

By: Senator(s) Johnson (38th)

To: Labor; Appropriations

SENATE BILL NO. 2623

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF
2 LABOR-MANAGEMENT RELATIONS AND TO SET FORTH AND PRESCRIBE THE
3 FUNCTIONS OF ADMINISTRATIVE OFFICES WITHIN THE DEPARTMENT; TO
4 CREATE AND EMPOWER A STATE BOARD OF LABOR-MANAGEMENT RELATIONS; TO
5 PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972,
7 TO PROVIDE THAT THE STATE BOARD FOR LABOR-MANAGEMENT RELATIONS
8 SHALL BE THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO REPEAL
9 SECTIONS 71-5-103, 71-5-105 AND 71-5-107, MISSISSIPPI CODE OF
10 1972, WHICH PROVIDE FOR MEETINGS OF THE MISSISSIPPI EMPLOYMENT
11 SECURITY COMMISSION; TO AMEND SECTION 71-1-1, MISSISSIPPI CODE OF
12 1972, TO EMPOWER THE DEPARTMENT OF LABOR-MANAGEMENT RELATIONS TO
13 REGULATE OCCUPATIONAL HEALTH AND SAFETY STANDARDS AND ENFORCE ALL
14 LABOR LAWS IN THE STATE OF MISSISSIPPI; TO AMEND SECTIONS 71-1-25
15 AND 71-1-27, MISSISSIPPI CODE OF 1972, TO EMPOWER THE DEPARTMENT
16 OF LABOR-MANAGEMENT RELATIONS TO ENFORCE CHILD LABOR LAWS; TO
17 TRANSFER RESPONSIBILITIES AND FUNDS FOR ALL WORKFORCE TRAINING
18 PROGRAMS THAT PROVIDE POSTSECONDARY TRAINING SERVICES TO ADULTS
19 CURRENTLY ADMINISTERED BY THE STATE BOARD FOR COMMUNITY AND JUNIOR
20 COLLEGES, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
21 ECONOMIC AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF HUMAN
22 SERVICES AND THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION TO THE
23 OFFICE OF JOB DEVELOPMENT AND TRAINING OF THE MISSISSIPPI
24 DEPARTMENT OF LABOR-MANAGEMENT RELATIONS; TO AUTHORIZE THE OFFICE
25 OF JOB DEVELOPMENT AND TRAINING OF THE MISSISSIPPI DEPARTMENT OF
26 LABOR-MANAGEMENT RELATIONS TO BE THE SOLE SINGLE ADMINISTRATOR AT
27 THE STATE LEVEL FOR ALL ADULT WORKFORCE TRAINING FUNDS CURRENTLY
28 ADMINISTERED BY THE AFOREMENTIONED STATE AGENCIES; TO AMEND
29 SECTIONS 37-3-25, 37-31-205 THROUGH 37-31-211, 37-31-106, 57-1-56
30 AND 57-61-42, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO REPEAL
31 SECTIONS 7-1-351, 7-1-355, 7-1-357, 7-1-361, 7-1-363, 7-1-365 AND
32 7-1-371, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE DEPARTMENT
33 OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ADMINISTER, ISSUE
34 REGULATIONS AND ENTER INTO CONTRACTS REGARDING THE FEDERAL
35 COMPREHENSIVE EMPLOYMENT AND TRAINING ACT PROGRAMS; TO PRESCRIBE
36 THE RESPONSIBILITIES OF THE OFFICE OF EMPLOYEE RELATIONS AND JOB
37 DISCRIMINATION AND THE OFFICE OF DISABLED EMPLOYEE ASSISTANCE
38 WITHIN THE DEPARTMENT; AND FOR RELATED PURPOSES.

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

40 SECTION 1. The following terms shall have the meanings
41 ascribed herein, unless the context shall otherwise require:

42 (a) "Board" means the State Board of Labor-Management
43 Relations;

44 (b) "Executive director" means the Executive Director
45 of the State Department of Labor-Management Relations;

46 (c) "Department" means the State Department of
47 Labor-Management Relations;

48 (d) "Director" means the administrative head of an
49 office; and

50 (e) "Office" means an administrative subdivision of the
51 department.

52 SECTION 2. (1) There is hereby created the Mississippi
53 Department of Labor-Management Relations for the following
54 purposes:

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

57 (b) To establish one (1) comprehensive workforce
58 training system in the State of Mississippi that is focused on
59 achieving results, using resources efficiently and ensuring that
60 workers and employers can easily access needed training services;
61 and

62 (c) To provide workforce training activities, through
63 statewide and local workforce training systems, that increase the
64 employment, retention and earnings of participants, and increase
65 occupational skill attainment by participants and, as a result,
66 improve the quality of the workforce, reduce welfare dependency
67 and enhance the productivity and competitiveness of the state.

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

70 (a) The Office of Employment Security;

71 (b) The Office of Workplace Safety and Health;

72 (c) The Office of Job Development and Training;

73 (d) The Office of Employee Relations and Job

74 Discrimination; and

75 (e) The Office of Disabled Employee Assistance.

76 SECTION 3. (1) There shall be a board of five (5) members
77 to be known as the Mississippi Board of Labor-Management
78 Relations. Two (2) members of said board shall be representatives
79 of employees. Two (2) members of said board shall be
80 representatives of employers. One (1) member of said board shall
81 be a representative of the general public. The members of the
82 board shall be appointed by the Governor, with the advice and
83 consent of the Senate, one (1) from each Mississippi congressional
84 district, and the Governor shall designate one (1) member as
85 chairman. The members of the board shall serve terms of office as
86 follows:

87 (a) The term of the member from the First Congressional
88 District shall expire on July 1, 2002;

89 (b) The term of the member from the Second
90 Congressional District shall expire on July 1, 2005;

91 (c) The term of the member from the Third Congressional
92 District shall expire on July 1, 2004;

93 (d) The term of the member from the Fourth
94 Congressional District shall expire on July 1, 2003; and

95 (e) The term of the member from the Fifth Congressional
96 District shall expire on July 1, 2004.

