

By: Senator(s) Furniss

To: Fees, Salaries and Administration

SENATE BILL NO. 2294

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:

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