

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

HOUSE BILL NO. 1063 (As Sent to Governor)

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 AMEND SECTION 25-3-93, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
28 PRECEDING PROVISIONS; TO AMEND SECTION 25-3-95, MISSISSIPPI CODE
29 OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO PROVIDE THAT
30 AFTER USING THE PAID PARENTAL LEAVE AUTHORIZED UNDER THIS ACT, AN
31 EMPLOYEE MAY USE UP TO SIX WEEKS OF EARNED MAJOR MEDICAL LEAVE FOR
32 THE BIRTH OF THE EMPLOYEE'S CHILD; TO AUTHORIZE PUBLIC SCHOOL
33 DISTRICTS AND COMMUNITY AND JUNIOR COLLEGE DISTRICTS TO ADOPT A
34 POLICY, IN ADDITION TO ANY OTHER LEAVE POLICIES OF THE DISTRICT,



35 TO PROVIDE FOR PAID PARENTAL LEAVE FOR EMPLOYEES OF THE DISTRICT
36 THAT INCLUDES THE SAME OR SUBSTANTIALLY THE SAME PROVISIONS AS
37 THOSE OF THIS ACT; AND FOR RELATED PURPOSES.

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

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.

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

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

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

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

59 (3) An eligible employee who is the primary caregiver of a
60 child shall be entitled to receive six (6) weeks (two hundred
61 forty (240) hours) of paid parental leave compensated at one



62 hundred percent (100%) of the employee's regular salary, to be
63 used to care for the child after the birth or adoption of the
64 child.

65 (4) The paid parental leave provided under this section must
66 be taken within twelve (12) weeks of the birth or adoption of the
67 child. Paid parental leave may be taken only once in a period of
68 twelve (12) months.

69 (5) The paid parental leave provided under this section
70 shall be in addition to other leave benefits available to state
71 employees by state or federal law and shall not be counted against
72 accrued personal leave or major medical leave under Sections
73 25-3-93 and 25-3-95. The paid parental leave shall run
74 concurrently with any leave provided to an eligible employee under
75 the federal Family and Medical Leave Act (FMLA) where applicable.
76 Legal state and federal holidays shall not be counted against the
77 paid parental leave. The paid parental leave shall not be accrued
78 or carried over or used for retirement purposes and is not payable
79 upon separation from state service.

80 (6) An eligible employee requesting the paid parental leave
81 under this section shall give notice at least thirty (30) calendar
82 days before the anticipated leave start date, where foreseeable,
83 to the employee's supervisor and human resources manager and shall
84 follow the employer's usual procedures for notification and
85 documentation. If advance notice of thirty (30) days is not
86 possible due to exigent circumstances, the employee shall notify



87 the employee's supervisor and human resources manager at the
88 earliest available opportunity and shall follow the employer's
89 usual procedures in doing so. The use of paid parental leave may
90 be restricted due to public safety concerns, at the discretion of
91 the employee's agency head.

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

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

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

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

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

106 (9) The board of trustees of any public school district and
107 the board of trustees of any community or junior college district
108 is authorized to adopt a policy, in addition to any other leave
109 policies of the district, to provide for paid parental leave for
110 employees of the district that includes the same or substantially



111 the same provisions as those of the Mississippi State Employees
112 Paid Parental Leave Act.

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

115 25-3-93. (1) (a) Except as provided in subsection (1)(b),
116 all employees and appointed officers of the State of Mississippi,
117 who are employees as defined in Section 25-3-91, shall be allowed
118 credit for personal leave computed as follows:

119	Continuous	Accrual Rate	Accrual Rate
120	Service	(Monthly)	(Annually)
121	1 month to 3 years	12 hours per month	18 days per year
122	37 months to 8 years	14 hours per month	21 days per year
123	97 months to 15 years	16 hours per month	24 days per year
124	Over 15 years	18 hours per month	27 days per year

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

129 (b) Temporary employees who work less than a full
130 workweek and part-time employees shall be allowed credit for
131 personal leave computed on a pro rata basis. Faculty members
132 employed by the eight (8) public universities on a nine-month
133 contract, and employees of the public universities who do not
134 contribute to the Mississippi Public Employees' Retirement System



135 or the State Institutions of Higher Learning Optional Retirement
136 Program, shall not be eligible for personal leave.

