

By: Representative Ford

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 549
(As Sent to Governor)

1 AN ACT TO REENACT SECTION 25-9-115, MISSISSIPPI CODE OF 1972,
2 WHICH PRESCRIBES THE DUTIES OF THE STATE PERSONNEL BOARD; TO AMEND
3 REENACTED SECTION 25-9-115, MISSISSIPPI CODE OF 1972, TO EXTEND
4 THE REPEALER ON THE STATUTE ESTABLISHING SUCH DUTIES; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 25-9-115, Mississippi Code of 1972, is
8 reenacted and amended as follows:

9 25-9-115. It shall be the specific duty and function of the
10 State Personnel Board to:

11 (a) Represent the public interest in the improvement of
12 personnel administration in the state departments, agencies and
13 institutions covered by the State Personnel System;

14 (b) Determine appropriate goals and objectives for the
15 State Personnel System and prescribe policies for their
16 accomplishment, with the assistance of the Mississippi Personnel
17 Advisory Council;

18 (c) Adopt and amend policies, rules and regulations
19 establishing and maintaining the State Personnel System. Such
20 rules and regulations shall not be applicable to the emergency
21 hiring of employees by the Public Employees' Retirement System
22 pursuant to Section 25-11-15(7). The rules and regulations of the
23 Mississippi Classification Commission and the Mississippi
24 Coordinated Merit System Council serving federal grant-aided
25 agencies in effect on February 1, 1981, shall remain in effect
26 until amended, changed, modified or repealed by the board;

27 (d) Ensure uniformity in all functions of personnel

28 administration in those agencies required to comply with the
29 provisions of this chapter. The board may delegate authority to
30 the State Personnel Director as deemed necessary for the timely,
31 effective and efficient implementation of the State Personnel
32 System;

33 (e) Appoint an employee appeals board, consisting of
34 three (3) hearing officers, for the purpose of holding hearings,
35 compiling evidence and rendering decisions on employee dismissals
36 and other personnel matters as provided for in Sections 25-9-127
37 through 25-9-131. Hearing officers are not entitled to serve
38 beyond their appointed term unless reappointed by the State
39 Personnel Board;

40 (f) Assure uniformity in the administration of state
41 and federal laws relating to merit administration;

42 (g) Establish an annual budget covering all the costs
43 of board operations;

44 (h) With the assistance of the Mississippi Personnel
45 Advisory Council, promote public understanding of the purposes,
46 policies and practices of the State Personnel System and advise
47 and assist the state departments, agencies and institutions in
48 fostering sound principles of personnel management and securing
49 the interest of institutions of learning and of civic,
50 professional and other organizations in the improvement of
51 personnel standards under the State Personnel System;

52 (i) Recommend policies and procedures for the
53 establishment and abolishment of employment positions within state
54 government and develop a system for the efficient use of personnel
55 resources;

56 (j) Cooperate with state institutions of higher
57 learning in implementing a career management program in state
58 agencies for graduate students in public administration in order
59 to provide state government with a steady flow of professional
60 public managerial talent;

61 (k) Prescribe rules which shall provide that an
62 employee in state service is not obliged, by reason of his
63 employment, to contribute to a political fund or to render
64 political service, and that he may not be removed or otherwise
65 prejudiced for refusal to do so;

66 (l) Prescribe rules which shall provide that an
67 employee in state service shall not use his official authority or
68 influence to coerce the political action of a person or body;

69 (m) Annually report to the Governor and Legislature on
70 the operation of the State Personnel System and the status of
71 personnel administration in state government;

72 (n) Require submission and approve organization and
73 staffing plans of departments and agencies in state and nonstate
74 service on such forms and according to such regulations as the
75 board may prescribe to control and limit the growth of subordinate
76 executive and administrative units and positions and to provide
77 for agency staff reorganization without prior board approval when
78 authority to reorganize has been delegated to an agency as
79 provided in paragraph (p);

80 (o) In coordination with appointing authorities, set
81 the annual salaries of those appointed officials whose salaries
82 are not otherwise set by statute who work on a full-time basis in
83 the capacity of agency head, executive director or administrator
84 of any state department, agency, institution, board or commission
85 under the jurisdiction of the State Personnel Board as provided in
86 Section 25-9-101 et seq., in conformity with the State Personnel
87 Board's compensation plan. Salaries of incumbents required by law
88 to serve in their professional capacity as a physician, dentist,
89 veterinarian or attorney shall be set in accordance with Section
90 25-9-107(c)(xiii);

