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To: Appropriations

COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 355

1 AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT BEGINNING JULY 1, 2018, THE PERSONNEL ACTIONS OF
 3 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION SHALL BE EXEMPT FROM
 4 THE STATE PERSONNEL BOARD RULES, REGULATIONS AND PROCEDURES; AND
 5 FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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

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

66 (5) (a) For a period of two (2) years beginning July 1,
67 2015, the provisions of subsection (1) shall not apply to the
68 personnel actions of the Department of Corrections, and all
69 employees of the department shall be classified as nonstate



70 service during that period. However, any employee hired after
71 July 1, 2015, by the department shall meet the criteria of the
72 State Personnel Board as it presently exists for employment.

73 (b) Additionally, for a period of one (1) year
74 beginning July 1, 2016, the personnel actions of the Commissioner
75 of the Department of Corrections shall be exempt from State
76 Personnel Board rules, regulations and procedures in order to give
77 the commissioner flexibility in making an orderly, effective and
78 timely reorganization and realignment of the department.

79 (c) The Commissioner of Corrections shall consult with
80 the Office of the Attorney General before personnel actions
81 authorized by this section to review those actions for compliance
82 with applicable state and federal law.

83 (6) Through July 1, 2019, the provisions of subsection (1)
84 of this section shall not apply to the personnel actions of the
85 Department of Human Services that are subject to the rules and
86 regulations of the State Personnel Board, the personnel actions of
87 the Department of Human Services shall be exempt from State
88 Personnel Board rules, regulations and procedures during that
89 period, and all employees of the department shall be classified as
90 nonstate service during that period. Any employee hired on or
91 after July 1, 2019, by the department shall meet the criteria of
92 the State Personnel Board as it presently exists for employment.
93 The Executive Director of Human Services shall consult with the
94 Office of the Attorney General before taking personnel actions



95 authorized by this section to review those actions for compliance
96 with applicable state and federal law.

97 (7) Through July 1, 2019, the provisions of subsection (1)
98 of this section shall not apply to the personnel actions of the
99 Department of Child Protection Services that are subject to the
100 rules and regulations of the State Personnel Board, the personnel
101 actions of the Department of Child Protection Services shall be
102 exempt from State Personnel Board rules, regulations and
103 procedures during that period, and all employees of the department
104 shall be classified as nonstate service during that period. Any
105 employee hired on or after July 1, 2019, by the division shall
106 meet the criteria of the State Personnel Board as it presently
107 exists for employment. The Commissioner of Child Protection
108 Services shall consult with the Office of the Attorney General
109 before taking personnel actions authorized by this section to
110 review those actions for compliance with applicable state and
111 federal law.

112 (8) Beginning July 1, 2018, the provisions of subsection (1)
113 of this section shall not apply to the personnel actions of the
114 Mississippi Department of Transportation that are subject to the
115 rules and regulations of the State Personnel Board, the personnel
116 actions of the Mississippi Department of Transportation shall be
117 exempt from State Personnel Board rules, regulations and
118 procedures during that period, and all employees of the department
119 shall be classified as nonstate service during that period. The



120 Executive Director of the Mississippi Department of Transportation
121 shall consult with the Office of the Attorney General before
122 taking personnel actions authorized by this section to review
123 those actions for compliance with applicable state and federal
124 law.

125 (* * *9) Any state agency whose personnel actions are
126 exempted in this section from the rules, regulations and
127 procedures of the State Personnel Board shall file with the
128 Lieutenant Governor, the Speaker of the House of Representatives,
129 and the members of the Senate and House Accountability,
130 Efficiency * * * and Transparency Committees an annual report no
131 later than July 1, 2016, and each year thereafter while under the
132 exemption. Such annual report shall contain the following
133 information:

134 (a) The number of current employees who received an
135 increase in salary during the past fiscal year and the amount of
136 the increase;

137 (b) The number of employees who were dismissed from the
138 agency or otherwise adversely affected as to compensation or
139 employment status during the past fiscal year, including a
140 description of such adverse effects; and

141 (c) The number of new employees hired during the past
142 fiscal year and the starting salaries of each new employee.

143 **SECTION 2.** This act shall take effect and be in force from
144 and after July 1, 2018.