97 Thereafter the term of office of each member shall be four (4)
98 years, with said terms expiring at two-year intervals. Any
99 appointment to a vacancy shall be for the unexpired term in
100 question, and from the congressional district in which such
101 vacancy occurred. No member shall, during his term of office,
102 serve as an officer or committee member of any political party
103 organization.

104 (2) The board shall elect a chairperson from its membership
105 at the first meeting of the original board members and every two
106 (2) years thereafter on July 15 of the year. A majority of the
107 membership of the board shall constitute a quorum for the

108 transaction of any business, and the board shall meet at least
109 quarterly and hold other meetings as are necessary for the purpose
110 of conducting required business. All meetings of the board shall
111 be called by the chairperson, except the first meeting of the
112 original board members, which shall be called by the Governor.

113 (3) The appointed members of the board shall be compensated
114 at a per diem rate as authorized by Section 25-3-69, Mississippi
115 Code of 1972, plus actual and necessary expenses as authorized by
116 Section 25-3-41, Mississippi Code of 1972.

117 SECTION 4. The Department of Labor-Management Relations
118 shall provide the labor-management services authorized by law and
119 by the rules, regulations and policies of the board to every
120 individual determined to be eligible therefor, and in carrying out
121 the purposes of this act the department is authorized, when
122 consistent with the rules, regulations and policies of the State
123 Board of Labor-Management Relations:

124 (a) To expend funds received either by appropriation or
125 directly from federal or private sources;

126 (b) To cooperate with other departments, agencies and
127 institutions, both public and private, in providing the services
128 authorized by this act to individuals, in studying the problems
129 involved therein, and in establishing, developing and providing in
130 conformity with the purposes of this act, such programs,
131 facilities and services as may be necessary or desirable;

132 (c) To enter into reciprocal agreements with other
133 states to provide for the services authorized by this act to
134 residents of the states concerned;

135 (d) To conduct research and compile statistics relating
136 to the provision of services to or the need of services by
137 individuals;

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

141 (f) To take such action as may be necessary to enable
142 the department to apply for, accept and receive for the state and
143 its residents the full benefits available under any federal
144 legislation or program having as its purpose the providing of,
145 improvement or extension of, labor-management services.

146 SECTION 5. (1) The State Board of Labor-Management
147 Relations shall appoint an Executive Director of the State
148 Department of Labor-Management Relations, in accordance with
149 standards established by the State Personnel Board and on the
150 basis of his education, training, experience and demonstrated
151 ability. The executive director shall serve as secretary and
152 executive officer of the board, and he shall serve at the will and
153 pleasure of the board. The salary of the executive director shall
154 be set by the board, subject to the approval of the State
155 Personnel Board, and shall be provided for out of any funds made
156 available for such purpose by the Legislature, the federal
157 government or other gifts or grants. The executive director shall
158 be responsible to the board for the proper administration of the
159 programs of labor-management relations provided under this act in
160 conformity with the policies adopted by the board and shall be
161 responsible for appointing directors of offices and any necessary
162 supervisors, assistants and employees. The salary and
163 compensation of such employees shall be subject to the rules and
164 regulations adopted and promulgated by the State Personnel Board
165 as created under Section 25-9-101 et seq., Mississippi Code of
166 1972.

167 (2) In carrying out his duties under this act, the Executive
168 Director of the State Department of Labor-Management Relations:

169 (a) Shall, with the approval of the board, promulgate
170 regulations governing personnel standards, the protection of
171 records and confidential information, the manner and form of
172 filing applications, eligibility and investigation and
173 determination therefor, for labor-management services, procedures

174 for fair hearings and such other regulations as he finds necessary
175 to carry out the purposes of this act and in conformity with
176 federal law;

177 (b) Shall, with the approval of the board, establish
178 appropriate subordinate administrative units within the
179 department;

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

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

189 (e) Shall make certification for disbursement, in
190 accordance with regulations, of funds available, for implementing
191 the purposes of this act;

192 (f) Shall, with the approval of the board, take such
193 other action as he deems necessary or appropriate to effectuate
194 the purposes of this act;

195 (g) May, with the approval of the board, delegate to
196 any officer or employee of the department such of his powers and
197 duties as he finds necessary to effectuate the purposes of this
198 act.

199 SECTION 6. Section 71-5-101, Mississippi Code of 1972, is
200 amended as follows:

201 71-5-101. (1) There shall be a commission of three (3)
202 members to be known as the Mississippi Employment Security
203 Commission. One (1) member of said commission shall be a
204 representative of employees. The members of the commission shall
205 be appointed by the Governor, one (1) from each Supreme Court
206 district, and the Governor shall designate one (1) member as

207 chairman. The commissioners initially appointed shall serve for
208 terms of two (2), four (4), and six (6) years respectively, as
209 designated by the Governor. Thereafter the term of office of each
210 commissioner shall be four (4) years, with said terms expiring at
211 two-year intervals. Any appointment to a vacancy shall be for the
212 unexpired term in question, and from the Supreme Court district in
213 which such vacancy occurred. No commissioner shall, during his
214 term of office, serve as an officer or committee member of any
215 political party organization.

216 (2) From and after July 1, 2001, the State Board of
217 Labor-Management Relations created under Section 3 of Senate Bill
218 No. _____, 2001 Regular Session, shall be the Mississippi
219 Employment Security Commission. From and after July 1, 2001, the
220 Mississippi Employment Security Commission shall be abolished,
221 provided that any member of the commission presently serving may
222 be appointed to the Board of Labor-Management Relations if
223 otherwise eligible for such appointment. Any reference in Senate
224 Bill No. _____, 2001 Regular Session, to "Mississippi Employment
225 Security Commission" or "commission" shall mean the State Board of
226 Labor-Management Relations created in Senate Bill No. _____, 2001
227 Regular Session.

228 SECTION 7. Sections 71-5-103, 71-5-105 and 71-5-107,
229 Mississippi Code of 1972, which provide for meetings of the
230 Mississippi Employment Security Commission, are hereby repealed.

