

Report To The Mississippi Legislature



A Review of State Agency Compliance with Section 30, Chapter 419, *Laws of 1992*, Regarding State Government Reduction-in-Force Mandate

June 11, 1996

Three years after passage of Section 30, Chapter 419, *Laws of 1992*, which required a ten percent reduction in state agency positions within five years, thirty-three of the fifty-seven state agencies subject to this law had experienced no growth or a decline in the number of positions and twenty-four agencies had experienced increases. Overall, the number of positions in agencies subject to this law experienced a net increase of seven percent. After excluding increases of positions within the Legislature's priority growth areas--mental health, crime control, and gaming control--the number of state employees has declined by three percent since FY 1993, the effective date of Section 30, Chapter 419, *Laws of 1992*.

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The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

**A Review of State Agency Compliance with Section 30, Chapter 419,
Laws of 1992, Regarding the State Government
Reduction-in-Force Mandate**

June 11, 1996

**The PEER Committee
Mississippi Legislature**

The Mississippi Legislature

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June 11, 1996

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At its meeting of June 11, 1996, the PEER Committee authorized release of the report entitled **A Review of State Agency Compliance with Section 30, Chapter 419, Laws of 1992, Regarding the State Government Reduction-in-Force Mandate.**

A handwritten signature in cursive script that reads "Bill Canon".

Senator Bill Canon, Chairman

**This report does not recommend increased
funding or additional staff.**

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**A Review of State Agency Compliance with Section 30,
Chapter 419, *Laws of 1992*, Regarding the State
Government Reduction-in-Force Mandate**

Executive Summary

June 11, 1996

During its 1992 Regular Session, the Legislature passed Senate Bill 3120 (now Section 30, Chapter 419, *Laws of 1992*) mandating a ten percent reduction in the state government work force by July 1, 1997. Using FY 1993 authorized positions as the base figure for calculations, the law requires agencies under the jurisdiction of the State Personnel Board to reduce positions in increments of approximately two percent each fiscal year.

As of January 15, 1996, the Governor had exempted twelve agencies from complying with Section 30 due to "the severity and computational difficulty of applying a ten percent reduction to an agency with ten or fewer employees" and "the hardship that compliance would impose." The Governor has also exempted the Department of Economic

and Community Development from the requirements of Section 30 due to the department's need for additional employees and program expansions consistent with the governor's guidelines.

Three years after passage of the law, thirty-three state agencies had experienced no growth or a decline in the number of positions and twenty-four agencies had experienced increases. Overall, the number of positions in agencies subject to this law experienced a net increase of seven percent. After excluding increases of positions within the Legislature's priority growth areas--mental health, crime control, and gaming control--the number of state employees has actually declined by three percent since FY 1993, the effective date of Section 30, Chapter 419, *Laws of 1992*.

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A Review of State Agency Compliance with Section 30, Chapter 419, *Laws of 1992*, Regarding State Government Reduction-in-Force Mandate

Introduction

Authority

The PEER Committee reviewed agency compliance with Section 30, Chapter 419, *Laws of 1992* (Senate Bill 3120, 1992 Regular Session; codified as an editor's note to MISS. CODE ANN. §27-103-103) which requires a ten percent reduction of authorized positions in state government by July 1, 1997. The Committee conducted its review pursuant to MISS. CODE ANN. §5-3-57, et seq. (1972).

Scope and Purpose

The review sought to determine whether state agencies are complying with Section 30, Chapter 419, *Laws of 1992*, by deleting the required number of employment positions within the designated time frame.

Method

During the course of the review, PEER:

- researched state law relative to the roles and responsibilities of agencies charged with the administration of Section 30, Chapter 419, *Laws of 1992*;
- reviewed the State Personnel Board's work papers and files relative to position deletions;
- interviewed staff of the State Personnel Board (SPB), Legislative Budget Office, Attorney General's office, and Governor's office;
- reviewed Attorney General's opinions relative to Section 30, Chapter 419, *Laws of 1992*; and,
- surveyed state agencies regarding reporting requirements.

Overview

The Mississippi Legislature, during the 1992 Regular Session, passed legislation requiring state agencies under the jurisdiction of the State Personnel Board to reduce the number of employee positions by ten percent by July 1, 1997. As of January 15, 1996, the Governor had exempted twelve agencies from complying with Section 30 due to “the severity and computational difficulty of applying a ten percent reduction to an agency with ten or fewer employees” and “the hardship that compliance would impose.” The Governor has also exempted the Department of Economic and Community Development from the requirements of Section 30 due to the department’s need for additional employees and program expansions consistent with the Governor’s guidelines.

How much growth, if any, occurred in affected agencies after passage of Section 30, Chapter 419, *Laws of 1992*?

Three years after passage of the law requiring a ten percent reduction in state agency positions within five years, thirty-three state agencies had experienced no growth or a decline in the number of positions and twenty-four agencies had experienced increases. Overall, the number of positions in agencies subject to this law experienced a net increase of seven percent. After excluding increases of positions within the Legislature’s priority growth areas--mental health, crime control, and gaming control--the number of state employees has actually declined by three percent since FY 1993, the effective date of Section 30, Chapter 419, *Laws of 1992*.

Are state agencies complying with the ten percent position reduction as required by Section 30, Chapter 419, *Laws of 1992*?

During the first year of implementation of this bill, sixteen of the fifty-seven state agencies under Section 30 reduced employee positions by less than two percent. By 1994, seventeen of fifty-seven state agencies had deleted fewer than four percent of their FY 1993 positions. During the third year of mandated cuts, twenty of the fifty-seven state agencies had not deleted a full six percent of the FY 1993 appropriated positions.

Background

Section 30, Chapter 419, Laws of 1992

The Mississippi Legislature, during the 1992 Regular Session, passed legislation requiring state agencies under the jurisdiction of the State Personnel Board to reduce the number of employee positions by ten percent by July 1, 1997 (see Appendix A, page 17). Using FY 1993 authorized positions as the base figure for calculations, the law requires agencies to reduce positions in increments of approximately two percent each fiscal year. In order to implement this bill, the Legislature provided guidelines to reduce positions, including, but not limited to, normal attrition, retirement, and good management practices.

Compliance Provisions

The Legislature authorized the State Personnel Board to provide a detailed report of position deletions and dollar savings to the Joint Legislative Budget Committee by August 1 of each year. The State Personnel Board's Division of Classification and Compensation is the entity primarily responsible for collecting information and reporting state agency compliance. However, Section 30 provides no statutory authority to enforce compliance in the reduction of the state's workforce.

Exemption Provisions

The Legislature included a provision requiring any agency seeking an exemption from the mandated reductions to obtain written approval from the Governor. As of January 15, 1996, the Governor had exempted twelve agencies from complying with Section 30 due to "the severity and computational difficulty of applying a ten percent reduction to an agency with ten or fewer employees" and "the hardship that compliance would impose" (see Exhibit 1, page 4). The Governor has also exempted the Department of Economic and Community Development from the requirements of Section 30 due to the department's need for additional employees and program expansions consistent with the Governor's guidelines. In addition, as of the same date, five other agencies were seeking exemptions: Board of Barber Examiners, Department of Public Safety, Mississippi Bureau of Narcotics, Public Service Commission, and Board of Real Estate Appraisers.

