

By: Senator(s) Jackson (32nd)

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2804

1 AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT, FOR A PERIOD OF ONE YEAR, THE PERSONNEL ACTIONS
3 OF THE DEPARTMENT OF CORRECTIONS SHALL BE EXEMPT FROM CERTAIN
4 STATE PERSONNEL BOARD PROCEDURES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is
7 amended as follows:

8 25-9-127. (1) No employee of any department, agency or
9 institution who is included under this chapter or hereafter
10 included under its authority, and who is subject to the rules and
11 regulations prescribed by the state personnel system may be
12 dismissed or otherwise adversely affected as to compensation or
13 employment status except for inefficiency or other good cause, and
14 after written notice and hearing within the department, agency or
15 institution as shall be specified in the rules and regulations of
16 the State Personnel Board complying with due process of law; and
17 any employee who has by written notice of dismissal or action
18 adversely affecting his compensation or employment status shall,
19 on hearing and on any appeal of any decision made in such action,



20 be required to furnish evidence that the reasons stated in the
21 notice of dismissal or action adversely affecting his compensation
22 or employment status are not true or are not sufficient grounds
23 for the action taken; provided, however, that this provision shall
24 not apply (a) to persons separated from any department, agency or
25 institution due to curtailment of funds or reduction in staff when
26 such separation is in accordance with rules and regulations of the
27 state personnel system; (b) during the probationary period of
28 state service of twelve (12) months; and (c) to an executive
29 officer of any state agency who serves at the will and pleasure of
30 the Governor, board, commission or other appointing authority.

31 (2) The operation of a state-owned motor vehicle without a
32 valid Mississippi driver's license by an employee of any
33 department, agency or institution that is included under this
34 chapter and that is subject to the rules and regulations of the
35 state personnel system shall constitute good cause for dismissal
36 of such person from employment.

37 (3) Beginning July 1, 1999, every male between the ages of
38 eighteen (18) and twenty-six (26) who is required to register
39 under the federal Military Selective Service Act, 50 USCS App.
40 453, and who is an employee of the state shall not be promoted to
41 any higher position of employment with the state until he submits
42 to the person, commission, board or agency by which he is employed
43 satisfactory documentation of his compliance with the draft
44 registration requirements of the Military Selective Service Act.



45 The documentation shall include a signed affirmation under penalty
46 of perjury that the male employee has complied with the
47 requirements of the Military Selective Service Act.

48 (4) For a period of two (2) years beginning July 1, 2014,
49 the provisions of subsection (1) shall not apply to the personnel
50 actions of the State Department of Education that are subject to
51 the rules and regulations of the State Personnel Board, and all
52 employees of the department shall be classified as nonstate
53 service during that period. However, any employee hired after
54 July 1, 2014, by the department shall meet the criteria of the
55 State Personnel Board as it presently exists for employment. The
56 State Superintendent of Public Education and the State Board of
57 Education shall consult with the Office of the Attorney General
58 before taking personnel actions authorized by this section to
59 review those actions for compliance with applicable state and
60 federal law.

61 It is not the intention or effect of this section to include
62 any school attendance officer in any exemption from coverage under
63 the State Personnel Board policy or regulations including, but not
64 limited to, termination and conditions of employment.

65 (5) For a period of one (1) year beginning July 1, 2015, the
66 provisions of subsection (1) shall not apply to the personnel
67 actions of the Department of Corrections, and all employees of the
68 department shall be classified as nonstate service during that
69 period. However, any employee hired after July 1, 2015, by the



70 department shall meet the criteria of the State Personnel Board as
71 it presently exists for employment. The Commissioner of
72 Corrections shall consult with the Office of the Attorney General
73 before taking personnel actions authorized by this section to
74 review those actions for compliance with applicable state and
75 federal law.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2015.