231 SECTION 8. Section 71-1-1, Mississippi Code of 1972, is
232 amended as follows:

233 71-1-1. (1) The Office of Workplace Safety and Health of
234 the Department of Labor-Management Relations is authorized to
235 establish an occupational health and safety program and is
236 empowered:

237 (a) To employ such qualified personnel as staff to
238 carry out the duties and responsibilities set forth herein;

239 (b) To develop and make available upon request to all
240 employers of the state, including public employers, information,
241 consultation and assistance related to safety and health laws,
242 regulations, measures and standards; to participate and assist
243 with training and educational programs, directed toward employee
244 safety and disease prevention;

245 (c) To employ such personnel and procure such equipment
246 as necessary to provide on-site consultive services related to
247 assistance, information, education or training of employers and
248 employees toward compliance with safety and health standards and
249 toward the establishment of safety and health programs to prevent
250 work-connected disabilities;

251 (d) To collect, compile and report statistics related
252 to work-connected disabilities in Mississippi; such statistical
253 work shall be performed in cooperation with other
254 statistic-gathering agencies with the federal and state
255 governments. Such statistical reports as may be available shall
256 be made known to employers and employees.

257 (e) To receive such federal or state grants and
258 appropriations as available to further the education, training and
259 assistance to the employers and employees of Mississippi in
260 preventing work-connected disabilities.

261 (f) Nothing in this section shall be construed as
262 authorizing the department to administer or enforce in any way the
263 Federal Occupational Safety and Health Act, known as OSHA.

264 (2) In addition to such other duties and powers as may be
265 conferred by law, the Office of Workplace Safety and Health of the
266 Department of Labor-Management Relations shall have the power,
267 jurisdiction and authority:

268 (a) To superintend the enforcement of all labor laws in
269 the State of Mississippi, the enforcement of which is not
270 otherwise specifically provided for, and all rules and regulations
271 made pursuant thereto;

272 (b) To make or cause to be made all necessary
273 inspections to see that all laws and rules made pursuant thereto
274 which the division has the duty, power and authority to enforce,
275 are promptly and effectively carried out;

276 (c) To make investigations, collect and compile
277 statistical information and report upon the conditions of labor
278 generally, and upon all matters relating to the enforcement and
279 effect of the provisions of this section and of the rules issued
280 thereunder;

281 (d) To make and promulgate such rules, or changes in
282 rules, as it may deem advisable for the prevention of accidents or
283 the prevention of industrial or occupational diseases in every
284 employment or place of employment, and such rule, or changes in
285 rules, for the construction, repair and maintenance of places of
286 employment, places of public assembly, and public buildings as it
287 may deem advisable to render them safe. The division may appoint
288 committees composed of employers, employees and experts to suggest
289 rules or changes therein;

290 (e) To order such reasonable changes in the
291 construction, maintenance and repair of places of employment as
292 shall render them safe; and

293 (f) To require the performance of any act necessary for
294 the protection of life, health and safety of employees.

295 SECTION 9. Section 71-1-25, Mississippi Code of 1972, is
296 amended as follows:

297 71-1-25. (1) It shall be the duty of the Office of
298 Workplace Safety and Health of the Department of Labor-Management
299 Relations to inspect employers under its jurisdiction for
300 compliance with the child labor provisions of the Mississippi Code
301 of 1972.

302 (2) It shall be the duty of the Office of Workplace Safety
303 and Health to visit, without notice of its intention to do so, all
304 mills, canneries, workshops, factories, or manufacturing

305 establishments employing child labor * * * at least twice each
306 year, or oftener if requested by the sheriff, and to promptly
307 report to the sheriff any unsanitary condition of the premises,
308 any child or children afflicted with infectious, contagious, or
309 communicable diseases, or whose physical condition renders such
310 child or children incapacitated to perform the work required of
311 them. The sheriff shall promptly remove such child or children
312 from such mill, cannery, workshop, factory, or manufacturing
313 establishment, and order the premises put in sanitary condition.
314 The judgment of the Office of Workplace Safety and Health as to
315 the physical condition of the children and the sanitary condition
316 of the premises shall be final and conclusive.

317 (3) Every employer shall furnish employment which shall be
318 reasonably safe for the employees therein and shall furnish and
319 use safety devices and safeguards, and shall adopt and use methods
320 and processes reasonably adequate to render such an employment and
321 place of employment safe and shall do every other thing reasonably
322 necessary to protect the life, health, safety and welfare of such
323 employees; provided that, as used in this chapter, the term "safe"
324 or "safety" as applied to any employment or place of employment
325 shall include conditions and methods of sanitation and hygiene
326 reasonably necessary for the protection of the life, health,
327 safety and welfare of employees.

328 (4) Every employer and every owner of a place of employment,
329 place of public assembly, or public building, now or hereafter
330 constructed shall so construct, repair and maintain the same as to
331 render it reasonably safe.

332 SECTION 10. Section 71-1-27, Mississippi Code of 1972, is
333 amended as follows:

334 71-1-27. Any officer, manager, or superintendent of any
335 mill, cannery, workshop, factory, or manufacturing establishment
336 in which child labor is employed who shall fail or refuse to give
337 true and correct information demanded of him by any officer

338 hereinbefore directed to inspect such mill, cannery, workshop,
339 factory, or manufacturing establishment, or who shall fail or
340 refuse to obey any lawful order of the Office of Workplace Safety
341 and Health or the sheriff * * * the county in which said mill,
342 cannery, workshop, factory, or manufacturing establishment is
343 located for carrying out the purpose of this chapter, shall be
344 guilty of a misdemeanor and, upon conviction, shall be fined not
345 less than Ten Dollars (\$10.00) nor more than One Hundred Dollars
346 (\$100.00).

