

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2438

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

39 **SECTION 1.** (1) This section shall be known and may be cited
40 as the "Mississippi State Employees Paid Parental Leave Act."

41 (2) As used in this section, the following terms shall be
42 defined as provided in this subsection:

43 (a) "Eligible employee" means a person who has been
44 employed by the State of Mississippi or any agency, department or
45 institution of the state for a minimum of twelve (12) consecutive
46 months in a position for which he or she is compensated on a
47 full-time permanent basis and who is the primary caregiver of a
48 child.



(b) "Paid parental leave" means the compensated absence from work provided to an eligible employee for any of the following qualifying events:

(i) The birth of the employee's biological child;
or

(ii) Legal adoption of a child under eighteen (18) years of age.

(c) "Primary caregiver" means the parent who has the primary responsibility for the care of a child following the birth or adoption of a child.

(d) "Secondary caregiver" means the parent who has secondary responsibility for the care of a child following the birth or adoption of a child.

(3) An eligible employee who is the primary caregiver of a child shall be entitled to receive six (6) weeks (two hundred forty (240) hours) of paid parental leave compensated at one hundred percent (100%) of the employee's regular salary, to be used to care for the child after the birth or adoption of the child.

(4) If both parents are state employees, only one (1) parent may be the primary caregiver entitled to receive six (6) weeks of paid parental leave under this section.

(5) The paid parental leave provided under this section must be taken within twelve (12) weeks of the birth or adoption of the



child. Paid parental leave may be taken only once in a period of twelve (12) months.

(6) The paid parental leave provided under this section shall be in addition to other leave benefits available to state employees by state or federal law and shall not be counted against accrued personal leave or major medical leave under Sections 25-3-93 and 25-3-95. The paid parental leave shall run concurrently with any leave provided to an eligible employee under the federal Family and Medical Leave Act (FMLA) where applicable. Legal state and federal holidays shall not be counted against the paid parental leave. The paid parental leave shall not be accrued or carried over or used for retirement purposes and is not payable upon separation from state service.

(7) An eligible employee requesting the paid parental leave under this section shall give notice at least thirty (30) calendar days before the anticipated leave start date, where foreseeable, to the employee's supervisor and human resources manager and shall follow the employer's usual procedures for notification and documentation. If advance notice of thirty (30) days is not possible due to exigent circumstances, the employee shall notify the employee's supervisor and human resources manager at the earliest available opportunity and shall follow the employer's usual procedures in doing so. The use of paid parental leave may be restricted due to public safety concerns, at the discretion of the employee's agency head.



98 (8) On July 1, 2026, and every July 1 after, each state
99 agency, department or institution shall submit to the State
100 Personnel Board a report on the use of the paid parental leave
101 provided under this section by the eligible employees of the
102 agency, department or institution for the preceding fiscal year.

103 (9) The State Personnel Board shall develop and implement
104 policies and procedures necessary to administer the provisions of
105 this section, including, but not limited to:

106 (a) Establishing processes for leave requests for and
107 approvals of taking paid parental leave;

108 (b) Defining documentation requirements to substantiate
109 eligibility for paid parental leave; and

110 (c) Ensuring compliance with applicable state and
111 federal laws.

112 (10) The board of trustees of any public school district and
113 the board of trustees of any community or junior college district
114 is authorized to adopt a policy, in addition to any other leave
115 policies of the district, to provide for paid parental leave for
116 employees of the district that includes the same or substantially
117 the same provisions as those of the Mississippi State Employees
118 Paid Parental Leave Act.

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

121 25-3-93. (1) (a) Except as provided in subsection (1)(b),
122 all employees and appointed officers of the State of Mississippi,



who are employees as defined in Section 25-3-91, shall be allowed credit for personal leave computed as follows:

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

However, employees who were hired prior to July 1, 1984, who have continuous service of more than five (5) years but not more than eight (8) years shall accrue fifteen (15) hours of personal leave each month.

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

(2) For the purpose of computing credit for personal leave, each appointed officer or employee shall be considered to work not more than five (5) days each week. Leaves of absence granted by the appointing authority for one (1) year or less shall be permitted without forfeiting previously accumulated continuous



148 service. The provisions of this section shall not apply to
149 military leaves of absence. The time for taking personal leave,
150 except when such leave is taken due to an illness, shall be
151 determined by the appointing authority of which such employees are
152 employed.

153 (3) For the purpose of Sections 25-3-91 through 25-3-99, the
154 earned personal leave of each employee shall be credited monthly
155 after the completion of each calendar month of service, and the
156 appointing authority shall not increase the amount of personal
157 leave to an employee's credit. It shall be unlawful for an
158 appointing authority to grant personal leave in an amount greater
159 than was earned and accumulated by the officer or employee.