Exhibit 1

**Agencies Exempted by the Governor from Compliance with Section 30,
Chapter 419, Laws of 1992, as of January 15, 1996**

<u>Agency</u>	<u>Date of Exemption</u>
Agricultural Aviation Board of Mississippi	1/8/96
Board of Architecture	1/10/96
Board of Dental Examiners	9/25/95
Department of Economic and Community Development	6/16/93
Board of Funeral Services	9/25/95
Grand Gulf Military Monument Commission	11/22/95
Commission on Judicial Performance	9/21/95
Mississippi Agribusiness Council*	*11/22/95
Motor Vehicle Commission	11/22/95
Board of Nursing Home Administrators	10/3/95
Board of Pharmacy	9/25/95
Board of Public Accountancy	1/10/96
Board of Registration for Professional Engineers and Land Surveyors	11/22/95

* Mississippi Agribusiness Council is not included under the regulation of the State Personnel Board.

SOURCE: Department of Finance and Administration, Office of Budget and Fund Management; and the Governor's Office.

Other Exceptions

Two agencies sought Attorney General's opinions to clarify their status under Section 30, Chapter 419, *Laws of 1992*. Dr. Olon E. Ray, Executive Director, State Board of Community and Junior Colleges, requested an Attorney General's opinion regarding the status of community and junior colleges under Section 30, Chapter 419, *Laws of 1992*. On October 28, 1992, the Attorney General's office issued an opinion holding that community and junior colleges are exempt from the provisions of Section 30 as (1) they are not considered a state agency under MISS. CODE ANN. §27-103-103 (1972), (2) no authorized positions were included in FY 1993 appropriations bills for public community and junior colleges, as is the case with both the Institutions of Higher Learning central office and the

individual institutions, and (3) MISS. CODE ANN. §25-9-107(c)(vii) (1972) specifically excludes community and junior colleges from the statewide personnel system.

On January 19, 1993, the Attorney General's office also issued an opinion to Dr. W. Ray Cleere, Commissioner, Institutions of Higher Learning (IHL), stating that Section 30 relates only to state service positions, a category that excludes employees of the universities and IHL's central office. Further, the 1992 appropriations bill for the IHL did not authorize any specific positions for FY 1993. Targeted position reductions could not be computed without a FY 1993 position appropriation to serve as a base.

Also, the Legislature created the Mississippi Department of Marine Resources after the effective date of Section 30 (July 1, 1992). In reviewing compliance, PEER excluded this agency from the analysis since no appropriations bills were enacted for the agency until FY 1995.

Appendix B, page 18, lists the seventy agencies under the purview of the State Personnel Board (only fifty-seven of which are considered under the mandate of Section 30 due to the above-noted exemptions) and a summary of position additions and deletions during FY 1993 through FY 1995.

Findings

Change in the Number of State Agency Positions

Three years after passage of Senate Bill 3120, Section 30, requiring a ten percent reduction in state agency positions within five years, the number of positions in agencies subject to this law has increased by seven percent. However, after excluding increases of positions within the Legislature's priority growth areas--mental health, crime control, and gaming control--the number of state agency positions has declined by three percent since FY 1993, the effective date of S. B. 3120.

To assess agencies' compliance with the Legislature's position reduction mandate, PEER reviewed the State Personnel Board's Section 30 compliance report data from FY 1993 through FY 1995. After three years of implementation, the agencies should have deleted approximately six percent of their FY 1993 positions by July 1, 1995. However, the number of authorized positions in the fifty-seven state agencies subject to the provisions of Section 30 has grown by seven percent since FY 1993, the year in which Section 30 became effective. This 2,318-position net growth in authorized positions has occurred even though agencies deleted 2,312 of their base-year (FY 1993) positions. That is, while the agencies deleted 2,312 (7.1%) of their FY 1993 positions in compliance with Section 30, during the same three-year period they also received 4,630 new positions, a 14.1% increase. As presented in Exhibit 2, page 7, the result was a net increase of 2,318 authorized positions (7.1%) during this period.

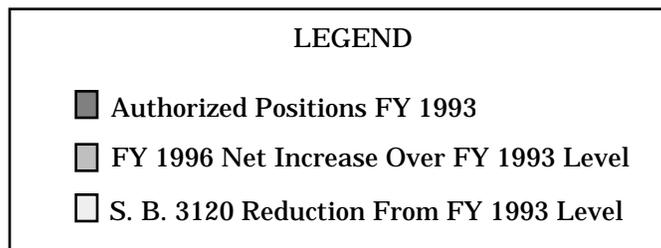
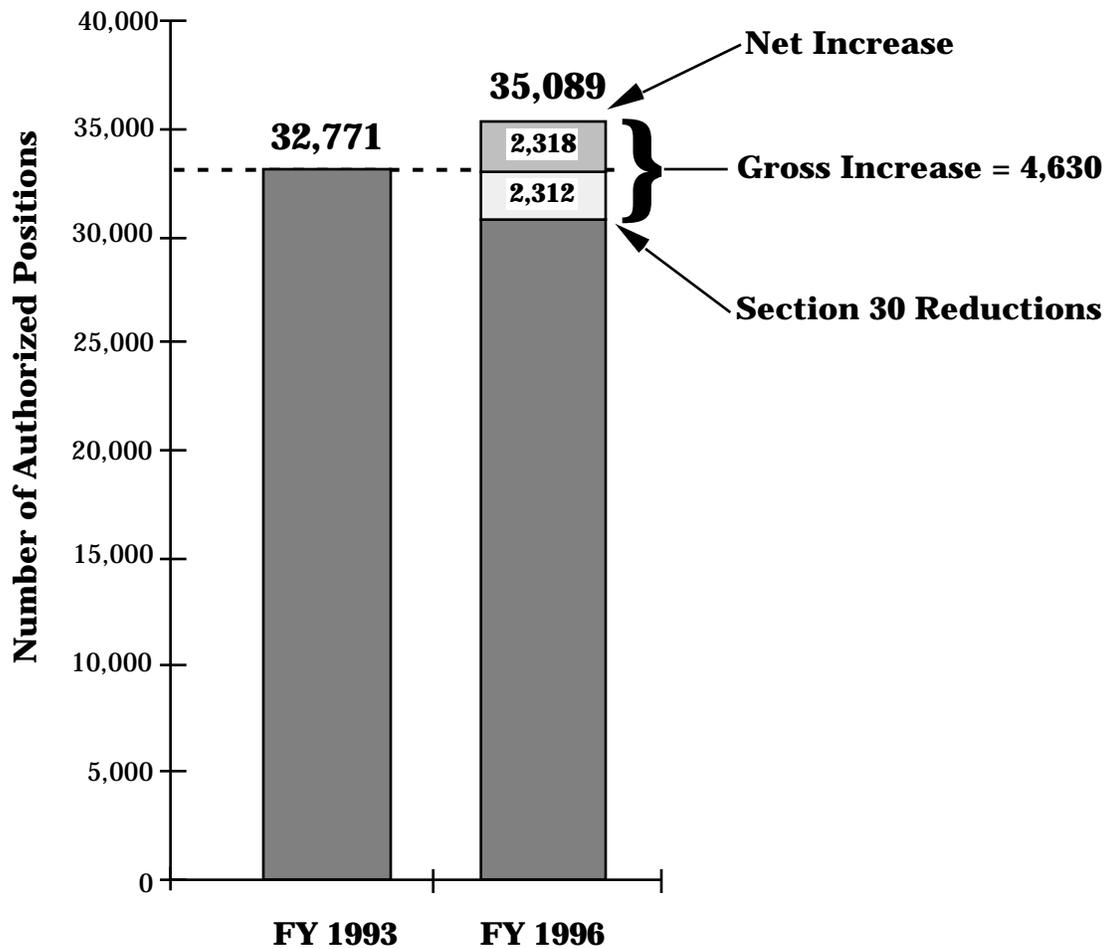
PEER examined State Personnel Board data on position growth by individual state agency for the period FY 1993 through FY 1995. During this three-year period, thirty-three state agencies had experienced no growth or a net decline in the number of positions (-971 positions) and twenty-four agencies had experienced a net increase in positions (+3,289 positions).

