

## House Amendments to Senate Bill No. 2972

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8           **SECTION 1.** Section 25-3-93, Mississippi Code of 1972, is  
9 amended as follows:

10           25-3-93. (1) (a) Except as provided in subsection (1)(b),  
11 all employees and appointed officers of the State of Mississippi,  
12 who are employees as defined in Section 25-3-91, shall be allowed  
13 credit for personal leave computed as follows:

14	Continuous	Accrual Rate	Accrual Rate
15	Service	(Monthly)	(Annually)
16	1 month to 3 years	12 hours per month	18 days per year
17	37 months to 8 years	14 hours per month	21 days per year
18	97 months to 15 years	16 hours per month	24 days per year
19	Over 15 years	18 hours per month	27 days per year

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

24           (b) Temporary employees who work less than a full  
25 workweek and part-time employees shall be allowed credit for  
26 personal leave computed on a pro rata basis. Faculty members  
27 employed by the eight (8) public universities on a nine-month  
28 contract, and employees of the public universities who do not  
29 contribute to the Mississippi Public Employees' Retirement System  
30 or the State Institutions of Higher Learning Optional Retirement  
31 Program, shall not be eligible for 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 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 (7) Notwithstanding any provision of this section, an  
75 employee shall not be allowed to take personal leave during any  
76 period of time in which the employee is receiving workers'  
77 compensation benefits for injuries received during his or her  
78 employment.

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

81 25-3-95. (1) All employees and appointed officers of the  
82 State of Mississippi, except employees of the public universities  
83 who do not contribute to the Mississippi Public Employees'  
84 Retirement System or the State Institutions of Higher Learning  
85 Optional Retirement Program, shall accrue credits for major  
86 medical leave as follows:

87 Continuous	Accrual Rate	Accrual Rate
88 Service	(Monthly)	(Annually)
89 1 month to 3 years	8 hours per month	12 days per year
90 37 months to 8 years	7 hours per month	10.5 days per year
91 97 months to 15 years	6 hours per month	9 days per year
92 Over 15 years	5 hours per month	7.5 days per year

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

96 Continuous	Accrual Rate	Accrual Rate
97 Service	(Per Month)	(Per Academic Year)
98 1 month to 3 years	13-1/3 hours per month	15 days per
99		academic year
100 37 months to 8 years	14-1/5 hours per month	16 days per
101		academic year
102 97 months to 15 years	15-2/5 hours per month	17 days per

103 academic year  
104 Over 15 years 16 hours per month 18 days per  
105 academic year

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

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

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

138 or a child for whom the individual stands or stood in loco  
139 parentis.

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

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

149 Sick Leave	Percentage	Percentage
150 Balance as of	Converted to	Converted to
151 June 30, 1984	Personal Leave	Major Medical Leave
152 1 - 200 hours	20%	80%
153 201 - 400 hours	25%	75%
154 401 - 600 hours	30%	70%
155 601 or more hours	35%	65%

156 (5) Upon retirement from active employment each faculty  
157 member of the state-supported public universities who is employed  
158 on a nine-month basis shall receive credit and be paid for not  
159 more than thirty (30) days of unused major medical leave for  
160 service as a state employee. Unused major medical leave in excess  
161 of thirty (30) days shall be counted as creditable service for the  
162 purposes of the retirement system as provided in Sections  
163 25-11-103 and 25-13-5.

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

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

173 an appointing authority to grant major medical leave in an amount  
174 greater than was earned and accumulated by the officer or  
175 employee.

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

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

191 (b) The maximum amount of earned personal leave that an  
192 employee may donate to any other employee may not exceed a number  
193 of days that would leave the donor employee with fewer than seven  
194 (7) days of personal leave left, and the maximum amount of earned  
195 major medical leave that an employee may donate to any other  
196 employee may not exceed fifty percent (50%) of the earned major  
197 medical leave of the donor employee. All donated leave shall be  
198 in increments of not less than twenty-four (24) hours.

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

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

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

215           (f) Beginning on March 25, 2003, the maximum period of  
216 time that an employee may use donated leave without resuming work  
217 at his or her place of employment is ninety (90) days, which  
218 commences on the first day that the recipient employee uses  
219 donated leave. Donated leave that is not used because a recipient  
220 employee has used the maximum amount of donated leave authorized  
221 under this paragraph shall be returned to the donor employees in  
222 the manner provided under paragraph (g) of this subsection.

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

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

234           (i) No person through the use of coercion, threats or  
235 intimidation shall require or attempt to require any employee to  
236 donate his or her leave to another employee. Any person who  
237 alleges a violation of this paragraph shall report the violation  
238 to the executive head of the agency by whom he or she is employed  
239 or, if the alleged violator is the executive head of the agency,  
240 then the employee shall report the violation to the State  
241 Personnel Board. Any person found to have violated this paragraph

242 shall be subject to removal from office or termination of  
243 employment.

244 (j) No employee can donate leave after tendering notice  
245 of separation for any reason or after termination.

246 (k) Recipient employees of agencies with more than five  
247 hundred (500) employees as of March 25, 2003, may receive donated  
248 leave only from donor employees within the same agency. A  
249 recipient employee in an agency with five hundred (500) or fewer  
250 employees as of March 25, 2003, may receive donated leave from any  
251 donor employee.

252 (l) In order for an employee to be eligible to receive  
253 donated leave, the employee must:

254 (i) Have been employed for a total of at least  
255 twelve (12) months by the employer on the date on which the leave  
256 is donated; and

257 (ii) Have been employed for at least one thousand  
258 two hundred fifty (1,250) hours of service with such employer  
259 during the previous twelve-month period from the date on which the  
260 leave is donated.

261 (m) Donated leave shall not be used in lieu of  
262 disability retirement.

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

266 (9) Notwithstanding any provision of this section, an  
267 employee shall not be allowed to take major medical leave during  
268 any period of time in which the employee is receiving workers'  
269 compensation benefits for injuries received during his or her  
270 employment.

271 **SECTION 3.** This act shall take effect and be in force from  
272 and after July 1, 2006.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**



3 TO TAKE PERSONAL LEAVE OR MAJOR MEDICAL LEAVE DURING ANY PERIOD OF  
4 TIME IN WHICH THE EMPLOYEE IS RECEIVING WORKERS' COMPENSATION  
5 BENEFITS FOR INJURIES RECEIVED DURING HIS OR HER EMPLOYMENT; AND  
6 FOR RELATED PURPOSES.

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Don Richardson  
Clerk of the House of Representatives