

By: Representative Cockerham

To: State Affairs;  
Appropriations A

HOUSE BILL NO. 1608

1 AN ACT TO PROVIDE FOR SIX WEEKS OF PAID LEAVE FOR ELIGIBLE  
2 STATE EMPLOYEES WHO ARE THE PRIMARY CAREGIVERS OF A QUALIFYING  
3 CHILD AND THREE WEEKS OF PAID LEAVE FOR THE SECONDARY CAREGIVERS,  
4 TO BE USED TO CARE FOR THE CHILD AFTER THE BIRTH, ADOPTION OR  
5 FOSTER PLACEMENT OF THE QUALIFYING CHILD; TO DEFINE "ELIGIBLE  
6 EMPLOYEE" AND "QUALIFYING CHILD" FOR THE PURPOSE OF THIS ACT; TO  
7 PROVIDE THAT THE LEAVE PROVIDED UNDER THIS ACT MUST BE TAKEN  
8 WITHIN SIX MONTHS OF THE PREGNANCY, BIRTH, ADOPTION OR FOSTER  
9 PLACEMENT OF THE QUALIFYING CHILD; TO PROVIDE THAT THE LEAVE  
10 PROVIDED UNDER THIS ACT SHALL BE IN ADDITION TO OTHER LEAVE  
11 BENEFITS AVAILABLE TO STATE EMPLOYEES BY STATE OR FEDERAL LAW AND  
12 SHALL NOT BE COUNTED AGAINST OTHER PERSONAL OR MEDICAL LEAVE  
13 ALLOTMENTS; TO PROVIDE THAT THE LEAVE SHALL RUN CONCURRENTLY WITH  
14 ANY LEAVE PROVIDED TO AN ELIGIBLE EMPLOYEE UNDER THE FEDERAL  
15 FAMILY AND MEDICAL LEAVE ACT; TO PROVIDE THAT ALL LEGAL STATE AND  
16 FEDERAL HOLIDAYS SHALL NOT BE COUNTED AGAINST THE LEAVE PROVIDED  
17 UNDER THIS ACT; TO AMEND SECTIONS 25-3-93 AND 25-3-95, MISSISSIPPI  
18 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR  
19 RELATED PURPOSES.

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

21 **SECTION 1.** (1) As used in this section, the following terms  
22 shall be defined as provided in this subsection:

23 (a) "Eligible employee" means a person appointed to a  
24 position in the state service or nonstate service as defined in  
25 Section 25-9-107 for which he or she is compensated on a full-time  
26 permanent basis, who has been employed by the State of Mississippi



27 for a minimum of twelve (12) consecutive months and who is either  
28 the primary or the secondary caregiver of a qualifying child. An  
29 eligible employee may not be classified as both the primary  
30 caregiver and the secondary caregiver in a twelve (12) month  
31 period.

32 (b) "Qualifying child" means a newborn child or a child  
33 under the age of eighteen (18) years whose parent is an eligible  
34 employee under this section.

35 (2) An eligible employee who is the primary caregiver of a  
36 qualifying child shall receive six (6) weeks (two hundred forty  
37 (240) hours) of paid leave at one hundred percent (100%) of the  
38 employee's regular salary, to be used to care for the child after  
39 the birth, adoption or foster placement of the qualifying child.

40 (3) An eligible employee who is the secondary caregiver of a  
41 qualifying child shall receive three (3) weeks (one hundred twenty  
42 (120) hours) of paid leave at one hundred percent (100%) of the  
43 employee's regular salary, to be used to care for the child after  
44 the birth, adoption or foster placement of the qualifying child.

45 (4) If both caregivers are state employees, there can be  
46 only one (1) primary caregiver entitled to six (6) weeks of leave,  
47 and the other parent may be designated as the secondary caregiver  
48 entitled to three (3) weeks of leave under this section. Each  
49 parent's leave may be taken concurrently, consecutively or at  
50 different times, but one (1) caregiver may not donate their leave  
51 to the other caregiver.



52 (5) The leave provided under this section must be taken  
53 within six (6) months of the pregnancy, birth, adoption or foster  
54 placement of the qualifying child. The leave shall be taken only  
55 once in a twelve (12) month period.

