

By: Senator(s) Carmichael

To: Fees, Salaries and  
Administration;  
Appropriations

SENATE BILL NO. 2069

1 AN ACT TO AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE STATE PERSONNEL BOARD TO REVISE PERSONAL AND SICK  
3 LEAVE BENEFITS ACCRUED FOR CERTAIN EMERGENCY WORKERS; TO AMEND  
4 SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI CODE OF 1972, IN  
5 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-1-98, Mississippi Code of 1972, is  
8 amended as follows:

9 25-1-98. In addition to any other times required by statute,  
10 all state offices shall be open and staffed for the normal conduct  
11 of business from 8:00 a.m. until 5:00 p.m., Monday through Friday,  
12 except on legal holidays as set forth in Section 3-3-7. The  
13 Governor may designate certain state offices and institutions as  
14 providers of essential services and require that they be open and  
15 staffed on legal holidays. The Board of Directors of the  
16 Mississippi Industries for the Blind may, in its discretion,  
17 require that its offices and operations be open and staffed on  
18 legal holidays. Employees required to work on legal holidays  
19 shall earn compensatory leave under the provisions of Section  
20 25-3-92. Except as otherwise provided herein, no employee shall  
21 receive additional vacation or sick leave benefits for working on  
22 a legal holiday, nor shall this section be construed to authorize  
23 any additional compensation as an alternative to the accrual of  
24 compensatory leave except as specifically provided for in a  
25 legislative appropriation. The provisions of this section shall  
26 not be construed to limit the hours of operation of any agency or  
27 to abrogate any action taken during hours other than those stated,  
28 nor shall these provisions apply to any offices that do not



29 customarily stay open five (5) days a week. The provisions of  
 30 this section shall not apply to the military department of the  
 31 State of Mississippi or to the fire fighters who work for the  
 32 Mississippi Military Department or to the armories, field training  
 33 sites, air bases or other installations of the Mississippi  
 34 National Guard. The State Personnel Board shall develop rules and  
 35 regulations to allow emergency workers, including the fire  
 36 fighters who work for the Mississippi Military Department, to  
 37 accrue additional personal and sick-leave benefits for those days  
 38 that they work over eight (8) hours.

39 A workday for a state employee in a full-time employment  
 40 position shall be eight (8) hours in duration at a minimum  
 41 exclusive of time off for meals. The appointing authority shall  
 42 develop work schedules which ensure that each full-time employee  
 43 works a full workday and shall provide the State Auditor with a  
 44 copy of the regular work schedule of the appointing authority.

45 **SECTION 2.** Section 25-3-93, Mississippi Code of 1972, is  
 46 amended as follows:

47 25-3-93. (1) (a) Except as provided in Section 25-1-98, as  
 48 amended in Senate Bill No. 2069, 2003 Regular Session, and except  
 49 as provided in subsection (1)(b) of this section, all employees  
 50 and appointed officers of the State of Mississippi, who are  
 51 employees as defined in Section 25-3-91, shall be allowed credit  
 52 for personal leave computed as follows:

53 Continuous	Accrual Rate	Accrual Rate
54 Service	(Monthly)	(Annually)
55 1 month to 3 years	12 hours per month	18 days per year
56 37 months to 8 years	14 hours per month	21 days per year
57 97 months to 15 years	16 hours per month	24 days per year
58 Over 15 years	18 hours per month	27 days per year

59 However, employees who were hired prior to July 1, 1984, who  
 60 have continuous service of more than five (5) years but not more



61 than eight (8) years shall accrue fifteen (15) hours of personal  
62 leave each month.

63 (b) Temporary employees who work less than a full  
64 workweek and part-time employees shall be allowed credit for  
65 personal leave computed on a pro rata basis. Faculty members  
66 employed by the eight (8) public universities on a nine-month  
67 contract, temporary employees of the public universities who work  
68 less than twenty (20) hours per week for a period of less than  
69 five (5) months during a fiscal year, and recipients of full-time  
70 educational leave, while on such leave, shall not be eligible for  
71 personal leave.

72 (2) For the purpose of computing credit for personal leave,  
73 each appointed officer or employee shall be considered to work not  
74 more than five (5) days each week. Leaves of absence granted by  
75 the appointing authority for one (1) year or less shall be  
76 permitted without forfeiting previously accumulated continuous  
77 service. The provisions of this section shall not apply to  
78 military leaves of absence. The time for taking personal leave,  
79 except when such leave is taken due to an illness, shall be  
80 determined by the appointing authority of which such employees are  
81 employed.

