

POLICY
MEMORANDUM

November 28, 1990

Policy Memorandum No. 11 - FY 1991

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

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

SUBJECT: SUSPENSION OF CONTRACTUAL SERVICES REQUESTS

A. Statement of Purpose

The State Personnel Board, acting through the State Personnel Director, hereby authorizes and directs an immediate suspension of all contractual services requests which are under the purview of the State Personnel Board, to include requests for renewal, modification, or extension. This suspension is issued in conjunction with the December 3, 1990, suspension of all hirings, promotions, and other personnel actions, as provided for in Mississippi Code of 1972 Annotated, Section 25-9-116. Administration of this suspension shall be governed by the policies and procedures in this memorandum. This suspension is effective December 3, 1990, and will continue until further notice.

The development of the following policies is based upon Mississippi Code of 1972 Annotated, Section 25-9-107 (c)(x) as follows:

"...The state personnel director shall disapprove such contracts where the services to be provided could reasonably be performed by an employee in an authorized employment position..."

Where an authorized employment position would have been available for the performance of needed duties except for the State Personnel Board mandated suspension of all hirings, promotions, and other personnel actions, requests for personnel services contracts shall be disapproved. Refer to Policy Memorandum No. 3 -FY 1991, Contract Personnel Services Policies and Administrative Procedures, Section C.3.d. which states:

"Contracts for personnel services shall not be used in lieu of authorized employment positions..."

B. Exceptions to this Suspension

Until further Board action, the State Personnel Director is authorized to exempt certain contractual services requests from the provisions of this policy on an individual basis in such instances where disapproval of the request would:

- (1) Have significant adverse reaction on direct patient/resident care; or
- (2) Result in a definite loss of significant federal funds or federal program support; or
- (3) Result in significant adverse legal consequences for the agency involved; or
- (4) Pose a significant threat to public safety; or
- (5) Seriously disrupt the operations of any agency or impede the delivery of services to the public by said agency.

Only an agency director or governing board may request approval for contractual services within the parameters delineated in this section. These requests must be accompanied by the attached form.

A letter requesting reconsideration may be submitted to the State Personnel Board by the agency director or governing board in cases where the agency disagrees with an action taken by the State Personnel Director. The State Personnel Board will serve as the final authority in such cases.

BLS:lc

Attachment

STATE PERSONNEL BOARD
Request for Exemption to Suspension of Contractual Services Requests
[Must be attached to Form SPB-620-88 (Rev. 6/90)]

Agency: _____

Contracting Party: _____

Contract Personnel Requested: _____

Description of Contract Services
to be Performed: _____

Funding Source: _____

Exception Criteria
as Defined in
Policy Memorandum: _____

Signature of Agency Head

Date

Action by SPD: _____ Date: _____

Action by SPB: _____ Date: _____