

By: Senator(s) Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2713  
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT ELIGIBILITY FOR STATE EMPLOYEE  
3 DONATED LEAVE SHALL BE BASED UPON REVIEW AND APPROVAL BY THE  
4 APPOINTING AUTHORITY; TO PROVIDE THAT DONATED LEAVE SHALL NOT BE  
5 USED IN LIEU OF DISABILITY RETIREMENT; TO EXTEND THE REPEALER ON  
6 THE PROVISION AUTHORIZING DONATION OF LEAVE BY STATE EMPLOYEES;  
7 AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is  
10 reenacted and amended as follows:

11 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
12 all employees and appointed officers of the State of Mississippi,  
13 who are employees as defined in Section 25-3-91, shall be allowed  
14 credit for personal leave computed as follows:

15	Continuous	Accrual Rate	Accrual Rate
16	Service	(Monthly)	(Annually)
17	1 month to 3 years	12 hours per month	18 days per year
18	37 months to 8 years	14 hours per month	21 days per year
19	97 months to 15 years	16 hours per month	24 days per year
20	Over 15 years	18 hours per month	27 days per year

21 Provided, however, employees who were hired prior to July 1,  
22 1984, who have continuous service of more than five (5) years but  
23 not more than eight (8) years shall accrue fifteen (15) hours of  
24 personal leave each month.

25 (b) Temporary employees who work less than a full  
26 workweek and part-time employees shall be allowed credit for  
27 personal leave computed on a pro rata basis. Faculty members  
28 employed by the eight (8) public universities on a nine-month  
29 contract and recipients of full-time educational leave, while on

30 such leave, shall not be eligible for personal leave.

31 (2) For the purpose of computing credit for personal leave,  
32 each appointed officer or employee shall be considered to work not  
33 more than five (5) days each week. Leaves of absence granted by  
34 the appointing authority for one (1) year or less shall be  
35 permitted without forfeiting previously accumulated continuous  
36 service. The provisions of this section shall not apply to  
37 military leaves of absence. The time for taking personal leave,  
38 except when such leave is taken due to an illness, shall be  
39 determined by the appointing authority of which such employees are  
40 employed.

41 (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
42 earned personal leave of each employee shall be credited monthly  
43 after the completion of each calendar month of service, and the  
44 appointing authority shall not increase the amount of personal  
45 leave to an employee's credit. It shall be unlawful for an  
46 appointing authority to grant personal leave in an amount greater  
47 than was earned and accumulated by the officer or employee.

48 (4) Employees are encouraged to use earned personal leave.  
49 Personal leave may be used for vacations and personal business as  
50 scheduled by the appointing authority and shall be used for  
51 illnesses of the employee requiring absences of one (1) day or  
52 less. Accrued personal or compensatory leave shall be used for  
53 the first day of an employee's illness requiring his absence of  
54 more than one (1) day. Accrued personal or compensatory leave may  
55 also be used for an illness in the employee's immediate family as  
56 defined in Section 25-3-95. There shall be no limit to the  
57 accumulation of personal leave. Upon termination of employment  
58 each employee shall be paid for not more than thirty (30) days of  
59 accumulated personal leave. Unused personal leave in excess of  
60 thirty (30) days shall be counted as creditable service for the  
61 purposes of the retirement system as provided in Sections  
62 25-11-103 and 25-13-5.

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

67 (6) Any employee may donate a portion of his or her earned

68 personal leave to another employee who is suffering from a  
69 catastrophic injury or illness, or to another employee who has a  
70 member of his or her immediate family who is suffering from a  
71 catastrophic injury or illness, in accordance with subsection (8)  
72 of Section 25-3-95.

73 This subsection (6) shall stand repealed from and after  
74 July 1, 2000.

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

77 25-3-95. (1) All employees and appointed officers of the  
78 State of Mississippi, except recipients of full-time educational  
79 leave, while on such leave, shall accrue credits for major medical  
80 leave as follows:

81	Continuous	Accrual Rate	Accrual Rate
82	Service	(Monthly)	(Annually)
83	1 month to 3 years	8 hours per month	12 days per year
84	37 months to 8 years	7 hours per month	10.5 days per year
85	97 months to 15 years	6 hours per month	9 days per year
86	Over 15 years	5 hours per month	7.5 days per year

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

90	Continuous	Accrual Rate	Accrual Rate
91	Service	(Per Month)	(Per Academic Year)
92	1 month to 3 years	13-1/3 hours per month	15 days per
93			academic year
94	37 months to 8 years	14-1/5 hours per month	16 days per
95			academic year
96	97 months to 15 years	15-2/5 hours per month	17 days per
97			academic year
98	Over 15 years	16 hours per month	18 days per
99			academic year

100 Part-time employees shall accrue major medical leave on a pro rata  
101 basis. There shall be no maximum limit to major medical leave

102 accumulation. All unused major medical leave shall be counted as  
103 creditable service for the purposes of the retirement system as  
104 provided in Sections 25-11-103 and 25-13-5.

