

By: Senator(s) Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2073

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT STATE EMPLOYEES
3 USE PERSONAL LEAVE FOR THE FIRST DAY OF AN ILLNESS; AND FOR
4 RELATED PURPOSES.

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

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

8 25-3-93. (1) (a) Except as provided in subsection (1)(b),
9 all employees and appointed officers of the State of Mississippi,
10 who are employees as defined in Section 25-3-91, Mississippi Code
11 of 1972, shall be allowed credit for personal leave computed as
12 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 Provided, 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 * * *. * * * There shall be
49 no limit to the accumulation of personal leave. Upon termination
50 of employment each employee shall be paid for not more than thirty
51 (30) days of accumulated personal leave. Unused personal leave in
52 excess of thirty (30) days shall be counted as creditable service
53 for the purposes of the retirement system as provided in Sections
54 25-11-103 and 25-13-5.

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

59 (6) Any employee may donate a portion of his or her earned
60 personal leave to another employee who is suffering from a
61 catastrophic injury or illness, or to another employee who has a
62 member of his or her immediate family who is suffering from a
63 catastrophic injury or illness, in accordance with subsection (8)
64 of Section 25-3-95.

65 This subsection (6) shall stand repealed from and after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

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

69 25-3-95. (1) All employees and appointed officers of the
70 State of Mississippi, except recipients of full-time educational
71 leave, while on such leave, shall accrue credits for major medical
72 leave as follows:

73 Continuous	Accrual Rate	Accrual Rate
74 Service	(Monthly)	(Annually)
75 1 month to 3 years	8 hours per month	12 days per year
76 37 months to 8 years	7 hours per month	10.5 days per year
77 97 months to 15 years	6 hours per month	9 days per year
78 Over 15 years	5 hours per month	7.5 days per year

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

82 Continuous	Accrual Rate	Accrual Rate
83 Service	(Per Month)	(Per Academic Year)
84 1 month to 3 years	13-1/3 hours per month	15 days per 85 academic year
86 37 months to 8 years	14-1/5 hours per month	16 days per 87 academic year
88 97 months to 15 years	15-2/5 hours per month	17 days per 89 academic year
90 Over 15 years	16 hours per month	18 days per 91 academic year

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

97 (2) Major medical leave may be used for the illness or

98 injury of an employee or member of the employee's immediate family
99 as defined in subsection (3) of this section * * *. * * * Major
100 medical leave may be used * * * to cover regularly scheduled
101 visits to a doctor's office or a hospital for the continuing
102 treatment of a chronic disease, as certified in advance by a
103 physician. For the purposes of this section, "physician" means a
104 doctor of medicine, osteopathy, dental medicine, podiatry or
105 chiropractic. For each absence due to illness of thirty-two (32)
106 consecutive working hours * * * major medical leave shall be
107 authorized only when certified by their attending physician.

108 (3) An employee may use up to three (3) days of earned major
109 medical leave for each occurrence of death in the immediate family
110 requiring the employee's absence from work. * * * For the purpose
111 of this subsection (3), the immediate family is defined as spouse,
112 parent, stepparent, sibling, child, stepchild, grandchild,
113 grandparent, son- or daughter-in-law, mother- or father-in-law or
114 brother- or sister-in-law. Child means a biological, adopted or
115 foster child, or a child for whom the individual stands or stood
116 in loco parentis.

117 (4) Employees and appointed officers of the State of
118 Mississippi having unused, accumulated sick leave or annual leave
119 earned prior to July 1, 1984, shall be credited with major medical
120 leave and personal leave as follows: All unused annual leave
121 shall be credited as personal leave.

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

126	Sick Leave	Percentage	Percentage
127	Balance as of	Converted to	Converted to
128	June 30, 1984	Personal Leave	Major Medical Leave
129	1 - 200 hours	20%	80%
130	201 - 400 hours	25%	75%

131 401 - 600 hours 30% 70%

132 601 or more hours 35% 65%

133 (5) Upon retirement from active employment each faculty
134 member of one (1) of the eight (8) public universities who is
135 employed on a nine-month basis shall receive credit and be paid
136 for not more than thirty (30) days of unused major medical leave
137 for service as a state employee. Unused major medical leave in
138 excess of thirty (30) days shall be counted as creditable service
139 for the purposes of the retirement system as provided in Sections
140 25-11-103 and 25-13-5.

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

145 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
146 earned major medical leave of each employee shall be credited
147 monthly after the completion of each calendar month and the
148 appointing authority shall not increase the amount of major
149 medical leave to an employee's credit. It shall be unlawful for
150 an appointing authority to grant major medical leave in an amount
151 greater than was earned and accumulated by the officer or
152 employee.

153 (8) Any employee may donate a portion of his or her earned
154 personal leave or major medical leave to another employee who is
155 suffering from a catastrophic injury or illness, or to another
156 employee who has a member of his or her immediate family who is
157 suffering from a catastrophic injury or illness, in accordance
158 with the following:

159 (a) The employee donating the leave (the "donor
160 employee") shall designate the employee who is to receive the
161 leave (the "recipient employee") and the amount of earned personal
162 leave and major medical leave that is to be donated, and shall
163 notify the donor employee's appointing authority or supervisor of

164 his or her designation. The donor employee's appointing authority
165 or supervisor then shall notify the recipient employee's
166 appointing authority or supervisor of the amount of leave that has
167 been donated by the donor employee to the recipient employee.

168 (b) The maximum amount of earned personal leave that an
169 employee may donate to any other employee may not exceed a number
170 of days that would leave the donor employee with fewer than seven
171 (7) days of personal leave left, and the maximum amount of earned
172 major medical leave that an employee may donate to any other
173 employee may not exceed fifty percent (50%) of the earned major
174 medical leave of the donor employee.

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

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

184 (e) If the total amount of leave that is donated to any
185 employee is not used by the recipient employee, the donated leave
186 shall be returned to the donor employees on a pro rata basis,
187 based on the ratio of the number of days of leave donated by each
188 donor employee to the total number of days of leave donated by all
189 donor employees.

190 (f) The failure of any appointing authority or
191 supervisor of any employee to properly deduct an employee's
192 donation of leave to another employee from the donor employee's
193 earned personal leave or major medical leave shall constitute just
194 cause for the dismissal of the appointing authority or supervisor.

195 (g) For the purposes of this subsection (8), "immediate
196 family" means spouse, parent, stepparent, sibling, child or

197 stepchild.

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

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