

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2047**

**By Representative(s) Committee**

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

15  
16           SECTION 1. Section 25-3-93, Mississippi Code of 1972, is  
17 reenacted and amended as follows:

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

22           Continuous	Accrual Rate	Accrual Rate
23           Service	(Monthly)	(Annually)
24 1 month to 3 years	12 hours per month	18 days per year
25 37 months to 8 years	14 hours per month	21 days per year
26 97 months to 15 years	16 hours per month	24 days per year
27 Over 15 years	18 hours per month	27 days per year

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

32           (b) Temporary employees who work less than a full  
33 workweek and part-time employees shall be allowed credit for  
34 personal leave computed on a pro rata basis. Faculty members  
35 employed by the eight (8) public universities on a nine-month

36 contract, temporary employees of the public universities who work  
37 less than twenty (20) hours per week for a period of less than  
38 five (5) months during a fiscal year, and recipients of full-time  
39 educational leave, while on such leave, shall not be eligible for  
40 personal leave.

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

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

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

71 purposes of the retirement system as provided in Sections  
72 25-11-103 and 25-13-5.

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

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

87 This subsection shall stand repealed from and after July 1,  
88 2001.

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

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

97 Continuous	Accrual Rate	Accrual Rate
98 Service	(Monthly)	(Annually)
99 1 month to 3 years	8 hours per month	12 days per year
100 37 months to 8 years	7 hours per month	10.5 days per year
101 97 months to 15 years	6 hours per month	9 days per year
102 Over 15 years	5 hours per month	7.5 days per year

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

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

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

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

139 (3) An employee may use up to three (3) days of earned major  
140 medical leave for each occurrence of death in the immediate family

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

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

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

159 Sick Leave	Percentage	Percentage
160 Balance as of	Converted to	Converted to
161 June 30, 1984	Personal Leave	Major Medical Leave
162 1 - 200 hours	20%	80%
163 201 - 400 hours	25%	75%
164 401 - 600 hours	30%	70%
165 601 or more hours	35%	65%

166 (5) Upon retirement from active employment each faculty  
167 member of the state-supported public universities who is employed  
168 on a nine-month basis shall receive credit and be paid for not  
169 more than thirty (30) days of unused major medical leave for  
170 service as a state employee. Unused major medical leave in excess  
171 of thirty (30) days shall be counted as creditable service for the  
172 purposes of the retirement system as provided in Sections  
173 25-11-103 and 25-13-5.

174 (6) Any officer of the Mississippi Highway Safety Patrol or  
175 agent of the Mississippi Bureau of Narcotics who is injured by

176 wound or accident in the line of duty shall not be required to use  
177 earned major medical leave during the period of recovery from such  
178 injury. The appointing authority may not authorize a period of  
179 recovery which exceeds the time period that the officer or agent  
180 is unable to perform his duty assignment, as certified by the  
181 employee's attending physician.

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

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

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

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

211 medical leave of the donor employee.

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

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

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

228 (f) Beginning on the effective date of Senate Bill No.  
229 2047, 2000 Regular Session, the maximum period of time that an  
230 employee may use donated leave without resuming work at his or her  
231 place of employment is one (1) calendar year, which year commences  
232 on the first day that the recipient employee uses donated leave.  
233 Any employee using donated leave on the effective date of Senate  
234 Bill No. 2047, 2000 Regular Session, who has been using donated  
235 leave without resuming work at his or her place of employment for  
236 a period of one (1) calendar year or greater and who has ninety  
237 (90) or more days of unused donated leave to his or her credit may  
238 continue to use donated leave until the employee has used ninety  
239 (90) days of donated leave. If an employee using donated leave on  
240 the effective date of Senate Bill No. 2047, 2000 Regular Session,  
241 has used donated leave without resuming work at his or her place  
242 of employment for a period of less than one (1) calendar year and  
243 the employee has unused donated leave to his or her credit, the  
244 employee may continue to use donated leave until the first  
245 anniversary of the date on which the employee began to

246 continuously use donated leave or until the employee has used  
247 ninety (90) days of donated leave after the date on which Senate  
248 Bill No. 2047, 2000 Regular Session, becomes effective,  
249 whichever occurs later. Donated leave that is not used because a  
250 recipient employee has used the maximum amount of donated leave  
251 authorized under this paragraph shall be returned to the donor  
252 employees in the manner provided under paragraph (g) of this  
253 subsection.

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

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

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

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

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

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

**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 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.