

By: Senator(s) DeBar

To: Appropriations;
Corrections

SENATE BILL NO. 2696

1 AN ACT TO PROVIDE THAT UPON THE TERMINATION OF EMPLOYMENT OR
2 DEATH OF ANY CORRECTIONS OFFICER, OTHER LAW ENFORCEMENT STAFF OR
3 OTHER EMPLOYEE WHO WORKS IN ANY OF THE CORRECTIONAL FACILITIES
4 UNDER THE JURISDICTION OF THE MISSISSIPPI DEPARTMENT OF
5 CORRECTIONS, THE DEPARTMENT SHALL PAY THE OFFICER OR EMPLOYEE OR
6 HIS OR HER ESTATE, AS APPROPRIATE, FOR ALL COMPENSATORY LEAVE
7 ACCUMULATED BY THE OFFICER OR EMPLOYEE; TO AMEND SECTION 25-9-119,
8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Upon the termination of employment or death of
12 any corrections officer, other law enforcement staff or other
13 employee who works in any of the correctional facilities under the
14 jurisdiction of the Mississippi Department of Corrections, the
15 department shall pay the officer or employee or his or her estate,
16 as appropriate, for all compensatory leave accumulated by the
17 officer or employee.

18 **SECTION 2.** Section 25-9-119, Mississippi Code of 1972, is
19 amended as follows:

20 25-9-119. (1) There is created the position of the State
21 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



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

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

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

70 1. Cost-of-living adjustments;



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

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

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

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

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

90 (g) To prepare an annual budget for the board covering
91 all the costs of operating the State Personnel System, including
92 the State Personnel Board, and the costs of administering such
93 federal laws relating to personnel administration as the board may
94 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 3. This act shall take effect and be in force from and after July 1, 2018.

