

POLICY  
MEMORANDUM

June 30, 1990  
Policy Memorandum No. 7-FY 1991

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

**FROM:** Bonnie L. Sides, Acting State Personnel Director *Bonnie Sides*  
Mississippi State Personnel Board

**SUBJECT:** Delegation of Reallocation and Reorganization Authority

**A. Purpose**

In order for the State Personnel Board to carry out its duties mandated by Senate Bill Number 2343 (1990 Regular Session) the following guidelines and procedures governing reallocation and reorganization delegation agreements between the State Personnel Board and state agencies are established.

**B. Authority**

Specific authority for reallocation and reorganization delegation agreements is found in Senate Bill Number 2343 (1990 Regular Session) which amended Section 25-9-115 of the Mississippi Code 1972 Annotated. Pertinent provisions of Section 25-9-115 are reprinted below:

(n) Require submission and approve organization and staffing plans of departments and agencies in state and nonstate service on such forms and according to such regulations as the board may prescribe to control and limit the growth of subordinate executive and administrative units and positions and to provide for agency staff reorganization without prior board approval when authority to reorganize has been delegated to an agency as provided in paragraph (p);

(p) Authorize the director to enter into formal agreements with department executive directors and agency directors in which employment positions within their agencies may be reallocated and organization charts amended without prior State Personnel Board approval; provided, however, that such agreements shall be revocable by the State Personnel Board and continuation shall be contingent upon the reallocations and reorganizations being conducted in accordance with rules and regulations promulgated by the State Personnel Board. In the event the State Personnel Board has delegated reallocation authority to an agency, this delegation does not remove the requirement that agencies submit personal services budget request each fiscal year for the purpose of preparing

personal services continuation budget projections. Such budget requests shall be prepared in accordance with the policies, rules and regulations promulgated by the Department of Finance and Administration, the Legislative Budget Office and the State Personnel Board. Prior to making any reallocation or reorganization effective, each appointing authority who has entered into an agreement as provided in this paragraph (p) shall certify to the State Personnel Board that the total annualized cost of any reallocation or reorganization, shall be equal to or less than the cost savings generated through downward reallocation or position abolishment of vacant positions.

The personnel board shall maintain a record of every personnel transaction executed under authority delegated pursuant to this paragraph (p), and shall annually report the total cost of these transactions, by agency to the Legislative Budget Office and the Department of Finance and Administration.

The State Personnel Board shall prescribe rules requiring the State Personnel Director to perform a compliance audit and evaluation of personnel transactions executed under authority delegated pursuant to this paragraph (p), and to publish a report of the audit listing exceptions taken by the State Personnel Director not later than the first of October each year. In the event the State Personnel Board determines that an agency has misclassified an employee or position as a result of this delegated authority, the State Personnel Board shall be authorized to correct such misclassification regardless of the state service status of the employee holding such position. Authority to correct such misclassifications of filled positions shall be limited to (1) year from the date which the State Personnel Board receives written notice of the reallocation.

### C. Overview

The authority to reallocate employment positions carries with it the demand that rigid professional standards be applied in order to maintain and administer an equitable statewide job classification plan. Reallocations are valid only when the duties and responsibilities of an employment position have sufficiently changed such that its current job classification is no longer accurate and another job classification more accurately depicts the duties and responsibilities of the position. Reallocations are not substitutes for promotions or tools to secure salary increases for selected individuals. They are to be performed only when supported by objective job analysis.

The criteria for delegated reallocation agreements set forth below are designed to encourage consistent management of the reallocation delegation program while promoting an efficient, effective and uniform statewide job classification system.

#### D. Formal Agreements

Upon authorization from the State Personnel Board, the State Personnel Director may enter into formal reallocation and reorganization delegation agreements with state agency directors. These agreements shall be in writing and shall be signed by the State Personnel Director and the agency director requesting the delegated authority. They shall contain such terms and conditions deemed appropriate by the State Personnel Director.

