HOUSE BILL NO. 1036

AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES WITHIN THE DEPARTMENT; TO PROVIDE FOR THE APPOINTMENT BY THE GOVERNOR OF THE COMMISSIONER OF LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DUTIES, POWERS AND FUNDS OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION SHALL BE TRANSFERRED TO THE OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF LABOR; TO REPEAL SECTIONS 71-5-103, 71-5-105 AND 71-5-107, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR MEETINGS AND COMPENSATION OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO EMPower THE DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL AND STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION PROGRAMS; 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 THERE TO; 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 WITHIN THE DEPARTMENT; TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL SALARY OF THE COMMISSIONER OF LABOR; TO AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO REMOVE CERTAIN FIXED SALARIES; 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 herein, unless the context shall otherwise require:

(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 work force 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 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 therefor, and in carrying out the purposes of this act, the department is authorized:

(a) To expend funds received either by appropriation or directly from federal or private sources;
(b) To 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 such programs, facilities and services as may be necessary or desirable;
(c) To enter into reciprocal agreements with other states to provide for the services authorized by this act to residents of the states concerned;
(d) To conduct research and compile statistics relating to the provision of services to or the need of services by individuals;

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

(f) To take such 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 department shall be denominated the Commissioner of Labor who shall be appointed by the Governor. His term of office shall be for four (4) years as that of other state officials. 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 such employees shall be subject to the rules and regulations adopted and promulgated by the State Personnel Board as created under Section 25-9-101 et seq.

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

(a) Shall 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 such other regulations as he finds necessary to carry out the purposes of this act and in conformity with federal law;
(b) Shall establish appropriate subordinate administrative units within the department;

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

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

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

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

71-5-101. From and after the effective date of this act, the duties and powers of the Mississippi Employment Security Commission and all equipment, supplies, records and any funds appropriated by the Legislature to the Mississippi Employment Security Commission shall be transferred to the Office of Employment Security in the Mississippi Department of Labor created in House Bill No._____, 2002 Regular Session. From and after the effective date of this act, the Mississippi Employment Security Commission shall be abolished. Any reference in this chapter to "Mississippi Employment Security Commission" or "commission" means the Office of Employment Security within the Mississippi Department of Labor created in this act.
SECTION 6. Sections 71-5-103, 71-5-105 and 71-5-107, Mississippi Code of 1972, which provide for meetings and compensation of the Mississippi Employment Security Commission, are repealed.

SECTION 7. The Office of Job Development and Training of the Mississippi Department of Labor shall administer and coordinate as necessary the following federally 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. Section 7-1-351, Mississippi Code of 1972, is amended as follows:

7-1-351. The Office of Job Development and Training of the 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 Department of Labor. The Commissioner of Labor may assign to appropriate divisions powers and duties as deemed appropriate to carry out the lawful functions of the department.

SECTION 9. Section 7-1-355, Mississippi Code of 1972, is amended as follows:

7-1-355. The Office of Job Development and Training, Department of Labor is hereby 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 thereunder, and is hereby authorized to take all necessary action to secure to this state the benefits of such legislation. The Office of Job Development
and Training is empowered to receive and disburse funds for such programs which become available to it from any source.

SECTION 10. Section 7-1-357, Mississippi Code of 1972, is amended as follows:

7-1-357. The Office of Job Development and Training, Department of Labor, is 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 11. Section 7-1-361, Mississippi Code of 1972, is amended as follows:

7-1-361. The Office of Job Development and Training, 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 12. 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 Division of Vocational-Technical Education of the State Department of Education all programs embracing an institutional training component. Such programs shall be contracted to the Division of Vocational-Technical Education of the State 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 such systems.

SECTION 13. Section 7-1-365, Mississippi Code of 1972, is amended as follows:

7-1-365. The State Department of Education, Vocational-Technical Division, the board of trustees of any junior
college district, the board of trustees of any school district, the Mississippi Employment Security Commission, and the Office of Job Development and Training, Department of Labor, shall cooperate in carrying out the provisions of Sections 7-1-351 through 7-1-371.

**SECTION 14.** The Office of Industry Service and Industry Start-up Training in the Mississippi Department of Labor shall contract with the State Board of Community/Junior Colleges, and the Division of Vocational-Technical Education of the State Department of Education 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 15.** 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 such boards, order reasonable compensation for each member engaged in such arbitration, prescribe rules for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all things convenient and necessary to accomplish the purpose. 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 such provisions. Nothing in this section shall be construed to in anywise prohibit or limit employees' right to bargain collectively.

**SECTION 16.** 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 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......................................... $101,800.00
- Attorney General.................................. 90,800.00
- Secretary of State.................................. 75,000.00
- Commissioner of Insurance.......................... 75,000.00
- State Treasurer.................................... 75,000.00
- State Auditor of Public Accounts................. 75,000.00
- Commissioner of Agriculture and Commerce......... 75,000.00
- Transportation Commissioners....................... 65,000.00
- Public Service Commissioners....................... 65,000.00
- Commissioner of Labor.............................. 75,000.00

The above fixed salary of the Governor shall be the reference amount utilized in computing average compensation and earned compensation pursuant to Section 25-11-103(f) and Section 25-11-103(k) and to related sections which require such computations.

