To: Labor; Appropriations

MISSISSIPPI LEGISLATURE
By: Senator(s) Johnson (38th)

SENATE BILL NO. 2847


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) "Board" means the State Board of Labor-Management Relations;

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

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

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

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

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

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

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

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

(a) The Office of Employment Security;

(b) The Office of Workplace Safety and Health;

(c) The Office of Job Development and Training;

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

(e) The Office of Disabled Employee Assistance.

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

(a) The term of the member from the First Congressional District shall expire on July 1, 2003;
(b) The term of the member from the Second Congressional District shall expire on July 1, 2006;
(c) The term of the member from the Third Congressional District shall expire on July 1, 2005;
(d) The term of the member from the Fourth Congressional District shall expire on July 1, 2004; and
(e) The term of the member from the Fifth Congressional District shall expire on July 1, 2005.

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

(2) The board shall elect a chairperson from its membership at the first meeting of the original board members and every two years thereafter on July 15 of the year. A majority of the membership of the board shall constitute a quorum for the transaction of any business, and the board shall meet at least quarterly and hold other meetings as are necessary for the purpose of conducting required business. All meetings of the board shall
be called by the chairperson, except the first meeting of the
original board members, which shall be called by the Governor.

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

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

SECTION 5. (1) The State Board of Labor-Management
Relations shall appoint an Executive Director of the State
Department of Labor-Management Relations, in accordance with
standards established by the State Personnel Board and on the
basis of his education, training, experience and demonstrated
ability. The executive director shall serve as secretary and
executive officer of the board, and he shall serve at the will and
pleasure of the board. The salary of the executive director shall
be set by the board, subject to the approval of the State
Personnel Board, and shall be provided for out of any funds made
available for such purpose by the Legislature, the federal
government or other gifts or grants. The executive director shall
be responsible to the board for the proper administration of the
programs of labor-management relations provided under this act in
conformity with the policies adopted by the board 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., Mississippi Code of
1972.

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

(a) Shall, with the approval of the board, 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, with the approval of the board, establish appropriate subordinate administrative units within the department;

(c) Shall prepare and submit to the board and 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, with the approval of the board, take such other action as he deems necessary or appropriate to effectuate the purposes of this act;

(g) May, with the approval of the board, 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 6. Section 71-5-101, Mississippi Code of 1972, is amended as follows:

71-5-101. (1) There shall be a commission of three members to be known as the Mississippi Employment Security Commission. One member of said commission shall be a representative of employees. The members of the commission shall be appointed by the governor, one from each supreme court district, and the governor shall designate one member as chairman. The commissioners initially appointed shall serve for terms of two, four, and six years respectively, as designated by the governor. Thereafter the term of office of each commissioner shall be four
years, with said terms expiring at two-year intervals. Any
appointment to a vacancy shall be for the unexpired term in
question, and from the supreme court district in which such
vacancy occurred. No commissioner shall, during his term of
office, serve as an officer or committee member of any political
party organization.

(2) From and after July 1, 2002, the State Board of
Labor-Management Relations created under Section 3 of Senate Bill
No. 2847, 2002 Regular Session, shall be the Mississippi
Employment Security Commission. From and after July 1, 2002, the
Mississippi Employment Security Commission shall be abolished,
provided that any member of the commission presently serving may
be appointed to the Board of Labor-Management Relations if
otherwise eligible for such appointment. Any reference in Senate
Bill No. 2847, 2002 Regular Session, to "Mississippi Employment
Security Commission" or "commission" shall mean the State Board of
Labor-Management Relations created in Senate Bill No. 2847, 2002
Regular Session.

