

CHAPTER 3 RECRUITMENT

3.0 INTRODUCTION

Following an organizational restructuring of the Mississippi State Personnel Board in 2009, the functions of recruitment have been subsumed into the Office of Human Capital Core Processes. Any questions regarding these functions should be addressed to your Human Capital Core Processes Consultants.

The Executive Director of the Mississippi State Personnel Board shall administer a recruitment program as referenced in the Mississippi Code Annotated § 25-9-119 (2)(c). This program shall ensure the fair and equitable treatment of all applicants without regard to political affiliation, race, national origin, sex, religious creed, age, or disability. [Mississippi Code Annotated § 25-9-149 and Intergovernmental Personnel Act Programs: Standards for a Merit System of Personnel Administration, 5 C.F.R. §§ 900.603; 900.604 (1983).]

3.1 RECRUITMENT PROGRAMS

Recruitment shall be tailored to the number and nature of positions to be filled and to labor market conditions. The recruiting efforts of the Office of Human Capital Core Processes and agencies will be coordinated and carried out in a timely manner.

3.1.1 Open Consideration of Qualified Candidates

The Executive Director of the Mississippi State Personnel Board shall respond to agency needs by developing methods of reaching qualified applicants. Recruitment efforts for initial appointments shall be planned and carried out in a manner that ensures open competition and equal consideration of all qualified candidates, except as provided in Chapter 4. Recruitment activities may include, but not be limited to, contact with institutions and organizations, personal contact, and public announcements.

3.1.2 Regular Recruitment

The Executive Director of the Mississippi State Personnel Board shall initiate recruitment efforts in response to current or projected agency staffing requirements. Agencies that anticipate vacancies due to circumstances such as a termination, transfer of an employee, or authorization for additional positions, may request that those positions be placed on recruitment.

Agencies will use the Mississippi State Personnel Board's recruitment and selection software system to request recruitment (called a requisition in the system) for vacancies.

3.1.3 Special Recruitment

The Executive Director of the Mississippi State Personnel Board may initiate additional recruitment efforts for certain difficult-to-fill job classifications or upon agency requests. In order for the Executive Director of the Mississippi State Personnel Board to coordinate agency recruitment efforts, agencies will advise the Executive Director of the Mississippi State Personnel Board five (5) working days in advance, when planning is initiated for any and/or all recruitment efforts and/or advertising. Notification is essential to enable the Executive Director of the Mississippi State Personnel Board to ensure that the agency recruitment efforts are in accordance with state policy and procedure.

Agencies that require assistance from the Executive Director of the Mississippi State Personnel Board in developing special recruitment plans must notate in recruitment and selection software system the obstacles that inhibit recruitment. Information must include, in detail, any special qualification required, and the reason for the requirement, noted in the requisition. The Executive Director of the Mississippi State Personnel Board determines the dates and length of the special recruitment period.

3.1.4 Authority to Take a Position off Recruitment

Positions placed on recruitment may be assigned a closing date due to, but not limited to, the following circumstances:

- A. a vacancy has been filled;
- B. a class specification revision has been initiated; or
- C. there is a request by the appointing authority.

Positions placed on recruitment for an indefinite period may not be assigned a closing date until a vacancy is filled. The authority to take a position or occupational class off recruitment rests with the Executive Director of the Mississippi State Personnel Board.

3.1.5 Determination to Place a Position on Recruitment

The decision to recruit for a position or occupational class may be determined by the special qualifications under which an agency desires recruitment.

The final determination to place a position on recruitment shall rest with the Executive Director of the Mississippi State Personnel Board.

3.1.6 Length of Recruitment

Once a position has been placed on recruitment, it may be recruited continuously in accordance with Sections 3.2 and 3.3 until it is taken off recruitment in accordance with Section 3.1.4. The

Executive Director of the Mississippi State Personnel Board may elect to take the position off recruitment when deemed appropriate.

3.1.7 Non-State Service Recruitment

The Executive Director of the Mississippi State Personnel Board does not determine recruitment programs for non-state service positions. However, recruitment or advertising for these positions must be coordinated with the Executive Director of the Mississippi State Personnel Board in accordance with the advertising requirements below.

Agencies with non-state service positions that wish to recruit may request assistance from the Executive Director of the Mississippi State Personnel Board. Staff will be available to assist in the development of a plan for recruitment that addresses procedures such as posting of announcements, advertising, evaluation, and referral procedures for applicants.

3.2 RECRUITMENT ANNOUNCEMENTS

Recruitment announcements shall, at a minimum, be listed on the Mississippi State Personnel Board web site. All recruitment announcements shall be advertised for not less than five (5) working days.

3.3 CONTENT OF ANNOUNCEMENT

Recruitment announcements may contain the Mississippi State Personnel Board class specification of the vacancy or the equivalent of a Mississippi Department of Employment Security job announcement, including the following: title of the position, summary of education and experience requirements, beginning and ending dates of recruitment, salary, and geographic location.

3.4 ADVERTISING

For special recruitment purposes, the Executive Director of the Mississippi State Personnel Board may utilize advertising to supplement the public notice requirements above.

3.4.1 Agency Advertising Efforts

Agencies **MUST** coordinate their advertising efforts with the Executive Director of the Mississippi State Personnel Board. Commercial advertising shall be at the expense of the requesting agency unless the Mississippi State Personnel Board sponsors the advertising and provides the agency with prior written confirmation of sponsorship. Prior notification will ensure that:

- A. the job title is correct and the position is placed on open recruitment;

- B. the brief summary of education and experience requirements is reviewed for consistency;
- C. special qualifications are developed (when applicable);
- D. the statement “An Equal Opportunity Employer” is included in the advertisement;
- E. the Executive Director of the Mississippi State Personnel Board is aware of the agency’s intentions and will be able to provide information to applicants regarding the advertisement;
- F. agency advertisements do not request that resumes be forwarded to the Mississippi State Personnel Board or the local Mississippi Department of Employment Security Workforce Investment Network (WIN) job centers. Any exception to this procedure must be approved by the Executive Director of the Mississippi State Personnel Board;
- G. the address where applications are to be sent is correct on the advertisement; and
- H. the Executive Director of the Mississippi State Personnel Board may determine the dates and length of the advertising.

Agencies may coordinate recruitment efforts with the Mississippi State Personnel Board by forwarding a copy of the advertisement to their assigned Office of Human Capital Core Processes Consultant via email.

3.4.2 Notice of Advertising

Appointing authorities will notify the Executive Director of the Mississippi State Personnel Board at least five (5) working days prior to all recruitment advertising, whether the advertising is donated, paid for by the agency, or sponsored and paid for by the Mississippi State Personnel Board.

3.5 RECRUITMENT AND COUNSELING

The Mississippi State Personnel Board will provide information and assistance to state agencies and applicants. These services may include, but are not limited to: recruitment efforts; the processing of applications; and counseling/assistance regarding the evaluation and selection processes.

3.6 EXEMPT STATUS RECRUITMENT AND SELECTION

The Executive Director of the Mississippi State Personnel Board does not determine recruitment programs for job classes or positions exempted under Rule 4.2.9. However, recruitment or advertising for these classifications must be coordinated with the Executive Director of the Mississippi State Personnel Board in accordance with the requirements above.

Source: Miss Code Ann. §25-9-103, -119, -147

CHAPTER 4 SELECTION

4.0 INTRODUCTION

Following an organizational restructuring of the Mississippi State Personnel Board in 2009, the functions of selection have been subsumed into the Office of Human Capital Core Processes. Any questions regarding these functions should be addressed to your Human Capital Core Processes Consultants.

4.1 APPLICANT PROCESSING

The Mississippi State Personnel Board shall set forth standardized procedures for processing applications, uniformly evaluating education/training and experience, and certifying and providing Eligible Lists.

4.2 THE APPLICATION PROCESS

4.2.1 Application Form

- A. All applications for state service positions and the non-state service positions in Section 4.4.1 shall be on the State of Mississippi Application, either electronic or paper.
- B. The Executive Director of the Mississippi State Personnel Board shall be responsible for the format and may amend the State of Mississippi Application as needed.
- C. The Executive Director of the Mississippi State Personnel Board may require that only the original State of Mississippi Application be accepted by the Mississippi State Personnel Board for evaluation.

4.2.2 When Applications Shall Be Filed

- A. The Executive Director of the Mississippi State Personnel Board may establish procedures, which allow the following employees and/or applicants to file applications for Promotional Opportunities:
 - 1. current employees with at least six (6) months of continuous service;
 - 2. persons who were terminated from the state service due to a Reduction in Force (RIF) within the last twelve (12) months;

3. former employees who left the state service in good standing within the past twelve (12) months, and who had completed at least six (6) months of continuous employment.
- B. Applicants not meeting the criteria for the above must file an application during a period when the job class is listed on the Mississippi State Personnel Board's Job Opportunities List.
 - C. Applicants for jobs on open recruitment shall file all applications on or prior to the closing date specified in the announcement.

4.2.3 Locations Where Applications May Be Filed

- A. Applications for state service positions may be completed online, filed at the Mississippi State Personnel Board in Jackson, the Mississippi Department of Employment Security Workforce Investment Network (WIN) job centers statewide, or at any other location where the necessary technology is made available. The Mississippi State Personnel Board may provide for the filing of applications at additional locations.
- B. An individual is not considered a bona fide applicant until the application is received by either the Mississippi State Personnel Board or the Mississippi Department of Employment Security. Individuals who file an application directly with a state agency/board, etc., are not considered a bona fide applicant until the application is received by the Mississippi State Personnel Board.
- C. Applications for positions and job classifications falling under Section 4.2.9 shall be exempt from this section.

4.2.4 Who May Apply For State Employment

- A. An applicant is defined as any individual who files his or her State of Mississippi Application in accordance with Sections 4.2.1, 4.2.2, and 4.2.3.
- B. All State of Mississippi Applications shall be signed by the applicant, and the truth of the statements contained within the Record shall be certified by the applicant's signature. If the application is submitted electronically, all statements in the application are considered true and correct by the applicant clicking the "Accept" button.
- C. The Executive Director of the Mississippi State Personnel Board shall have final authority in determining the validity of the application.
- D. A State of Mississippi Application determined to be invalid shall be returned to the applicant.

- E. A State of Mississippi Application returned as invalid and subsequently re-submitted must meet the validity requirements effective on the last date received.
- F. Agencies may submit a State of Mississippi Application for agency-only non-competitive promotions with a formal petition for approval.

4.2.5 Evaluation of Education/Training and Experience

- A. All prospective or current state service employees shall have their State of Mississippi Application formally evaluated prior to appointment or promotion except as provided in these rules. The Mississippi State Personnel Board shall uniformly evaluate the qualifications of applicants as stated in their State of Mississippi Application. Applicants shall be evaluated without regard to political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.
- B. All State of Mississippi Applications received at the Mississippi State Personnel Board are reviewed to assess the applicant's education/training and experience as listed in the application to determine qualifications for the job class for which the applicant is applying. All college education and training related to the position for which application is made shall be assessed at a maximum of 120 semester hours (or the equivalent) for a Bachelor's degree; a maximum of 150 semester hours (or the equivalent) for a Master's degree; a maximum of 180 semester hours (or the equivalent) for a Specialist degree; and 210 semester hours (or the equivalent) for a doctoral degree. Additionally, college hours will be counted for up to 119 semester hours in increments of 30, 60 or 90 hours. All experience entries listed on the application related to the position for which the application is made, including military, paid, and unpaid volunteer work, shall be assessed at a maximum of forty (40) hours per week. This forty (40) hour limit will also apply where a combination of related work is gained through concurrent jobs. The applicant must meet the minimum requirements outlined in the current active class specification.

4.2.6 Additional Documentation Supplied for Evaluation

- A. Applicants may be required to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state law or class specification. Applicants may be disapproved for failure to provide the requested documentation.
- B. Applicant(s) will be notified regarding additional information or documents necessary to complete processing of application(s).

4.2.7 Verification of Education/Training and Experience

- A. An applicant's educational record and work history may be investigated by the Executive Director of the Mississippi State Personnel Board or the hiring agency.
- B. Investigative procedures may include but not necessarily be limited to contacting present and previous employers and/or schools, colleges, or other institutions to verify information contained in the State of Mississippi Application or related documents supplied by the applicant and/or the hiring agency.
- C. The appointing authority may require the applicant to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state or federal law or class specification.
- D. The hiring agency shall ultimately be held accountable for verifying the correctness of information recorded in the State of Mississippi Application.

4.2.8 Falsification of State of Mississippi Application

- A. Should an agency, after investigation, discover an applicant's State of Mississippi Application to be falsified, the agency should immediately inform the Executive Director of the Mississippi State Personnel Board of such falsification in writing. The State Personnel Director may remove the applicant from consideration as provided for in Section 4.5.3.
- B. The falsification of a State of Mississippi Application by a state employee may result in dismissal, suspension for up to thirty (30) days, demotion to the previous position and pay level, or a combination thereof.
- C. When such action is taken, written notification will be mailed to the applicant's last known mailing address.

4.2.9 Non-Competitive Initial Appointment Occupational Classes (State Service), under Mississippi Code Annotated § 25-9-105

- A. Non-competitive appointments to occupational classes exempted from the selection process by state law or by action of the Mississippi State Personnel Board are not required to be made from an Eligibles List. The Executive Director of the Mississippi State Personnel Board only certifies the candidates referred by the appointing authority who meet the minimum requirements for the occupational class.
- B. Exempt classifications may consist of, but are not limited to, the following: (1) skilled or semi-skilled labor, domestic or custodial work; (2) classifications which involve professional or technical skills not normally available in the general appli-

cant population and for which recruiting procedures produce recurring deficiencies; (3) classifications which include a small number of positions; (4) classifications which are unique to a particular agency; (5) classifications which have high turnover rates, and (6) classifications which require professional licensure and/or certification.

- C. The Executive Director of the Mississippi State Personnel Board shall review agency proposed classifications or positions and make recommendations to the Mississippi State Personnel Board to develop a list of job classifications exempt from the use of an Eligibles List. The list of exempt classifications may be furnished to the agencies.
- D. Agencies may request classifications be reinstated to a competitive appointment basis and may recommend changes to the list of exempt classifications.
- E. Exempt classifications may apply to entire classifications or specific positions assigned to a classification.
- F. The appointing authority shall submit a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. The applicant is required to meet the minimum qualifications to be certified for the class or position.
- G. Incumbents in state-service positions exempt from the selection process by actions of the Mississippi State Personnel Board have the same rights as any other state-service employee.
- H. Each agency is responsible for ensuring that its workforce complies with all state and federal laws, guidelines, and court orders regarding Equal Opportunity Employment.

4.3 EVALUATION OF APPLICANTS BASED ON MINIMUM QUALIFICATIONS

Applicant's qualifications shall be evaluated to determine if they meet the minimum requirements for the position for which they applied. Established standards shall be uniformly applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.

4.3.1 Minimum Qualifications

The minimum qualifications for an occupational class shall consist of the minimum qualifications listed on the class specification plus any special qualifications, known as job specific supplemental questions, for the position applied for as requested by an agency and as approved by the Executive Director of the Mississippi State Personnel Board.

