

By: Senator(s) Thames, Smith, Gordon

To: Fees, Salaries and Administration

SENATE BILL NO. 2813

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, TO ALLOW EMPLOYEES TO DONATE PERSONAL LEAVE TO OTHER
3 EMPLOYEES WITH A CATASTROPHIC ILLNESS OR INJURY; AND FOR RELATED
4 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:

Continuous	Accrual Rate	Accrual Rate
Service	(Monthly)	(Annually)
1 month to 3 years	12 hours per month	18 days per year
37 months to 8 years	14 hours per month	21 days per year
97 months to 15 years	16 hours per month	24 days per year
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 and shall be used for
51 illnesses of the employee requiring absences of one (1) day less.
52 Accrued personal or compensatory leave shall be used for the first
53 day of an employees illness requiring his absence of more than one
54 (1) day. Accrued personal or compensatory leave may also be used
55 for an illness in the employee's immediate family as defined in
56 Section 25-3-95. There shall be no limit to the accumulation of
57 personal leave. Upon termination of employment each employee
58 shall be paid for not more than thirty (30) days of accumulated
59 personal leave. Unused personal leave in excess of thirty (30)
60 days shall be counted as creditable service for the purposes of

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

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

67 (6) Any employee may donate a portion of his or her earned
68 personal leave to another employee who is suffering from a
69 catastrophic injury or illness, or to another employee who has a
70 member of his or her immediate family who is suffering from a
71 catastrophic injury or illness, in accordance with subsection (8)
72 of Section 25-3-95.

73 This subsection shall stand repealed from and after July 1,
74 2003.

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

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

83 Continuous	Accrual Rate	Accrual Rate
84 Service	(Monthly)	(Annually)
85 1 month to 3 years	8 hours per month	12 days per year
86 37 months to 8 years	7 hours per month	10.5 days per year
87 97 months to 15 years	6 hours per month	9 days per year
88 Over 15 years	5 hours per month	7.5 days per year

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

92 Continuous	Accrual Rate	Accrual Rate
93 Service	(Per Month)	(Per Academic Year)

94	1 month to 3 years	13-1/3 hours per month	15 days per
95			academic year
96	37 months to 8 years	14-1/5 hours per month	16 days per
97			academic year
98	97 months to 15 years	15-2/5 hours per month	17 days per
99			academic year
100	Over 15 years	16 hours per month	18 days per
101			academic year

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

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

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

127 requiring the employee's absence from work. No qualifying time or
128 use of personal leave will be required prior to use of major
129 medical leave for this purpose. For the purpose of this
130 subsection (3), the immediate family is defined as spouse, parent,
131 stepparent, sibling, child, stepchild, grandchild, grandparent,
132 son- or daughter-in-law, mother- or father-in-law or brother- or
133 sister-in-law. Child means a biological, adopted or foster child,
134 or a child for whom the individual stands or stood in loco
135 parentis.

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

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

145 Sick Leave	Percentage	Percentage
146 Balance as of	Converted to	Converted to
147 June 30, 1984	Personal Leave	Major Medical Leave
148 1 - 200 hours	20%	80%
149 201 - 400 hours	25%	75%
150 401 - 600 hours	30%	70%
151 601 or more hours	35%	65%

152 (5) Upon retirement from active employment each faculty
153 member of the state-supported public universities who is employed
154 on a nine-month basis shall receive credit and be paid for not
155 more than thirty (30) days of unused major medical leave for
156 service as a state employee. Unused major medical leave in excess
157 of thirty (30) days shall be counted as creditable service for the
158 purposes of the retirement system as provided in Sections
159 25-11-103 and 25-13-5.

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

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

172 (8) Any employee may donate a portion of his or her earned
173 personal leave or major medical leave to another employee who is
174 suffering from a catastrophic injury or illness, as defined in
175 Section 25-3-91, or to another employee who has a member of his or
176 her immediate family who is suffering from a catastrophic injury
177 or illness, in accordance with the following:

178 (a) The employee donating the leave (the "donor
179 employee") shall designate the employee who is to receive the
180 leave (the "recipient employee") and the amount of earned personal
181 leave and major medical leave that is to be donated, and shall
182 notify the donor employee's appointing authority or supervisor of
183 his or her designation. The donor employee's appointing authority
184 or supervisor then shall notify the recipient employee's
185 appointing authority or supervisor of the amount of leave that has
186 been donated by the donor employee to the recipient employee.

187 (b) The maximum amount of earned personal leave that an
188 employee may donate to any other employee may not exceed a number
189 of days that would leave the donor employee with fewer than seven
190 (7) days of personal leave left, and the maximum amount of earned
191 major medical leave that an employee may donate to any other

192 employee may not exceed fifty percent (50%) of the earned major
193 medical leave of the donor employee.

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

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

203 (e) If an employee is aggrieved by the decision of his
204 or her appointing authority that the employee is not eligible to
205 receive donated leave because the injury or illness of the
206 employee or member of the employee's immediate family is not, in
207 the appointing authority's determination, a catastrophic injury or
208 illness, the employee may appeal the decision to the employee
209 appeals board.

210 (f) If the total amount of leave that is donated to any
211 employee is not used by the recipient employee, the donated leave
212 shall be returned to the donor employees on a pro rata basis,
213 based on the ratio of the number of days of leave donated by each
214 donor employee to the total number of days of leave donated by all
215 donor employees.

216 (g) The failure of any appointing authority or
217 supervisor of any employee to properly deduct an employee's
218 donation of leave to another employee from the donor employee's
219 earned personal leave or major medical leave shall constitute just
220 cause for the dismissal of the appointing authority or supervisor.

221 (h) Donated leave shall not be used in lieu of
222 disability retirement.

223 (i) For the purposes of this subsection, "immediate
224 family" means spouse, parent, stepparent, sibling, child or
225 stepchild.

226 (j) This subsection shall stand repealed from and after
227 July 1, 2003.

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