105 (2) Major medical leave may be used for the illness or  
106 injury of an employee or member of the employee's immediate family  
107 as defined in subsection (3) of this section, only after the  
108 employee has used one (1) day of accrued personal or compensatory  
109 leave for each absence due to illness, or leave without pay if the  
110 employee has no accrued personal or compensatory leave. Provided  
111 that faculty members employed by the eight (8) public universities  
112 on a nine-month basis may use major medical leave for the first  
113 day of absence due to illness. However, major medical leave may  
114 be used, without prior use of personal leave, to cover regularly  
115 scheduled visits to a doctor's office or a hospital for the  
116 continuing treatment of a chronic disease, as certified in advance  
117 by a physician. For the purposes of this section, "physician"  
118 means a doctor of medicine, osteopathy, dental medicine, podiatry  
119 or chiropractic. For each absence due to illness of thirty-two  
120 (32) consecutive working hours (combined personal leave and major  
121 medical leave) major medical leave shall be authorized only when  
122 certified by their attending physician.

123 (3) An employee may use up to three (3) days of earned major  
124 medical leave for each occurrence of death in the immediate family  
125 requiring the employee's absence from work. No qualifying time or  
126 use of personal leave will be required prior to use of major  
127 medical leave for this purpose. For the purpose of this  
128 subsection (3), the immediate family is defined as spouse, parent,  
129 stepparent, sibling, child, stepchild, grandchild, grandparent,  
130 son- or daughter-in-law, mother- or father-in-law or brother- or  
131 sister-in-law. Child means a biological, adopted or foster child,  
132 or a child for whom the individual stands or stood in loco  
133 parentis.

134 (4) Employees and appointed officers of the State of  
135 Mississippi having unused, accumulated sick leave or annual leave

136 earned prior to July 1, 1984, shall be credited with major medical  
137 leave and personal leave as follows: All unused annual leave  
138 shall be credited as personal leave.

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

143 Sick Leave	Percentage	Percentage
144 Balance as of	Converted to	Converted to
145 June 30, 1984	Personal Leave	Major Medical Leave
146 1 - 200 hours	20%	80%
147 201 - 400 hours	25%	75%
148 401 - 600 hours	30%	70%
149 601 or more hours	35%	65%

150 (5) Upon retirement from active employment each faculty  
151 member of one (1) of the eight (8) public universities who is  
152 employed on a nine-month basis shall receive credit and be paid  
153 for not more than thirty (30) days of unused major medical leave  
154 for service as a state employee. Unused major medical leave in  
155 excess of thirty (30) days shall be counted as creditable service  
156 for the purposes of the retirement system as provided in Sections  
157 25-11-103 and 25-13-5.

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

162 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
163 earned major medical leave of each employee shall be credited  
164 monthly after the completion of each calendar month and the  
165 appointing authority shall not increase the amount of major  
166 medical leave to an employee's credit. It shall be unlawful for  
167 an appointing authority to grant major medical leave in an amount  
168 greater than was earned and accumulated by the officer or  
169 employee.

170 (8) Any employee may donate a portion of his or her earned  
171 personal leave or major medical leave to another employee who is  
172 suffering from a catastrophic injury or illness, as defined in  
173 Section 25-3-91, or to another employee who has a member of his or  
174 her immediate family who is suffering from a catastrophic injury  
175 or illness, in accordance with the following:

176 (a) The employee donating the leave (the "donor  
177 employee") shall designate the employee who is to receive the  
178 leave (the "recipient employee") and the amount of earned personal  
179 leave and major medical leave that is to be donated, and shall  
180 notify the donor employee's appointing authority or supervisor of  
181 his or her designation. The donor employee's appointing authority  
182 or supervisor then shall notify the recipient employee's  
183 appointing authority or supervisor of the amount of leave that has  
184 been donated by the donor employee to the recipient employee.

185 (b) The maximum amount of earned personal leave that an  
186 employee may donate to any other employee may not exceed a number  
187 of days that would leave the donor employee with fewer than seven  
188 (7) days of personal leave left, and the maximum amount of earned  
189 major medical leave that an employee may donate to any other  
190 employee may not exceed fifty percent (50%) of the earned major  
191 medical leave of the donor employee.

192 (c) An employee must have exhausted all of his or her  
193 earned personal leave and major medical leave before he or she  
194 will be eligible to receive any leave donated by another employee.  
195 Eligibility for donated leave shall be based upon review and  
196 approval by the appointing authority.

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

203 (e) If an employee is aggrieved by the decision of his

204 or her appointing authority that the employee is not eligible to  
205 receive donated leave because the injury or illness of the  
206 employee or member of the employee's immediate family is not, in  
207 the appointing authority's determination, a catastrophic injury or  
208 illness, the employee may appeal the decision to the employee  
209 appeals board.

210           (f) If the total amount of leave that is donated to any  
211 employee is not used by the recipient employee, the donated leave  
212 shall be forfeited by the recipient and the donor.

213           (g) The failure of any appointing authority or  
214 supervisor of any employee to properly deduct an employee's  
215 donation of leave to another employee from the donor employee's  
216 earned personal leave or major medical leave shall constitute just  
217 cause for the dismissal of the appointing authority or supervisor.

218           (h) For the purposes of this subsection (8), "immediate  
219 family" means spouse, parent, stepparent, sibling, child or  
220 stepchild.

221           (i) Donated leave shall not be used in lieu of  
222 disability retirement.

223           (j) This subsection (8) shall stand repealed from and  
224 after July 1, 2000.

225           SECTION 3. This act shall take effect and be in force from  
226 and after its passage.