The agreements may include authorization for the delegation of reallocation authority alone or delegation of reallocation authority along with the authority to amend organizational charts. In order to assure correct organizational placement of job classifications and to assure the validity of Personnel Board budget recommendations made to the Legislature, delegation of the authority to amend organizational charts shall be approved only for those agencies in which reallocation authority has been delegated.

Authorization by the State Personnel Board for its director to enter into delegated reallocation or delegated reorganization agreements shall also carry with it the authority for the State Personnel Director to modify, suspend or terminate reallocations or reorganization delegation agreements.

Delegation agreements may be revoked upon a finding that the delegate agency failed to uphold its responsibility in the formal agreement or failed to comply with Personnel Board Policy, Procedures and Guidelines. All salary setting provisions of the Variable Compensation Plan shall remain in effect for delegate agencies.

#### E. Staff Requirements and Training

Agencies desiring delegated reallocation authority must designate among their personnel staff one primary job analyst and one alternate job analyst. Prior to assuming delegated reallocation authority, these designated job analysts shall receive training by the State Personnel Board in job analysis, job classification, and organizational development concepts as well as Personnel Board policies and procedures. All delegated reallocations must be recommended and endorsed by the primary job analyst on the basis of a thorough and independent review of all relevant data.

1. The primary job analysts must be available to devote their full time and effort to their job analysis duties. They may be assigned other duties collateral to their primary job analysis responsibilities, however, whenever they are to be engaged in their job analysis duties they shall not be assigned other duties outside the scope of job analysis.
2. The primary and alternate designated job analysts must attend initial training and follow-up training conducted by the State Personnel Board staff. If for any reason the primary cannot attend follow-up training, the alternate must attend the scheduled training. In such case, the primary must schedule a make-up

training session with the Personnel Board Classification Branch within 30 days of the regularly scheduled training which was missed.

3. Failure to attend job analysis training or to make up missed training as specified above shall result in suspension or cancellation of the delegation agreement. Failure to pass any written examinations may result in the disqualification of the designated job analyst and suspension of the delegation agreement.
4. The primary job analyst shall be a Personnel Officer I-V with at least two years of personnel or human resources experience. In agencies without Personnel Officers, the Personnel Board may permit other related job classes to perform job analysis work, but there shall be no substitution for the experience requirement.
5. The alternate job analyst may be in any personnel job classification or professional administrative job class, subject to Personnel Board approval. However, if in the judgement of the State Personnel Director an agency has insufficient personnel support staff and job classification expertise to conduct valid job analysis, the State Personnel Director may refrain from entering into a delegation agreement.
6. In agency personnel offices with a Personnel Director and at least one Personnel Officer, the subordinate Personnel Officer may be designated as the primary job analyst. No supervisor of the Personnel Director, or their supervisors, shall be designated as a job analyst.
7. Agency Personnel Directors and management must agree not to influence the judgement of the designated job analyst and must provide assurance to the job analyst and the Personnel Board that absolutely no retaliation, direct or indirect, shall result if the job analyst's judgement in a reallocation action is contrary to management's preferences.
8. Upon transfer or termination of the primary job analyst, delegated reallocation authority shall be suspended until his or her replacement completes their initial training.
9. If an agency has been delegated authority to amend organizational charts, the agency designated job analysts shall advise the Personnel Director and agency management on State Personnel Board rules, regulations, guidelines and procedures concerning organizational issues.
10. The State Personnel Director shall schedule agency job analysis, job classification, and organizational development training at least twice each fiscal year, with additional follow-up training scheduled as needed.

## F. Job Classifications Authorized of Delegated Reallocations

Delegate agencies shall be authorized to reallocate employment positions to those classes in the current State Personnel Board job inventory with the exception of classes which are denoted in their title or the job description as being unique to particular agencies. The State Personnel Director may also require that reallocations be suspended in particular job classifications if those job classifications are undergoing revision by the State Personnel Board.