56 (6) The leave provided under this section shall be in  
57 addition to other leave benefits available to state employees by  
58 state or federal law and shall not be counted against other  
59 personal or medical leave allotments. The leave shall run  
60 concurrently with any leave provided to an eligible employee under  
61 the federal Family and Medical Leave Act. All legal state and  
62 federal holidays shall not be counted against the leave provided  
63 under this section.

64 (7) An eligible employee requesting the leave under this  
65 section shall give advance notice of two (2) months to the  
66 employee's supervisor and human resource manager and shall follow  
67 the employer's usual procedures for notification and  
68 documentation. If advance notice of two (2) months is not  
69 possible due to exigent circumstances, the employee shall notify  
70 the employee's supervisor and human resource manager at the  
71 earliest available opportunity and shall follow the employer's  
72 usual procedures in doing so.

73 (8) Before using paid leave, an eligible employee requesting  
74 leave under this section shall enter into a written service  
75 agreement with the employer to work for the employing agency for



76 twelve (12) weeks beginning on the employee's first scheduled  
77 workday after the paid leave concludes.

78 (9) On July 1, 2025, and every July 1 after, each state  
79 agency's human resource manager shall submit to the State  
80 Personnel Board a report on the use of the leave provided under  
81 this section by the agency's eligible employees for the preceding  
82 fiscal year.

83 (10) The State Personnel Board shall promulgate rules and  
84 regulations as necessary to carry out the implementation of this  
85 act.

86 **SECTION 2.** Section 25-3-93, Mississippi Code of 1972, is  
87 amended as follows:

88 25-3-93. (1) (a) Except as provided in subsection (1)(b),  
89 all employees and appointed officers of the State of Mississippi,  
90 who are employees as defined in Section 25-3-91, shall be allowed  
91 credit for personal leave computed as follows:

92	Continuous	Accrual Rate	Accrual Rate
93	Service	(Monthly)	(Annually)
94	1 month to 3 years	12 hours per month	18 days per year
95	37 months to 8 years	14 hours per month	21 days per year
96	97 months to 15 years	16 hours per month	24 days per year
97	Over 15 years	18 hours per month	27 days per year

98 However, employees who were hired prior to July 1, 1984, who  
99 have continuous service of more than five (5) years but not more



100 than eight (8) years shall accrue fifteen (15) hours of personal  
101 leave each month.

102 (b) Temporary employees who work less than a full  
103 workweek and part-time employees shall be allowed credit for  
104 personal leave computed on a pro rata basis. Faculty members  
105 employed by the eight (8) public universities on a nine-month  
106 contract, and employees of the public universities who do not  
107 contribute to the Mississippi Public Employees' Retirement System  
108 or the State Institutions of Higher Learning Optional Retirement  
109 Program, shall not be eligible for personal leave.

110 (2) For the purpose of computing credit for personal leave,  
111 each appointed officer or employee shall be considered to work not  
112 more than five (5) days each week. Leaves of absence granted by  
113 the appointing authority for one (1) year or less shall be  
114 permitted without forfeiting previously accumulated continuous  
115 service. The provisions of this section shall not apply to  
116 military leaves of absence. The time for taking personal leave,  
117 except when such leave is taken due to an illness, shall be  
118 determined by the appointing authority of which such employees are  
119 employed.

120 (3) For the purpose of Sections 25-3-91 through 25-3-99, the  
121 earned personal leave of each employee shall be credited monthly  
122 after the completion of each calendar month of service, and the  
123 appointing authority shall not increase the amount of personal  
124 leave to an employee's credit. It shall be unlawful for an



125 appointing authority to grant personal leave in an amount greater  
126 than was earned and accumulated by the officer or employee.

127 (4) Employees are encouraged to use earned personal leave.  
128 Personal leave may be used for vacations and personal business as  
129 scheduled by the appointing authority and shall be used for  
130 illnesses of the employee requiring absences of one (1) day or  
131 less. Accrued personal or compensatory leave shall be used for  
132 the first day of an employee's illness requiring his absence of  
133 more than one (1) day. Accrued personal or compensatory leave may  
134 also be used for an illness in the employee's immediate family as  
135 defined in Section 25-3-95. There shall be no limit to the  
136 accumulation of personal leave. Upon termination of employment  
137 each employee shall be paid for not more than thirty (30) days of  
138 accumulated personal leave. Unused personal leave in excess of  
139 thirty (30) days shall be counted as creditable service for the  
140 purposes of the retirement system as provided in Sections  
141 25-11-103 and 25-13-5.