Since its 1992 session, the Legislature has provided funds for additional positions to agencies which provide services on behalf of the state in the areas of mental health, crime control, and gaming control. Exhibit 3, page 8, lists the state agencies in these areas which have received additional positions. The Department of Mental Health, representing the mental health area, has experienced a fifteen percent increase in state positions for the period FY 1993 to FY 1996. The Department of Mental Health primarily attributes its increase in state positions to the agency's goal of attaining accreditation for the state's psychiatric facilities (Mississippi State Hospital and East Mississippi State Hospital) and the expansion of Early Intervention Programs at the state's regional mental health centers.

Six agencies--the Department of Corrections, Department of Public Safety, Bureau of Narcotics, Office of Attorney General, Supreme Court, and Military Department--represent the area of crime control and have experienced a thirty-four percent increase in state positions for the period FY 1993 to FY 1996. The

Exhibit 2

**Comparison of Authorized Positions in Fifty-Seven State Agencies
Subject to Position Deletion Provisions of Section 30,
Chapter 419, Laws of 1992,
FY 1993 - FY 1996**



SOURCE: PEER analysis.

Exhibit 3
Percentage Change in Authorized Positions in S.B. 3120 Agencies for FY 1990 Through FY 1993 Compared To FY 1993 Through FY 1996

Agency	FY 1990 Authorized Positions	FY 1991 Authorized Positions	FY 1992 Authorized Positions	FY 1993 Employee Base Positions	Percent Increase/ (Decrease)	FY 1993 Employee Base Positions	FY 1994 Employee Base Positions	FY 1995 Employee Base Positions	FY 1996 Employee Base Positions	Percent Increase/ (Decrease)
MENTAL HEALTH:										
Mental Health, Department of	6,469	6,638	6,968	6,981	7.9%	6,981	7,144	7,353	8,042	15.2%
CRIME:										
Corrections, Department of	3,123	3,135	3,131	3,099	(0.8%)	3,099	3,150	3,236	4,382	41.4%
Public Safety, Department of	1,043	1,031	1,035	1,030	(1.2%)	1,030	1,023	1,040	1,042	1.2%
Military Department	644	642	626	626	(2.8%)	626	677	597	905	44.6%
Attorney General	143	161	166	166	16.1%	166	183	199	196	18.1%
Supreme Court	62	74	156	75	21.0%	75	96	123	156	108.0%
Narcotics, Bureau of	102	102	102	102	0.0%	102	115	129	139	36.3%
Crime Agencies Total	5,117	5,145	5,216	5,098	(0.4%)	5,098	5,244	5,324	6,820	33.8%
GAMING:										
Gaming Commission	0	0	16	16	1600.0%	16	57	136	164	925.0%
OTHER:										
Human Services, Department of	3,591	4,195	4,047	4,251	18.4%	4,251	4,234	4,061	3,978	(6.4%)
Transportation, Department of †	3,534	3,526	3,753	3,766	6.6%	3,766	3,728	3,633	3,583	(4.9%)
Health, Department of	2,874	2,877	2,979	3,049	6.1%	3,049	3,104	3,133	3,154	3.4%
Employment Security Commission	1,750	1,400	1,399	1,399	(20.1%)	1,399	1,399	1,259	1,259	(10.0%)
Rehabilitation Services, Department of	976	924	1,014	1,171	20.0%	1,171	1,142	1,086	1,072	(8.5%)
Wildlife, Fisheries & Parks, Department of	508	1,065	1,096	1,116	119.7%	1,116	1,104	1,086	1,054	(5.6%)
Forestry Commission	1,067	1,059	1,038	1,021	(4.3%)	1,021	1,013	940	954	(6.6%)
Tax Commission†	1,017	1,057	854	852	(16.2%)	852	835	853	836	(1.9%)
Education, Department of	448	717	774	735	64.1%	735	701	709	707	(3.8%)
Environmental Quality, Department of/DNR	880	339	339	394	(55.2%)	394	484	425	485	23.1%
Agriculture & Commerce, Department of	386	388	346	341	(11.7%)	341	353	361	362	6.2%
Finance & Administration, Department of ††	284	415	429	364	28.2%	364	354	349	342	(6.0%)
Medicaid, Division of	312	271	271	276	(11.5%)	276	270	280	305	10.5%
Audit, Department of	203	202	191	200	(1.5%)	200	195	193	189	(5.5%)
Information Technology Services, Department of	135	129	141	151	11.9%	151	153	139	157	4.0%
Archives & History, Department of	142	144	144	146	2.8%	146	146	151	147	0.7%
Educational Television Authority	174	156	143	143	(17.8%)	143	138	138	143	0.0%
Insurance Department	77	81	85	118	53.2%	118	126	125	124	5.1%
Pat Harrison Waterway District	110	110	109	116	5.5%	116	116	114	113	(2.6%)
Public Employees' Retirement System, Board of	73	73	85	85	16.4%	85	89	103	111	30.6%
Public Service Commission	137	145	113	109	(20.4%)	109	108	108	108	(0.9%)
Pearl River Water Supply District	86	90	87	87	1.2%	87	82	80	83	(4.6%)
Workers' Compensation Commission	79	79	78	78	(1.3%)	78	91	88	78	0.0%
Secretary of State	65	67	66	66	1.5%	66	67	67	77	16.7%
State Personnel Board	85	85	76	75	(11.8%)	75	69	67	68	(9.3%)
Veterans Affairs Board	27	28	28	28	3.7%	28	29	50	67	139.3%