## G. Documentation and Recordkeeping

1. Only those reallocations which are fully justified by an objective job analysis and fully documented according to these procedures shall be considered valid by the State Personnel Board.
2. Delegate agencies shall establish a central PIN reallocation file for each PIN which is reallocated pursuant to delegation authority. Attachment "A," "Required Documentation Retained by Agencies under Delegation Authority," and these policies describe the documentation required to be completed and retained by the agency in their PIN reallocation file. It also serves as a general administrative outline of the reallocation process.
3. All documentation associated with a delegated reallocation (except the original Position-Employee Profile) shall be filed and retained by the delegate agency for a period of five years from the effective date of the reallocation. This requirement shall apply whether the reallocation is ultimately approved or not.
4. The Position-Employee Profile (PEP) form implementing the reallocation shall be forwarded to the State Personnel Board no later than the 20th day of the month in which the reallocation is to be effective. The PEP shall be completed in conformance with Forms and Procedures Manual sections on lateral, downward, or emergency reallocations, except that the word "DELEGATED" shall also be written in the top right hand corner. In addition, a letter, addressed to the State Personnel Director, depicting the action taken and signed by the primary job analyst must be submitted and must contain, at a minimum, the following information:
  1. a. Position Identification Number (PIN);  
b. Occupational title and occupational code from which reallocated;  
c. Occupational Title and occupational code to which reallocated  
d. Status of position (filled or vacant)
  2. Copy of the agency's organizational chart(s) depicting the current placement of the PIN(s).

5. In the "Notes/Expansion Area" block of the Position-Employee Profile form, the delegate agency shall enter the total annualized cost (12 calendar months) of the reallocation. Refer to Miss. Code Section 25-9-115 (n) (p) (1972), as amended by Senate Bill 2343 (1990 Regular Session).
6. The State Personnel Board Job Content Questionnaire (JCQ) shall be the primary instrument for recording the job analysis data in support of a reallocation. The JCQ must be fully completed and legible. No other form shall substitute for the State Personnel Board JCQ.
7. If a filled position is to be reallocated, an original Experience and Training Record must be submitted to the State Personnel Board for evaluation in order to assure the incumbent meets the minimum qualifications of the job prior to submitting the Position-Employee Profile form for processing. Further, if the position requires a written, proficiency, or other assembled examination, the incumbent must pass the examination prior to submitting the Position-Employee Profile form for processing. Refer to Miss. Code Ann. Section 25-9-115 (g) as amended by Senate Bill 2343 (1990 Regular Session).
8. For those agencies who have been granted authority to amend organizational charts, the delegate agency's most current, complete, and valid organizational chart shall be on file and readily available to designated agency job analysts and Personnel Board auditors.

#### H. Audits

1. The State Personnel Board staff shall perform audits of delegate agencies to insure that only fully justified reallocations are performed. The staff shall use attachment "A", "Required Documentation Retained by Agencies under Delegation Authority" as their basic guide when conducting audits of reallocations. Desk audits of reallocated positions may also be conducted by the audit team. However, the audit team shall be alert to any practice or action which is contrary to sound public personnel management or job analysis practice.
2. Those agencies which have been delegated authority to amend organization chart shall have the most recent, complete, and valid organizational chart available for inspection by Personnel Board auditors. In addition, delegate agency employees shall be available for desk audits and Employee Performance Appraisal System documentation available to verify organizational placement on organizational charts.
3. Failure to comply with the provisions of Miss. Code Section 25-9-115 (n) (p) (1972), as amended by Senate Bill 2343 (1990 Regular Session) or State Personnel Board policy, procedures, or guidelines, shall result in corrective action including the reversal of erroneous reallocations, and may result in suspension, termination, or modification of the delegation agreement by the State Personnel Director. The State Personnel Director shall,

whenever possible, take informal remedial steps with delegate agencies to resolve minor classification problems. However, all audit exceptions shall be reported to the Legislature by October 1 of each year.