- A. An applicant's education/training and experience background, as stated on the State of Mississippi Application, is reviewed in detail to determine qualifications for the position applied for, in line with the approved minimum requirements in the class specification, and any job specific supplemental questions levied by the user agency as approved by the Executive Director of the Mississippi State Personnel Board.
- B. The Executive Director of the Mississippi State Personnel Board shall determine a formula for the evaluation of the training and experience qualifications of applicants. This formula shall give due regard to relatedness as well as quantity of the training and experience.

4.3.2 Notification of Failure to Meet Minimum Qualifications

- A. A standardized notification approved by the Executive Director of the Mississippi State Personnel Board shall be sent to all applicants who do not meet the minimum qualifications of the occupational class for which they have made application.
- B. An applicant shall have the right to make a written request for the review of the disapproval by the Director of the Office of Human Capital Core Processes.

4.3.3 Waiver of Minimum Qualifications

An appointing authority within the state service may formally request in writing that the Mississippi State Personnel Board waive the minimum education/training and experience requirements required for entry into an occupational class, thereby allowing the appointment of an individual who does not meet the minimum qualifications as listed on the class specification.

Where employees do not possess the minimum qualifications necessary for promotions, demotions, transfers, or reallocations, agencies shall submit the prescribed forms necessary to document possession of knowledge, skills, and abilities necessary to perform in the proposed position. Requests for waiver of minimum qualifications must be approved by the Mississippi State Personnel Board.

- A. There shall be no consideration given to waiving minimum requirements for original appointments.
- B. The Mississippi State Personnel Board shall review all requests by state agencies to waive minimum qualifications of a class specification to accomplish movements within state service.
- C. The Mississippi State Personnel Board shall consider but shall not limit its consideration to the following when reviewing a request to waive minimum qualifications:

1. The amount of related experience as demonstrated by a current State of Mississippi Application; Job Content Questionnaire (JCQ); enumeration of Knowledge, Skills, and Abilities (KSAs); and performance review duties/performance standards;
 2. The number of related college credit hours;
 3. The number of years of related experience;
 4. The availability of qualified employees and applicants;
 5. The feasibility of a trainee classification; and
 6. Applicable federal and state statutes, licensure, certification, and registration requirements.
- D. A waiver of minimum qualifications approved by the Mississippi State Personnel Board applies only to the classification for which the waiver was requested.
- E. Decisions of the Mississippi State Personnel Board shall be final and no further consideration of a request for waiver shall be afforded.
- F. Requests for waivers of minimum qualifications by state agencies shall include:
1. Relevant position-employee data;
 2. State of Mississippi Application;
 3. Job Content Questionnaire (current and proposed position);
 4. Letter of Justification including but not limited to:
demonstration that no qualified employee or applicant is available;
explanation of why subject employee was chosen and/or best qualified;
and discussion of alternative actions.
 5. Organizational Chart of the unit where the position is located along with functional statements for the unit;
 6. Performance Development System (PDS) duties and competencies/Performance Standards (proposed position);
 7. Enumeration of KSAs derived from JCQ task statements (proposed position).

4.3.4 Substitution of Minimum Qualifications

An employee or applicant who possesses the substantial equivalent of the minimum qualifications may request in writing that the Executive Director of the Mississippi State Personnel Board substitute the substantial equivalent of education/training and experience for the minimum qualifications required for entry into an occupational class, thereby allowing the certification to an Eligibles List or in-service movement of an individual not otherwise meeting the stated minimum qualifications.

- A. There shall be no consideration given to the substitution of equivalent education/training or experience where relevant licensing, certification, or similar

requirements, or where state or federal statutes or regulatory guidelines preclude evaluation on this alternative basis.

- B. The Executive Director of the Mississippi State Personnel Board shall appoint a committee of staff members to review all requests.
- C. The review committee shall consider, but not limit its consideration to, the amount of related experience and formal education/training as documented by a State of Mississippi Application.
- D. Decisions of the review committee shall be binding; however, final consideration may be made by the Executive Director of the Mississippi State Personnel Board upon written justification submitted by the employee, applicant, and/or agency.
- E. Requests for substitutions of the substantial equivalent of education/training and experience by applicants, employees, or agencies may include:
 - 1. Detailed and current State of Mississippi Application;
 - 2. Letter of request;
 - 3. Transcript of related college credit hours;
 - 4. Certificates of completion of any related training courses where applicable; and
 - 5. Other pertinent documents deemed necessary by the review panel.

4.3.5 Special Qualifications/Job Specific Supplemental Question(s)

A special qualification/job specific supplemental question(s) is a requirement used in conjunction with the minimum qualifications of a job class to designate specific skills, abilities, education, and/or experience necessary for a particular position.

A special qualification/job specific supplemental question(s) may be utilized when requesting a position be placed on recruitment. The job specific supplemental question(s) must be approved by the Executive Director of the Mississippi State Personnel Board prior to usage. Names of applicants meeting the job specific supplemental question(s) will be placed on the Eligibles List in accordance with Mississippi State Personnel Board policies. The Eligibles List, along with copies of the applications, will be forwarded to the requesting agency.

When requesting the use of a special qualification/job specific supplemental question(s), the following shall be in effect:

- A. In no case shall the job specific supplemental question(s) exceed the minimum qualifications as outlined on the class specification for the job class. For example, the minimum qualifications might read: A bachelor's degree from an accredited four-year college or university and seven (7) years of experience. A valid job specific supplemental question might read: A bachelor's degree in biology and

four (4) of the seven (7) years of experience must have been in a laboratory environment.

- B. Special qualification/job specific supplemental question(s) requests must contain the following documentation:

A detailed explanation of the need for a job specific supplemental question(s) which includes a description of the specific skills, abilities, education, and/or experience required and why;

Copies of any federal or state regulations, guidelines, statutes or case law which are relevant to qualifications of the position; and

Additional documentation as may be specified by the Executive Director of the Mississippi State Personnel Board.

- C. The Executive Director of the Mississippi State Personnel Board shall have the authority to modify and/or deny any request for special qualifications/job specific supplemental questions.
- D. Exceptions to this policy will be reviewed on a case-by-case basis by the Executive Director of the Mississippi State Personnel Board.

4.4 MISSISSIPPI STATE PERSONNEL BOARD STATUTORY SELECTION AUTHORITY OVER NON-STATE SERVICE PERSONNEL

4.4.1 Non-State Service Personnel Evaluation

The Executive Director of the Mississippi State Personnel Board only acknowledges the appointment of non-state service personnel except as provided by statute and regulations prescribed pursuant to statute.

- A. Part-Time Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the Executive Director of the Mississippi State Personnel Board when appointing to part-time positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the Mississippi State Personnel Board and be certified as such prior to appointment unless otherwise authorized by the Executive Director of the Mississippi State Personnel Board.
- B. Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by the State to be licensed, registered, or otherwise certified as such, shall submit State of Mississippi Applications and other documentation as needed to substantiate their professional status. The Executive Director of the Mississippi State Personnel Board shall verify such licensure, registration, or certification as

being current and valid prior to acknowledging the appointment of such personnel. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the Executive Director of the Mississippi State Personnel Board when appointing to such positions.

- C. Time-Limited Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board when appointing to time-limited positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the Mississippi State Personnel Board as well as qualifications required by federal laws and regulations and be certified as such prior to appointment unless otherwise authorized by the Executive Director of the Mississippi State Personnel Board [Mississippi Code Annotated § 25-9-107(c)(xiv).]
- D. Applicants for top-level positions excluded from the state service by Mississippi Code Annotated § 25-9-107(c)(xvi) shall submit a State of Mississippi Application to the appointing authority. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board.
- E. With the exception those positions stipulated in sections A, B, and C above, the Executive Director of the Mississippi State Personnel Board only acknowledges the appointment of non-state service personnel. In those instances when the appointee fails to meet the minimum qualifications of the occupational class as set by the Mississippi State Personnel Board, the Executive Director of the Mississippi State Personnel Board shall notify the appointing authority of the failure of the applicant to meet minimum qualifications.

4.5 EVALUATIONS OVERVIEW

- A. Applicants for occupational classes must be evaluated and found minimally qualified by the Executive Director of the Mississippi State Personnel Board prior to being placed on the Eligibles List.
- B. The Executive Director of the Mississippi State Personnel Board shall maintain uniform standards for evaluating the education/training and experience of minimally qualified applicants for positions.
- C. The established uniform standards shall be applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or physical disability except as provided by law.

- D. All State of Mississippi Applications for the same occupational class are afforded uniform and equal treatment in all phases of the evaluating process.

4.5. Evaluation of Applications

- A. After applicants are determined to have met the minimum qualifications for a position's allocated job classification, they shall be assigned a passing disposition.
- B. Evaluations shall be determined by the amount of the education/training and experience documented on the applicant's State of Mississippi Application as compared to the minimum qualifications, characteristics of work, and description of duties contained in the class specification for which application has been made.
- C. The Executive Director of the Mississippi State Personnel Board shall determine a formula for the evaluation of the education/training and/or experience qualifications of the applicants. This formula shall give due regard to job relatedness as well as quantity of the education/training and/or experience.
- D. Any applicant claiming credit for education/training and/or experience gained through unpaid and/or volunteer activities and/or military service shall receive appropriate credit for such education/training and/or experience when it is related to the duties of the occupational class for which application is made.

4.5.3 Disqualification of Applicants

The Executive Director of the Mississippi State Personnel Board may refuse to evaluate an applicant or, after evaluating, may disqualify the applicant, remove the applicant's name from the Eligibles List, refuse to certify an applicant on an Eligibles List, or may consult with the appointing authority in taking steps to remove a person already appointed if the individual:

- A. Has provided job-related information which indicates inability to perform the tasks assigned to the occupational class for which evaluated;
- B. Has made a false statement of material fact in the State of Mississippi Application;
- C. Has used or attempted to use political pressure or bribery to secure an advantage in the evaluation process;
- D. Has directly or indirectly obtained information regarding the evaluation process to which an applicant is not entitled;

- E. Has failed to submit the State of Mississippi Application correctly or within the prescribed time limits;
- F. Has taken part in the compilation, administration, or correction of the selection procedures applied;
- G. Has otherwise willfully violated the provisions of these rules; and/or
- H. Does not meet any one (1) of the minimum qualifications established for the occupational class for which evaluated.

4.5.4 Notification of Evaluation Results

- A. Applicants will be notified of their evaluation results in a timely manner.
- B. Agencies authorized to maintain Eligible Lists shall be responsible for furnishing qualified applicants with notification of evaluation results.
- C. The Executive Director of the Mississippi State Personnel Board may prohibit the disclosure of evaluation results by phone, in person, or by any other means except electronically or by mail.

4.5.5 Adjustment of Errors

- A. The Executive Director of the Mississippi State Personnel Board shall take whatever action deemed necessary to correct a manifest error in the evaluation of an applicant's qualifications for the occupational class for which application is made. Due consideration will be given to the circumstances surrounding the cause of the error.
- B. Such corrective action may include, but is not limited to, removing an applicant's name from the Eligibles List and/or canceling any Eligibles List deemed flawed due to the manifest error.
- C. Such corrective action shall not invalidate an appointment previously made unless the applicant fails to meet qualifications imposed by federal or state law, or does not possess licensure, registration, or certification required for the job class to which appointed.

4.6 DESIGNATION OF VETERANS' STATUS

The veteran status of an applicant shall be designated on the Eligibles List, if the applicant is otherwise qualified to be placed on an Eligibles List. Veteran's designations shall not be awarded

for periods of active duty when duty was for “training purposes only” to meet obligations in the Reserve Forces, National Guard, etc. Terms in this section are as follows:

- A. Veteran: A person who has served in the active Armed Forces of the United States for a period of ninety (90) days during a period of war or armed conflict and was granted an honorable discharge there from; or was discharged there from for a service-connected injury in less than ninety (90) days. Mississippi Code Annotated § 25-9-301(a),
- B. Disabled Veteran: A veteran whom the Veterans Administration has certified within the last ninety (90) days to have a service-connected disability. Mississippi Code Annotated § 25-9-301(b), and
- C. Proof of Eligibility: A certified copy of the veteran's discharge papers and separation record or certification from the Veterans Administration or the Department of Defense will be accepted as proof of veteran status. Applicants requesting disabled veteran status shall submit, on such forms as may be required by the Executive Director of the Mississippi State Personnel Board, proof of disability certified by the Veterans Administration.

4.7 SELECTION PROCEDURE DEVELOPMENT AND VALIDATION

4.7.1 Development of Selection Procedures

- A. A comprehensive system of evaluation for all occupational classes within the state service is maintained.
- B. The Executive Director of the Mississippi State Personnel Board determines the need for technical assistance to supplement staff expertise in the development of valid selection procedures. Subject to approval by the Mississippi State Personnel Board, the Executive Director of the Mississippi State Personnel Board may contract for selection procedure services or purchase selection procedure material or may utilize qualified technical consultants. When technical assistance is required to supplement staff expertise, criteria for selecting said assistance shall consist of, but is not limited to, the lowest cost proposal, meeting time requirements set forth by the Executive Director of the Mississippi State Personnel Board, methodology to be used, and the amount of time of professional level staff, which is allocated to the project.

4.7.2 Validation of Selection Procedures

- A. It is the intent of the Mississippi State Personnel Board to validate selection procedures used as the basis for making employment decisions with regard to

choosing prospective employees for employment or current employees for in-service placement. Selection procedures will be validated by methods and techniques that are feasible, practical, and consistent with federal guidelines and professional standards, as permitted by necessary levels of funding and staff.

- B. Important elements of job content shall be determined through interviews and/or the completion of appropriate questionnaires. Employees and/or supervisors and other subject matter experts shall identify and rate job tasks and related knowledge, skills, and abilities, as necessary.
- C. Employees and/or supervisors and other subject matter experts are required to evaluate potential selection procedure items under strict security provisions.
- E. Objective methods using employees' and/or supervisors' and other subject matter experts' ratings of selection procedure items are used to establish minimum qualifications for each selection procedure validated.

4.8 REFERRAL OF APPLICANTS TO AGENCIES

The appointing authority of hiring agencies shall appoint applicants to positions as follows:

- A. The Executive Director of the Mississippi State Personnel Board may determine to be invalid any appointments not made in conformance with Mississippi State Personnel Board procedures.
- B. All appointments to the state service shall be from an Eligibles List and made on a competitive basis, except as provided in 4.2.9.
- C. Names on Eligibles Lists shall be derived from applicants that have met the selection criteria for an occupational class.

4.9 ELIGIBLES LISTS

It is the policy of the Mississippi State Personnel Board to certify applicants who meet the minimum qualifications to fill vacancies within the state service. Eligibles Lists shall be maintained in accordance with policies, rules and procedures promulgated by the Mississippi State Personnel Board. Selection and procedural requirements shall be balanced with the interest of economy. It is the applicant's responsibility to review the policies and procedures pertaining to the maintenance of Eligibles Lists. The Mississippi State Personnel Board shall make such policies and rules accessible to all applicants. The Mississippi State Personnel Board may respond to applicant requests for information or assistance. A separate, original State of

Mississippi Application is required for each each job opening posting for which application is made.

4.9.1 Establishment and Maintenance of Eligibles Lists

The Executive Director of the Mississippi State Personnel Board establishes and maintains Eligibles Lists necessary to provide a list of qualified candidates for positions in state service.