160 (4) Employees are encouraged to use earned personal leave.
161 Personal leave may be used for vacations and personal business as
162 scheduled by the appointing authority and shall be used for
163 illnesses of the employee requiring absences of one (1) day or
164 less. Accrued personal or compensatory leave shall be used for
165 the first day of an employee's illness requiring his absence of
166 more than one (1) day. Accrued personal or compensatory leave may
167 also be used for an illness in the employee's immediate family as
168 defined in Section 25-3-95. There shall be no limit to the
169 accumulation of personal leave. Upon termination of employment
170 each employee shall be paid for not more than thirty (30) days of
171 accumulated personal leave. Unused personal leave in excess of
172 thirty (30) days shall be counted as creditable service for the



purposes of the retirement system as provided in Sections
25-11-103 and 25-13-5.

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

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

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

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

25-3-95. (1) All employees and appointed officers of the
State of Mississippi, except employees of the public universities



198 who do not contribute to the Mississippi Public Employees'
199 Retirement System or the State Institutions of Higher Learning
200 Optional Retirement Program, shall accrue credits for major
201 medical leave as follows:

202	Continuous	Accrual Rate	Accrual Rate
203	Service	(Monthly)	(Annually)
204	1 month to 3 years	8 hours per month	12 days per year
205	37 months to 8 years	7 hours per month	10.5 days per year
206	97 months to 15 years	6 hours per month	9 days per year
207	Over 15 years	5 hours per month	7.5 days per year

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

211	Continuous	Accrual Rate	Accrual Rate
212	Service	(Per Month)	(Per Academic Year)
213	1 month to 3 years	13-1/3 hours per month	15 days per
214			academic year
215	37 months to 8 years	14-1/5 hours per month	16 days per
216			academic year
217	97 months to 15 years	15-2/5 hours per month	17 days per
218			academic year
219	Over 15 years	16 hours per month	18 days per
220			academic year

221 Part-time employees shall accrue major medical leave on a pro
222 rata basis. There shall be no maximum limit to major medical



leave accumulation. All unused major medical leave shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5.

(2) (a) Major medical leave may be used for the illness or injury of an employee or member of the employee's immediate family as defined in subsection (3) of this section, only after the employee has used one (1) day of accrued personal or compensatory leave for each absence due to illness, or leave without pay if the employee has no accrued personal or compensatory leave; provided that faculty members employed by the eight (8) public universities on a nine-month basis may use major medical leave for the first day of absence due to illness. However, major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a physician. For the purposes of this section, "physician" means a doctor of medicine, osteopathy, dental medicine, podiatry or chiropractic. For each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave and major medical leave), major medical leave shall be authorized only when certified by their attending physician.

(b) When an employee's absence is due to a work-related injury for which the employee is receiving temporary disability benefits under Section 71-3-17(b) or 71-3-21, the injured employee shall not use accrued personal and/or medical leave and receive



workers' compensation benefits simultaneously if the combined receipt of both benefits results in the employee being paid, while absent due to the work-related injury, a total amount that exceeds one hundred percent (100%) of his wages earned in state employment at the time of injury. In such cases, the injured employee may use only as much of his accrued personal and/or medical leave as necessary, which may be fewer than eight (8) hours of accrued personal and/or major medical leave in a day, to constitute the difference between the amount of temporary disability workers' compensation benefits received and one hundred percent (100%) of his wages earned at the time of injury in state employment. It is the intent of the Legislature that no state employee who is absent and disabled from work due to a work-related injury shall receive more than one hundred percent (100%) of his wages earned in state employment at the time of injury through the use of accrued personal and/or medical leave combined with temporary disability benefits under the Workers' Compensation Law. The procedure for implementing this paragraph (b) shall be as directed by the applicable appointing authority. The receipt or payment of benefits in compliance with this paragraph (b) shall be considered the employee's exclusive remedy against the employer in accordance with Section 71-3-9.

(3) An employee may use up to three (3) days of earned major medical leave for each occurrence of death in the immediate family requiring the employee's absence from work. No qualifying time or



use of personal leave will be required prior to use of major medical leave for this purpose. For the purpose of this subsection (3), the immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son- or daughter-in-law, mother- or father-in-law or brother- or sister-in-law. Child means a biological, adopted or foster child, or a child for whom the individual stands or stood in loco parentis.