4. Delegate agencies shall receive no less than twenty-four hours notice prior to the audit. The delegate agency's primary job analyst and the agency personnel director shall be available to answer questions from the Personnel Board Auditors. Incumbents of positions reallocated within twelve months prior to the audit should be available for desk audits of their positions.

I. Certification to the State Personnel Board

Senate bill 2343 (1990 Regular Session) states:

Prior to making any reallocation or reorganization effective, each appointing authority who has entered into an agreement (under this paragraph) shall certify to the State Personnel Board that the total annualized cost of any reallocation or reorganization, shall be equal to or less than the cost savings generated through downward reallocation or position abolishment of vacant positions.

The delegate agency shall retain copies of the certifications in their PIN reallocation file.

Certification to the State Personnel Board shall be submitted along with the reallocation for processing and implementation.

J. Personal Services Budget Requests (Manpower Management Planning Instructions)

Delegate agencies must still submit their personal services budget request to the State Personnel Board in accordance with each year's Manpower Management Planning Instructions. Refer to Miss. Code Section 25-9-115 (n) (p) (1972), as amended by Senate Bill 2343 (1990 Regular Session).

K. Notice to Reallocated Employees

Delegate agencies shall give written notice to employees whose employment positions are reallocated pursuant to delegation agreements that their job classifications may be changed and their salaries adjusted to reflect their correct job classification should the State Personnel Board determine that the delegate agency misclassified the position. This written acknowledgment must be obtained prior to submitting the reallocation to the State Personnel Board. Incumbents of these positions shall acknowledge in writing that for a period of one (1) year the State Personnel Board has statutory authority to review any delegated reallocation to correct any erroneous delegated reallocation, and if warranted, to reduce their salary to the level it was prior to the erroneous reallocation. This shall apply to filled positions which are reallocated as well as vacant positions which are reallocated and subsequently filled. Authority to correct such misclassifications shall be limited to one year from the date the Personnel Board receives written notice of the reallocation.

REQUIRED DOCUMENTATION RETAINED BY AGENCIES UNDER AGENCY DELEGATION AUTHORITY

I. Inventory:

\_\_\_ 1. Justification of reallocation:

Mandatory items to be addressed in justification:

- \_\_\_ a. Position Identification Number (PIN);
- \_\_\_ b. Current occupational title;
- \_\_\_ c. Proposed occupational title;
- \_\_\_ d. Status of the position (filled or vacant);
- \_\_\_ e. Reason(s) for reallocation;
- \_\_\_ f. Justification must be authorized under Agency Head's signature;
- \_\_\_ g. Justification must state whether federal and state case law, regulations, guidelines or statutes impact upon action;
- \_\_\_ h. If reallocation requires change from state service to non-state service, justification must be provided. Alternatively, a change from non- state service to state service must be adequately justified;
- \_\_\_ i. Incumbents of downwardly reallocated positions shall in all cases be notified of their reduction in pay range and a copy of the employee's written acknowledgment of pay range reduction shall be attached;

\_\_\_ 2. Organizational Chart(s):

- \_\_\_ a. All organizational charts must be for the current Fiscal Year (FY);
- \_\_\_ b. Organizational chart page(s) for current placement of PIN(s);
- \_\_\_ c. Organizational chart page(s) for proposed placement of PIN(s);
- \_\_\_ d. All organizational chart pages germane to the position placement must be attached;
- \_\_\_ e. Current/proposed organizational charts must be signed by Agency Head for reorganizations and agency authorized signatory for reallocations;

\_\_\_ 3. Job Content Questionnaire (JCQ). JCQ's and structured desk audits are the primary means by which job analyses are documented:

Note: JCQ must be completed in the incumbent's own words without direct references or quotations from the published State Personnel Board job description.

- \_\_\_ a. JCQ is current (e.g., must be less than 12 months old);
- \_\_\_ b. All sections are complete;
- \_\_\_ c. Duty and task statements contain sufficient information for analysis;

- d. The largest percentage or 40% whichever is greater of the duties of the position as described in the JOQ reflect the duties described in the proposed classification;
- e. Signed by incumbent (if filled);
- f. Signed by supervisor;
- g. Initialed by the agency personnel officer;

   4. Reallocations requiring change from state service to non-state service status require a letter signed by incumbent acknowledging same to be attached. (Statutory limitations apply.)

