

By: Representative Ford

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 548
(As Passed the House)

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, TO AUTHORIZE AN
7 EMPLOYEE AGGRIEVED BY A DECISION THAT HE IS NOT ELIGIBLE TO
8 RECEIVE DONATED LEAVE TO APPEAL THE DECISION TO THE EMPLOYEE
9 APPEALS BOARD AND TO PROVIDE THAT DONATED LEAVE SHALL NOT BE USED
10 IN LIEU OF DISABILITY RETIREMENT; AND FOR RELATED PURPOSES.

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

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

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

18	Continuous	Accrual Rate	Accrual Rate
19	Service	(Monthly)	(Annually)
20	1 month to 3 years	12 hours per month	18 days per year
21	37 months to 8 years	14 hours per month	21 days per year
22	97 months to 15 years	16 hours per month	24 days per year
23	Over 15 years	18 hours per month	27 days per year

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

28 (b) Temporary employees who work less than a full
29 workweek and part-time employees shall be allowed credit for
30 personal leave computed on a pro rata basis. Faculty members

31 employed by the eight (8) public universities on a nine-month
32 contract and recipients of full-time educational leave, while on
33 such leave, shall not be eligible for personal leave.

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

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

51 (4) Employees are encouraged to use earned personal leave.
52 Personal leave may be used for vacations and personal business as
53 scheduled by the appointing authority and shall be used for
54 illnesses of the employee requiring absences of one (1) day or
55 less. Accrued personal or compensatory leave shall be used for
56 the first day of an employee's illness requiring his absence of
57 more than one (1) day. Accrued personal or compensatory leave may
58 also be used for an illness in the employee's immediate family as
59 defined in Section 25-3-95. There shall be no limit to the
60 accumulation of personal leave. Upon termination of employment
61 each employee shall be paid for not more than thirty (30) days of
62 accumulated personal leave. Unused personal leave in excess of
63 thirty (30) days shall be counted as creditable service for the
64 purposes of the retirement system as provided in Sections
65 25-11-103 and 25-13-5.

66 (5) Any officer of the Mississippi Highway Safety Patrol who
67 is injured by wound or accident in the line of duty shall not be

68 required to use earned personal leave during the period of
69 recovery from such injury.

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

76 This subsection * * * shall stand repealed from and after
77 July 1, 2000.

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

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

84 Continuous	Accrual Rate	Accrual Rate
85 Service	(Monthly)	(Annually)
86 1 month to 3 years	8 hours per month	12 days per year
87 37 months to 8 years	7 hours per month	10.5 days per year
88 97 months to 15 years	6 hours per month	9 days per year
89 Over 15 years	5 hours per month	7.5 days per year

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

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

134 sister-in-law. Child means a biological, adopted or foster child,
135 or a child for whom the individual stands or stood in loco
136 parentis.

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

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

146 Sick Leave	Percentage	Percentage
147 Balance as of	Converted to	Converted to
148 June 30, 1984	Personal Leave	Major Medical Leave
149 1 - 200 hours	20%	80%
150 201 - 400 hours	25%	75%
151 401 - 600 hours	30%	70%
152 601 or more hours	35%	65%

153 (5) Upon retirement from active employment each faculty
154 member of one (1) of the eight (8) public universities who is
155 employed on a nine-month basis shall receive credit and be paid
156 for not more than thirty (30) days of unused major medical leave
157 for service as a state employee. Unused major medical leave in
158 excess of thirty (30) days shall be counted as creditable service
159 for the purposes of the retirement system as provided in Sections
160 25-11-103 and 25-13-5.

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

165 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
166 earned major medical leave of each employee shall be credited

167 monthly after the completion of each calendar month, and the
168 appointing authority shall not increase the amount of major
169 medical leave to an employee's credit. It shall be unlawful for
170 an appointing authority to grant major medical leave in an amount
171 greater than was earned and accumulated by the officer or
172 employee.

173 (8) Any employee may donate a portion of his or her earned
174 personal leave or major medical leave to another employee who is
175 suffering from a catastrophic injury or illness, as defined in
176 Section 25-3-91, or to another employee who has a member of his or
177 her immediate family who is suffering from a catastrophic injury
178 or illness, in accordance with the following:

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

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

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

198 (d) Before an employee may receive donated leave, he or
199 she must provide his or her appointing authority or supervisor

200 with a physician's statement that states the beginning date of the
201 catastrophic injury or illness, a description of the injury or
202 illness, and a prognosis for recovery and the anticipated date
203 that the recipient employee will be able to return to work.

204 (e) If an employee is aggrieved by the decision of his
205 or her appointing authority that the employee is not eligible to
206 receive donated leave because the injury or illness of the
207 employee or member of the employee's immediate family is not, in
208 the appointing authority's determination, a catastrophic injury or
209 illness, the employee may appeal the decision to the employee
210 appeals board.

211 (f) If the total amount of leave that is donated to any
212 employee is not used by the recipient employee, the donated leave
213 shall be returned to the donor employees on a pro rata basis,
214 based on the ratio of the number of days of leave donated by each
215 donor employee to the total number of days of leave donated by all
216 donor employees.

217 (g) The failure of any appointing authority or
218 supervisor of any employee to properly deduct an employee's
219 donation of leave to another employee from the donor employee's
220 earned personal leave or major medical leave shall constitute just
221 cause for the dismissal of the appointing authority or supervisor.

222 (h) Donated leave shall not be used in lieu of
223 disability retirement.

224 (i) For the purposes of this subsection * * *,
225 "immediate family" means spouse, parent, stepparent, sibling,
226 child or stepchild.

227 (j) This subsection * * * shall stand repealed from and
228 after July 1, 2000.

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