347 SECTION 11. (1) The Office of Job Development and Training
348 of the Mississippi Department of Labor-Management Relations shall
349 administer and coordinate as necessary federally and state-funded
350 employment, training and employment-related education programs.
351 The following training programs and funds shall be transferred to
352 the Department of Labor-Management Relations on July 1, 2002:

353 (a) Postsecondary Adult Short-Term Training programs
354 and funds presently administered by the State Board for Community
355 and Junior Colleges;

356 (b) State-Funded Industrial Services training programs
357 and funds presently administered by the State Board for Community
358 and Junior Colleges;

359 (c) Postsecondary vocational-technical funds and
360 programs presently administered by the State Department of
361 Education;

362 (d) Postsecondary Carl Perkins programs and funds
363 presently administered by the State Department of Education;

364 (e) Postsecondary Tech Prep programs and funds
365 presently administered by the State Department of Education;

366 (f) Temporary Assistance to Needy Families (TANF)
367 workforce training programs and funds presently administered by
368 the Department of Human Services and subcontracted to the State
369 Department of Education;

370 (g) Job Training Partnership Act (JTPA) programs and
371 funds presently administered by the Mississippi Department of
372 Economic and Community Development and subcontracted to the
373 Mississippi Employment Security Commission and any state level
374 adult education and training funds made available by any successor
375 program to JTPA, including the Workforce Investment Act of 1998;

376 (h) State Occupational Information and Coordinating
377 Committee (SOICC) programs and funds presently administered by the
378 Mississippi Department of Economic and Community Development; and

379 (i) Any other Comprehensive Employment and Training Act
380 of 1973 federally funded support programs and funds presently
381 administered by the Mississippi Department of Economic and
382 Community Development.

383 (2) (a) All powers, duties and functions of the State Board
384 for Community and Junior Colleges or the State Department of
385 Education and the State Board of Education that are being
386 exercised or performed by the Division of Vocational Education on
387 June 30, 2000, utilizing funds from all sources for Adult
388 Education and Industrial Services training, either directly or
389 indirectly, are hereby transferred to the Office of Job
390 Development and Training of the Mississippi Department of
391 Labor-Management Relations on July 1, 2002. All powers, duties
392 and functions of the State Department of Education and the State
393 Board of Education that are being exercised or performed by the
394 Division of Vocational Education on June 30, 2001, utilizing funds
395 from all sources for all postsecondary vocational-technical
396 education training funds, all postsecondary Tech Prep funds, Carl
397 Perkins funds and all Temporary Assistance to Needy Families
398 (TANF) workforce training funds, are hereby transferred to the
399 Office of Job Development and Training of the Mississippi
400 Department of Labor-Management Relations on July 1, 2002. All
401 records, property and contractual rights and obligations of, and
402 unexpended balances of appropriations and any other allocations

403 to, the State Board for Community and Junior Colleges or the State
404 Department of Education that relate to the powers, duties and
405 functions exercised or performed for such programs on June 30,
406 2001, shall be transferred to the Office of Job Development and
407 Training of the Mississippi Department of Labor-Management
408 Relations on or before July 1 of 2001 or 2002. The State Fiscal
409 Officer shall transfer to the Office of Job Development and
410 Training of the Mississippi Department of Labor-Management
411 Relations all funds that are allocated to the State Board for
412 Community and Junior Colleges or the State Department of Education
413 for such programs and such funds shall be used by the Office of
414 Job Development and Training of the Mississippi Department of
415 Labor-Management Relations under the same terms and conditions as
416 specified for those funds in the applicable appropriation bill.
417 Sufficient staff shall be transferred from the agencies that will,
418 by virtue of this act have a reduction in training and educational
419 responsibilities, to the Office of Job Development and Training of
420 the Mississippi Department of Labor-Management Relations to assure
421 that those transferred responsibilities shall be properly managed
422 and administered. Determinations as to which jobs shall be
423 transferred shall be made by agreement between the Executive
424 Director of the Office of Job Development and Training of the
425 Mississippi Department of Labor-Management Relations and the chief
426 executive of the affected transferring agencies utilizing
427 information provided by the Legislative Budget Office necessary
428 for the determination of personnel needs and costs of supportive
429 services. In the event that an agreement cannot be reached
430 between the parties, reassignments shall be created by the
431 Legislature through the agencies' appropriation bills. Authorized
432 transition activities may include, but not be limited to, the
433 enhancement of the Office of Job Development and Training of the
434 Mississippi Department of Labor-Management Relations to manage the
435 additional federal and state funds, budgeting, accounting, grant

436 management, property management, personnel, legal and/or other
437 administrative services. The State Board for Community and Junior
438 Colleges or the State Department of Education shall retain
439 responsibility to manage the closeout of all grants relating to
440 Industrial Training Programs and Adult Education Programs, and
441 postsecondary vocational-technical programs and postsecondary Carl
442 Perkins programs at the end of June 30, 2002, and shall be
443 authorized to retain sufficient grant funds to properly close-out
444 said grant activities. Upon closeout of such grants, any
445 remaining funds will be transferred to the Office of Job
446 Development and Training of the Mississippi Department of
447 Labor-Management Relations by the State Fiscal Officer. The State
448 Board for Community and Junior Colleges or the State Department of
449 Education shall assist the Office of Job Development and Training
450 of the Mississippi Department of Labor-Management Relations with
451 the greatest degree of cooperation to carry out the intent and
452 purpose of this act and to accomplish an orderly transition.

453 (b) The allocation of postsecondary
454 vocational-technical education funds and funds for new or expanded
455 programs and equipment will be allocated based on a formula
456 developed by the Office of Job Development and Training of the
457 Mississippi Department of Labor-Management Relations, which shall
458 be based on the specific training needs of the population served
459 and the commitment and capacity of the facilities available for
460 such service.

461 (c) The Office of Job Development and Training of the
462 Mississippi Department of Labor-Management Relations shall enter
463 into a contract with the State Department of Education that
464 clarifies that the State Department of Education will continue to
465 be the designated recipient of the Carl Perkins funds at the state
466 level and said funds will continue to be administered and used in
467 accordance with federal guidelines. The contract shall specify
468 that all Carl Perkins funds used for postsecondary training and

469 other purposes will be transferred to the Office of Job
470 Development and Training of the Mississippi Department of
471 Labor-Management Relations and that the Office of Job Development
472 and Training of the Mississippi Department of Labor-Management
473 Relations shall have the responsibility and authority to direct
474 and oversee such programs as may be financed with such funds.

