

By: Representative Ford

To: Fees and Salaries of Public Officers

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 FOR RELATED
7 PURPOSES.

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

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

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

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

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

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

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

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

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

48 (4) Employees are encouraged to use earned personal leave.
49 Personal leave may be used for vacations and personal business as
50 scheduled by the appointing authority and shall be used for
51 illnesses of the employee requiring absences of one (1) day or
52 less. Accrued personal or compensatory leave shall be used for
53 the first day of an employee's illness requiring his absence of
54 more than one (1) day. Accrued personal or compensatory leave may
55 also be used for an illness in the employee's immediate family as
56 defined in Section 25-3-95. There shall be no limit to the
57 accumulation of personal leave. Upon termination of employment
58 each employee shall be paid for not more than thirty (30) days of
59 accumulated personal leave. Unused personal leave in excess of
60 thirty (30) days shall be counted as creditable service for the
61 purposes of the retirement system as provided in Sections
62 25-11-103 and 25-13-5.

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

66 recovery from such injury.

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

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

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

77 25-3-95. (1) All employees and appointed officers of the
78 State of Mississippi, except recipients of full-time educational
79 leave, while on such leave, shall accrue credits for major medical
80 leave as follows:

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

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

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

99

academic year

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

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

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

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

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

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

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

143 Sick Leave	Percentage	Percentage
144 Balance as of	Converted to	Converted to
145 June 30, 1984	Personal Leave	Major Medical Leave
146 1 - 200 hours	20%	80%
147 201 - 400 hours	25%	75%
148 401 - 600 hours	30%	70%
149 601 or more hours	35%	65%

150 (5) Upon retirement from active employment each faculty
151 member of one (1) of the eight (8) public universities who is
152 employed on a nine-month basis shall receive credit and be paid
153 for not more than thirty (30) days of unused major medical leave
154 for service as a state employee. Unused major medical leave in
155 excess of thirty (30) days shall be counted as creditable service
156 for the purposes of the retirement system as provided in Sections
157 25-11-103 and 25-13-5.

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

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

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

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

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

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

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

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

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

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

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

212 (g) For the purposes of this subsection * * *,
213 "immediate family" means spouse, parent, stepparent, sibling,
214 child or stepchild.

215 (h) This subsection * * * shall stand repealed from and
216 after July 1, 2000.

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