

By: Representatives Stringer, Warren

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 957

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT AGENTS OF THE MISSISSIPPI BUREAU OF
3 NARCOTICS WHO ARE INJURED IN THE LINE OF DUTY SHALL NOT BE
4 REQUIRED TO USE PERSONAL OR MAJOR MEDICAL LEAVE DURING THEIR
5 RECOVERY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

28 such leave, shall not be eligible for personal leave.

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

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

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

61 (5) Any officer of the Mississippi Highway Safety Patrol or
62 agent of the Mississippi Bureau of Narcotics who is injured by
63 wound or accident in the line of duty shall not be required to use
64 earned personal leave during the period of recovery from such

65 injury.

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

72 This subsection * * * shall stand repealed from and after
73 July 1, 1999.

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

76 25-3-95. (1) All employees and appointed officers of the
77 State of Mississippi, except recipients of full-time educational
78 leave, while on such leave, shall accrue credits for major medical
79 leave as follows:

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

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

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

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

104 (2) Major medical leave may be used for the illness or
105 injury of an employee or member of the employee's immediate family
106 as defined in subsection (3) of this section, only after the
107 employee has used one (1) day of accrued personal or compensatory
108 leave for each absence due to illness, or leave without pay if the
109 employee has no accrued personal or compensatory leave. * * *
110 Faculty members employed by the eight (8) public universities on a
111 nine-month basis may use major medical leave for the first day of
112 absence due to illness. However, major medical leave may be used,
113 without prior use of personal leave, to cover regularly scheduled
114 visits to a doctor's office or a hospital for the continuing
115 treatment of a chronic disease, as certified in advance by a
116 physician. For the purposes of this section, "physician" means a
117 doctor of medicine, osteopathy, dental medicine, podiatry or
118 chiropractic. For each absence due to illness of thirty-two (32)
119 consecutive working hours (combined personal leave and major
120 medical leave) major medical leave shall be authorized only when
121 certified by their attending physician.

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

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

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

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

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

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

157 (6) Any officer of the Mississippi Highway Safety Patrol or
158 agent of the Mississippi Bureau of Narcotics who is injured by
159 wound or accident in the line of duty shall not be required to use
160 earned major medical leave during the period of recovery from such
161 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, 1999.

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