The appointing authorities shall notify the Executive Director of the Mississippi State Personnel Board as far in advance as possible of a job opening to be posted for recruitment. The Executive Director of the Mississippi State Personnel Board is responsible for the establishment and maintenance of appropriate lists for all state service position openings postings except as provided for in Section 4.2.9 Eligibles Lists are categorized as:

4.9.2 Preparation of Eligibles Lists

- A. After the Executive Director of the Mississippi State Personnel Board has determined that an applicant has met the evaluation criteria for an occupational class, the applicant's name is added to the appropriate Eligibles List.
- B. The names of eligible applicants shall be placed on the list in alphabetical order. Applicants who have a Veterans or Disabled Veterans status will be designated as such on the Eligibles List.
- C. Promotional lists and Transfer lists shall be for all state service status employees.
- D. Reduction-In-Force (RIF) applicants, who apply within twelve (12) months of their separation date, shall be designated as RIF on the Eligibles List as provided in Section 4.9.3.

4.9.3 RIF/Reemployment Applicants

- A. Reduction-In-Force (RIF) Applicants
 - 1. Any employee in a state service position, who has been laid off while in good standing in accordance with the rules governing RIF, may, upon submission of a current State of Mississippi Application within twelve (12) months of the termination date, be designated as RIF on the Eligibles List established for the job classification for which application is made. It is the responsibility of the terminated employee to notify the Executive Director of the Mississippi State Personnel Board of his/ or her RIF status for each application filed.

2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes.
3. An applicant's pass/fail disposition for the job class from which terminated and for lower job classes in that class series will be determined by a rating of his/her education/training and experience. If for any reason the employee does not meet the current minimum qualifications for the job class or lower job classes in the class series from which terminated, he/she may still be placed on the Eligibles List. However, any requirement set by state or federal laws or guidelines, or any requirement for a license, certification, or certificate of training must be met.
4. Applicants for higher job classes within the class series from which terminated or other job classes must meet the current minimum qualifications.

B. Reemployment Applicants

1. A former state service status and/or those probationary state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employees, who have completed at least six (6) months of continuous employment and who voluntarily terminated in good standing may apply for the Promotional and Transfer openings through submission of a current State of Mississippi Application within twelve (12) months of their termination date.
2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes.
3. Applicants must meet the current minimum qualifications.

4.9.4 Promotional Eligibles Lists

- A. A permanent state service status, probationary state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employee, who has been continuously employed for six (6) months in the agency where the opening occurs, may apply for a Promotional opening through submission of a current State of Mississippi Application.
- B. Promotion into occupational classes exempted from the selection process (See Section 4.2.9) shall be made in the same manner as original appointments to the occupational classes.

- C. Applicants must meet the current minimum qualifications.

4.9.5 Transfer Eligibles Lists

- A. A permanent state service status, probationary state service, part-time, time-limited, and/or other Mississippi State Personnel Board purview non-state service employee who has been continuously employed for six (6) months, may apply for a Transfer opening through submission of a current State of Mississippi Application.
- B. Transfer into occupational classes exempted from the selection process (See Section 4.2.9.) shall be made in the same manner as original appointments to the occupational classes.
- C. Applicants must meet the current minimum qualifications.

4.9.6 Open Eligibles Lists

- A. The applicant must file a valid State of Mississippi Application during an announced job posting.
- B. Applicants must meet the current minimum qualifications.
- C. Applicants are placed on an Eligibles List after meeting the minimum qualifications.

4.9.7 Agency Only Non-Competitive Promotional Eligibility

- A. Agency only non-competitive promotions shall include: (1) promotion of state service employees to state service positions, and (2) promotion of state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employees to non-state service positions. Agencies may consider only employees who are employed by the appointing authority and who have completed at least six (6) months of continuous service.
- B. Agencies shall submit a current copy of a State of Mississippi Application along with the appropriate position-employee data for those employees to be considered for agency only non-competitive promotion.
- C. Only those employees meeting the applicable selection criteria shall be approved for non-competitive promotion by the Executive Director of the Mississippi State Personnel Board.

4.9.8 Duration of Eligibles List

- A. The term of an applicant's name on the Eligibles List begins on the date of placement of the applicant's name on the Eligibles List and expires once the position is filled.
- B. The applicant's time on a list shall expire automatically at the end of the appropriate validity period.

4.9.9 Delegation of Authority to Maintain Eligibles Lists

- A. The Mississippi State Personnel Board may delegate to agencies the authority to establish and maintain Eligibles Lists.
- B. The Mississippi State Personnel Board reserves the right to modify or rescind the maintenance authorization.
- C. Agency procedures are subject to review by the Executive Director of the Mississippi State Personnel Board for consistency with statutes and Mississippi State Personnel Board policies and procedures.
- D. The agency is responsible for determining and implementing, within the guidelines established by the Mississippi State Personnel Board, standardized criteria, and procedures to establish and maintain the Eligibles Lists and maintain records, which support and reflect all activities.
- E. The Executive Director of the Mississippi State Personnel Board shall administer the selection criteria and refer all qualified candidates to the agency.
- F. Except as otherwise provided, State of Mississippi Applications shall be transmitted to the Executive Director of the Mississippi State Personnel Board for evaluation using the Agency Transmittal Form, which is available from the MSPB website at <http://www.mspb.ms.gov>.
- G. The Executive Director of the Mississippi State Personnel Board shall be responsible for adding the Veteran's or Disabled Veteran's designation for qualified applicants.
- H. The agency shall indicate by submission of the position-employee data that merit principles have been followed.
- I. Applicants approved for placement on an AGENCY MAINTAINED Eligibles List ARE NOT placed on the Mississippi State Personnel Board Eligibles List.

4.9.10 Request for Eligibles Lists

- A. To fill vacancies for positions, which are not exempt from the selection process, the appointing authority shall submit a request (requisition) for Eligibles recruitment, which will result in the issuance of an Eligibles List after the closing date of the job announcement.
- B. Initial appointments to full-time, state-service positions or job classes which are not exempt from the selection process shall be accomplished through Eligibles Lists.
- C. A single request for an Eligibles List may be made for one (1) or more positions provided each position is for the same classification and in the same county or counties.
- D. A request for an Eligibles List shall be submitted by an individual duly authorized by the agency.
- E. Part-time appointments and appointments to time-limited positions shall be accomplished by the submission of position-employee data and a current copy of the State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. Candidates for these appointments are to possess the minimum requirements contained in the class specification and are not required to be appointed from an Eligibles List.
- F. Agencies may request Eligibles Lists for filling time-limited or part-time vacancies. Final authority for issuing Eligibles Lists rests with the Executive Director of the Mississippi State Personnel Board.
- G. Demotion of state service employees shall be accomplished by the submission of the position-employee data and a current copy of a State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. Candidates for demotion are to possess the minimum qualifications contained in the class specification.
- H. Emergency appointments shall be made in accordance with Mississippi Code Annotated § 25-9-107(c)(xii); and shall be accomplished by the submission of the position-employee data to the Executive Director of the Mississippi State Personnel Board. Except where otherwise required by federal or state law, licensure, certification or registration, such appointments are made without regard to minimum requirements contained in the class specification. Emergency appointments shall not exceed sixty (60) working days.

- I. In-service placement of incumbents as a result of reallocations or reclassifications shall be accomplished by the submission of position-employee data. Reallocations or reclassifications shall not be approved where incumbents do not meet minimum requirements for the new classifications except where an agency request has been approved under Sections 4.2.3 or 4.2.4. All reallocation and reclassification requests shall be accompanied by a current copy of a State of Mississippi Application except when otherwise authorized by the Executive Director of the Mississippi State Personnel Board.
- J. A lateral transfer of a permanent state service employee, or a state service employee who has completed six (6) months of his/her probationary period, into the same job class may be accomplished by the submission of the appropriate position-employee data.
- K. Permanent appointments to full-time positions in job classes or positions, which are exempt from the selection process, shall be accomplished in accordance with 4.2.9.

4.9.11 Procedures for Completing a Recruitment Request (Requisition)

When requesting recruitment to fill a vacancy, the following shall be in effect:

- A. Please reference the [Mississippi State Personnel Board's Recruitment and Selection software Training Manual](#) for detailed instructions regarding the procedures to enter a recruitment request (requisition).
- B. The [Mississippi State Personnel Board's Recruitment and Selection software](#) will automatically assign the Eligibles List request number.
- C. Indicate requested recruitment type:
 - Open –To be used when the agency desires to recruit all qualified applicants.
 - Promotional - To be used when the agency desires to recruit qualified applicants employed by the particular master agency and meeting the criteria for placement on the promotional list (See Section 4.9.4.)
 - Transfer – To be used when the agency desires to recruit qualified applicants employed by the state and meeting the criteria for placement on the transfer list (see Section 4.9.5)
- D. Special requirements should be noted. All requests for job related supplemental questions must be accompanied by appropriate justification and must be approved by the Executive Director of the Mississippi State Personnel Board prior to usage.

- E. Travel Schedule **MUST** be identified as: Some day only; Often day only; Some overnight; Often Overnight; or None.

Shift Schedule **MUST** be identified as: Day only; Evening only; Night only.
- F. When employees are hired into vacant positions will be required to work in multiple counties, all counties must be selected.
- G. The requisition shall be submitted by an individual duly authorized to sign for the agency.
- H. The requisition will be returned without action if not properly submitted.

4.9.12 Selective Certification

Requests for selective certification of eligibles are considered upon adequate justification submitted to the Executive Director of the Mississippi State Personnel Board.

- A. The Executive Director of the Mississippi State Personnel Board may provide for an individual participating in a Mississippi State Personnel Board approved agency co-op program, upon completion of the approved co-op program and subsequent graduation, to be selectively certified to fill a position on a non-competitive basis, provided the individual meets the minimum educational and/or experience requirements of the position.
- B. Requests for selective certification shall be made by the appointing authority or his or her designee.
 - 1. The special requirements for selective certification must be clearly stated and justification for the request must be attached.
 - 2. The Executive Director of the Mississippi State Personnel Board shall have the authority to modify and/or deny any request for selective certification.

4.9.12 Supplying of Eligibles Lists

- A. No Eligibles List shall be issued unless the agency has a vacancy or an impending vacancy. The receipt by the Executive Director of the Mississippi State Personnel Board of a notice of termination with a specific date of termination within 60 days shall signify a vacancy or an impending vacancy.
- B. Upon receipt of a properly filed requisition, an Eligibles List shall be submitted to the appointing authority after the closing date of the associated job announcement and the evaluation of all applications for the announcement are completed. The

Eligibles List shall contain the names of all applicants meeting the qualifications of the position and any job related supplemental questions specified by the agency.

4.9.13 Appointments from Eligibles Lists

- A. The appointing authority may appoint any applicant certified to the agency on the Eligibles List.
- B. Initial appointments to full-time state service positions shall be made from those eligibles on the Eligibles List.
- C. The agency shall submit to the Executive Director of the Mississippi State Personnel Board notification of intent to appoint from an Eligibles List. Such notification shall consist of the actioned Eligibles List and position-employee data.
- D. The life of an Eligibles List shall be ninety (90) calendar days from the date of issue unless the time is otherwise extended by the Executive Director of the Mississippi State Personnel Board.
- E. The expiration date is printed on each issue of the Eligibles List.
- F. The appointing authority may return the Eligibles List, without any action taken, prior to the ninety (90) day expiration period. The reason for such cancellation should be noted in the appropriate space provided.

4.9.14 General Instructions for Actioning an Eligibles List

When filling vacant positions through open job announcements, an Eligibles List is issued by the Executive Director of the Mississippi State Personnel Board in response to a properly filed requisition. The following shall be in effect:

- 1. An Eligibles List can be used only for positions (PINS) identified on the requisition.
- 2. Action taken concerning each eligible should be noted in the appropriate space on the Eligibles List according to the proper codes. Please reference the Training Manual for detailed instructions regarding specific codes.
- 3. If selection is not made, a new requisition and posting is required

4. The agency is responsible for maintaining documentation for each eligible actioned on the Eligibles List.
5. The date of appointment may not be earlier than the date the Eligibles List is issued. The Executive Director of the Mississippi State Personnel Board may consider earlier dates when justified by the agency.
6. The life of an Eligibles List is ninety (90) days-

4.9.15 Consideration of Reduction in Force and Reemployment Applicants

- A. Agencies are encouraged to consider any applicant whose name is designated as RIF on the Eligibles List.
- B. Agencies should give full consideration to any applicant who terminated from the state in good standing within the past year.

4.9.16 Concurrent Recruitment

- A. The Executive Director of the Mississippi State Personnel Board shall initiate concurrent **recruitment procedures** when a requisition is received by the Executive Director of the Mississippi State Personnel Board for a position for which an active recruitment has been issued for the same geographical location, unless different job specific supplemental questions are requested for either requisition.

4.9.17 Correction of Errors In Certification Process

- A. When errors are corrected by the Executive Director of the Mississippi State Personnel Board, they may not nullify an active Eligibles List or appointment, but may result in the removal of an eligible's name from the Eligibles List.
- B. In the event that an Eligibles List is flawed through error and the error is discovered before an appointment is made from the Eligibles List, the erroneous list may be withdrawn and a correct list issued.
- C. In the event that an Eligibles List is flawed through error and is discovered after an appointment is made from the list, the list shall not be withdrawn, except by the direction of the Executive Director of the Mississippi State Personnel Board.

4.9.18 Confirmation of Availability for Appointment

- A. Agencies may make written, facsimile, electronic or telephone inquiries to those eligibles it chooses to interview.

- B. Agencies are solely responsible for maintaining supporting documentation concerning action taken on individuals whose names appear on an Eligibles List.
- C. Agencies are required to maintain documentation of compliance with the requirements of Mississippi Code Annotated § 25-9-351 (Selective Service Registration). Males between the ages of 18 and 26 must submit proof of Selective Service Registration as a condition for appointment and/or promotion.

4.10 APPLICANT'S REVIEW PROCEDURE

The State Personnel Director shall establish a review procedure for assistance to applicants pertaining to the selection process.

4.10.1 Review of Action

Individuals or eligibles requesting a review of actions of the Office of Human Capital Core Processes shall make a written request to the Director of the Office of Human Capital Core Processes. Such written request shall stipulate the reason the review is requested and shall contain documentation supporting the applicant's position.

Should the decision of the Director of the Office of Human Capital Core Processes not prove satisfactory to the applicant, the applicant shall make a written request to the Executive Director of the Mississippi State Personnel Board for review of the action.

4.10.2 Appeals

Applicants may appeal only as provided for in Section 10.9.

4.11 MEMORANDA OF AGREEMENT

Notwithstanding the policy and procedures outlined in Sections 3.0 through 4.10, the Executive Director of the Mississippi State Personnel Board may enter into agreements with state agencies and/or other entities to accomplish the tasks specified herein.

4.12 APPLICANT INTERVIEWS

Agencies are urged to interview all applicants referred on an Eligibles List.

Any agency employee interviewing an applicant for a vacant position, whether for original or promotional appointment, should document each interview by making notes and maintaining a file of the following information: job title, interviewer's name, date and time, names of those interviewed, questions asked, major topics covered, whether or not applicant was hired, and reasons for hire or non-hire.

4.13 QUESTIONS ASKED IN INTERVIEWS

Agencies should not ask applicants any questions, which may be discriminatory or are prohibited by state or federal law. Federal laws and regulations applicable to employment discrimination include but are not limited to Title VII of the Civil Rights Act of 1964, The Equal Employment Opportunity Act of 1972, the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, and the Uniform Guidelines on Employee Selection Procedures.

