

By: Representatives Ford, Guice

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 773

1 AN ACT TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972,
2 WHICH ESTABLISHES THE SPECIFIC DUTIES AND FUNCTION OF THE STATE
3 PERSONNEL BOARD; TO EXTEND THE DATE OF REPEAL FOR ONE YEAR; AND
4 FOR RELATED PURPOSES.

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

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

8 25-9-115. It shall be the specific duty and function of the
9 State Personnel Board to:

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

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

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25 until amended, changed, modified or repealed by the board;

26 (d) Ensure uniformity in all functions of personnel
27 administration in those agencies required to comply with the
28 provisions of this chapter. The board may delegate authority to



29 the State Personnel Director as deemed necessary for the timely,
30 effective and efficient implementation of the State Personnel
31 System;

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

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

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

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

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

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

60 (k) Prescribe rules which shall provide that an
61 employee in state service is not obliged, by reason of his



62 employment, to contribute to a political fund or to render
63 political service, and that he may not be removed or otherwise
64 prejudiced for refusal to do so;

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

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

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

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

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



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

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

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



128 employee holding such position. Authority to correct such
129 misclassifications of filled positions shall be limited to one (1)
130 year from the date which the State Personnel Board receives
131 written notice of the reallocation;

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

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

157 (s) Implement a furlough (involuntary leave without
158 pay) policy which shall apply uniformly to all executive and
159 subordinate employees within an agency, regardless of job class.
160 The State Personnel Board shall review furlough plans only upon



161 written certification of a general funds shortage from the
162 Department of Finance and Administration or written certification
163 of a special funds shortage from the agency. The State Personnel
164 Board shall ensure that any furlough plan complies with all
165 applicable policies, rules and regulations of the State Personnel
166 Board;

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

175 This section shall stand repealed from and after June 30,
176 2004.

177 **SECTION 2.** This act shall take effect and be in force from
178 and after June 30, 2003.

