

By: Representative Robinson (63rd)

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 1193

1 AN ACT TO AMEND SECTION 25-3-97, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE TRANSFER OF ACCUMULATED LEAVE BETWEEN STATE AND
3 COUNTY DEPARTMENTS AND AGENCIES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-3-97, Mississippi Code of 1972, is
6 amended as follows:

7 25-3-97. (1) All organizations shall keep accurate records
8 of the leave accumulated and used by the officers and employees
9 thereof.

10 (2) The appointing authority in nonstate service agencies
11 within the meaning of Section 25-9-107 will develop rules for
12 proper maintenance of leave records. The rules shall include
13 provisions which shall keep the employee informed on a monthly
14 basis as to his accumulated leave balances. For accounting
15 purposes, an employee's anniversary date is the date of employment
16 to full-time permanent or provisional service in state government.

17 (3) The appointing authority in nonstate service agencies,
18 in conjunction with the State Fiscal Officer, will develop rules
19 for the final payment of accrued leave at such time that an
20 employee leaves state employment. At no time will an employee be
21 paid for accrued leave while still employed in state service,
22 except that major medical leave pay may be made as heretofore
23 provided. No payment will be made for accrued major medical leave
24 except that an employee who presents medical evidence that his
25 physical condition is such that he can no longer work in a
26 capacity of state government may be paid for not more than one

27 hundred twenty (120) days of earned major medical leave.

28 (4) The State Fiscal Officer, before issuing a warrant to
29 any employee for the payment of his salary, shall be furnished by
30 each appointing authority any reports as required by the State
31 Fiscal Officer as to absences in the department. The appointing
32 authority shall make the required deduction from the salary as
33 indicated on the affidavit in submitting their payroll
34 requisitions to the Department of Finance and Administration, or
35 if the State Fiscal Officer learns of such excessive absence from
36 some other source, he is empowered to make such deduction, unless
37 such absence shall have been for official business, personal
38 leave, or by the permission of the Governor previously obtained.
39 The State Fiscal Officer may promulgate rules on reporting
40 absences in the agencies.

41 (5) All accrued leave, both major medical and personal
42 leave, earned by employees under Sections 25-3-93 and 25-3-95
43 shall be transferrable between or among any and all state
44 agencies, junior colleges and senior colleges and from state
45 agencies to county departments and agencies. All accrued leave,
46 both major medical and personal leave, earned under a county leave
47 policy or ordinance shall be transferrable from county departments
48 and agencies to state agencies. Each appointing authority shall
49 be furnished a statement of accrued leave at the time of transfer
50 by an employee from one state agency to another or to a state
51 agency from a county department or agency. The county employer
52 shall be furnished a statement of accrued leave at the time of
53 transfer of an employee from a state agency to a county department
54 or agency.

55 (6) Should an employee die having accumulated personal leave
56 as provided in Section 25-3-93, the wages or salary which would
57 have been paid to such employee during his leave shall be paid to
58 the person designated by such employee for this purpose or, in the
59 absence of such designation, to the beneficiary of such employee
60 as recorded with the Public Employees' Retirement System.
61 Accumulated leave shall be considered for the purpose of Sections
62 25-3-91 through 25-3-99 as wages or salary earned and not paid.

63 SECTION 2. This act shall take effect and be in force from

64 and after July 1, 1999.