MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Paden

To: Workforce Development; Appropriations

HOUSE BILL NO. 705

AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES IN THE DEPARTMENT; TO PROVIDE FOR THE ELECTION OF THE COMMISSIONER OF LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972, TO ABOLISH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND TRANSFER THE DUTIES, POWERS AND FUNDS OF THE DEPARTMENT TO THE OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF LABOR; TO REPEAL SECTION 71-5-107, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO EMPOWER THE DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL AND STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION PROGRAMS; TO PRESCRIBE THE RESPONSIBILITIES OF THE OFFICE OF INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING, THE OFFICE OF EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE OFFICE OF DISABLED EMPLOYEE ASSISTANCE IN THE DEPARTMENT; TO AMEND SECTIONS 7-1-351, 7-1-355, 7-1-357, 7-1-361, 7-1-363 AND 7-1-365, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL SALARY OF THE COMMISSIONER OF LABOR; TO AMEND SECTIONS 23-15-193 AND 23-15-297, MISSISSIPPI CODE OF 1972, TO ADD THE COMMISSIONER OF LABOR TO THE LIST OF ELECTED OFFICIALS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following terms shall have the meanings ascribed in this section, unless the context otherwise requires:

(a) "Commissioner" means the Commissioner of Labor.

(b) "Department" means the Mississippi Department of Labor.

(c) "Director" means the administrative head of an office.

(d) "Office" means an administrative subdivision of the department.

SECTION 2. (1) There is created the Mississippi Department of Labor for the following purposes:

(a) To coordinate employer-employee services and relations;

(b) To establish and oversee an effective and efficient workforce development system in Mississippi to enable residents to acquire skills necessary to maximize their economic self-sufficiency; and

(c) To provide Mississippi employers with the work force they need to effectively compete in the changing world economy.

(2) The department shall be composed of the following offices:

(a) The Office of Employment Security;

(b) The Office of Job Development and Training;

(c) The Office of Industry Service and Industry Start-up Training;

(d) The Office of Employee Relations and Job Discrimination; and

(e) The Office of Disabled Employee Assistance.

SECTION 3. The Mississippi Department of Labor shall provide the labor-management services authorized by law and by the rules, regulations and policies of the department to every individual determined to be eligible, and in carrying out the purposes of this act, the department is authorized to:

(a) Expend funds received either by appropriation or directly from federal or private sources;

(b) Cooperate with other departments, agencies and institutions, both public and private, in providing the services authorized by this act to individuals, in studying the problems involved therein, and in establishing, developing and providing in conformity with the purposes of this act any programs, facilities and services as may be necessary or desirable;

(c) Enter into reciprocal agreements with other states to provide for the services authorized by this act to residents of the states concerned;

(d) Conduct research and compile statistics relating to the provision of services to or the need of services by individuals;

(e) Enter into contractual arrangements with the federal government and with other authorized public agencies or persons for performance of services related to labor-management; and

(f) Take any action as may be necessary to enable the department to apply for, accept and receive for the state and its

residents the full benefits available under any federal legislation or program having as its purpose the providing of, improvement of or extension of labor-management services.

SECTION 4. (1) The Chief Officer of the Mississippi Department of Labor shall be the Commissioner of Labor, who shall be elected at the general election in 2023 and every four (4) years thereafter in the same manner as the public officers provided in Section 23-15-193, and Section 140 of the Constitution. However, the Governor shall appoint a qualified person to serve as the Commissioner of Labor from July 1, 2021, until the general election in 2023. From and after the general election in 2023, the Commissioner of Labor's term of office shall be for four (4) years. The commissioner shall receive a compensation to be fixed by law. The commissioner shall be responsible for the proper administration of the programs of labor-management relations provided under this act and shall be responsible for appointing directors of offices and any necessary supervisors, assistants and employees. The salary and compensation of those employees shall be subject to the rules and regulations adopted and promulgated by the State Personnel Board.

(2) In carrying out the duties under this act, the Commissioner of Labor shall:

(a) Promulgate regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility and

investigation and determination therefor, for labor-management services, procedures for fair hearings and any other regulations as he or she finds necessary to carry out the purposes of this act and in conformity with federal law;

(b) Establish appropriate subordinate administrative units within the department;

(c) Prepare and submit to the Legislature annual reports of activities and expenditures and, before each regular session of the Legislature, coordinate budget requests required for carrying out this act and estimates of the amounts to be made available for this purpose from all sources;

(d) Be empowered to exercise executive and administrative supervision over all institutions, offices, programs and services now existing or hereafter acquired or created under the jurisdiction of the department;

(e) Make certification for disbursement, in accordance with regulations, of funds available for implementing the purposes of this act;

(f) Take such other action as he or she deems necessary or appropriate to effectuate the purposes of this act; and

(g) May delegate to any officer or employee of the department such of his or her powers and duties as he or she finds necessary to effectuate the purposes of this act.

