AN ACT TO AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO REVISE PERSONAL AND SICK LEAVE BENEFITS ACCRUED FOR CERTAIN EMERGENCY WORKERS; TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-1-98, Mississippi Code of 1972, is amended as follows:

25-1-98. In addition to any other times required by statute, all state offices shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, except on legal holidays as set forth in Section 3-3-7. The Governor may designate certain state offices and institutions as providers of essential services and require that they be open and staffed on legal holidays. The Board of Directors of the Mississippi Industries for the Blind may, in its discretion, require that its offices and operations be open and staffed on legal holidays. Employees required to work on legal holidays shall earn compensatory leave under the provisions of Section 25-3-92. Except as otherwise provided herein, no employee shall receive additional vacation or sick leave benefits for working on a legal holiday, nor shall this section be construed to authorize any additional compensation as an alternative to the accrual of compensatory leave except as specifically provided for in a legislative appropriation. The provisions of this section shall not be construed to limit the hours of operation of any agency or to abrogate any action taken during hours other than those stated, nor shall these provisions apply to any offices that do not
customarily stay open five (5) days a week. The provisions of
this section shall not apply to the military department of the
State of Mississippi or to the fire fighters who work for the
Mississippi Military Department or to the armories, field training
sites, air bases or other installations of the Mississippi
National Guard. The State Personnel Board shall develop rules and
regulations to allow emergency workers, including the fire
fighters who work for the Mississippi Military Department, to
accrue additional personal and sick-leave benefits for those days
that they work over eight (8) hours.

A workday for a state employee in a full-time employment
position shall be eight (8) hours in duration at a minimum
exclusive of time off for meals. The appointing authority shall
develop work schedules which ensure that each full-time employee
works a full workday and shall provide the State Auditor with a
copy of the regular work schedule of the appointing authority.

SECTION 2. Section 25-3-93, Mississippi Code of 1972, is
amended as follows:

25-3-93. (1) (a) Except as provided in Section 25-1-98, as
amended in Senate Bill No. 2069, 2003 Regular Session, and except
as provided in subsection (1)(b) of this section, all employees
and appointed officers of the State of Mississippi, who are
employees as defined in Section 25-3-91, shall be allowed credit
for personal leave computed as follows:

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Monthly)</th>
<th>Accrual Rate (Annually)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month to 3 years</td>
<td>12 hours per month</td>
<td>18 days per year</td>
</tr>
<tr>
<td>37 months to 8 years</td>
<td>14 hours per month</td>
<td>21 days per year</td>
</tr>
<tr>
<td>97 months to 15 years</td>
<td>16 hours per month</td>
<td>24 days per year</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>18 hours per month</td>
<td>27 days per year</td>
</tr>
</tbody>
</table>

However, employees who were hired prior to July 1, 1984, who
have continuous service of more than five (5) years but not more
than eight (8) years shall accrue fifteen (15) hours of personal
leave each month.

(b) Temporary employees who work less than a full
workweek and part-time employees shall be allowed credit for
personal leave computed on a pro rata basis. Faculty members
employed by the eight (8) public universities on a nine-month
contract, temporary employees of the public universities who work
less than twenty (20) hours per week for a period of less than
five (5) months during a fiscal year, and recipients of full-time
educational leave, while on such leave, shall not be eligible for
personal leave.

(2) For the purpose of computing credit for personal leave,

each appointed officer or employee shall be considered to work not
more than five (5) days each week. Leaves of absence granted by
the appointing authority for one (1) year or less shall be
permitted without forfeiting previously accumulated continuous
service. The provisions of this section shall not apply to
military leaves of absence. The time for taking personal leave,
except when such leave is taken due to an illness, shall be
determined by the appointing authority of which such employees are
employed.

(3) For the purpose of Sections 25-3-91 through 25-3-99, the
earned personal leave of each employee shall be credited monthly
after the completion of each calendar month of service, and the
appointing authority shall not increase the amount of personal
leave to an employee’s credit. It shall be unlawful for an
appointing authority to grant personal leave in an amount greater
than was earned and accumulated by the officer or employee.

