

By: Horne, Robinson (84th)

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1198

1 AN ACT TO AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE PERSONNEL BOARD TO REVISE PERSONAL AND SICK
3 LEAVE BENEFITS ACCRUED FOR CERTAIN EMERGENCY WORKERS; TO AMEND
4 SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO REVISE THE
5 REQUIREMENTS FOR RECEIVING COMPENSATORY TIME FOR CERTAIN EMERGENCY
6 WORKERS; TO AMEND SECTION 25-3-40, MISSISSIPPI CODE OF 1972, TO
7 REQUIRE REALIGNMENT FOR CERTAIN EMERGENCY WORKERS WHO COMPLETE
8 SUCCESSFULLY THEIR REQUIRED TRAINING; TO AMEND SECTION 25-3-95,
9 MISSISSIPPI CODE OF 1972, TO INCREASE HOURS OF MAJOR MEDICAL LEAVE
10 WITHOUT CERTIFICATION BY A PHYSICIAN FOR CERTAIN FIRE FIGHTERS; TO
11 AMEND SECTION 25-3-93, MISSISSIPPI CODE OF 1972, IN CONFORMITY
12 THERETO; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Section 25-1-98, Mississippi Code of 1972, is
15 amended as follows:

16 25-1-98. In addition to any other times required by statute,
17 all state offices shall be open and staffed for the normal conduct
18 of business from 8:00 a.m. until 5:00 p.m., Monday through Friday,
19 except on legal holidays as set forth in Section 3-3-7. The
20 Governor may designate certain state offices and institutions as
21 providers of essential services and require that they be open and
22 staffed on legal holidays. The Board of Directors of the
23 Mississippi Industries for the Blind may, in its discretion,
24 require that its offices and operations be open and staffed on
25 legal holidays. Employees required to work on legal holidays
26 shall earn compensatory leave under the provisions of Section
27 25-3-92. Except as otherwise provided herein, no employee shall
28 receive additional vacation or sick leave benefits for working on
29 a legal holiday, nor shall this section be construed to authorize
30 any additional compensation as an alternative to the accrual of
31 compensatory leave except as specifically provided for in a

32 legislative appropriation. The provisions of this section shall
33 not be construed to limit the hours of operation of any agency or
34 to abrogate any action taken during hours other than those stated,
35 nor shall these provisions apply to any offices that do not
36 customarily stay open five (5) days a week. The provisions of
37 this section shall not apply to the military department of the
38 State of Mississippi or to the fire fighters who work for the
39 Mississippi Military Department or to the armories, field training
40 sites, air bases or other installations of the Mississippi
41 National Guard. The State Personnel Board shall develop rules and
42 regulations to allow emergency workers, including the fire
43 fighters who work for the Mississippi Military Department, to
44 accrue additional personal and sick leave benefits for those days
45 that they work over eight (8) hours.

46 A workday for a state employee in a full-time employment
47 position shall be eight (8) hours in duration at a minimum
48 exclusive of time off for meals. The appointing authority shall
49 develop work schedules which ensure that each full-time employee
50 works a full workday and shall provide the State Auditor with a
51 copy of the regular work schedule of the appointing authority.

52 SECTION 2. Section 25-3-92, Mississippi Code of 1972, is
53 amended as follows:

54 25-3-92. (1) When, in the opinion of the appointing
55 authority, it is essential that a state employee work after normal
56 working hours, the employee may receive credit for compensatory
57 leave. Except as otherwise provided in Section 37-13-89, when, in
58 the opinion of the appointing authority, it is essential that a
59 state employee work during an official state holiday, the employee
60 shall receive credit for compensatory leave.

61 (2) State employees may be granted administrative leave with
62 pay. For the purposes of this section, "administrative leave"
63 means discretionary leave with pay, other than personal leave or
64 major medical leave.

65 (a) The appointing authority may grant administrative
66 leave to any employee serving as a witness or juror or party
67 litigant, as verified by the clerk of the court, in addition to
68 any fees paid for such services, and such services or necessary

69 appearance in any court shall not be counted as personal leave.

70 (b) The Governor or the appointing authority may grant
71 administrative leave with pay to state employees on a local or
72 statewide basis in the event of extreme weather conditions or in
73 the event of a manmade, technological or natural disaster or
74 emergency. Emergency workers, including the fire fighters of the
75 Mississippi Military Department, who are required to work at those
76 times when the governor grants such administrative leave to other
77 state employees, shall receive compensatory leave for the hours
78 they work.

