STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

DEPARTMENT OF FINANCE AND ADMINISTRATION

LIZ WELCH
EXECUTIVE DIRECTOR

MEMORANDUM

TO: DFA Employees

FROM: Liz Welch
Executive Director

ISSUE DATE: April 12, 2010

SUBJECT: Policy for Donation of Leave for Catastrophic Injury or Illness

The following policy is being issued to establish the Department of Finance and Administration's internal procedures for the donation of leave.

Effective March 25, 2003 Senate Bill 2317 was signed into law and permits state employees to donate a portion of their earned personal leave or major medical leave to another employee who meets the following criteria:

1) Who has exhausted all personal leave and major medical leave; and
2) Has been employed at least 12 months and has worked at least 1250 hours of service during the previous twelve-month period from the date on which the leave is donated; and
3) Is suffering from a catastrophic injury or illness; or
4) Has a member of the immediate family who is suffering from a catastrophic injury or illness.

Catastrophic injury or illness means life threatening injury or illness of an employee or a member of the 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 are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and are long-term in nature and require a long recuperation period may be considered catastrophic. Immediate family means spouse, parent, stepparent, sibling, child or stepchild.

Employees wishing to receive donated leave must provide documentation to the Personnel Director from a licensed physician that includes the following information:

1) The beginning date of the catastrophic injury or illness; and
2) A description of the injury or illness; and
3) A prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

Employees may not use donated leave in lieu of disability retirement nor may they use donated leave for a period in excess of ninety (90) days without resuming work. Donated leave in excess of ninety (90) days or in excess of the anticipated return to work date will be returned to the donor employee. Unused donated leave will be pro-rated back to donor employees.

Employees who are donating leave to another employee may not:

1) Donate personal leave in an amount that would result in the employee having less than seven (7) days of personal leave; or
2) Donate more than 50 percent of their earned major medical leave balance; or
3) Donate less than twenty-four (24) hours of leave; or
4) Donate leave to any employee of an agency that has more than 500 employees; or
5) Donate leave after they have tendered notice of separation and/or termination.

The Department of Finance and Administration has previously developed a form for the donation of leave. Employees should complete this form if they wish to donate leave to a qualified employee. One copy of this form is attached and will be provided to the Leave Clerk, the Office Director or designee, Personnel, and the Employee. Each office is responsible for the distribution of this form.

For employees of our agency, the Human Resources Director will be responsible for the transfer of all donated leave from the donor employees to the recipient employee. For auditing purposes, completed donation forms should be retained for three years with all other leave request forms.

The Mississippi Code specifically provides that 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. Violations shall result in termination of employment.

Attached you will find an addition to the Mississippi State Employee Handbook and a donated leave form. If you have any questions about this policy and procedure, please call Karen Holloway at 359-2514.

cc: Leave Clerks
Payroll

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cc: Leave Clerks
Payroll