

By: Senator(s) DeBar

To: Appropriations;
Corrections

SENATE BILL NO. 2695

1 AN ACT TO REQUIRE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS
2 TO PROVIDE CASH OVERTIME PAY INSTEAD OF COMPENSATORY TIME TO THE
3 CORRECTIONS SUPERVISORS AND CORRECTIONS COMMANDERS WHO WORK IN THE
4 CORRECTIONAL FACILITIES UNDER THE JURISDICTION OF THE DEPARTMENT
5 FOR ALL TIME WORKED BY THE SUPERVISOR OR COMMANDER THAT IS
6 CONSIDERED TO BE OVERTIME FOR THE POSITION INVOLVED UNDER THE
7 FEDERAL FAIR LABOR STANDARDS ACT; TO AMEND SECTIONS 25-1-98,
8 25-3-92 AND 25-9-119, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
9 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The Mississippi Department of Corrections shall
12 provide cash overtime pay instead of compensatory time to the
13 corrections supervisors and corrections commanders who work in the
14 correctional facilities under the jurisdiction of the department
15 for all time worked by the supervisor or commander that is
16 considered to be overtime for the position involved under the
17 federal Fair Labor Standards Act.

18 **SECTION 2.** Section 25-1-98, Mississippi Code of 1972, is
19 amended as follows:

20 25-1-98. In addition to any other times required by statute,
21 all state offices shall be open and staffed for the normal conduct



22 of business from 8:00 a.m. until 5:00 p.m., Monday through Friday,
23 except on legal holidays as set forth in Section 3-3-7. The
24 Governor may designate certain state offices and institutions as
25 providers of essential services and require that they be open and
26 staffed on legal holidays. The Board of Directors of the
27 Mississippi Industries for the Blind may, in its discretion,
28 require that its offices and operations be open and staffed on
29 legal holidays. Employees required to work on legal holidays
30 shall earn compensatory leave under the provisions of Section
31 25-3-92, except as otherwise provided by law. No employee shall
32 receive additional vacation or sick_leave benefits for working on
33 a legal holiday, nor shall this section be construed to authorize
34 any additional compensation as an alternative to the accrual of
35 compensatory leave except as specifically provided for in a
36 legislative appropriation or except as otherwise provided by law.
37 The provisions of this section shall not be construed to limit the
38 hours of operation of any agency or to abrogate any action taken
39 during hours other than those stated, nor shall these provisions
40 apply to any offices that do not customarily stay open five (5)
41 days a week. The provisions of this section shall not apply to
42 the military department of the State of Mississippi or to the
43 armories, field training sites, air bases or other installations
44 of the Mississippi National Guard.

45 A workday for a state employee in a full-time employment
46 position shall be eight (8) hours in duration at a minimum



exclusive of time off for meals. The appointing authority shall develop work schedules which ensure that each full-time employee works a full workday and shall provide the State Auditor with a copy of the regular work schedule of the appointing authority.

SECTION 3. Section 25-3-92, Mississippi Code of 1972, is amended as follows:

25-3-92. (1) When, in the opinion of the appointing authority, it is essential that a state employee work after normal working hours, the employee may receive credit for compensatory leave, except as otherwise provided by law. Except as otherwise provided in Section 37-13-89 or as otherwise provided by law, when, in the opinion of the appointing authority, it is essential that a state employee work during an official state holiday, the employee shall receive credit for compensatory leave.

(2) State employees may be granted administrative leave with pay. For the purposes of this section, "administrative leave" means discretionary leave with pay, other than personal leave or major medical leave.

(a) The appointing authority may grant administrative leave to any employee serving as a witness or juror or party litigant, as verified by the clerk of the court, in addition to any fees paid for such services, and such services or necessary appearance in any court shall not be counted as personal leave.

(b) The Governor or the appointing authority may grant administrative leave with pay to state employees on a local or



72 statewide basis in the event of extreme weather conditions or in
73 the event of a man-made, technological or natural disaster or
74 emergency. Any employee on a previously approved leave during the
75 affected period shall be eligible for such administrative leave
76 granted by the Governor or appointing authority, and shall not be
77 charged for his previously approved leave during the affected
78 period.

