

Adopted
AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2317

By Representative(s) Committee

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

(b) Temporary employees who work less than a full 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, temporary employees of the public universities who work less than twenty (20) hours per week for a period of less than five (5) months during a fiscal year, 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 and shall be used for illnesses of the employee requiring absences of one (1) day less.

Accrued personal or compensatory leave shall be used for the first day of an employees illness requiring his absence of more than one (1) day. Accrued personal or compensatory leave may also be used for an illness in the employee's immediate family as defined in Section 25-3-95. 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

62 purposes of the retirement system as provided in Sections
63 25-11-103 and 25-13-5.

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

68 (6) Any employee may donate a portion of his or her earned
69 personal leave to another employee who is suffering from a
70 catastrophic injury or illness, or to another employee who has a
71 member of his or her immediate family who is suffering from a
72 catastrophic injury or illness, in accordance with subsection (8)
73 of Section 25-3-95.

74 This subsection shall stand repealed from and after July 1,
75 2005.

76 **SECTION 2.** Section 25-3-95, Mississippi Code of 1972, is
77 amended as follows:

78 25-3-95. (1) All employees and appointed officers of the
79 State of Mississippi, except temporary employees of the public
80 universities who work less than twenty (20) hours per week for a
81 period of less than five (5) months during a fiscal year and
82 recipients of full-time educational leave, while on such leave,
83 shall accrue credits for major medical leave as follows:

84 Continuous	Accrual Rate	Accrual Rate
85 Service	(Monthly)	(Annually)
86 1 month to 3 years	8 hours per month	12 days per year
87 37 months to 8 years	7 hours per month	10.5 days per year
88 97 months to 15 years	6 hours per month	9 days per year
89 Over 15 years	5 hours per month	7.5 days per year

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

93 Continuous	Accrual Rate	Accrual Rate
94 Service	(Per Month)	(Per Academic Year)
95 1 month to 3 years	13-1/3 hours per month	15 days per
96		academic year

37 months to 8 years	14-1/5 hours per month	16 days per
		academic year
97 months to 15 years	15-2/5 hours per month	17 days per
		academic year
Over 15 years	16 hours per month	18 days per
		academic year

Part-time employees shall accrue major medical leave on a pro rata basis. There shall be no maximum limit to major medical 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, only after the employee has used one (1) day of accrued personal or compensatory leave for each absence due to illness, or leave without pay if the employee has no accrued personal or compensatory leave. Provided that faculty members employed by the eight (8) public universities on a nine-month basis may use major medical leave for the first day of absence due to illness. However, major medical leave may be used, without prior use of personal leave, 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 (combined personal leave and major medical leave) 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:

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

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

(6) 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 major medical leave during the period of recovery from such injury.

(7) For the purpose of Sections 25-3-91 through 25-3-99, the earned major medical leave of each employee shall be credited

167 monthly after the completion of each calendar month, and the
168 appointing authority shall not increase the amount of major
169 medical leave to an employee's credit. It shall be unlawful for
170 an appointing authority to grant major medical leave in an amount
171 greater than was earned and accumulated by the officer or
172 employee.

173 (8) Any employee may donate a portion of his or her earned
174 personal leave or major medical leave to another employee who is
175 suffering from a catastrophic injury or illness, as defined in
176 Section 25-3-91, or to another employee who has a member of his or
177 her immediate family who is suffering from a catastrophic injury
178 or illness, in accordance with the following:

179 (a) The employee donating the leave (the "donor
180 employee") shall designate the employee who is to receive the
181 leave (the "recipient employee") and the amount of earned personal
182 leave and major medical leave that is to be donated, and shall
183 notify the donor employee's appointing authority or supervisor of
184 his or her designation. The donor employee's appointing authority
185 or supervisor then shall notify the recipient employee's
186 appointing authority or supervisor of the amount of leave that has
187 been donated by the donor employee to the recipient employee.

188 (b) The maximum amount of earned personal leave that an
189 employee may donate to any other employee may not exceed a number
190 of days that would leave the donor employee with fewer than seven
191 (7) days of personal leave left, and the maximum amount of earned
192 major medical leave that an employee may donate to any other
193 employee may not exceed fifty percent (50%) of the earned major
194 medical leave of the donor employee. All donated leave shall be
195 in increments of not less than twenty-four (24) hours.

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

199 (d) Before an employee may receive donated leave, he or
200 she must provide his or her appointing authority or supervisor
201 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) Beginning on the effective date of Senate Bill No. 2317, 2003 Regular Session, the maximum period of time that an employee may use donated leave without resuming work at his or her place of employment is ninety (90) days, which commences on the first day that the recipient employee uses donated leave. Donated leave that is not used because a recipient employee has used the maximum amount of donated leave authorized under this paragraph shall be returned to the donor employees in the manner provided under paragraph (g) of this subsection.

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

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

(i) No person through the use of coercion, threats or intimidation shall require or attempt to require any employee to donate his or her leave to another employee. Any person who alleges a violation of this paragraph shall report the violation to the executive head of the agency by whom he or she is employed

237 or, if the alleged violator is the executive head of the agency,
238 then the employee shall report the violation to the State
239 Personnel Board. Any person found to have violated this paragraph
240 shall be subject to removal from office or termination of
241 employment.

242 (j) No employee can donate leave after tendering notice
243 of separation for any reason or after termination.

244 (k) Recipient employees of agencies with more than five
245 hundred (500) employees as of the effective date of Senate Bill
246 No. 2317, 2003 Regular Session, may receive donated leave only
247 from donor employees within the same agency. A recipient employee
248 in an agency with five hundred (500) or fewer employees as of the
249 effective date of Senate Bill No. 2317, 2003 Regular Session, may
250 receive donated leave from any donor employee.

251 (l) In order for an employee to be eligible to receive
252 donated leave, the employee must:

253 (i) Have been employed for a total of at least
254 twelve (12) months by the employer on the date on which the leave
255 is donated; and

256 (ii) Have been employed for at least one thousand
257 two hundred fifty (1,250) hours of service with such employer
258 during the previous twelve-month period from the date on which the
259 leave is donated.

260 (m) Donated leave shall not be used in lieu of
261 disability retirement.

262 (n) For the purposes of this subsection, "immediate
263 family" means spouse, parent, stepparent, sibling, child or
264 stepchild.

265 (o) This subsection shall stand repealed from and after
266 July 1, 2005.

267 **SECTION 3.** Section 25-3-91, Mississippi Code of 1972, is
268 amended as follows:

269 25-3-91. For purposes of Sections 25-3-91 through 25-3-99,
270 the following words and terms shall have the meaning described
271 herein, unless the context requires otherwise:

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

(b) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.

(c) "Employee" means a person appointed to a position in the state service or nonstate service as defined in Section 25-9-107, for which he is compensated on a full-time permanent or provisional basis, a temporary basis, or a part-time basis. However, in order for an employee to be eligible to receive donated leave, the employee must meet the requirements provided in Section 25-9-95(8).

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

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

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

SECTION 4. This act shall take effect and be in force from and after its passage.