

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 133

By Senator(s) Committee

5 Amend by striking all after the enacting clause and inserting
6 in lieu thereof the following:

7

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

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

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

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

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27 until amended, changed, modified or repealed by the board;

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

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

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

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

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

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

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

62 (k) Prescribe rules which shall provide that an

63employee in state service is not obliged, by reason of his
64employment, to contribute to a political fund or to render
65political service, and that he may not be removed or otherwise
66prejudiced for refusal to do so;

67 (1) Prescribe rules which shall provide that an
68employee in state service shall not use his official authority or
69influence to coerce the political action of a person or body;

70 (m) Annually report to the Governor and Legislature on
71the operation of the State Personnel System and the status of
72personnel administration in state government;

73 (n) Require submission and approve organization and
74staffing plans of departments and agencies in state and nonstate
75service on such forms and according to such regulations as the
76board may prescribe to control and limit the growth of subordinate
77executive and administrative units and positions and to provide
78for agency staff reorganization without prior board approval when
79authority to reorganize has been delegated to an agency as
80provided in paragraph (p);

81 (o) In coordination with appointing authorities, set
82the annual salaries of those appointed officials whose salaries
83are not otherwise set by statute who work on a full-time basis in
84the capacity of agency head, executive director or administrator
85of any state department, agency, institution, board or commission
86under the jurisdiction of the State Personnel Board as provided in
87Section 25-9-101 et seq., in conformity with the State Personnel
88Board's compensation plan. Salaries of incumbents required by law
89to serve in their professional capacity as a physician, dentist,
90veterinarian or attorney shall be set in accordance with Section
9125-9-107(c)(xiii);

92 (p) Authorize the director to enter into formal
93agreements with department executive directors and agency
94directors in which employment positions within their agencies may
95be reallocated and organization charts amended without prior State
96Personnel Board approval; however, such agreements shall be
97revocable by the State Personnel Board and continuation shall be

98contingent upon the reallocations and reorganizations being
99conducted in accordance with rules and regulations promulgated by
100the State Personnel Board. In the event the State Personnel Board
101has delegated reallocation authority to an agency, this delegation
102does not remove the requirement that agencies submit personal
103services budget requests each fiscal year for the purpose of
104preparing personal services continuation budget projections. Such
105budget requests shall be prepared in accordance with the policies,
106rules and regulations promulgated by the Department of Finance and
107Administration, the Legislative Budget Office and the State
108Personnel Board. Prior to making any reallocation or
109reorganization effective, each appointing authority who has
110entered into an agreement as provided in this paragraph shall
111certify to the State Personnel Board that the total annualized
112cost of any reallocation or reorganization shall be equal to or
113less than the cost savings generated through downward reallocation
114or position abolishment of vacant positions.

115 The personnel board shall maintain a record of every
116personnel transaction executed under authority delegated pursuant
117to this paragraph and shall annually report the total cost of
118these transactions, by agency, to the Legislative Budget Office
119and the Department of Finance and Administration.

120 The State Personnel Board shall prescribe rules requiring the
121State Personnel Director to perform a compliance audit and
122evaluation of personnel transactions executed under authority
123delegated pursuant to this paragraph and to publish a report of
124the audit listing exceptions taken by the State Personnel Director
125not later than the first of October each year. In the event the
126State Personnel Board determines that an agency has misclassified
127an employee or position as a result of this delegated authority,
128the State Personnel Board shall be authorized to correct such
129misclassification regardless of the state service status of the
130employee holding such position. Authority to correct such
131misclassifications of filled positions shall be limited to one (1)
132year from the date which the State Personnel Board receives

133written notice of the reallocation;

134 (q) Require that if an employment position has been
135determined to be in need of reallocation from one occupational
136class to another, the employee occupying the position shall meet
137the minimum qualifications for the occupational class to which the
138position is being reallocated in order for the position to be
139eligible for the reallocation. However, when a reallocation is
140based upon an agency reorganization due to documented funds
141constraints, documented change in agency function, or legislative
142mandate, a position may be reallocated with prior approval of the
143State Personnel Board;

144 (r) Implement a reduction-in-force policy which shall
145apply uniformly to all state agencies and which shall require that
146the appointing authority develop an equitable and systematic plan
147for implementation of an agency-wide reduction-in-force. If a
148proposed reduction-in-force is the result of a curtailment of
149general funds, the State Personnel Board shall review the proposed
150reduction-in-force plan only upon written certification of a
151general funds shortage from the Department of Finance and
152Administration. If a proposed reduction-in-force is the result of
153a curtailment of special funds, the State Personnel Board shall
154review the proposed reduction-in-force plan only upon written
155certification of a special funds shortage from the agency.
156Further, the State Personnel Board shall ensure that any
157reduction-in-force plan complies with all applicable policies,
158rules and regulations of the State Personnel Board;

159 (s) Implement a furlough (involuntary leave without
160pay) policy which shall apply uniformly to all executive and
161subordinate employees within an agency, regardless of job class.
162The State Personnel Board shall review furlough plans only upon
163written certification of a general funds shortage from the
164Department of Finance and Administration or written certification
165of a special funds shortage from the agency. The State Personnel
166Board shall ensure that any furlough plan complies with all
167applicable policies, rules and regulations of the State Personnel

168 Board;

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

177 This section shall stand repealed from and after June 30,
178 2003.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.