MISSISSIPPI LEGISLATURE
REGULAR SESSION 2000

By: Stringer
To: Fees and Salaries of Public Officers

HOUSE BILL NO. 531
(As Passed the House)

AN ACT TO REENACT SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE PERSONAL AND MAJOR MEDICAL LEAVE FOR STATE EMPLOYEES AND ALLOW STATE EMPLOYEES TO DONATE LEAVE TO OTHER EMPLOYEES WITH A CATASTROPHIC ILLNESS OR INJURY; TO AMEND REENACTED SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AGENTS OF THE MISSISSIPPI BUREAU OF NARCOTICS WHO ARE INJURED IN THE LINE OF DUTY SHALL NOT BE REQUIRED TO USE PERSONAL OR MAJOR MEDICAL LEAVE DURING THEIR RECOVERY, TO ESTABLISH THE MAXIMUM AMOUNT OF DONATED LEAVE WHICH MAY BE USED BY RECIPIENTS OF SUCH LEAVE AND TO EXTEND THE REPEALER ON THE DONATED LEAVE POLICY; AND FOR RELATED PURPOSES.

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

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

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

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Monthly)</th>
<th>Accrual Rate (Annually)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month to 3 years</td>
<td>12 hours per month</td>
<td>18 days per year</td>
</tr>
<tr>
<td>37 months to 8 years</td>
<td>14 hours per month</td>
<td>21 days per year</td>
</tr>
<tr>
<td>97 months to 15 years</td>
<td>16 hours per month</td>
<td>24 days per year</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>18 hours per month</td>
<td>27 days per year</td>
</tr>
</tbody>
</table>

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

(b) Temporary employees who work less than a full workweek and part-time employees shall be allowed credit for
personal leave computed on a pro rata basis. Faculty members
employed by the eight (8) public universities on a nine-month
contract, temporary employees of the public universities who work
less than twenty (20) hours per week for a period of less than
five (5) months during a fiscal year, and recipients of full-time
educational leave, while on such leave, shall not be eligible for
personal leave.

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

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

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

(5) Any officer of the Mississippi Highway Safety Patrol or agent of the Mississippi Bureau of Narcotics who is injured by wound or accident in the line of duty shall not be required to use earned personal leave during the period of recovery from such injury. The appointing authority may not authorize a period of recovery which exceeds the time period that the officer or agent is unable to perform his duty assignment, as certified by the employee's attending physician.

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

This subsection shall stand repealed from and after July 1, 2001.

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

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

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Monthly)</th>
<th>Accrual Rate (Annually)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month to 3 years</td>
<td>8 hours per month</td>
<td>12 days per year</td>
</tr>
<tr>
<td>37 months to 8 years</td>
<td>7 hours per month</td>
<td>10.5 days per year</td>
</tr>
<tr>
<td>97 months to 15 years</td>
<td>6 hours per month</td>
<td>9 days per year</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>5 hours per month</td>
<td>7.5 days per year</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Per Month)</th>
<th>Accrual Rate (Per Academic Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month to 3 years</td>
<td>13-1/3 hours per month</td>
<td>15 days per academic year</td>
</tr>
<tr>
<td>37 months to 8 years</td>
<td>14-1/5 hours per month</td>
<td>16 days per academic year</td>
</tr>
<tr>
<td>97 months to 15 years</td>
<td>15-2/5 hours per month</td>
<td>17 days per academic year</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>16 hours per month</td>
<td>18 days per academic year</td>
</tr>
</tbody>
</table>

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

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

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

(4) Employees and appointed officers of the State of Mississippi having unused, accumulated sick leave or annual leave earned prior to July 1, 1984, shall be credited with major medical leave and personal leave as follows: All unused annual leave shall be credited as personal leave. Unused sick leave shall be divided between major medical leave and personal leave at rates determined by the employee's sick leave balance on June 30, 1984. The rates of conversion shall be as follows:

<table>
<thead>
<tr>
<th>Sick Leave Balance as of June 30, 1984</th>
<th>Percentage Converted to Personal Leave</th>
<th>Percentage Converted to Major Medical Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 200 hours</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>201 - 400 hours</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>401 - 600 hours</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>601 or more hours</td>
<td>35%</td>
<td>65%</td>
</tr>
</tbody>
</table>

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

(6) Any officer of the Mississippi Highway Safety Patrol or
agent of the Mississippi Bureau of Narcotics who is injured by
wound or accident in the line of duty shall not be required to use
earned major medical leave during the period of recovery from such
injury. The appointing authority may not authorize a period of
recovery which exceeds the time period that the officer or agent
is unable to perform his duty assignment, as certified by the
employee's attending physician.

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

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

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

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

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

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

(e) If an employee is aggrieved by the decision of his or her appointing authority that the employee is not eligible to receive donated leave because the injury or illness of the employee or member of the employee's immediate family is not, in the appointing authority's determination, a catastrophic injury or illness, the employee may appeal the decision to the employee appeals board.

(f) Beginning on the effective date of House Bill No. 531, 2000 Regular Session, the maximum period of time that an employee may use donated leave without resuming work at his or her place of employment is one (1) calendar year, which year commences on the first day that the recipient employee uses donated leave. Any employee using donated leave on the effective date of House Bill No. 531, 2000 Regular Session, who has been using donated leave without resuming work at his or her place of employment for
a period of one (1) calendar year or greater and who has ninety
(90) or more days of unused donated leave to his or her credit may
continue to use donated leave until the employee has used ninety
(90) days of donated leave. If an employee using donated leave on
the effective date of House Bill No. 531, 2000 Regular Session,
has used donated leave without resuming work at his or her place
of employment for a period of less than one (1) calendar year and
the employee has unused donated leave to his or her credit, the
employee may continue to use donated leave until the first
anniversary of the date on which the employee began to
continuously use donated leave or until the employee has used
ninety (90) days of donated leave after the date on which House
Bill No. 531, 2000 Regular Session, becomes effective,
whichever occurs later. Donated leave that is not used because a
recipient employee has used the maximum amount of donated leave
authorized under this paragraph shall be returned to the donor
employees in the manner provided under paragraph (g) of this
subsection.

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

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

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

(j) For the purposes of this subsection, "immediate
family" means spouse, parent, stepparent, sibling, child or
stepchild.

(k) This subsection shall stand repealed from and after July 1, 2001.

SECTION 3. This act shall take effect and be in force from and after July 1, 2000.