

By: Senator(s) Simmons

To: Fees, Salaries and
Administration

SENATE BILL NO. 2070

1 AN ACT TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI
2 CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT STATE EMPLOYEES
3 USE PERSONAL LEAVE FOR THE FIRST DAY OF AN ILLNESS; AND FOR
4 RELATED PURPOSES.

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

6 SECTION 1. Section 25-3-93, Mississippi Code of 1972, is
7 amended as follows:

8 25-3-93. (1) (a) Except as provided in subsection (1)(b),
9 all employees and appointed officers of the State of Mississippi,
10 who are employees as defined in Section 25-3-91, Mississippi Code
11 of 1972, shall be allowed credit for personal leave computed as
12 follows:

13 Continuous	14 Accrual Rate	15 Accrual Rate
16 Service	17 (Monthly)	18 (Annually)
19 1 month to 3 years	20 12 hours per month	21 18 days per year
22 37 months to 8 years	23 14 hours per month	24 21 days per year
25 97 months to 15 years	26 16 hours per month	27 24 days per year
28 Over 15 years	29 18 hours per month	30 27 days per year

31 Provided, however, employees who were hired prior to July 1,
32 1984, who have continuous service of more than five (5) years but
33 not more than eight (8) years shall accrue fifteen (15) hours of
34 personal leave each month.

35 (b) Temporary employees who work less than a full
36 workweek and part-time employees shall be allowed credit for
37 personal leave computed on a pro rata basis. Faculty members
38 employed by the eight (8) public universities on a nine-month
39 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 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.

65 This subsection (6) shall stand repealed from and after
66 July 1, 1999.

67 SECTION 2. Section 25-3-95, Mississippi Code of 1972, is
68 amended as follows:

69 25-3-95. (1) All employees and appointed officers of the
70 State of Mississippi, except recipients of full-time educational
71 leave, while on such leave, shall accrue credits for major medical
72 leave as follows:

73	Continuous	Accrual Rate	Accrual Rate
74	Service	(Monthly)	(Annually)
75	1 month to 3 years	8 hours per month	12 days per year
76	37 months to 8 years	7 hours per month	10.5 days per year
77	97 months to 15 years	6 hours per month	9 days per year
78	Over 15 years	5 hours per month	7.5 days per year

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

82	Continuous	Accrual Rate	Accrual Rate
83	Service	(Per Month)	(Per Academic Year)
84	1 month to 3 years	13-1/3 hours per month	15 days per
85			academic year
86	37 months to 8 years	14-1/5 hours per month	16 days per
87			academic year
88	97 months to 15 years	15-2/5 hours per month	17 days per
89			academic year
90	Over 15 years	16 hours per month	18 days per
91			academic year

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

97 (2) Major medical leave may be used for the illness or

98 injury of an employee or member of the employee's immediate family
99 as defined in subsection (3) of this section * * *. * * * Major
100 medical leave may be used * * * to cover regularly scheduled
101 visits to a doctor's office or a hospital for the continuing
102 treatment of a chronic disease, as certified in advance by a
103 physician. For the purposes of this section, "physician" means a
104 doctor of medicine, osteopathy, dental medicine, podiatry or
105 chiropractic. For each absence due to illness of thirty-two (32)
106 consecutive working hours * * * major medical leave shall be
107 authorized only when certified by their attending physician.

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

119 (4) Employees and appointed officers of the State of
120 Mississippi having unused, accumulated sick leave or annual leave
121 earned prior to July 1, 1984, shall be credited with major medical
122 leave and personal leave as follows: All unused annual leave
123 shall be credited as personal leave.

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

128	Sick Leave	Percentage	Percentage
129	Balance as of	Converted to	Converted to
130	June 30, 1984	Personal Leave	Major Medical Leave

131	1 - 200 hours	20%	80%
132	201 - 400 hours	25%	75%
133	401 - 600 hours	30%	70%
134	601 or more hours	35%	65%

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

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

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

155 (8) Any employee may donate a portion of his or her earned
156 personal leave or major medical leave to another employee who is
157 suffering from a catastrophic injury or illness, or to another
158 employee who has a member of his or her immediate family who is
159 suffering from a catastrophic injury or illness, in accordance
160 with the following:

161 (a) The employee donating the leave (the "donor
162 employee") shall designate the employee who is to receive the
163 leave (the "recipient employee") and the amount of earned personal

164 leave and major medical leave that is to be donated, and shall
165 notify the donor employee's appointing authority or supervisor of
166 his or her designation. The donor employee's appointing authority
167 or supervisor then shall notify the recipient employee's
168 appointing authority or supervisor of the amount of leave that has
169 been donated by the donor employee to the recipient employee.

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

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

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

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

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

197 (g) For the purposes of this subsection (8), "immediate
198 family" means spouse, parent, stepparent, sibling, child or
199 stepchild.

200 (h) This subsection (8) shall stand repealed from and
201 after July 1, 1999.

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