

By: Representatives Carpenter, Miles

To: Accountability,  
Efficiency, Transparency

## HOUSE BILL NO. 1424

1 AN ACT TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT STATE LAW ENFORCEMENT OFFICERS SHALL BE COMPENSATED  
3 FOR OVERTIME WORKED BETWEEN 160 TO 171 HOURS IN A 28-DAY WORK  
4 PERIOD; AND FOR RELATED PURPOSES.

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

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

8 25-3-92. (1) (a) When, in the opinion of the appointing  
9 authority, it is essential that a state employee work after normal  
10 working hours, the employee may receive credit for compensatory  
11 leave. Except as otherwise provided in Section 37-13-89 or  
12 paragraph (b) of this subsection, when, in the opinion of the  
13 appointing authority, it is essential that a state employee work  
14 during an official state holiday, the employee shall receive  
15 credit for compensatory leave.

16 (b) Any law enforcement officer, as defined in Section  
17 45-6-3, who has received credit for compensatory leave as a result  
18 of working between one hundred sixty (160) and one hundred  
19 seventy-one (171) hours in a twenty-eight-day work period shall be



20 compensated for the additional hours worked by (i) receiving paid  
21 time off, (ii) being paid at the officer's regular hourly rate, at  
22 the time the officer is compensated, or (iii) receiving credit for  
23 the time applied to the officer's retirement. If the officer  
24 leaves state employment and will no longer be employed with an  
25 agency that participates in the Public Employees' Retirement  
26 System, the officer shall be compensated under the provisions of  
27 (i) or (ii) of this paragraph (b).

28 (2) State employees may be granted administrative leave with  
29 pay. For the purposes of this section, "administrative leave"  
30 means discretionary leave with pay, other than personal leave or  
31 major medical leave.

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

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



44 charged for his previously approved leave during the affected  
45 period.

46 (c) The appointing authority may grant administrative  
47 leave with pay to any employee who is a certified disaster service  
48 volunteer of the American Red Cross who participates in  
49 specialized disaster relief services for the American Red Cross in  
50 this state and in states contiguous to this state when the  
51 American Red Cross requests the employee's participation.  
52 Administrative leave granted under this paragraph shall not exceed  
53 twenty (20) days in any twelve-month period. An employee on leave  
54 under this paragraph shall not be deemed to be an employee of the  
55 state for purposes of workers' compensation or for purposes of  
56 claims against the state allowed under Chapter 46, Title 11,  
57 Mississippi Code of 1972. As used in this paragraph, the term  
58 "disaster" includes disasters designated at Level II and above in  
59 American Red Cross national regulations and procedures.

60 **SECTION 2.** This act shall take effect and be in force from  
61 and after July 1, 2018.