142 (5) Any state law enforcement officer who is injured by  
143 wound or accident in the line of duty shall not be required to use  
144 earned personal leave during the period of recovery from such  
145 injury. As used in this subsection, the term "state law  
146 enforcement officer" means a person employed by a state agency  
147 who, as a condition of his or her employment, is required by law  
148 to complete a course of study at the Law Enforcement Officers  
149 Training Academy.



150 (6) Any employee may donate a portion of his or her earned  
151 personal leave to another employee who is suffering from a  
152 catastrophic injury or illness, or to another employee who has a  
153 member of his or her immediate family who is suffering from a  
154 catastrophic injury or illness, in accordance with subsection (8)  
155 of Section 25-3-95.

156 (7) The provisions of this section shall be subject to the  
157 provisions of Section 1 of this act. If there is any conflict  
158 between any of the provisions of this section and any of the  
159 provisions of Section 1 of this act, the provisions of Section 1  
160 of this act shall control.

161 **SECTION 3.** Section 25-3-95, Mississippi Code of 1972, is  
162 amended as follows:

163 25-3-95. (1) All employees and appointed officers of the  
164 State of Mississippi, except employees of the public universities  
165 who do not contribute to the Mississippi Public Employees'  
166 Retirement System or the State Institutions of Higher Learning  
167 Optional Retirement Program, shall accrue credits for major  
168 medical leave as follows:

169	Continuous	Accrual Rate	Accrual Rate
170	Service	(Monthly)	(Annually)
171	1 month to 3 years	8 hours per month	12 days per year
172	37 months to 8 years	7 hours per month	10.5 days per year
173	97 months to 15 years	6 hours per month	9 days per year
174	Over 15 years	5 hours per month	7.5 days per year



175 Faculty members employed by the eight (8) public universities  
176 on a nine-month contract shall accrue credit for major medical  
177 leave as follows:

178	Continuous	Accrual Rate	Accrual Rate
179	Service	(Per Month)	(Per Academic Year)
180	1 month to 3 years	13-1/3 hours per month	15 days per
181			academic year
182	37 months to 8 years	14-1/5 hours per month	16 days per
183			academic year
184	97 months to 15 years	15-2/5 hours per month	17 days per
185			academic year
186	Over 15 years	16 hours per month	18 days per
187			academic year

188 Part-time employees shall accrue major medical leave on a pro  
189 rata basis. There shall be no maximum limit to major medical  
190 leave accumulation. All unused major medical leave shall be  
191 counted as creditable service for the purposes of the retirement  
192 system as provided in Sections 25-11-103 and 25-13-5.

193 (2) (a) Major medical leave may be used for the illness or  
194 injury of an employee or member of the employee's immediate family  
195 as defined in subsection (3) of this section, only after the  
196 employee has used one (1) day of accrued personal or compensatory  
197 leave for each absence due to illness, or leave without pay if the  
198 employee has no accrued personal or compensatory leave; provided  
199 that faculty members employed by the eight (8) public universities





200 on a nine-month basis may use major medical leave for the first  
201 day of absence due to illness. However, major medical leave may  
202 be used, without prior use of personal leave, to cover regularly  
203 scheduled visits to a doctor's office or a hospital for the  
204 continuing treatment of a chronic disease, as certified in advance  
205 by a physician. For the purposes of this section, "physician"  
206 means a doctor of medicine, osteopathy, dental medicine, podiatry  
207 or chiropractic. For each absence due to illness of thirty-two  
208 (32) consecutive working hours (combined personal leave and major  
209 medical leave), major medical leave shall be authorized only when  
210 certified by their attending physician.

