

By: Representative Stringer

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1209

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT AGENTS OF THE MISSISSIPPI BUREAU OF  
3 NARCOTICS WHO ARE INJURED IN THE LINE OF DUTY MAY NOT BE REQUIRED  
4 TO USE PERSONAL OR MAJOR MEDICAL LEAVE DURING THEIR RECOVERY; AND  
5 FOR RELATED PURPOSES.

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

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

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

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

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

23 (b) Temporary employees who work less than a full  
24 workweek and part-time employees shall be allowed credit for  
25 personal leave computed on a pro rata basis. Faculty members  
26 employed by the eight (8) public universities on a nine-month  
27 contract, temporary employees of the public universities who work  
28 less than twenty (20) hours per week for a period of less than

29 five (5) months during a fiscal year, and recipients of full-time  
30 educational leave, while on such leave, shall not be eligible for  
31 personal leave.

32 (2) For the purpose of computing credit for personal leave,  
33 each appointed officer or employee shall be considered to work not  
34 more than five (5) days each week. Leaves of absence granted by  
35 the appointing authority for one (1) year or less shall be  
36 permitted without forfeiting previously accumulated continuous  
37 service. The provisions of this section shall not apply to  
38 military leaves of absence. The time for taking personal leave,  
39 except when such leave is taken due to an illness, shall be  
40 determined by the appointing authority of which such employees are  
41 employed.

42 (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
43 earned personal leave of each employee shall be credited monthly  
44 after the completion of each calendar month of service, and the  
45 appointing authority shall not increase the amount of personal  
46 leave to an employee's credit. It shall be unlawful for an  
47 appointing authority to grant personal leave in an amount greater  
48 than was earned and accumulated by the officer or employee.

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

62 purposes of the retirement system as provided in Sections  
63 25-11-103 and 25-13-5.

64 (5) Any officer of the Mississippi Highway Safety Patrol or  
65 agent of the Mississippi Bureau of Narcotics who is injured by  
66 wound or accident in the line of duty shall not be required to use  
67 earned personal leave during the period of recovery from such  
68 injury. The appointing authority may not authorize a period of  
69 recovery which exceeds the time period that the officer or agent  
70 is unable to perform his duty assignment, as certified by the  
71 employee's attending physician.

72 (6) Repealed.

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

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

81 Continuous	Accrual Rate	Accrual Rate
82 Service	(Monthly)	(Annually)
83 1 month to 3 years	8 hours per month	12 days per year
84 37 months to 8 years	7 hours per month	10.5 days per year
85 97 months to 15 years	6 hours per month	9 days per year
86 Over 15 years	5 hours per month	7.5 days per year

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

90 Continuous	Accrual Rate	Accrual Rate
91 Service	(Per Month)	(Per Academic Year)
92 1 month to 3 years	13-1/3 hours per month	15 days per
93		academic year
94 37 months to 8 years	14-1/5 hours per month	16 days per

95		academic year	
96	97 months to 15 years	15-2/5 hours per month	17 days per
97			academic year
98	Over 15 years	16 hours per month	18 days per
99			academic year

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

105 (2) Major medical leave may be used for the illness or  
106 injury of an employee or member of the employee's immediate family  
107 as defined in subsection (3) of this section, only after the  
108 employee has used one (1) day of accrued personal or compensatory  
109 leave for each absence due to illness, or leave without pay if the  
110 employee has no accrued personal or compensatory leave. \* \* \*  
111 Faculty members employed by the eight (8) public universities on a  
112 nine-month basis may use major medical leave for the first day of  
113 absence due to illness. However, major medical leave may be used,  
114 without prior use of personal leave, to cover regularly scheduled  
115 visits to a doctor's office or a hospital for the continuing  
116 treatment of a chronic disease, as certified in advance by a  
117 physician. For the purposes of this section, "physician" means a  
118 doctor of medicine, osteopathy, dental medicine, podiatry or  
119 chiropractic. For each absence due to illness of thirty-two (32)  
120 consecutive working hours (combined personal leave and major  
121 medical leave) major medical leave shall be authorized only when  
122 certified by their attending physician.

123 (3) An employee may use up to three (3) days of earned major  
124 medical leave for each occurrence of death in the immediate family  
125 requiring the employee's absence from work. No qualifying time or  
126 use of personal leave will be required prior to use of major  
127 medical leave for this purpose. For the purpose of this

128 subsection (3), the immediate family is defined as spouse, parent,  
129 stepparent, sibling, child, stepchild, grandchild, grandparent,  
130 son- or daughter-in-law, mother- or father-in-law or brother- or  
131 sister-in-law. Child means a biological, adopted or foster child,  
132 or a child for whom the individual stands or stood in loco  
133 parentis.

134 (4) Employees and appointed officers of the State of  
135 Mississippi having unused, accumulated sick leave or annual leave  
136 earned prior to July 1, 1984, shall be credited with major medical  
137 leave and personal leave as follows: All unused annual leave  
138 shall be credited as personal leave.

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

143 Sick Leave	Percentage	Percentage
144 Balance as of	Converted to	Converted to
145 June 30, 1984	Personal Leave	Major Medical Leave
146 1 - 200 hours	20%	80%
147 201 - 400 hours	25%	75%
148 401 - 600 hours	30%	70%
149 601 or more hours	35%	65%

150 (5) Upon retirement from active employment each faculty  
151 member of the state-supported public universities who is employed  
152 on a nine-month basis shall receive credit and be paid for not  
153 more than thirty (30) days of unused major medical leave for  
154 service as a state employee. Unused major medical leave in excess  
155 of thirty (30) days shall be counted as creditable service for the  
156 purposes of the retirement system as provided in Sections  
157 25-11-103 and 25-13-5.

158 (6) Any officer of the Mississippi Highway Safety Patrol or  
159 agent of the Mississippi Bureau of Narcotics who is injured by  
160 wound or accident in the line of duty shall not be required to use

161 earned major medical leave during the period of recovery from such  
162 injury. The appointing authority may not authorize a period of  
163 recovery which exceeds the time period that the officer or agent  
164 is unable to perform his duty assignment, as certified by the  
165 employee's attending physician.

166 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
167 earned major medical leave of each employee shall be credited  
168 monthly after the completion of each calendar month, and the  
169 appointing authority shall not increase the amount of major  
170 medical leave to an employee's credit. It shall be unlawful for  
171 an appointing authority to grant major medical leave in an amount  
172 greater than was earned and accumulated by the officer or  
173 employee.

174 (8) Repealed.

175 SECTION 3. This act shall take effect and be in force from  
176 and after July 1, 2001.