

By: Representative Taylor

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 325

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE TIME-LIMITED STATE EMPLOYEES IN THE STATE SERVICE; TO
3 AMEND SECTION 25-9-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
4 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-9-107, Mississippi Code of 1972, is
7 amended as follows:

8 25-9-107. The following terms, when used in this chapter,
9 unless a different meaning is plainly required by the context,

10 * * * have the following meanings:

11 (a) "Board" shall mean the State Personnel Board
12 created under the provisions of this chapter.

13 (b) "State service" shall mean all employees of state
14 departments, agencies and institutions as defined herein, except
15 those officers and employees excluded by this chapter.

16 (c) "Nonstate service" shall mean the following
17 officers and employees excluded from the state service by this
18 chapter. The following are excluded from the state service:

19 (i) Members of the state Legislature, their staffs
20 and other employees of the legislative branch;

21 (ii) The Governor and staff members of the
22 immediate Office of the Governor;

23 (iii) Justices and judges of the judicial branch
24 or members of appeals boards on a per diem basis;

25 (iv) The Lieutenant Governor, staff members of the
26 immediate Office of the Lieutenant Governor and officers and
27 employees directly appointed by the Lieutenant Governor;



28 (v) Officers and officials elected by popular vote
29 and persons appointed to fill vacancies in elective offices;

30 (vi) Members of boards and commissioners appointed
31 by the Governor, Lieutenant Governor or the state Legislature;

32 (vii) All academic officials, members of the
33 teaching staffs and employees of the state institutions of higher
34 learning, the State Board for Community and Junior Colleges, and
35 community and junior colleges;

36 (viii) Officers and enlisted members of the
37 National Guard of the state;

38 (ix) Prisoners, inmates, student or patient help
39 working in or about institutions;

40 (x) Contract personnel; however, any agency which
41 employs state service employees may enter into contracts for
42 personal and professional services only if such contracts are
43 approved in compliance with the rules and regulations promulgated
44 by the State Personal Service Contract Review Board under Section
45 25-9-120(3). Before paying any warrant for such contractual
46 services in excess of One Hundred Thousand Dollars (\$100,000.00),
47 the Auditor of Public Accounts, or the successor to those duties,
48 shall determine whether the contract involved was for personal or
49 professional services, and, if so, was approved by the State
50 Personal Service Contract Review Board;

51 (xi) Part-time employees; * * * however, part-time
52 employees shall only be hired into authorized employment positions
53 classified by the board, shall meet minimum qualifications as set
54 by the board, and shall be paid in accordance with the Variable
55 Compensation Plan as certified by the board;

56 (xii) Persons appointed on an emergency basis for
57 the duration of the emergency; the effective date of the emergency
58 appointments shall not be earlier than the date approved by the
59 State Personnel Director, and shall be limited to thirty (30)



60 working days. Emergency appointments may be extended to sixty
61 (60) working days by the State Personnel Board;

62 (xiii) Physicians, dentists, veterinarians, nurse
63 practitioners and attorneys, while serving in their professional
64 capacities in authorized employment positions who are required by
65 statute to be licensed, registered or otherwise certified as such.
66 The State Personnel Director shall verify that the statutory
67 qualifications are met prior to issuance of a payroll warrant by
68 the Auditor;

69 * * *

70 (xiv) The administrative head who is in charge of
71 any state department, agency, institution, board or commission,
72 wherein the statute specifically authorizes the Governor, board,
73 commission or other authority to appoint the administrative
74 head; * * * however, * * * the salary of such administrative head
75 shall be determined by the State Personnel Board in accordance
76 with the Variable Compensation Plan unless otherwise fixed by
77 statute;

78 (xv) The State Personnel Board shall exclude top
79 level positions if the incumbents determine and publicly advocate
80 substantive program policy and report directly to the agency head,
81 or the incumbents are required to maintain a direct confidential
82 working relationship with a key excluded official. * * * A
83 written job classification shall be approved by the board for each
84 such position, and positions so excluded shall be paid in
85 conformity with the Variable Compensation Plan;

86 (xvi) Employees whose employment is solely in
87 connection with an agency's contract to produce, store or
88 transport goods, and whose compensation is derived therefrom;

89 * * *

90 (xvii) The associate director, deputy directors
91 and bureau directors within the Department of Agriculture and
92 Commerce;



93 (xviii) Personnel employed by the Mississippi
94 Industries for the Blind. Any agency may enter into contracts for
95 the personal services of MIB employees without the prior approval
96 of the State Personnel Board or the State Personal Service
97 Contract Review Board; however, any agency contracting for the
98 personal services of an MIB employee shall provide the MIB
99 employee with not less than the entry level compensation and
100 benefits that the agency would provide to a full-time employee of
101 the agency who performs the same services.

102 (d) "Agency" means any state board, commission,
103 committee, council, department or unit thereof created by the
104 Constitution or statutes if such board, commission, committee,
105 council, department, unit or the head thereof, is authorized to
106 appoint subordinate staff by the Constitution or statute, except a
107 legislative or judicial board, commission, committee, council,
108 department or unit thereof.

109 **SECTION 2.** Section 25-9-155, Mississippi Code of 1972, is
110 amended as follows:

111 25-9-155. The State Personnel Board shall grant part-time
112 employees, as defined in Section 25-9-107(c)(xi), who are fully
113 qualified, * * * and all other nonstate service employees, who are
114 fully qualified, preference over general public applicants for
115 state service positions in the same manner that preference is
116 given to employees in the state service, as defined in Section
117 25-9-107(b), for appointment in the state service.

118 **SECTION 3.** This act shall take effect and be in force from
119 and after July 1, 2002.

