

By: Representatives Arnold, Tullos, Stamps

To: Military Affairs

HOUSE BILL NO. 1235

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



49 twenty (20) days in any twelve-month period. An employee on leave  
50 under this paragraph shall not be deemed to be an employee of the  
51 state for purposes of workers' compensation or for purposes of  
52 claims against the state allowed under Chapter 46, Title 11,  
53 Mississippi Code of 1972. As used in this paragraph, the term  
54 "disaster" includes disasters designated at Level II and above in  
55 American Red Cross national regulations and procedures.

56 (d) The appointing authority may grant administrative  
57 leave with pay to an employee who is a qualified member in good  
58 standing of the Mississippi Wing of the Civil Air Patrol who is  
59 participating in an official operational Emergency Services  
60 Mission for the Civil Air Patrol in this state or in a state  
61 contiguous to this state when the Civil Air Patrol requests the  
62 employee's participation. Administrative leave granted under this  
63 paragraph may not exceed six (6) days in any six-month period. An  
64 employee on leave under this paragraph is not deemed to be an  
65 employee of the state for purposes of workers' compensation or for  
66 purposes of claims against the state allowed under Chapter 46,  
67 Title 11, Mississippi Code of 1972.

68 **SECTION 2.** (1) Any employee of any public or private  
69 business or industry, who is an active member of the Mississippi  
70 Wing of the Civil Air Patrol, may, in the discretion of the  
71 employee's employer, be entitled to a leave of absence from their  
72 respective duties, without loss of rank, pay, time, annual leave,  
73 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, 2023.

