

Title 27: Personnel

Part 140: Mississippi State Personnel Board By-Laws

Part 140 Chapter 1: Article I - Purpose and Intent

Rule 1.1 Introduction. The following Bylaws are the operating rules for the Mississippi State Personnel Board regarding the Board's transaction of business.

Source: Miss. Code Ann. § 25-9-111.

Rule 1.2 Name. The name of this agency is the Mississippi State Personnel Board (hereinafter referred to as "Board").

Source: Miss. Code Ann. § 25-9-111.

Rule 1.3 Objective. These guidelines will serve to establish clearly the functions of the Board and to provide operating instructions enabling it to act effectively in carrying out its responsibilities. These Bylaws will fulfill the requirements of Miss. Code Ann. § 25-9-111, as amended. In the event of any conflict between any statute having application to the actions of the Board and any provision of these Bylaws, the statute shall control.

Source: Miss. Code Ann. § 25-9-111.

Rule 1.4 Authority. The general authority of the Mississippi State Personnel Board is created and defined in Miss. Code Ann. § 25-9-101 through § 25-9-155, as amended.

Source: Miss. Code Ann. § 25-9-111.

Rule 1.5 Functions. The functions of the Board shall be to administer a state personnel system with the following principles:

- (a) to recruit, select and advance employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
- (b) to provide equitable and adequate compensation;
- (c) to train employees, as needed, to assure high quality performance;
- (d) to retain employees on the basis of the adequacy of their performance, to correct inadequate performance, and to separate employees whose inadequate performance cannot be corrected;
- (e) to assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, national origin, sex, religious creed, age, or disability;
- (f) to assure that employees are free from coercion for partisan or political purposes and to prohibit employees from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and

(g) to provide authority for the establishment and abolishment of employment positions within the departments, agencies, and institutions under the Board's purview.

Source: Miss. Code Ann. § 25-9-111.

Rule 1.6 Amendments. These Bylaws may be amended by a majority vote of the Board members, providing at least 30 days notice, in writing, has been given on any proposed amendment.

Source: Miss. Code Ann. § 25-9-111.

Part 140 Chapter 2: Article II - Membership and Election of Officers

Rule 2.1 Membership. The composition, terms of office, and compensation of the Board are prescribed by Miss. Code Ann. § 25-9-109, as amended.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.2 Composition of the Board. The Board shall consist of the membership set forth in Miss. Code. Ann. § 25-9-109, as amended. All appointments shall be made by the Governor and confirmed by the Senate. Each member of the Board shall take the Oath of Office prescribed by Section 268 of the Mississippi Constitution.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.3 Terms of Office. The terms of office shall be as prescribed in Miss. Code Ann. § 25-9-109, as amended.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.4 Legislative Designees. The Lieutenant Governor may designate two Senators and the Speaker of the House of Representatives may designate two Representatives to attend any meeting of the Board. Pursuant to Miss. Code Ann. § 25-9-111, the Legislative Designees may not vote on any matter but shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session. Per diem and expenses for attending meetings of the Board may not be paid while the Legislature is in session.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.5 Compensation. The members of the Board shall receive per diem compensation, as provided by law, for each day devoted to the discharge of official duties. In addition, the members of the Board shall be reimbursed the actual and necessary expenses incurred in the discharge of their duties and shall be reimbursed for mileage and actual expenses incurred in the performance of their duties in accordance with Miss. Code Ann. § 25-3-41. No Board member may incur per diem, travel, or other expense unless previously authorized by vote at a meeting of the Board, which action shall be recorded in the official minutes of said meetings. All

administration expenses incurred by the Board shall be paid from such funds as may be appropriated by the Legislature for such purpose.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.6 Ethics in Government. Conflicts of interest and improper use of office are addressed in Miss. Code Ann. § 25-4-101 through § 25-4-121, as amended. As an appointed official of the government, a member of the Board is defined as a “public servant” and is subject to the Ethics in Government Laws.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.7 Election of Officers. The Board shall elect from its membership the Chair and Vice Chair and any other officer deemed necessary by the Board during the Board’s regular meeting in the month of June. The term of office of said officers shall be one year and shall begin July 1st and end on June 30th. The Executive Director shall serve as the Executive Secretary to the Board.