475 (5) All powers, duties and functions of the Mississippi
476 Department of Economic and Community Development that are being
477 exercised or performed on June 30, 2001, and any state level adult
478 education and training funds made available by any successor
479 program to JTPA, including the Workforce Investment Act of 1998,
480 utilizing funds from all sources for adult education and training,
481 either directly or indirectly, are hereby transferred to the
482 Office of Job Development and Training of the Mississippi
483 Department of Labor-Management Relations on July 1, 2002. The
484 programs and funds to be transferred shall include all Job
485 Training Partnership Act (JTPA) funds, State Occupational
486 Information and Coordinating Committee (SOICC) funds, and any
487 other Comprehensive Employment and Training Act of 1973 federally
488 funded support program funds presently administered by the
489 Mississippi Department of Economic and Community Development and
490 subcontracted to the Mississippi Employment Security Commission.
491 All records, property and contractual rights and obligations of,
492 and unexpended balances of appropriations and any other
493 allocations to, the Mississippi Department of Economic and
494 Community Development that relate to the powers, duties and
495 functions exercised or performed for such programs on June 30,
496 2001, shall be transferred to the Office of Job Development and
497 Training of the Mississippi Department of Labor-Management
498 Relations on or before July 1, 2002. The State Fiscal Officer
499 shall transfer to the Office of Job Development and Training of
500 the Mississippi Department of Labor-Management Relations all funds
501 that are allocated to the Mississippi Department of Economic and

502 Community Development for such programs and such funds shall be
503 used by the Office of Job Development and Training of the
504 Mississippi Department of Labor-Management Relations under the
505 same terms and conditions as specified for those funds in the
506 applicable appropriation bill.

507 Sufficient staff shall be transferred from the agencies that
508 will, by virtue of this act have a reduction in training and
509 educational responsibilities, to the Office of Job Development and
510 Training of the Mississippi Department of Labor-Management
511 Relations to assure that those transferred responsibilities shall
512 be properly managed and administered. Determinations as to which
513 jobs shall be transferred shall be made by agreement between the
514 Executive Director of the Office of Job Development and Training
515 of the Mississippi Department of Labor-Management Relations and
516 the chief executive of the affected transferring agencies
517 utilizing information provided by the Legislative Budget Office
518 necessary for the determination of personnel needs and costs of
519 supportive services. In the event that an agreement cannot be
520 reached between the parties, reassignments shall be created by the
521 Legislature through the agencies' appropriation bills. Authorized
522 transition activities may include, but not be limited to, the
523 enhancement of the Office of Job Development and Training of the
524 Mississippi Department of Labor-Management Relations to manage the
525 additional federal and state funds, budgeting, accounting, grant
526 management, property management, personnel, legal and/or other
527 administrative services. The Mississippi Department of Economic
528 and Community Development shall retain responsibility to manage
529 the closeout of all grants relating to such programs until the end
530 of June 30, 2003, and shall be authorized to retain sufficient
531 grant funds to properly close out said grant activities. Upon
532 closeout of such grants, any remaining funds will be transferred
533 to the Office of Job Development and Training of the Mississippi
534 Department of Labor-Management Relations by the State Fiscal

535 Officer. The Mississippi Department of Economic and Community
536 Development shall assist the Office of Job Development and
537 Training of the Mississippi Department of Labor-Management
538 Relations with the greatest degree of cooperation to carry out the
539 intent and purpose of this act and to accomplish an orderly
540 transition.

541 (6) All powers, duties and functions of the Department of
542 Human Services that are being exercised or performed on June 30,
543 2001, utilizing funds from all sources for training recipients and
544 clients of the Temporary Assistance for Needy Families program
545 (TANF), either directly or indirectly, are hereby transferred to
546 the Office of Job Development and Training of the Mississippi
547 Department of Labor-Management Relations on July 1, 2002. All
548 records, property and contractual rights and obligations of, and
549 unexpended balances of appropriations and any other allocations
550 to, the Department of Human Services that relate to the powers,
551 duties and functions exercised or performed for such programs on
552 June 30, 2001, shall be transferred to the Office of Job
553 Development and Training of the Mississippi Department of
554 Labor-Management Relations on or before July 1, 2002. The State
555 Fiscal Officer shall transfer to the Office of Job Development and
556 Training of the Mississippi Department of Labor-Management
557 Relations all funds that are allocated to the Department of Human
558 Services for such programs and such funds shall be used by the
559 Office of Job Development and Training of the Mississippi
560 Department of Labor-Management Relations under the same terms and
561 conditions as specified for those funds in the applicable
562 appropriation bill. Sufficient staff shall be transferred from
563 the agencies that will, by virtue of this act have a reduction in
564 training and educational responsibilities, to the Office of Job
565 Development and Training of the Mississippi Department of
566 Labor-Management Relations to assure that those transferred
567 responsibilities shall be properly managed and administered.

568 Determinations as to which jobs shall be transferred shall be made
569 by agreement between the Executive Director of the Office of Job
570 Development and Training of the Mississippi Department of
571 Labor-Management Relations and the chief executive of the affected
572 transferring agencies utilizing information provided by the
573 Legislative Budget Office necessary for the determination of
574 personnel needs and costs of supportive services. In the event
575 that an agreement cannot be reached between the parties,
576 reassignments shall be created by the Legislature through the
577 agencies' appropriation bills. Authorized transition activities
578 may include, but not be limited to, the enhancement of the Office
579 of Job Development and Training of the Mississippi Department of
580 Labor-Management Relations to manage the additional federal and
581 state funds, budgeting, accounting, grant management, property
582 management, personnel, legal and or other administrative services.
583 The Department of Human Services shall retain responsibility to
584 manage the closeout of all grants relating to such programs at the
585 end of June 30, 2002, and shall be authorized to retain sufficient
586 grant funds to properly close out said grant activities. Upon
587 closeout of such grants, any remaining funds will be transferred
588 to the Office of Job Development and Training of the Mississippi
589 Department of Labor-Management Relations by the State Fiscal
590 Officer. Identification, eligibility, certification, enrollment,
591 follow-up, performance standards and sanction liabilities of the
592 TANF clients will remain the sole responsibility of the Department
593 of Human Services. The Department of Human Services shall assist
594 the Office of Job Development and Training of the Mississippi
595 Department of Labor-Management Relations with the greatest degree
596 of cooperation to carry out the intent and purpose of this act and
597 to accomplish an orderly transition.

