

By: Representative Ford

To: Fees and Salaries of
Public Officers

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 548

1 AN ACT TO REENACT SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, WHICH AUTHORIZE STATE EMPLOYEES TO DONATE PERSONAL
3 AND SICK LEAVE TO OTHER EMPLOYEES HAVING A CATASTROPHIC ILLNESS OR
4 INJURY; TO AMEND REENACTED SECTIONS 25-3-93 AND 25-3-95,
5 MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THOSE
6 PROVISIONS ESTABLISHING THE DONATED LEAVE POLICY; AND TO PROVIDE
7 THAT DONATED LEAVE SHALL NOT BE USED IN LIEU OF DISABILITY
8 RETIREMENT; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is
11 reenacted and amended as follows:

12 25-3-93. (1) (a) Except as provided in subsection (1)(b),
13 all employees and appointed officers of the State of Mississippi,
14 who are employees as defined in Section 25-3-91, shall be allowed
15 credit for personal leave computed as follows:

16 Continuous	Accrual Rate	Accrual Rate
17 Service	(Monthly)	(Annually)
18 1 month to 3 years	12 hours per month	18 days per year
19 37 months to 8 years	14 hours per month	21 days per year
20 97 months to 15 years	16 hours per month	24 days per year
21 Over 15 years	18 hours per month	27 days per year

22 * * * However, employees who were hired prior to July 1,
23 1984, who have continuous service of more than five (5) years but
24 not more than eight (8) years shall accrue fifteen (15) hours of
25 personal leave each month.

26 (b) Temporary employees who work less than a full
27 workweek and part-time employees shall be allowed credit for
28 personal leave computed on a pro rata basis. Faculty members
29 employed by the eight (8) public universities on a nine-month

contract and recipients of full-time educational leave, while on such leave, shall not be eligible for personal leave.

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

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

(4) Employees are encouraged to use earned personal leave. Personal leave may be used for vacations and personal business as scheduled by the appointing authority and shall be used for illnesses of the employee requiring absences of one (1) day or less. Accrued personal or compensatory leave shall be used for the first day of an employee's illness requiring his absence of more than one (1) day. Accrued personal or compensatory leave may also be used for an illness in the employee's immediate family as defined in Section 25-3-95. There shall be no limit to the accumulation of personal leave. Upon termination of employment each employee shall be paid for not more than thirty (30) days of accumulated personal leave. Unused personal leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5.

(5) Any officer of the Mississippi Highway Safety Patrol who is injured by wound or accident in the line of duty shall not be required to use earned personal leave during the period of

67 recovery from such injury.

68 (6) Any employee may donate a portion of his or her earned
69 personal leave to another employee who is suffering from a
70 catastrophic injury or illness, or to another employee who has a
71 member of his or her immediate family who is suffering from a
72 catastrophic injury or illness, in accordance with subsection (8)
73 of Section 25-3-95.

74 This subsection * * * shall stand repealed from and after
75 July 1, 2000.

76 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is
77 reenacted and amended as follows:

78 25-3-95. (1) All employees and appointed officers of the
79 State of Mississippi, except recipients of full-time educational
80 leave, while on such leave, shall accrue credits for major medical
81 leave as follows:

82 Continuous	Accrual Rate	Accrual Rate
83 Service	(Monthly)	(Annually)
84 1 month to 3 years	8 hours per month	12 days per year
85 37 months to 8 years	7 hours per month	10.5 days per year
86 97 months to 15 years	6 hours per month	9 days per year
87 Over 15 years	5 hours per month	7.5 days per year

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

91 Continuous	Accrual Rate	Accrual Rate
92 Service	(Per Month)	(Per Academic Year)
93 1 month to 3 years	13-1/3 hours per month	15 days per
94		academic year
95 37 months to 8 years	14-1/5 hours per month	16 days per
96		academic year
97 97 months to 15 years	15-2/5 hours per month	17 days per
98		academic year
99 Over 15 years	16 hours per month	18 days per

100 academic year

101 Part-time employees shall accrue major medical leave on a pro
102 rata basis. There shall be no maximum limit to major medical
103 leave accumulation. All unused major medical leave shall be
104 counted as creditable service for the purposes of the retirement
105 system as provided in Sections 25-11-103 and 25-13-5.

