

By: Ford

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 133

1 AN ACT TO REENACT AND AMEND SECTION 25-9-115, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE DUTIES AND
3 FUNCTIONS OF THE STATE PERSONNEL BOARD; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-9-115, Mississippi Code of 1972, is
6 amended as follows:[LH1]

7 25-9-115. It shall be the specific duty and function of the
8 State Personnel Board to:

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

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

16 (c) Adopt and amend policies, rules and regulations
17 establishing and maintaining the State Personnel System. Such
18 rules and regulations shall not be applicable to the emergency
19 hiring of employees by the Public Employees' Retirement System
20 pursuant to Section 25-11-15(7). The rules and regulations of the
21 Mississippi Classification Commission and the Mississippi

Coordinated Merit System Council serving federal grant-aided agencies in effect on February 1, 1981, shall remain in effect until amended, changed, modified or repealed by the board;

(d) Ensure uniformity in all functions of personnel administration in those agencies required to comply with the provisions of this chapter. The board may delegate authority to the State Personnel Director as deemed necessary for the timely, effective and efficient implementation of the State Personnel System;

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

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

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

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

(i) Recommend policies and procedures for the establishment and abolishment of employment positions within state government and develop a system for the efficient use of personnel

53 resources;

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

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

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

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

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

78 (o) In coordination with appointing authorities, set
79 the annual salaries of those appointed officials whose salaries
80 are not otherwise set by statute who work on a full-time basis in

81 the capacity of agency head, executive director or administrator
82 of any state department, agency, institution, board or commission
83 under the jurisdiction of the State Personnel Board as provided in
84 Section 25-9-101 et seq., in conformity with the State Personnel
85 Board's compensation plan. Salaries of incumbents required by law
86 to serve in their professional capacity as a physician, dentist,
87 veterinarian or attorney shall be set in accordance with Section
88 25-9-107(c)(xiii);

89 (p) Authorize the director to enter into formal
90 agreements with department executive directors and agency
91 directors in which employment positions within their agencies may
92 be reallocated and organization charts amended without prior State
93 Personnel Board approval; however, such agreements shall be
94 revocable by the State Personnel Board and continuation shall be
95 contingent upon the reallocations and reorganizations being
96 conducted in accordance with rules and regulations promulgated by
97 the State Personnel Board. In the event the State Personnel Board
98 has delegated reallocation authority to an agency, this delegation
99 does not remove the requirement that agencies submit personal
100 services budget requests each fiscal year for the purpose of
101 preparing personal services continuation budget projections. Such
102 budget requests shall be prepared in accordance with the policies,
103 rules and regulations promulgated by the Department of Finance and
104 Administration, the Legislative Budget Office and the State
105 Personnel Board. Prior to making any reallocation or
106 reorganization effective, each appointing authority who has
107 entered into an agreement as provided in this paragraph shall
108 certify to the State Personnel Board that the total annualized

cost of any reallocation or reorganization shall be equal to or less than the cost savings generated through downward reallocation or position abolishment of vacant positions.

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

The State Personnel Board shall prescribe rules requiring the State Personnel Director to perform a compliance audit and evaluation of personnel transactions executed under authority delegated pursuant to this paragraph and to publish a report of the audit listing exceptions taken by the State Personnel Director not later than the first of October each year. In the event the State Personnel Board determines that an agency has misclassified an employee or position as a result of this delegated authority, the State Personnel Board shall be authorized to correct such misclassification regardless of the state service status of the employee holding such position. Authority to correct such misclassifications of filled positions shall be limited to one (1) year from the date which the State Personnel Board receives written notice of the reallocation;

(q) Require that if an employment position has been determined to be in need of reallocation from one occupational class to another, the employee occupying the position shall meet the minimum qualifications for the occupational class to which the position is being reallocated in order for the position to be eligible for the reallocation. However, when a reallocation is

137 based upon an agency reorganization due to documented funds
138 constraints, documented change in agency function, or legislative
139 mandate, a position may be reallocated with prior approval of the
140 State Personnel Board;

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

156 (s) Implement a furlough (involuntary leave without
157 pay) policy which shall apply uniformly to all executive and
158 subordinate employees within an agency, regardless of job class.
159 The State Personnel Board shall review furlough plans only upon
160 written certification of a general funds shortage from the
161 Department of Finance and Administration or written certification
162 of a special funds shortage from the agency. The State Personnel
163 Board shall ensure that any furlough plan complies with all
164 applicable policies, rules and regulations of the State Personnel

165 Board;

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

174 This section shall stand repealed from and after June 30,
175 2001.

176 SECTION 2. This act shall take effect and be in force from
177 and after June 30, 2000.