

By: Representative Taylor

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 252

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE TIME-LIMITED STATE EMPLOYEES IN THE STATE SERVICE; TO
3 AMEND SECTION 25-9-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
4 THE PROVISIONS OF THIS ACT; AND FOR 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:

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

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

13 (b) "State service" * * * means all employees of state
14 departments, agencies and institutions as defined in this section,
15 except those officers and employees excluded by this chapter.

16 (c) "Nonstate service" * * * means the following
17 officers and employees excluded from the state service by this
18 chapter. The following are excluded from the state service:

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

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

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

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



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

30 (vi) Members of boards and commissioners appointed
31 by the Governor, Lieutenant Governor or the State Legislature;

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

36 (viii) Officers and enlisted members of the
37 National Guard of the state;

38 (ix) Prisoners, inmates, student or patient help
39 working in or about institutions;

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

50 (xi) Part-time employees; * * * however, part-time
51 employees shall only be hired into authorized employment positions
52 classified by the board, shall meet minimum qualifications as set
53 by the board, and shall be paid in accordance with the Variable
54 Compensation Plan as certified by the board;

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



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

68 * * *

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

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

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

88 * * *

89 (xvii) The associate director, deputy directors
90 and bureau directors within the Department of Agriculture and
91 Commerce;

92 (xviii) Personnel employed by the Mississippi
93 Industries for the Blind. Any agency may enter into contracts for



94 the personal services of MIB employees without the prior approval
95 of the State Personnel Board or the State Personal Service
96 Contract Review Board; however, any agency contracting for the
97 personal services of an MIB employee shall provide the MIB
98 employee with not less than the entry level compensation and
99 benefits that the agency would provide to a full-time employee of
100 the agency who performs the same services.

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

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

110 25-9-155. The State Personnel Board shall grant part-time
111 employees, as defined in Section 25-9-107(c) (xi), who are fully
112 qualified, * * * and all other nonstate service employees, who are
113 fully qualified, preference over general public applicants for
114 state service positions in the same manner that preference is
115 given to employees in the state service, as defined in Section
116 25-9-107(b), for appointment in the state service.

117 **SECTION 3.** This act shall take effect and be in force from
118 and after July 1, 2003.

