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**OFFICE OF GOVERNOR RONNIE MUSGROVE**  
**INTEROFFICE MEMORANDUM**

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**TO:** SIMMONS  
**FROM:** BOYD  
**SUBJECT:** COMMUNITY SERVICE LEAVE  
**DATE:** 8/9/2000  
**CC:** JAYNE

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The establishment of leave for community service is a bold idea. **I am not confident that the Governor may legally establish paid leave of this type, or for this purpose, without legislation or State Personnel Board approval.** However, please note §25-3-92 (2), which defines when an employee's leave is acceptable (e.g., jury duty, disaster, emergency, or at the request of the American Red Cross within Mississippi or contiguous states). The Governor, or any agency head, may grant unpaid administrative leave for any purpose he deems necessary. The following Code sections address matters of leave:

§25-3-61 Governor may grant leave of absence.

The governor may grant leave of absence for a time not to exceed three months in the year to any officer at a time when the duties of his office will admit of the absence without injury to the public service; but a judge, district attorney, and the attorney general shall not have a leave of absence which will interfere with his presence at any term of court at which he should be present. Nor shall a public service commissioner have a leave of absence which will interfere with his presence at any session or meeting of the public service commission.

**Sources:** Codes, 1892, § 3960; Laws, 1906, § 4484; Hemingway's 1917, § 7277; Laws, 1930, § 6522; Laws, 1942, § 4187.

§25-3-92 Compensatory Leave; Administrative Leave

(1) When, in the opinion of the appointing authority, it is essential that a state employee work after normal working hours, the employee may receive credit for compensatory leave. Except as otherwise provided in [Section 37-13-89](#), when, in the opinion of the appointing authority, it is essential that a state employee work during an official state holiday, the employee shall receive credit for compensatory leave.

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

(a) The appointing authority may grant administrative leave to any employee serving as a witness or juror or party litigant, as verified by the clerk of the court, in addition to any

fees paid for such services, and such services or necessary appearance in any court shall not be counted as personal leave.

(b) The Governor or the appointing authority may grant administrative leave with pay to state employees on a local or statewide basis in the event of extreme weather conditions or in the event of a manmade, technological or natural disaster or emergency.

(c) The appointing authority may grant administrative leave with pay to any employee who is a certified disaster service volunteer of the American Red Cross who participates in specialized disaster relief services for the American Red Cross in this state and in states contiguous to this state when the American Red Cross requests the employee's participation. Administrative leave granted under this paragraph shall not exceed twenty (20) days in any twelve-month period. An employee on leave under this paragraph shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of claims against the state allowed under [Chapter 46, Title 11](#), Mississippi Code of 1972. As used in this paragraph, the term "disaster" includes disasters designated at level II and above in American Red Cross national regulations and procedures.

**Sources:** Laws, 1981, ch. 504, § 3; Laws, 1982, ch. 390, § 1; Laws, 1983, ch. 343, § 1, ch. 500, § 2; Laws, 1984, ch. 307, § 1; Laws, 1986, ch. 314; Laws, 1994, ch. 397, § 1; Laws, 1999, ch. 529, § 2, eff from and after passage (approved Apr. 16, 1999.)

These Code Sections were copied from the Secretary of State's web site and should constitute current revisions. Please note that Jayne should be the final legal authority on this idea. Should you need any thing else, please let me know.