

By: Representatives Davis, Jennings

To: Fees and Salaries of Public Officers

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1102

1 AN ACT TO REENACT SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, WHICH AUTHORIZE PERSONAL AND SICK LEAVE FOR STATE
3 EMPLOYEES; TO AMEND REENACTED SECTIONS 25-3-93 AND 25-3-95,
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN TEMPORARY
5 EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER LEARNING SHALL NOT
6 ACCRUE PERSONAL AND MAJOR MEDICAL LEAVE, TO ELIMINATE THE
7 REQUIREMENT THAT STATE EMPLOYEES USE PERSONAL LEAVE FOR THE FIRST
8 DAY OF AN ILLNESS, TO EXTEND THE REPEALER ON THOSE PROVISIONS
9 ESTABLISHING THE DONATED LEAVE POLICY AND TO PROVIDE THAT DONATED
10 LEAVE SHALL NOT BE USED IN LIEU OF DISABILITY RETIREMENT; AND FOR
11 RELATED PURPOSES.

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

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

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

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

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

29 (b) Temporary employees who work less than a full
30 workweek and part-time employees shall be allowed credit for

31 personal leave computed on a pro rata basis. Faculty members
32 employed by the eight (8) public universities on a nine-month
33 contract, temporary employees of the public universities who work
34 less than twenty (20) hours per week for a period of less than
35 five (5) months during a fiscal year, and recipients of full-time
36 educational leave, while on such leave, shall not be eligible for
37 personal leave.

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

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

55 (4) Employees are encouraged to use earned personal leave.
56 Personal leave may be used for vacations and personal business as
57 scheduled by the appointing authority * * *. There shall be no
58 limit to the accumulation of personal leave. Upon termination of
59 employment each employee shall be paid for not more than thirty
60 (30) days of accumulated personal leave. Unused personal leave in
61 excess of thirty (30) days shall be counted as creditable service
62 for the purposes of the retirement system as provided in Sections
63 25-11-103 and 25-13-5.

64 (5) Any officer of the Mississippi Highway Safety Patrol who
65 is injured by wound or accident in the line of duty shall not be
66 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 temporary employees of the public
80 universities who work less than twenty (20) hours per week for a
81 period of less than five (5) months during a fiscal year and
82 recipients of full-time educational leave, while on such leave,
83 shall accrue credits for major medical 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 shall be credited as personal leave.

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

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

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

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

158 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
159 earned major medical leave of each employee shall be credited
160 monthly after the completion of each calendar month, and the
161 appointing authority shall not increase the amount of major
162 medical leave to an employee's credit. It shall be unlawful for
163 an appointing authority to grant major medical leave in an amount
164 greater than was earned and accumulated by the officer or
165 employee.

166 (8) Any employee may donate a portion of his or her earned

167 personal leave or major medical leave to another employee who is
168 suffering from a catastrophic injury or illness, or to another
169 employee who has a member of his or her immediate family who is
170 suffering from a catastrophic injury or illness, in accordance
171 with the following:

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

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

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

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

197 (e) If the total amount of leave that is donated to any
198 employee is not used by the recipient employee, the donated leave
199 shall be returned to the donor employees on a pro rata basis,

200 based on the ratio of the number of days of leave donated by each
201 donor employee to the total number of days of leave donated by all
202 donor employees.

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

208 (g) Donated leave shall not be used in lieu of
209 disability retirement.

210 (h) For the purposes of this subsection * * *,
211 "immediate family" means spouse, parent, stepparent, sibling,
212 child or stepchild.

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

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