

By: Harden

To: Fees, Salaries and  
Administration;  
Finance

SENATE BILL NO. 2176

1 AN ACT TO AMEND SECTIONS 25-9-107 AND 43-3-105, MISSISSIPPI  
2 CODE OF 1972, TO SPECIFICALLY INCLUDE EMPLOYEES OF THE MISSISSIPPI  
3 INDUSTRIES FOR THE BLIND IN THE STATE SERVICE SYSTEM; AND FOR  
4 RELATED PURPOSES.

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

6 SECTION 1. Section 25-9-107, Mississippi Code of 1972, is  
7 amended as follows: [MS1]

8 25-9-107. The following terms, when used in this chapter,  
9 unless a different meaning is plainly required by the context,  
10 shall have the following meanings:

11 (a) "Board" shall mean the State Personnel Board  
12 created under the provisions of this chapter.

13 (b) "State service" shall mean all employees of state  
14 departments, agencies and institutions as defined herein, except  
15 those officers and employees excluded by this chapter, and shall  
16 specifically include employees of the Mississippi Industries for  
17 the Blind.

18 (c) "Nonstate service" shall mean the following  
19 officers and employees excluded from the state service by this  
20 chapter. The following are excluded from the state service:

21 (i) Members of the state Legislature, their staffs  
22 and other employees of the legislative branch;

23                   (ii) The Governor and staff members of the  
24 immediate Office of the Governor;

25                   (iii) Justices and judges of the judicial branch  
26 or members of appeals boards on a per diem basis;

27                   (iv) The Lieutenant Governor, staff members of the  
28 immediate Office of the Lieutenant Governor and officers and  
29 employees directly appointed by the Lieutenant Governor;

30                   (v) Officers and officials elected by popular vote  
31 and persons appointed to fill vacancies in elective offices;

32                   (vi) Members of boards and commissioners appointed  
33 by the Governor, Lieutenant Governor or the state Legislature;

34                   (vii) All academic officials, members of the  
35 teaching staffs and employees of the state institutions of higher  
36 learning, the State Board for Community and Junior Colleges, and  
37 community and junior colleges;

38                   (viii) Officers and enlisted members of the  
39 National Guard of the state;

40                   (ix) Prisoners, inmates, student or patient help  
41 working in or about institutions;

42                   (x) Contract personnel; provided, that any agency  
43 which employs state service employees may enter into contracts for  
44 personal and professional services only if such contracts are  
45 approved in compliance with the rules and regulations promulgated  
46 by the State Personal Service Contract Review Board under Section  
47 25-9-120(3). Before paying any warrant for such contractual  
48 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
49 the Auditor of Public Accounts, or the successor to those duties,  
50 shall determine whether the contract involved was for personal or  
51 professional services, and, if so, was approved by the State  
52 Personal Service Contract Review Board;

53                   (xi) Part-time employees; provided, however,

54 part-time employees shall only be hired into authorized employment  
55 positions classified by the board, shall meet minimum  
56 qualifications as set by the board, and shall be paid in  
57 accordance with the Variable Compensation Plan as certified by the  
58 board;

59 (xii) Persons appointed on an emergency basis for  
60 the duration of the emergency; the effective date of the emergency  
61 appointments shall not be earlier than the date approved by the  
62 State Personnel Director, and shall be limited to thirty (30)  
63 working days. Emergency appointments may be extended to sixty  
64 (60) working days by the State Personnel Board;

65 (xiii) Physicians, dentists, veterinarians, nurse  
66 practitioners and attorneys, while serving in their professional  
67 capacities in authorized employment positions who are required by  
68 statute to be licensed, registered or otherwise certified as such,  
69 provided that the State Personnel Director shall verify that the  
70 statutory qualifications are met prior to issuance of a payroll  
71 warrant by the auditor;

72 (xiv) Personnel who are employed and paid from  
73 funds received from a federal grant program which has been  
74 approved by the Legislature or the Department of Finance and  
75 Administration whose length of employment has been determined to  
76 be time-limited in nature. This subparagraph shall apply to  
77 personnel employed under the provisions of the Comprehensive  
78 Employment and Training Act of 1973, as amended, and other special  
79 federal grant programs which are not a part of regular federally  
80 funded programs wherein appropriations and employment positions  
81 are appropriated by the Legislature. Such employees shall be paid

82 in accordance with the Variable Compensation Plan and shall meet  
83 all qualifications required by federal statutes or by the  
84 Mississippi Classification Plan;

85 (xv) The administrative head who is in charge of  
86 any state department, agency, institution, board or commission,  
87 wherein the statute specifically authorizes the Governor, board,  
88 commission or other authority to appoint said administrative head;  
89 provided, however, that the salary of such administrative head  
90 shall be determined by the State Personnel Board in accordance  
91 with the Variable Compensation Plan unless otherwise fixed by  
92 statute;

93 (xvi) The State Personnel Board shall exclude top  
94 level positions if the incumbents determine and publicly advocate  
95 substantive program policy and report directly to the agency head,  
96 or the incumbents are required to maintain a direct confidential  
97 working relationship with a key excluded official. Provided  
98 further, a written job classification shall be approved by the  
99 board for each such position, and positions so excluded shall be  
100 paid in conformity with the Variable Compensation Plan;

101 (xvii) Employees whose employment is solely in  
102 connection with an agency's contract to produce, store or  
103 transport goods, and whose compensation is derived therefrom;

104 (xviii) Personnel employed by the State Prison  
105 Emergency Construction and Management Board, paid from funds from  
106 the "Correctional Facilities Emergency Construction Fund," or  
107 employed under contracts let or approved by the board for the  
108 construction, acquisition, lease, lease-purchase or operation of  
109 prison facilities. This subparagraph shall stand repealed from

110 and after July 1, 1996;

111 (xix) The associate director, deputy directors and  
112 bureau directors within the Department of Agriculture and  
113 Commerce;

114 \* \* \*

115 (d) "Agency" means any state board, commission,  
116 committee, council, department or unit thereof created by the  
117 Constitution or statutes if such board, commission, committee,  
118 council, department, unit or the head thereof, is authorized to  
119 appoint subordinate staff by the Constitution or statute, except a  
120 legislative or judicial board, commission, committee, council,  
121 department or unit thereof.

122 SECTION 2. Section 43-3-105, Mississippi Code of 1972, is  
123 amended as follows:[MS2]

124 43-3-105. The Executive Director of the MIB shall:

125 (a) Employ all necessary employees at MIB and dismiss  
126 them as is necessary, pursuant to the rules and regulations of the  
127 State Personnel Board;

128 (b) Administer the daily operations at MIB;

129 (c) Execute any contracts on behalf of MIB; and

130 (d) Take any further actions which are necessary and  
131 proper toward the achievement of MIB's purposes.

132 SECTION 3. This act shall take effect and be in force from  
133 and after July 1, 2000.