

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT AND MR. SPEAKER:**

**We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:**

S.B. No. 2713: State employee donated leave; require approval by appointing authority.

**We, therefore, respectfully submit the following report and recommendation:**

**1. That the House recede from its Amendment No. 1.**

**2. That the Senate and House adopt the following amendment:**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

15 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
16 all employees and appointed officers of the State of Mississippi,  
17 who are employees as defined in Section 25-3-91, shall be allowed  
18 credit for personal leave computed as follows:

19	Continuous	Accrual Rate	Accrual Rate
20	Service	(Monthly)	(Annually)
21	1 month to 3 years	12 hours per month	18 days per year
22	37 months to 8 years	14 hours per month	21 days per year
23	97 months to 15 years	16 hours per month	24 days per year
24	Over 15 years	18 hours per month	27 days per year

25 \* \* \* However, employees who were hired prior to July 1,  
26 1984, who have continuous service of more than five (5) years but  
27 not more than eight (8) years shall accrue fifteen (15) hours of  
28 personal leave each month.

29 (b) Temporary employees who work less than a full  
30 workweek and part-time employees shall be allowed credit for  
31 personal leave computed on a pro rata basis. Faculty members  
32 employed by the eight (8) public universities on a nine-month  
33 contract, temporary employees of the public universities who work  
34 less than twenty (20) hours per week for a period of less than  
35 five (5) months during a fiscal year, and recipients of full-time

36 educational leave, while on such leave, shall not be eligible for  
37 personal leave.

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

48 (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
49 earned personal leave of each employee shall be credited monthly  
50 after the completion of each calendar month of service, and the  
51 appointing authority shall not increase the amount of personal  
52 leave to an employee's credit. It shall be unlawful for an  
53 appointing authority to grant personal leave in an amount greater  
54 than was earned and accumulated by the officer or employee.

55 (4) Employees are encouraged to use earned personal leave.  
56 Personal leave may be used for vacations and personal business as  
57 scheduled by the appointing authority and shall be used for  
58 illnesses of the employee requiring absences of one (1) day or  
59 less. Accrued personal or compensatory leave shall be used for  
60 the first day of an employee's illness requiring his absence of  
61 more than one (1) day. Accrued personal or compensatory leave may  
62 also be used for an illness in the employee's immediate family as  
63 defined in Section 25-3-95. There shall be no limit to the  
64 accumulation of personal leave. Upon termination of employment  
65 each employee shall be paid for not more than thirty (30) days of  
66 accumulated personal leave. Unused personal leave in excess of  
67 thirty (30) days shall be counted as creditable service for the  
68 purposes of the retirement system as provided in Sections  
69 25-11-103 and 25-13-5.

70 (5) Any officer of the Mississippi Highway Safety Patrol who

71 is injured by wound or accident in the line of duty shall not be  
72 required to use earned personal leave during the period of  
73 recovery from such injury.

74 (6) Any employee may donate a portion of his or her earned  
75 personal leave to another employee who is suffering from a  
76 catastrophic injury or illness, or to another employee who has a  
77 member of his or her immediate family who is suffering from a  
78 catastrophic injury or illness, in accordance with subsection (8)  
79 of Section 25-3-95.

80 This subsection \* \* \* shall stand repealed from and after  
81 July 1, 2000.

82 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is  
83 reenacted and amended as follows:

84 25-3-95. (1) All employees and appointed officers of the  
85 State of Mississippi, except temporary employees of the public  
86 universities who work less than twenty (20) hours per week for a  
87 period of less than five (5) months during a fiscal year and  
88 recipients of full-time educational leave, while on such leave,  
89 shall accrue credits for major medical leave as follows:

90	Continuous	Accrual Rate	Accrual Rate
91	Service	(Monthly)	(Annually)
92	1 month to 3 years	8 hours per month	12 days per year
93	37 months to 8 years	7 hours per month	10.5 days per year
94	97 months to 15 years	6 hours per month	9 days per year
95	Over 15 years	5 hours per month	7.5 days per year

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

99	Continuous	Accrual Rate	Accrual Rate
100	Service	(Per Month)	(Per Academic Year)
101	1 month to 3 years	13-1/3 hours per month	15 days per
102			academic year
103	37 months to 8 years	14-1/5 hours per month	16 days per
104			academic year
105	97 months to 15 years	15-2/5 hours per month	17 days per

106 academic year  
107 Over 15 years 16 hours per month 18 days per  
108 academic year

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

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

132 (3) An employee may use up to three (3) days of earned major  
133 medical leave for each occurrence of death in the immediate family  
134 requiring the employee's absence from work. No qualifying time or  
135 use of personal leave will be required prior to use of major  
136 medical leave for this purpose. For the purpose of this  
137 subsection (3), the immediate family is defined as spouse, parent,  
138 stepparent, sibling, child, stepchild, grandchild, grandparent,  
139 son- or daughter-in-law, mother- or father-in-law or brother- or  
140 sister-in-law. Child means a biological, adopted or foster child,

141 or a child for whom the individual stands or stood in loco  
142 parentis.