79 (c) The appointing authority may grant administrative
80 leave with pay to any employee who is a certified disaster service
81 volunteer of the American Red Cross who participates in
82 specialized disaster relief services for the American Red Cross in
83 this state and in states contiguous to this state when the
84 American Red Cross requests the employee's participation.
85 Administrative leave granted under this paragraph shall not exceed
86 twenty (20) days in any twelve-month period. An employee on leave
87 under this paragraph shall not be deemed to be an employee of the
88 state for purposes of workers' compensation or for purposes of
89 claims against the state allowed under Chapter 46, Title 11,
90 Mississippi Code of 1972. As used in this paragraph , the term
91 "disaster" includes disasters designated at level II and above in
92 American Red Cross national regulations and procedures.

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

95 25-3-93. (1) (a) Except as provided in Section 25-1-98, as
96 amended in House Bill No. _____, 2000 Regular Session, and except
97 as provided in subsection (1)(b) of this section, all employees
98 and appointed officers of the State of Mississippi, who are
99 employees as defined in Section 25-3-91, shall be allowed credit
100 for personal leave computed as follows:

101 Continuous Accrual Rate Accrual Rate

102	Service	(Monthly)	(Annually)
103	1 month to 3 years	12 hours per month	18 days per year
104	37 months to 8 years	14 hours per month	21 days per year
105	97 months to 15 years	16 hours per month	24 days per year
106	Over 15 years	18 hours per month	27 days per year

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

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

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

130 (3) For the purpose of Sections 25-3-91 through 25-3-99, the
131 earned personal leave of each employee shall be credited monthly
132 after the completion of each calendar month of service, and the
133 appointing authority shall not increase the amount of personal
134 leave to an employee's credit. It shall be unlawful for an

135 appointing authority to grant personal leave in an amount greater
136 than was earned and accumulated by the officer or employee.

137 (4) Employees are encouraged to use earned personal leave.
138 Personal leave may be used for vacations and personal business as
139 scheduled by the appointing authority and shall be used for
140 illnesses of the employee requiring absences of one (1) day or
141 less. Accrued personal or compensatory leave shall be used for
142 the first day of an employee's illness requiring his absence of
143 more than one (1) day. Accrued personal or compensatory leave may
144 also be used for an illness in the employee's immediate family as
145 defined in Section 25-3-95. There shall be no limit to the
146 accumulation of personal leave. Upon termination of employment
147 each employee shall be paid for not more than thirty (30) days of
148 accumulated personal leave. Unused personal leave in excess of
149 thirty (30) days shall be counted as creditable service for the
150 purposes of the retirement system as provided in Sections
151 25-11-103 and 25-13-5.

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

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

162 This subsection shall stand repealed from and after July 1,
163 2000.

164 SECTION 4. Section 25-3-95, Mississippi Code of 1972, is
165 amended as follows:

166 25-3-95. (1) All employees and appointed officers of the
167 State of Mississippi, except temporary employees of the public

168 universities who work less than twenty (20) hours per week for a
 169 period of less than five (5) months during a fiscal year, fire
 170 fighters who work for the Mississippi Military Department and
 171 recipients of full-time educational leave, while on such leave,
 172 shall accrue credits for major medical leave as follows:

173	Continuous	Accrual Rate	Accrual Rate
174	Service	(Monthly)	(Annually)
175	1 month to 3 years	8 hours per month	12 days per year
176	37 months to 8 years	7 hours per month	10.5 days per year
177	97 months to 15 years	6 hours per month	9 days per year
178	Over 15 years	5 hours per month	7.5 days per year

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

182	Continuous	Accrual Rate	Accrual Rate
183	Service	(Per Month)	(Per Academic Year)
184	1 month to 3 years	13-1/3 hours per month	15 days per
185			academic year
186	37 months to 8 years	14-1/5 hours per month	16 days per
187			academic year
188	97 months to 15 years	15-2/5 hours per month	17 days per
189			academic year
190	Over 15 years	16 hours per month	18 days per
191			academic year

192 Part-time employees shall accrue major medical leave on a pro
 193 rata basis. There shall be no maximum limit to major medical
 194 leave accumulation. All unused major medical leave shall be
 195 counted as creditable service for the purposes of the retirement
 196 system as provided in Sections 25-11-103 and 25-13-5. Fire
 197 fighters who work for the Mississippi Military Department shall
 198 accrue major medical leave in accordance with the rules and
 199 regulations of the State Personnel Board as provided in Section
 200 25-1-98, as amended in House Bill No. _____, 2000 Regular Session.

