

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 773**

**By Senator(s) Committee**

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

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27 until amended, changed, modified or repealed by the board;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

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

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

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

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

81 (o) In coordination with appointing authorities, set  
82 the annual salaries of those appointed officials whose salaries  
83 are not otherwise set by statute who work on a full-time basis in  
84 the capacity of agency head, executive director or administrator  
85 of any state department, agency, institution, board or commission  
86 under the jurisdiction of the State Personnel Board as provided in  
87 Section 25-9-101 et seq., in conformity with the State Personnel  
88 Board's compensation plan. Salaries of incumbents required by law  
89 to serve in their professional capacity as a physician, dentist,  
90 veterinarian or attorney shall be set in accordance with Section  
91 25-9-107(c)(xiii);

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

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

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

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

133 written notice of the reallocation;

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

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

159           (s) Implement a furlough (involuntary leave without  
160 pay) policy which shall apply uniformly to all executive and  
161 subordinate employees within an agency, regardless of job class.  
162 The State Personnel Board shall review furlough plans only upon  
163 written certification of a general funds shortage from the  
164 Department of Finance and Administration or written certification  
165 of a special funds shortage from the agency. The State Personnel  
166 Board shall ensure that any furlough plan complies with all  
167 applicable 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 2004.

179 **SECTION 2.** The State Personnel Board is authorized to accept  
180 and expend funds from any available source, private and public,  
181 for the purpose of strategic planning and development of the  
182 public sector workforce. The board shall be authorized to select  
183 and enter into contracts for the purpose of strategic planning and  
184 development of the public sector workforce. Any such contracts  
185 shall be executed through the Statewide Payroll and Human  
186 Resources System and may be exempted from the competitive process.

187 However, no money shall be assessed to any state agency for the  
188 purpose of implementing this section.

189 **SECTION 3.** This act shall take effect and be in force from  
190 and after its passage.

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

1 AN ACT TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF REPEAL ON THE STATE PERSONNEL BOARD; TO  
3 CODIFY A NEW SECTION TO AUTHORIZE THE STATE PERSONNEL BOARD TO  
4 ACCEPT AND EXPEND FUNDS FOR THE PURPOSE OF STRATEGIC PLANNING AND  
5 DEVELOPMENT OF THE PUBLIC SECTOR WORKFORCE; AND FOR RELATED  
6 PURPOSES.