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

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

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

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

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

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

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

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

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

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

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

(b) To make or cause to be made all necessary
inspections to see that all laws and rules made pursuant thereto
which the division has the duty, power and authority to enforce,
are promptly and effectively carried out;
(c) To make investigations, collect and compile statistical information and report upon the conditions of labor generally, and upon all matters relating to the enforcement and effect of the provisions of this section and of the rules issued thereunder;

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

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

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

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

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

(2) It shall be the duty of the Office of Workplace Safety and Health to visit, without notice of its intention to do so, all mills, canneries, workshops, factories, or manufacturing establishments employing child labor at least twice each year, or oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children afflicted with infectious, contagious, or
communicable diseases, or whose physical condition renders such child or children incapacitated to perform the work required of them. The sheriff shall promptly remove such child or children from such mill, cannery, workshop, factory, or manufacturing establishment, and order the premises put in sanitary condition. The judgment of the Office of Workplace Safety and Health as to the physical condition of the children and the sanitary condition of the premises shall be final and conclusive.

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

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

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

71-1-27. Any officer, manager, or superintendent of any mill, cannery, workshop, factory, or manufacturing establishment in which child labor is employed who shall fail or refuse to give true and correct information demanded of him by any officer hereinbefore directed to inspect such mill, cannery, workshop, factory, or manufacturing establishment, or who shall fail or refuse to obey any lawful order of the Office of Workplace Safety and Health or the sheriff * * * the county in which said mill,
cannery, workshop, factory, or manufacturing establishment is located for carrying out the purpose of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00).

SECTION 11. (1) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall administer and coordinate as necessary federally and state-funded employment, training and employment-related education programs. The following training programs and funds shall be transferred to the Department of Labor-Management Relations on July 1, 2003:

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

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

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

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

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

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

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

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

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

(2) (a) All powers, duties and functions of the State Board
for Community and Junior Colleges or the State Department of
Education and the State Board of Education that are being
exercised or performed by the Division of Vocational Education on
June 30, 2002, utilizing funds from all sources for Adult
Education and Industrial Services training, either directly or
indirectly, are hereby transferred to the Office of Job
Development and Training of the Mississippi Department of
Labor-Management Relations on July 1, 2003. All powers, duties
and functions of the State Department of Education and the State
Board of Education that are being exercised or performed by the
Division of Vocational Education on June 30, 2002, utilizing funds
from all sources for all postsecondary vocational-technical
education training funds, all postsecondary Tech Prep funds, Carl
Perkins funds and all Temporary Assistance to Needy Families
(TANF) workforce training funds, are hereby transferred to the
Office of Job Development and Training of the Mississippi
Department of Labor-Management Relations on July 1, 2003. All
records, property and contractual rights and obligations of, and
unexpended balances of appropriations and any other allocations
to, the State Board for Community and Junior Colleges or the State
Department of Education that relate to the powers, duties and
functions exercised or performed for such programs on June 30,
2002, shall be transferred to the Office of Job Development and
Training of the Mississippi Department of Labor-Management Relations on or before July 1 of 2002 or 2003. The State Fiscal Officer shall transfer to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations all funds that are allocated to the State Board for Community and Junior Colleges or the State Department of Education for such programs and such funds shall be used by the Office of Labor-Management Relations under the same terms and conditions as specified for those funds in the applicable appropriation bill. Sufficient staff shall be transferred from the agencies that will, by virtue of this act have a reduction in training and educational responsibilities, to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to assure that those transferred responsibilities shall be properly managed and administered. Determinations as to which jobs shall be transferred shall be made by agreement between the Executive Director of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations and the chief executive of the affected transferring agencies utilizing information provided by the Legislative Budget Office necessary for the determination of personnel needs and costs of supportive services. In the event that an agreement cannot be reached between the parties, reassignments shall be created by the Legislature through the agencies' appropriation bills. Authorized transition activities may include, but not be limited to, the enhancement of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to manage the additional federal and state funds, budgeting, accounting, grant management, property management, personnel, legal and/or other administrative services. The State Board for Community and Junior Colleges or the State Department of Education shall retain responsibility to manage the closeout of all grants relating to
Industrial Training Programs and Adult Education Programs, and postsecondary vocational-technical programs and postsecondary Carl Perkins programs at the end of June 30, 2003, and shall be authorized to retain sufficient grant funds to properly close-out said grant activities. Upon closeout of such grants, any remaining funds will be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations by the State Fiscal Officer. The State Board for Community and Junior Colleges or the State Department of Education shall assist the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations with the greatest degree of cooperation to carry out the intent and purpose of this act and to accomplish an orderly transition.

