

By: Representative Stringer

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 445

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 MAY NOT BE REQUIRED
4 TO USE PERSONAL OR MAJOR MEDICAL LEAVE DURING THEIR RECOVERY; AND
5 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:

13	Continuous	Accrual Rate	Accrual Rate
14	Service	(Monthly)	(Annually)
15	1 month to 3 years	12 hours per month	18 days per year
16	37 months to 8 years	14 hours per month	21 days per year
17	97 months to 15 years	16 hours per month	24 days per year
18	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 or
53 less. Accrued personal or compensatory leave shall be used for
54 the first day of an employee's illness requiring his absence of
55 more than one (1) day. Accrued personal or compensatory leave may
56 also be used for an illness in the employee's immediate family as
57 defined in Section 25-3-95. There shall be no limit to the
58 accumulation of personal leave. Upon termination of employment
59 each employee shall be paid for not more than thirty (30) days of
60 accumulated personal leave. Unused personal leave in excess of
61 thirty (30) days shall be counted as creditable service for the



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

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

72 * * *

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

75 25-3-95. (1) All employees and appointed officers of the
76 State of Mississippi, except temporary employees of the public
77 universities who work less than twenty (20) hours per week for a
78 period of less than five (5) months during a fiscal year and
79 recipients of full-time educational leave, while on such leave,
80 shall accrue credits for major medical leave as follows:

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

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

90	Continuous	Accrual Rate	Accrual Rate
91	Service	(Per Month)	(Per Academic Year)
92	1 month to 3 years	13-1/3 hours per month	15 days per
93			academic year
94	37 months to 8 years	14-1/5 hours per month	16 days per



95		academic year	
96	97 months to 15 years	15-2/5 hours per month	17 days per
97		academic year	
98	Over 15 years	16 hours per month	18 days per
99		academic year	

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

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

123 (3) An employee may use up to three (3) days of earned major
124 medical leave for each occurrence of death in the immediate family
125 requiring the employee's absence from work. No qualifying time or
126 use of personal leave will be required prior to use of major
127 medical leave for this purpose. For the purpose of this



128 subsection (3), the immediate family is defined as spouse, parent,
129 stepparent, sibling, child, stepchild, grandchild, grandparent,
130 son- or daughter-in-law, mother- or father-in-law or brother- or
131 sister-in-law. Child means a biological, adopted or foster child,
132 or a child for whom the individual stands or stood in loco
133 parentis.

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

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

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

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

158 (6) Any officer of the Mississippi Highway Safety Patrol or
159 agent of the Mississippi Bureau of Narcotics who is injured by
160 wound or accident in the line of duty shall not be required to use



161 earned major medical leave during the period of recovery from such
162 injury. The appointing authority may not authorize a period of
163 recovery which exceeds the time period that the officer or agent
164 is unable to perform his duty assignment, as certified by the
165 employee's attending physician.

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

174 * * *

175 **SECTION 3.** This act shall take effect and be in force from
176 and after July 1, 2003.

