

By: Senator(s) Thames

To: Fees, Salaries and Administration

SENATE BILL NO. 2350  
(As Passed the Senate)

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; TO AMEND SECTION  
4 25-3-91, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE  
5 TERM "CATASTROPHIC INJURY OR ILLNESS"; AND 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:

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

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 less.  
53 Accrued personal or compensatory leave shall be used for the first  
54 day of an employees illness requiring his absence of more than one  
55 (1) day. Accrued personal or compensatory leave may also be used  
56 for an illness in the employee's immediate family as defined in  
57 Section 25-3-95. There shall be no limit to the accumulation of  
58 personal leave. Upon termination of employment each employee  
59 shall be paid for not more than thirty (30) days of accumulated  
60 personal leave. Unused personal leave in excess of thirty (30)  
61 days shall be counted as creditable service for the purposes of



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

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

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

74 This subsection shall stand repealed from and after July 1,  
75 2004.

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

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

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

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

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



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

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

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

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



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

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

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

146 Sick Leave	Percentage	Percentage
147 Balance as of	Converted to	Converted to
148 June 30, 1984	Personal Leave	Major Medical Leave
149 1 - 200 hours	20%	80%
150 201 - 400 hours	25%	75%
151 401 - 600 hours	30%	70%
152 601 or more hours	35%	65%

153 (5) Upon retirement from active employment each faculty  
154 member of the state-supported public universities who is employed  
155 on a nine-month basis shall receive credit and be paid for not  
156 more than thirty (30) days of unused major medical leave for  
157 service as a state employee. Unused major medical leave in excess  
158 of thirty (30) days shall be counted as creditable service for the  
159 purposes of the retirement system as provided in Sections  
160 25-11-103 and 25-13-5.



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

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

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

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

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



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

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

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

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

211 (f) Beginning on July 1, 2002, the maximum period of  
212 time that an employee may use donated leave without resuming work  
213 at his or her place of employment is one (1) calendar year, which  
214 year commences on the first day that the recipient employee uses  
215 donated leave. Donated leave that is not used because a recipient  
216 employee has used the maximum amount of donated leave authorized  
217 under this paragraph shall be returned to the donor employees in  
218 the manner provided under paragraph (g) of this subsection.

219 (g) If the total amount of leave that is donated to any  
220 employee is not used by the recipient employee, the donated leave  
221 shall be returned to the donor employees on a pro rata basis,  
222 based on the ratio of the number of days of leave donated by each  
223 donor employee to the total number of days of leave donated by all  
224 donor employees.



225           (h) The failure of any appointing authority or  
226 supervisor of any employee to properly deduct an employee's  
227 donation of leave to another employee from the donor employee's  
228 earned personal leave or major medical leave shall constitute just  
229 cause for the dismissal of the appointing authority or supervisor.

230           (i) Donated leave shall not be used in lieu of  
231 disability retirement.

232           (j) For the purposes of this subsection, "immediate  
233 family" means spouse, parent, stepparent, sibling, child or  
234 stepchild.

235           (k) This subsection shall stand repealed from and after  
236 July 1, 2004.

237           **SECTION 3.** Section 25-3-91, Mississippi Code of 1972, is  
238 amended as follows:

239           25-3-91. For purposes of Sections 25-3-91 through 25-3-99,  
240 the following words and terms shall have the meaning described  
241 herein, unless the context requires otherwise:

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

246           (b) "Catastrophic injury or illness" means an injury or  
247 illness of an employee or a member of an employee's immediate  
248 family which totally incapacitates the employee from work, as  
249 verified by a licensed physician, and forces the employee to  
250 exhaust all leave time earned by that employee, resulting in the  
251 loss of compensation from the state for the employee. Conditions  
252 that are short-term in nature, including, but not limited to,  
253 common illnesses such as influenza and the measles, and common  
254 injuries, are not catastrophic. Chronic illnesses or injuries,  
255 such as cancer or major surgery, which result in intermittent  
256 absences from work and which are long-term in nature and require  
257 long recuperation periods may be considered catastrophic.





258           (c) "Employee" means a person appointed to a position  
259 in the state service or nonstate service as defined in Section  
260 25-9-107, for which he is compensated on a full-time permanent or  
261 provisional basis, a temporary basis, or a part-time basis.

262           (d) "Workday" shall mean a day as defined in Section  
263 25-1-98.

264           (e) "Temporary employment" means the employment of a  
265 person in a temporary or time-limited position not to exceed  
266 twelve (12) months.

267           (f) "Part-time employment" means the employment of a  
268 person in a part-time position.

269           **SECTION 4.** This act shall take effect and be in force from  
270 and after July 1, 2002.