91 (p) Authorize the director to enter into formal
92 agreements with department executive directors and agency
93 directors in which employment positions within their agencies may

94 be reallocated and organization charts amended without prior State
95 Personnel Board approval; * * * however, * * * such agreements
96 shall be revocable by the State Personnel Board and continuation
97 shall be contingent upon the reallocations and reorganizations
98 being conducted in accordance with rules and regulations
99 promulgated by the State Personnel Board. In the event the State
100 Personnel Board has delegated reallocation authority to an agency,
101 this delegation does not remove the requirement that agencies
102 submit personal services budget requests each fiscal year for the
103 purpose of preparing personal services continuation budget
104 projections. Such budget requests shall be prepared in accordance
105 with the policies, rules and regulations promulgated by the
106 Department of Finance and Administration, the Legislative Budget
107 Office and the State Personnel Board. Prior to making any
108 reallocation or reorganization effective, each appointing
109 authority who has entered into an agreement as provided in this
110 paragraph * * * shall certify to the State Personnel Board that
111 the total annualized cost of any reallocation or reorganization
112 shall be equal to or less than the cost savings generated through
113 downward reallocation or position abolishment of vacant positions.

114 The personnel board shall maintain a record of every
115 personnel transaction executed under authority delegated pursuant
116 to this paragraph * * * and shall annually report the total cost
117 of these transactions, by agency, to the Legislative Budget Office
118 and the Department of Finance and Administration.

119 The State Personnel Board shall prescribe rules requiring the
120 State Personnel Director to perform a compliance audit and
121 evaluation of personnel transactions executed under authority
122 delegated pursuant to this paragraph * * * and to publish a report
123 of the audit listing exceptions taken by the State Personnel
124 Director not later than the first of October each year. In the
125 event the State Personnel Board determines that an agency has
126 misclassified an employee or position as a result of this

127 delegated authority, the State Personnel Board shall be authorized
128 to correct such misclassification regardless of the state service
129 status of the employee holding such position. Authority to
130 correct such misclassifications of filled positions shall be
131 limited to one (1) year from the date which the State Personnel
132 Board receives written notice of the reallocation;

133 (q) Require that if an employment position has been
134 determined to be in need of reallocation from one occupational
135 class to another, the employee occupying the position shall meet
136 the minimum qualifications for the occupational class to which the
137 position is being reallocated in order for the position to be
138 eligible for the reallocation. However, when a reallocation is
139 based upon an agency reorganization due to documented funds
140 constraints, documented change in agency function, or legislative
141 mandate, a position may be reallocated with prior approval of the
142 State Personnel Board;

143 (r) Implement a reduction-in-force policy which shall
144 apply uniformly to all state agencies and which shall require that
145 the appointing authority develop an equitable and systematic plan
146 for implementation of an agency-wide reduction-in-force. If a
147 proposed reduction-in-force is the result of a curtailment of
148 general funds, the State Personnel Board shall review the proposed
149 reduction-in-force plan only upon written certification of a
150 general funds shortage from the Department of Finance and
151 Administration. If a proposed reduction-in-force is the result of
152 a curtailment of special funds, the State Personnel Board shall
153 review the proposed reduction-in-force plan only upon written
154 certification of a special funds shortage from the agency.
155 Further, the State Personnel Board shall ensure that any
156 reduction-in-force plan complies with all applicable policies,
157 rules and regulations of the State Personnel Board;

158 (s) Implement a furlough (involuntary leave without
159 pay) policy which shall apply uniformly to all executive and

160 subordinate employees within an agency, regardless of job class.
161 The State Personnel Board shall review furlough plans only upon
162 written certification of a general funds shortage from the
163 Department of Finance and Administration or written certification
164 of a special funds shortage from the agency. The State Personnel
165 Board shall ensure that any furlough plan complies with all
166 applicable policies, rules and regulations of the State Personnel
167 Board;

168 (t) Establish policies which preclude any employee
169 under the salary setting authority of the State Personnel Board
170 from receiving an annual salary greater than the Governor,
171 and any employee within an agency from receiving an annual salary
172 greater than the agency head. Employees currently receiving an
173 annual salary exceeding the Governor or their agency head may
174 retain their present salary but shall not receive an increase
175 until such time as the provisions of this paragraph are met.

176 This section shall stand repealed from and after June 30,
177 2000.

178 SECTION 2. This act shall take effect and be in force from
179 and after July 1, 1999.