82 (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
83 earned personal leave of each employee shall be credited monthly  
84 after the completion of each calendar month of service, and the  
85 appointing authority shall not increase the amount of personal  
86 leave to an employee's credit. It shall be unlawful for an  
87 appointing authority to grant personal leave in an amount greater  
88 than was earned and accumulated by the officer or employee.

89 (4) Employees are encouraged to use earned personal leave.  
90 Personal leave may be used for vacations and personal business as  
91 scheduled by the appointing authority and shall be used for  
92 illnesses of the employee requiring absences of one (1) day or  
93 less. Accrued personal or compensatory leave shall be used for



94 the first day of an employee's illness requiring his absence of  
95 more than one (1) day. Accrued personal or compensatory leave may  
96 also be used for an illness in the employee's immediate family as  
97 defined in Section 25-3-95. There shall be no limit to the  
98 accumulation of personal leave. Upon termination of employment  
99 each employee shall be paid for not more than thirty (30) days of  
100 accumulated personal leave. Unused personal leave in excess of  
101 thirty (30) days shall be counted as creditable service for the  
102 purposes of the retirement system as provided in Sections  
103 25-11-103 and 25-13-5.

104 (5) Any officer of the Mississippi Highway Safety Patrol who  
105 is injured by wound or accident in the line of duty shall not be  
106 required to use earned personal leave during the period of  
107 recovery from such injury.

108 (6) Any employee may donate a portion of his or her earned  
109 personal leave to another employee who is suffering from a  
110 catastrophic injury or illness, or to another employee who has a  
111 member of his or her immediate family who is suffering from a  
112 catastrophic injury or illness, in accordance with subsection (8)  
113 of Section 25-3-95.

114 This subsection shall stand repealed from and after July 1,  
115 2000.

116 **SECTION 3.** Section 25-3-95, Mississippi Code of 1972, is  
117 amended as follows:

118 25-3-95. (1) All employees and appointed officers of the  
119 State of Mississippi, except temporary employees of the public  
120 universities who work less than twenty (20) hours per week for a  
121 period of less than five (5) months during a fiscal year, fire  
122 fighters who work for the Mississippi Military Department and  
123 recipients of full-time educational leave, while on such leave,  
124 shall accrue credits for major medical leave as follows:

125	Continuous	Accrual Rate	Accrual Rate
126	Service	(Monthly)	(Annually)



127	1 month to 3 years	8 hours per month	12 days per year
128	37 months to 8 years	7 hours per month	10.5 days per year
129	97 months to 15 years	6 hours per month	9 days per year
130	Over 15 years	5 hours per month	7.5 days per year

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

134	Continuous	Accrual Rate	Accrual Rate
135	Service	(Per Month)	(Per Academic Year)
136	1 month to 3 years	13-1/3 hours per month	15 days per
137			academic year
138	37 months to 8 years	14-1/5 hours per month	16 days per
139			academic year
140	97 months to 15 years	15-2/5 hours per month	17 days per
141			academic year
142	Over 15 years	16 hours per month	18 days per
143			academic year

144 Part-time employees shall accrue major medical leave on a pro  
145 rata basis. There shall be no maximum limit to major medical  
146 leave accumulation. All unused major medical leave shall be  
147 counted as creditable service for the purposes of the retirement  
148 system as provided in Sections 25-11-103 and 25-13-5. Fire  
149 fighters who work for the Mississippi Military Department shall  
150 accrue major medical leave in accordance with the rules and  
151 regulations of the State Personnel Board as provided in Section  
152 25-1-98, as amended in Senate Bill No. 2069, 2003 Regular Session.

153 (2) Major medical leave may be used for the illness or  
154 injury of an employee or member of the employee's immediate family  
155 as defined in subsection (3) of this section, only after the  
156 employee has used one (1) day of accrued personal or compensatory  
157 leave for each absence due to illness, or leave without pay if the  
158 employee has no accrued personal or compensatory leave. Provided  
159 that faculty members employed by the eight (8) public universities



160 on a nine-month basis may use major medical leave for the first  
161 day of absence due to illness. However, major medical leave may  
162 be used, without prior use of personal leave, to cover regularly  
163 scheduled visits to a doctor's office or a hospital for the  
164 continuing treatment of a chronic disease, as certified in advance  
165 by a physician. For the purposes of this section, "physician"  
166 means a doctor of medicine, osteopathy, dental medicine, podiatry  
167 or chiropractic. For each absence due to illness of thirty-two  
168 (32) consecutive working hours (combined personal leave and major  
169 medical leave) major medical leave shall be authorized only when  
170 certified by their attending physician.

