

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

Joint Committee on Performance Evaluation and Expenditure Review

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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.**



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

| Agency | Date of Exemption |
|--|------------------------------|
| 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.

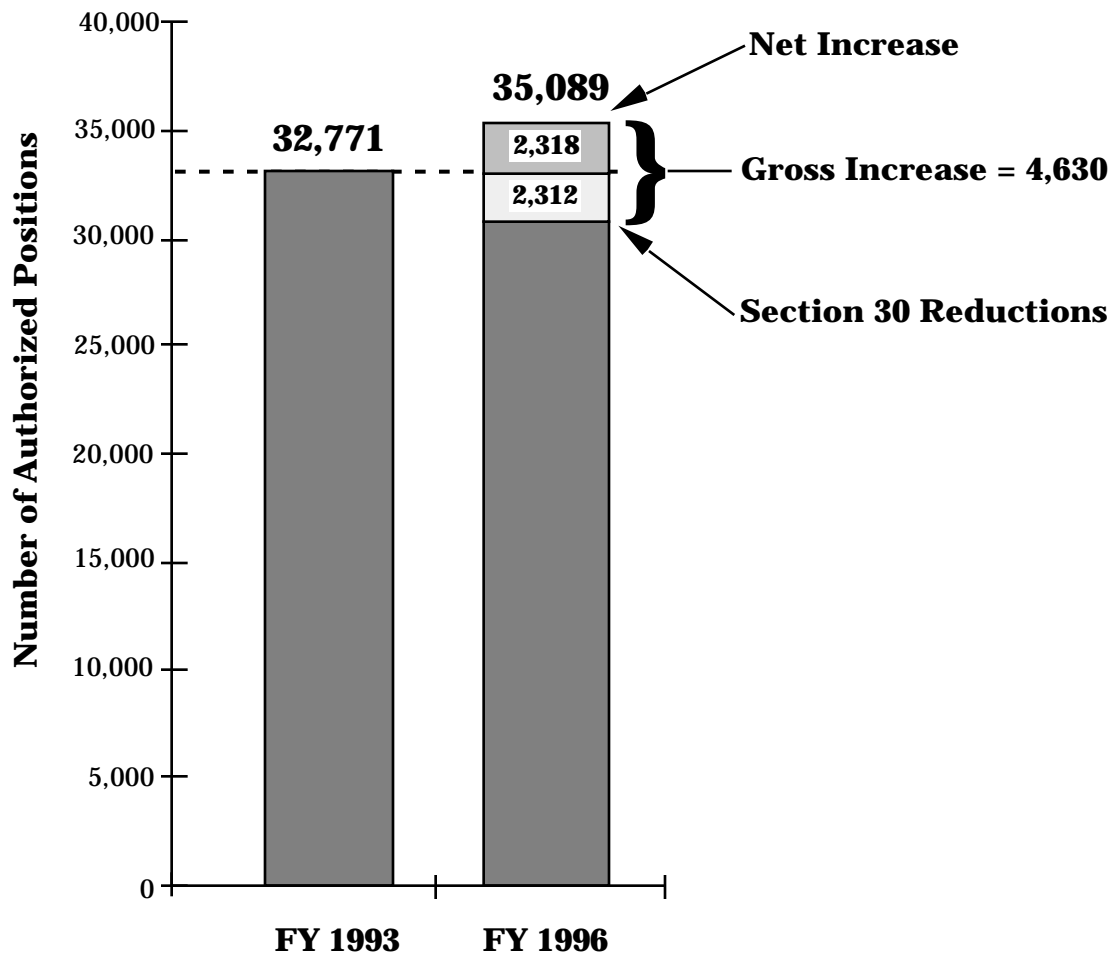
PEER examined State Personnel Board data on position growth by individual state agency for the period FY 1993 through FY 1995. During this three-year period, thirty-three state agencies had experienced no growth or a net decline in the number of positions (-971 positions) and twenty-four agencies had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



LEGEND

-  Authorized Positions FY 1993
-  FY 1996 Net Increase Over FY 1993 Level
-  S. B. 3120 Reduction From FY 1993 Level

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 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) |
|---|------------------------------------|------------------------------------|------------------------------------|--|------------------------------------|--|--|--|--|------------------------------------|
| 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

| <u>Agency</u> | <u>Section 30 Deletions</u> | <u>Re-established Positions</u> |
|-------------------------------------|---------------------------------|-------------------------------------|
| 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.

