

By: Ford

To: Fees and Salaries of  
Public Officers

HOUSE BILL NO. 133  
(As Sent to Governor)

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24 until amended, changed, modified or repealed by the board;

25 (d) Ensure uniformity in all functions of personnel  
26 administration in those agencies required to comply with the

27 provisions of this chapter. The board may delegate authority to  
28 the State Personnel Director as deemed necessary for the timely,  
29 effective and efficient implementation of the State Personnel  
30 System;

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

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

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

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

50 (i) Recommend policies and procedures for the  
51 establishment and abolishment of employment positions within state  
52 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           (1) 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  
109 cost of any reallocation or reorganization shall be equal to or  
110 less than the cost savings generated through downward reallocation  
111 or position abolishment of vacant positions.

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

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

130 written notice of the reallocation;

131           (q) Require that if an employment position has been  
132 determined to be in need of reallocation from one occupational  
133 class to another, the employee occupying the position shall meet  
134 the minimum qualifications for the occupational class to which the  
135 position is being reallocated in order for the position to be  
136 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 2003.

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