

By: Representative Calhoun

To: Appropriations

HOUSE BILL NO. 853

1 AN ACT TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT UPON THE TERMINATION OF EMPLOYMENT OR DEATH OF ANY  
 3 STATE EMPLOYEE, THE EMPLOYER SHALL PAY THE EMPLOYEE OR HIS OR HER  
 4 ESTATE, AS APPROPRIATE, FOR ALL COMPENSATORY LEAVE ACCUMULATED BY  
 5 THE EMPLOYEE NOT EXCEEDING TWO YEARS OF COMPENSATORY LEAVE; TO  
 6 AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 7 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-3-92, Mississippi Code of 1972, is  
 10 amended as follows:

11 25-3-92. (1) When, in the opinion of the appointing  
 12 authority, it is essential that a state employee work after normal  
 13 working hours, the employee may receive credit for compensatory  
 14 leave. Except as otherwise provided in Section 37-13-89, when, in  
 15 the opinion of the appointing authority, it is essential that a  
 16 state employee work during an official state holiday, the employee  
 17 shall receive credit for compensatory leave. Upon the termination  
 18 of employment or death of any state employee, the appointing  
 19 authority shall pay the employee or his or her estate, as



20 appropriate, for all compensatory leave accumulated by the  
21 employee not exceeding two (2) years of compensatory leave.

22 (2) State employees may be granted administrative leave with  
23 pay. For the purposes of this section, "administrative leave"  
24 means discretionary leave with pay, other than personal leave or  
25 major medical leave.

26 (a) The appointing authority may grant administrative  
27 leave to any employee serving as a witness or juror or party  
28 litigant, as verified by the clerk of the court, in addition to  
29 any fees paid for such services, and such services or necessary  
30 appearance in any court shall not be counted as personal leave.

31 (b) The Governor or the appointing authority may grant  
32 administrative leave with pay to state employees on a local or  
33 statewide basis in the event of extreme weather conditions or in  
34 the event of a man-made, technological or natural disaster or  
35 emergency. Any employee on a previously approved leave during the  
36 affected period shall be eligible for such administrative leave  
37 granted by the Governor or appointing authority, and shall not be  
38 charged for his previously approved leave during the affected  
39 period.

40 (c) The appointing authority may grant administrative  
41 leave with pay to any employee who is a certified disaster service  
42 volunteer of the American Red Cross who participates in  
43 specialized disaster relief services for the American Red Cross in  
44 this state and in states contiguous to this state when the



45 American Red Cross requests the employee's participation.  
46 Administrative leave granted under this paragraph shall not exceed  
47 twenty (20) days in any twelve-month period. An employee on leave  
48 under this paragraph shall not be deemed to be an employee of the  
49 state for purposes of workers' compensation or for purposes of  
50 claims against the state allowed under Chapter 46, Title 11,  
51 Mississippi Code of 1972. As used in this paragraph, the term  
52 "disaster" includes disasters designated at Level II and above in  
53 American Red Cross national regulations and procedures.

54 **SECTION 2.** Section 25-1-98, Mississippi Code of 1972, is  
55 amended as follows:

56 25-1-98. In addition to any other times required by statute,  
57 all state offices shall be open and staffed for the normal conduct  
58 of business from 8:00 a.m. until 5:00 p.m., Monday through Friday,  
59 except on legal holidays as set forth in Section 3-3-7. The  
60 Governor may designate certain state offices and institutions as  
61 providers of essential services and require that they be open and  
62 staffed on legal holidays. The Board of Directors of the  
63 Mississippi Industries for the Blind may, in its discretion,  
64 require that its offices and operations be open and staffed on  
65 legal holidays. Employees required to work on legal holidays  
66 shall earn compensatory leave under the provisions of Section  
67 25-3-92. No employee shall receive additional vacation or sick  
68 leave benefits for working on a legal holiday, nor shall this  
69 section be construed to authorize any additional compensation as



70 an alternative to the accrual of compensatory leave except as  
71 specifically provided for in a legislative appropriation or except  
72 as otherwise provided by law. The provisions of this section  
73 shall not be construed to limit the hours of operation of any  
74 agency or to abrogate any action taken during hours other than  
75 those stated, nor shall these provisions apply to any offices that  
76 do not customarily stay open five (5) days a week. The provisions  
77 of this section shall not apply to the military department of the  
78 State of Mississippi or to the armories, field training sites, air  
79 bases or other installations of the Mississippi National Guard.

80 A workday for a state employee in a full-time employment  
81 position shall be eight (8) hours in duration at a minimum  
82 exclusive of time off for meals. The appointing authority shall  
83 develop work schedules which ensure that each full-time employee  
84 works a full workday and shall provide the State Auditor with a  
85 copy of the regular work schedule of the appointing authority.

86 **SECTION 3.** This act shall take effect and be in force from  
87 and after July 1, 2018.