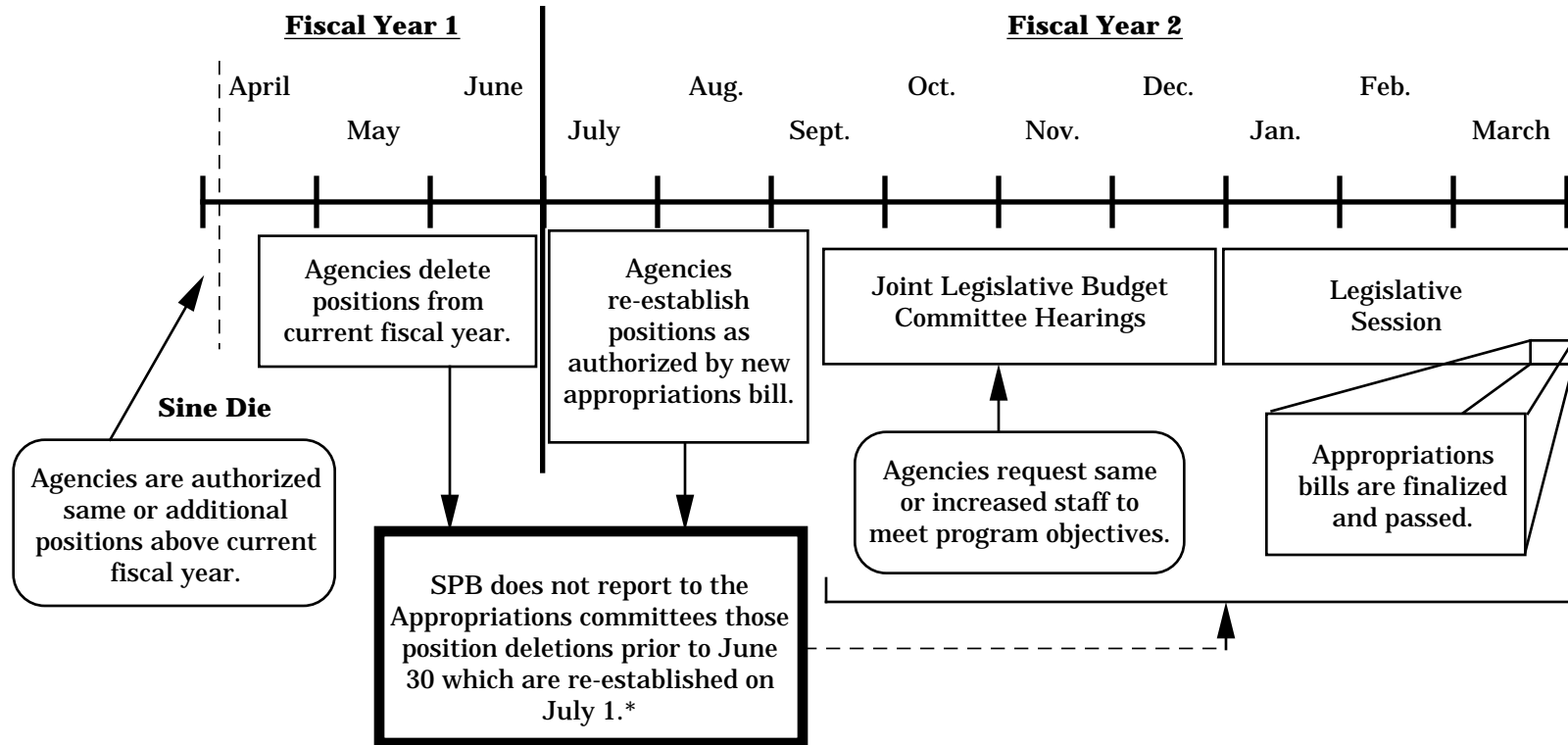
Section 30 requires that agencies delete approximately two percent of their FY 1993 positions each year to achieve the mandated ten percent reduction over a five-year period. PEER examined agencies' compliance with the annual deletion requirement for the three fiscal years for which deletion data are 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%? |
|---|--------------------------|--------------------------|--------------------------|
| Agriculture & Commerce, Department of | Yes | Yes | Yes |
| Animal Health, Board of | No | No | No |
| Archives & History, Department of | No | Yes | Yes |
| Arts Commission | Yes | Yes | Yes |
| Athletic Commission | Yes | Yes | Yes |
| Attorney General | Yes | Yes | Yes |
| Audit, Department of | Yes | No | No |
| Banking & Consumer Finance, Department of | Yes | Yes | Yes |
| Barber Examiners, Board of | Yes | Yes | Yes |
| Corrections, Department of | Yes | Yes | Yes |
| Cosmetology, Board of | Yes | Yes | No |
| Education, Department of | Yes | Yes | Yes |
| Educational Television Authority | Yes | No | No |
| Environmental Quality, Department of | No | No | Yes |
| Fair Commission | Yes | No | No |
| Finance & Administration, Department of | Yes | Yes | Yes |
| Forestry Commission | Yes | Yes | Yes |
| Health, Department of | Yes | Yes | Yes |
| Human Services, Department of | Yes | Yes | Yes |
| Information Technology Services, Department of | No | Yes | Yes |
| Insurance Department | Yes | Yes | No |
| Library Commission | Yes | Yes | Yes |
| Medicaid, Division of | Yes | Yes | Yes |
| Medical Licensure Board | Yes | Yes | Yes |
| Mental Health, Department of | No | Yes | No |
| Military Department | No | No | No |
| Mississippi Emergency Management Agency | Yes | Yes | Yes |
| Mississippi Employment Security Commission | Yes | Yes | Yes |

