



APM 1009

**Policy Memorandum No. 10 - FY 2009**

March 13, 2009

**TO:** Elected Officials, Agency Directors, and Personnel Officers  
State Government Agencies

**FROM:** Lynn Fitch   
Executive Director

**DATE:** March 19, 2009

**SUBJECT: ADMINISTRATION OF PERSONNEL ACTIONS**

**A. Statement of Purpose**

In accordance with House Bill 681, passed during the Regular Session 2009, the State Personnel Board, acting through the State Personnel Director, hereby authorizes and directs the immediate suspension of promotions, reallocations, reclassifications, realignment, educational benchmarks, career ladders, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the immediate replacement of a departing employee with an individual from within state service or a new hire at a salary level equivalent to that of the departing employee, and the emergency appointment of Nurses, Pharmacists or other health care professionals at a salary to be determined by the State Personnel Board. **This suspension is effective March 13, 2009, and will end close of business June 30, 2009.**

The development of the following policies is based upon implementation of House Bill 681 as follows:

From and after passage of this act and until June 30, 2009, due to the unforeseen financial circumstances, the agency head of any state agency, with the approval of the Department of Finance and Administration, may authorize increases in major objects of expenditure within each specific budget within each appropriation bill, provided that other major objects of expenditure are decreased by a corresponding dollar amount. No state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the immediate replacement of a departing employee with an individual from within state service or a new hire at a salary level equivalent to that of the departing employee, or the emergency appointment of Nurses, Pharmacists or other health care professionals at a salary to be determined by the State Personnel Board. The agency head shall submit written justification for the transfer(s) to the Department of Finance and Administration, the Legislative Budget Office and the State Auditor on or before the fifteenth of the month prior to the effective date of



the transfer. The transfer shall be effective the first working day of the month following timely submissions and approval required herein. In cases of extreme hardship, certified in writing by the agency head and timely submitted as required herein, the Executive Director of the Department of Finance and Administration, in his discretion, may authorize an earlier effective date for the transfer.

**B. Coverage of these Policies**

1. These policies shall govern employee salary increases and position changes for:
  - a. State service employees and positions, and
  - b. Non-state service employees and positions excluded from the state service by Mississippi Code of 1972, Annotated, Section 25-9-107(c), but subject to State Personnel Board salary setting authority as listed below:
    - (1) Part-time employees and positions [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xi)];
    - (2) Persons appointed on an emergency basis [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xii)];
    - (3) Time-limited employees and positions [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xiv)];
    - (4) Administrative heads appointed by the Governor, board, commission or other authority, unless otherwise fixed by statute [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xv)]; and
    - (5) Administrative officers, deputies, bureau chiefs, and directors and their positions [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xvi)]; and
    - (6) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks as law enforcement trainees (cadets) [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xxi)].
2. Agencies or positions with statutory exclusion (not under the salary setting authority of the State Personnel Board and not subject to the compensation policies of this memorandum) are listed below. Please note, however, that the restrictive language of House Bill 681 applies to state and non-state service positions, unless otherwise specifically exempted in law.



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- a. Non-state service agencies [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(i) (ii) (iii) (iv) (vii) (viii) (xvii)];
  - b. Non-state service occupations [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c) (v) (vi) (ix) (xiii)];
  - c. Non-state service positions of associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce [Refer, Mississippi Code of 1972, Annotated, Section 25-9-107(c)(xix)];
  - d. Non-state service positions of deputy superintendents, associate superintendents and divisional directors within the State Department of Education [Refer, Mississippi Code of 1972, Annotated, Section 37-3-13(2)]; and
  - e. Non-state service positions of associate directors, deputy directors and bureau directors within the Mississippi Development Authority [Refer, Mississippi Code of 1972, Annotated, Section 57-1-5(3)(c)(xi)].
3. Salaries set by statute shall be implemented strictly in accordance with legislative intent [Refer, Mississippi Code of 1972, Annotated, Sections 25-3-31 and 25-3-35].

**C. Policy Provisions for Implementation**

1. Classification and Compensation Activities

The following Classification and Compensation activities are suspended effective close of business, March 12, 2009, with the exception of the immediate replacement of a departing employee with an individual from within state service or a new hire at a salary level equivalent to that of the departing employee, and the emergency appointment of Nurses, Pharmacists or other health care professionals at a salary to be determined by the State Personnel Board.

- (a) Upward Reallocations
- (b) Upward Reclassifications
- (c) Realignment
- (d) Educational Benchmarks
- (e) Career Ladders
- (f) Additional / Special Compensation
- (g) Promotions
- (h) New Hire Flex / Promotional Flex / Agency Head Flex



2. Authorized Actions

(a) New Hires at Start

Agencies shall have the authority, provided funds are available, to hire new employees or to transfer existing employees into vacant positions. New employees shall be hired at the starting salary of the position. Existing state employees may be transferred at their current salary or the starting salary of the position, whichever is greater.

(b) Replacement of Departing Employees

In the event an employee transfers to another position within or outside the agency or leaves state service, the hiring agency may replace that employee with an individual from within state service or with a new hire at a salary level equivalent to that of the departing employee. For the purposes of this section, replacement may be granted based upon documentation submitted by the agency.

(c) Emergency Appointment of Healthcare Professionals

Emergency appointments shall include the necessary appointment of staff related to court orders and/or the appointment of healthcare professionals who provide services related to the total healthcare delivery system.

(d) Existing Legal Obligations

- (1) Personnel actions required in order for the State of Mississippi to comply with existing bonafide contractual agreements (e.g., signed contractual agreements and existing commitments to career ladders),
- (2) Court orders, and
- (3) Actions, which in the absence of approval, could constitute negligence in regard to the agency's duties.

The State Personnel Director will serve as the final authority regarding requests for exemption.

If you have any questions regarding Policy Memorandum No. 10, please contact the Office of Classification and Compensation at (601) 359-2769.