AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972, TO INCLUDE TIME-LIMITED STATE EMPLOYEES IN THE STATE SERVICE; TO AMEND SECTION 25-9-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-9-107, Mississippi Code of 1972, is amended as follows:

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

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

(b) "State service" shall mean all employees of state departments, agencies and institutions as defined herein, except those officers and employees excluded by this chapter.

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

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

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

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

(iv) The Lieutenant Governor, staff members of the immediate Office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;
(v) Officers and officials elected by popular vote and persons appointed to fill vacancies in elective offices;
(vi) Members of boards and commissioners appointed by the Governor, Lieutenant Governor or the state Legislature;
(vii) All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the State Board for Community and Junior Colleges, and community and junior colleges;
(viii) Officers and enlisted members of the National Guard of the state;
(ix) Prisoners, inmates, student or patient help working in or about institutions;
(x) Contract personnel; however, any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the State Personal Service Contract Review Board under Section 25-9-120(3). Before paying any warrant for such contractual services in excess of One Hundred Thousand Dollars ($100,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the State Personal Service Contract Review Board;
(xi) Part-time employees; however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;
(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30)
working days. Emergency appointments may be extended to sixty
(60) working days by the State Personnel Board;

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

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(xiv) The administrative head who is in charge of
any state department, agency, institution, board or commission,
wherein the statute specifically authorizes the Governor, board,
commission or other authority to appoint the administrative
head; * * * however, * * * the salary of such administrative head
shall be determined by the State Personnel Board in accordance
with the Variable Compensation Plan unless otherwise fixed by
statute;

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

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

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(xvii) The associate director, deputy directors
and bureau directors within the Department of Agriculture and
Commerce;
Personnel employed by the Mississippi Industries for the Blind. Any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry level compensation and benefits that the agency would provide to a full-time employee of the agency who performs the same services.

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

SECTION 2. Section 25-9-155, Mississippi Code of 1972, is amended as follows:

25-9-155. The State Personnel Board shall grant part-time employees, as defined in Section 25-9-107(c)(xi), who are fully qualified, and all other nonstate service employees, who are fully qualified, preference over general public applicants for state service positions in the same manner that preference is given to employees in the state service, as defined in Section 25-9-107(b), for appointment in the state service.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.