(4) Employees and appointed officers of the State of Mississippi having unused, accumulated sick leave or annual leave earned prior to July 1, 1984, shall be credited with major medical leave and personal leave as follows: All unused annual leave shall be credited as personal leave.

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

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



297 (5) Upon retirement from active employment, each faculty
298 member of the state-supported public universities who is employed
299 on a nine-month basis shall receive credit and be paid for not
300 more than thirty (30) days of unused major medical leave for
301 service as a state employee. Unused major medical leave in excess
302 of thirty (30) days shall be counted as creditable service for the
303 purposes of the retirement system as provided in Sections
304 25-11-103 and 25-13-5.

305 (6) Any state law enforcement officer who is injured by
306 wound or accident in the line of duty shall not be required to use
307 earned major medical leave during the period of recovery from such
308 injury. As used in this subsection, the term "state law
309 enforcement officer" means a person employed by a state agency
310 who, as a condition of his or her employment, is required by law
311 to complete a course of study at the Law Enforcement Officers
312 Training Academy.

313 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
314 earned major medical leave of each employee shall be credited
315 monthly after the completion of each calendar month, and the
316 appointing authority shall not increase the amount of major
317 medical leave to an employee's credit. It shall be unlawful for
318 an appointing authority to grant major medical leave in an amount
319 greater than was earned and accumulated by the officer or
320 employee.



321 (8) Any employee may donate a portion of his or her earned
322 personal leave or major medical leave to another employee who is
323 suffering from a catastrophic injury or illness, as defined in
324 Section 25-3-91, or to another employee who has a member of his or
325 her immediate family who is suffering from a catastrophic injury
326 or illness, in accordance with the following:

327 (a) The employee donating the leave (the "donor
328 employee") shall designate the employee who is to receive the
329 leave (the "recipient employee") and the amount of earned personal
330 leave and major medical leave that is to be donated, and shall
331 notify the donor employee's appointing authority or supervisor of
332 his or her designation. The donor employee's appointing authority
333 or supervisor then shall notify the recipient employee's
334 appointing authority or supervisor of the amount of leave that has
335 been donated by the donor employee to the recipient employee.

336 (b) The maximum amount of earned personal leave that an
337 employee may donate to any other employee may not exceed a number
338 of days that would leave the donor employee with fewer than seven
339 (7) days of personal leave left, and the maximum amount of earned
340 major medical leave that an employee may donate to any other
341 employee may not exceed fifty percent (50%) of the earned major
342 medical leave of the donor employee. All donated leave shall be
343 in increments of not less than twenty-four (24) hours.



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

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

353 (e) If an employee is aggrieved by the decision of his
354 or her appointing authority that the employee is not eligible to
355 receive donated leave because the injury or illness of the
356 employee or member of the employee's immediate family is not, in
357 the appointing authority's determination, a catastrophic injury or
358 illness, the employee may appeal the decision to the employee
359 appeals board.

360 (f) Beginning on March 25, 2003, the maximum period of
361 time that an employee may use donated leave without resuming work
362 at his or her place of employment is ninety (90) days, which
363 commences on the first day that the recipient employee uses
364 donated leave. Donated leave that is not used because a recipient
365 employee has used the maximum amount of donated leave authorized
366 under this paragraph shall be returned to the donor employees in
367 the manner provided under paragraph (g) of this subsection.



368 (g) If the total amount of leave that is donated to any
369 employee is not used by the recipient employee, the donated leave
370 shall be returned to the donor employees on a pro rata basis,
371 based on the ratio of the number of days of leave donated by each
372 donor employee to the total number of days of leave donated by all
373 donor employees.

374 (h) The failure of any appointing authority or
375 supervisor of any employee to properly deduct an employee's
376 donation of leave to another employee from the donor employee's
377 earned personal leave or major medical leave shall constitute just
378 cause for the dismissal of the appointing authority or supervisor.

379 (i) No person through the use of coercion, threats or
380 intimidation shall require or attempt to require any employee to
381 donate his or her leave to another employee. Any person who
382 alleges a violation of this paragraph shall report the violation
383 to the executive head of the agency by whom he or she is employed
384 or, if the alleged violator is the executive head of the agency,
385 then the employee shall report the violation to the State
386 Personnel Board. Any person found to have violated this paragraph
387 shall be subject to removal from office or termination of
388 employment.

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

391 (k) Recipient employees of agencies with more than five
392 hundred (500) employees as of March 25, 2003, may receive donated



leave only from donor employees within the same agency. A recipient employee in an agency with five hundred (500) or fewer employees as of March 25, 2003, may receive donated leave from any donor employee.