137 (2) For the purpose of computing credit for personal leave,
138 each appointed officer or employee shall be considered to work not
139 more than five (5) days each week. Leaves of absence granted by
140 the appointing authority for one (1) year or less shall be
141 permitted without forfeiting previously accumulated continuous
142 service. The provisions of this section shall not apply to
143 military leaves of absence. The time for taking personal leave,
144 except when such leave is taken due to an illness, shall be
145 determined by the appointing authority of which such employees are
146 employed.

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

154 (4) Employees are encouraged to use earned personal leave.
155 Personal leave may be used for vacations and personal business as
156 scheduled by the appointing authority and shall be used for
157 illnesses of the employee requiring absences of one (1) day or
158 less. Accrued personal or compensatory leave shall be used for
159 the first day of an employee's illness requiring his absence of



160 more than one (1) day. Accrued personal or compensatory leave may
161 also be used for an illness in the employee's immediate family as
162 defined in Section 25-3-95. There shall be no limit to the
163 accumulation of personal leave. Upon termination of employment
164 each employee shall be paid for not more than thirty (30) days of
165 accumulated personal leave. Unused personal leave in excess of
166 thirty (30) days shall be counted as creditable service for the
167 purposes of the retirement system as provided in Sections
168 25-11-103 and 25-13-5.

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

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

183 (7) The provisions of this section shall be subject to the
184 provisions of Section 1 of this act. If there is any conflict



185 between any of the provisions of this section and any of the
186 provisions of Section 1 of this act, the provisions of Section 1
187 of this act shall control.

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

190 25-3-95. (1) All employees and appointed officers of the
191 State of Mississippi, except employees of the public universities
192 who do not contribute to the Mississippi Public Employees'
193 Retirement System or the State Institutions of Higher Learning
194 Optional Retirement Program, shall accrue credits for major
195 medical leave as follows:

196	Continuous	Accrual Rate	Accrual Rate
197	Service	(Monthly)	(Annually)
198	1 month to 3 years	8 hours per month	12 days per year
199	37 months to 8 years	7 hours per month	10.5 days per year
200	97 months to 15 years	6 hours per month	9 days per year
201	Over 15 years	5 hours per month	7.5 days per year

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

205	Continuous	Accrual Rate	Accrual Rate
206	Service	(Per Month)	(Per Academic Year)
207	1 month to 3 years	13-1/3 hours per month	15 days per
208			academic year
209	37 months to 8 years	14-1/5 hours per month	16 days per



210 academic year
211 97 months to 15 years 15-2/5 hours per month 17 days per
212 academic year
213 Over 15 years 16 hours per month 18 days per
214 academic year

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

220 (2) (a) Major medical leave may be used for the illness or
221 injury of an employee or member of the employee's immediate family
222 as defined in subsection (3) of this section, only after the
223 employee has used one (1) day of accrued personal or compensatory
224 leave for each absence due to illness, or leave without pay if the
225 employee has no accrued personal or compensatory leave; provided
226 that faculty members employed by the eight (8) public universities
227 on a nine-month basis may use major medical leave for the first
228 day of absence due to illness. However, major medical leave may
229 be used, without prior use of personal leave, to cover regularly
230 scheduled visits to a doctor's office or a hospital for the
231 continuing treatment of a chronic disease, as certified in advance
232 by a physician. For the purposes of this section, "physician"
233 means a doctor of medicine, osteopathy, dental medicine, podiatry
234 or chiropractic. For each absence due to illness of thirty-two



235 (32) consecutive working hours (combined personal leave and major
236 medical leave), l major medical leave shall be authorized only when
237 certified by their attending physician.

238 (b) When an employee's absence is due to a work-related
239 injury for which the employee is receiving temporary disability
240 benefits under Section 71-3-17(b) or 71-3-21, the injured employee
241 shall not use accrued personal and/or medical leave and receive
242 workers' compensation benefits simultaneously if the combined
243 receipt of both benefits results in the employee being paid, while
244 absent due to the work-related injury, a total amount that exceeds
245 one hundred percent (100%) of his wages earned in state employment
246 at the time of injury. In such cases, the injured employee may
247 use only as much of his accrued personal and/or medical leave as
248 necessary, which may be fewer than eight (8) hours of accrued
249 personal and/or major medical leave in a day, to constitute the
250 difference between the amount of temporary disability workers'
251 compensation benefits received and one hundred percent (100%) of
252 his wages earned at the time of injury in state employment. It is
253 the intent of the Legislature that no state employee who is absent
254 and disabled from work due to a work-related injury shall receive
255 more than one hundred percent (100%) of his wages earned in state
256 employment at the time of injury through the use of accrued
257 personal and/or medical leave combined with temporary disability
258 benefits under the Workers' Compensation Law. The procedure for
259 implementing this paragraph (b) shall be as directed by the



