

By: Representatives Felsher, Summers, McLean To: Public Health and Human
Services; Appropriations A

HOUSE BILL NO. 1063

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI STATE EMPLOYEES PAID
2 PARENTAL LEAVE ACT; TO PROVIDE FOR EIGHT WEEKS OF PAID PARENTAL
3 LEAVE FOR ELIGIBLE STATE EMPLOYEES WHO ARE THE PRIMARY CAREGIVERS
4 OF A CHILD AND TWO WEEKS OF PAID PARENTAL LEAVE FOR THE SECONDARY
5 CAREGIVERS, TO BE USED TO CARE FOR THE CHILD AFTER THE BIRTH OR
6 ADOPTION OF THE CHILD; TO DEFINE "ELIGIBLE EMPLOYEE," "PAID
7 PARENTAL LEAVE," "PRIMARY CAREGIVER" AND "SECONDARY CAREGIVER" FOR
8 THE PURPOSE OF THIS ACT; TO PROVIDE THAT THE EMPLOYEE SHALL BE
9 COMPENSATED AT 100% OF THE EMPLOYEE'S REGULAR SALARY WHILE TAKING
10 THE PAID PARENTAL LEAVE; TO PROVIDE THAT THE PAID PARENTAL LEAVE
11 MUST BE TAKEN WITHIN TWELVE WEEKS OF THE BIRTH OR ADOPTION OF THE
12 CHILD; TO PROVIDE THAT PAID PARENTAL LEAVE MAY BE TAKEN ONLY ONCE
13 IN A PERIOD OF TWELVE MONTHS; TO PROVIDE THAT THE PAID PARENTAL
14 LEAVE PROVIDED UNDER THIS ACT SHALL BE IN ADDITION TO OTHER LEAVE
15 BENEFITS AVAILABLE TO STATE EMPLOYEES BY STATE OR FEDERAL LAW AND
16 SHALL NOT BE COUNTED AGAINST ACCRUED PERSONAL LEAVE OR MAJOR
17 MEDICAL LEAVE; TO PROVIDE THAT THE PAID PARENTAL LEAVE SHALL RUN
18 CONCURRENTLY WITH ANY LEAVE PROVIDED TO AN ELIGIBLE EMPLOYEE UNDER
19 THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) WHERE APPLICABLE;
20 TO PROVIDE THAT THE PAID PARENTAL LEAVE SHALL NOT BE ACCRUED OR
21 CARRIED OVER OR USED FOR RETIREMENT PURPOSES AND IS NOT PAYABLE
22 UPON SEPARATION FROM STATE SERVICE; TO REQUIRE AN ELIGIBLE
23 EMPLOYEE REQUESTING THE PAID PARENTAL LEAVE TO GIVE NOTICE AT
24 LEAST THIRTY CALENDAR DAYS BEFORE THE ANTICIPATED LEAVE START DATE
25 WHERE FORESEEABLE; TO PROVIDE THAT IF ADVANCE NOTICE OF THIRTY
26 DAYS IS NOT POSSIBLE DUE TO EXIGENT CIRCUMSTANCES, THE EMPLOYEE
27 SHALL PROVIDE NOTICE AT THE EARLIEST AVAILABLE OPPORTUNITY; TO
28 AMEND SECTION 25-3-93, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
29 PRECEDING PROVISIONS; TO AMEND SECTION 25-3-95, MISSISSIPPI CODE
30 OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO PROVIDE THAT
31 AFTER USING THE PAID PARENTAL LEAVE AUTHORIZED UNDER THIS ACT, AN
32 EMPLOYEE MAY USE UP TO SIX WEEKS OF EARNED MAJOR MEDICAL LEAVE FOR
33 THE BIRTH OF THE EMPLOYEE'S CHILD; TO AUTHORIZE PUBLIC SCHOOL
34 DISTRICTS AND COMMUNITY AND JUNIOR COLLEGE DISTRICTS TO ADOPT A



POLICY, IN ADDITION TO ANY OTHER LEAVE POLICIES OF THE DISTRICT,
TO PROVIDE FOR PAID PARENTAL LEAVE FOR EMPLOYEES OF THE DISTRICT
THAT INCLUDES THE SAME OR SUBSTANTIALLY THE SAME PROVISIONS AS
THOSE OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

(a) "Eligible employee" means a person who has been
employed by the State of Mississippi or any agency, department or
institution of the state for a minimum of twelve (12) consecutive
months in a position for which he or she is compensated on a
full-time permanent basis and who is either the primary or the
secondary caregiver of a child. An eligible employee may not be
classified as both the primary caregiver and the secondary
caregiver in a period of twelve (12) months.

(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 eight (8) weeks (three hundred twenty (320) 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) An eligible employee who is the secondary caregiver of a child shall be entitled to receive two (2) weeks (eighty (80) 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.

(5) If both parents are state employees, each parent is entitled to receive paid parental leave under this section. However, only one (1) parent may be the primary caregiver entitled to eight (8) weeks of paid parental leave, and the other parent may be designated as the secondary caregiver entitled to two (2) weeks of paid parental leave. Each parent's leave may be taken concurrently, consecutively or at different times as agreed upon by their respective employers, but one (1) caregiver may not donate their leave to the other caregiver.

