of this  
112 subsection (3), the immediate family is defined as spouse, parent,  
113 stepparent, sibling, child, stepchild, grandchild, grandparent,  
114 son- or daughter-in-law, mother- or father-in-law or brother- or  
115 sister-in-law. Child means a biological, adopted or foster child,  
116 or a child for whom the individual stands or stood in loco  
117 parentis.

118 (4) Employees and appointed officers of the State of  
119 Mississippi having unused, accumulated sick leave or annual leave  
120 earned prior to July 1, 1984, shall be credited with major medical  
121 leave and personal leave as follows: All unused annual leave  
122 shall be credited as personal leave.

123 Unused sick leave shall be divided between major medical  
124 leave and personal leave at rates determined by the employee's  
125 sick leave balance on June 30, 1984. The rates of conversion  
126 shall be as follows:

127	Sick Leave	Percentage	Percentage
128	Balance as of	Converted to	Converted to
129	June 30, 1984	Personal Leave	Major Medical Leave
130	1 - 200 hours	20%	80%
131	201 - 400 hours	25%	75%
132	401 - 600 hours	30%	70%
133	601 or more hours	35%	65%

134 (5) Upon retirement from active employment, each faculty  
135 member of the state-supported public universities who is employed  
136 on a nine-month basis shall receive credit and be paid for not  
137 more than thirty (30) days of unused major medical leave for  
138 service as a state employee. Unused major medical leave in excess  
139 of thirty (30) days shall be counted as creditable service for the  
140 purposes of the retirement system as provided in Sections  
141 25-11-103 and 25-13-5.

142 (6) Any officer of the Mississippi Highway Safety Patrol who  
143 is injured by wound or accident in the line of duty shall not be  
144 required to use earned major medical leave during the period of  
145 recovery from such injury.

146 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
147 earned major medical leave of each employee shall be credited  
148 monthly after the completion of each calendar month and the  
149 appointing authority shall not increase the amount of major  
150 medical leave to an employee's credit. It shall be unlawful for  
151 an appointing authority to grant major medical leave in an amount  
152 greater than was earned and accumulated by the officer or  
153 employee.

154 (8) Any employee may donate a portion of his or her earned  
155 personal leave or major medical leave to another employee who is  
156 suffering from a catastrophic injury or illness, or to another  
157 employee who has a member of his or her immediate family who is  
158 suffering from a catastrophic injury or illness, in accordance  
159 with the following:

160           (a) The employee donating the leave (the "donor  
161 employee") shall designate the employee who is to receive the  
162 leave (the "recipient employee") and the amount of earned personal  
163 leave and major medical leave that is to be donated, and shall  
164 notify the donor employee's appointing authority or supervisor of  
165 his or her designation. The donor employee's appointing authority  
166 or supervisor then shall notify the recipient employee's  
167 appointing authority or supervisor of the amount of leave that has  
168 been donated by the donor employee to the recipient employee.

169           (b) The maximum amount of earned personal leave that an  
170 employee may donate to any other employee may not exceed a number  
171 of days that would leave the donor employee with fewer than seven  
172 (7) days of personal leave left, and the maximum amount of earned  
173 major medical leave that an employee may donate to any other  
174 employee may not exceed fifty percent (50%) of the earned major  
175 medical leave of the donor employee.

176           (c) An employee must have exhausted all of his or her  
177 earned personal leave and major medical leave before he or she  
178 will be eligible to receive any leave donated by another employee.

179           (d) Before an employee may receive donated leave, he or  
180 she must provide his or her appointing authority or supervisor  
181 with a physician's statement that states the beginning date of the  
182 catastrophic injury or illness, a description of the injury or  
183 illness, and a prognosis for recovery and the anticipated date  
184 that the recipient employee will be able to return to work.

185           (e) If the total amount of leave that is donated to any  
186 employee is not used by the recipient employee, the donated leave  
187 shall be returned to the donor employees on a pro rata basis,  
188 based on the ratio of the number of days of leave donated by each  
189 donor employee to the total number of days of leave donated by all  
190 donor employees.

191           (f) The failure of any appointing authority or  
192 supervisor of any employee to properly deduct an employee's

193 donation of leave to another employee from the donor employee's  
194 earned personal leave or major medical leave shall constitute just  
195 cause for the dismissal of the appointing authority or supervisor.

196 (g) For the purposes of this subsection (8), "immediate  
197 family" means spouse, parent, stepparent, sibling, child or  
198 stepchild.

199 (h) This subsection (8) shall stand repealed from and  
200 after July 1, 1999.

201 SECTION 3. This act shall take effect and be in force from  
202 and after July 1, 1999.