

By: Senator(s) Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2713

1 AN ACT TO AMEND SECTION 25-3-95, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ELIGIBILITY FOR STATE EMPLOYEE DONATED LEAVE SHALL BE
3 BASED UPON REVIEW AND APPROVAL BY THE APPOINTING AUTHORITY; TO
4 PROVIDE THAT DONATED LEAVE SHALL NOT BE USED IN LIEU OF DISABILITY
5 RETIREMENT; TO EXTEND THE REPEALER ON THE PROVISION AUTHORIZING
6 DONATION OF LEAVE BY STATE EMPLOYEES; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 25-3-95, Mississippi Code of 1972, is
9 amended as follows:

10 25-3-95. (1) All employees and appointed officers of the
11 State of Mississippi, except recipients of full-time educational
12 leave, while on such leave, shall accrue credits for major medical
13 leave as follows:

| 14 | Continuous | Accrual Rate | Accrual Rate |
|----|-----------------------|-------------------|--------------------|
| 15 | Service | (Monthly) | (Annually) |
| 16 | 1 month to 3 years | 8 hours per month | 12 days per year |
| 17 | 37 months to 8 years | 7 hours per month | 10.5 days per year |
| 18 | 97 months to 15 years | 6 hours per month | 9 days per year |
| 19 | Over 15 years | 5 hours per month | 7.5 days per year |

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

| 23 | Continuous | Accrual Rate | Accrual Rate |
|----|-----------------------|------------------------|---------------------|
| 24 | Service | (Per Month) | (Per Academic Year) |
| 25 | 1 month to 3 years | 13-1/3 hours per month | 15 days per |
| 26 | | | academic year |
| 27 | 37 months to 8 years | 14-1/5 hours per month | 16 days per |
| 28 | | | academic year |
| 29 | 97 months to 15 years | 15-2/5 hours per month | 17 days per |

30 academic year
31 Over 15 years 16 hours per month 18 days per
32 academic year
33 Part-time employees shall accrue major medical leave on a pro rata
34 basis. There shall be no maximum limit to major medical leave
35 accumulation. All unused major medical leave shall be counted as
36 creditable service for the purposes of the retirement system as
37 provided in Sections 25-11-103 and 25-13-5.

38 (2) Major medical leave may be used for the illness or
39 injury of an employee or member of the employee's immediate family
40 as defined in subsection (3) of this section, only after the
41 employee has used one (1) day of accrued personal or compensatory
42 leave for each absence due to illness, or leave without pay if the
43 employee has no accrued personal or compensatory leave. Provided
44 that faculty members employed by the eight (8) public universities
45 on a nine-month basis may use major medical leave for the first
46 day of absence due to illness. However, major medical leave may
47 be used, without prior use of personal leave, to cover regularly
48 scheduled visits to a doctor's office or a hospital for the
49 continuing treatment of a chronic disease, as certified in advance
50 by a physician. For the purposes of this section, "physician"
51 means a doctor of medicine, osteopathy, dental medicine, podiatry
52 or chiropractic. For each absence due to illness of thirty-two
53 (32) consecutive working hours (combined personal leave and major
54 medical leave) major medical leave shall be authorized only when
55 certified by their attending physician.

56 (3) An employee may use up to three (3) days of earned major
57 medical leave for each occurrence of death in the immediate family
58 requiring the employee's absence from work. No qualifying time or
59 use of personal leave will be required prior to use of major
60 medical leave for this purpose. For the purpose of this
61 subsection (3), the immediate family is defined as spouse, parent,
62 stepparent, sibling, child, stepchild, grandchild, grandparent,
63 son- or daughter-in-law, mother- or father-in-law or brother- or

64 sister-in-law. Child means a biological, adopted or foster child,
65 or a child for whom the individual stands or stood in loco
66 parentis.

67 (4) Employees and appointed officers of the State of
68 Mississippi having unused, accumulated sick leave or annual leave
69 earned prior to July 1, 1984, shall be credited with major medical
70 leave and personal leave as follows: All unused annual leave
71 shall be credited as personal leave.

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

| 76 Sick Leave | Percentage | Percentage |
|----------------------|----------------|---------------------|
| 77 Balance as of | Converted to | Converted to |
| 78 June 30, 1984 | Personal Leave | Major Medical Leave |
| 79 1 - 200 hours | 20% | 80% |
| 80 201 - 400 hours | 25% | 75% |
| 81 401 - 600 hours | 30% | 70% |
| 82 601 or more hours | 35% | 65% |

83 (5) Upon retirement from active employment each faculty
84 member of one (1) of the eight (8) public universities who is
85 employed on a nine-month basis shall receive credit and be paid
86 for not more than thirty (30) days of unused major medical leave
87 for service as a state employee. Unused major medical leave in
88 excess of thirty (30) days shall be counted as creditable service
89 for the purposes of the retirement system as provided in Sections
90 25-11-103 and 25-13-5.

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

95 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
96 earned major medical leave of each employee shall be credited
97 monthly after the completion of each calendar month and the

98 appointing authority shall not increase the amount of major
99 medical leave to an employee's credit. It shall be unlawful for
100 an appointing authority to grant major medical leave in an amount
101 greater than was earned and accumulated by the officer or
102 employee.

103 (8) Any employee may donate a portion of his or her earned
104 personal leave or major medical leave to another employee who is
105 suffering from a catastrophic injury or illness, or to another
106 employee who has a member of his or her immediate family who is
107 suffering from a catastrophic injury or illness, in accordance
108 with the following:

109 (a) The employee donating the leave (the "donor
110 employee") shall designate the employee who is to receive the
111 leave (the "recipient employee") and the amount of earned personal
112 leave and major medical leave that is to be donated, and shall
113 notify the donor employee's appointing authority or supervisor of
114 his or her designation. The donor employee's appointing authority
115 or supervisor then shall notify the recipient employee's
116 appointing authority or supervisor of the amount of leave that has
117 been donated by the donor employee to the recipient employee.

118 (b) The maximum amount of earned personal leave that an
119 employee may donate to any other employee may not exceed a number
120 of days that would leave the donor employee with fewer than seven
121 (7) days of personal leave left, and the maximum amount of earned
122 major medical leave that an employee may donate to any other
123 employee may not exceed fifty percent (50%) of the earned major
124 medical leave of the donor employee.

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

128 Eligibility for donated leave shall be based upon review and
129 approval by the appointing authority.

130 (d) Before an employee may receive donated leave, he or
131 she must provide his or her appointing authority or supervisor

132 with a physician's statement that states the beginning date of the
133 catastrophic injury or illness, a description of the injury or
134 illness, and a prognosis for recovery and the anticipated date
135 that the recipient employee will be able to return to work.

136 (e) If the total amount of leave that is donated to any
137 employee is not used by the recipient employee, the donated leave
138 shall be forfeited by the recipient and the donor.

139 (f) The failure of any appointing authority or
140 supervisor of any employee to properly deduct an employee's
141 donation of leave to another employee from the donor employee's
142 earned personal leave or major medical leave shall constitute just
143 cause for the dismissal of the appointing authority or supervisor.

144 (g) For the purposes of this subsection (8), "immediate
145 family" means spouse, parent, stepparent, sibling, child or
146 stepchild.

147 (h) Donated leave shall not be used in lieu of
148 disability retirement.

149 (i) This subsection (8) shall stand repealed from and
150 after July 1, 2000.

151 SECTION 2. This act shall take effect and be in force from
152 and after its passage.