(6) 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.

(7) 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.

(8) 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.



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

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

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

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

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

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

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

25-3-93. (1) (a) Except as provided in subsection (1)(b), 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



162 service. The provisions of this section shall not apply to
163 military leaves of absence. The time for taking personal leave,
164 except when such leave is taken due to an illness, shall be
165 determined by the appointing authority of which such employees are
166 employed.

167 (3) For the purpose of Sections 25-3-91 through 25-3-99, the
168 earned personal leave of each employee shall be credited monthly
169 after the completion of each calendar month of service, and the
170 appointing authority shall not increase the amount of personal
171 leave to an employee's credit. It shall be unlawful for an
172 appointing authority to grant personal leave in an amount greater
173 than was earned and accumulated by the officer or employee.

174 (4) Employees are encouraged to use earned personal leave.
175 Personal leave may be used for vacations and personal business as
176 scheduled by the appointing authority and shall be used for
177 illnesses of the employee requiring absences of one (1) day or
178 less. Accrued personal or compensatory leave shall be used for
179 the first day of an employee's illness requiring his absence of
180 more than one (1) day. Accrued personal or compensatory leave may
181 also be used for an illness in the employee's immediate family as
182 defined in Section 25-3-95. There shall be no limit to the
183 accumulation of personal leave. Upon termination of employment
184 each employee shall be paid for not more than thirty (30) days of
185 accumulated personal leave. Unused personal leave in excess of
186 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



212 who do not contribute to the Mississippi Public Employees'
213 Retirement System or the State Institutions of Higher Learning
214 Optional Retirement Program, shall accrue credits for major
215 medical leave as follows:

216	Continuous	Accrual Rate	Accrual Rate
217	Service	(Monthly)	(Annually)
218	1 month to 3 years	8 hours per month	12 days per year
219	37 months to 8 years	7 hours per month	10.5 days per year
220	97 months to 15 years	6 hours per month	9 days per year
221	Over 15 years	5 hours per month	7.5 days per year

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

225	Continuous	Accrual Rate	Accrual Rate
226	Service	(Per Month)	(Per Academic Year)
227	1 month to 3 years	13-1/3 hours per month	15 days per
228			academic year
229	37 months to 8 years	14-1/5 hours per month	16 days per
230			academic year
231	97 months to 15 years	15-2/5 hours per month	17 days per
232			academic year
233	Over 15 years	16 hours per month	18 days per
234			academic year

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



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

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

258 (b) When an employee's absence is due to a work-related
259 injury for which the employee is receiving temporary disability
260 benefits under Section 71-3-17(b) or 71-3-21, the injured employee
261 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



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

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

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

304	Sick Leave	Percentage	Percentage
305	Balance as of	Converted to	Converted to
306	June 30, 1984	Personal Leave	Major Medical Leave
307	1 - 200 hours	20%	80%
308	201 - 400 hours	25%	75%
309	401 - 600 hours	30%	70%
310	601 or more hours	35%	65%



311 (5) Upon retirement from active employment, each faculty
312 member of the state-supported public universities who is employed
313 on a nine-month basis shall receive credit and be paid for not
314 more than thirty (30) days of unused major medical leave for
315 service as a state employee. Unused major medical leave in excess
316 of thirty (30) days shall be counted as creditable service for the
317 purposes of the retirement system as provided in Sections
318 25-11-103 and 25-13-5.

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

327 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
328 earned major medical leave of each employee shall be credited
329 monthly after the completion of each calendar month, and the
330 appointing authority shall not increase the amount of major
331 medical leave to an employee's credit. It shall be unlawful for
332 an appointing authority to grant major medical leave in an amount
333 greater than was earned and accumulated by the officer or
334 employee.



(8) Any employee may donate a portion of his or her earned personal leave or major medical leave to another employee who is suffering from a catastrophic injury or illness, as defined in Section 25-3-91, 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 the following:

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

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



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

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

367 (e) If an employee is aggrieved by the decision of his
368 or her appointing authority that the employee is not eligible to
369 receive donated leave because the injury or illness of the
370 employee or member of the employee's immediate family is not, in
371 the appointing authority's determination, a catastrophic injury or
372 illness, the employee may appeal the decision to the employee
373 appeals board.

374 (f) Beginning on March 25, 2003, the maximum period of
375 time that an employee may use donated leave without resuming work
376 at his or her place of employment is ninety (90) days, which
377 commences on the first day that the recipient employee uses
378 donated leave. Donated leave that is not used because a recipient
379 employee has used the maximum amount of donated leave authorized
380 under this paragraph shall be returned to the donor employees in
381 the manner provided under paragraph (g) of this subsection.



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

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

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

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

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



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

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

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

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

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

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

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



432 (10) The provisions of this section shall be subject to the
433 provisions of Section 1 of this act. If there is any conflict
434 between any of the provisions of this section and any of the
435 provisions of Section 1 of this act, the provisions of Section 1
436 of this act shall control.

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

