

By: Representatives Davis, Formby, Moore

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1104

1 AN ACT TO AMEND SECTION 25-3-91, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "CATASTROPHIC INJURY OR ILLNESS"
3 AS USED UNDER THOSE PROVISIONS AUTHORIZING STATE EMPLOYEES TO
4 DONATE LEAVE TO OTHER STATE EMPLOYEES; TO BRING FORWARD SECTIONS
5 25-3-93 AND 25-3-95, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE
6 STATE EMPLOYEES TO DONATE PERSONAL AND MAJOR MEDICAL LEAVE TO
7 OTHER STATE EMPLOYEES WHO ARE SUFFERING FROM A CATASTROPHIC INJURY
8 OR ILLNESS; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 25-3-91, Mississippi Code of 1972, is
11 amended as follows:

12 25-3-91. For purposes of Sections 25-3-91 through 25-3-99,
13 the following words and terms shall have the meaning ascribed in
14 this section, unless the context requires otherwise:

15 (a) "Appointing authority" * * * means such person,
16 agency or authority authorized by law to employ individuals in
17 state government, but shall not include the Board of Directors of
18 the Mississippi Industries for the Blind.

19 (b) "Catastrophic injury or illness" means a life
20 threatening condition or combination of conditions affecting
21 the * * * physical health of an employee or a member of an
22 employee's immediate family that requires the services of a
23 licensed physician for an extended period of time and that forces
24 the employee to exhaust all leave time earned by that employee and
25 to lose compensation from the state for the employee.

26 (c) "Employee" means a person appointed to a position
27 in the state service or nonstate service as defined in Section
28 25-9-107, for which he is compensated on a full-time permanent or
29 provisional basis, a temporary basis, or a part-time basis.

30 (d) "Workday" * * * means a day as defined in Section

31 25-1-98.

32 (e) "Temporary employment" means the employment of a
33 person in a temporary or time-limited position not to exceed
34 twelve (12) months.

35 (f) "Part-time employment" means the employment of a
36 person in a part-time position.

37 SECTION 2. Section 25-3-93, Mississippi Code of 1972, is
38 brought forward as follows:

39 25-3-93. (1) (a) Except as provided in subsection (1)(b),
40 all employees and appointed officers of the State of Mississippi,
41 who are employees as defined in Section 25-3-91, Mississippi Code
42 of 1972, shall be allowed credit for personal leave computed as
43 follows:

44 Continuous	Accrual Rate	Accrual Rate
45 Service	(Monthly)	(Annually)
46 1 month to 3 years	12 hours per month	18 days per year
47 37 months to 8 years	14 hours per month	21 days per year
48 97 months to 15 years	16 hours per month	24 days per year
49 Over 15 years	18 hours per month	27 days per year

50 Provided, however, employees who were hired prior to July 1,
51 1984, who have continuous service of more than five (5) years but
52 not more than eight (8) years shall accrue fifteen (15) hours of
53 personal leave each month.

54 (b) Temporary employees who work less than a full
55 workweek and part-time employees shall be allowed credit for
56 personal leave computed on a pro rata basis. Faculty members
57 employed by the eight (8) public universities on a nine-month
58 contract and recipients of full-time educational leave, while on
59 such leave, shall not be eligible for personal leave.

60 (2) For the purpose of computing credit for personal leave,
61 each appointed officer or employee shall be considered to work not
62 more than five (5) days each week. Leaves of absence granted by
63 the appointing authority for one (1) year or less shall be
64 permitted without forfeiting previously accumulated continuous

65 service. The provisions of this section shall not apply to
66 military leaves of absence. The time for taking personal leave,
67 except when such leave is taken due to an illness, shall be
68 determined by the appointing authority of which such employees are
69 employed.

