

By: Representative Pierce

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 413

1 AN ACT TO AMEND SECTION 25-3-93, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT STATE AGENCIES FROM CHARGING PERSONAL LEAVE TO EMPLOYEES
3 WHO ARE RESPONDING TO AN EMERGENCY CALL AS A VOLUNTEER FIRE
4 FIGHTER; TO AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO
5 AUTHORIZE STATE AGENCIES TO GRANT ADMINISTRATIVE LEAVE TO
6 EMPLOYEES WHO ARE RESPONDING TO AN EMERGENCY CALL AS A VOLUNTEER
7 FIRE FIGHTER; AND FOR RELATED PURPOSES.

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

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

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

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

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

27 (b) The Governor or the appointing authority may grant
28 administrative leave with pay to state employees on a local or
29 statewide basis in the event of extreme weather conditions or in

30 the event of a manmade, technological or natural disaster or
31 emergency.

32 (c) The appointing authority may grant administrative
33 leave with pay to any employee who is a certified disaster service
34 volunteer of the American Red Cross who participates in
35 specialized disaster relief services for the American Red Cross in
36 this state and in states contiguous to this state when the
37 American Red Cross requests the employee's participation. The
38 appointing authority may grant administrative leave with pay to
39 any employee who is a volunteer fire fighter responding to a call
40 for emergency services. Administrative leave granted under this
41 paragraph shall not exceed twenty (20) days in any twelve-month
42 period. An employee on leave under this paragraph shall not be
43 deemed to be an employee of the state for purposes of workers'
44 compensation or for purposes of claims against the state allowed
45 under Chapter 46, Title 11, Mississippi Code of 1972. As used in
46 this paragraph, the term "disaster" includes disasters designated
47 at level II and above in American Red Cross national regulations
48 and procedures.

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

51 25-3-93. (1) (a) Except as provided in subsection (1)(b),
52 all employees and appointed officers of the State of Mississippi,
53 who are employees as defined in Section 25-3-91, shall be allowed
54 credit for personal leave computed as follows:

55 Continuous	Accrual Rate	Accrual Rate
56 Service	(Monthly)	(Annually)
57 1 month to 3 years	12 hours per month	18 days per year
58 37 months to 8 years	14 hours per month	21 days per year
59 97 months to 15 years	16 hours per month	24 days per year
60 Over 15 years	18 hours per month	27 days per year

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

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

65 (b) Temporary employees who work less than a full
66 workweek and part-time employees shall be allowed credit for
67 personal leave computed on a pro rata basis. Faculty members
68 employed by the eight (8) public universities on a nine-month
69 contract, temporary employees of the public universities who work
70 less than twenty (20) hours per week for a period of less than
71 five (5) months during a fiscal year, and recipients of full-time
72 educational leave, while on such leave, shall not be eligible for
73 personal leave.

74 (2) For the purpose of computing credit for personal leave,
75 each appointed officer or employee shall be considered to work not
76 more than five (5) days each week. Leaves of absence granted by
77 the appointing authority for one (1) year or less shall be
78 permitted without forfeiting previously accumulated continuous
79 service. The provisions of this section shall not apply to
80 military leaves of absence. The time for taking personal leave,
81 except when such leave is taken due to an illness, shall be
82 determined by the appointing authority of which such employees are
83 employed.

84 (3) For the purpose of Sections 25-3-91 through 25-3-99, the
85 earned personal leave of each employee shall be credited monthly
86 after the completion of each calendar month of service, and the
87 appointing authority shall not increase the amount of personal
88 leave to an employee's credit. It shall be unlawful for an
89 appointing authority to grant personal leave in an amount greater
90 than was earned and accumulated by the officer or employee.

91 (4) Employees are encouraged to use earned personal leave.
92 Personal leave may be used for vacations and personal business as
93 scheduled by the appointing authority and shall be used for
94 illnesses of the employee requiring absences of one (1) day or
95 less. Accrued personal or compensatory leave shall be used for

96 the first day of an employees illness requiring his absence of
97 more than one (1) day. Accrued personal or compensatory leave may
98 also be used for an illness in the employee's immediate family as
99 defined in Section 25-3-95. There shall be no limit to the
100 accumulation of personal leave. Upon termination of employment
101 each employee shall be paid for not more than thirty (30) days of
102 accumulated personal leave. Unused personal leave in excess of
103 thirty (30) days shall be counted as creditable service for the
104 purposes of the retirement system as provided in Sections
105 25-11-103 and 25-13-5.

106 (5) Any officer of the Mississippi Highway Safety Patrol who
107 is injured by wound or accident in the line of duty shall not be
108 required to use earned personal leave during the period of
109 recovery from such injury.

110 Any volunteer fire fighter who is responding to a call for
111 emergency services shall not be required to use earned personal
112 leave during the period of time that he is providing such
113 emergency services.

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

120 This subsection shall stand repealed from and after July 1,
121 2007.

122 **SECTION 3.** This act shall take effect and be in force from
123 and after July 1, 2005.