

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2569

1 AN ACT TO AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT ALL AGENCIES UNDER THE PURVIEW OF THE STATE PERSONNEL
3 BOARD SHALL REPORT TO THE BOARD INFORMATION ABOUT THE INDIVIDUALS
4 WHO PERFORM TELEWORK FOR THEIR AGENCIES; TO PROHIBIT THE STATE
5 PERSONNEL BOARD, ABSENT EMERGENCY CIRCUMSTANCES, FROM PROCESSING
6 ANY PERSONNEL ACTIONS WITHIN THE SYSTEM OF RECORD OTHERWISE
7 ALLOWABLE FOR AGENCIES UNDER ITS PURVIEW UNLESS AND UNTIL SUCH
8 AGENCY IS IN COMPLIANCE WITH THIS ACT; TO REQUIRE THAT THE STATE
9 PERSONNEL BOARD PROMULGATE RULES FOR THE ADMINISTRATION OF THIS
10 ACT; TO REMOVE THE DATE OF REPEAL; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 25-1-98, Mississippi Code of 1972, is
13 amended as follows:

14 25-1-98. (1) (a) In addition to any other times required
15 by statute, all state offices shall be open and staffed for the
16 normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday
17 through Friday, except on legal holidays as set forth in Section
18 3-3-7. The Governor may designate certain state offices and
19 institutions as providers of essential services and require that
20 they be open and staffed on legal holidays. The Board of
21 Directors of the Mississippi Industries for the Blind may, in its
22 discretion, require that its offices and operations be open and



23 staffed on legal holidays. Employees required to work on legal
24 holidays shall earn compensatory leave under the provisions of
25 Section 25-3-92. No employee shall receive additional vacation or
26 sick leave benefits for working on a legal holiday, nor shall this
27 section be construed to authorize any additional compensation as
28 an alternative to the accrual of compensatory leave except as
29 specifically provided for in a legislative appropriation. The
30 provisions of this section shall not be construed to limit the
31 hours of operation of any agency or to abrogate any action taken
32 during hours other than those stated, nor shall these provisions
33 apply to any offices that do not customarily stay open five (5)
34 days a week. The provisions of this section shall not apply to
35 the military department of the State of Mississippi or to the
36 armories, field training sites, air bases or other installations
37 of the Mississippi National Guard.

38 (b) A workday for a state employee in a full-time
39 employment position shall be eight (8) hours in duration at a
40 minimum exclusive of time off for meals. The appointing authority
41 shall develop work schedules which ensure that each full-time
42 employee works a full workday and shall provide the State Auditor
43 with a copy of the regular work schedule of the appointing
44 authority.

45 (2) An appointing authority of any state service agency
46 within the meaning of Section 25-9-107 may authorize telework for
47 one or more of its employees in accordance with a telework policy,



48 approved by the State Personnel Board, as provided in subsection
49 (3) of this section.

50 (3) In order to implement a telework policy for one or more
51 of its employees, an appointing authority shall:

52 (a) Determine whether or not telework is in the best
53 interest of the agency. In doing so, the appointing authority may
54 seek guidance from the State Personnel Board in determining what
55 forms of work activities can be effectively and efficiently
56 managed through a telework arrangement;

57 (b) Establish procedures to protect any information
58 that is privileged or confidential under state or federal law;

59 (c) Require all teleworking employees to sign a
60 telework agreement that includes their work schedule, provides for
61 supervisory oversight through the review of work product and
62 deliverables on a regular basis, requires the protection of
63 privileged or confidential information that is managed remotely on
64 an agency computer or other devices, establishes protocols for
65 accessibility to coworkers and clients, workplace safety, and any
66 other matters deemed appropriate by the appointing authority; and

67 (d) Establish work schedules that ensure that some
68 personnel are at the appointing authority's offices to provide
69 direct contact with the public.

70 (4) For purposes of subsections (2) and (3) of this section,
71 the term "telework" shall mean a work flexibility arrangement
72 under which an employee performs duties, responsibilities, or



other authorized activities from an approved worksite other than the location from which the employee would otherwise work.

(5) All agencies * * * under the purview of the State Personnel Board shall report to the State Personnel Board the names of the employees, their job titles, office schedule and telework schedule, who are performing telework for their agencies. On or before December 31 of each year, the State Personnel Board shall make a report related to the utilization of telework policies to the Chairmen of the House and Senate Appropriations Committees, the Accountability, Efficiency and Transparency Committees, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review.

(6) Absent emergency circumstances, the State Personnel Board shall not process any personnel actions within the system of record otherwise allowable for agencies under its purview, unless and until that agency is in compliance with this section.

(7) The State Personnel Board * * * shall promulgate rules for the administration of this section which shall be binding upon state service agencies within the meaning of Section 25-9-107.

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SECTION 2. This act shall take effect and be in force from and after July 1, 2024.