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

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

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

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

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

(9) An employee may use up to six (6) weeks of earned major medical leave for the birth of the employee's biological child or for the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement, after using the paid parental leave authorized under Section 1 of this act for the birth or adoption of the child.



418 (10) The provisions of this section shall be subject to the
419 provisions of Section 1 of this act. If there is any conflict
420 between any of the provisions of this section and any of the
421 provisions of Section 1 of this act, the provisions of Section 1
422 of this act shall control.

423 **SECTION 4.** This act shall take effect and be in force from
424 and after January 1, 2026.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI STATE EMPLOYEES PAID
2 PARENTAL LEAVE ACT; TO PROVIDE FOR SIX WEEKS OF PAID PARENTAL
3 LEAVE FOR ELIGIBLE STATE EMPLOYEES WHO ARE THE PRIMARY CAREGIVERS
4 OF A CHILD, TO BE USED TO CARE FOR THE CHILD AFTER THE BIRTH OR
5 ADOPTION OF THE CHILD; TO DEFINE "ELIGIBLE EMPLOYEE," "PAID
6 PARENTAL LEAVE" AND "PRIMARY CAREGIVER" FOR THE PURPOSE OF THIS
7 ACT; TO PROVIDE THAT THE EMPLOYEE SHALL BE COMPENSATED AT 100% OF
8 THE EMPLOYEE'S REGULAR SALARY WHILE TAKING THE PAID PARENTAL
9 LEAVE; TO PROVIDE THAT THE PAID PARENTAL LEAVE MUST BE TAKEN
10 WITHIN TWELVE WEEKS OF THE BIRTH OR ADOPTION OF THE CHILD; TO
11 PROVIDE THAT PAID PARENTAL LEAVE MAY BE TAKEN ONLY ONCE IN A
12 PERIOD OF TWELVE MONTHS; TO PROVIDE THAT THE PAID PARENTAL LEAVE
13 PROVIDED UNDER THIS ACT SHALL BE IN ADDITION TO OTHER LEAVE
14 BENEFITS AVAILABLE TO STATE EMPLOYEES BY STATE OR FEDERAL LAW AND
15 SHALL NOT BE COUNTED AGAINST ACCRUED PERSONAL LEAVE OR MAJOR
16 MEDICAL LEAVE; TO PROVIDE THAT THE PAID PARENTAL LEAVE SHALL RUN
17 CONCURRENTLY WITH ANY LEAVE PROVIDED TO AN ELIGIBLE EMPLOYEE UNDER
18 THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) WHERE APPLICABLE;
19 TO PROVIDE THAT THE PAID PARENTAL LEAVE SHALL NOT BE ACCRUED OR
20 CARRIED OVER OR USED FOR RETIREMENT PURPOSES AND IS NOT PAYABLE
21 UPON SEPARATION FROM STATE SERVICE; TO REQUIRE AN ELIGIBLE
22 EMPLOYEE REQUESTING THE PAID PARENTAL LEAVE TO GIVE NOTICE AT
23 LEAST THIRTY CALENDAR DAYS BEFORE THE ANTICIPATED LEAVE START DATE
24 WHERE FORESEEABLE; TO PROVIDE THAT IF ADVANCE NOTICE OF THIRTY
25 DAYS IS NOT POSSIBLE DUE TO EXIGENT CIRCUMSTANCES, THE EMPLOYEE
26 SHALL PROVIDE NOTICE AT THE EARLIEST AVAILABLE OPPORTUNITY; TO
27 AUTHORIZE PUBLIC SCHOOL DISTRICTS AND COMMUNITY AND JUNIOR COLLEGE
28 DISTRICTS TO ADOPT A POLICY, IN ADDITION TO ANY OTHER LEAVE
29 POLICIES OF THE DISTRICT, TO PROVIDE FOR PAID PARENTAL LEAVE FOR
30 EMPLOYEES OF THE DISTRICT THAT INCLUDES THE SAME OR SUBSTANTIALLY



31 THE SAME PROVISIONS AS THOSE OF THIS ACT; TO AMEND SECTION
32 25-3-93, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
33 PROVISIONS; TO AMEND SECTION 25-3-95, MISSISSIPPI CODE OF 1972, TO
34 CONFORM TO THE PRECEDING PROVISIONS; TO PROVIDE THAT AFTER USING
35 THE PAID PARENTAL LEAVE AUTHORIZED UNDER THIS ACT, AN EMPLOYEE MAY
36 USE UP TO SIX WEEKS OF EARNED MAJOR MEDICAL LEAVE FOR THE BIRTH OF
37 THE EMPLOYEE'S CHILD; AND FOR RELATED PURPOSES.