Any reference in this chapter or in any other provision of law to the "Executive Director of the Mississippi Department of

Employment Security" means the Commissioner of Labor created in this act.

SECTION 5. Section 71-5-101, Mississippi Code of 1972, is amended as follows:

71-5-101. *** * *** On July 1, 2021, the Mississippi Department of Employment Security is abolished, and the duties and powers of the Mississippi Department of Employment Security and all equipment, supplies, records and any funds appropriated by the Legislature to the Mississippi Department of Employment Security shall be transferred to the Office of Employment Security in the Mississippi Department of Labor created in House Bill No. 705, 2021 Regular Session. Any reference in this chapter or in any other provision of law to "Mississippi Department of Employment Security" or "Mississippi Employment Security Commission" means the Office of Employment Security within the Mississippi Department of Labor created in this act.

SECTION 6. Section 71-5-107, Mississippi Code of 1972, which provides for the appointment of the Executive Director of the Mississippi Department of Employment Security, is repealed.

SECTION 7. The Office of Job Development and Training of the Mississippi Department of Labor shall administer and coordinate as necessary the following federal and state-funded employment, training and employment-related education programs: (a) training and employment-related education programs sponsored by the federal Job Training Partnership Act; (b) employment programs under the

Wagner-Peyser Act; (c) employment, training and education programs for welfare recipients funded by the federal JOBS and Basic Skills Training Program within the Family Support Act; and (d) the Comprehensive Employment and Training Act of 1973.

SECTION 8. The Office of Industry Service and Industry Start-up Training in the Mississippi Department of Labor shall contract with the Mississippi Community College Board and the Office of Career and Technical Education and Workforce Development to provide (a) all programs embracing an existing industry or a new industrial training component, and (b) all employment-related community/junior college or employment-related secondary education programs.

SECTION 9. The Office of Employee Relations and Job Discrimination in the Mississippi Department of Labor shall do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees and to avoid strikes, picketing, lockouts, boycotts, black list, discriminations and legal proceedings in matters of employment. In pursuance of this duty, the office may appoint temporary boards of arbitration, provide necessary expenses of those boards, order reasonable compensation for each member engaged in that arbitration, prescribe rules for those arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all things convenient and necessary to accomplish those purposes. The office may designate a mediator and may detail

employees or persons not in the office from time to time for the purpose of executing these provisions. Nothing in this section shall be construed to in any way prohibit or limit employees' right to bargain collectively.

SECTION 10. The Office of Disabled Employee Assistance of the Mississippi Department of Labor shall function as an information clearinghouse and referral service for employees and employers regarding any aspect of the federal Americans with Disabilities Act, which prohibits discrimination in all terms and conditions of employment regarding private and public employers.

SECTION 11. Section 7-1-351, Mississippi Code of 1972, is amended as follows:

7-1-351. The * * * Office of Job Development and Training of the Mississippi Department of Labor shall be the Division of Job Development and Training and shall retain all powers and duties granted by law to the Division of Job Development and Training and wherever the term "Division of Job Development and Training" shall appear in any law it shall mean the Mississippi Department of * * * Labor. * * *

SECTION 12. Section 7-1-355, Mississippi Code of 1972, is amended as follows:

7-1-355. (1) The * * * Office of Job Development and Training of the Mississippi Department of Labor is designated as the sole administrator of all programs for which the state is the prime sponsor under Title 1(B) of Public Law 105-220, Workforce

Investment Act of 1998, and the regulations promulgated * * * under this act, and may take all necessary action to secure to this state the benefits of that legislation. The * * * Office of Job Development and Training of the Mississippi Department of Labor may receive and disburse funds for those programs that become available to it from any source.

