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AMENDMENT NO 4 PROPOSED TO**

Cmte Sub for Senate Bill No. 2745

BY: Senator(s) Horhn

1 **Amend by inserting the following new section after line 1646**
2 **and renumbering subsequent sections accordingly:**

3 **SECTION *.** Section 25-9-131, Mississippi Code of 1972, is
4 amended as follows:

5 25-9-131. (1) Any employee in the state service or nonstate
6 service may appeal his dismissal or other action adversely
7 affecting his employment status to the Employee Appeals Board
8 created herein. The proceedings before the Employee Appeals Board
9 shall be de novo, and the employee shall be afforded all
10 applicable safeguards of procedural due process. The Employee
11 Appeals Board shall have the authority to administer oaths and
12 affirmations and to issue subpoenas to compel the attendance of
13 witnesses and the production of books, papers, records or other
14 documentary evidence upon a showing of relevancy or materiality of
15 the witnesses or documents to an appeal pending before the board.
16 Subpoenas so issued shall be delivered to the sheriff of the
17 county where they are to be executed, and the sheriff shall cause
18 them to be served. In case of the failure of any person to comply
19 with any subpoena issued by the board, the board or its authorized
20 representative may invoke the aid of any court of this state of
21 general jurisdiction. The court may thereupon order such person
22 to comply with the requirements of the subpoena. Failure to obey
23 the order of the court may be punished by the court as a contempt

24 thereof. The Employee Appeals Board may modify the action of the
25 department, agency or institution but may not increase the
26 severity of such action on the employee. Such appointing
27 authority shall promptly comply with the order issued as a result
28 of the appeal to the Employee Appeals Board.

29 (2) Any employee aggrieved by a final decision of the
30 Employee Appeals Board shall be entitled to judicial review
31 thereof in the manner provided by law.

32 (3) It is the intent of Sections 25-9-127 through 25-9-131
33 to supercede and replace any existing statutory procedure
34 conflicting in whole or in part which provides for the discharge
35 of state employees in any state agency.

36 **Further amend the title by inserting the following after the**
37 **semicolon on line 61:**

38 TO AMEND SECTION 25-9-131, MISSISSIPPI CODE OF 1972, TO PROVIDE
39 THAT THE EMPLOYEE APPEALS BOARD HAS JURISDICTION TO HEAR APPEALS
40 OF ADVERSE EMPLOYMENT ACTIONS FILED BY NONSTATE SERVICE EMPLOYEES;