

By: Senator(s) Carmichael (By Request)

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2800

1 AN ACT TO AMEND SECTION 25-3-95, MISSISSIPPI CODE OF 1972, TO
2 INCREASE HOURS OF MAJOR MEDICAL LEAVE WITHOUT CERTIFICATION BY A
3 PHYSICIAN FOR CERTAIN FIRE FIGHTERS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-3-95, Mississippi Code of 1972, is
6 amended as follows:

7 25-3-95. (1) All employees and appointed officers of the
8 State of Mississippi, except temporary employees of the public
9 universities who work less than twenty (20) hours per week for a
10 period of less than five (5) months during a fiscal year and
11 recipients of full-time educational leave, while on such leave,
12 shall accrue credits for major medical leave as follows:

13	Continuous	Accrual Rate	Accrual Rate
14	Service	(Monthly)	(Annually)
15	1 month to 3 years	8 hours per month	12 days per year
16	37 months to 8 years	7 hours per month	10.5 days per year
17	97 months to 15 years	6 hours per month	9 days per year
18	Over 15 years	5 hours per month	7.5 days per year

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

22	Continuous	Accrual Rate	Accrual Rate
23	Service	(Per Month)	(Per Academic Year)
24	1 month to 3 years	13-1/3 hours per month	15 days per
25			academic year
26	37 months to 8 years	14-1/5 hours per month	16 days per
27			academic year

28 97 months to 15 years 15-2/5 hours per month 17 days per
29 academic year
30 Over 15 years 16 hours per month 18 days per
31 academic year

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

37 (2) Major medical leave may be used for the illness or
38 injury of an employee or member of the employee's immediate family
39 as defined in subsection (3) of this section, only after the
40 employee has used one (1) day of accrued personal or compensatory
41 leave for each absence due to illness, or leave without pay if the
42 employee has no accrued personal or compensatory leave. Provided
43 that faculty members employed by the eight (8) public universities
44 on a nine-month basis may use major medical leave for the first
45 day of absence due to illness. However, major medical leave may
46 be used, without prior use of personal leave, to cover regularly
47 scheduled visits to a doctor's office or a hospital for the
48 continuing treatment of a chronic disease, as certified in advance
49 by a physician. For the purposes of this section, "physician"
50 means a doctor of medicine, osteopathy, dental medicine, podiatry
51 or chiropractic. Except as otherwise provided herein, for each
52 absence due to illness of thirty-two (32) consecutive working
53 hours (combined personal leave and major medical leave) major
54 medical leave shall be authorized only when certified by their
55 attending physician. However, for fire fighters who work for the
56 Mississippi Military Department, for each absence due to illness
57 of forty-eight (48) consecutive working hours (combined personal
58 leave and major medical leave), major medical leave shall be
59 authorized only when certified by their attending physician.

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

71 (4) Employees and appointed officers of the State of
72 Mississippi having unused, accumulated sick leave or annual leave
73 earned prior to July 1, 1984, shall be credited with major medical
74 leave and personal leave as follows: All unused annual leave
75 shall be credited as personal leave.

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

80 Sick Leave	Percentage	Percentage
81 Balance as of	Converted to	Converted to
82 June 30, 1984	Personal Leave	Major Medical Leave
83 1 - 200 hours	20%	80%
84 201 - 400 hours	25%	75%
85 401 - 600 hours	30%	70%
86 601 or more hours	35%	65%

87 (5) Upon retirement from active employment each faculty
88 member of the state-supported public universities who is employed
89 on a nine-month basis shall receive credit and be paid for not
90 more than thirty (30) days of unused major medical leave for
91 service as a state employee. Unused major medical leave in excess
92 of thirty (30) days shall be counted as creditable service for the

93 purposes of the retirement system as provided in Sections
94 25-11-103 and 25-13-5.

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

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

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

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

122 (b) The maximum amount of earned personal leave that an
123 employee may donate to any other employee may not exceed a number
124 of days that would leave the donor employee with fewer than seven
125 (7) days of personal leave left, and the maximum amount of earned

126 major medical leave that an employee may donate to any other
127 employee may not exceed fifty percent (50%) of the earned major
128 medical leave of the donor employee.

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

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

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

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

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

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

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

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

163 SECTION 2. This act shall take effect and be in force from
164 and after July 1, 2001.