4.13.1 Questions to Avoid Asking Applicants

Unless job relatedness can be established as a bona fide occupational qualification, interviewers should not ask applicants leading questions including but not limited to: age or date of birth, arrest, or conviction records, credit or garnishment records, family matters such as number and age of children, childcare requirements, marital status, health history, political affiliation, or religious preference.

The interviews should focus primarily on a discussion of the essential functions of positions and a consideration of the applicable written position descriptions as compared to the ability of the applicant's to perform the essential functions of the position with or without reasonable accommodations. Agencies are permitted, nevertheless, under the Americans with Disabilities Act, to establish a standard that no individual poses a direct threat to the health or safety of other individuals in the work place. Agencies are responsible for making certain that interviewers and other employees are knowledgeable of the prohibitions imposed by the above-referenced federal laws regarding pre-employment activities.

4.14 EMPLOYMENT AUTHORIZATION

A. Employment Requirements Under the Immigration Reform and Control Act of 1986 (IRCA)

Under the Immigration Reform and Control Act of 1986, Public Law No. 99-603, November 6, 1986 (IRCA), it is unlawful for an employer in the United States to hire an alien or to continue employing an alien, knowing the alien is an unauthorized alien. It is also unlawful for an employer to employ any individual without complying with certain provisions for verification of both identity and eligibility for employment. To comply with IRCA, state agency employers must examine certain documents, after an individual has been hired (the term "hire" under IRCA means the actual commencement of employment for wages or other remuneration), and attest on a form called the Form I-9, that the documents provided by the employee have been examined and that they establish both the employee's identity and eligibility for employment. The employer must then retain the Form I-9, which is subject to inspection by both the U.S. Immigration and Naturalization Service (INS) and the U.S. Department of Labor (DOL).

IRCA also prohibits discrimination against applicants and employees because of national origin or citizenship status in matters involving hiring, recruitment, job referrals where a fee is involved, and discharges. However, persons lacking lawful status are not protected.

For detailed instructions on completing the Form I-9, refer to the Handbook for Employers published by the INS, contained in the Appendices. The Appendices also contain the federal regulations governing IRCA. All state agency employers must adhere to IRCA and the rules and regulations pertaining thereto.

B. Employment Requirements pursuant to Mississippi Code Annotated § 71-11-3 (2009).

Effective July 1, 2008, state agencies under the purview of the Mississippi State Personnel Board shall verify the employment authorization for any person or entity that is hired to perform work within the State of Mississippi and to whom a United States Internal revenue Service Form W-2 or Form 1099 must be issued and any person or company that provides workers for another company, including but is not limited to leasing companies and contract employers.

Verification of employment authorization must be conducted in accordance with the Federal E-Verify Program and it shall be the responsibility of the employing agency to verify employment authorization and to maintain records of employment verification as required by state and federal laws.

Source: Miss Code Ann. §25-9-103, -119

CHAPTER 3 RECRUITMENT

3.0 INTRODUCTION

Following an organizational restructuring of the Mississippi State Personnel Board in 2009, the functions of recruitment have been subsumed into the Office of Human Capital Core Processes. Any questions regarding these functions should be addressed to your Human Capital Core Processes Consultants.

The Executive Director of the Mississippi State Personnel Board shall administer a recruitment program ~~as referenced in the~~ Mississippi Code Annotated § 25-9-119 (2)(c). This program shall ensure the fair and equitable treatment of all applicants without regard to political affiliation, race, national origin, sex, religious creed, age, or disability. [Mississippi Code Annotated § 25-9-149 and Intergovernmental Personnel Act Programs: Standards for a Merit System of Personnel Administration, 5 C.F.R. §§ 900.603; 900.604 (1983).]

3.1 RECRUITMENT PROGRAMS

Recruitment shall be tailored to the number and nature of positions to be filled and to labor market conditions. The recruiting efforts of the Office of Human Capital Core Processes and agencies will be coordinated and carried out in a timely manner.

3.1.1 Open Consideration of Qualified Candidates

The Executive Director of the Mississippi State Personnel Board shall respond to agency needs by developing methods of reaching qualified applicants. Recruitment efforts for initial appointments shall be planned and carried out in a manner that ensures open competition and equal consideration of all qualified candidates, except as provided in Chapter 4. Recruitment activities may include, but not be limited to, contact with institutions and organizations, personal contact, and public announcements.

3.1.2 Regular Recruitment

The Executive Director of the Mississippi State Personnel Board shall initiate recruitment efforts in response to current or projected agency staffing requirements. Agencies that anticipate vacancies due to circumstances such as a termination, transfer of an employee, or authorization for additional positions, may request that those positions be placed on recruitment. ~~to build a list of eligible applicants. Recruitment to build a list of eligible applicants may be authorized by the Executive Director of the Mississippi State Personnel Board.~~

Agencies will use the ~~SPAHRs Recruitment Master List screen~~ Mississippi State Personnel Board's recruitment and selection software system to request recruitment ~~to build a list of applicants (called a requisition in the system)~~ for vacancies. ~~Agencies using the SPAHRs Recruitment Master List screen are requested to notify the Executive Director of the Mississippi State Personnel Board when an appointment has been made to the position. The position will be assigned a closing date of five (5) working days from the date of notification.~~

3.1.3 Special Recruitment

The Executive Director of the Mississippi State Personnel Board may initiate additional recruitment efforts for certain difficult-to-fill job classifications or upon agency requests. In order for the Executive Director of the Mississippi State Personnel Board to coordinate agency recruitment efforts, agencies will advise the Executive Director of the Mississippi State Personnel Board five (5) working days in advance, when planning is initiated for any and/or all recruitment efforts and/or advertising. Notification is essential to enable the Executive Director of the Mississippi State Personnel Board to ensure that the agency recruitment efforts are in accordance with state policy and procedure.

Agencies that require assistance from the Executive Director of the Mississippi State Personnel Board in developing special recruitment plans must notate ~~on the SPAHRs Recruitment Master List screen~~ in recruitment and selection software system the obstacles that inhibit recruitment. Information must include, in detail, any special qualification required, and the reason for the requirement, noted in the ~~area designated for notes on the screen~~ requisition. The Executive Director of the Mississippi State Personnel Board determines the dates and length of the special recruitment period.

3.1.4 Authority to Take a Position off Recruitment

Positions placed on recruitment may be assigned a closing date due to, but not limited to, the following circumstances:

- A. a vacancy has been filled;
- ~~B. there is an adequate list of eligible applicants;~~
- ~~C.B.~~ a class specification revision has been initiated; or
- ~~D.C.~~ there is a request by the appointing authority.

Positions placed on recruitment for an indefinite period may not be assigned a closing date until ~~an adequate list of names is acquired or~~ a vacancy is filled. The authority to take a position or occupational class off recruitment rests with the Executive Director of the Mississippi State Personnel Board.

3.1.5 Determination to Place a Position on Recruitment

The decision to recruit for a position or occupational class may be determined by the special qualifications under which an agency desires recruitment, following:

- ~~A. the number of names currently on the List of Eligibles (per request);~~
- ~~B. the number of positions in the occupational class (per request);~~
- ~~C. the adequacy of the existing list and the length of eligibility time remaining for applicants;~~
- ~~D. special qualifications under which an agency desires recruitment.~~

The final determination to place a position ~~or occupational class~~ on recruitment shall rest with the Executive Director of the Mississippi State Personnel Board.

3.1.6 Length of Recruitment

Once a position ~~or occupational class~~ has been placed on recruitment, it may be recruited continuously in accordance with Sections 3.2 and 3.3 until it is taken off recruitment in accordance with Section 3.1.4. The Executive Director of the Mississippi State Personnel Board may elect to take the position off recruitment when deemed appropriate.

3.1.7 Non-State Service Recruitment

The Executive Director of the Mississippi State Personnel Board does not determine recruitment programs for non-state service positions. However, recruitment or advertising for these positions must be coordinated with the Executive Director of the Mississippi State Personnel Board in accordance with the advertising requirements below.

Agencies with non-state service positions that wish to recruit may request assistance from the Executive Director of the Mississippi State Personnel Board. Staff will be available to assist in the development of a plan for recruitment that addresses procedures such as posting of announcements, advertising, evaluation, and referral procedures for applicants.

3.2 RECRUITMENT ANNOUNCEMENTS

Recruitment announcements shall, at a minimum, be listed on the Mississippi State Personnel Board web site. All recruitment announcements shall be advertised for not less than five (5) working days.

3.3 CONTENT OF ANNOUNCEMENT

Recruitment announcements may contain the Mississippi State Personnel Board class specification of the vacancy or the equivalent of a Mississippi Department of Employment Security job announcement, including the following: title of the position, summary of education and experience requirements, beginning and ending dates of recruitment, salary, and geographic location.

3.4 ADVERTISING

For special recruitment purposes, the Executive Director of the Mississippi State Personnel Board may utilize advertising to supplement the public notice requirements above.

3.4.1 Agency Advertising Efforts

Agencies **MUST** coordinate their advertising efforts with the Executive Director of the Mississippi State Personnel Board. Commercial advertising shall be at the expense of the requesting agency unless the Mississippi State Personnel Board sponsors the advertising and provides the agency with prior written confirmation of sponsorship. Prior notification will ensure that:

- A. the job title is correct and the position is placed on open recruitment;
- B. the brief summary of education and experience requirements is reviewed for consistency;
- C. special qualifications are developed (when applicable);
- D. the statement “An Equal Opportunity Employer” is included in the advertisement;
- E. the Executive Director of the Mississippi State Personnel Board is aware of the agency’s intentions and will be able to provide information to applicants regarding the advertisement;
- F. agency advertisements do not request that resumes be forwarded to the Mississippi State Personnel Board or the local Mississippi Department of Employment Security Workforce Investment Network (WIN) job centers. Any exception to this procedure must be approved by the Executive Director of the Mississippi State Personnel Board;
- G. the address where applications are to be sent is correct on the advertisement; and
- H. the Executive Director of the Mississippi State Personnel Board may determine the dates and length of the advertising.

Agencies may coordinate recruitment efforts with the Mississippi State Personnel Board by forwarding a copy of the advertisement to their assigned Office of Human Capital Core Processes Consultant via email.

3.4.2 Notice of Advertising

Appointing authorities will notify the Executive Director of the Mississippi State Personnel Board at least five (5) working days prior to all recruitment advertising, whether the advertising is donated, paid for by the agency, or sponsored and paid for by the Mississippi State Personnel Board.

3.5 RECRUITMENT AND COUNSELING

The Mississippi State Personnel Board will provide information and assistance to state agencies and applicants. These services may include, but are not limited to: recruitment efforts; the processing of applications; and counseling/assistance regarding the evaluation and selection processes.

3.6 EXEMPT STATUS RECRUITMENT AND SELECTION

The Executive Director of the Mississippi State Personnel Board does not determine recruitment programs for job classes or positions exempted under Rule 4.2.9. However, recruitment or advertising for these classifications must be coordinated with the Executive Director of the Mississippi State Personnel Board in accordance with the requirements above.

CHAPTER 4 SELECTION

4.0 INTRODUCTION

Following an organizational restructuring of the Mississippi State Personnel Board in 2009, the functions of selection have been subsumed into the Office of Human Capital Core Processes. Any questions regarding these functions should be addressed to your Human Capital Core Processes Consultants.

4.1 APPLICANT PROCESSING

The Mississippi State Personnel Board shall set forth standardized procedures for processing applications, uniformly evaluating education/training and experience, ~~maintaining and~~ certifying and providing ~~lists of eligibles, Eligible Lists. and certifying eligibles.~~

4.2 THE APPLICATION PROCESS

4.2.1 Application Form

- A. All applications for state service positions and the non-state service positions in Section 4.4.1 shall be on the State of Mississippi Application, either electronic or paper.
- B. The Executive Director of the Mississippi State Personnel Board shall be responsible for the format and may amend the State of Mississippi Application as needed.
- C. The Executive Director of the Mississippi State Personnel Board may require that only the original State of Mississippi Application be accepted by the Mississippi State Personnel Board for evaluation. ~~Photocopied State of Mississippi Applications may be returned without consideration.~~

4.2.2 When Applications Shall Be Filed

- A. The Executive Director of the Mississippi State Personnel Board may establish procedures, which allow the following employees and/or applicants to file applications for ~~employment at any time~~ Promotional Opportunities:
 - 5. current employees with at least six (6) months of continuous service;
 - 6. persons who were terminated from the state service due to a Reduction in Force (RIF) within the last twelve (12) months;

7. former employees who left the state service in good standing within the past twelve (12) months, and who had completed at least six (6) months of continuous employment.
- B. Applicants not meeting the criteria for the above must file an application during a period when the job class is listed on the Mississippi State Personnel Board's ~~Active Recruitment List~~ Job Opportunities List.
 - C. Applicants for jobs classifications on open recruitment shall file all applications on or prior to the closing date specified in the announcement.

4.2.3 Locations Where Applications May Be Filed

- A. Applications for state service positions may be completed online, filed at the Mississippi State Personnel Board in Jackson, the Mississippi Department of Employment Security Workforce Investment Network (WIN) job centers statewide, or at any other location where the necessary technology is made available. The Mississippi State Personnel Board may provide for the filing of applications at additional locations.
- B. An individual is not considered a bona fide applicant until the application is received by either the Mississippi State Personnel Board or the Mississippi Department of Employment Security. Individuals who file an application directly with a state agency/board, etc., are not considered a bona fide applicant until the application is received by the Mississippi State Personnel Board.
- C. Applications for positions and job classifications falling under Section 4.2.9 shall be exempt from this section.

4.2.4 Who May Apply For State Employment

- A. An applicant is defined as any individual who files his or her State of Mississippi Application in accordance with Sections 4.2.1, 4.2.2, and 4.2.3.
- B. All State of Mississippi Applications shall be signed by the applicant, and the truth of the statements contained within the Record shall be certified by the applicant's signature. If the application is submitted electronically, all statements in the application are considered true and correct by the applicant clicking the "Accept" button. ~~The applicant's signature is required when an offer of employment is made by the appointing authority.~~
- C. The Executive Director of the Mississippi State Personnel Board shall have final authority in determining the validity of the application.

- D. A State of Mississippi Application determined to be invalid shall be returned to the applicant.
- E. A State of Mississippi Application returned as invalid and subsequently re-submitted must meet the validity requirements effective on the last date received.
- F. Agencies may submit a State of Mississippi Application for agency-only non-competitive promotions with a formal petition for approval.

