

By: Representatives Davis, Jennings

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1102
(As Passed the House)

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

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

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

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

21	Continuous	Accrual Rate	Accrual Rate
22	Service	(Monthly)	(Annually)
23	1 month to 3 years	12 hours per month	18 days per year
24	37 months to 8 years	14 hours per month	21 days per year
25	97 months to 15 years	16 hours per month	24 days per year
26	Over 15 years	18 hours per month	27 days per year

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

31 (b) Temporary employees who work less than a full

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

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

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

57 (4) Employees are encouraged to use earned personal leave.
58 Personal leave may be used for vacations and personal business as
59 scheduled by the appointing authority * * *. There shall be no
60 limit to the accumulation of personal leave. Upon termination of
61 employment each employee shall be paid for not more than thirty
62 (30) days of accumulated personal leave. Unused personal leave in
63 excess of thirty (30) days shall be counted as creditable service
64 for the 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 temporary employees of the public
82 universities who work less than twenty (20) hours per week for a
83 period of less than five (5) months during a fiscal year and
84 recipients of full-time educational leave, while on such leave,
85 shall accrue credits for major medical leave as follows:

86 Continuous	Accrual Rate	Accrual Rate
87 Service	(Monthly)	(Annually)
88 1 month to 3 years	8 hours per month	12 days per year
89 37 months to 8 years	7 hours per month	10.5 days per year
90 97 months to 15 years	6 hours per month	9 days per year
91 Over 15 years	5 hours per month	7.5 days per year

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

95 Continuous	Accrual Rate	Accrual Rate
96 Service	(Per Month)	(Per Academic Year)
97 1 month to 3 years	13-1/3 hours per month	15 days per

98			academic year
99	37 months to 8 years	14-1/5 hours per month	16 days per
100			academic year
101	97 months to 15 years	15-2/5 hours per month	17 days per
102			academic year
103	Over 15 years	16 hours per month	18 days per
104			academic year

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

110 (2) Major medical leave may be used for the illness or
111 injury of an employee or member of the employee's immediate family
112 as defined in subsection (3) of this section * * *. Major medical
113 leave may be used * * * to cover regularly scheduled visits to a
114 doctor's office or a hospital for the continuing treatment of a
115 chronic disease, as certified in advance by a physician. For the
116 purposes of this section, "physician" means a doctor of medicine,
117 osteopathy, dental medicine, podiatry or chiropractic. For each
118 absence due to illness of thirty-two (32) consecutive working
119 hours * * *, major medical leave shall be authorized only when
120 certified by their attending physician.

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

131 parentis.

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

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

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

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

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

160 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
161 earned major medical leave of each employee shall be credited
162 monthly after the completion of each calendar month, and the
163 appointing authority shall not increase the amount of major

164 medical leave to an employee's credit. It shall be unlawful for
165 an appointing authority to grant major medical leave in an amount
166 greater than was earned and accumulated by the officer or
167 employee.

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

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

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

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

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

197 illness, and a prognosis for recovery and the anticipated date
198 that the recipient employee will be able to return to work.

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

206 (f) If the total amount of leave that is donated to any
207 employee is not used by the recipient employee, the donated leave
208 shall be returned to the donor employees on a pro rata basis,
209 based on the ratio of the number of days of leave donated by each
210 donor employee to the total number of days of leave donated by all
211 donor employees.

212 (g) The failure of any appointing authority or
213 supervisor of any employee to properly deduct an employee's
214 donation of leave to another employee from the donor employee's
215 earned personal leave or major medical leave shall constitute just
216 cause for the dismissal of the appointing authority or supervisor.

217 (h) Donated leave shall not be used in lieu of
218 disability retirement.

219 (i) For the purposes of this subsection * * *,
220 "immediate family" means spouse, parent, stepparent, sibling,
221 child or stepchild.

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

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