Source: Miss. Code Ann. § 25-9-111.

Rule 2.8 Vacancies on the Board. In the event the Chair is unable to complete his/her term of office, the Vice Chair shall become Chair and complete the remainder of the term. If the Vice Chair is unable to assume the position, the Board shall fill the vacancy. In the event an officer (other than the Chair) is unable to complete the term of office, the Board, at its discretion, shall fill the vacancy by a majority vote of a quorum at the next appropriate meeting of the Board.

Source: Miss. Code Ann. § 25-9-111.

Part 140 Chapter 3: Article III - Setting and Conducting Meetings

Rule 3.1 Open Meetings. All meetings of the Board are declared to be open meetings and shall be open to the public at all times unless an executive session is declared. All meetings shall be conducted in accordance with Miss. Code Ann. § 25-41-1 through § 25-41-17, as amended, which govern open meetings (hereinafter referred to as the “Open Meetings Act”). Any member of the public may attend Board meetings, as provided by law.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.2 Regular Monthly Meetings. The Board will hold regular meetings at least once each month. Normally, the Board will meet at the headquarters of the Mississippi State Personnel Board on the third Thursday of each month. When requested by any member of the Board or the Executive Director, the time, day, and location of a regularly scheduled meeting may be changed. Special meetings may be called by the Chair when they are justified.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.3 Called Special Meetings. The Board Chair may call a special meeting that was not otherwise set during the Board's prior meeting. The notice and conduct of said meetings shall be consistent with the Open Meetings Act and other applicable statutes.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.4 Notice. Notice for all meetings shall be consistent with Miss. Code Ann. § 25-41-13 which provides that any public body which holds its meetings at such times and places and by such procedures as are specifically prescribed by statute shall continue to do so and no additional notice of such meetings shall be required; however, notice of the place, date, hour and subject matter of any recessed meeting, adjourned meeting, interim meeting or any called special meeting shall be posted within one hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the Board normally meets. A copy of the notice shall be made a part of the minutes or other permanent official records of the Board.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.5 Quorum Voting. A majority of the Board members constitutes a quorum at all meetings of the Board and shall be necessary for the purposes of voting or taking action. Where no vote is needed and no action is required, those members present in the absence of a quorum may receive information and discuss matters of business.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.6 Teleconference or Video Meetings. The Chair or Executive Director shall decide whether a meeting may be conducted via teleconference or video. Notice and conduct of said meeting shall be consistent with the Open Meetings Act and other applicable statutes.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.7 Board Actions. An act on the part of the majority at which a quorum is present shall be the act of the Board unless statute requires action by a greater number. The method of voting shall be by voice vote unless any one member of the Board requests a roll call vote. In the event of a Board meeting conducted with multiple members participating via teleconference/video means, votes shall be recorded by name in roll-call fashion and recorded in the minutes.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.8 Agenda. An agenda shall be developed for each meeting. Items shall be placed on the agenda with the approval of the Chair or Executive Director at least four days prior to the meeting except in cases of a called special meeting. The agenda shall provide the outline for the meeting. However, the Board may consider and take action on items that are not on the agenda.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.9 Minutes. Accurate written minutes shall be kept for each regular or special meeting of the Board. The Executive Director shall be responsible for insuring that such minutes are maintained. The minutes shall show the members present; the date, time, and place of the meeting; an accurate recording of any final actions taken at such meeting; and any other information that the Board requests be included or reflected in the minutes. The minutes shall be made available for public inspection during regular business hours.

Source: Miss. Code Ann. § 25-9-111.

Rule 3.10 Presentations to the Board. Persons wishing to make formal presentations to the Board shall submit a written request to the Executive Director not less than ten days prior to a scheduled Board meeting. Presentations shall be allowed at the discretion of the Chair. The Chair may impose limits on the length of time each person may speak. Members of the public attending a Board meeting shall have no standing in the conduct of the business of the Board.

Source: Miss. Code Ann. § 25-9-111.