4.2.5 Evaluation of ~~Experience and~~ Education/Training and Experience

- A. All prospective or current state service employees shall have their State of Mississippi Application formally evaluated prior to appointment or promotion except as provided in these rules. The Mississippi State Personnel Board shall uniformly evaluate the qualifications of applicants as stated in their State of Mississippi Application. Applicants shall be evaluated without regard to political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.
- B. All State of Mississippi Applications received at the Mississippi State Personnel Board are reviewed to assess the applicant's education/training and experience as listed in the application to determine qualifications for the job class for which the applicant is applying. All college education and training related to the position for which application is made shall be assessed at a maximum of 120 semester hours (or the equivalent) for a Bachelor's degree; a maximum of 150 semester hours (or the equivalent) for a Master's degree; a maximum of 180 semester hours (or the equivalent) for a Specialist degree; and 210 semester hours (or the equivalent) for a doctoral degree. Additionally, college hours will be counted for up to 119 semester hours in increments of 30, 60 or 90 hours. All experience entries listed on the application related to the position for which the application is made, including military, paid, and unpaid volunteer work, shall be assessed at a maximum of forty (40) hours per week. This forty (40) hour limit will also apply where a combination of related work is gained through concurrent jobs. The applicant must meet the minimum requirements outlined in the current active class specification.
- ~~C. The Executive Director of the Mississippi State Personnel Board along with the agencies may develop evaluation aid(s) to assist in uniformly assessing training and experience for given job titles.~~

4.2.6 Additional Documentation Supplied for Evaluation

- A. Applicants may be required to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state law; or class specification. ~~or evaluation aid.~~ Applicants may be disapproved for failure to provide the requested documentation.
- B. Applicant(s) will be notified ~~in writing~~ regarding additional information or documents necessary to complete processing of application(s).

4.2.7 Verification of Education/Training and Experience

- A. An applicant's educational record and work history may be investigated by the Executive Director of the Mississippi State Personnel Board or the hiring agency.
- B. Investigative procedures may include but not necessarily be limited to contacting present and previous employers and/or schools, colleges, or other institutions to verify information contained in the State of Mississippi Application or related documents supplied by the applicant and/or the hiring agency.
- C. The appointing authority may require the applicant to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state or federal law; or class specification. ~~or evaluation aid.~~
- D. The hiring agency shall ultimately be held accountable for verifying the correctness of information recorded in the State of Mississippi Application.

4.2.8 Falsification of State of Mississippi Application Experience and Training

- A. Should an agency, after investigation, discover an applicant's State of Mississippi Application to be falsified, the agency should immediately inform the Executive Director of the Mississippi State Personnel Board of such falsification in writing. The State Personnel Director may remove the applicant from consideration as provided for in Section 4.5.3.
- B. The falsification of a State of Mississippi Application by a state employee may result in dismissal, suspension for up to thirty (30) days, demotion to the previous position and pay level, or a combination thereof.
- C. When such action is taken, written notification will be mailed to the applicant's last known mailing address.

4.2.9 Non-Competitive Initial Appointment Occupational Classes (State Service), under Mississippi Code Annotated § 25-9-105

- A. Non-competitive appointments to occupational classes exempted from the selection process by state law or by action of the Mississippi State Personnel Board are not required to be made from ~~a Certificate of Eligibles~~ an Eligibles List. The Executive Director of the Mississippi State Personnel Board only certifies the candidates referred by the appointing authority who meet the minimum requirements for the occupational class.
- B. Exempt classifications may consist of, but are not limited to, the following: (1) skilled or semi-skilled labor, domestic or custodial work; (2) classifications which involve professional or technical skills not normally available in the general applicant population and for which recruiting procedures produce recurring deficiencies; (3) classifications which include a small number of positions; (4) classifications which are unique to a particular agency; (5) classifications which have high turnover rates, and (6) classifications which require professional licensure and/or certification.
- C. The Executive Director of the Mississippi State Personnel Board shall review agency proposed classifications or positions and make recommendations to the Mississippi State Personnel Board to develop a list of job classifications exempt from the use of ~~Certificates of Eligibles~~ an Eligibles List. The list of exempt classifications may be furnished to the agencies.
- D. Agencies may request classifications be reinstated to a competitive appointment basis and may recommend changes to the list of exempt classifications.
- E. Exempt classifications may apply to entire classifications or specific positions assigned to a classification.
- F. The appointing authority shall submit a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. The applicant is required to meet the minimum qualifications to be certified for the class or position.
- G. Incumbents in state-service positions exempt from the selection process by actions of the Mississippi State Personnel Board have the same rights as any other state-service employee.
- H. Each agency is responsible for ensuring that its workforce complies with all state and federal laws, guidelines, and court orders regarding Equal Opportunity Employment.

4.3 EVALUATION OF APPLICANTS BASED ON MINIMUM QUALIFICATIONS

Applicant's qualifications shall be evaluated to determine if they meet the minimum requirements for the position for which they applied. Established standards shall be uniformly

applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.

4.3.1 Minimum Qualifications

The minimum qualifications for an occupational class shall consist of the minimum qualifications listed on the class specification plus any special qualifications, known as job specific supplemental questions, for the position applied for as requested by an agency and as approved by the Executive Director of the Mississippi State Personnel Board.

- A. An applicant's education/training and experience background, as stated on the State of Mississippi Application, is reviewed in detail to determine qualifications for the position applied for, in line with the approved minimum requirements in the class specification, ~~applicable evaluation aids~~ and any ~~special qualifications~~ job specific supplemental questions levied by the user agency as approved by the Executive Director of the Mississippi State Personnel Board.
- B. The Executive Director of the Mississippi State Personnel Board shall determine a formula for the evaluation of the training and experience qualifications of applicants. This formula shall give due regard to relatedness as well as quantity of the training and experience.
- ~~C. An applicant not meeting the minimum educational qualifications may be allowed to submit an application if, as a result of the completion of further educational work, the applicant shall fully meet the requirements within the six (6) month period immediately following the closing date for receipt of an State of Mississippi Application.~~

~~An applicant who is qualified under the six (6) month provision shall be eligible for placement on the List of Eligibles Eligibles List. Failure to complete the qualifying level of education shall necessitate removal of the applicant's name from the List of Eligibles Eligibles List. No applicant qualifying under the six (6) month provision may be appointed into a state service position prior to meeting minimum qualifications of the classification. It is the responsibility of the hiring agency to verify completion of the required education prior to appointment.~~

4.3.2 Notification of Failure to Meet Minimum Qualifications

- A. A standardized ~~letter~~ notification approved by the Executive Director of the Mississippi State Personnel Board shall be sent ~~by mail~~ to all applicants who do not meet the minimum qualifications of the occupational class for which they have made application.
- B. An applicant shall have the right to make a written request for the review of the disapproval by the Director of the Office of Human Capital Core Processes.

4.3.3 Waiver of Minimum Qualifications

An appointing authority within the state service may formally request in writing that the Mississippi State Personnel Board waive the minimum education/training and experience requirements required for entry into an occupational class, thereby allowing the appointment of an individual who does not meet the minimum qualifications as listed on the class specification.

Where employees do not possess the minimum qualifications necessary for promotions, demotions, transfers, or reallocations, agencies shall submit the prescribed forms necessary to document possession of knowledge, skills, and abilities necessary to perform in the proposed position. Requests for waiver of minimum qualifications must be approved by the Mississippi State Personnel Board.

- A. There shall be no consideration given to waiving minimum requirements for original appointments.
- B. The Mississippi State Personnel Board shall review all requests by state agencies to waive minimum qualifications of a class specification to accomplish movements within state service.
- C. The Mississippi State Personnel Board shall consider but shall not limit its consideration to the following when reviewing a request to waive minimum qualifications:
 - 1. The amount of related experience as demonstrated by a current State of Mississippi Application; Job Content Questionnaire (JCQ); enumeration of Knowledge, Skills, and Abilities (KSAs); and ~~P~~performance ~~R~~review duties/performance standards;
 - 2. The number of related college credit hours;
 - 3. The number of years of related experience;
 - 4. The availability of qualified employees and applicants;
 - 5. The feasibility of a trainee classification; and
 - 6. Applicable federal and state statutes, licensure, certification, and registration requirements.
- D. A waiver of minimum qualifications approved by the Mississippi State Personnel Board applies only to the classification for which the waiver was requested.
- E. Decisions of the Mississippi State Personnel Board shall be final and no further consideration of a request for waiver shall be afforded.
- F. Requests for waivers of minimum qualifications by state agencies shall include:
 - 1. Relevant position-employee data;

2. State of Mississippi Application;
3. Job Content Questionnaire (current and proposed position);
4. Letter of Justification including but not limited to:
demonstration that no qualified employee or applicant is available;
explanation of why subject employee was chosen and/or best qualified;
and discussion of alternative actions.
5. Organizational Chart of the unit where the position is located along with functional statements for the unit;
6. ~~Performance Appraisal Duties~~ Performance Development System (PDS) duties and competencies/Performance Standards (proposed position);
7. Enumeration of KSAs derived from JCQ task statements (proposed position).

4.3.4 Substitution of Minimum Qualifications

An employee or applicant who possesses the substantial equivalent of the minimum qualifications may request in writing that the Executive Director of the Mississippi State Personnel Board substitute the substantial equivalent of education/training and experience for the minimum qualifications required for entry into an occupational class, thereby allowing the certification to ~~the list of eligibles~~ an Eligibles List or in-service movement of an individual not otherwise meeting the stated minimum qualifications.

- A. There shall be no consideration given to the substitution of equivalent education/training or experience where relevant licensing, certification, or similar requirements, or where state or federal statutes or regulatory guidelines preclude evaluation on this alternative basis.
- B. The Executive Director of the Mississippi State Personnel Board shall appoint a committee of staff members to review all requests.
- C. The review committee shall consider, but not limit its consideration to, the amount of related experience and formal education/training as documented by a State of Mississippi Application.
- D. Decisions of the review committee shall be binding; however, final consideration may be made by the Executive Director of the Mississippi State Personnel Board upon written justification submitted by the employee, applicant, and/or agency.
- E. Requests for substitutions of the substantial equivalent of education/training and experience by applicants, employees, or agencies may include:
 1. Detailed and current State of Mississippi Application;
 2. Letter of request;
 3. Transcript of related college credit hours;

4. Certificates of completion of any related training courses where applicable; and
5. Other pertinent documents deemed necessary by the review panel.

4.3.5 Special Qualifications/Job Specific Supplemental Question(s)

A special qualification/job specific supplemental question(s) is ~~an additional~~ requirement used in conjunction with the minimum qualifications of a job class to designate specific skills, abilities, education, and/or experience necessary for a particular position.

A special qualification/job specific supplemental question(s) may be utilized when requesting a ~~Certificate of Eligibles (COE), or when requesting a job classification position~~ be placed on recruitment. ~~In either case, the~~ The special qualification job specific supplemental question(s) must be approved by the Executive Director of the Mississippi State Personnel Board prior to usage. ~~Upon approval of the request for a special qualification, the State Personnel Board staff will automatically begin the process of evaluating the application of those individuals whose names currently appear on the List of Eligibles (LOE) for the job class to determine if they meet the special qualification.~~ Names of applicants meeting the special qualification job specific supplemental question(s) will be placed on the ~~Certificate of Eligibles (COE) Eligibles List~~ in accordance with Mississippi State Personnel Board policies. ~~If, at the end of this process, the COE contains the required number of names (ten or more), the COE~~ The Eligibles List, along with copies of the applications, will be forwarded to the requesting agency. ~~NO open recruitment is required. Should this process yield an insufficient number of names (nine or fewer), the Executive Director of the Mississippi State Personnel Board will automatically place the job on open recruitment with the special qualification attached. No additional justification is required to place the job on recruitment.~~

When requesting the use of a special qualification/job specific supplemental question(s), the following shall be in effect:

- F. In no case shall the ~~special qualifications~~ job specific supplemental question(s) exceed the minimum qualifications as outlined on the class specification for the job class. For example, the minimum qualifications might read: A bachelor's degree from an accredited four-year college or university and seven (7) years of experience. A valid ~~special qualification~~ job specific supplemental question might read: A bachelor's degree in biology and four (4) of the seven (7) years of experience must have been in a laboratory environment.
- G. Special qualification/job specific supplemental question(s) requests must contain the following documentation:
 1. A detailed explanation of the need for a ~~special qualification~~ job specific supplemental question(s) which includes a description of the specific skills, abilities, education, and/or experience required and why;

- ~~2.~~ Copies of any federal or state regulations, guidelines, statutes or case law which are relevant to qualifications of the position; and
 - ~~3.~~ Additional documentation as may be specified by the Executive Director of the Mississippi State Personnel Board.
- H. The Executive Director of the Mississippi State Personnel Board shall have the authority to modify and/or deny any request for special qualifications/job specific supplemental questions.
- I. Exceptions to this policy will be reviewed on a case-by-case basis by the Executive Director of the Mississippi State Personnel Board.

4.4 MISSISSIPPI STATE PERSONNEL BOARD STATUTORY SELECTION AUTHORITY OVER NON-STATE SERVICE PERSONNEL

4.4.1 Non-State Service Personnel Evaluation

The Executive Director of the Mississippi State Personnel Board only acknowledges the appointment of non-state service personnel except as provided by statute and regulations prescribed pursuant to statute.

- A. Part-Time Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the Executive Director of the Mississippi State Personnel Board when appointing to part-time positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the Mississippi State Personnel Board and be certified as such prior to appointment unless otherwise authorized by the Executive Director of the Mississippi State Personnel Board.
- B. Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by the State to be licensed, registered, or otherwise certified as such, shall submit State of Mississippi Applications and other documentation as needed to substantiate their professional status. The Executive Director of the Mississippi State Personnel Board shall verify such licensure, registration, or certification as being current and valid prior to acknowledging the appointment of such personnel. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the Executive Director of the Mississippi State Personnel Board when appointing to such positions.
- C. Time-Limited Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board when appointing

to time-limited positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the Mississippi State Personnel Board as well as qualifications required by federal laws and regulations and be certified as such prior to appointment unless otherwise authorized by the Executive Director of the Mississippi State Personnel Board [Mississippi Code Annotated § 25-9-107(c)(xiv).]

- D. Applicants for top-level positions excluded from the state service by Mississippi Code Annotated § 25-9-107(c)(xvi) shall submit a State of Mississippi Application to the appointing authority. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board.
- E. With the exception those positions stipulated in sections A, B, and C above, the Executive Director of the Mississippi State Personnel Board only acknowledges the appointment of non-state service personnel. In those instances when the appointee fails to meet the minimum qualifications of the occupational class as set by the Mississippi State Personnel Board, the Executive Director of the Mississippi State Personnel Board shall notify the appointing authority, ~~in writing,~~ of the failure of the applicant to meet minimum qualifications.

4.5 EVALUATIONS OVERVIEW

- A. Applicants for occupational classes must be evaluated and found minimally qualified by the Executive Director of the Mississippi State Personnel Board prior to being ~~assigned a numerical rating and~~ placed on the ~~List of Eligibles~~ Eligibles List.
- B. The Executive Director of the Mississippi State Personnel Board shall maintain uniform standards for ~~rating~~ evaluating the ~~experience and~~ education/training and experience of minimally qualified applicants for positions.
- C. The established uniform standards shall be applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or physical disability except as provided by law.
- D. All State of Mississippi Applications for the same occupational class are afforded uniform and equal treatment in all phases of the ~~rating~~ evaluating process.

~~4.5.1 Minimum Rating by Which Eligibility Is Earned~~

- ~~A. The Executive Director of the Mississippi State Personnel Board shall determine the minimum rating through which eligibility on a list of eligibles an Eligibles List is earned.~~

- ~~B. The minimum rating through which eligibility on a list of eligibles an Eligibles List is earned may be amended or revised by the Executive Director of the Mississippi State Personnel Board at any time.~~

4.5.21 Rating Evaluation of Applications

- A. After applicants are determined to have met the minimum qualifications for a ~~classification position's allocated job classification~~, they shall be assigned a ~~score of seventy (70) passing disposition~~.
- B. Ratings Evaluations shall be determined by the amount ~~and relatedness~~ of the education/training and experience documented on the applicant's State of Mississippi Application as compared to the minimum qualifications, characteristics of work, and description of duties contained in the class specification ~~and any evaluation aid of the occupational class~~ for which application has been made.
- C. The Executive Director of the Mississippi State Personnel Board shall determine a formula for the evaluation of the education/training and/or experience qualifications of the applicants. This formula shall give due regard to job relatedness as well as quantity of the ~~experience and training~~ education/training and/or experience.
- D. Any applicant claiming credit for education/training and/or experience gained through unpaid and/or volunteer activities and/or military service shall receive appropriate credit for such education/training and/or experience when it is related to the duties of the occupational class for which application is made.