598 (7) The Office of Job Development and Training of the
599 Mississippi Department of Labor-Management Relations shall set
600 aside from its annual appropriation from the Legislature

601 "incentive funds" to be used exclusively by the Executive Director
602 of the Department of Economic and Community Development, at his
603 discretion, for the purpose of bringing additional economic
604 development activity to the state which includes, but is not
605 limited to, strengthening the environment within our communities
606 for entrepreneurial growth, retaining and creating jobs, and
607 fostering an expanding and globally competitive economy. The
608 Department of Economic and Community Development, in conjunction
609 with the Office of Job Development and Training of the Mississippi
610 Department of Labor-Management Relations, shall develop a
611 memorandum which authorizes the Executive Director of the
612 Department of Economic and Community Development to commit said
613 "incentive funds" and provide for use of funds, including, but not
614 limited to, how funds will be expended, for what purpose, and time
615 frame for use, subject to approval by the Legislature. If
616 "incentive funds" set aside for exclusive use by the Executive
617 Director of the Department of Economic and Community Development
618 are not expended for stated purposes by March 30 of each funding
619 period, said monies will revert back to the annual appropriation
620 funds of the Office of Job Development and Training of the
621 Mississippi Department of Labor-Management Relations to be
622 allocated for projects by the end of June 30 with "carryover"
623 authority to the next funding year granted to the Office of Job
624 Development and Training of the Mississippi Department of
625 Labor-Management Relations for funds not expended. The Office of
626 Job Development and Training of the Mississippi Department of
627 Labor-Management Relations will set accountability guidelines for
628 use of such incentive funds.

629 SECTION 12. The following provision shall be codified as
630 Section 37-4-17, Mississippi Code of 1972:

631 37-4-17. (1) The Legislature shall appropriate to the
632 Office of Job Development and Training of the Mississippi
633 Department of Labor-Management Relations those state funds to be

634 expended for postsecondary vocational-technical education. The
635 Office of Job Development and Training of the Mississippi
636 Department of Labor-Management Relations shall set standards for,
637 approve and expend funds for all postsecondary vocational and
638 technical education programs. The Executive Director of the
639 Office of Job Development and Training of the Mississippi
640 Department of Labor-Management Relations shall be responsible to
641 the state board for the proper administration of the programs of
642 postsecondary vocation and technical education in conformity with
643 the policies adopted by the Office of Job Development and Training
644 of the Mississippi Department of Labor-Management Relations and
645 shall be responsible for appointing any necessary employees to
646 assist in carrying out said programs.

647 (2) The Office of Job Development and Training of the
648 Mississippi Department of Labor-Management Relations shall be the
649 Division of Job Development and Training and shall retain all
650 powers and duties granted by law to the Division of Job
651 Development and Training and wherever the term "Division of Job
652 Development and Training" shall appear in any law it shall mean
653 the Office of Job Development and Training of the Mississippi
654 Department of Labor-Management Relations. The Executive Director
655 of the Office of Job Development and Training of the Mississippi
656 Department of Labor-Management Relations may assign to appropriate
657 divisions powers and duties as deemed appropriate to carry out the
658 lawful functions of the department.

659 (3) The Office of Job Development and Training of the
660 Mississippi Department of Labor-Management Relations is hereby
661 designated as the sole administrator of all programs for which the
662 state is the prime sponsor under the Comprehensive Employment and
663 Training Act of 1973, as amended (29 USCA 801 et seq.), and the
664 regulations promulgated thereunder, and is hereby authorized to
665 take all necessary action to secure to this state the benefits of
666 such legislation. The Office of Job Development and Training of

667 the Mississippi Department of Labor-Management Relations is
668 empowered to receive and disburse funds for such programs which
669 become available to it from any source.

670 (4) The Office of Job Development and Training of the
671 Mississippi Department of Labor-Management Relations is hereby
672 authorized to cooperate with or enter into agreements with any
673 agency, official, educational institution or political subdivision
674 of this state, any agency or official of the government of the
675 United States of America, or any private person, firm, partnership
676 or corporation in order to carry out the provisions of this
677 section.

678 (5) The Office of Job Development and Training of the
679 Mississippi Department of Labor-Management Relations is authorized
680 to promulgate such rules and regulations as may be necessary to
681 carry out the provisions of this section.

682 (6) To the maximum extent practicable, all programs
683 embracing an institutional training component shall be coordinated
684 with and complementary to the existing state public educational
685 systems and shall not be duplicative or competitive in nature to
686 such systems.

687 (7) The Office of Job Development and Training of the
688 Mississippi Department of Labor-Management Relations, the State
689 Department of Education, the board of trustees of any junior
690 college district, the board of trustees of any school district,
691 the Mississippi Employment Security Commission, and the Division
692 of Job Development and Training, Office of the Governor, shall
693 cooperate in carrying out the provisions of this act.

