# 2.0 PERSONNEL SERVICES

## 2.10 AUTHORIZED SIGNATURE

Transactions entered through SPAHRS will be considered initiated and approved by the agency head. Only those employees designated by the agency head and so noted in the SPAHRS System Administration Segment (User Security) should enter transactions into SPAHRS.

## 2.20 RETURN WITHOUT ACTION

Requests for position, personnel, additional compensation, or data changes that are invalid, incorrect, or incomplete shall be returned without action in SPAHRS with notes attached to the request indicating items that must be corrected prior to resubmission.

## 2.30 STATE SERVICE STATUS

"State Service" shall mean all employees of state departments, agencies, and institutions as defined in Section 25-9-101 et. seq., Mississippi Code of 1972, Annotated, as amended, except Section 25-9-107 (c).

A. SPAHRS shall automatically place all state service employees in a probationary status upon original appointment and reemployment. The status date for Reduction in Force reemployment shall remain the same as at the time of the separation due to a reduction in force except Reduction in Force (RIF) reemployment to the state service is probationary. The probationary period shall be the initial twelve (12) months of service. State service employees, having served a full (12) month probationary period, shall retain permanent status as long as they maintain continuous state service. [Refer, Section 25-9-127, Mississippi Code of 1972, Annotated, as amended.]

B. A probationary period shall be required when transferring a current non-state service status employee into a permanent state service position within the same agency or into a different agency. Time spent in a non-state service position of

the same classification or of a higher classification within the same job class series may be counted toward the probationary period upon approval by the State Personnel Director. [Refer, Section 25-9-143, Mississippi Code of 1972, Annotated, as amended.]

C. Extended probationary status shall be assigned only to those employees previously exempted from the selection process as a result of pending litigation. [Refer, Sections 25-9-139, 25-9-143, Mississippi Code of 1972, Annotated, as amended.]

### 2.30.1 Conferment of State Service Permanent Status

Employees not otherwise excluded from the state service, with at least twelve months continuous state service in an agency and who have not been assigned extended probationary status, shall have permanent state service status. [Refer, Sections 25-9-143, 25-9-127, Mississippi Code of 1972, Annotated, as amended.] SPAHRS will automatically update the status of employees who have completed the twelve-month probationary period.

Upon original appointment into state service, each incumbent shall automatically receive a status date the same as the hire date. This date reflects the beginning date of the incumbent's status in state service. The term "Probationary" will automatically be placed in the "Employee Status" field when the transaction is processed. Upon completion of 12 months of continuous state service, each employee shall attain permanent state service status and the term "Permanent" will automatically be placed in the "Employee Status" field by SPAHRS.

Once an employee has attained permanent state service status, the status date shall remain the same on any requests for in-service movement except in the following cases: state service to non-state service; non-state service to state service; and litigated classes to state service.

Any request processed for in-service movement in the above mentioned cases shall automatically reset the status and the status date of the employee to the effective date of the transaction.

## 2.40 NON-STATE SERVICE STATUS

All personnel transactions in the non-state service shall be effected through appointments to authorized employment positions by the appointing authority. The

State Personnel Director shall be notified of each appointment and may acknowledge the appointment. [Refer, Sections 25-9-107 (c), 25-9-139, Mississippi Code of 1972, Annotated, as amended.]

To ensure that the State Personnel Director is informed of all appointments to authorized vacant non-state service positions under the salary setting authority of the State Personnel Board, all personnel transactions pertaining to personnel in these non-state service positions shall be submitted through SPAHRS in accordance with the procedures contained herein. Requests for salary certifications shall only be acknowledged, rather than certified, by the State Personnel Board for non-state service employees, not under the salary setting authority of the State Personnel Board.

### 2.40.1 Non-state Service Appointment, Section 25-9-107 (c) (i-xvii), Mississippi Code of 1972, Annotated, as amended

Unless otherwise provided for by law, the appointing authority shall determine job qualifications for non-state service employees.

(c) "Non-state service" shall mean the following officers and employees are excluded from the state service by this chapter. The State Personnel Director acknowledges the appointing authority actions for the following, which are excluded from the state service:

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

(ii) The Governor and staff members of the immediate office of the Governor;

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

(iv) The Lieutenant Governor, staff members of the immediate office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;

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

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

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

(viii) Officers and enlisted members of the National Guard of the State;

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

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

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

(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30) working days. Emergency appointments may be extended to sixty (60) working days by the State Personnel Board;

Authority to hire under emergency conditions is defined as hiring personnel in order that appropriate care and protection for life and/or property and supplies may be implemented and/or maintained. Salary certification for emergency appointments shall be at the start salary of the range of the job class;

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

(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This paragraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance with the Variable Compensation Plan unless otherwise fixed by statute;

Salary certification for administrative officers, deputies, bureau chiefs, and directors who report directly to the department, agency, institution, or commission, unless otherwise set by statute shall be determined by

the appointing authority and the State Personnel Board not to exceed the end of the salary range assigned;

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

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

(xviii) Repealed;

(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce; and

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

B. The State Personnel Director shall certify, prior to appointment, that the applicant meets established minimum job qualifications for the following:

1. Part-time employees; provided, however, part-time employees shall only be hired into authorized employment positions;

2. Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified. The appointing authority shall submit verification of license, registration or certification to the State Personnel Board prior to

the issuance of a payroll warrant [Refer, Section 25-9-107 (c) (xiii), Mississippi Code of 1972, Annotated, as amended.]; and

3. Time-limited employees, except those employees in positions funded by federal contracts or grants which require that employees be given additional rights. The appointing authority shall send a copy of the portion of the contract or grant which mandates such additional rights to the State Personnel Board. Nothing in this rule shall be construed to confer permanent state service upon an employee appointed to a time-limited position. [Refer, Section 25-9-107, Mississippi Code of 1972, Annotated, as amended.]

### 2.40.2 Salary Certification

Salaries for appointment to the non-state service shall be certified in accordance with the provisions governing appointments. [Refer, Section 25-9-119 (2) (c) (i) (ii), Mississippi Code of 1972, Annotated, as amended.]

### 2.40.3 Notification of Non-state Service

Each applicant, who accepts appointment to a non-state service position, shall be given notice by the appointing authority that permanent state service status will not be attained while employed in that position. [Refer, Section 25-9-125, Mississippi Code of 1972, Annotated, as amended.]

### 2.40.4 Loss of Permanent State Service Status

Permanent state service status employees who accept appointment to a non-state service position lose their permanent employment status at the time of the appointment, except under the provisions of Section 25-9-125, Mississippi Code of 1972, Annotated, as amended, and shall be so notified prior to the appointment. Employment into a state service from a non-state service position is governed by policies and rules contained herein. (Refer to Section 4.13.1.)

### 2.40.5 Notification of Status

Each applicant, including state service employees who have attained permanent status, shall be given written notice, prior to their appointment to a non-state service position by the appointing authority, that the State of Mississippi is under no obligation to continue their employment in a non-state service position.

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