4.5.3 Disqualification of Applicants

The Executive Director of the Mississippi State Personnel Board may refuse to ~~rate~~ evaluate an applicant or, after ~~rating~~ evaluating, may disqualify the applicant, remove the applicant's name from the ~~List of Eligibles~~ Eligibles List, refuse to certify an applicant on a ~~Certificate of Eligibles~~ an Eligibles List, or may consult with the appointing authority in taking steps to remove a person already appointed if the individual:

- A. Has provided job-related information which indicates inability to perform the tasks assigned to the occupational class for which ~~rated~~ evaluated;
- B. Has made a false statement of material fact in the State of Mississippi Application;
- C. Has used or attempted to use political pressure or bribery to secure an advantage in the ~~rating~~ evaluation process;

- D. Has directly or indirectly obtained information regarding the ~~rating~~ evaluation process to which an applicant is not entitled;
- E. Has failed to submit the State of Mississippi Application correctly or within the prescribed time limits;
- F. Has taken part in the compilation, administration, or correction of the selection procedures applied;
- G. Has otherwise willfully violated the provisions of these rules; and/or
- H. Does not meet any one (1) of the minimum qualifications established for the occupational class for which ~~rated~~ evaluated.

4.5.4 Notification of Evaluation Results

- A. Applicants will be notified of their evaluation results in a timely manner.
- B. Agencies authorized to maintain ~~lists of eligibles~~ Eligible Lists shall be responsible for furnishing qualified applicants with notification of evaluation results. ~~In all cases, the Executive Director of the Mississippi State Personnel Board shall notify in writing any applicant who failed to meet the minimum qualifications of the occupational class for which application was made.~~
- C. The Executive Director of the Mississippi State Personnel Board may prohibit the disclosure of evaluation results by phone, in person, or by any other means except electronically or by mail.

4.5.5 Adjustment of Errors

- A. The Executive Director of the Mississippi State Personnel Board shall take whatever action deemed necessary to correct a manifest error in the evaluation of an applicant's qualifications for the occupational class for which application is made. Due consideration will be given to the circumstances surrounding the cause of the error.
- B. Such corrective action may include, but is not limited to, removing an applicant's name from the ~~list of eligibles~~ Eligibles List and/or canceling any ~~Certificates of~~ Eligibles List deemed flawed due to the manifest error.
- C. Such corrective action shall not invalidate an appointment previously made unless the applicant fails to meet qualifications imposed by federal or state law, or does not possess licensure, registration, or certification required for the job class to which appointed.

4.6 AWARD DESIGNATION OF VETERANS' STATUS PREFERENCE POINTS

The veteran status of an applicant ~~may increase his/ or her numerical score~~ shall be designated on the Eligibles List, ~~If if~~ the applicant is otherwise qualified to be placed on ~~a list of eligibles an Eligibles List. , a total of five (5) points will be added to the final score for veteran status, and a total of ten (10) points will be added for disabled veteran status. The final score for an applicant is normally based on a seventy (70) point scale. Scores of applicants awarded veterans' preference points may exceed the seventy (70) point scale. Points~~ Veteran's designations shall not be awarded for periods of active duty when duty was for "training purposes only" to meet obligations in the Reserve Forces, National Guard, etc. Terms in this section are as follows:

- A. Veteran: A person who has served in the active Armed Forces of the United States for a period of ninety (90) days during a period of war or armed conflict and was granted an honorable discharge there from; or was discharged there from for a service-connected injury in less than ninety (90) days. Mississippi Code Annotated § 25-9-301(a),
- B. Disabled Veteran: A veteran whom the Veterans Administration has certified within the last ninety (90) days to have a service-connected disability. Mississippi Code Annotated § 25-9-301(b), and
- C. Proof of Eligibility: A certified copy of the veteran's discharge papers and separation record or certification from the Veterans Administration or the Department of Defense will be accepted as proof of veteran status. Applicants requesting disabled veteran status shall submit, on such forms as may be required by the Executive Director of the Mississippi State Personnel Board, proof of disability certified by the Veterans Administration.

4.7 SELECTION PROCEDURE DEVELOPMENT AND VALIDATION

4.7.1 Development of Selection Procedures

- A. A comprehensive system of evaluation for all occupational classes within the state service is maintained.
- B. The Executive Director of the Mississippi State Personnel Board determines the need for technical assistance to supplement staff expertise in the development of valid selection procedures. Subject to approval by the Mississippi State Personnel Board, the Executive Director of the Mississippi State Personnel Board may contract for selection procedure services or purchase selection procedure material or may utilize qualified technical consultants. When technical assistance is required to supplement staff expertise, criteria for selecting said assistance shall consist of, but is not limited to, the lowest cost proposal, meeting time requirements set forth by the Executive Director of the Mississippi State

Personnel Board, methodology to be used, and the amount of time of professional level staff, which is allocated to the project.

4.7.2 Validation of Selection Procedures

- A. It is the intent of the Mississippi State Personnel Board to validate selection procedures used as the basis for making employment decisions with regard to choosing prospective employees for employment or current employees for in-service placement. Selection procedures will be validated by methods and techniques that are feasible, practical, and consistent with federal guidelines and professional standards, as permitted by necessary levels of funding and staff.
- B. Important elements of job content shall be determined through interviews and/or the completion of appropriate questionnaires. Employees and/or supervisors and other subject matter experts shall identify and rate job tasks and related knowledge, skills, and abilities, as necessary.
- C. Employees and/or supervisors and other subject matter experts are required to evaluate potential selection procedure items under strict security provisions.
- D. Objective methods using employees' and/or supervisors' and other subject matter experts' ratings of selection procedure items are used to establish minimum qualifications for each selection procedure validated.

4.8 REFERRAL OF APPLICANTS TO AGENCIES

The appointing authority of hiring agencies shall appoint applicants to positions as follows:

- A. The Executive Director of the Mississippi State Personnel Board may determine to be invalid any appointments not made in conformance with Mississippi State Personnel Board procedures.
- B. All appointments to the state service shall be from ~~Certificates of Eligibles~~ an Eligibles List and made on a competitive basis, except as provided in 4.2.9. ~~and 4.8.10.~~
- ~~C. All initial appointments to the state service shall be on a competitive basis, except as provided in 4.2.9. and 4.8.10.~~
- ~~D.C.~~ Names on ~~Certificates of Eligibles~~ Eligibles Lists shall be derived from ~~names appearing on lists of eligibles in accordance with Mississippi State Personnel Board policies, rules, and procedures.~~ applicants that have met the selection criteria for an occupational class.

4.9 ~~LISTS OF ELIGIBLES~~ ELIGIBLES LISTS

~~It is the policy of the Mississippi State Personnel Board to certify applicants who meet the minimum qualifications to fill vacancies within the state service. Lists of eligibles Eligibles Lists~~ shall be maintained in accordance with policies, rules and procedures promulgated by the Mississippi State Personnel Board. Selection and procedural requirements shall be balanced with the interest of economy. It is the applicant's responsibility to review the policies and procedures pertaining to the maintenance of ~~lists of eligibles Eligibles Lists~~. The Mississippi State Personnel Board shall make such policies and rules accessible to all applicants. The Mississippi State Personnel Board may respond to applicant requests for information or assistance. A separate, original State of Mississippi Application is required for each ~~occupational class~~ each job opening posting for which application is made.

4.9.1 Establishment and Maintenance of ~~Lists of Eligibles~~ Eligibles Lists

The Executive Director of the Mississippi State Personnel Board establishes and maintains ~~lists of eligibles Eligibles Lists~~ necessary to provide ~~an adequate supply of a list of~~ qualified candidates for positions in state service.

The appointing authorities shall notify the Executive Director of the Mississippi State Personnel Board as far in advance as possible of a job opening to be posted for recruitment. ~~vacancies, which may occur in the agencies.~~ The Executive Director of the Mississippi State Personnel Board is responsible for the establishment and maintenance of appropriate lists for all state service ~~position openings postings occupational classes~~ except as provided for in Section ~~4.11.9 4.2.9~~ and for the determination of the adequacy of existing lists. ~~Lists of eligibles Eligibles Lists~~ are categorized as:

- A. ~~Type 1: RIF Reemployment~~ Open
- B. ~~Type 2: Alternate Reemployment/Promotional/Transfer~~
- C. ~~Type 3: Open Competitive~~ Transfer

4.9.2 Preparation of ~~Lists of Eligibles~~ Eligibles Lists

- A. After the Executive Director of the Mississippi State Personnel Board has determined that an applicant has met the ~~selection~~ evaluation criteria for an occupational class, the applicant's name is added to the appropriate ~~list of eligibles~~ Eligibles List.
- B. The names of eligibles applicants shall be placed on the list ~~in the order of their final score~~ in alphabetical order. Applicants ~~receiving additional points will be at the top of the list in alphabetical order. who have a Veterans or Disabled Veterans status will be designated as such on the Eligibles List.~~

- ~~C. All additions to the Open Competitive list(s) of eligibles shall be the result of announcement(s) and evaluation by the State Personnel Director.~~
- ~~D. Names of eligibles shall be added to and removed from lists on a continuous basis.~~
- E.C. ~~State Service~~ Promotional lists and ~~State Service~~ Transfer lists shall be ~~open on a continuous basis to~~ for all state service status employees. ~~or those probationary state service, part time, time limited and/or other Mississippi State Personnel Board purview non state service employees who meet the criteria set forth in Section 4.8.6 and Section 4.8.7.~~
- F.D. Reduction-In-Force (RIF) ~~and Alternate Reemployment lists shall be open on a continuous basis for all applicants who meet the criteria set forth in Section 4.8.5 (A and B): applicants, who apply within twelve (12) months of their separation date, shall be designated as RIF on the Eligibles List as provided in Section 4.9.3.~~

4.9.3 Related Lists of Eligibles

- ~~A. If a vacancy exists in an occupational class for which there is no list of eligibles, a list for that class from one (1) or more existing related lists may be prepared.~~
- ~~B. In selecting related lists of eligibles for use when an adequate list does not exist, the Executive Director of the Mississippi State Personnel Board may select lists from classes for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists. The Executive Director of the Mississippi State Personnel Board may, if appropriate, re-evaluate an eligible's State of Mississippi Application based on the minimum qualifications required for the class in which the vacancy exists.~~

4.9.4 Replenishment of Lists of Eligibles

- ~~A. The Executive Director of the Mississippi State Personnel Board may determine that a list of eligibles is inadequate based on the number of anticipated vacancies; the number of eligibles on existing lists of eligibles; the length of time since the last recruitment period; and/or other related factors.~~
- ~~B. After it has been determined that a list of eligibles is inadequate for filling anticipated vacancies, recruitment may be initiated to replenish the list.~~
- ~~C. Replenishment of Open Competitive lists of eligibles shall be accomplished by public announcement.~~

~~D. Agencies may request replenishment of a particular list of eligibles by providing justification to the Executive Director of the Mississippi State Personnel Board.~~

4.9.53 RIF/Reemployment ~~Lists of Eligibles~~ Applicants

A. Reduction-In-Force (RIF) ~~Lists~~ Applicants

1. Any employee in a state service position, who has been laid off while in good standing in accordance with the rules governing RIF, may, upon submission of a current State of Mississippi Application within twelve (12) months of the termination date, ~~be designated as RIF placed~~ on the ~~RIF/Reemployment list of eligibles~~ Eligibles List established for the job classification for which application is made. It is the responsibility of the terminated employee to notify the Executive Director of the Mississippi State Personnel Board of his/ or her RIF status for each application filed.
2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes.
3. An applicant's ~~score~~ pass/fail disposition for the job class from which terminated and for lower job classes in that class series will be determined by a rating of his/her education/training and experience. If for any reason the employee does not meet the current minimum qualifications for the job class or lower job classes in the class series from which terminated, he/she may still be placed on the ~~RIF/Reemployment list of eligibles~~ Eligibles List ~~with a qualifying score of seventy (70)~~. However, any requirement set by state or federal laws or guidelines, or any requirement for a license, certification, or certificate of training must be met.
4. Applicants for higher job classes within the class series from which terminated or other job classes must meet the current minimum qualifications.
5. ~~Applicants on a RIF list shall be on any Certificate of Eligibles issued for the occupational class for the locality the applicant indicated availability except Agency-Only Promotional Competitive Certificates of Eligibles. The names of applicants who have been terminated by a reduction in force shall appear on all appropriate Certificates of Eligibles immediately following the posting of the termination in SPAHRS.~~
6. ~~Applicants on the RIF list shall be listed in the first section of a Certificate of Eligibles.~~

B. ~~Alternate~~ Reemployment Lists Applicants

1. A former state service status and/or those probationary state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employees, who have completed at least six (6) months of continuous employment and who voluntarily terminated in good standing may ~~be placed on the Alternate Reemployment list of eligibles~~ apply for the Promotional and Transfer openings through submission of a current State of Mississippi Application within twelve (12) months of their termination date.
2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes.
3. Applicants must meet the current minimum qualifications.
4. ~~Applicants on the Alternate Reemployment lists of eligibles shall be ranked with applicants on the State Service Promotional and State Service Transfer lists of eligibles.~~
5. ~~Applicants on the Alternate Reemployment list of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.~~

4.9.64 ~~State Service Competitive Promotional Lists of Eligibles~~ Eligibles Lists

- A. A permanent state service status, probationary state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employee, who has been continuously employed for six (6) months in the agency where the opening occurs, may ~~be placed on~~ apply for a ~~the State Service Competitive Promotional list of eligibles opening~~ through submission of a current State of Mississippi Application.
- B. Promotion into occupational classes exempted from the selection process (See Section 4.2.9) shall be made in the same manner as original appointments to the occupational classes.
- C. Applicants must meet the current minimum qualifications.
- D. ~~Applicants on the State Service Competitive Promotional lists of eligibles shall be ranked with applicants on the Alternate Reemployment and the State Service Transfer lists of eligibles.~~
- E. ~~Applicants on the State Service Competitive Promotional Lists of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.~~

4.9.75 State Service Transfer Lists of Eligibles Eligibles Lists

- A. A permanent state service status, probationary state service, part-time, time-limited, and/or other Mississippi State Personnel Board purview non-state service employee who has been continuously employed for six (6) months, may ~~be placed on the~~ apply for a State Service Transfer ~~lists of eligibles~~ opening through submission of a current State of Mississippi Application.
- B. Transfer into occupational classes exempted from the selection process (See Section 4.2.9.) shall be made in the same manner as original appointments to the occupational classes.
- C. Applicants must meet the current minimum qualifications.
- ~~D. Applicants on the State Service Transfer lists of eligibles shall be ranked with applicants on the Alternate Reemployment and the State Service Competitive lists of eligibles.~~
- ~~E. Applicants on the State Service Transfer lists of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.~~

