

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

House Bill NO. 531

By Senator(s) Committee

15 Amend by striking all after the enacting clause and inserting
16 in lieu thereof the following:

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

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

24 Continuous	Accrual Rate	Accrual Rate
25 Service	(Monthly)	(Annually)
26 1 month to 3 years	12 hours per month	18 days per year
27 37 months to 8 years	14 hours per month	21 days per year
28 97 months to 15 years	16 hours per month	24 days per year
29 Over 15 years	18 hours per month	27 days per year

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

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

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

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

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

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

73 purposes of the retirement system as provided in Sections
74 25-11-103 and 25-13-5.

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

83 (6) Any employee who is wounded from violence in the line of
84 duty shall not be required to use earned personal leave during the
85 period of recovery from such injury. The appointing authority may
86 not authorize a period of recovery which exceeds the time period
87 that the employee is unable to perform his duty assignment, as
88 certified by the employee's attending physician.

89 (7) Any employee may donate a portion of his or her earned
90 personal leave to another employee who is suffering from a
91 catastrophic injury or illness, or to another employee who has a
92 member of his or her immediate family who is suffering from a
93 catastrophic injury or illness, in accordance with subsection (9)
94 of Section 25-3-95.

95 This subsection shall stand repealed from and after July 1,
96 2002.

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

99 25-3-95. (1) All employees and appointed officers of the
100 State of Mississippi, except temporary employees of the public
101 universities who work less than twenty (20) hours per week for a
102 period of less than five (5) months during a fiscal year and
103 recipients of full-time educational leave, while on such leave,
104 shall accrue credits for major medical leave as follows:

105	Continuous	Accrual Rate	Accrual Rate
106	Service	(Monthly)	(Annually)
107	1 month to 3 years	8 hours per month	12 days per year

108 37 months to 8 years 7 hours per month 10.5 days per year
 109 97 months to 15 years 6 hours per month 9 days per year
 110 Over 15 years 5 hours per month 7.5 days per year

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

114 Continuous Service	Accrual Rate (Per Month)	Accrual Rate (Per Academic Year)
116 1 month to 3 years	13-1/3 hours per month	15 days per 117 academic year
118 37 months to 8 years	14-1/5 hours per month	16 days per 119 academic year
120 97 months to 15 years	15-2/5 hours per month	17 days per 121 academic year
122 Over 15 years	16 hours per month	18 days per 123 academic year

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

129 (2) Major medical leave may be used for the illness or
 130 injury of an employee or member of the employee's immediate family
 131 as defined in subsection (3) of this section, only after the
 132 employee has used one (1) day of accrued personal or compensatory
 133 leave for each absence due to illness, or leave without pay if the
 134 employee has no accrued personal or compensatory leave. Provided
 135 that faculty members employed by the eight (8) public universities
 136 on a nine-month basis may use major medical leave for the first
 137 day of absence due to illness. However, major medical leave may
 138 be used, without prior use of personal leave, to cover regularly
 139 scheduled visits to a doctor's office or a hospital for the
 140 continuing treatment of a chronic disease, as certified in advance
 141 by a physician. For the purposes of this section, "physician"
 142 means a doctor of medicine, osteopathy, dental medicine, podiatry

143 or chiropractic. For each absence due to illness of thirty-two
144 (32) consecutive working hours (combined personal leave and major
145 medical leave) major medical leave shall be authorized only when
146 certified by their attending physician.

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

158 (4) Employees and appointed officers of the State of
159 Mississippi having unused, accumulated sick leave or annual leave
160 earned prior to July 1, 1984, shall be credited with major medical
161 leave and personal leave as follows: All unused annual leave
162 shall be credited as personal leave.

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

167 Sick Leave	Percentage	Percentage
168 Balance as of	Converted to	Converted to
169 June 30, 1984	Personal Leave	Major Medical Leave
170 1 - 200 hours	20%	80%
171 201 - 400 hours	25%	75%
172 401 - 600 hours	30%	70%
173 601 or more hours	35%	65%

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

178 service as a state employee. Unused major medical leave in excess
179 of thirty (30) days shall be counted as creditable service for the
180 purposes of the retirement system as provided in Sections
181 25-11-103 and 25-13-5.

182 (6) Any officer of the Mississippi Highway Safety Patrol or
183 any sworn law enforcement officer of a state agency who is injured
184 by wound or accident in the line of duty shall not be required to
185 use earned major medical leave during the period of recovery from
186 such injury. The appointing authority may not authorize a period
187 of recovery which exceeds the time period that the employee is
188 unable to perform his duty assignment, as certified by the
189 employee's attending physician.

190 (7) Any employee who is wounded from violence in the line of
191 duty shall not be required to use earned medical leave during the
192 period of recovery from such injury. The appointing authority may
193 not authorize a period of recovery which exceeds the time period
194 that the employee is unable to perform his duty assignment, as
195 certified by the employee's attending physician.

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

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

210 (a) The employee donating the leave (the "donor
211 employee") shall designate the employee who is to receive the
212 leave (the "recipient employee") and the amount of earned personal

213 leave and major medical leave that is to be donated, and shall
214 notify the donor employee's appointing authority or supervisor of
215 his or her designation. The donor employee's appointing authority
216 or supervisor then shall notify the recipient employee's
217 appointing authority or supervisor of the amount of leave that has
218 been donated by the donor employee to the recipient employee.

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

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

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

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

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

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

253 (h) Donated leave shall not be used in lieu of
254 disability retirement.

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

258 (j) This subsection shall stand repealed from and after
259 July 1, 2002.

260 SECTION 3. This act shall take effect and be in force from
261 and after its passage.

**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 25-3-03 AND 25-3-95, MISSISSIPPI CODE OF 1972
6 TO PROVIDE THAT SWORN LAW ENFORCEMENT OFFICERS OF A STATE AGENCY
7 WHO IS WOUNDED OR INJURED IN THE LINE OF DUTY SHALL NOT BE
8 REQUIRED TO USE EARNED PERSONAL LEAVE OR MAJOR MEDICAL LEAVE
9 DURING THEIR RECOVERY; TO PROVIDE THAT STATE EMPLOYEES WHO ARE
10 WOUNDED FROM VIOLENCE IN THE LINE OF DUTY SHALL NOT BE REQUIRED TO
11 USE EARNED PERSONAL LEAVE OR MAJOR MEDICAL LEAVE DURING THEIR
12 RECOVERY; TO EXTEND THE REPEALER ON THE DONATED LEAVE POLICY; AND
13 FOR RELATED PURPOSES.