

By: Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2676

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
2 CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT STATE EMPLOYEES  
3 USE PERSONAL LEAVE FOR THE FIRST DAY OF AN ILLNESS; AND FOR  
4 RELATED PURPOSES.

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

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

8 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
9 all employees and appointed officers of the State of Mississippi,  
10 who are employees as defined in Section 25-3-91, shall be allowed  
11 credit for personal leave computed as follows:

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

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

22 (b) Temporary employees who work less than a full

23 workweek and part-time employees shall be allowed credit for  
24 personal leave computed on a pro rata basis. Faculty members  
25 employed by the eight (8) public universities on a nine-month  
26 contract, temporary employees of the public universities who work  
27 less than twenty (20) hours per week for a period of less than  
28 five (5) months during a fiscal year, and recipients of full-time  
29 educational leave, while on such leave, shall not be eligible for  
30 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 \* \* \*. \* \* \* There shall be  
51 no limit to the accumulation of personal leave. Upon termination  
52 of employment each employee shall be paid for not more than thirty  
53 (30) days of accumulated personal leave. Unused personal leave in

54 excess of thirty (30) days shall be counted as creditable service  
55 for the purposes of the retirement system as provided in Sections  
56 25-11-103 and 25-13-5.

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

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

67 This subsection shall stand repealed from and after July 1,  
68 2000.

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

71 25-3-95. (1) All employees and appointed officers of the  
72 State of Mississippi, except temporary employees of the public  
73 universities who work less than twenty (20) hours per week for a  
74 period of less than five (5) months during a fiscal year and  
75 recipients of full-time educational leave, while on such leave,  
76 shall accrue credits for major medical leave as follows:

77	Continuous	Accrual Rate	Accrual Rate
78	Service	(Monthly)	(Annually)
79	1 month to 3 years	8 hours per month	12 days per year
80	37 months to 8 years	7 hours per month	10.5 days per year
81	97 months to 15 years	6 hours per month	9 days per year

82 Over 15 years 5 hours per month 7.5 days per year

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

86 Continuous	Accrual Rate	Accrual Rate
87 Service	(Per Month)	(Per Academic Year)
88 1 month to 3 years	13-1/3 hours per month	15 days per
		89 academic year
90 37 months to 8 years	14-1/5 hours per month	16 days per
		91 academic year
92 97 months to 15 years	15-2/5 hours per month	17 days per
		93 academic year
94 Over 15 years	16 hours per month	18 days per
		95 academic year

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

101 (2) Major medical leave may be used for the illness or  
102 injury of an employee or member of the employee's immediate family  
103 as defined in subsection (3) of this section \* \* \*. \* \* \* Major  
104 medical leave may be used \* \* \* to cover regularly scheduled  
105 visits to a doctor's office or a hospital for the continuing  
106 treatment of a chronic disease, as certified in advance by a  
107 physician. For the purposes of this section, "physician" means a  
108 doctor of medicine, osteopathy, dental medicine, podiatry or  
109 chiropractic. For each absence due to illness of thirty-two (32)

110 consecutive working hours \* \* \* major medical leave shall be  
111 authorized only when certified by their attending physician.

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

123 (4) Employees and appointed officers of the State of  
124 Mississippi having unused, accumulated sick leave or annual leave  
125 earned prior to July 1, 1984, shall be credited with major medical  
126 leave and personal leave as follows: All unused annual leave  
127 shall be credited as personal leave.

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

132 Sick Leave	Percentage	Percentage
133 Balance as of	Converted to	Converted to
134 June 30, 1984	Personal Leave	Major Medical Leave
135 1 - 200 hours	20%	80%
136 201 - 400 hours	25%	75%
137 401 - 600 hours	30%	70%

138           601 or more hours           35%                           65%

139           (5) Upon retirement from active employment each faculty  
140 member of the state-supported public universities who is employed  
141 on a nine-month basis shall receive credit and be paid for not  
142 more than thirty (30) days of unused major medical leave for  
143 service as a state employee. Unused major medical leave in excess  
144 of thirty (30) days shall be counted as creditable service for the  
145 purposes of the retirement system as provided in Sections  
146 25-11-103 and 25-13-5.

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

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

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

165           (a) The employee donating the leave (the "donor

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

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

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

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

190 (e) If an employee is aggrieved by the decision of his  
191 or her appointing authority that the employee is not eligible to  
192 receive donated leave because the injury or illness of the  
193 employee or member of the employee's immediate family is not, in

194 the appointing authority's determination, a catastrophic injury or  
195 illness, the employee may appeal the decision to the employee  
196 appeals board.

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

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

208 (h) Donated leave shall not be used in lieu of  
209 disability retirement.

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

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

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