

By: Senator(s) Thames, Gollott, Smith

To: Fees, Salaries and Administration

SENATE BILL NO. 2351

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 SHALL NOT BE  
 4 REQUIRED TO USE PERSONAL OR MAJOR MEDICAL LEAVE DURING THEIR  
 5 RECOVERY; TO PROVIDE THAT STATE EMPLOYEES, OTHER THAN HIGHWAY  
 6 SAFETY PATROL OFFICERS AND BUREAU OF NARCOTICS AGENTS, WHO ARE  
 7 WOUNDED BY ACTS OF INTENTIONAL VIOLENCE DURING THE COURSE AND  
 8 SCOPE OF EMPLOYMENT SHALL NOT BE REQUIRED TO USE PERSONAL OR MAJOR  
 9 MEDICAL LEAVE FROM THE TIME HE IS UNABLE TO PERFORM HIS DUTY  
 10 ASSIGNMENT UNTIL THE TIME WHEN WORKERS' COMPENSATION BEGINS; AND  
 11 FOR RELATED PURPOSES.

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

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

15 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
 16 all employees and appointed officers of the State of Mississippi,  
 17 who are employees as defined in Section 25-3-91, shall be allowed  
 18 credit for personal leave computed as follows:

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

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

29 (b) Temporary employees who work less than a full  
 30 workweek and part-time employees shall be allowed credit for

31 personal leave computed on a pro rata basis. Faculty members  
32 employed by the eight (8) public universities on a nine-month  
33 contract, temporary employees of the public universities who work  
34 less than twenty (20) hours per week for a period of less than  
35 five (5) months during a fiscal year, and recipients of full-time  
36 educational leave, while on such leave, shall not be eligible for  
37 personal leave.

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

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

55 (4) Employees are encouraged to use earned personal leave.  
56 Personal leave may be used for vacations and personal business as  
57 scheduled by the appointing authority and shall be used for  
58 illnesses of the employee requiring absences of one (1) day or  
59 less. Accrued personal or compensatory leave shall be used for  
60 the first day of an employee's illness requiring his absence of  
61 more than one (1) day. Accrued personal or compensatory leave may  
62 also be used for an illness in the employee's immediate family as  
63 defined in Section 25-3-95. There shall be no limit to the

64 accumulation of personal leave. Upon termination of employment  
65 each employee shall be paid for not more than thirty (30) days of  
66 accumulated personal leave. Unused personal leave in excess of  
67 thirty (30) days shall be counted as creditable service for the  
68 purposes of the retirement system as provided in Sections  
69 25-11-103 and 25-13-5.

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

78 (6) Any employee, other than an officer of the Mississippi  
79 Highway Safety Patrol or agent of the Mississippi Bureau of  
80 Narcotics, who is wounded by act of intentional violence during  
81 the course and scope of his employment shall not be required to  
82 use earned personal leave from the time he is unable to perform  
83 his duty assignment until the time when workers' compensation  
84 begins.

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

91 This subsection shall stand repealed from and after July 1,  
92 2000.

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

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

97 universities who work less than twenty (20) hours per week for a  
98 period of less than five (5) months during a fiscal year and  
99 recipients of full-time educational leave, while on such leave,  
100 shall accrue credits for major medical leave as follows:

101	Continuous	Accrual Rate	Accrual Rate
102	Service	(Monthly)	(Annually)
103	1 month to 3 years	8 hours per month	12 days per year
104	37 months to 8 years	7 hours per month	10.5 days per year
105	97 months to 15 years	6 hours per month	9 days per year
106	Over 15 years	5 hours per month	7.5 days per year

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

110	Continuous	Accrual Rate	Accrual Rate
111	Service	(Per Month)	(Per Academic Year)
112	1 month to 3 years	13-1/3 hours per month	15 days per
113			academic year
114	37 months to 8 years	14-1/5 hours per month	16 days per
115			academic year
116	97 months to 15 years	15-2/5 hours per month	17 days per
117			academic year
118	Over 15 years	16 hours per month	18 days per
119			academic year