211 (b) When an employee's absence is due to a work-related  
212 injury for which the employee is receiving temporary disability  
213 benefits under Section 71-3-17(b) or 71-3-21, the injured employee  
214 shall not use accrued personal and/or medical leave and receive  
215 workers' compensation benefits simultaneously if the combined  
216 receipt of both benefits results in the employee being paid, while  
217 absent due to the work-related injury, a total amount that exceeds  
218 one hundred percent (100%) of his wages earned in state employment  
219 at the time of injury. In such cases, the injured employee may  
220 use only as much of his accrued personal and/or medical leave as  
221 necessary, which may be fewer than eight (8) hours of accrued  
222 personal and/or major medical leave in a day, to constitute the  
223 difference between the amount of temporary disability workers'  
224 compensation benefits received and one hundred percent (100%) of



225 his wages earned at the time of injury in state employment. It is  
226 the intent of the Legislature that no state employee who is absent  
227 and disabled from work due to a work-related injury shall receive  
228 more than one hundred percent (100%) of his wages earned in state  
229 employment at the time of injury through the use of accrued  
230 personal and/or medical leave combined with temporary disability  
231 benefits under the Workers' Compensation Law. The procedure for  
232 implementing this paragraph (b) shall be as directed by the  
233 applicable appointing authority. The receipt or payment of  
234 benefits in compliance with this paragraph (b) shall be considered  
235 the employee's exclusive remedy against the employer in accordance  
236 with Section 71-3-9.

237 (3) An employee may use up to three (3) days of earned major  
238 medical leave for each occurrence of death in the immediate family  
239 requiring the employee's absence from work. No qualifying time or  
240 use of personal leave will be required prior to use of major  
241 medical leave for this purpose. For the purpose of this  
242 subsection (3), the immediate family is defined as spouse, parent,  
243 stepparent, sibling, child, stepchild, grandchild, grandparent,  
244 son- or daughter-in-law, mother- or father-in-law or brother- or  
245 sister-in-law. Child means a biological, adopted or foster child,  
246 or a child for whom the individual stands or stood in loco  
247 parentis.

248 (4) Employees and appointed officers of the State of  
249 Mississippi having unused, accumulated sick leave or annual leave



250 earned prior to July 1, 1984, shall be credited with major medical  
251 leave and personal leave as follows: All unused annual leave  
252 shall be credited as personal leave.

253 Unused sick leave shall be divided between major medical  
254 leave and personal leave at rates determined by the employee's  
255 sick leave balance on June 30, 1984. The rates of conversion  
256 shall be as follows:

257	Sick Leave	Percentage	Percentage
258	Balance as of	Converted to	Converted to
259	June 30, 1984	Personal Leave	Major Medical Leave
260	1 - 200 hours	20%	80%
261	201 - 400 hours	25%	75%
262	401 - 600 hours	30%	70%
263	601 or more hours	35%	65%

264 (5) Upon retirement from active employment, each faculty  
265 member of the state-supported public universities who is employed  
266 on a nine-month basis shall receive credit and be paid for not  
267 more than thirty (30) days of unused major medical leave for  
268 service as a state employee. Unused major medical leave in excess  
269 of thirty (30) days shall be counted as creditable service for the  
270 purposes of the retirement system as provided in Sections  
271 25-11-103 and 25-13-5.

272 (6) Any state law enforcement officer who is injured by  
273 wound or accident in the line of duty shall not be required to use  
274 earned major medical leave during the period of recovery from such



275 injury. As used in this subsection, the term "state law  
276 enforcement officer" means a person employed by a state agency  
277 who, as a condition of his or her employment, is required by law  
278 to complete a course of study at the Law Enforcement Officers  
279 Training Academy.

280 (7) For the purpose of Sections 25-3-91 through 25-3-99, the  
281 earned major medical leave of each employee shall be credited  
282 monthly after the completion of each calendar month, and the  
283 appointing authority shall not increase the amount of major  
284 medical leave to an employee's credit. It shall be unlawful for  
285 an appointing authority to grant major medical leave in an amount  
286 greater than was earned and accumulated by the officer or  
287 employee.

288 (8) Any employee may donate a portion of his or her earned  
289 personal leave or major medical leave to another employee who is  
290 suffering from a catastrophic injury or illness, as defined in  
291 Section 25-3-91, or to another employee who has a member of his or  
292 her immediate family who is suffering from a catastrophic injury  
293 or illness, in accordance with the following:

294 (a) The employee donating the leave (the "donor  
295 employee") shall designate the employee who is to receive the  
296 leave (the "recipient employee") and the amount of earned personal  
297 leave and major medical leave that is to be donated, and shall  
298 notify the donor employee's appointing authority or supervisor of  
299 his or her designation. The donor employee's appointing authority



300 or supervisor then shall notify the recipient employee's  
301 appointing authority or supervisor of the amount of leave that has  
302 been donated by the donor employee to the recipient employee.