**SECTION 18.** Section 25-3-33, Mississippi Code of 1972, is amended as follows:

25-3-33. The annual salaries of the following appointive state and district officials and employees are fixed as follows:

- Deputy Attorney General, not to exceed............ $72,800.00
- Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed....................... 68,400.00
- Military Department--National Guard:
  - Adjutant General.................................. 80,000.00
Department of Banking and Consumer Finance:

Commissioner .................................. 85,000.00
Chairman of the State Tax Commission

(Commissioner of Revenue) .......................... 91,000.00
Associate Commissioners, each .................. 42,000.00
Director of Emergency Management Agency ........ 65,000.00

Department of Public Safety:

Commissioner of Public Safety .................. 80,000.00
Director, Office of Mississippi

Highway Safety Patrol, or his successor ........... 70,000.00
Director, Office of Support Services,
or his successor ..................................... 70,000.00

Department of Human Services:

Director, not to exceed .......................... 85,000.00

Workers' Compensation Commission:

Chairman ........................................... 80,000.00
Members, each ..................................... 78,000.00
Executive Director ................................. 75,000.00
Administrative Judge, each ....................... 75,000.00

Archives and History:

Director, not to exceed .......................... 70,000.00
State Forester ..................................... 70,000.00

State Oil and Gas Board:

Secretary-Supervisor .............................. 70,000.00

Educational Television Authority:

Executive Director ................................. 70,000.00

Director, Mississippi Library Commission,
not to exceed ....................................... 70,000.00

Executive Secretary, Public Service

Commission ......................................... 65,000.00

Parole Board:

Chairman ............................................ 50,000.00
Administrative Assistant for Parole Matters.................................. 42,000.00
Members, each.................................. 44,000.00
Governor’s State Bond Advisory Division:
Director...................................... 55,000.00

** Executive Director, Department of Mental Health, to be determined by the State
Board of Mental Health, not to exceed........... 85,000.00
Director, Division of Medicaid, not to exceed........................................ 85,000.00
Director, State Department of Transportation, not to exceed.................... 85,000.00
State Entomologist.................................. 65,000.00
Clerk of the Supreme Court................................. 60,000.00
State Aid Engineer, Division of State Aid Road Construction......................... 70,000.00
Executive Director, Judicial Performance Commission.................................. 65,000.00
Executive Director, Department of Finance and Administration..................... 85,000.00
Superintendent, Mississippi School for the Blind, to be determined by the State Board of Education, not to exceed............. 65,000.00
Superintendent, Mississippi School for the Deaf, to be determined by the State Board of Education, not to exceed............. 65,000.00
Executive Director, State Fair Commission............... 65,000.00
Executive Director, Department of Wildlife, Fisheries and Parks.................... 80,000.00
Executive Director, Department of Environmental Quality......................... 85,000.00
Executive Director, Pat Harrison Waterway District ........................................ 65,000.00
Executive Director, Pearl River Basin Development District .................. 61,000.00
Executive Director, Pearl River Valley Water Supply District .................. 71,000.00
Executive Director, Tombigbee River Valley Water Management District ..... 61,000.00
Director, Soil and Water Conservation Commission ............................. 60,000.00
Commissioner, Mississippi Department of Corrections ........................ 85,000.00
Executive Director, Mississippi Department of Information Technology Services ........... 85,000.00
Director, Mississippi Bureau of Narcotics ............................... 60,000.00
Executive Secretary, State Veterans Affairs Board ......................... 55,000.00
Executive Officer, Veterans' Home Purchase Board ............................ 65,000.00
Chief Administrative Officer, Motor Vehicle Commission ........................ 55,000.00
Stadium Manager, Mississippi Veterans Memorial Stadium ..................... 55,000.00
Executive Director, Mississippi Arts Commission ................................. 55,000.00
Director, Mississippi Board of Nursing ................................... 60,000.00
Director, State Board of Pharmacy .................................. 60,000.00
Director, State Board of Public Contractors ..................... 50,000.00
Director, Real Estate Commission ................................ 55,000.00
Director of Support Services, Department of Rehabilitation Services ............ 80,000.00
Executive Director, State Fire Academy .................................. 55,000.00
Executive Director, Law Enforcement
Officers Training Academy .................. 50,000.00
Executive Director, State Board of
Accountancy .................................. 60,000.00
Executive Director, Mississippi Gaming
Commission .................................. 90,000.00
Executive Director, Mississippi Department
of Marine Resources ....................... 70,000.00
Executive Director, State Board of
Registration for Professional
Engineers and Land Surveyors ............ 55,000.00
Executive Director, Public Utilities Staff .... 85,000.00
State Law Librarian .......................... 60,000.00
State Personnel Director .................... 75,000.00
Manager, Farmers Central Market, Department
of Agriculture and Commerce .............. 40,000.00
State Veterinarian .......................... 70,000.00
Executive Director, Mississippi Ethics
Commission .................................. 70,000.00

SECTION 19. This act shall take effect and be in force from
and after July 1, 2002.