Exhibit 3 (Continued)
Percentage Change in Authorized Positions in S.B. 3120 Agencies for FY 1990 Through FY 1993 Compared To FY 1993 Through FY 1996

Agency	FY 1993					FY 1993 Employee Base Positions	FY 1994 Employee Base Positions	FY 1995 Employee Base Positions	FY 1996 Employee Base Positions	Percent Increase/ (Decrease)
	FY 1990 Authorized Positions	FY 1991 Authorized Positions	FY 1992 Authorized Positions	FY 1993 Employee Base Positions	Percent Increase/ (Decrease)					
Library Commission	73	73	70	67	(8.2%)	67	66	66	64	(4.5%)
Fair Commission	55	55	55	55	0.0%	55	55	54	54	(1.8%)
Animal Health, Board of	75	75	70	70	(6.7%)	70	47	48	49	(30.0%)
Emergency Management Agency	41	43	42	43	4.9%	43	42	45	45	4.7%
Oil & Gas Board	41	44	44	47	14.6%	47	44	42	40	(14.9%)
Public Utilities Staff	0	0	32	32	3200.0%	32	31	31	31	(3.1%)
Banking & Consumer Finance, Department of	36	34	34	34	(5.6%)	34	31	31	31	(8.8%)
Treasury, State	26	26	27	27	3.8%	27	27	28	28	3.7%
Nursing, Board of	13	13	15	15	15.4%	15	18	19	23	53.3%
Soil & Water Commission	10	25	17	16	60.0%	16	17	18	22	37.5%
Tombigbee River Water Supply District	17	17	19	19	11.8%	19	17	16	16	(15.8%)
Medical Licensure Board	8	11	11	13	62.5%	13	11	13	14	7.7%
Pearl River Basin Development District	17	17	16	16	(5.9%)	16	16	16	14	(12.5%)
Real Estate Commission	14	14	14	14	0.0%	14	13	13	13	(7.1%)
Public Contractors, Board of	7	6	6	7	0.0%	7	7	12	12	71.4%
Cosmetology, Board of	12	12	12	12	0.0%	12	12	12	12	0.0%
Arts Commission	11	12	12	12	9.1%	12	11	11	11	(8.3%)
Veterans' Home Purchase Board	13	13	13	13	0.0%	13	13	11	11	(15.4%)
Veterans Memorial Stadium Commission	11	12	12	12	9.1%	12	8	8	8	(33.3%)
Barber Examiners, Board of	6	6	6	6	0.0%	6	6	6	6	0.0%
Real Estate Appraisers, Board of	0	0	3	3	300.0%	3	3	3	3	0.0%
Savings Association, Department of	5	5	5	5	0.0%	5	5	0	0	(100.0%)
Athletic Commission	1	1	1	1	0.0%	1	1	1	0	(100.0%)
Other Agencies - Total	19,512	20,136	20,221	20,676	6.0%	20,676	20,631	20,102	20,063	(3.0%)
TOTAL - All Agencies	31,098	31,919	32,421	32,771	5.4%	32,771	33,076	32,915	35,089	7.1%
Comparison of Agency Groupings--Authorized Positions										
Agency Groups	FY 1990	FY 1991	FY 1992	FY 1993	Percent	FY 1993	FY 1994	FY 1995	FY 1996	Percent
Mental Health	6,469	6,638	6,968	6,981	7.9%	6,981	7,144	7,353	8,042	15.2%
Crime	5,117	5,145	5,216	5,098	(0.4%)	5,098	5,244	5,324	6,820	33.8%
Gaming	0	0	16	16	1600.0%	16	57	136	164	925.0%
Other	19,512	20,136	20,221	20,676	6.0%	20,676	20,631	20,102	20,063	(3.0%)
TOTAL	31,098	31,919	32,421	32,771	5.4%	32,771	33,076	32,915	35,089	7.1%
Agency Groups	FY 1990	FY 1991	FY 1992	FY 1993	Percent	FY 1993	FY 1994	FY 1995	FY 1996	Percent
Mental Health, Crime & Gaming	11,586	11,783	12,200	12,095	4.4%	12,095	12,445	12,813	15,026	24.2%
Other	19,512	20,136	20,221	20,676	6.0%	20,676	20,631	20,102	20,063	(3.0%)

† The Department of Transportation includes Truck Weight Enforcement for FY 92 and 93 and the State Aid Road Construction Division for all years.

†† Includes Fiscal Management Board and Office of General Services for FY 1988, 1989 and 1990.

SOURCE: State Personnel Board data for FY 1993-FY 1996 and FY 1988 - 1992 appropriation bills.

Department of Corrections cited the ongoing expansion of the state's prison facilities and programs as the basis for position growth within the agency. The Department of Public Safety attributed its growth in positions primarily to new positions to allow the Mississippi Crime Laboratory to meet its increased workload created by requests of various law enforcement agencies. The Bureau of Narcotics cited the need for additional field agents to comply with the state's emphasis on drug interdiction and detection of drug-related crimes. The Office of Attorney General attributed its growth in positions primarily to the creation and expansion of programs relative to the state grand jury, hazardous waste enforcement, tort claims, and prisoner litigation. The state's creation of the Court of Appeals accounted for the growth of authorized positions in the Supreme Court. The Military Department cited the creation of a federally-funded vehicle repair program and the expansion of a military-style juvenile education reform program as reasons for its need for additional employee positions.

The Mississippi Gaming Commission, representing the gaming control area, has experienced a nine-hundred twenty-five percent increase in state positions for the period FY 1993 to FY 1996. With enactment of the 1990 Gaming Control Act, the Mississippi Gaming Commission, which functioned for a period as a division of the State Tax Commission, became a separate state agency in October 1993. The Legislature has provided funds to the commission for additional positions to regulate and control Mississippi's growing gaming industry.

As illustrated in Exhibit 3, page 8, state agencies within the growth areas of mental health, crime control, and gaming control experienced a twenty-four percent increase in state positions from FY 1993 to FY 1996. In FY 1993, these agencies had 12,095 state positions, which increased to 15,026 state positions in FY 1996. Exhibit 3 also illustrates that the other forty-nine state agencies--those not within the three growth areas--experienced a three percent net decline in state positions from FY 1993 to FY 1996. In FY 1993, these agencies had 20,676 state positions, which decreased to 20,063 state positions in FY 1996. Prior to the enactment of Senate Bill 3120, Section 30, these forty-nine agencies experienced a six percent net increase in state positions for the period FY 1990 to FY 1993.

State Personnel Board reports show an estimated value of \$45,507,888 in deleted positions in federal, general, and other funds, for the period FY 1993 through FY 1995. This represents the salary and fringe benefit costs associated with the positions that agencies deleted in compliance with Section 30. This estimate should not be considered "savings," since it does not necessarily represent costs avoided as a result of Section 30. To have been true savings, the full amount reported would have to have been costs that agencies otherwise would have incurred (i.e., in the absence of Section 30) and might have included, for example, salaries associated with filled positions that the agencies ordinarily would have retained. Although cost avoidance resulting from deletion of active positions would have fit a narrow definition of the term "savings," any loss of services associated with such position deletions also would have to be considered in fully assessing the effects of deleting active positions.