70 (3) For the purpose of Sections 25-3-91 through 25-3-99, the
71 earned personal leave of each employee shall be credited monthly
72 after the completion of each calendar month of service and the
73 appointing authority shall not increase the amount of personal
74 leave to an employee's credit. It shall be unlawful for an
75 appointing authority to grant personal leave in an amount greater
76 than was earned and accumulated by the officer or employee.

77 (4) Employees are encouraged to use earned personal leave.
78 Personal leave may be used for vacations and personal business as
79 scheduled by the appointing authority and shall be used for
80 illnesses of the employee requiring absences of one (1) day or
81 less. Accrued personal or compensatory leave shall be used for
82 the first day of an employee's illness requiring his absence of
83 more than one (1) day. Accrued personal or compensatory leave may
84 also be used for an illness in the employee's immediate family as
85 defined in Section 25-3-95. There shall be no limit to the
86 accumulation of personal leave. Upon termination of employment
87 each employee shall be paid for not more than thirty (30) days of
88 accumulated personal leave. Unused personal leave in excess of
89 thirty (30) days shall be counted as creditable service for the
90 purposes of the retirement system as provided in Sections
91 25-11-103 and 25-13-5.

92 (5) Any officer of the Mississippi Highway Safety Patrol who
93 is injured by wound or accident in the line of duty shall not be
94 required to use earned personal leave during the period of
95 recovery from such injury.

96 (6) Any employee may donate a portion of his or her earned
97 personal leave to another employee who is suffering from a
98 catastrophic injury or illness, or to another employee who has a

99 member of his or her immediate family who is suffering from a
100 catastrophic injury or illness, in accordance with subsection (8)
101 of Section 25-3-95.

102 This subsection (6) shall stand repealed from and after
103 July 1, 1999.

104 SECTION 3. Section 25-3-95, Mississippi Code of 1972, is
105 brought forward as follows:

106 25-3-95. (1) All employees and appointed officers of the
107 State of Mississippi, except recipients of full-time educational
108 leave, while on such leave, shall accrue credits for major medical
109 leave as follows:

110	Continuous	Accrual Rate	Accrual Rate
111	Service	(Monthly)	(Annually)
112	1 month to 3 years	8 hours per month	12 days per year
113	37 months to 8 years	7 hours per month	10.5 days per year
114	97 months to 15 years	6 hours per month	9 days per year
115	Over 15 years	5 hours per month	7.5 days per year

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

119	Continuous	Accrual Rate	Accrual Rate
120	Service	(Per Month)	(Per Academic Year)
121	1 month to 3 years	13-1/3 hours per month	15 days per
122			academic year
123	37 months to 8 years	14-1/5 hours per month	16 days per
124			academic year
125	97 months to 15 years	15-2/5 hours per month	17 days per
126			academic year
127	Over 15 years	16 hours per month	18 days per
128			academic year

129 Part-time employees shall accrue major medical leave on a pro
130 rata basis. There shall be no maximum limit to major medical
131 leave accumulation. All unused major medical leave shall be
132 counted as creditable service for the purposes of the retirement

133 system as provided in Sections 25-11-103 and 25-13-5.

134 (2) Major medical leave may be used for the illness or
135 injury of an employee or member of the employee's immediate family
136 as defined in subsection (3) of this section, only after the
137 employee has used one (1) day of accrued personal or compensatory
138 leave for each absence due to illness, or leave without pay if the
139 employee has no accrued personal or compensatory leave. Provided
140 that faculty members employed by the eight (8) public universities
141 on a nine-month basis may use major medical leave for the first
142 day of absence due to illness. However, major medical leave may
143 be used, without prior use of personal leave, to cover regularly
144 scheduled visits to a doctor's office or a hospital for the
145 continuing treatment of a chronic disease, as certified in advance
146 by a physician. For the purposes of this section, "physician"
147 means a doctor of medicine, osteopathy, dental medicine, podiatry
148 or chiropractic. For each absence due to illness of thirty-two
149 (32) consecutive working hours (combined personal leave and major
150 medical leave) major medical leave shall be authorized only when
151 certified by their attending physician.

