

By: Stringer

To: Fees and Salaries of  
Public OfficersHOUSE BILL NO. 531  
(As Passed the House)

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

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

13 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is  
 14 reenacted and amended as follows:[BD1]

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, 1984, who  
 26 have continuous service of more than five (5) years but not more  
 27 than eight (8) years shall accrue fifteen (15) hours of personal  
 28 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 or  
71 agent of the Mississippi Bureau of Narcotics who is injured by  
72 wound or accident in the line of duty shall not be required to use  
73 earned personal leave during the period of recovery from such  
74 injury. The appointing authority may not authorize a period of  
75 recovery which exceeds the time period that the officer or agent  
76 is unable to perform his duty assignment, as certified by the  
77 employee's attending physician.

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

84 This subsection shall stand repealed from and after July 1,  
85 2001.

86 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is  
87 reenacted and amended as follows:[BD2]

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

94 Continuous	Accrual Rate	Accrual Rate
95 Service	(Monthly)	(Annually)
96 1 month to 3 years	8 hours per month	12 days per year
97 37 months to 8 years	7 hours per month	10.5 days per year
98 97 months to 15 years	6 hours per month	9 days per year
99 Over 15 years	5 hours per month	7.5 days per year

100 Faculty members employed by the eight (8) public universities

101 on a nine-month contract shall accrue credit for major medical  
102 leave as follows:

103	Continuous	Accrual Rate	Accrual Rate
104	Service	(Per Month)	(Per Academic Year)
105	1 month to 3 years	13-1/3 hours per month	15 days per
106			academic year
107	37 months to 8 years	14-1/5 hours per month	16 days per
108			academic year
109	97 months to 15 years	15-2/5 hours per month	17 days per
110			academic year
111	Over 15 years	16 hours per month	18 days per
112			academic year

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

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

134 medical leave) major medical leave shall be authorized only when  
135 certified by their attending physician.

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

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

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

156 Sick Leave	Percentage	Percentage
157 Balance as of	Converted to	Converted to
158 June 30, 1984	Personal Leave	Major Medical Leave
159 1 - 200 hours	20%	80%
160 201 - 400 hours	25%	75%
161 401 - 600 hours	30%	70%
162 601 or more hours	35%	65%

163 (5) Upon retirement from active employment each faculty  
164 member of the state-supported public universities who is employed  
165 on a nine-month basis shall receive credit and be paid for not  
166 more than thirty (30) days of unused major medical leave for

167 service as a state employee. Unused major medical leave in excess  
168 of thirty (30) days shall be counted as creditable service for the  
169 purposes of the retirement system as provided in Sections  
170 25-11-103 and 25-13-5.

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

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

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

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

200 appointing authority or supervisor of the amount of leave that has  
201 been donated by the donor employee to the recipient employee.

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

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

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

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

225 (f) Beginning on the effective date of House Bill No.  
226 531, 2000 Regular Session, the maximum period of time that an  
227 employee may use donated leave without resuming work at his or her  
228 place of employment is one (1) calendar year, which year commences  
229 on the first day that the recipient employee uses donated leave.  
230 Any employee using donated leave on the effective date of House  
231 Bill No. 531, 2000 Regular Session, who has been using donated  
232 leave without resuming work at his or her place of employment for

233 a period of one (1) calendar year or greater and who has ninety  
234 (90) or more days of unused donated leave to his or her credit may  
235 continue to use donated leave until the employee has used ninety  
236 (90) days of donated leave. If an employee using donated leave on  
237 the effective date of House Bill No. 531, 2000 Regular Session,  
238 has used donated leave without resuming work at his or her place  
239 of employment for a period of less than one (1) calendar year and  
240 the employee has unused donated leave to his or her credit, the  
241 employee may continue to use donated leave until the first  
242 anniversary of the date on which the employee began to  
243 continuously use donated leave or until the employee has used  
244 ninety (90) days of donated leave after the date on which House  
245 Bill No. 531, 2000 Regular Session, becomes effective,  
246 whichever occurs later. Donated leave that is not used because a  
247 recipient employee has used the maximum amount of donated leave  
248 authorized under this paragraph shall be returned to the donor  
249 employees in the manner provided under paragraph (g) of this  
250 subsection.

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

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

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

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



266 stepchild.

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

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