

By: Senator(s) Harden

To: Fees, Salaries and  
Administration;  
Appropriations

SENATE BILL NO. 2223

1 AN ACT TO AMEND SECTION 25-3-97, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE TRANSFER OF ACCUMULATED LEAVE BETWEEN STATE AND  
3 COUNTY DEPARTMENTS AND AGENCIES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-3-97, Mississippi Code of 1972, is  
6 amended as follows:

7 25-3-97. (1) All organizations shall keep accurate records  
8 of the leave accumulated and used by the officers and employees  
9 thereof.

10 (2) The appointing authority in nonstate service agencies  
11 within the meaning of Section 25-9-107 will develop rules for  
12 proper maintenance of leave records. The rules shall include  
13 provisions which shall keep the employee informed on a monthly  
14 basis as to his accumulated leave balances. For accounting  
15 purposes an employee's anniversary date is the date of employment  
16 to full-time permanent or provisional service in state government.

17 (3) The appointing authority in nonstate service agencies,  
18 in conjunction with the State Fiscal Officer, will develop rules  
19 for the final payment of accrued leave at such time that an  
20 employee leaves state employment. At no time will an employee be  
21 paid for accrued leave while still employed in state service,  
22 except that major medical leave pay may be made as heretofore  
23 provided. No payment will be made for accrued major medical leave  
24 except that an employee who presents medical evidence that his  
25 physical condition is such that he can no longer work in a  
26 capacity of state government may be paid for not more than one  
27 hundred twenty (120) days of earned major medical leave.

28           (4) The State Fiscal Officer, before issuing a warrant to  
29 any of said employees for the payment of his salary, shall be  
30 furnished by each appointing authority any reports as required by  
31 the State Fiscal Officer as to absences in the department. The  
32 appointing authority shall make the required deduction from the  
33 salary as indicated on the affidavit in submitting their payroll  
34 requisitions to the Department of Finance and Administration, or  
35 if the State Fiscal Officer learns of such excessive absence from  
36 some other source, he is empowered to make such deduction, unless  
37 such absence shall have been for official business, personal  
38 leave, or by the permission of the Governor previously obtained.  
39 The State Fiscal Officer may promulgate rules on reporting  
40 absences in the agencies.

41           (5) All accrued leave, both major medical and personal  
42 leave, earned by employees shall be transferrable between or among  
43 any and all state agencies, junior colleges and senior colleges,  
44 and county departments and agencies. Each appointing authority or  
45 county employer shall be furnished a statement of accrued leave at  
46 the time of transfer by an employee.

47           (6) Should an employee die having accumulated personal leave  
48 as provided in Section 25-3-93, the wages or salary which would  
49 have been paid to such employee during his leave shall be paid to  
50 the person designated by such employee for this purpose or, in the  
51 absence of such designation, to the beneficiary of such employee  
52 as recorded with the Public Employees' Retirement System.  
53 Accumulated leave shall be considered for the purpose of Sections  
54 25-3-91 through 25-3-99 as wages or salary earned and not paid.

55           **SECTION 2.** This act shall take effect and be in force from  
56 and after July 1, 2006.