

By: Representatives Henley, Brown, Sykes

To: Military Affairs

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1136

1 AN ACT TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ADMINISTRATIVE LEAVE FOR STATE EMPLOYEES WHO ARE MEMBERS  
3 OF THE MISSISSIPPI NATIONAL GUARD, THE MISSISSIPPI STATE GUARD OR  
4 A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES WHO,  
5 PURSUANT TO ORDERS, PERFORM DUTIES RELATED TO EMERGENCY OR  
6 DISASTER RELIEF SERVICES OR ACTIVITIES; AND FOR RELATED PURPOSES.

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

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

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

17 (2) State employees may be granted administrative leave with  
18 pay. For the purposes of this section, "administrative leave"  
19 means discretionary leave with pay, other than personal leave or  
20 major medical leave.



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

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

35           (c) The appointing authority may grant administrative  
36 leave with pay to any employee who is a certified disaster service  
37 volunteer of the American Red Cross who participates in  
38 specialized disaster relief services for the American Red Cross in  
39 this state and in states contiguous to this state when the  
40 American Red Cross requests the employee's participation.  
41 Administrative leave granted under this paragraph shall not exceed  
42 twenty (20) days in any twelve-month period. An employee on leave  
43 under this paragraph shall not be deemed to be an employee of the  
44 state for purposes of workers' compensation or for purposes of  
45 claims against the state allowed under Chapter 46, Title 11,



Mississippi Code of 1972. As used in this paragraph, the term "disaster" includes disasters designated at Level II and above in American Red Cross national regulations and procedures.

(d) The appointing authority may grant administrative leave with pay to any employee who is a member of the Mississippi National Guard, the Mississippi State Guard or a reserve component of the Armed Forces of the United States who, pursuant to orders, performs duties related to emergency or disaster relief services or activities. Administrative leave granted under this paragraph (d) shall not exceed twenty (20) days in any twelve-month period. An employee on leave under this paragraph (d) shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of claims against the state allowed under Chapter 46, Title 11, Mississippi Code of 1972. For the purposes of this paragraph (d), the term "Mississippi National Guard" means and has the same definition as that term has in Section 33-1-1, and the term "Mississippi State Guard" means the Mississippi State Guard organized under Section 33-5-51. For the purposes of this paragraph (d), the term "reserve component" of the Armed Forces of the United States means the Army National Guard, the Army National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in 10 USCS 101, and any other reserve component of the United States Armed Forces enumerated in Section 10 USCS 10101.



71           **SECTION 2.** This act shall take effect and be in force from  
72   and after July 1, 2019.