| Agency | Complies with 2%? | Complies with 4%? | Complies with 6%? |
|---|--------------------------|--------------------------|--------------------------|
| Mississippi Gaming Commission | Yes | No | Yes |
| Narcotics, Mississippi Bureau of | No | No | No |
| Nursing, Board of | Yes | No | No |
| Oil & Gas Board | Yes | Yes | Yes |
| Pat Harrison Waterway District | Yes | No | No |
| Pearl River Basin Development District | Yes | No | Yes |
| Pearl River Valley Water Supply District | No | Yes | Yes |
| Public Contractors, Board of | Yes | Yes | Yes |
| Public Employees' Retirement System, Board of | No | No | No |
| Public Safety, Department of | No | No | No |
| Public Service Commission | No | No | No |
| Public Utilities Staff | Yes | Yes | No |
| Real Estate Appraisers, Board of | Yes | Yes | Yes |
| Real Estate Commission | Yes | Yes | Yes |
| Rehabilitation Services, Department of | Yes | Yes | Yes |
| Savings Association, Department of | Yes | Yes | Yes |
| Secretary of State | No | No | No |
| Soil & Water Commission | Yes | Yes | Yes |
| State Personnel Board | Yes | Yes | Yes |
| Supreme Court | No | No | No |
| Tax Commission | Yes | Yes | Yes |
| Tombigbee River Water Supply District | Yes | Yes | Yes |
| Transportation, Mississippi Department of | No | Yes | Yes |
| Treasurer, State | No | No | No |
| Veterans Affairs Board | No | Yes | No |
| Veterans Memorial Stadium Commission | Yes | Yes | No |
| Veterans' Home Purchase Board | 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

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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 | |

Mr. J. K. Stringer, Jr.
May 16, 1994
Page 2

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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
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STATE PERSONNEL

Position Adjustment

94 MAY 16 PM 59

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