694 SECTION 13. Section 37-3-25, Mississippi Code of 1972, is
695 amended as follows:

696 37-3-25. (1) The Director of the Division of Vocational and
697 Technical Education of the State Department of Education who shall
698 be an associate state superintendent of education shall be
699 appointed by the State Superintendent of Public Education. The

700 director's salary shall be set by the State Board of Education
701 subject to the approval of the State Personnel Board. His salary,
702 compensation, travel expenses or other expenses shall be provided
703 for out of any funds made available for such purpose by the
704 Legislature, the federal government, or other gifts or grants.
705 The director shall be responsible to the State Superintendent of
706 Public Education for the proper administration of the programs of
707 primary and secondary vocational and technical education in
708 conformity with the policies adopted by the State Board of
709 Education and shall be responsible for appointing any necessary
710 supervisors, assistants, and employees to assist in carrying out
711 the programs of primary and secondary vocational and technical
712 education. The director shall have the authority to employ,
713 compensate, terminate, promote, demote, transfer or reprimand
714 employees of the division. The salary and compensation of such
715 employees shall be subject to the rules and regulations adopted
716 and promulgated by the State Personnel Board as created under
717 Section 25-9-101 et seq.

718 (2) The Director of the Division of Vocational and Technical
719 Education, subject to the approval of the State Board of
720 Education, shall have charge of and be responsible for primary and
721 secondary vocational and technical education training in:

- 722 (a) Agriculture;
- 723 (b) Occupational and consumer home economics;
- 724 (c) Consumer and homemaking education;
- 725 (d) Trades and industry;
- 726 (e) Distributive education;
- 727 (f) Secondary adult education;
- 728 (g) Teacher training and supervision;
- 729 (h) Business and office;
- 730 (i) Health;
- 731 (j) Industrial arts;
- 732 (k) Guidance services;

733 (1) Technical education;
734 (m) Cooperative education; and
735 (n) All other specialized primary and secondary
736 training * * *.

737 SECTION 14. Section 37-31-205, Mississippi Code of 1972, is
738 amended as follows:

739 37-31-205. (1) The State Board of Education shall have the
740 authority to:

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

743 (b) Channel funds to secondary schools, community and
744 junior colleges and regional vocational-technical facilities
745 according to priorities set by the board;

746 (c) Allocate funds on an annual budgetary basis;

747 (d) Set standards for and approve all primary and
748 secondary vocational and technical education programs in the
749 public school system * * * or other agencies or institutions which
750 receive state funds and federal funds for such purposes,
751 including, but not limited to, the following primary and secondary
752 vocational and technical education programs: agriculture, trade
753 and industry, occupational home economics, consumer and homemaking
754 education, distributive education, business and office, health,
755 industrial arts, guidance services, technical education,
756 cooperative education * * *, all other specialized primary and
757 secondary training * * *. The State Board of Education shall
758 authorize local schools boards, within such school board's
759 discretion, to offer distributive education as a one-hour or
760 two-hour block course. There shall be no reduction of
761 reimbursements from state funding for distributive education due
762 to the selection of either the one-hour or two-hour course
763 offering;

764 (e) Set and publish licensure standards for primary and
765 secondary vocational and technical education personnel. The State

766 Board of Education shall recognize a vocational and technical
767 education teacher's work when school is not in session which is in
768 the teacher's particular field of instruction as a means for the
769 teacher to fulfill the requirements for renewal of the teacher's
770 license. The board shall establish, by rules and regulations, the
771 documentation of such work which must be submitted to the board
772 and the number of actual working hours required to fulfill renewal
773 requirements. If a vocational and technical education teacher who
774 does not have a bachelor's degree takes classes in fulfillment of
775 licensure renewal requirements, such classes must be in
776 furtherance of a bachelor's degree;

777 (f) Require data and information on program performance
778 from those programs receiving state funds;

779 (g) Expend funds to expand career information;

780 (h) Supervise and maintain the division of vocational
781 and technical education and to utilize to the greatest extent
782 possible said division as the administrative unit of the board
783 responsible for coordinating programs and services with local
784 institutions;

785 (i) Promulgate such rules and regulations necessary to
786 carry out the provisions of this chapter in accordance with
787 Section 25-43-1 et seq.;

788 (j) Set standards and approve all primary and secondary
789 vocational and technical education equipment and facilities
790 purchased and/or leased with state and federal vocational funds;

791 (k) Encourage provisions for lifelong learning and
792 changing personal career preferences and advancement of vocational
793 and technical education students through articulated programs
794 between high schools and community and junior colleges;

795 (l) Encourage the establishment of new linkages with
796 business and industry which will provide for a better
797 understanding of essential labor market concepts;

798 (m) Periodically review the funding and reporting
799 processes required of local school districts by the board or
800 division with the aim of simplifying or eliminating inefficient
801 practices and procedures; and

802 (n) Assist in the development of high technology
803 programs and resource centers to support current and projected
804 industrial needs.

805 * * *

806 (2) The Office of Job Development and Training of the
807 Mississippi Department of Labor-Management Relations shall set
808 standards for, approve and expend funds for all postsecondary
809 vocational and technical education programs. * * *

810 (3) The State Board of Education and the State Board for
811 Community and Junior Colleges may provide that beginning with the
812 1995-1996 school year, every vocational and technical education
813 course or program in Mississippi may integrate academic and
814 vocational-technical education through coherent sequences of
815 courses, so that students in such programs achieve both academic
816 and occupational competencies. The boards may expend federal
817 funds available from the 1990 Perkins Act, or other available
818 federal funds, for the alignment of vocational-technical programs
819 with academic programs through the accreditation process and the
820 teacher licensure process.

821 SECTION 15. Section 37-31-207, Mississippi Code of 1972, is
822 amended as follows:

823 37-31-207. The State Board of Education shall have the
824 following duties:

825 (a) To seek the best available projections of
826 employment and occupations for Mississippians;

827 (b) To utilize these projections and other
828 considerations to set primary and secondary vocational and
829 technical education priorities;

830 (c) To utilize the services of all state agencies
831 having information regarding the purposes of this chapter;

832 (d) To cooperate with the State Board for Community and
833 Junior Colleges to prevent duplication and provide continuity of
834 employment and training services;

835 (e) To conduct evaluations of the success or failure of
836 primary and secondary vocational-technical programs, including the
837 extent to which training actually leads to jobs in the field in
838 which the student was trained;

839 (f) Obtain and publish data and information on program
840 performance from those primary and secondary vocational-technical
841 programs receiving state funds; and

842 (g) To notify local school districts * * * prior to
843 March 1 annually of any discontinuation of ongoing vocational
844 programs which would affect the renewing of contracts with
845 vocational personnel.