171 (3) An employee may use up to three (3) days of earned major  
172 medical leave for each occurrence of death in the immediate family  
173 requiring the employee's absence from work. No qualifying time or  
174 use of personal leave will be required prior to use of major  
175 medical leave for this purpose. For the purpose of this  
176 subsection (3), the immediate family is defined as spouse, parent,  
177 stepparent, sibling, child, stepchild, grandchild, grandparent,  
178 son- or daughter-in-law, mother- or father-in-law or brother- or  
179 sister-in-law. Child means a biological, adopted or foster child,  
180 or a child for whom the individual stands or stood in loco  
181 parentis.

182 (4) Employees and appointed officers of the State of  
183 Mississippi having unused, accumulated sick leave or annual leave  
184 earned prior to July 1, 1984, shall be credited with major medical  
185 leave and personal leave as follows: All unused annual leave  
186 shall be credited as personal leave.

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

191	Sick Leave	Percentage	Percentage
192	Balance as of	Converted to	Converted to



	June 30, 1984	Personal Leave	Major Medical Leave
193			
194	1 - 200 hours	20%	80%
195	201 - 400 hours	25%	75%
196	401 - 600 hours	30%	70%
197	601 or more hours	35%	65%

198 (5) Upon retirement from active employment each faculty  
199 member of the state-supported public universities who is employed  
200 on a nine-month basis shall receive credit and be paid for not  
201 more than thirty (30) days of unused major medical leave for  
202 service as a state employee. Unused major medical leave in excess  
203 of thirty (30) days shall be counted as creditable service for the  
204 purposes of the retirement system as provided in Sections  
205 25-11-103 and 25-13-5.

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

210 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
211 earned major medical leave of each employee shall be credited  
212 monthly after the completion of each calendar month, and the  
213 appointing authority shall not increase the amount of major  
214 medical leave to an employee's credit. It shall be unlawful for  
215 an appointing authority to grant major medical leave in an amount  
216 greater than was earned and accumulated by the officer or  
217 employee.

218 (8) Any employee may donate a portion of his or her earned  
219 personal leave or major medical leave to another employee who is  
220 suffering from a catastrophic injury or illness, as defined in  
221 Section 25-3-91, or to another employee who has a member of his or  
222 her immediate family who is suffering from a catastrophic injury  
223 or illness, in accordance with the following:

224 (a) The employee donating the leave (the "donor  
225 employee") shall designate the employee who is to receive the



226 leave (the "recipient employee") and the amount of earned personal  
227 leave and major medical leave that is to be donated, and shall  
228 notify the donor employee's appointing authority or supervisor of  
229 his or her designation. The donor employee's appointing authority  
230 or supervisor then shall notify the recipient employee's  
231 appointing authority or supervisor of the amount of leave that has  
232 been donated by the donor employee to the recipient employee.

233 (b) The maximum amount of earned personal leave that an  
234 employee may donate to any other employee may not exceed a number  
235 of days that would leave the donor employee with fewer than seven  
236 (7) days of personal leave left, and the maximum amount of earned  
237 major medical leave that an employee may donate to any other  
238 employee may not exceed fifty percent (50%) of the earned major  
239 medical leave of the donor employee.

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

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

249 (e) If an employee is aggrieved by the decision of his  
250 or her appointing authority that the employee is not eligible to  
251 receive donated leave because the injury or illness of the  
252 employee or member of the employee's immediate family is not, in  
253 the appointing authority's determination, a catastrophic injury or  
254 illness, the employee may appeal the decision to the employee  
255 appeals board.

256 (f) If the total amount of leave that is donated to any  
257 employee is not used by the recipient employee, the donated leave  
258 shall be returned to the donor employees on a pro rata basis,





259 based on the ratio of the number of days of leave donated by each  
260 donor employee to the total number of days of leave donated by all  
261 donor employees.

262 (g) The failure of any appointing authority or  
263 supervisor of any employee to properly deduct an employee's  
264 donation of leave to another employee from the donor employee's  
265 earned personal leave or major medical leave shall constitute just  
266 cause for the dismissal of the appointing authority or supervisor.

267 (h) Donated leave shall not be used in lieu of  
268 disability retirement.

269 (i) For the purposes of this subsection, "immediate  
270 family" means spouse, parent, stepparent, sibling, child or  
271 stepchild.

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

274 **SECTION 4.** This act shall take effect and be in force from  
275 and after July 1, 2003.