303 (b) The maximum amount of earned personal leave that an  
304 employee may donate to any other employee may not exceed a number  
305 of days that would leave the donor employee with fewer than seven  
306 (7) days of personal leave left, and the maximum amount of earned  
307 major medical leave that an employee may donate to any other  
308 employee may not exceed fifty percent (50%) of the earned major  
309 medical leave of the donor employee. All donated leave shall be  
310 in increments of not less than twenty-four (24) hours.

311 (c) An employee must have exhausted all of his or her  
312 earned personal leave and major medical leave before he or she  
313 will be eligible to receive any leave donated by another employee.

314 (d) Before an employee may receive donated leave, he or  
315 she must provide his or her appointing authority or supervisor  
316 with a physician's statement that states the beginning date of the  
317 catastrophic injury or illness, a description of the injury or  
318 illness, and a prognosis for recovery and the anticipated date  
319 that the recipient employee will be able to return to work.

320 (e) If an employee is aggrieved by the decision of his  
321 or her appointing authority that the employee is not eligible to  
322 receive donated leave because the injury or illness of the  
323 employee or member of the employee's immediate family is not, in  
324 the appointing authority's determination, a catastrophic injury or



325 illness, the employee may appeal the decision to the employee  
326 appeals board.

327 (f) Beginning on March 25, 2003, the maximum period of  
328 time that an employee may use donated leave without resuming work  
329 at his or her place of employment is ninety (90) days, which  
330 commences on the first day that the recipient employee uses  
331 donated leave. Donated leave that is not used because a recipient  
332 employee has used the maximum amount of donated leave authorized  
333 under this paragraph shall be returned to the donor employees in  
334 the manner provided under paragraph (g) of this subsection.

335 (g) If the total amount of leave that is donated to any  
336 employee is not used by the recipient employee, the donated leave  
337 shall be returned to the donor employees on a pro rata basis,  
338 based on the ratio of the number of days of leave donated by each  
339 donor employee to the total number of days of leave donated by all  
340 donor employees.

341 (h) The failure of any appointing authority or  
342 supervisor of any employee to properly deduct an employee's  
343 donation of leave to another employee from the donor employee's  
344 earned personal leave or major medical leave shall constitute just  
345 cause for the dismissal of the appointing authority or supervisor.

346 (i) No person through the use of coercion, threats or  
347 intimidation shall require or attempt to require any employee to  
348 donate his or her leave to another employee. Any person who  
349 alleges a violation of this paragraph shall report the violation



350 to the executive head of the agency by whom he or she is employed  
351 or, if the alleged violator is the executive head of the agency,  
352 then the employee shall report the violation to the State  
353 Personnel Board. Any person found to have violated this paragraph  
354 shall be subject to removal from office or termination of  
355 employment.

356 (j) No employee can donate leave after tendering notice  
357 of separation for any reason or after termination.

358 (k) Recipient employees of agencies with more than five  
359 hundred (500) employees as of March 25, 2003, may receive donated  
360 leave only from donor employees within the same agency. A  
361 recipient employee in an agency with five hundred (500) or fewer  
362 employees as of March 25, 2003, may receive donated leave from any  
363 donor employee.

364 (l) In order for an employee to be eligible to receive  
365 donated leave, the employee must:

366 (i) Have been employed for a total of at least  
367 twelve (12) months by the employer on the date on which the leave  
368 is donated; and

369 (ii) Have been employed for at least one thousand  
370 two hundred fifty (1,250) hours of service with such employer  
371 during the previous twelve-month period from the date on which the  
372 leave is donated.

373 (m) Donated leave shall not be used in lieu of  
374 disability retirement.



375 (n) For the purposes of this subsection, "immediate  
376 family" means spouse, parent, stepparent, sibling, child or  
377 stepchild.

378 (9) An employee may use up to six (6) weeks of earned major  
379 medical leave for the placement with the employee of a child for  
380 adoption or foster care and to care for the newly placed child  
381 within one (1) year of placement.

382 (10) The provisions of this section shall be subject to the  
383 provisions of Section 1 of this act. If there is any conflict  
384 between any of the provisions of this section and any of the  
385 provisions of Section 1 of this act, the provisions of Section 1  
386 of this act shall control.

387 **SECTION 4.** This act shall take effect and be in force from  
388 and after July 1, 2024.

