

By: Representative Scott (80th)

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 204
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, WHICH AUTHORIZE STATE EMPLOYEES TO DONATE PERSONAL
3 AND SICK LEAVE TO OTHER EMPLOYEES HAVING A CATASTROPHIC ILLNESS OR
4 INJURY; TO AMEND REENACTED SECTIONS 25-3-93 AND 25-3-95,
5 MISSISSIPPI CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT STATE
6 EMPLOYEES USE PERSONAL LEAVE FOR THE FIRST DAY OF AN ILLNESS, TO
7 EXTEND THE REPEALER ON THOSE PROVISIONS ESTABLISHING THE DONATED
8 LEAVE POLICY TO PROVIDE THAT DONATED LEAVE SHALL NOT BE USED IN
9 LIEU OF DISABILITY RETIREMENT AND TO AUTHORIZE AN EMPLOYEE
10 AGGRIEVED BY A DECISION THAT HE IS NOT ELIGIBLE TO RECEIVE DONATED
11 LEAVE TO APPEAL THE DECISION TO THE EMPLOYEE APPEALS BOARD; AND
12 FOR RELATED PURPOSES.

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

14 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is
15 reenacted and amended as follows:

16 25-3-93. (1) (a) Except as provided in subsection (1)(b),
17 all employees and appointed officers of the State of Mississippi,
18 who are employees as defined in Section 25-3-91, shall be allowed
19 credit for personal leave computed as follows:

20 Continuous	Accrual Rate	Accrual Rate
21 Service	(Monthly)	(Annually)
22 1 month to 3 years	12 hours per month	18 days per year
23 37 months to 8 years	14 hours per month	21 days per year
24 97 months to 15 years	16 hours per month	24 days per year
25 Over 15 years	18 hours per month	27 days per year

26 * * * However, employees who were hired prior to July 1,
27 1984, who have continuous service of more than five (5) years but
28 not more than eight (8) years shall accrue fifteen (15) hours of
29 personal leave each month.

30 (b) Temporary employees who work less than a full
31 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 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 * * *. 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

69 member of his or her immediate family who is suffering from a
70 catastrophic injury or illness, in accordance with subsection (8)
71 of Section 25-3-95.

72 This subsection * * * shall stand repealed from and after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

74 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is
75 reenacted and amended as follows:

76 25-3-95. (1) All employees and appointed officers of the
77 State of Mississippi, except recipients of full-time educational
78 leave, while on such leave, shall accrue credits for major medical
79 leave as follows:

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

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

89	Continuous	Accrual Rate	Accrual Rate
90	Service	(Per Month)	(Per Academic Year)
91	1 month to 3 years	13-1/3 hours per month	15 days per
92			academic year
93	37 months to 8 years	14-1/5 hours per month	16 days per
94			academic year
95	97 months to 15 years	15-2/5 hours per month	17 days per
96			academic year
97	Over 15 years	16 hours per month	18 days per
98			academic year

99 Part-time employees shall accrue major medical leave on a pro
100 rata basis. There shall be no maximum limit to major medical
101 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.

(2) 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 * * *. Major medical leave may be used * * * 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 * * *, 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:

135	Sick Leave	Percentage	Percentage
136	Balance as of	Converted to	Converted to
137	June 30, 1984	Personal Leave	Major Medical Leave
138	1 - 200 hours	20%	80%
139	201 - 400 hours	25%	75%
140	401 - 600 hours	30%	70%
141	601 or more hours	35%	65%

142 (5) Upon retirement from active employment each faculty
143 member of the state-supported public universities who is employed
144 on a nine-month basis shall receive credit and be paid for not
145 more than thirty (30) days of unused major medical leave for
146 service as a state employee. Unused major medical leave in excess
147 of thirty (30) days shall be counted as creditable service for the
148 purposes of the retirement system as provided in Sections
149 25-11-103 and 25-13-5.

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

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

162 (8) Any employee may donate a portion of his or her earned
163 personal leave or major medical leave to another employee who is
164 suffering from a catastrophic injury or illness, as defined in
165 Section 25-3-91, or to another employee who has a member of his or
166 her immediate family who is suffering from a catastrophic injury
167 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

201 employee is not used by the recipient employee, the donated leave
202 shall be returned to the donor employees on a pro rata basis,
203 based on the ratio of the number of days of leave donated by each
204 donor employee to the total number of days of leave donated by all
205 donor employees.

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

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

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

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

218 SECTION 3. This act shall take effect and be in force from
219 and after July 1, 1999.