

By: Senator(s) Smith

To: Fees, Salaries and Administration

SENATE BILL NO. 2814

1 AN ACT TO REESTABLISH A DONATED LEAVE POLICY FOR STATE
 2 EMPLOYEES; TO DEFINE CERTAIN TERMS USED UNDER THE POLICY; TO
 3 AUTHORIZE STATE EMPLOYEES TO DONATE MAJOR MEDICAL LEAVE AND
 4 PERSONAL LEAVE TO OTHER STATE EMPLOYEES SUFFERING FROM, OR HAVING
 5 AN IMMEDIATE FAMILY MEMBER SUFFERING FROM, A CATASTROPHIC INJURY
 6 OR ILLNESS; TO AMEND SECTION 25-3-91, MISSISSIPPI CODE OF 1972, IN
 7 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 8 PURPOSES.

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

10 SECTION 1. (1) For purposes of this section, the following
 11 words and phrases shall have the meanings ascribed in this
 12 subsection unless the context clearly indicates otherwise:

13 (a) "Catastrophic injury or illness" means a severe
 14 condition or combination of conditions affecting the mental or
 15 physical health of an employee or a member of an employee's
 16 immediate family which requires the services of a licensed
 17 physician for an extended period of time and which forces the
 18 employee to exhaust all leave time earned by that employee and to
 19 lose compensation from the state for the employee.

20 (b) "Donor employee" means the state employee who is
 21 donating leave to another state employee.

22 (c) "Immediate family" means spouse, parent,
 23 stepparent, sibling, child or stepchild.

24 (d) "Recipient employee" means the state employee who
 25 is designated by the donor employee to receive donated leave.

26 (2) Any employee may donate a portion of his or her earned
 27 personal leave or major medical leave to another employee who is
 28 suffering from a catastrophic injury or illness or to another
 29 employee who has a member of his or her immediate family who is

30 suffering from a catastrophic injury or illness, in accordance
31 with the following:

32 (a) The donor employee shall designate the recipient
33 employee and the amount of earned personal leave or major medical
34 leave, or both, which is to be donated and shall notify the donor
35 employee's appointing authority or supervisor of his or her
36 designation. The donor employee's appointing authority or
37 supervisor then shall notify the recipient employee's appointing
38 authority or supervisor of the amount of leave which has been
39 donated by the donor employee to the recipient employee.

40 (b) The maximum amount of earned personal leave which
41 an employee may donate to any other employee may not exceed a
42 number of days that would leave the donor employee with fewer than
43 seven (7) days of personal leave. The maximum amount of earned
44 major medical leave which an employee may donate to any other
45 employee may not exceed fifty percent (50%) of the earned major
46 medical leave of the donor employee.

47 (c) An employee may donate earned personal leave or
48 major medical leave only in increments of eight-hour days.

49 (d) An employee must have exhausted all of his or her
50 earned personal leave and major medical leave before he or she may
51 be eligible to receive any leave donated by another employee.

52 (e) Before an employee may receive donated leave, he or
53 she must provide his or her appointing authority or supervisor
54 with a physician's statement that states the beginning date of the
55 catastrophic injury or illness, a description of the injury or
56 illness, a prognosis for recovery and the anticipated date that
57 the recipient employee will be able to return to work.

58 (f) If an employee is aggrieved by the decision of his
59 or her appointing authority that the employee is not eligible to
60 receive donated leave because the injury or illness of the
61 employee or member of the employee's immediate family is not, in
62 the appointing authority's determination, a catastrophic injury or

63 illness, the employee may appeal the decision to the employee
64 appeals board.

65 (g) Beginning on July 1, 2001, the maximum period of
66 time that an employee may use donated leave without resuming work
67 at his or her place of employment is one (1) calendar year, which
68 year commences on the first day that the recipient employee uses
69 donated leave. Donated leave that is not used because a recipient
70 employee has used the maximum amount of donated leave authorized
71 under this paragraph shall be returned to the donor employees in
72 the manner provided under paragraph (h) of this subsection.

73 (h) If the total amount of leave that is donated to any
74 employee is not used by the recipient employee, the donated leave
75 shall be returned to the donor employees on a pro rata basis,
76 based on the ratio of the number of days of leave donated by each
77 donor employee to the total number of days of leave donated by all
78 donor employees.

79 (i) The failure of any appointing authority or
80 supervisor of any employee to properly deduct an employee's
81 donation of leave to another employee from the donor employee's
82 earned personal leave or major medical leave shall constitute just
83 cause for the dismissal of the appointing authority or supervisor.

84 (j) Donated leave shall not be used in lieu of
85 disability retirement.

86 SECTION 2. Section 25-3-91, Mississippi Code of 1972, is
87 amended as follows:

88 25-3-91. For purposes of Sections 25-3-91 through 25-3-99,
89 the following words and terms shall have the meaning described
90 herein, unless the context requires otherwise:

91 (a) "Appointing authority" shall mean such person,
92 agency or authority authorized by law to employ individuals in
93 state government, but shall not include the Board of Directors of
94 the Mississippi Industries for the Blind.

95 * * *

96 (b) "Employee" means a person appointed to a position
97 in the state service or nonstate service as defined in Section
98 25-9-107, for which he is compensated on a full-time permanent or
99 provisional basis, a temporary basis, or a part-time basis.

100 (c) "Workday" shall mean a day as defined in Section
101 25-1-98.

102 (d) "Temporary employment" means the employment of a
103 person in a temporary or time-limited position not to exceed
104 twelve (12) months.

105 (e) "Part-time employment" means the employment of a
106 person in a part-time position.

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