

By: Representatives Coleman (65th), Scott (80th), Clarke, Evans, Fleming, Fredericks, Gibbs, Green, Holland, Moak, Morris, Smith (27th), Straughter, Wallace, West

To: Fees and Salaries of Public Officers

HOUSE BILL NO. 1538

1 AN ACT TO REESTABLISH A DONATED LEAVE POLICY FOR STATE  
2 EMPLOYEES; TO DEFINE CERTAIN TERMS USED UNDER THE POLICY; TO  
3 AUTHORIZE STATE EMPLOYEES TO DONATE MAJOR MEDICAL LEAVE AND  
4 PERSONAL LEAVE TO OTHER STATE EMPLOYEES SUFFERING FROM, OR HAVING  
5 AN IMMEDIATE FAMILY MEMBER SUFFERING FROM, A CATASTROPHIC INJURY  
6 OR ILLNESS; TO AMEND SECTION 25-3-91, MISSISSIPPI CODE OF 1972, IN  
7 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
8 PURPOSES.

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

10 **SECTION 1.** (1) For purposes of this section, the following  
11 words and phrases shall have the meanings ascribed in this  
12 subsection unless the context clearly indicates otherwise:

13 (a) "Catastrophic injury or illness" means a severe  
14 condition or combination of conditions affecting the mental or  
15 physical health of an employee or a member of an employee's  
16 immediate family which requires the services of a licensed  
17 physician for an extended period of time and which forces the  
18 employee to exhaust all leave time earned by that employee and to  
19 lose compensation from the state for the employee.

20 (b) "Donor employee" means the state employee who is  
21 donating leave to another state employee.

22 (c) "Immediate family" means spouse, parent,  
23 stepparent, sibling, child or stepchild.

24 (d) "Recipient employee" means the state employee who  
25 is designated by the donor employee to receive donated leave.

26 (2) Any employee may donate a portion of his or her earned  
27 personal leave or major medical leave to another employee who is  
28 suffering from a catastrophic injury or illness or to another  
29 employee who has a member of his or her immediate family who is



30 suffering from a catastrophic injury or illness, in accordance  
31 with the following:

32 (a) The donor employee shall designate the recipient  
33 employee and the amount of earned personal leave or major medical  
34 leave, or both, which is to be donated and shall notify the donor  
35 employee's appointing authority or supervisor of his or her  
36 designation. The donor employee's appointing authority or  
37 supervisor then shall notify the recipient employee's appointing  
38 authority or supervisor of the amount of leave which has been  
39 donated by the donor employee to the recipient employee.

40 (b) The maximum amount of earned personal leave which  
41 an employee may donate to any other employee may not exceed a  
42 number of days that would leave the donor employee with fewer than  
43 seven (7) days of personal leave. The maximum amount of earned  
44 major medical leave which an employee may donate to any other  
45 employee may not exceed fifty percent (50%) of the earned major  
46 medical leave of the donor employee.

47 (c) An employee may donate earned personal leave or  
48 major medical leave to another employee only in increments of  
49 eight-hour days.

50 (d) An employee must have exhausted all of his or her  
51 earned personal leave and major medical leave before he or she may  
52 be eligible to receive any leave donated by another employee.

53 (e) Before an employee may receive donated leave, he or  
54 she must provide his or her appointing authority or supervisor  
55 with a physician's statement that states the beginning date of the  
56 catastrophic injury or illness, a description of the injury or  
57 illness, a prognosis for recovery and the anticipated date that  
58 the recipient employee will be able to return to work.

59 (f) If an employee is aggrieved by the decision of his  
60 or her appointing authority that the employee is not eligible to  
61 receive donated leave because the injury or illness of the  
62 employee or member of the employee's immediate family is not, in



63 the appointing authority's determination, a catastrophic injury or  
64 illness, the employee may appeal the decision to the employee  
65 appeals board.

66 (g) If the total amount of leave that is donated to any  
67 employee is not used by the recipient employee, the donated leave  
68 shall be returned to the donor employees on a pro rata basis,  
69 based on the ratio of the number of days of leave donated by each  
70 donor employee to the total number of days of leave donated by all  
71 donor employees.

72 (h) The failure of any appointing authority or  
73 supervisor of any employee to properly deduct an employee's  
74 donation of leave to another employee from the donor employee's  
75 earned personal leave or major medical leave shall constitute just  
76 cause for the dismissal of the appointing authority or supervisor.

77 (i) Donated leave may not be used in lieu of disability  
78 retirement.

79 **SECTION 2.** Section 25-3-91, Mississippi Code of 1972, is  
80 amended as follows:

81 25-3-91. For purposes of Sections 25-3-91 through 25-3-99,  
82 the following words and terms shall have the meaning ascribed in  
83 this section, unless the context requires otherwise:

84 (a) "Appointing authority" shall mean such person,  
85 agency or authority authorized by law to employ individuals in  
86 state government, but shall not include the Board of Directors of  
87 the Mississippi Industries for the Blind.

88 \* \* \*

89 (b) "Employee" means a person appointed to a position  
90 in the state service or nonstate service as defined in Section  
91 25-9-107, for which he is compensated on a full-time permanent or  
92 provisional basis, a temporary basis, or a part-time basis.

93 (c) "Workday" shall mean a day as defined in Section  
94 25-1-98.



95           (d) "Temporary employment" means the employment of a  
96 person in a temporary or time-limited position not to exceed  
97 twelve (12) months.

98           (e) "Part-time employment" means the employment of a  
99 person in a part-time position.

100           **SECTION 3.** This act shall take effect and be in force from  
101 and after July 1, 2002.