According to SPB staff, however, state agencies deleted only authorized, unfilled positions. No state employee lost a job as a result of Section 30 during the first three years of implementation. Some examples of routine personnel actions available to agencies to permit compliance with Section 30 without terminating existing employees were deletion of (1) unfilled positions that had been vacated through normal attrition, and (2) unfilled positions that agencies routinely carried. Other deleted positions not only were unfilled, they also were unfunded. That is, some agencies whose salary appropriations were inadequate to fund all positions complied with Section 30 by deleting positions for which funding had not been designated. SPB does not maintain records in a form that permits identification of the group of deleted positions that were in the "unfunded" category, but personnel in at least one agency reported that some or all of that agency's deletions involved unfunded positions.

PEER reviewed SPB files to determine how agencies were identifying positions to meet the Section 30 mandates. PEER and Personnel Board staff identified five agencies who have deleted a total of 793 positions to meet the mandates of Section 30. Of these 793 positions, PEER and SPB staff identified a minimum of 161 positions that were re-established the following fiscal year, excluding any additional positions secured through the appropriations process (see Exhibit 4, below). For example, the Department of Corrections (DOC) deleted seventy positions effective June 30, 1994, in accordance with Section 30. In the same request, DOC also submitted documents to establish seventy positions effective July 1, 1995, in addition to the 101 positions authorized above the agency's FY 1995 position appropriation (see Appendix C, page 21). These new seventy positions equate to \$1.2 million in salaries and fringe benefits.

Exhibit 4

Selected Position Re-establishments, By Agency

Agency	Section 30 Deletions	Re-established Positions
Department of Corrections	194	70
Board of Health	184	20
Mental Health Department	408	50
Military Department*	3	17
Public Employees' Retirement System	4	4
Totals	793	161

* The Military Department deleted 14 positions that were not credited to Section 30 and re-established these positions following their abolishment.

SOURCE: State Personnel Board records.

While these actions appear to be within the boundaries of the law, they are not consistent with the legislative intent of Section 30, Chapter 419, *Laws of 1992*, and result in a misrepresentation of agencies' position deletions to legislative decision-makers. During the budgetary process, some agencies request a continuation (or expansion) of funding and authorized positions for the next fiscal year. In the cases of these five agencies, the Legislature granted each agency's request for a continuation (or expansion) of authorized positions during the appropriations process for the next fiscal year; however, the agency directors identified positions for deletion following the conclusion of the appropriations process and prior to the start of the new fiscal year. Therefore, these five agencies were able to delete positions consistent with Section 30 and reestablish these positions during the new fiscal year without justifying the agency's need for these positions to the Joint Legislative Budget Committee, House or Senate Appropriations committees (see Exhibit 5, page 13). Due to the limited scope of PEER's review, agencies other than those listed in Exhibit 4, page 11, may also be misrepresenting their position deletions to legislative decision-makers.

Although only an undetermined portion of the \$45.5 million mentioned above is true "savings" attributable to the position deletion provisions of Section 30 and agency position authorizations have actually increased over the past three years, it is possible that Section 30 has had a moderating effect on agency growth.

Agency Compliance with Section 30, Chapter 419, *Laws of 1992*

Twenty-seven state agencies had failed to comply with the requirements of Section 30, Chapter 419, *Laws of 1992*, through June 30, 1995.

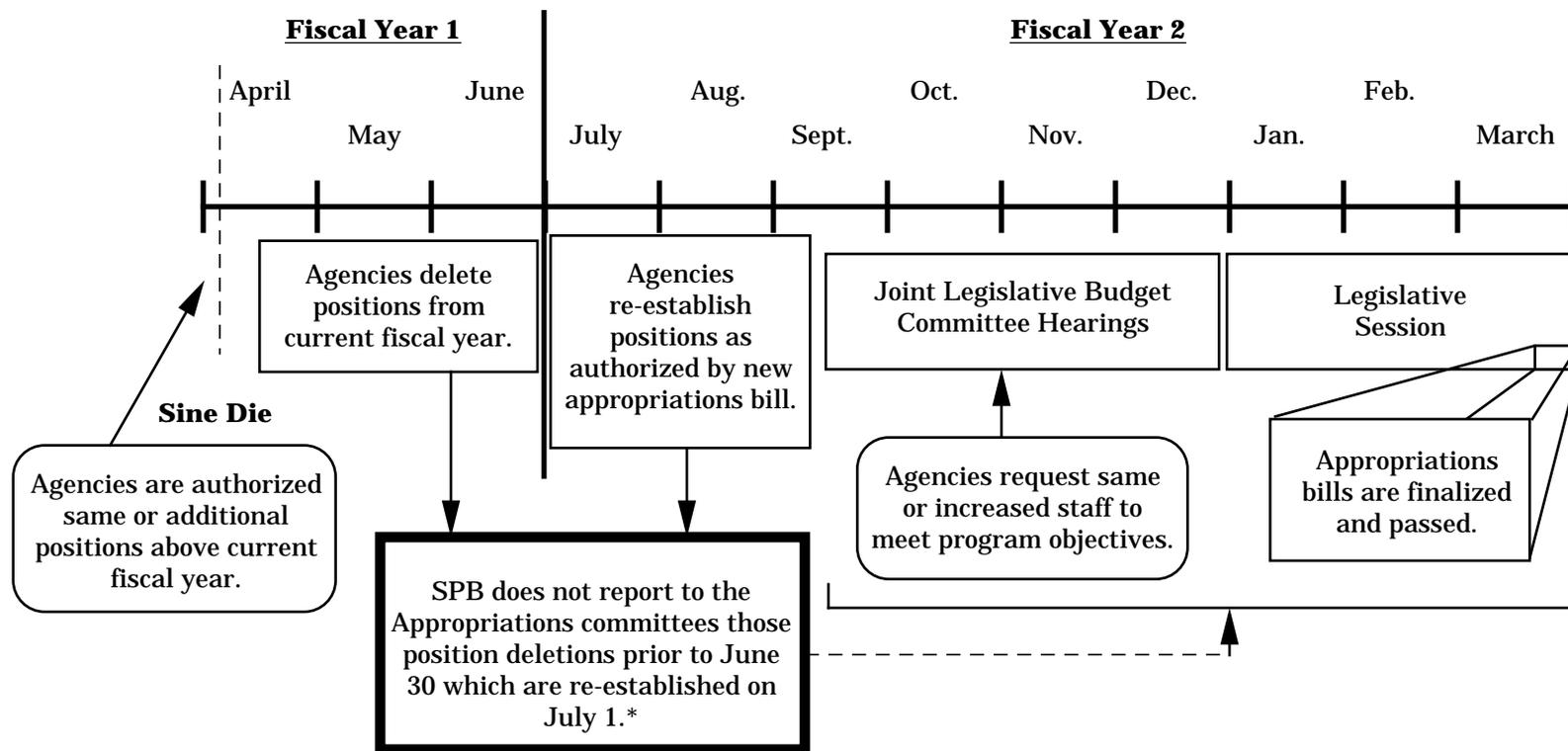
Section 30 requires that agencies delete approximately two percent of their FY 1993 positions each year to achieve the mandated ten percent reduction over a five-year period. PEER examined agencies' compliance with the annual deletion requirement for the three fiscal years for which deletion data are complete.

