

By: Representative Evans

To: Labor; Appropriations

HOUSE BILL NO. 763

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET
 2 FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES WITHIN
 3 THE DEPARTMENT; TO PROVIDE FOR THE APPOINTMENT BY THE GOVERNOR OF
 4 THE COMMISSIONER OF LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI
 5 CODE OF 1972, TO PROVIDE THAT THE DUTIES, POWERS AND FUNDS OF THE
 6 MISSISSIPPI EMPLOYMENT SECURITY COMMISSION SHALL BE TRANSFERRED TO
 7 THE OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF
 8 LABOR; TO REPEAL SECTIONS 71-5-103, 71-5-105 AND 71-5-107,
 9 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR MEETINGS AND
 10 COMPENSATION OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO
 11 EMPOWER THE DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE
 12 CERTAIN FEDERAL AND STATE-FUNDED JOB TRAINING AND
 13 EMPLOYMENT-RELATED EDUCATION PROGRAMS; TO AMEND SECTIONS 7-1-351,
 14 7-1-355, 7-1-357, 7-1-361, 7-1-363 AND 7-1-365, MISSISSIPPI CODE
 15 OF 1972, IN CONFORMITY THERETO; TO PRESCRIBE THE RESPONSIBILITIES
 16 OF THE OFFICE OF INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING,
 17 THE OFFICE OF EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE
 18 OFFICE OF DISABLED EMPLOYEE ASSISTANCE WITHIN THE DEPARTMENT; TO
 19 AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL
 20 SALARY OF THE COMMISSIONER OF LABOR; TO AMEND SECTION 25-3-33,
 21 MISSISSIPPI CODE OF 1972, TO REMOVE CERTAIN FIXED SALARIES; AND
 22 FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following terms shall have the meanings
 25 ascribed herein, unless the context shall otherwise require:

- 26 (a) "Commissioner" means the Commissioner of Labor.
- 27 (b) "Department" means the Mississippi Department of
 28 Labor.
- 29 (c) "Director" means the administrative head of an
 30 office.
- 31 (d) "Office" means an administrative subdivision of the
 32 department.

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

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



37 (b) To establish and oversee an effective and efficient
38 work force development system in Mississippi to enable residents
39 to acquire skills necessary to maximize their economic
40 self-sufficiency; and

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

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

46 (a) The Office of Employment Security;

47 (b) The Office of Job Development and Training;

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

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

52 (e) The Office of Disabled Employee Assistance.

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

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

60 (b) To cooperate with other departments, agencies and
61 institutions, both public and private, in providing the services
62 authorized by this act to individuals, in studying the problems
63 involved therein, and in establishing, developing and providing in
64 conformity with the purposes of this act such programs, facilities
65 and services as may be necessary or desirable;

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



69 (d) To conduct research and compile statistics relating
70 to the provision of services to or the need of services by
71 individuals;

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

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

80 **SECTION 4.** (1) The chief officer of the department shall be
81 denominated the Commissioner of Labor who shall be appointed by
82 the Governor. His term of office shall be for four (4) years as
83 that of other state officials. The commissioner shall receive a
84 compensation to be fixed by law. The commissioner shall be
85 responsible for the proper administration of the programs of
86 labor-management relations provided under this act and shall be
87 responsible for appointing directors of offices and any necessary
88 supervisors, assistants and employees. The salary and
89 compensation of such employees shall be subject to the rules and
90 regulations adopted and promulgated by the State Personnel Board
91 as created under Section 25-9-101 et seq.

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

94 (a) Shall promulgate regulations governing personnel
95 standards, the protection of records and confidential information,
96 the manner and form of filing applications, eligibility and
97 investigation and determination therefor, for labor-management
98 services, procedures for fair hearings and such other regulations
99 as he finds necessary to carry out the purposes of this act and in
100 conformity with federal law;



101 (b) Shall establish appropriate subordinate
102 administrative units within the department;

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

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

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

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

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

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

122 71-5-101. From and after the effective date of this act, the
123 duties and powers of the Mississippi Employment Security
124 Commission and all equipment, supplies, records and any funds
125 appropriated by the Legislature to the Mississippi Employment
126 Security Commission shall be transferred to the Office of
127 Employment Security in the Mississippi Department of Labor created
128 in House Bill No. _____, 2003 Regular Session. From and after the
129 effective date of this act, the Mississippi Employment Security
130 Commission shall be abolished. Any reference in this chapter to
131 "Mississippi Employment Security Commission" or "commission" means
132 the Office of Employment Security within the Mississippi
133 Department of Labor created in this act.



134 **SECTION 6.** Sections 71-5-103, 71-5-105 and 71-5-107,
135 Mississippi Code of 1972, which provide for meetings and
136 compensation of the Mississippi Employment Security Commission,
137 are repealed.