4.9.8 Agency-Only Competitive Promotional Lists of Eligibles Eligibles Lists

- ~~A. The appointing authority may be authorized by the Mississippi State Personnel Board to maintain lists of those permanent state service status employees and/or probationary state service and part-time, time-limited or other Mississippi State Personnel Board purview non-state service employees who have been continuously employed for six (6) months and who have applied and met the selection criteria only for job classifications utilized by the agency. These individuals and state service employees on competitive promotional lists may receive consideration prior to employing or transferring non-agency employees.~~
- ~~B. The Mississippi State Personnel Board reserves the right to modify or rescind the maintenance authorization.~~
- ~~C. Agency procedures are subject to review by the Executive Director of the Mississippi State Personnel Board for consistency with statutes and Mississippi State Personnel Board policies and procedures.~~
- ~~D. The agency is responsible for determining and implementing, within the guidelines established by the Mississippi State Personnel Board, standardized criteria, and procedures to establish and maintain the lists of eligibles Agency-Only Promotional Eligibles Lists and for maintaining records, which support and reflect all activities.~~

- ~~E. Agencies shall conduct in-house recruiting for Agency Only Competitive Promotional lists openings.~~
- ~~F. Agencies shall transmit the State of Mississippi Applications received from such advertising to the Executive Director of the Mississippi State Personnel Board for evaluation.~~
- ~~G. State of Mississippi Applications shall be transmitted to the Executive Director of the Mississippi State Personnel Board along with the Agency Transmittal Form 343-82 (Refer to the end of Chapter 4.~~
- ~~H. In making a final employment decision, agencies may give, but not necessarily limit, consideration to length of service, training, and performance appraisals ratings.~~
- ~~I. The Mississippi State Personnel Board shall be responsible for adding designating Veterans' Preference points in addition to the applicant's pass/fail score.~~
- ~~J. The agency shall indicate by submission of position employee data to accomplish the action that the principles for competitive promotion have been followed. A copy of the agency's certificate of eligibles Eligibles List must accompany the action.~~
- ~~K. Applicants whose applications are transmitted for placement on an Agency Only Competitive Promotional list of eligibles Eligibles List ARE NOT placed on the list of eligibles Eligibles List maintained by the Mississippi State Personnel Board.~~

4.9.96 Open ~~Competitive Lists of Eligibles~~ Eligibles Lists

- ~~A. Individuals not meeting the criteria for RIF/Reemployment Lists of Eligibles, State Service Promotional Lists of Eligibles or State Service Transfer Lists of Eligibles, who have applied for a position during an announced recruitment period and met the selection criteria for specific job classifications, are placed on the Open Competitive list of eligibles.~~
- ~~B.A.~~ The applicant must file a valid State of Mississippi Application during an announced ~~recruitment period~~ job posting.
- ~~C.B.~~ Applicants must meet the current minimum qualifications.
- ~~D.C.~~ Applicants are ~~ranked according to their final rating.~~ placed on an Eligibles List after meeting the minimum qualifications.

- ~~E. Applicants on the Open Competitive lists of eligibles shall be certified in line with their rank in the third section of a Type 3 Certificate of Eligibles.~~

4.9.107 Agency Only Non-Competitive Promotional Eligibility

- A. Agency only non-competitive promotions shall include: (1) promotion of state service employees to state service positions, and (2) promotion of state service, part-time, time-limited and/or other Mississippi State Personnel Board purview non-state service employees to non-state service positions. Agencies may consider only employees who are employed by the appointing authority and who have completed at least six (6) months of continuous service.
- B. Agencies shall submit a current copy of a State of Mississippi Application along with the appropriate position-employee data for those employees to be considered for agency only non-competitive promotion.
- C. Only those employees meeting the applicable selection criteria shall be approved for non-competitive promotion by the Executive Director of the Mississippi State Personnel Board.

4.9.118 Duration of ~~Lists of Eligibles~~ Eligibles List

- ~~A. Eligibility to remain on the RIF/Reemployment list, the Alternate Reemployment list, the State Service Promotional and State Service Transfer list, and the Open Competitive list shall be determined by the Executive Director of the Mississippi State Personnel Board, but shall not be less than six (6) months.~~
- ~~B.A.~~ The term of an applicant's name on the list of eligibles Eligibles List begins on the date of placement of the applicant's name on the list of eligibles Eligibles List ~~or in accordance with the applicant's work available date and expires once the position is filled.~~
- ~~C.B.~~ The applicant's time on a list shall expire automatically at the end of the appropriate validity period.
- ~~D.~~ ~~No notification of removal shall be sent to the applicant as this information is stipulated in the section SUMMARY OF POLICIES on the State of Mississippi Application.~~
- ~~E.~~ ~~To remain on a list of eligibles beyond the established expiration date, an applicant must file a new valid State of Mississippi Application or submit a written request no less than fifteen (15) working days prior to expiration date. Applications received after the expiration date as stated herein, must meet the same criteria for acceptance as an original application.~~

4.9.129 Delegation of Authority to Maintain ~~Lists of Eligibles~~ Eligibles Lists

- A. The Mississippi State Personnel Board may delegate to agencies the authority to establish and maintain ~~lists of eligibles~~ Eligibles Lists.
- B. The Mississippi State Personnel Board reserves the right to modify or rescind the maintenance authorization.
- C. Agency procedures are subject to review by the Executive Director of the Mississippi State Personnel Board for consistency with statutes and Mississippi State Personnel Board policies and procedures.
- D. The agency is responsible for determining and implementing, within the guidelines established by the Mississippi State Personnel Board, standardized criteria, and procedures to establish and maintain the ~~lists of eligibles~~ Eligibles Lists and maintain records, which support and reflect all activities.
- E. The Executive Director of the Mississippi State Personnel Board shall administer the selection criteria and refer all qualified candidates to the agency.
- F. Except as otherwise provided, State of Mississippi Applications shall be transmitted to the Executive Director of the Mississippi State Personnel Board for evaluation using the Agency Transmittal Form, which is available from the MSPB website at ~~<http://www.spb.ms.gov>~~ <http://www.mspb.ms.gov>.
- G. The Executive Director of the Mississippi State Personnel Board shall be responsible for adding the Veteran's or Disabled Veteran's Preference points designation to the final rating for qualified applicants.
- H. The agency shall indicate by submission of the position-employee data that merit principles have been followed.
- I. Applicants approved for placement on an AGENCY MAINTAINED ~~Open-Competitive list of eligibles~~ Eligibles List ARE NOT placed on the Mississippi State Personnel Board ~~list of eligibles~~ Eligibles List.

4.9.13 ~~Removal of Name from Lists of Eligibles~~

- ~~A. To maintain a viable list of eligibles, the Executive Director of the Mississippi State Personnel Board may remove the name of an eligible candidate from the active list of eligibles:~~
 - ~~1. For any of the causes stipulated in provisions governing disqualification of applicants (See Section 4.5.3.);~~

- ~~2. On evidence that the eligible cannot be located by postal authorities;~~
- ~~3. On receipt of a written statement from the eligible requesting that he/she no longer be considered for a position in that class;~~
- ~~4. If the eligible declines an offer of appointment to the class for which the list was established;~~
- ~~5. Upon showing, either through agency objection or investigation, that the eligible is not qualified or is unsuitable for appointment to the class for which the list is established;~~
- ~~6. If the eligible was listed on a Certificate and reported by an appointing authority as not available or failed to reply to an offer of interview;~~
- ~~7. If the eligible accepts an appointment and fails to be present for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;~~
- ~~8. If the eligible fails to return availability inquiries requested by the Executive Director of the Mississippi State Personnel Board;~~
- ~~9. When the appointing authority passes over the name of an eligible on a Certificate in connection with three (3) separate appointments, which had been made from the list, written request may be made of the Executive Director of the Mississippi State Personnel Board that the name of such eligible be omitted from any subsequent certifications from the same list to the same appointing authority. This request shall contain sufficient evidence to indicate the eligible's unsuitable job-related characteristics for an appointment to the class for which the list was established. If the Executive Director of the Mississippi State Personnel Board approves the request, either the name of the eligible is not thereafter certified to the appointing authority for other vacancies in that class or the eligible's name is removed from the list; in such instances where the agency's request of agency exception is approved by the Executive Director of the Mississippi State Personnel Board, it shall be the requesting agency's responsibility to notify the applicant in writing of such action. It shall also be the responsibility of the requesting agency to maintain records of all approved agency exceptions and resulting notifications;~~
- ~~10. Upon an appointment to a position in the classification for which the list of eligibles was issued.~~

- ~~B. — Eligibles removed from lists for reasons stipulated in A(1) and A(5) above shall be notified by the Executive Director of the Mississippi State Personnel Board of such action in writing.~~
- ~~C. — An eligible shall not be notified upon removal from a list of eligibles Eligibles List if removed for one of the other reasons listed in A above.~~
- ~~D. — Any eligible whose name is removed from a list may make a written request to the Executive Director of the Mississippi State Personnel Board for reinstatement to such list for the duration of his/ or her validity period. Such request shall set forth the reasons resulting in removal from the list and shall specify the reasons advanced for reinstatement to the list. The Executive Director of the Mississippi State Personnel Board, after full consideration of such a request, may restore the eligible's name to the list or may deny such a request. In the event the request is denied, the eligible shall be notified by letter mailed to the eligible's last known address of the Executive Director of the Mississippi State Personnel Board's action and of the right of appeal. Those individuals whose names have been removed within the validity period for duration of the lists shall be reinstated for a time not to exceed the original validity period.~~
- ~~A. — Those individuals who have been removed due to the expiration of the validity period of remaining on the list may submit a current State of Mississippi Application during a period of announced recruitment.~~
- ~~Exception: — Announced recruitment is not required for applicants meeting the criteria for placement on the Reduction in Force, Alternate Reemployment, State Service Promotional, and State Service Transfer Lists.~~
- ~~F. — Individuals are required to inform the Executive Director of the Mississippi State Personnel Board in writing of any change in mailing address.~~

4.10 CERTIFICATION OF ELIGIBLES

~~It is the policy of the Mississippi State Personnel Board to certify applicants who meet the minimum qualifications to fill vacancies within the state service.~~

4.10.19.10 Request for Certificate of Eligibles Eligibles Lists

- A. To fill vacancies for classifications positions, which are not exempt from the selection process, the appointing authority shall submit a request (requisition) for a Certificate of Eligibles recruitment, which will result in the issuance of an Eligibles List after the closing date of the job announcement.

- B. Initial appointments to full-time, state-service positions or job classes which are not exempt from the selection process shall be accomplished through ~~a Certificate of Eligibles.~~ Eligibles Lists.
- C. A single request for ~~a Certificate of Eligibles~~ an Eligibles List may be made for one (1) or more positions provided each position is for the same classification and in the same county or ~~zone~~ counties.
- D. A request for ~~a Certificate of Eligibles~~ an Eligibles List shall be submitted by an individual duly authorized by the agency.
- E. Part-time appointments and appointments to time-limited positions shall be accomplished by the submission of position-employee data and a current copy of the State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. Candidates for these appointments are to possess the minimum requirements contained in the class specification and are not required to be appointed from an Eligibles List.
- F. Agencies may request ~~Certificates of Eligibles~~ Eligibles Lists for filling time-limited or part-time vacancies. Final authority for issuing ~~certificates~~ Eligibles Lists rests with the Executive Director of the Mississippi State Personnel Board.
- G. Demotion of state service employees shall be accomplished by the submission of the position-employee data and a current copy of a State of Mississippi Application to the Executive Director of the Mississippi State Personnel Board. Candidates for demotion are to possess the minimum qualifications contained in the class specification.
- H. Emergency appointments shall be made in accordance with Mississippi Code Annotated § 25-9-107(c)(xii); and shall be accomplished by the submission of the position-employee data to the Executive Director of the Mississippi State Personnel Board. Except where otherwise required by federal or state law, licensure, certification or registration, such appointments are made without regard to minimum requirements contained in the class specification. Emergency appointments shall not exceed sixty (60) working days.
- I. In-service placement of incumbents as a result of reallocations or reclassifications shall be accomplished by the submission of position-employee data. Reallocations or reclassifications shall not be approved where incumbents do not meet minimum requirements for the new classifications except where an agency request has been approved under Sections 4.2.3 or 4.2.4. All reallocation and reclassification requests shall be accompanied by a current copy of a State of Mississippi Application except when otherwise authorized by the Executive Director of the Mississippi State Personnel Board.

- J. A lateral transfer of a permanent state service employee, or a state service employee who has completed six (6) months of his/her probationary period, into the same job class may be accomplished by the submission of the appropriate position-employee data.
- K. Permanent appointments to full-time positions in job classes or positions, which are exempt from the selection process, shall be accomplished in accordance with 4.2.9.

4.10.29.11 Procedures for Completing ~~Request for Certificate of Eligibles~~ a Recruitment Request (Requisition)

When requesting ~~a CERTIFICATE OF ELIGIBLES for consideration in filling~~ recruitment to fill a vacancy, the following shall be in effect:

- A. Please reference the ~~SPAHRs User Training Workbook~~ at ~~http://www.mmrs.state.ms.us~~ Mississippi State Personnel Board's Recruitment and Selection software Training Manual for detailed instructions regarding the procedures to ~~be followed to request a Certificate of Eligibles. enter a recruitment request (requisition).~~
- B. ~~SPAHRs~~ The Mississippi State Personnel Board's Recruitment and Selection software will automatically assign the ~~Certificate of Eligibles List~~ request number.
- C. Indicate requested ~~certification~~ recruitment type:

~~**Type 1 – RIF/Reemployment Only** – All applicants who were laid off from state service due to a reduction in force (RIF) and who applied within twelve (12) months of their termination.~~

~~**Type 2 – Alternate Reemployment/State Service Promotion/Transfer** – All Type 1 applicants and the authorized number of applicants meeting the criteria for placement on the Alternate Reemployment/State Service Promotion/Transfer List. (Refer, Chapter 4, Sections 4.8.5 B, 4.8.6 A and 4.8.7 A.)~~

~~**Type 3 – Open Competitive** - All Type 1 applicants; the authorized number of Type 2 applicants; and the authorized number of applicants not meeting the criteria for Type 1 or 2. To be used when the agency desires to recruit all qualified applicants.~~

~~**Type 4 – Agency-Only Promotional** - To be used when the agency desires a Certificate of Eligibles listing to recruit only the names of qualified applicants employed by the particular master agency and meeting the criteria for placement on the promotional list (See Section 4.8.6 4.9.4.)~~

Transfer – To be used when the agency desires to recruit qualified applicants employed by the state and meeting the criteria for placement on the transfer list (see Section 4.9.5)

- D. Special requirements should be noted. All requests for ~~special qualifications job related supplemental questions~~ must be accompanied by appropriate justification and must be approved by the ~~State Personnel Director~~ Executive Director of the Mississippi State Personnel Board prior to usage.
- E. Travel ~~Code Schedule~~ **MUST** be identified as: ~~noted and MUST be consistent with the travel code advertised during the recruitment period. If not indicated, it will be assigned by the Executive Director of the Mississippi State Personnel Board "no travel required".~~ Some day only; Often day only; Some overnight; Often Overnight; or None.