During the first year of implementation of this bill, sixteen of the fifty-seven state agencies under Section 30 reduced employee positions by less than two percent. By 1994, seventeen of fifty-seven state agencies had deleted fewer than four percent of their FY 1993 positions. During the third year of mandated cuts, twenty of the fifty-seven state agencies had not deleted a full six percent of the FY 1993 appropriated positions. Exhibit 6, page 14, illustrates state agencies' compliance during this three-year period.

Further analysis relative to compliance with the annual mandated reductions shows that only thirty state agencies (53% of the agencies subject to the law consisting of 18,293 FY 1993 authorized positions) consistently have deleted two percent of their positions per year. Ten state agencies (18%) deleted two percent per year for two of the three years, and eight state agencies (14%) deleted two percent in only one year. Nine agencies have failed to delete the targeted number of positions in any of the three years during which Section 30 has been in effect.

Exhibit 5

Timeline for the Position Deletions Inconsistent with Legislative Intent of Section 30, Chapter 419, *Laws of 1992*



**This method of reporting results in misrepresentation of an agency's position deletions and establishments to the Joint Legislative Budget Committee and the House and Senate Appropriations committees for consideration in the appropriations process.*

SOURCE: PEER analysis.

Exhibit 6
Selected State Agencies' Compliance with Section 30, Chapter 419, Laws of 1992
FY 1993-FY 1995

Agency	Complies with 2%?	Complies with 4%?	Complies with 6%?	Agency	Complies with 2%?	Complies with 4%?	Complies with 6%?
Agriculture & Commerce, Department of	Yes	Yes	Yes	Mississippi Gaming Commission	Yes	No	Yes
Animal Health, Board of	No	No	No	Narcotics, Mississippi Bureau of	No	No	No
Archives & History, Department of	No	Yes	Yes	Nursing, Board of	Yes	No	No
Arts Commission	Yes	Yes	Yes	Oil & Gas Board	Yes	Yes	Yes
Athletic Commission	Yes	Yes	Yes	Pat Harrison Waterway District	Yes	No	No
Attorney General	Yes	Yes	Yes	Pearl River Basin Development District	Yes	No	Yes
Audit, Department of	Yes	No	No	Pearl River Valley Water Supply District	No	Yes	Yes
Banking & Consumer Finance, Department of	Yes	Yes	Yes	Public Contractors, Board of	Yes	Yes	Yes
Barber Examiners, Board of	Yes	Yes	Yes	Public Employees' Retirement System, Board of	No	No	No
Corrections, Department of	Yes	Yes	Yes	Public Safety, Department of	No	No	No
Cosmetology, Board of	Yes	Yes	No	Public Service Commission	No	No	No
Education, Department of	Yes	Yes	Yes	Public Utilities Staff	Yes	Yes	No
Educational Television Authority	Yes	No	No	Real Estate Appraisers, Board of	Yes	Yes	Yes
Environmental Quality, Department of	No	No	Yes	Real Estate Commission	Yes	Yes	Yes
Fair Commission	Yes	No	No	Rehabilitation Services, Department of	Yes	Yes	Yes
Finance & Administration, Department of	Yes	Yes	Yes	Savings Association, Department of	Yes	Yes	Yes
Forestry Commission	Yes	Yes	Yes	Secretary of State	No	No	No
Health, Department of	Yes	Yes	Yes	Soil & Water Commission	Yes	Yes	Yes
Human Services, Department of	Yes	Yes	Yes	State Personnel Board	Yes	Yes	Yes
Information Technology Services, Department of	No	Yes	Yes	Supreme Court	No	No	No
Insurance Department	Yes	Yes	No	Tax Commission	Yes	Yes	Yes
Library Commission	Yes	Yes	Yes	Tombigbee River Water Supply District	Yes	Yes	Yes
Medicaid, Division of	Yes	Yes	Yes	Transportation, Mississippi Department of	No	Yes	Yes
Medical Licensure Board	Yes	Yes	Yes	Treasurer, State	No	No	No
Mental Health, Department of	No	Yes	No	Veterans Affairs Board	No	Yes	No
Military Department	No	No	No	Veterans Memorial Stadium Commission	Yes	Yes	No
Mississippi Emergency Management Agency	Yes	Yes	Yes	Veterans' Home Purchase Board	Yes	Yes	Yes
Mississippi Employment Security Commission	Yes	Yes	Yes	Wildlife, Fisheries & Parks, Department of	Yes	Yes	Yes
				Workers' Compensation Commission	Yes	Yes	Yes

SOURCE: PEER analysis.

Conclusion

Three years after passage of the law requiring a ten percent reduction in state agency positions within five years, thirty-three state agencies had experienced no growth or a decline in the number of positions and twenty-four agencies had experienced increases. Overall, the number of positions in agencies subject to this law experienced a net increase of seven percent. After excluding increases of positions within the Legislature's priority growth areas--mental health, crime control, and gaming control--the number of state employees has actually declined by three percent since FY 1993, the effective date of Section 30, Chapter 419, Laws of 1992.

During the first year of implementation of this bill, sixteen of the fifty-seven state agencies under Section 30 reduced employee positions by less than two percent. By 1994, seventeen of fifty-seven state agencies had deleted fewer than four percent of their FY 1993 positions. During the third year of mandated cuts, twenty of the fifty-seven state agencies had not deleted a full six percent of the FY 1993 appropriated positions.

Appendix A

Section 30, Chapter 419, Laws of 1992 [Senate Bill 3120, 1992 Regular Session]

This is the pertinent part of Chapter 419, *Laws of 1992*, which relates to the legislative mandate of reducing the state government workforce by ten percent over a five year period. This section is codified as an editor's note to MISS. CODE ANN. §27-103-103 (1972).

SECTION 30: Beginning July 1, 1992, each state agency, as defined in Section 27-103-103, Mississippi Code of 1972, shall begin the process of identifying for deletion ten percent (10%) of the agency employment positions as authorized in the agency's appropriation for Fiscal Year 1993. Agencies shall rely upon normal attrition, retirement and good management practices to accomplish the reductions. Each agency shall make the specified ten percent (10%) reduction in increments of approximately two percent (2%) each fiscal year, and the full ten percent (10%) reduction shall be reflected in the personnel documents of the State Personnel Board by July 1, 1997. All deletions of agency employment positions as provided in this section shall be made in accordance with the rules and regulations of the State Personnel Board regarding reductions in staff.