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

125 (2) Major medical leave may be used for the illness or  
126 injury of an employee or member of the employee's immediate family  
127 as defined in subsection (3) of this section, only after the  
128 employee has used one (1) day of accrued personal or compensatory  
129 leave for each absence due to illness, or leave without pay if the

130 employee has no accrued personal or compensatory leave. Provided  
131 that faculty members employed by the eight (8) public universities  
132 on a nine-month basis may use major medical leave for the first  
133 day of absence due to illness. However, major medical leave may  
134 be used, without prior use of personal leave, to cover regularly  
135 scheduled visits to a doctor's office or a hospital for the  
136 continuing treatment of a chronic disease, as certified in advance  
137 by a physician. For the purposes of this section, "physician"  
138 means a doctor of medicine, osteopathy, dental medicine, podiatry  
139 or chiropractic. For each absence due to illness of thirty-two  
140 (32) consecutive working hours (combined personal leave and major  
141 medical leave) major medical leave shall be authorized only when  
142 certified by their attending physician.

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

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

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

163	Sick Leave	Percentage	Percentage
164	Balance as of	Converted to	Converted to
165	June 30, 1984	Personal Leave	Major Medical Leave
166	1 - 200 hours	20%	80%
167	201 - 400 hours	25%	75%
168	401 - 600 hours	30%	70%
169	601 or more hours	35%	65%

170 (5) Upon retirement from active employment each faculty  
171 member of the state-supported public universities who is employed  
172 on a nine-month basis shall receive credit and be paid for not  
173 more than thirty (30) days of unused major medical leave for  
174 service as a state employee. Unused major medical leave in excess  
175 of thirty (30) days shall be counted as creditable service for the  
176 purposes of the retirement system as provided in Sections  
177 25-11-103 and 25-13-5.

178 (6) Any officer of the Mississippi Highway Safety Patrol or  
179 agent of the Mississippi Bureau of Narcotics who is injured by  
180 wound or accident in the line of duty shall not be required to use  
181 earned major medical leave during the period of recovery from such  
182 injury. The appointing authority may not authorize a period of  
183 recovery which exceeds the time period that the officer or agent  
184 is unable to perform his duty assignment, as certified by the  
185 employee's attending physician.

186 (7) Any employee, other than an officer of the Mississippi  
187 Highway Safety Patrol or agent of the Mississippi Bureau of  
188 Narcotics, who is wounded by act of intentional violence during  
189 the course and scope of his employment shall not be required to  
190 use earned major medical leave from the time he is unable to  
191 perform his duty assignment until the time when workers'  
192 compensation begins.

193 (8) For the purpose of Sections 25-3-91 through 25-3-99, the  
194 earned major medical leave of each employee shall be credited  
195 monthly after the completion of each calendar month, and the

196 appointing authority shall not increase the amount of major  
197 medical leave to an employee's credit. It shall be unlawful for  
198 an appointing authority to grant major medical leave in an amount  
199 greater than was earned and accumulated by the officer or  
200 employee.

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

207           (a) The employee donating the leave (the "donor  
208 employee") shall designate the employee who is to receive the  
209 leave (the "recipient employee") and the amount of earned personal  
210 leave and major medical leave that is to be donated, and shall  
211 notify the donor employee's appointing authority or supervisor of  
212 his or her designation. The donor employee's appointing authority  
213 or supervisor then shall notify the recipient employee's  
214 appointing authority or supervisor of the amount of leave that has  
215 been donated by the donor employee to the recipient employee.

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

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

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

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

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

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

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

250 (h) Donated leave shall not be used in lieu of  
251 disability retirement.

252 (i) For the purposes of this subsection, "immediate  
253 family" means spouse, parent, stepparent, sibling, child or  
254 stepchild.

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

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