201 (2) Major medical leave may be used for the illness or
202 injury of an employee or member of the employee's immediate family
203 as defined in subsection (3) of this section, only after the
204 employee has used one (1) day of accrued personal or compensatory
205 leave for each absence due to illness, or leave without pay if the
206 employee has no accrued personal or compensatory leave. Provided
207 that faculty members employed by the eight (8) public universities
208 on a nine-month basis may use major medical leave for the first
209 day of absence due to illness. However, major medical leave may
210 be used, without prior use of personal leave, to cover regularly
211 scheduled visits to a doctor's office or a hospital for the
212 continuing treatment of a chronic disease, as certified in advance
213 by a physician. For the purposes of this section, "physician"
214 means a doctor of medicine, osteopathy, dental medicine, podiatry
215 or chiropractic. Except as otherwise provided herein, for each
216 absence due to illness of thirty-two (32) consecutive working
217 hours (combined personal leave and major medical leave) major
218 medical leave shall be authorized only when certified by their
219 attending physician. However, for fire fighters who work for the
220 Mississippi Military Department for one hundred ninety-eight (198)
221 or more hours a month, for each absence due to illness of
222 forty-eight (48) consecutive working hours (combined personal
223 leave and major medical leave), major medical leave shall be
224 authorized only when certified by their attending physician.

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

234 or a child for whom the individual stands or stood in loco
235 parentis.

236 (4) Employees and appointed officers of the State of
237 Mississippi having unused, accumulated sick leave or annual leave
238 earned prior to July 1, 1984, shall be credited with major medical
239 leave and personal leave as follows: All unused annual leave
240 shall be credited as personal leave.

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

245 Sick Leave	Percentage	Percentage
246 Balance as of	Converted to	Converted to
247 June 30, 1984	Personal Leave	Major Medical Leave
248 1 - 200 hours	20%	80%
249 201 - 400 hours	25%	75%
250 401 - 600 hours	30%	70%
251 601 or more hours	35%	65%

252 (5) Upon retirement from active employment each faculty
253 member of the state-supported public universities who is employed
254 on a nine-month basis shall receive credit and be paid for not
255 more than thirty (30) days of unused major medical leave for
256 service as a state employee. Unused major medical leave in excess
257 of thirty (30) days shall be counted as creditable service for the
258 purposes of the retirement system as provided in Sections
259 25-11-103 and 25-13-5.

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

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

267 appointing authority shall not increase the amount of major
268 medical leave to an employee's credit. It shall be unlawful for
269 an appointing authority to grant major medical leave in an amount
270 greater than was earned and accumulated by the officer or
271 employee.

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

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

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

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

297 (d) Before an employee may receive donated leave, he or
298 she must provide his or her appointing authority or supervisor
299 with a physician's statement that states the beginning date of the

300 catastrophic injury or illness, a description of the injury or
301 illness, and a prognosis for recovery and the anticipated date
302 that the recipient employee will be able to return to work.

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

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

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

321 (h) Donated leave shall not be used in lieu of
322 disability retirement.

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

326 (j) This subsection shall stand repealed from and after
327 July 1, 2000.

328 SECTION 5. Section 25-3-40, Mississippi Code of 1972, is
329 amended as follows:[HS1]

330 25-3-40. On July 1, 1978, and each year thereafter, the
331 Mississippi Compensation Plan shall be amended to provide salary
332 increases in such amounts and percentages as might be recommended

333 by the Legislative Budget Office and as may be authorized by funds
334 appropriated by the Legislature for the purpose of granting
335 incentive salary increases as deemed possible dependent upon the
336 availability of general and special funds. The Mississippi
337 Compensation Plan shall be amended to provide realignment for
338 those fire fighters employed by the Mississippi Military
339 Department who completed successfully the 1994 Air Force
340 Instruction (AFI) 32-2001 requirements for training. The State
341 Personnel Board shall coordinate the realignment or increase in
342 salaries and benefits with those established by the Air National
343 Guard for persons completing such training.

344 It is hereby declared to be the intent of the Mississippi
345 Legislature to implement the minimum wage as enacted by statutory
346 law of the United States Congress subject to funds being available
347 for that purpose. It is the intent and purpose of this section to
348 maximize annual salary increases consistent with the availability
349 of funds as might be determined by the Mississippi Legislature at
350 its regular annual session and that all salary increases hereafter
351 be made consistent with the provisions of this section.

352 SECTION 6. This act shall take effect and be in force from
353 and after July 1, 2000.