The State Personnel Board shall provide assistance to state agencies in identifying positions for deletion. During the period of these mandated reductions, the State Personnel Board shall annually submit a full, detailed report to the Joint Legislative Budget Committee by August 1 describing the position deletions and associated dollar savings. An agency may seek exceptions from the mandated reductions; however, any exceptions must be approved by the Governor and an explanation and notice of such exceptions provided in writing to the Joint Legislative Budget Committee and to the House and Senate Appropriations Committees.

Appendix B

Summary of Position Additions and Deletions for Agencies Under the State Personnel Board, by Agency, FY 1993-FY 1996

Agency	Agency Exempted by Governor	FY 1993 Employee Base Positions	Positions Deleted Per Section 30	Number of Other Positions Deleted**	Number of Positions Added	Net Increase (Decrease) in Positions	FY 1996 Employee Base Positions	Percent Change FY1993 - FY1996
Agriculture & Commerce, Department of		341	27	1	49	21	362	6.2%
Animal Health, Board of		70	0	23	2	(21)	49	(30.0%)
Archives & History, Department of		146	12	0	13	1	147	0.7%
Arts Commission		12	1	2	2	(1)	11	(8.3%)
Athletic Commission		1	1	0	0	(1)	0	(100.0%)
Attorney General		166	35	0	65	30	196	18.1%
Audit, Department of		200	11	0	0	(11)	189	(5.5%)
Banking & Consumer Finance, Department of		34	3	0	0	(3)	31	(8.8%)
Barber Examiners, Board of	*Pending	6	0	0	0	0	6	0.0%
Corrections, Department of		3,099	194	102	1,579	1,283	4,382	41.4%
Cosmetology, Board of		12	0	0	0	0	12	0.0%
Education, Department of		735	91	19	82	(28)	707	(3.8%)
Educational Television Authority		143	8	0	8	0	143	0.0%
Environmental Quality, Department of		394	39	3	133	91	485	23.1%
Fair Commission		55	1	0	0	(1)	54	(1.8%)
Finance & Administration, Department of		364	84	365	427	(22)	342	(6.0%)
Forestry Commission		1,021	118	9	60	(67)	954	(6.6%)
Health, Department of		3,049	184	7	296	105	3,154	3.4%
Human Services, Department of		4,251	336	248	311	(273)	3,978	(6.4%)
Information Technology Services, Department of		151	17	3	26	6	157	4.0%
Insurance Department		118	6	0	12	6	124	5.1%
Library Commission		67	6	7	10	(3)	64	(4.5%)
Medicaid, Division of		276	19	1	49	29	305	10.5%
Medical Licensure Board		13	2	0	3	1	14	7.7%
Mental Health, Department of		6,981	408	20	1,489	1,061	8,042	15.2%
Military Department		626	3	37	319	279	905	44.6%
Mississippi Emergency Management Agency		43	3	0	5	2	45	4.7%
Mississippi Employment Security Commission		1,399	140	3	3	(140)	1,259	(10.0%)
Mississippi Gaming Commission		16	1	1	150	148	164	925.0%
Narcotics, Mississippi Bureau of	*Pending	102	0	0	37	37	139	36.3%
Nursing, Board of		15	0	0	8	8	23	53.3%

Appendix B (Continued)

Summary of Position Additions and Deletions for Agencies Under the State Personnel Board, by Agency, FY 1993-FY 1996

Agency	Agency Exempted by Governor	FY 1993 Employee Base Positions	Positions Deleted Per Section 30	Number of Other Positions Deleted**	Number of Positions Added	Net Increase (Decrease) in Positions	FY 1996 Employee Base Positions	Percent Change FY1993 - FY1996
Oil & Gas Board		47	5	0	-2	(7)	40	(14.9%)
Pat Harrison Waterway District		116	4	3	4	(3)	113	(2.6%)
Pearl River Basin Development District		16	2	0	0	(2)	14	(12.5%)
Pearl River Water Supply District		87	9	0	5	(4)	83	(4.6%)
Public Contractors, Board of		7	1	0	6	5	12	71.4%
Public Employees' Retirement System, Board of		85	4	1	31	26	111	30.6%
Public Safety, Department of	*Pending	1,030	6	13	31	12	1,042	1.2%
Public Service Commission	*Pending	109	1	15	15	(1)	108	(0.9%)
Public Utilities Staff		32	1	0	0	(1)	31	(3.1%)
Real Estate Appraisers, Board of	*Pending	3	0	0	0	0	3	0.0%
Real Estate Commission		14	1	0	0	(1)	13	(7.1%)
Rehabilitation Services, Department of		1,171	120	338	359	(99)	1,072	(8.5%)
Savings Association, Department of		5	0	5	0	(5)	0	(100.0%)
Secretary of State		66	3	0	14	11	77	16.7%
Soil & Water Commission		16	4	0	10	6	22	37.5%
State Personnel Board		75	8	0	1	(7)	68	(9.3%)
Supreme Court		75	2	0	83	81	156	108.0%
Tax Commission		852	51	205	240	(16)	836	(1.9%)
Tombigbee River Water Supply District		19	3	0	0	(3)	16	(15.8%)
Transportation, Mississippi Department of		3,766	238	3	58	(183)	3,583	(4.9%)
Treasury, State		27	0	1	2	1	28	3.7%
Veterans Affairs Board		28	1	2	42	39	67	139.3%
Veterans Memorial Stadium Commission		12	0	4	0	(4)	8	(33.3%)
Veterans' Home Purchase Board		13	2	0	0	(2)	11	(15.4%)
Wildlife, Fisheries & Parks, Department of		1,116	81	73	92	(62)	1,054	(5.6%)
Workers' Compensation Commission		78	15	0	15	0	78	0.0%
Subtotal		32,771	2,312	1,514	6,144	2,318	35,089	7.1%

*Pending denotes agencies who claimed they are seeking exemption from Section 30, Chapter 419, Laws of 1992, as January 15, 1996.

**Other Deleted Positions include transfers, swaps, and positions not credited for Section 30, Chapter 419, Laws of 1992.

SOURCE: PEER analysis.