152 (3) An employee may use up to three (3) days of earned major
153 medical leave for each occurrence of death in the immediate family
154 requiring the employee's absence from work. No qualifying time or
155 use of personal leave will be required prior to use of major
156 medical leave for this purpose. For the purpose of this
157 subsection (3), the immediate family is defined as spouse, parent,
158 stepparent, sibling, child, stepchild, grandchild, grandparent,
159 son- or daughter-in-law, mother- or father-in-law or brother- or
160 sister-in-law. Child means a biological, adopted or foster child,
161 or a child for whom the individual stands or stood in loco
162 parentis.

163 (4) Employees and appointed officers of the State of
164 Mississippi having unused, accumulated sick leave or annual leave
165 earned prior to July 1, 1984, shall be credited with major medical
166 leave and personal leave as follows: All unused annual leave

167 shall be credited as personal leave.

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

172 Sick Leave	Percentage	Percentage
173 Balance as of	Converted to	Converted to
174 June 30, 1984	Personal Leave	Major Medical Leave
175 1 - 200 hours	20%	80%
176 201 - 400 hours	25%	75%
177 401 - 600 hours	30%	70%
178 601 or more hours	35%	65%

179 (5) Upon retirement from active employment each faculty
180 member of one (1) of the eight (8) public universities who is
181 employed on a nine-month basis shall receive credit and be paid
182 for not more than thirty (30) days of unused major medical leave
183 for service as a state employee. Unused major medical leave in
184 excess of thirty (30) days shall be counted as creditable service
185 for the purposes of the retirement system as provided in Sections
186 25-11-103 and 25-13-5.

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

191 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
192 earned major medical leave of each employee shall be credited
193 monthly after the completion of each calendar month and the
194 appointing authority shall not increase the amount of major
195 medical leave to an employee's credit. It shall be unlawful for
196 an appointing authority to grant major medical leave in an amount
197 greater than was earned and accumulated by the officer or
198 employee.

199 (8) Any employee may donate a portion of his or her earned
200 personal leave or major medical leave to another employee who is

201 suffering from a catastrophic injury or illness, or to another
202 employee who has a member of his or her immediate family who is
203 suffering from a catastrophic injury or illness, in accordance
204 with the following:

205 (a) The employee donating the leave (the "donor
206 employee") shall designate the employee who is to receive the
207 leave (the "recipient employee") and the amount of earned personal
208 leave and major medical leave that is to be donated, and shall
209 notify the donor employee's appointing authority or supervisor of
210 his or her designation. The donor employee's appointing authority
211 or supervisor then shall notify the recipient employee's
212 appointing authority or supervisor of the amount of leave that has
213 been donated by the donor employee to the recipient employee.

214 (b) The maximum amount of earned personal leave that an
215 employee may donate to any other employee may not exceed a number
216 of days that would leave the donor employee with fewer than seven
217 (7) days of personal leave left, and the maximum amount of earned
218 major medical leave that an employee may donate to any other
219 employee may not exceed fifty percent (50%) of the earned major
220 medical leave of the donor employee.

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

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

230 (e) If the total amount of leave that is donated to any
231 employee is not used by the recipient employee, the donated leave
232 shall be returned to the donor employees on a pro rata basis,
233 based on the ratio of the number of days of leave donated by each
234 donor employee to the total number of days of leave donated by all

235 donor employees.

236 (f) The failure of any appointing authority or
237 supervisor of any employee to properly deduct an employee's
238 donation of leave to another employee from the donor employee's
239 earned personal leave or major medical leave shall constitute just
240 cause for the dismissal of the appointing authority or supervisor.

241 (g) For the purposes of this subsection (8), "immediate
242 family" means spouse, parent, stepparent, sibling, child or
243 stepchild.

244 (h) This subsection (8) shall stand repealed from and
245 after July 1, 1999.

246 SECTION 4. This act shall take effect and be in force from
247 and after July 1, 1999.