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

(c) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall enter into a contract with the State Department of Education that clarifies that the State Department of Education will continue to be the designated recipient of the Carl Perkins funds at the state level and said funds will continue to be administered and used in accordance with federal guidelines. The contract shall specify that all Carl Perkins funds used for postsecondary training and other purposes will be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations and that the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall enter...
Relations shall have the responsibility and authority to direct and oversee such programs as may be financed with such funds. (5) All powers, duties and functions of the Mississippi Department of Economic and Community Development that are being exercised or performed on June 30, 2002, and any state level adult education and training funds made available by any successor program to JTPA, including the Workforce Investment Act of 1998, utilizing funds from all sources for adult education and training, either directly or indirectly, are hereby transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations on July 1, 2003. The programs and funds to be transferred shall include all Job Training Partnership Act (JTPA) funds, State Occupational Information and Coordinating Committee (SOICC) funds, and any other Comprehensive Employment and Training Act of 1973 federally funded support program funds presently administered by the Mississippi Department of Economic and Community Development and subcontracted to the Mississippi Employment Security Commission. All records, property and contractual rights and obligations of, and unexpended balances of appropriations and any other allocations to, the Mississippi Department of Economic and Community Development that relate to the powers, duties and functions exercised or performed for such programs on June 30, 2002, shall be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations on or before July 1, 2003. The State Fiscal Officer shall transfer to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations all funds that are allocated to the Mississippi Department of Economic and Community Development for such programs and such funds shall be used by the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations under the
same terms and conditions as specified for those funds in the applicable appropriation bill.

Sufficient staff shall be transferred from the agencies that will, by virtue of this act have a reduction in training and educational responsibilities, to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to assure that those transferred responsibilities shall be properly managed and administered. Determinations as to which jobs shall be transferred shall be made by agreement between the Executive Director of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations and the chief executive of the affected transferring agencies utilizing information provided by the Legislative Budget Office necessary for the determination of personnel needs and costs of supportive services. In the event that an agreement cannot be reached between the parties, reassignments shall be created by the Legislature through the agencies' appropriation bills. Authorized transition activities may include, but not be limited to, the enhancement of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to manage the additional federal and state funds, budgeting, accounting, grant management, property management, personnel, legal and/or other administrative services. The Mississippi Department of Economic and Community Development shall retain responsibility to manage the closeout of all grants relating to such programs until the end of June 30, 2004, and shall be authorized to retain sufficient grant funds to properly close out said grant activities. Upon closeout of such grants, any remaining funds will be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations by the State Fiscal Officer. The Mississippi Department of Economic and Community Development shall assist the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations.
Relations with the greatest degree of cooperation to carry out the intent and purpose of this act and to accomplish an orderly transition.

(6) All powers, duties and functions of the Department of Human Services that are being exercised or performed on June 30, 2002, utilizing funds from all sources for training recipients and clients of the Temporary Assistance for Needy Families program (TANF), either directly or indirectly, are hereby transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations on July 1, 2003. All records, property and contractual rights and obligations of, and unexpended balances of appropriations and any other allocations to, the Department of Human Services that relate to the powers, duties and functions exercised or performed for such programs on June 30, 2002, shall be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations on or before July 1, 2003. The State Fiscal Officer shall transfer to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations all funds that are allocated to the Department of Human Services for such programs and such funds shall be used by the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations under the same terms and conditions as specified for those funds in the applicable appropriation bill. Sufficient staff shall be transferred from the agencies that will, by virtue of this act have a reduction in training and educational responsibilities, to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to assure that those transferred responsibilities shall be properly managed and administered. Determinations as to which jobs shall be transferred shall be made by agreement between the Executive Director of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations and the affected agencies.
Labor-Management Relations and the chief executive of the affected transferring agencies utilizing information provided by the Legislative Budget Office necessary for the determination of personnel needs and costs of supportive services. In the event that an agreement cannot be reached between the parties, reassignments shall be created by the Legislature through the agencies' appropriation bills. Authorized transition activities may include, but not be limited to, the enhancement of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations to manage the additional federal and state funds, budgeting, accounting, grant management, property management, personnel, legal and or other administrative services. The Department of Human Services shall retain responsibility to manage the closeout of all grants relating to such programs at the end of June 30, 2003, and shall be authorized to retain sufficient closeout of such grants, any remaining funds will be transferred to the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations by the State Fiscal Officer. Identification, eligibility, certification, enrollment, follow-up, performance standards and sanction liabilities of the TANF clients will remain the sole responsibility of the Department of Human Services. The Department of Human Services shall assist the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations with the greatest degree of cooperation to carry out the intent and purpose of this act and to accomplish an orderly transition.