143 (4) Employees and appointed officers of the State of  
144 Mississippi having unused, accumulated sick leave or annual leave  
145 earned prior to July 1, 1984, shall be credited with major medical  
146 leave and personal leave as follows: All unused annual leave  
147 shall be credited as personal leave.

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

152 Sick Leave	Percentage	Percentage
153 Balance as of	Converted to	Converted to
154 June 30, 1984	Personal Leave	Major Medical Leave
155 1 - 200 hours	20%	80%
156 201 - 400 hours	25%	75%
157 401 - 600 hours	30%	70%
158 601 or more hours	35%	65%

159 (5) Upon retirement from active employment each faculty  
160 member of the state-supported public universities who is employed  
161 on a nine-month basis shall receive credit and be paid for not  
162 more than thirty (30) days of unused major medical leave for  
163 service as a state employee. Unused major medical leave in excess  
164 of thirty (30) days shall be counted as creditable service for the  
165 purposes of the retirement system as provided in Sections  
166 25-11-103 and 25-13-5.

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

171 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
172 earned major medical leave of each employee shall be credited  
173 monthly after the completion of each calendar month, and the  
174 appointing authority shall not increase the amount of major  
175 medical leave to an employee's credit. It shall be unlawful for

176 an appointing authority to grant major medical leave in an amount  
177 greater than was earned and accumulated by the officer or  
178 employee.

179 (8) Any employee may donate a portion of his or her earned  
180 personal leave or major medical leave to another employee who is  
181 suffering from a catastrophic injury or illness, as defined in  
182 Section 25-3-91, or to another employee who has a member of his or  
183 her immediate family who is suffering from a catastrophic injury  
184 or illness, in accordance with the following:

185 (a) The employee donating the leave (the "donor  
186 employee") shall designate the employee who is to receive the  
187 leave (the "recipient employee") and the amount of earned personal  
188 leave and major medical leave that is to be donated, and shall  
189 notify the donor employee's appointing authority or supervisor of  
190 his or her designation. The donor employee's appointing authority  
191 or supervisor then shall notify the recipient employee's  
192 appointing authority or supervisor of the amount of leave that has  
193 been donated by the donor employee to the recipient employee.

194 (b) The maximum amount of earned personal leave that an  
195 employee may donate to any other employee may not exceed a number  
196 of days that would leave the donor employee with fewer than seven  
197 (7) days of personal leave left, and the maximum amount of earned  
198 major medical leave that an employee may donate to any other  
199 employee may not exceed fifty percent (50%) of the earned major  
200 medical leave of the donor employee.

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

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

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

211 or her appointing authority that the employee is not eligible to  
212 receive donated leave because the injury or illness of the  
213 employee or member of the employee's immediate family is not, in  
214 the appointing authority's determination, a catastrophic injury or  
215 illness, the employee may appeal the decision to the employee  
216 appeals board.

217           (f) If the total amount of leave that is donated to any  
218 employee is not used by the recipient employee, the donated leave  
219 shall be returned to the donor employees on a pro rata basis,  
220 based on the ratio of the number of days of leave donated by each  
221 donor employee to the total number of days of leave donated by all  
222 donor employees.

223           (g) The failure of any appointing authority or  
224 supervisor of any employee to properly deduct an employee's  
225 donation of leave to another employee from the donor employee's  
226 earned personal leave or major medical leave shall constitute just  
227 cause for the dismissal of the appointing authority or supervisor.

228           (h) Donated leave shall not be used in lieu of  
229 disability retirement.

230           (i) For the purposes of this subsection \* \* \*,  
231 "immediate family" means spouse, parent, stepparent, sibling,  
232 child or stepchild.

233           (j) This subsection \* \* \* shall stand repealed from and  
234 after July 1, 2000.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO REENACT SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
2 CODE OF 1972, WHICH AUTHORIZE PERSONAL AND SICK LEAVE FOR STATE  
3 EMPLOYEES; TO AMEND REENACTED SECTIONS 25-3-93 AND 25-3-95,  
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN TEMPORARY  
5 EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER LEARNING SHALL NOT  
6 ACCRUE PERSONAL AND MAJOR MEDICAL LEAVE, TO EXTEND THE REPEALER ON  
7 THOSE PROVISIONS ESTABLISHING THE DONATED LEAVE POLICY, TO PROVIDE  
8 THAT DONATED LEAVE SHALL NOT BE USED IN LIEU OF DISABILITY  
9 RETIREMENT AND TO AUTHORIZE AN EMPLOYEE AGGRIEVED BY A DECISION

10 THAT HE IS NOT ELIGIBLE TO RECEIVE DONATED LEAVE TO APPEAL THE  
11 DECISION TO THE EMPLOYEE APPEALS BOARD; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X \_\_\_\_\_  
Jack Gordon

X \_\_\_\_\_  
Alvin Endt

X \_\_\_\_\_  
William R. Minor

\_\_\_\_\_  
David L. Green

X \_\_\_\_\_  
Richard White

X \_\_\_\_\_  
John Read