Shift ~~Code~~ Schedule **MUST** be identified as: ~~A– Day only; B– Evening only; C– Night only. If not indicated, it will be considered as "day shift."~~
- I. When employees are hired into vacant positions ~~are located in different counties and/or zones, a separate request is required for each location.~~ will be required to work in multiple counties, all counties must be selected.
- J. The ~~request requisition~~ shall be submitted by an individual duly authorized to sign for the agency.
- K. The ~~request requisition~~ will be returned without action if not properly submitted.

4.10.39.12 Selective Certification

Requests for selective certification of eligibles are considered upon adequate justification submitted to the Executive Director of the Mississippi State Personnel Board.

- ~~A. An individual serving an approved Institute of Higher Learning internship with a state agency may, with the approval of the Executive Director of the Mississippi State Personnel Board and on completion of the internship and subsequent graduation, be selectively certified to fill a position on a non-competitive basis, provided the individual meets the minimum educational and/or experience requirements of the position.~~
- ~~B-A.~~ The Executive Director of the Mississippi State Personnel Board may provide for an individual participating in a Mississippi State Personnel Board approved agency co-op program, upon completion of the approved co-op program and subsequent graduation, to be selectively certified to fill a position on a non-

competitive basis, provided the individual meets the minimum educational and/or experience requirements of the position.

~~C.B.~~ Requests for selective certification shall be made by the appointing authority or his/ or her designee.

1. The special requirements for selective certification must be clearly stated and justification for the request must be attached.
2. The Executive Director of the Mississippi State Personnel Board shall have the authority to modify and/or deny any request for selective certification.

4.10.49.12 Supplying of ~~Certificates of Eligibles~~ Eligibles Lists

A. No ~~Certificate of Eligibles~~ Eligibles List shall be issued unless the agency has a vacancy or an impending vacancy. The receipt by the Executive Director of the Mississippi State Personnel Board of a notice of termination with a specific date of termination within 60 days shall signify a vacancy or an impending vacancy.

B. Upon receipt of a properly filed request requisition, ~~a Certificate of Eligibles an Eligibles List~~ shall be submitted to the appointing authority after the closing date of the associated job announcement and the evaluation of all applications for the announcement are completed. The ~~Certificate of Eligibles~~ Eligibles List shall contain the names of all applicants meeting the qualifications of the job position and the requirements any job related supplemental questions specified by the agency.

~~The Type 3 Certificate of Eligibles includes all the names of Type 1 (RIF/Reemployment Only) applicants, the names of Type 2 (Alternate Reemployment/State Service Promotion/Transfer) certified applicants, and the names of Type 3 (Open Competitive) certified applicants.~~

~~C. A copy of each eligible's State of Mississippi Application for that job class shall be furnished with the certificate Eligibles List unless otherwise requested by the agency.~~

~~D. When there are less than ten (10) names on a Certificate of Eligibles, recruitment may be announced. The certificate may update on a seven (7) day basis, and may update sooner when deemed appropriate.~~

~~E. A certificate containing less than ten (10) names on an Open Competitive Certificate may be completed through the use of a related list(s).~~

~~F. An eligible is removed from consideration for appointment by:~~

- ~~1. Declining appointment or requesting not to be considered for appointment;~~
 - ~~2. Failing to reply, within a period of ten (10) workdays from date mailed, to the written request of the appointing authority for an interview or within five (5) workdays to a telephone or facsimile request; or for not reporting for the interview.~~
 - ~~3. Accepting an appointment and failing to report for duty at the time and place agreed to without giving reason for the delay satisfactory to the appointing authority.~~
- ~~G. Written, facsimile or telephone inquiry with letter of confirmation as to availability may be sent by the appointing authority to selected eligible(s) certified for appointment. Evidence of having sent a written or other notice to selected eligible(s) reported as having failed to reply to the inquiry or as unavailable for appointment shall be maintained by the agency.~~
- ~~H. When a substantial change is made to an occupational classification, i.e., change in minimum qualifications, the Executive Director of the Mississippi State Personnel Board may withdraw any outstanding Certificates of Eligibles and may not certify eligibles until such time as the changes have been finalized.~~

4.10.59.13 Appointments from ~~Certificates of Eligibles~~ Eligibles Lists

- A. The appointing authority may appoint any applicant certified to the agency on the ~~Certificate of Eligibles~~ Eligibles List.
- B. Initial appointments to full-time state service positions shall be made from those eligibles on the ~~Certificate of~~ Eligibles List.
- C. The agency shall submit to the Executive Director of the Mississippi State Personnel Board notification of intent to appoint from a ~~Certificate of Eligibles~~ an Eligibles List. Such notification shall consist of the actioned ~~Certificate of~~ Eligibles List and position-employee data. ~~When selection is made for more than one (1) position, the position number (PIN) must be noted beside the appointed eligible's name.~~
- D. The life of a ~~Certificate of~~ an Eligibles List shall be ninety (90) calendar days from the date of ~~last~~ issue unless the time is otherwise extended by the Executive Director of the Mississippi State Personnel Board. ~~Each supplemental issue extends the life of each previously issued certificate.~~
- E. The expiration date is printed on each issue of the ~~certificate~~ Eligibles List.

- F. The appointing authority may return the ~~certificate~~ Eligibles List, without any action taken, prior to the ninety (90) day expiration period. The reason for such cancellation should be noted in the appropriate space provided.

4.10.69.14 General Instructions for Actioning a ~~Certificate of an~~ Eligibles List

When filling vacant positions through ~~competitive certification~~ open job announcements, a ~~Certificate of an~~ Eligibles List is issued by the Executive Director of the Mississippi State Personnel Board in response to a properly filed ~~REQUEST FOR CERTIFICATE OF ELIGIBLES~~ requisition. The following shall be in effect:

1. ~~A certificate an Eligibles List~~ can be used only for positions (PINS) identified on the ~~Request for Certificate of Eligibles~~ requisition. Additional PINS in the same classification and geographical location may be added to an active request.
- ~~2. The certificate lists the names of applicants eligible for consideration in hiring.~~
- ~~3.2.~~ Action taken concerning each eligible should be noted in the appropriate space on the ~~certificate~~ Eligibles List according to the proper codes. Please reference the ~~SPAHRs User Training Workbook at~~ <http://www.mmrs.state.ms.us> Training Manual for detailed instructions regarding specific codes.
- ~~4. Note the date of hire and PIN in the appropriate space for each appointment.~~
- ~~5. 3.~~ If selection is not made, a new requisition and posting is required ~~additional names may be requested, up to the number authorized for the particular request. Supplemental certificates will not be issued on expired certificates, or where the number of appointments equal the number of PINS stipulated on the original request.~~
- ~~6.~~ 4. The agency is responsible for maintaining documentation for each eligible actioned on the ~~certificate~~ Eligibles List. ~~Do not send this documentation to the Executive Director of the Mississippi State Personnel Board. However, justification must be submitted to the Executive Director of the Mississippi State Personnel Board for any applicant reported as "AE" (Agency Exception).~~
- ~~7. 5.~~ The date of appointment may not be earlier than the date the ~~certificate~~ Eligibles List is issued. The Executive Director of the Mississippi State Personnel Board may consider earlier dates when justified by the agency.
- ~~8. 6.~~ The life of a ~~certificate an~~ Eligibles List is ninety (90) days, ~~unless extended through issuance of a supplemental certificate or by written request from the agency (with justification). Extensions may be granted by the Executive Director of the Mississippi State Personnel Board.~~

4.10.7 Inadequate Certificates of Eligibles

- A. ~~Generally, an inadequate list shall be considered one with less than ten (10) names of the type of certificate requested.~~
- B. ~~When the number of names available for filling a vacancy is inadequate to complete the Certificate, the appointing authority may decline certification for that vacancy, may accept the inadequate Certificate, may await automatically issued supplements to the Certificate, or the agency may request that the Executive Director of the Mississippi State Personnel Board complete the Certificate of Eligibles from a related list of eligibles.~~
- C. ~~The Executive Director of the Mississippi State Personnel Board may initiate recruitment upon the issuance of an inadequate Certificate of Eligibles.~~

4.10.89.15 Certification from Reemployment Lists Consideration of Reduction in Force and Reemployment Applicants

- A. Agencies are encouraged to consider any applicant whose name ~~appears in the is~~ designated as RIF on the Eligibles List. ~~Reduction in Force.~~ Reemployment Section 1 of a Certificate of Eligibles.
- B. Agencies should give full consideration to any applicant ~~whose name appears in the Alternate Reemployment/Promotional/Transfer Section 2 of a Certificate of Eligibles.~~ who terminated from the state in good standing within the past year.

4.10.99.16 Concurrent Certification Recruitment

- A. The Executive Director of the Mississippi State Personnel Board shall initiate concurrent certification recruitment procedures when a ~~request for certification requisition~~ is received by the Executive Director of the Mississippi State Personnel Board for a job classification position for which an active Certificate of Eligibles recruitment has been issued for the same geographical location, unless different job specific supplemental questions are requested for either requisition.
- B. ~~Agencies shall receive one additional name for each concurrent PIN for which active Certificates of Eligibles have been issued for the same occupational code for the same geographical location.~~
- C. ~~The number of additional names based on concurrent certification may vary from one issue of the certificate to another issue of the same certificate.~~

4.10.10 Availability for Appointment

- A. ~~Applicants may request in writing to have counties added and/or deleted to area(s) of availability for a given occupational class.~~
- B. ~~Applicants may request in writing to restrict their availability to a specific agency for a specific occupational class (a restriction applies to ONLY ONE AGENCY).~~
- C. ~~Applicants may request in writing to exclude an agency, or agencies, from his/her availability for a specific occupational class.~~

4.10.119.17 Correction of Errors In Certification Process

- A. When errors are corrected by the Executive Director of the Mississippi State Personnel Board, they may not nullify an active ~~certificate~~ Eligibles List or appointment, but may result in the removal of an eligible's name from the ~~Certificate of~~ Eligibles List.
- B. In the event that ~~a Certificate of an~~ Eligibles List is flawed through error and the error is discovered before an appointment is made from the ~~certificate~~ Eligibles List, the erroneous ~~certificate~~ list may be withdrawn and a correct ~~certificate~~ list issued.
- C. In the event that ~~a Certificate of an~~ Eligibles List is flawed through error and is discovered after an appointment is made from the ~~Certificate~~ list, the ~~certificate~~ list shall not be withdrawn, except by the direction of the Executive Director of the Mississippi State Personnel Board.

4.10.129.18 Confirmation of Availability for Appointment

- A. Agencies may make written, facsimile, electronic or telephone inquiries to those eligibles it chooses to interview.
- B. Agencies are solely responsible for maintaining supporting documentation concerning action taken on individuals whose names appear on ~~a Certificate of an~~ Eligibles List.
- C. Agencies are required to maintain documentation of compliance with the requirements of Mississippi Code Annotated § 25-9-351 (Selective Service Registration). Males between the ages of 18 and 26 must submit proof of Selective Service Registration as a condition for appointment and/or promotion.

4.110 APPLICANT'S REVIEW PROCEDURE

The State Personnel Director shall establish a review procedure for assistance to applicants pertaining to the selection process.

4.11.110.1 Review of Action

Individuals or eligibles requesting a review of actions of the Office of Human Capital Core Processes shall make a written request to the Director of the Office of Human Capital Core Processes. Such written request shall stipulate the reason the review is requested and shall contain documentation supporting the applicant's position.

Should the decision of the Director of the Office of Human Capital Core Processes not prove satisfactory to the applicant, the applicant shall make a written request to the Executive Director of the Mississippi State Personnel Board for review of the action.

4.11.210.2 Appeals

Applicants may appeal only as provided for in Section 10.9.

4.1211 MEMORANDA OF AGREEMENTS

Notwithstanding the policy and procedures outlined in Sections 3.0 through 4.10, the Executive Director of the Mississippi State Personnel Board may enter into agreements with state agencies and/or other entities to accomplish the tasks specified herein.

4.1312 APPLICANT INTERVIEWS

Agencies are urged to interview all applicants referred on ~~Certificates of an~~ Eligibles List.

Any agency employee interviewing an applicant for a vacant position, whether for original or promotional appointment, should document each interview by making notes and maintaining a file of the following information: job title, interviewer's name, date and time, names of those interviewed, questions asked, major topics covered, whether or not applicant was hired, and reasons for hire or non-hire.

4.1413 QUESTIONS ASKED IN INTERVIEWS

Agencies should not ask applicants any questions, which may be discriminatory or are prohibited by state or federal law. Federal laws and regulations applicable to employment discrimination include but are not limited to Title VII of the Civil Rights Act of 1964, The Equal Employment Opportunity Act of 1972, the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, and the Uniform Guidelines on Employee Selection Procedures.

4.14.113.1 Questions to Avoid Asking Applicants

Unless job relatedness can be established as a bona fide occupational qualification, interviewers should not ask applicants leading questions including but not limited to: age or date of birth, arrest, or conviction records, credit or garnishment records, family matters such as number and

age of children, childcare requirements, marital status, health history, political affiliation, or religious preference.

The interviews should focus primarily on a discussion of the essential functions of positions and a consideration of the applicable written position descriptions as compared to the ability of the applicant's to perform the essential functions of the position with or without reasonable accommodations. Agencies are permitted, nevertheless, under the Americans with Disabilities Act, to establish a standard that no individual poses a direct threat to the health or safety of other individuals in the work place. Agencies are responsible for making certain that interviewers and other employees are knowledgeable of the prohibitions imposed by the above-referenced federal laws regarding pre-employment activities.

4.1514 EMPLOYMENT AUTHORIZATION

B. Employment Requirements Under the Immigration Reform and Control Act of 1986 (IRCA)

Under the Immigration Reform and Control Act of 1986, Public Law No. 99-603, November 6, 1986 (IRCA), it is unlawful for an employer in the United States to hire an alien or to continue employing an alien, knowing the alien is an unauthorized alien. It is also unlawful for an employer to employ any individual without complying with certain provisions for verification of both identity and eligibility for employment. To comply with IRCA, state agency employers must examine certain documents, after an individual has been hired (the term "hire" under IRCA means the actual commencement of employment for wages or other remuneration), and attest on a form called the Form I-9, that the documents provided by the employee have been examined and that they establish both the employee's identity and eligibility for employment. The employer must then retain the Form I-9, which is subject to inspection by both the U.S. Immigration and Naturalization Service (INS) and the U.S. Department of Labor (DOL).

IRCA also prohibits discrimination against applicants and employees because of national origin or citizenship status in matters involving hiring, recruitment, job referrals where a fee is involved, and discharges. However, persons lacking lawful status are not protected.

For detailed instructions on completing the Form I-9, refer to the Handbook for Employers published by the INS, contained in the Appendices. The Appendices also contain the federal regulations governing IRCA. All state agency employers must adhere to IRCA and the rules and regulations pertaining thereto.

B. Employment Requirements pursuant to Mississippi Code Annotated § 71-11-3 (2009).

Effective July 1, 2008, state agencies under the purview of the Mississippi State Personnel Board shall verify the employment authorization for any person or entity that is

hired to perform work within the State of Mississippi and to whom a United States Internal revenue Service Form W-2 or Form 1099 must be issued and any person or company that provides workers for another company, including but is not limited to leasing companies and contract employers.

Verification of employment authorization must be conducted in accordance with the Federal E-Verify Program and it shall be the responsibility of the employing agency to verify employment authorization and to maintain records of employment verification as required by state and federal laws.

Source: Miss Code Ann. §25-9-103, -119