(7) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall set aside from its annual appropriation from the Legislature "incentive funds" to be used exclusively by the Executive Director of the Department of Economic and Community Development, at his discretion, for the purpose of bringing additional economic
development activity to the state which includes, but is not
limited to, strengthening the environment within our communities
for entrepreneurial growth, retaining and creating jobs, and
fostering an expanding and globally competitive economy. The
Department of Economic and Community Development, in conjunction
with the Office of Job Development and Training of the Mississippi
Department of Labor-Management Relations, shall develop a
memorandum which authorizes the Executive Director of the
Department of Economic and Community Development to commit said
"incentive funds" and provide for use of funds, including, but not
limited to, how funds will be expended, for what purpose, and time
frame for use, subject to approval by the Legislature. If
"incentive funds" set aside for exclusive use by the Executive
Director of the Department of Economic and Community Development
are not expended for stated purposes by March 30 of each funding
period, said monies will revert back to the annual appropriation
funds of the Office of Job Development and Training of the
Mississippi Department of Labor-Management Relations to be
allocated for projects by the end of June 30 with "carryover"
authority to the next funding year granted to the Office of Job
Development and Training of the Mississippi Department of
Labor-Management Relations for funds not expended. The Office of
Job Development and Training of the Mississippi Department of
Labor-Management Relations will set accountability guidelines for
use of such incentive funds.

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

37-4-17. (1) The Legislature shall appropriate to the
Office of Job Development and Training of the Mississippi
Department of Labor-Management Relations those state funds to be
expended for postsecondary vocational-technical education. The
Office of Job Development and Training of the Mississippi
Department of Labor-Management Relations shall set standards for,
approve and expend funds for all postsecondary vocational and technical education programs. The Executive Director of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall be responsible to the state board for the proper administration of the programs of postsecondary vocation and technical education in conformity with the policies adopted by the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations and shall be responsible for appointing any necessary employees to assist in carrying out said programs.

(2) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations 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 Office of Job Development and Training of the Mississippi Department of Labor-Management Relations. The Executive Director of the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations may assign to appropriate divisions powers and duties as deemed appropriate to carry out the lawful functions of the department.

(3) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations is hereby designated as the sole administrator of all programs for which the state is the prime sponsor under the Comprehensive Employment and Training Act of 1973, as amended (29 USCA 801 et seq.), 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 of the Mississippi Department of Labor-Management Relations is empowered to receive and disburse funds for such programs which become available to it from any source.
(4) The Office of Job Development and Training of the Mississippi Department of Labor-Management Relations 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 this section.

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

(6) To the maximum extent practicable, all programs embracing an institutional training component 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.

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

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

37-3-25. (1) The Director of the Division of Vocational and Technical Education of the State Department of Education who shall be an associate state superintendent of education shall be appointed by the State Superintendent of Public Education. The director's salary shall be set by the State Board of Education subject to the approval of the State Personnel Board. His salary, compensation, travel expenses or other expenses shall be provided
for out of any funds made available for such purpose by the
Legislature, the federal government, or other gifts or grants.
The director shall be responsible to the State Superintendent of
Public Education for the proper administration of the programs of
primary and secondary vocational and technical education in
conformity with the policies adopted by the State Board of
Education and shall be responsible for appointing any necessary
supervisors, assistants, and employees to assist in carrying out
the programs of primary and secondary vocational and technical
education. The director shall have the authority to employ,
compensate, terminate, promote, demote, transfer or reprimand
employees of the division. 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) The Director of the Division of Vocational and Technical
Education, subject to the approval of the State Board of
Education, shall have charge of and be responsible for primary and
secondary vocational and technical education training in:

(a) Agriculture;
(b) Occupational and consumer home economics;
(c) Consumer and homemaking education;
(d) Trades and industry;
(e) Distributive education;
(f) Secondary adult education;
(g) Teacher training and supervision;
(h) Business and office;
(i) Health;
(j) Industrial arts;
(k) Guidance services;
(l) Technical education;
(m) Cooperative education; and
(n) All other specialized primary and secondary training.

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

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

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

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

(c) Allocate funds on an annual budgetary basis;

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

(e) Set and publish licensure standards for primary and secondary vocational and technical education personnel. The State Board of Education shall recognize a vocational and technical education teacher's work when school is not in session which is in...
the teacher's particular field of instruction as a means for the teacher to fulfill the requirements for renewal of the teacher's license. The board shall establish, by rules and regulations, the documentation of such work which must be submitted to the board and the number of actual working hours required to fulfill renewal requirements. If a vocational and technical education teacher who does not have a bachelor's degree takes classes in fulfillment of licensure renewal requirements, such classes must be in furtherance of a bachelor's degree;

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

(g) Expend funds to expand career information;

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

(c) To utilize the services of all state agencies having information regarding the purposes of this chapter;
(d) To cooperate with the State Board for Community and Junior Colleges to prevent duplication and provide continuity of employment and training services;
(e) To conduct evaluations of the success or failure of primary and secondary vocational-technical programs, including the extent to which training actually leads to jobs in the field in which the student was trained;
(f) Obtain and publish data and information on program performance from those primary and secondary vocational-technical programs receiving state funds; and
(g) To notify local school districts *** prior to March 1 annually of any discontinuation of ongoing vocational programs which would affect the renewing of contracts with vocational personnel.

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

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

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

(a) Advise the State Board of Education in the development of comprehensive policies and programs for the improvement of primary and secondary vocational-technical education in the state;
(b) Assist in the formulation of rules, regulations and standards relating to primary and secondary vocational-technical education programs by submitting written recommendations prior to their adoption and promulgation by the board; and
(c) Assist in the promotion of public understanding of the purposes, policies and practices regarding primary and secondary vocational-technical education in this state.

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

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

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

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

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

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

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

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

57-61-42. (1) Notwithstanding any provision of this chapter to the contrary, the Office of Job Development and Training of the Mississippi Department of Labor-Management Relations shall utilize not more than Three Million Five Hundred Thousand Dollars ($3,500,000.00) out of the proceeds of bonds issued in this
chapter to provide funds for a job recruitment, training, development, counseling, motivation and referral services program for less developed counties of this state. The services provided under this program shall include, but not be limited to, the following:

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

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

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

(4) As used in this section the term "less developed counties" means the twenty-eight (28) counties in this state ranked and designated annually by the State Tax Commission as having the highest unemployment rate for the most recent thirty-six-month period. The State Tax Commission shall make such ranking and designation annually by December 31, using the most current data available from the University Research Center, Mississippi State Employment Security Commission and the United States Department of Commerce.
SECTION 20. Sections 7-1-351, 7-1-355, 7-1-357, 7-1-361, 7-1-363, 7-1-365 and 7-1-371, Mississippi Code of 1972, which authorize the Department of Economic and Community Development to administer, issue regulations and enter into contracts regarding the federal Comprehensive Employment and Training Act programs, are hereby repealed.

SECTION 21. The Office of Employee Relations and Job Discrimination of the Department of Labor-Management Relations 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 anyway prohibit or limit employees' right to bargain collectively.

SECTION 22. The Office of Disabled Employee Assistance of the Mississippi Department of Labor-Management Relations 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 23. This act shall take effect and be in force from and after July 1, 2002.