(2) The * * * Office of Job Development and Training of the Mississippi Department of Labor shall establish guidelines on the amount and/or percentage of indirect and/or administrative expenses by the local fiscal agent or the Workforce Development Center operator. The * * * Office of Job Development and Training of the Mississippi Department of Labor shall develop an accountability system and make an annual report to the Legislature before December 31 of each year on Workforce Investment Act activities. The report shall include, but is not limited to, the following:

(a) The total number of individuals served through the Workforce Development Centers and the percentage and number of individuals for which a quarterly follow-up is provided;

(b) The number of individuals who receive core services by each center;

(c) The number of individuals who receive intensive services by each center;

(d) The number of Workforce Investment Act vouchers issued by the Workforce Development Centers including:

(i) A list of schools and colleges to which these vouchers were issued and the average cost per school of the vouchers; and

(ii) A list of the types of programs for which these vouchers were issued;

(e) The number of individuals placed in a job through Workforce Development Centers;

(f) The monies and the amount retained for administrative and other costs received from Workforce Investment Act funds for each agency or organization that Workforce Investment Act funds flow through as a percentage and actual dollar amount of all Workforce Investment Act funds received.

SECTION 13. Section 7-1-357, Mississippi Code of 1972, is amended as follows:

7-1-357. The *** * *** Office of Job Development and Training *** * *** of the Mississippi Department of Labor is hereby authorized to cooperate with or enter into agreements with any agency, official, educational institution or political subdivision of this state, any agency or official of the government of the United States of America, or any private person, firm, partnership or corporation in order to carry out the provisions of Sections 7-1-351 through 7-1-371.

SECTION 14. Section 7-1-361, Mississippi Code of 1972, is amended as follows:

7-1-361. The * * * Office of Job Development and Training * * * of the Mississippi Department of Labor is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of Sections 7-1-351 through 7-1-371.

SECTION 15. Section 7-1-363, Mississippi Code of 1972, is amended as follows:

7-1-363. To the maximum extent practicable, the Department of * * * Labor shall contract with the * * * Office of Career and Technical Education and Workforce Development of the * * * Mississippi Department of Education to provide all programs embracing an institutional training component. * * * Those programs shall be contracted to the * * * Office of Career and Technical Education and Workforce Development of the Mississippi Department of Education, except those programs funded by the Governor's special grant, shall be coordinated with and complementary to the existing state public educational systems and shall not be duplicative or competitive in nature to * * * those systems.

SECTION 16. Section 7-1-365, Mississippi Code of 1972, is amended as follows:

7-1-365. The * * * Mississippi Department of Education, * * * Office of Career and Technical Education and Workforce Development, the board of trustees of any junior college district, the board of trustees of any school district, the

Mississippi * * * Department of Labor, and the * * * Office of Job Development and Training, * * * Mississippi Department of Labor, shall cooperate in carrying out the provisions of Sections 7-1-351 through 7-1-371.

SECTION 17. Section 25-3-31, Mississippi Code of 1972, is amended as follows:

25-3-31. The annual salaries of the following elected state and district officers are fixed as follows:

Governor.....$122,160.00
Attorney General..... 108,960.00
Secretary of State..... 90,000.00
Commissioner of Insurance..... 90,000.00
State Treasurer..... 90,000.00
State Auditor of Public Accounts..... 90,000.00
Commissioner of Agriculture and Commerce..... 90,000.00
Commissioner of Labor..... 90,000.00
Transportation Commissioners..... 78,000.00
Public Service Commissioners..... 78,000.00

* * *

SECTION 18. Section 23-15-193, Mississippi Code of 1972, is amended as follows:

23-15-193. (1) At the election in * * * 2019, * * * there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3)

Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

(2) At the election in 2023, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Commissioner of Labor, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall

hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

SECTION 19. Section 23-15-297, Mississippi Code of 1972, is amended as follows:

23-15-297. All candidates upon entering the race for party nominations for office shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election and all independent candidates and special election candidates shall pay to the proper officer as provided for in Section 23-15-299 the following amounts:

(a) Candidates for Governor, One Thousand Dollars ($1,000.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Commissioner of Labor, State Highway Commissioner and State Public Service Commissioner, Five Hundred Dollars ($500.00).

(c) Candidates for district attorney, State Senator and State Representative, Two Hundred Fifty Dollars ($250.00).

(d) Candidates for sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county

superintendent of education and board of supervisors, One Hundred Dollars ($100.00).

(e) Candidates for county surveyor, county coroner, justice court judge and constable, One Hundred Dollars ($100.00).

(f) Candidates for United States Senator, One Thousand Dollars ($1,000.00).

(g) Candidates for United States Representative, Five Hundred Dollars ($500.00).

SECTION 20. This act shall take effect and be in force from and after July 1, 2021.