(4) Employees are encouraged to use earned personal leave.

Personal leave may be used for vacations and personal business as
scheduled by the appointing authority and shall be used for
illnesses of the employee requiring absences of one (1) day or
less. Accrued personal or compensatory leave shall be used for
the first day of an employee's illness requiring his absence of more than one (1) day. Accrued personal or compensatory leave may also be used for an illness in the employee's immediate family as defined in Section 25-3-95. There shall be no limit to the accumulation of personal leave. Upon termination of employment each employee shall be paid for not more than thirty (30) days of accumulated personal leave. Unused personal leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5.

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

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

This subsection shall stand repealed from and after July 1, 2000.

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

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

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Monthly)</th>
<th>Accrual Rate (Annually)</th>
</tr>
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</table>

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Part-time employees shall accrue major medical leave on a pro rata basis. There shall be no maximum limit to major medical leave accumulation. All unused major medical leave shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5. Firefighters who work for the Mississippi Military Department shall accrue major medical leave in accordance with the rules and regulations of the State Personnel Board as provided in Section 25-1-98, as amended in Senate Bill No. 2069, 2003 Regular Session.

Major medical leave may be used for the illness or injury of an employee or member of the employee's immediate family as defined in subsection (3) of this section, only after the employee has used one (1) day of accrued personal or compensatory leave for each absence due to illness, or leave without pay if the employee has no accrued personal or compensatory leave. Provided that faculty members employed by the eight (8) public universities on a nine-month contract shall accrue credit for major medical leave as follows:

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Accrual Rate (Per Month)</th>
<th>Accrual Rate (Per Academic Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 month to 3 years</td>
<td>13-1/3 hours per month</td>
<td>15 days per academic year</td>
</tr>
<tr>
<td>37 months to 8 years</td>
<td>14-1/5 hours per month</td>
<td>16 days per academic year</td>
</tr>
<tr>
<td>97 months to 15 years</td>
<td>15-2/5 hours per month</td>
<td>17 days per academic year</td>
</tr>
<tr>
<td>Over 15 years</td>
<td>16 hours per month</td>
<td>18 days per academic year</td>
</tr>
</tbody>
</table>
on a nine-month basis may use major medical leave for the first day of absence due to illness. However, major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a physician. For the purposes of this section, "physician" means a doctor of medicine, osteopathy, dental medicine, podiatry or chiropractic. For each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave and major medical leave) major medical leave shall be authorized only when certified by their attending physician.

(3) An employee may use up to three (3) days of earned major medical leave for each occurrence of death in the immediate family requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose. For the purpose of this subsection (3), the immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son- or daughter-in-law, mother- or father-in-law or brother- or sister-in-law. Child means a biological, adopted or foster child, or a child for whom the individual stands or stood in loco parentis.

(4) Employees and appointed officers of the State of Mississippi having unused, accumulated sick leave or annual leave earned prior to July 1, 1984, shall be credited with major medical leave and personal leave as follows: All unused annual leave shall be credited as personal leave. Unused sick leave shall be divided between major medical leave and personal leave at rates determined by the employee's sick leave balance on June 30, 1984. The rates of conversion shall be as follows:

<table>
<thead>
<tr>
<th>Sick Leave Balance as of</th>
<th>Converted to Percentage</th>
<th>Converted to Percentage</th>
</tr>
</thead>
</table>
June 30, 1984  Personal Leave  Major Medical Leave

1 - 200 hours  20%  80%
201 - 400 hours  25%  75%
401 - 600 hours  30%  70%
601 or more hours  35%  65%

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

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

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

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

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

(b) The maximum amount of earned personal leave that an
employee may donate to any other employee may not exceed a number
of days that would leave the donor employee with fewer than seven
(7) days of personal leave left, and the maximum amount of earned
major medical leave that an employee may donate to any other
employee may not exceed fifty percent (50%) of the earned major
medical leave of the donor employee.

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

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

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

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

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

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

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

(j) This subsection shall stand repealed from and after
July 1, 2000.

SECTION 4. This act shall take effect and be in force from
and after July 1, 2003.