

By: Representatives Warren, Scott (17th)

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 283

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 to another employee only in increments of
49 eight-hour days.

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

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

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



63 the appointing authority's determination, a catastrophic injury or
64 illness, the employee may appeal the decision to the employee
65 appeals board.

66 (g) If the total amount of leave that is donated to any
67 employee is not used by the recipient employee, the donated leave
68 shall be returned to the donor employees on a pro rata basis,
69 based on the ratio of the number of days of leave donated by each
70 donor employee to the total number of days of leave donated by all
71 donor employees.

72 (h) The failure of any appointing authority or
73 supervisor of any employee to properly deduct an employee's
74 donation of leave to another employee from the donor employee's
75 earned personal leave or major medical leave shall constitute just
76 cause for the dismissal of the appointing authority or supervisor.

77 (i) Donated leave may not be used in lieu of disability
78 retirement.

79 **SECTION 2.** Section 25-3-91, Mississippi Code of 1972, is
80 amended as follows:

81 25-3-91. For purposes of Sections 25-3-91 through 25-3-99,
82 the following words and terms shall have the meaning ascribed in
83 this section, unless the context requires otherwise:

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

88 * * *

89 (b) "Employee" means a person appointed to a position
90 in the state service or nonstate service as defined in Section
91 25-9-107, for which he is compensated on a full-time permanent or
92 provisional basis, a temporary basis, or a part-time basis.

93 (c) "Workday" shall mean a day as defined in Section
94 25-1-98.



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

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

100 **SECTION 3.** This act shall take effect and be in force from
101 and after July 1, 2002.

