

By: Representative Arnold

To: Military Affairs

HOUSE BILL NO. 638

1 AN ACT TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE STATE AGENCIES TO GRANT UP TO SIX DAYS OF ADMINISTRATIVE
3 LEAVE WITH PAY WITHIN A SIX-MONTH PERIOD TO EMPLOYEES WHO ARE
4 QUALIFIED MEMBERS OF THE MISSISSIPPI WING OF THE CIVIL AIR PATROL
5 PARTICIPATING IN OFFICIAL EMERGENCY SERVICES MISSIONS; TO PROVIDE
6 THAT EMPLOYEES OF ANY PUBLIC OR PRIVATE BUSINESS OR INDUSTRY,
7 WHO ARE ACTIVE MEMBERS OF THE MISSISSIPPI WING OF THE CIVIL AIR
8 PATROL, MAY, IN THE DISCRETION OF AN EMPLOYEE'S EMPLOYER, BE
9 ENTITLED TO A LEAVE OF ABSENCE FROM THEIR RESPECTIVE DUTIES ON ALL
10 DAYS DURING WHICH THEY PARTICIPATE IN AN OFFICIAL OPERATIONAL
11 EMERGENCY SERVICES MISSION FOR THE CIVIL AIR PATROL IN THIS STATE
12 OR IN A STATE CONTIGUOUS TO THIS STATE WHEN THE CIVIL AIR PATROL
13 REQUESTS THE EMPLOYEE'S PARTICIPATION; AND FOR RELATED PURPOSES.

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

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

17 25-3-92. (1) When, in the opinion of the appointing
18 authority, it is essential that a state employee work after normal
19 working hours, the employee may receive credit for compensatory
20 leave. Except as otherwise provided in Section 37-13-89, when, in
21 the opinion of the appointing authority, it is essential that a
22 state employee work during an official state holiday, the employee
23 shall receive credit for compensatory leave.



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

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

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

42 (c) The appointing authority may grant administrative
43 leave with pay to any employee who is a certified disaster service
44 volunteer of the American Red Cross who participates in
45 specialized disaster relief services for the American Red Cross in
46 this state and in states contiguous to this state when the
47 American Red Cross requests the employee's participation.
48 Administrative leave granted under this paragraph shall not exceed



twenty (20) days in any twelve-month period. An employee on leave under this paragraph 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. 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 an employee who is a qualified member in good standing of the Mississippi Wing of the Civil Air Patrol who is participating in an official operational Emergency Services Mission for the Civil Air Patrol in this state or in a state contiguous to this state when the Civil Air Patrol requests the employee's participation. Administrative leave granted under this paragraph may not exceed six (6) days in any six-month period. An employee on leave under this paragraph is not 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.

SECTION 2. (1) Any employee of any public or private business or industry, who is an active member of the Mississippi Wing of the Civil Air Patrol, may, in the discretion of the employee's employer, be entitled to a leave of absence from their respective duties, without loss of rank, pay, time, annual leave, or efficiency rating, on all days during which the employee



74 participates in an official operational Emergency Services Mission
75 for the Civil Air Patrol in this state or in a state contiguous to
76 this state when the Civil Air Patrol requests the employee's
77 participation.

78 Any such employee may, in the discretion of the employee's
79 employer be entitled to a leave of absence from their respective
80 duties without loss of rank, pay, time, annual leave, or
81 efficiency rating until relieved from duty, and may, when relieved
82 from such duty, be restored to the positions held by them when
83 ordered to duty, or a position of like seniority, status and pay,
84 provided that such person shall:

85 (a) Still be qualified to perform the duties of such
86 position; and

87 (b) Make application for re-employment within ninety
88 (90) days after such person is relieved from such emergency
89 services, for a period of not more than one (1) year for causes
90 attributable to such services.

91 **SECTION 3.** This act shall take effect and be in force from
92 and after July 1, 2024.