260 applicable appointing authority. The receipt or payment of
261 benefits in compliance with this paragraph (b) shall be considered
262 the employee's exclusive remedy against the employer in accordance
263 with Section 71-3-9.

264 (3) An employee may use up to three (3) days of earned major
265 medical leave for each occurrence of death in the immediate family
266 requiring the employee's absence from work. No qualifying time or
267 use of personal leave will be required prior to use of major
268 medical leave for this purpose. For the purpose of this
269 subsection (3), the immediate family is defined as spouse, parent,
270 stepparent, sibling, child, stepchild, grandchild, grandparent,
271 son- or daughter-in-law, mother- or father-in-law or brother- or
272 sister-in-law. Child means a biological, adopted or foster child,
273 or a child for whom the individual stands or stood in loco
274 parentis.

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

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

284 Sick Leave Percentage Percentage



285	Balance as of	Converted to	Converted to
286	June 30, 1984	Personal Leave	Major Medical Leave
287	1 - 200 hours	20%	80%
288	201 - 400 hours	25%	75%
289	401 - 600 hours	30%	70%
290	601 or more hours	35%	65%

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

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

307 (7) For the purpose of Sections 25-3-91 through 25-3-99, the
308 earned major medical leave of each employee shall be credited
309 monthly after the completion of each calendar month, and the



310 appointing authority shall not increase the amount of major
311 medical leave to an employee's credit. It shall be unlawful for
312 an appointing authority to grant major medical leave in an amount
313 greater than was earned and accumulated by the officer or
314 employee.

315 (8) Any employee may donate a portion of his or her earned
316 personal leave or major medical leave to another employee who is
317 suffering from a catastrophic injury or illness, as defined in
318 Section 25-3-91, or to another employee who has a member of his or
319 her immediate family who is suffering from a catastrophic injury
320 or illness, in accordance with the following:

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

330 (b) The maximum amount of earned personal leave that an
331 employee may donate to any other employee may not exceed a number
332 of days that would leave the donor employee with fewer than seven
333 (7) days of personal leave left, and the maximum amount of earned
334 major medical leave that an employee may donate to any other



335 employee may not exceed fifty percent (50%) of the earned major
336 medical leave of the donor employee. All donated leave shall be
337 in increments of not less than twenty-four (24) hours.

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

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

347 (e) If an employee is aggrieved by the decision of his
348 or her appointing authority that the employee is not eligible to
349 receive donated leave because the injury or illness of the
350 employee or member of the employee's immediate family is not, in
351 the appointing authority's determination, a catastrophic injury or
352 illness, the employee may appeal the decision to the employee
353 appeals board.

354 (f) Beginning on March 25, 2003, the maximum period of
355 time that an employee may use donated leave without resuming work
356 at his or her place of employment is ninety (90) days, which
357 commences on the first day that the recipient employee uses
358 donated leave. Donated leave that is not used because a recipient
359 employee has used the maximum amount of donated leave authorized



360 under this paragraph shall be returned to the donor employees in
361 the manner provided under paragraph (g) of this subsection.

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

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

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

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



385 (k) Recipient employees of agencies with more than five
386 hundred (500) employees as of March 25, 2003, may receive donated
387 leave only from donor employees within the same agency. A
388 recipient employee in an agency with five hundred (500) or fewer
389 employees as of March 25, 2003, may receive donated leave from any
390 donor employee.

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

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

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

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

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

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



410 under Section 1 of this act for the birth or adoption of the
411 child.

412 (10) The provisions of this section shall be subject to the
413 provisions of Section 1 of this act. If there is any conflict
414 between any of the provisions of this section and any of the
415 provisions of Section 1 of this act, the provisions of Section 1
416 of this act shall control.

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

