

By: Representative Young

To: Universities and  
Colleges; Appropriations

HOUSE BILL NO. 1175

1 AN ACT TO AMEND SECTION 37-101-293, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MENTAL  
3 HEALTH MAY GRANT PAID EDUCATIONAL LEAVE TO MEDICAL RESIDENTS OF  
4 THE UNIVERSITY OF MISSISSIPPI; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-101-293, Mississippi Code of 1972, is  
7 amended as follows:

8 37-101-293. (1) Within the limits of the funds available to  
9 any state agency for such purpose, the administrative head of such  
10 state agency may grant paid educational leave on a part-time or  
11 full-time basis and reimburse employees for educational expenses  
12 such as tuition, books and related fees to pursue undergraduate or  
13 graduate level education to those applicants deemed qualified.

14 It is the intent of the Legislature that such educational  
15 leave program shall be used as an incentive for employees to  
16 develop job-related skills and to develop employees for  
17 higher-level professional and management positions.

18 (2) In order to be eligible for paid educational leave,  
19 reimbursement for educational expenses or both, an applicant must:

20 (a) Be working at a state agency for at least three (3)  
21 years at the time of application or be working at a state agency  
22 at the time of application for part-time graduate level education  
23 in a particular profession deemed by the administrative head of  
24 the state agency to meet a critical need within the state agency;

25 (b) Attend any college or school located in the State  
26 of Mississippi and approved by the administrative head of such  
27 agency, unless such course of study is not available at a

28 Mississippi college or school, in which case the applicant may  
29 attend an out-of-state college or school;

30 (c) Agree to work as an employee in the same state  
31 agency for at least three (3) full years after completion of the  
32 course of study or, in the case of employees on educational leave  
33 on a part-time basis or receiving reimbursement for educational  
34 expenses only, to work for a time prorated based upon the total  
35 amount of expenses, including leave, paid for by the agency.

36 (3) (a) Before being granted paid educational leave, or  
37 being approved for reimbursement of educational expense or both,  
38 each applicant shall enter into a contract with the state agency,  
39 which shall be deemed a contract with the State of Mississippi,  
40 agreeing to the terms and conditions upon which the paid  
41 educational leave will be granted to him. The contract shall  
42 include such terms and provisions necessary to implement the  
43 purpose and intent of this section. The form of such contract  
44 shall be prepared by the Attorney General of this state and  
45 approved by the State Personnel Board, and shall be signed by the  
46 administrative head of the state agency and signed by the  
47 recipient. If the recipient is a minor, his minority disabilities  
48 shall be removed by a chancery court of competent jurisdiction  
49 before the contract is signed.

50 (b) Educational expenses for tuition, books and  
51 associated fees shall be reimbursed to the employee only after the  
52 employee has submitted documentation that the approved course has  
53 been successfully completed.

54 (c) If the recipient does not work as an employee in  
55 that state agency for the period of employment specified in the  
56 contract, the recipient shall be liable for repayment on demand of  
57 the remaining portion of the compensation that he or she was paid  
58 while on paid educational leave and educational expenses paid,  
59 with interest accruing at ten percent (10%) per annum from the  
60 recipient's date of graduation, or the date that the recipient

61 last worked at that state agency, whichever is the later date. In  
62 addition, there shall be included in any contract for paid  
63 educational leave a provision for liquidated damages equal to Two  
64 Thousand Dollars (\$2,000.00) per year for each year remaining to  
65 be served under such contract.

66 (d) If any recipient fails or withdraws from school at  
67 any time before completing his or her education, the recipient  
68 shall be liable for repayment on demand of the amount of the total  
69 compensation that he or she was paid while on paid educational  
70 leave, with interest accruing at ten percent (10%) per annum from  
71 the date the recipient failed or withdrew from school. However,  
72 if the recipient remains or returns to work in the same position  
73 he or she held in the same state agency prior to accepting  
74 educational leave, he or she shall not be liable for payment of  
75 any interest on the amount owed.

76 (e) The state agency shall have the authority to cancel  
77 any contract made between it and any recipient for paid  
78 educational leave or educational expenses or both upon such cause  
79 being deemed sufficient by the administrative head of the agency.

80 (f) The state agency is vested with full and complete  
81 authority and power to sue in its own name any recipient for any  
82 balance due the state on any such uncompleted contract, which suit  
83 shall be conducted and handled by the Attorney General of the  
84 state.

85 (g) Persons who default on contracts entered into under  
86 this section shall have the default determined and lose their  
87 professional health care licenses under the procedures provided in  
88 Section 37-101-291.

89 (4) At the discretion of the administrative head of the  
90 state agency, any recipient who is granted paid educational leave  
91 by the state agency, including nurses, shall be compensated by  
92 such agency as prescribed by the State Personnel Board during the  
93 time he or she is in school. For employees who are on educational

94 leave on a full-time basis, the State Personnel Board shall  
95 establish a maximum salary amount at which any employee may be  
96 paid full compensation while on educational leave and shall  
97 establish a deduction ratio or reduced percentage rate of  
98 compensation to be paid to all employees compensated at a salary  
99 level above such maximum salary amount. No recipient of full-time  
100 educational leave shall accrue personal or major medical leave  
101 while he or she is on paid educational leave.

102 (5) Each state agency granting paid educational leave to  
103 employees or reimbursing educational expenses or both shall file  
104 an annual report with the Legislature which shall detail for each  
105 recipient of paid educational leave the position of the employee,  
106 the cost of the educational assistance and the degree program and  
107 school attended.

108 (6) Within the limits of funds available to the Mississippi  
109 Department of Mental Health, the Executive Director of the  
110 Department of Mental Health may grant educational leave to medical  
111 residents of the University of Mississippi and pay a stipend in an  
112 amount not to exceed the salary of a medical resident. In order  
113 to be eligible for paid educational leave under this subsection,  
114 the applicant must be approved by the Department of Mental Health  
115 Educational Leave Committee and meet all obligations established  
116 under agreements between the Department of Mental Health and the  
117 University of Mississippi and regulations promulgated by the Board  
118 of Mental Health. The recipient shall fulfill his or her  
119 obligation under this program on an annual pro rata basis for each  
120 year on paid education leave.

121 **SECTION 2.** This act shall take effect and be in force from  
122 and after July 1, 2004.