Appendix B (Continued)

Summary of Position Additions and Deletions for Agencies Under the State Personnel Board, by Agency, FY 1993-FY 1996

Agency	Agency Exempted by Governor	FY 1993 Employee Base Positions	Positions Deleted Per Section 30	Number of Other Positions Deleted**	Number of Positions Added	Net Increase (Decrease) in Positions	FY 1996 Employee Base Positions	Percent Change FY1993 - FY1996
Agricultural & Aviation Board	1/8/96	2	0	0	0	0	2	0.0%
Architecture & Landscape, Board of	1/10/96	2	0	0	0	0	2	0.0%
Dental Examiners, Board of	9/25/95	3	0	0	1	1	4	33.3%
Economic & Community Development, Department of	6/16/93	354	21	347	421	53	407	15.0%
Funeral Services, Board of	9/25/95	2	0	0	0	0	2	0.0%
Grand Gulf Military Commission	11/22/95	5	0	0	0	0	5	0.0%
Judicial Performance, Commission on	9/21/95	3	0	0	1	1	4	33.3%
Marine Resources, Department	*	0	0	2	39	37	37	--
Motor Vehicle Commission	11/22/95	5	0	1	1	0	5	0.0%
Nursing Home Administrators, Board of	10/3/95	2	0	0	0	0	2	0.0%
Pharmacy, Board of	9/25/95	7	0	0	0	0	7	0.0%
Public Accountancy, Board of	1/10/96	1	0	0	4	4	5	400.0%
Professional Engineers & Land Surveyors, Board of	11/22/95	5	0	0	0	0	5	0.0%
Subtotal		391	21	350	467	96	487	24.6%
TOTALS		33,162	2,333	1,864	6,611	2,414	35,576	7.3%

*MS Department of Marine Resources was not established prior to the passage of Section 30, Chapter 419, Laws of 1992 and was excluded from the analysis.

**Other Deleted Positions include transfers, swaps, and positions not credited for Section 30, Chapter 419, Laws of 1992.

SOURCE: PEER analysis.

Appendix C

**Department of Corrections' Request for Position Deletions and Additions,
May 16, 1994**

STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
EDDIE LUCAS
COMMISSIONER

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May 16, 1994

Mr. J.K. Stringer, Jr.
State Personnel Director
Mississippi State Personnel
301 N. Lamar St, Suite 100
Jackson, Mississippi

Dear Mr. Stringer:

In accordance with *State Personnel Board Policy Memorandum No. 1 - FY 1995*, the Mississippi Department of Corrections (MDOC) is submitting this package which contains the required documentation to implement the registration of authorized agencies, positions, and program budget data in accordance with MDOC's Fiscal Year 1995 appropriations act, Senate Bill 3253. Included in this package are the supporting documents for the following sub-packages:

Establishment of Positions

Senate Bill 3252 reflects changes in the appropriated number of positions for sub-agency 551-Support Services. Calculations for need are as follows:

Authorized FY 95:	2959-FT	33-PT	47-FT/TL	0-PT/TL
Current Authorized:	<u>2858-FT</u>	<u>33-PT</u>	<u>65-FT/TL</u>	<u>0-PT/TL</u>
Difference:	+101-FT	0-PT	-18-FT/TL	0-PT/TL

The only areas which require action to come into compliance with Senate Bill 3253 are the Permanent Full Time and the Time-Limited Full Time position counts. To accomplish this, the following is offered:

Permanent FT		Time-Limited FT	
+26	-	House Arrest Program	-15 - Swap to Base
+55	-	Restitution Centers (3)	<u>-3</u> - To Be Re-escalated
+5	-	Support	-18 - TOTAL T/L ADJUST
<u>+15</u>	-	Swap from Time-Limited	
+101	-	TOTAL NEW POSITIONS	

Additionally, seventy (70) positions are to be abolished effective June 30, 1994, in accordance with Senate Bill 3120. The agency is also submitting documents to establish seventy (70) positions in addition to the above mentioned 101 to bring the agency into compliance with Senate Bill 3253 for conversion. Total number of establishments in this package equals 171. However, the establishments are grouped into two separate packages: one for the initial 101 establishments and one for the additional 70 establishments.

Documents enclosed include:

- (1) A copy of Senate Bill 3253 (MDOC's appropriation act).
- (2) A Fiscal Year 1994 organizational chart with the pages upon which the positions to be established are color coded (blue pages for new positions and pink pages for positions to replace those to bring the agency into compliance with SB 3253.)
- (3) A representative Job Content Questionnaire (JCQ).
- (4) A Position-Employee Profile Form (PEP) for each new position grouped together by Occupation Title, in Position Identification Number (PIN) order, with the representative JCQ attached to the back of the PEP forms. Included in this documentation is a listing of positions to be established grouped by Occupation Title in PIN number order within each group. (NOTE: PEP forms for those positions currently in the "side system" have been submitted on yellow paper for ease in identification.)
- (5) A listing of positions to be established by program in PIN number order for ease in identifying staffing for each program (attached to this letter).
- (6) Justification statement for each program/position as the need warrants.

Abolishment of Positions

All current positions were authorized for continuation in Fiscal Year 1995. Therefore, the only positions to be abolished are those necessary to bring the agency into compliance with Senate Bill 3120. The agency will abolish 58 full-time and 1 part-time for a total of 59 positions in sub-agency 0551-Support. The agency will abolish 11 full-time positions in sub-agency 0557-Medical Services.

Documents enclosed include:

- (1) A letter identifying those positions to be abolished. The listing is in Agency Number and PIN Number order.
- (2) A PEP form for each position to be abolished annotated in accordance with Policy Memorandum No. 1.
- (3) Chart pages reflecting the changes to be made to accommodate the abolishments.

Mr. J.K. Stringer, Jr.
May 16, 1994
Page 3

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Position Adjustment

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In the above "Establishment of New Positions" section, it was noted that fifteen (15) positions were to be transferred from the Time-Limited agency to the Base agency.

Documents enclosed include:

- (1) Profiles annotated in accordance with SPB policy and procedures. (NOTE: No program budget data change is required.)
- (2) Chart pages reflecting the location of the positions.

Revision of Agency Program Budget Data

The agency is submitting SPB Forms 612-88 for each sub-agency to reflect changes to the agency program budget allocations and the worker's compensation rate for Fiscal Year 1995.

Documents enclosed include:

- (1) A letter of request for program budget adjustments.
- (2) SPB Forms 612-88 for all four (4) sub-agencies.

These documents are grouped into sub-packages for your convenience. Additionally, PIN numbers have been assigned in accordance with our facilities' "smart number" grouping. If for any reason you find a number needs to be changed, please contact my personnel office prior for assistance in determining the correct number to be used. Should you have any questions or need additional information or assistance, please do not hesitate to contact Ms. E. Cheryl Hux, MDOC Personnel Director, at 359-5667.

Sincerely,



Eddie M. Lucas, Commissioner

Attachment
Enclosures

c: David A. Mitchell, Deputy Commissioner of Administration and Finance
E. Cheryl Hux, MDOC Personnel Director
File

PEER Staff

Director

Max Arinder, Executive Director
Ava Welborn

Administration and Support Division

Steve Miller, General Counsel and
Controller

Shirley Anderson
Louwill Davis
Sam Dawkins
Ann Hutcherson
Larry Landrum
Mary McNeill
Bonita Sutton

Evaluation Division

James Barber, Division Manager
Kathleen Sullivan, Division Manager

Mitchell Adcock
Michael Boyd
Ted Booth
Katherine Stark Frith
Barbara Hamilton
Kevin Humphreys
Kelly Lockhart
Joyce McCants
David Pray
Pam Sutton
Linda Triplett
Larry Whiting

Pam Confer, Intern