II. Analysis of Reallocation:

   1. Review history of PIN.

When was the last time the PIN was reallocated? If the action was within the last six (6) to twelve (12) months, denote reasons for change.

\_\_\_\_\_ ;

   2. Review agency vacancies for positions in proposed class:

     a. No vacancies in requested class;

     b. Vacancy in requested class PIN(s): \_\_\_\_\_ ;

     c. If there is a vacancy in proposed class, denote why such position(s) could not be utilized in lieu of a reallocation:  
Comments: \_\_\_\_\_ ;

   3. Insure proposed salary range less than supervisor's (except in high demand classes);

   4. Insure proposed salary range is greater than all subordinates (except in high demand classes);

   5. Insure proposed salary range does not exceed agency head's or governor's (See statutes and current legislation);

   6. Review the following statutes and published material and denote impact on reallocation:

     a. Agency's Statutes (Check supplements also). At a minimum;

         (1) Statutory qualifications of employees;

         (2) Statutory organizational structure;

Comments: \_\_\_\_\_ ;

- b. State Personnel Board Statutes (Check supplement also).  
Comments: \_\_\_\_\_;
  - c. State Personnel Board Policies & Procedures.  
Comments: \_\_\_\_\_;
  - d. Current FY Variable Compensation Plan (VCP) Memorandum.  
Comments: \_\_\_\_\_;
  - e. All relevant State Personnel Board Policy and Procedures Memorandums for the current FY. Comments: \_\_\_\_\_;
  - f. Current FY State Personnel Board Forms Addendum/Forms And Procedures Manual;
  - g. Any Legislative Bills impacting the reallocation request and/or the requesting agency as a whole and/or the State Personnel Board (during the Legislative session). Comments: \_\_\_\_\_;
  - h. Check laws and appropriations Bills not codified from Legislative Session. Comments: \_\_\_\_\_;
  - i. Federal laws, regulations or guidelines which impact on the subject classes or positions;
7. Determine/denote the relevant section(s) of the State Personnel Board Variable Compensation Plan (VCP) Memorandum for the current FY impacting the reallocation: \_\_\_\_\_;
8. Send applications for filled positions to State Personnel Board to determine if incumbent is qualified for the proposed classification. Insure incumbent has passed any required examinations. If incumbent is not qualified, the reallocation can not be performed except as provided by law. Date sent to SPB: \_\_\_\_\_ SPB Determination: \_\_\_\_\_
9. Determine if PIN is presently classified as state service or non-state service:
- a. State service;
  - b. Non-state service;
  - c. Check to see if there is a job description;
  - d. Check to see if incumbent was appointed from a certificate (Y/N);
10. Agency shall retain copies of all relevant documentation in PIN file;

Note: In order to determine the proper classification of a position, a desk audit is recommended when there are questions arising from the personnel officer's analysis of the JCQ. When a desk audit is performed, a copy of the audit form and any additional information should be retained in the position file.

III. Agency Personnel Office Recommendation.

The Primary Job Analyst will make a recommendation as to the appropriateness of the reallocation to the Agency Head for final approval/disapproval.

A. Primary analyst's recommendation (initials):

- a. Approval. Effective date: \_\_\_\_\_;  
 b. Disapproval;

B. Agency Head's Action:

- a. Concur with staff recommendation;  
 b. Do not concur with staff recommendation;

IV. Disposition of Reallocation:

Reallocation approved:

- a. Process PEP(s) to SPB date action is finalized in accordance with the State Personnel Board Forms and Procedures Manual (Forms Addendum);  
 d. Agency shall retain a copy of the checklist.

\_\_\_\_\_  
Personnel Director's Signature /Date

RP/BLS