846 SECTION 16. Section 37-31-209, Mississippi Code of 1972, is
847 amended as follows:

848 37-31-209. (1) Any advisory council, other than the special
849 management advisory board, serving the board shall include five
850 (5) members who are presidents of public community/junior colleges
851 located in the State of Mississippi, and three (3) members who are
852 superintendents of education of a countywide, municipal separate
853 or consolidated school district.

854 (2) In addition to any other requirements of law, it is made
855 the duty of the advisory council and it is hereby granted the
856 authority to:

857 (a) Advise the State Board of Education in the
858 development of comprehensive policies and programs for the
859 improvement of primary and secondary vocational-technical
860 education in the state;

861 (b) Assist in the formulation of rules, regulations and
862 standards relating to primary and secondary vocational-technical

863 education programs by submitting written recommendations prior to
864 their adoption and promulgation by the board; and

865 (c) Assist in the promotion of public understanding of
866 the purposes, policies and practices regarding primary and
867 secondary vocational-technical education in this state.

868 (3) The additional members of the advisory council may meet
869 with the board in a nonvoting capacity at regular meetings of the
870 board when the board is not in executive session.

871 (4) The additional members required by this section shall be
872 reimbursed for their expenses in the same manner and from the same
873 source as other members.

874 SECTION 17. Section 37-31-211, Mississippi Code of 1972, is
875 amended as follows:

876 37-31-211. (1) The Legislature shall appropriate to the
877 State Board of Education those state funds to be expended by the
878 board through the Division of Vocational and Technical Education
879 of the State Department of Education for primary and secondary
880 vocational-technical education.

881 (2) The Legislature shall appropriate to the Office of Job
882 Development and Training of the Mississippi Department of
883 Labor-Management Relations those state funds to be expended for
884 postsecondary vocational-technical education.

885 SECTION 18. Section 57-1-56, Mississippi Code of 1972, is
886 amended as follows:

887 57-1-56. The Occupational Information Coordinating Committee
888 shall be located within the Office of Job Development and Training
889 of the Mississippi Department of Labor-Management Relations and
890 shall develop and implement an occupational information system for
891 vocational education, employment and training programs.

892 SECTION 19. Section 57-61-42, Mississippi Code of 1972, is
893 amended as follows:

894 57-61-42. (1) Notwithstanding any provision of this chapter
895 to the contrary, the Office of Job Development and Training of the

896 Mississippi Department of Labor-Management Relations shall utilize
897 not more than Three Million Five Hundred Thousand Dollars
898 (\$3,500,000.00) out of the proceeds of bonds issued in this
899 chapter to provide funds for a job recruitment, training,
900 development, counseling, motivation and referral services program
901 for less developed counties of this state. The services provided
902 under this program shall include, but not be limited to, the
903 following:

- 904 (a) Recruitment for available positions;
- 905 (b) Job orientation;
- 906 (c) Job related counseling;
- 907 (d) Motivational services;
- 908 (e) Tutoring of job applicants when appropriate;
- 909 (f) Training;
- 910 (g) Job placement;
- 911 (h) Follow-up services to ensure successful employment;
- 912 (i) Referrals to social services where appropriate.

913 (2) The Office of Job Development and Training of the
914 Mississippi Department of Labor-Management Relations may contract
915 with a public or private entity to administer the program
916 authorized in subsection (1) of this section.

917 (3) The primary focus of such program shall be to meet the
918 State of Mississippi's work requirements under the Temporary
919 Assistance to Needy Families ("TANF") Program, but the program may
920 also be used for other purposes that meet the criteria of this
921 section.

922 (4) As used in this section the term "less developed
923 counties" means the twenty-eight (28) counties in this state
924 ranked and designated annually by the State Tax Commission as
925 having the highest unemployment rate for the most recent
926 thirty-six-month period. The State Tax Commission shall make such
927 ranking and designation annually by December 31, using the most
928 current data available from the University Research Center,

929 Mississippi State Employment Security Commission and the United
930 States Department of Commerce.

931 SECTION 20. Sections 7-1-351, 7-1-355, 7-1-357, 7-1-361,
932 7-1-363, 7-1-365 and 7-1-371, Mississippi Code of 1972, which
933 authorize the Department of Economic and Community Development to
934 administer, issue regulations and enter into contracts regarding
935 the federal Comprehensive Employment and Training Act programs,
936 are hereby repealed.

937 SECTION 21. The Office of Employee Relations and Job
938 Discrimination of the Department of Labor-Management Relations
939 shall do all in its power to promote the voluntary arbitration,
940 mediation and conciliation of disputes between employers and
941 employees, and to avoid strikes, picketing, lockouts, boycotts,
942 black list, discriminations and legal proceedings in matters of
943 employment. In pursuance of this duty the office may appoint
944 temporary boards of arbitration, provide necessary expenses of
945 such boards, order reasonable compensation for each member engaged
946 in such arbitration, prescribe rules for such arbitration boards,
947 conduct investigations and hearings, publish reports and
948 advertisements, and may do all things convenient and necessary to
949 accomplish the purpose. The office may designate a mediator and
950 may detail employees or persons not in the office from time to
951 time for the purpose of executing such provisions. Nothing in
952 this section shall be construed to in anyway prohibit or limit
953 employees' right to bargain collectively.

954 SECTION 22. The Office of Disabled Employee Assistance of
955 the Mississippi Department of Labor-Management Relations shall
956 function as an information clearinghouse and referral service for
957 employees and employers regarding any aspect of the federal
958 Americans With Disabilities Act, which prohibits discrimination in
959 all terms and conditions of employment regarding private and
960 public employers.

961 SECTION 23. This act shall take effect and be in force from
962 and after July 1, 2001.