106 (2) Major medical leave may be used for the illness or
107 injury of an employee or member of the employee's immediate family
108 as defined in subsection (3) of this section, only after the
109 employee has used one (1) day of accrued personal or compensatory
110 leave for each absence due to illness, or leave without pay if the
111 employee has no accrued personal or compensatory leave. * * *

112 Faculty members employed by the eight (8) public universities on a
113 nine-month basis may use major medical leave for the first day of
114 absence due to illness. However, major medical leave may be used,
115 without prior use of personal leave, to cover regularly scheduled
116 visits to a doctor's office or a hospital for the continuing
117 treatment of a chronic disease, as certified in advance by a
118 physician. For the purposes of this section, "physician" means a
119 doctor of medicine, osteopathy, dental medicine, podiatry or
120 chiropractic. For each absence due to illness of thirty-two (32)
121 consecutive working hours (combined personal leave and major
122 medical leave) major medical leave shall be authorized only when
123 certified by their attending physician.

124 (3) An employee may use up to three (3) days of earned major
125 medical leave for each occurrence of death in the immediate family
126 requiring the employee's absence from work. No qualifying time or
127 use of personal leave will be required prior to use of major
128 medical leave for this purpose. For the purpose of this
129 subsection (3), the immediate family is defined as spouse, parent,
130 stepparent, sibling, child, stepchild, grandchild, grandparent,
131 son- or daughter-in-law, mother- or father-in-law or brother- or
132 sister-in-law. Child means a biological, adopted or foster child,

or a child for whom the individual stands or stood in loco parentis.

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

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

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

(5) Upon retirement from active employment each faculty member of one (1) of the eight (8) public universities who is employed on a nine-month basis shall receive credit and be paid for not more than thirty (30) days of unused major medical leave for service as a state employee. Unused major medical leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5.

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

(7) For the purpose of Sections 25-3-91 through 25-3-99, the earned major medical leave of each employee shall be credited monthly after the completion of each calendar month, and the

166 appointing authority shall not increase the amount of major
167 medical leave to an employee's credit. It shall be unlawful for
168 an appointing authority to grant major medical leave in an amount
169 greater than was earned and accumulated by the officer or
170 employee.

171 (8) Any employee may donate a portion of his or her earned
172 personal leave or major medical leave to another employee who is
173 suffering from a catastrophic injury or illness, or to another
174 employee who has a member of his or her immediate family who is
175 suffering from a catastrophic injury or illness, in accordance
176 with the following:

177 (a) The employee donating the leave (the "donor
178 employee") shall designate the employee who is to receive the
179 leave (the "recipient employee") and the amount of earned personal
180 leave and major medical leave that is to be donated, and shall
181 notify the donor employee's appointing authority or supervisor of
182 his or her designation. The donor employee's appointing authority
183 or supervisor then shall notify the recipient employee's
184 appointing authority or supervisor of the amount of leave that has
185 been donated by the donor employee to the recipient employee.

186 (b) The maximum amount of earned personal leave that an
187 employee may donate to any other employee may not exceed a number
188 of days that would leave the donor employee with fewer than seven
189 (7) days of personal leave left, and the maximum amount of earned
190 major medical leave that an employee may donate to any other
191 employee may not exceed fifty percent (50%) of the earned major
192 medical leave of the donor employee.

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

196 (d) Before an employee may receive donated leave, he or
197 she must provide his or her appointing authority or supervisor
198 with a physician's statement that states the beginning date of the

199 catastrophic injury or illness, a description of the injury or
200 illness, and a prognosis for recovery and the anticipated date
201 that the recipient employee will be able to return to work.

202 (e) If the total amount of leave that is donated to any
203 employee is not used by the recipient employee, the donated leave
204 shall be returned to the donor employees on a pro rata basis,
205 based on the ratio of the number of days of leave donated by each
206 donor employee to the total number of days of leave donated by all
207 donor employees.

208 (f) The failure of any appointing authority or
209 supervisor of any employee to properly deduct an employee's
210 donation of leave to another employee from the donor employee's
211 earned personal leave or major medical leave shall constitute just
212 cause for the dismissal of the appointing authority or supervisor.

213 (g) Donated leave shall not be used in lieu of
214 disability retirement.

215 (h) For the purposes of this subsection * * *,
216 "immediate family" means spouse, parent, stepparent, sibling,
217 child or stepchild.

218 (i) This subsection * * * shall stand repealed from and
219 after July 1, 2000.

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