79 (c) The appointing authority may grant administrative
80 leave with pay to any employee who is a certified disaster service
81 volunteer of the American Red Cross who participates in
82 specialized disaster relief services for the American Red Cross in
83 this state and in states contiguous to this state when the
84 American Red Cross requests the employee's participation.
85 Administrative leave granted under this paragraph shall not exceed
86 twenty (20) days in any twelve-month period. An employee on leave
87 under this paragraph shall not be deemed to be an employee of the
88 state for purposes of workers' compensation or for purposes of
89 claims against the state allowed under Chapter 46, Title 11,
90 Mississippi Code of 1972. As used in this paragraph, the term
91 "disaster" includes disasters designated at Level II and above in
92 American Red Cross national regulations and procedures.

93 **SECTION 4.** Section 25-9-119, Mississippi Code of 1972, is
94 amended as follows:

95 25-9-119. (1) There is created the position of the State
96 Personnel Director who shall be selected by the State Personnel



Board, with the advice and consent of the Senate. The director shall have at least a Juris Doctor degree from an accredited law school or a master's degree in business administration, personnel management or the equivalent and shall have not less than five (5) years' experience therein. His salary shall be in accordance with the Mississippi Compensation Plan. The State Personnel Director shall serve at the will and pleasure of the State Personnel Board.

(2) The duties and responsibilities of the director shall be:

(a) To serve as executive secretary to the board, to attend meetings as directed by the board and to provide such professional, technical and other supportive assistance as may be required by the board in the performance of its duties;

(b) Consistent with board policy, to administer the operations of the State Personnel System and to otherwise act in the capacity of Chief Executive Officer to the State Personnel Board;

(c) To submit for board approval proposed rules and regulations which shall require a uniform system of personnel administration within all agencies included in this chapter. Such rules and regulations, when approved by the board, shall be binding upon the state departments, agencies and institutions covered by this chapter, except as otherwise provided by law, and shall include provisions for the establishment and maintenance of classification and compensation plans, the conduct of



examinations, employee recruiting, employee selection, the certification of eligible persons, appointments, promotions, transfers, demotions, separations, reinstatement, appeals, reports of performance, payroll certification, employee training, vacation and sick leave, compensatory leave, administrative leave, standardized recordkeeping forms and procedures for leave earned, accrued and used, and all other phases of personnel administration. Such rules and regulations shall not be applicable to the emergency hiring of employees by the Public Employees' Retirement System pursuant to Section 25-11-15(7). Copies of the rules and regulations, or modifications thereto, as are approved by the State Personnel Board, shall be provided to the Chairmen of the Accountability, Efficiency and Transparency Committee of the Senate and the Fees and Salaries of Public Officers Committee of the House of Representatives, the Lieutenant Governor and the Governor at least sixty (60) days before their effective date. The respective parties may submit comments to the board regarding such rules and regulations before their effective date;

(i) Compensation plans and modifications thereto promulgated under rules and regulations shall become effective as adopted, upon appropriation therefor by the State Legislature;

(ii) The director and the board shall provide for:

1. Cost-of-living adjustments;



2. Salary increases for outstanding performance based upon documented employee productivity and exceptional performance in assigned duties; and

3. Plans to compensate employees for suggestions which result in improved management in technical or administrative procedures and result in documented cost savings for the state. In certifying promotions, the director shall ensure that an employee's anniversary date remains the same regardless of the date of his promotion;

(d) To submit to the board any proposed legislation as may be necessary to bring existing statutes relating to the administration of public employees into uniformity;

(e) To administer the rules and regulations and all other operational aspects of the State Personnel System and to assure compliance therewith in all the departments, agencies and institutions covered by the State Personnel System;

(f) To appoint and prescribe the duties of the State Personnel System staff, all positions of which shall be included in the state service;

(g) To prepare an annual budget for the board covering all the costs of operating the State Personnel System, including the State Personnel Board, and the costs of administering such federal laws relating to personnel administration as the board may direct, including the Intergovernmental Personnel Act of 1970;



(h) To assist state agencies, departments and institutions in complying with all applicable state and federal statutes and regulations concerning discrimination in employment, personnel administration and related matters;

(i) To recommend procedures for the establishment and abolishment of employment positions within those departments, agencies and institutions not excluded from this chapter; and

(j) To cooperate with appointing authorities in the administration of this chapter in order to promote public service and establish conditions of service which will attract and retain employees of character and capacity and to increase efficiency and economy in governmental departments by the improvement of methods of personnel administration with full recognition of the requirements and needs of management.

(3) From and after July 1, 2016, the State Personnel Board shall not charge another state agency a fee, assessment, or other charge for services or resources received by that agency from the State Personnel Board.

(4) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

SECTION 5. This act shall take effect and be in force from and after July 1, 2018.