138 **SECTION 7.** The Office of Job Development and Training of the
139 Mississippi Department of Labor shall administer and coordinate as
140 necessary the following federally and state-funded employment,
141 training and employment-related education programs: (a) training
142 and employment-related education programs sponsored by the federal
143 Job Training Partnership Act; (b) employment programs under the
144 Wagner-Peyser Act; (c) employment, training and education programs
145 for welfare recipients funded by the federal JOBS and Basic Skills
146 Training Program within the Family Support Act; and (d) the
147 Comprehensive Employment and Training Act of 1973.

148 **SECTION 8.** Section 7-1-351, Mississippi Code of 1972, is
149 amended as follows:

150 7-1-351. The Office of Job Development and Training of the
151 Department of Labor shall be the Division of Job Development and
152 Training and shall retain all powers and duties granted by law to
153 the Division of Job Development and Training and wherever the term
154 "Division of Job Development and Training" shall appear in any law
155 it shall mean the Department of Labor. The Commissioner of Labor
156 may assign to appropriate divisions powers and duties as deemed
157 appropriate to carry out the lawful functions of the department.

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

160 7-1-355. The Office of Job Development and Training,
161 Department of Labor is hereby designated as the sole administrator
162 of all programs for which the state is the prime sponsor under
163 Title 1(B) of Public Law 105-220, Workforce Investment Act of
164 1998, and the regulations promulgated thereunder, and is hereby
165 authorized to take all necessary action to secure to this state
166 the benefits of such legislation. The Office of Job Development



167 and Training is empowered to receive and disburse funds for such
168 programs which become available to it from any source.

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

171 7-1-357. The Office of Job Development and Training,
172 Department of Labor, is * * * authorized to cooperate with or
173 enter into agreements with any agency, official, educational
174 institution or political subdivision of this state, any agency or
175 official of the government of the United States of America or any
176 private person, firm, partnership or corporation in order to carry
177 out the provisions of Sections 7-1-351 through 7-1-371.

178 **SECTION 11.** Section 7-1-361, Mississippi Code of 1972, is
179 amended as follows:

180 7-1-361. The Office of Job Development and Training,
181 Department of Labor, is authorized to promulgate such rules and
182 regulations as may be necessary to carry out the provisions of
183 Sections 7-1-351 through 7-1-371.

184 **SECTION 12.** Section 7-1-363, Mississippi Code of 1972, is
185 amended as follows:

186 7-1-363. To the maximum extent practicable, the Department
187 of Labor shall contract with the Division of Vocational-Technical
188 Education of the State Department of Education all programs
189 embracing an institutional training component. Such programs
190 shall be contracted to the Division of Vocational-Technical
191 Education of the State Department of Education, except those
192 programs funded by the Governor's special grant, shall be
193 coordinated with and complementary to the existing state public
194 educational systems and shall not be duplicative or competitive in
195 nature to such systems.

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

198 7-1-365. The State Department of Education,
199 Vocational-Technical Division, the board of trustees of any junior



200 college district, the board of trustees of any school district,
201 * * * and the Office of Job Development and Training, Department
202 of Labor, shall cooperate in carrying out the provisions of
203 Sections 7-1-351 through 7-1-371.

204 **SECTION 14.** The Office of Industry Service and Industry
205 Start-up Training in the Mississippi Department of Labor shall
206 contract with the State Board of Community/Junior Colleges, and
207 the Division of Vocational-Technical Education of the State
208 Department of Education to provide (a) all programs embracing an
209 existing industry or a new industrial training component, and (b)
210 all employment-related community/junior college or
211 employment-related secondary education programs.

212 **SECTION 15.** The Office of Employee Relations and Job
213 Discrimination in the Mississippi Department of Labor shall do all
214 in its power to promote the voluntary arbitration, mediation and
215 conciliation of disputes between employers and employees and to
216 avoid strikes, picketing, lockouts, boycotts, black list,
217 discriminations and legal proceedings in matters of employment.
218 In pursuance of this duty, the office may appoint temporary boards
219 of arbitration, provide necessary expenses of such boards, order
220 reasonable compensation for each member engaged in such
221 arbitration, prescribe rules for such arbitration boards, conduct
222 investigations and hearings, publish reports and advertisements,
223 and may do all things convenient and necessary to accomplish the
224 purpose. The office may designate a mediator and may detail
225 employees or persons not in the office from time to time for the
226 purpose of executing such provisions. Nothing in this section
227 shall be construed to in anywise prohibit or limit employees'
228 right to bargain collectively.

229 **SECTION 16.** The Office of Disabled Employee Assistance of
230 the Mississippi Department of Labor shall function as an
231 information clearinghouse and referral service for employees and
232 employers regarding any aspect of the federal Americans With



233 Disabilities Act, which prohibits discrimination in all terms and
234 conditions of employment regarding private and public employers.

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

237 25-3-31. The annual salaries of the following elected state
238 and district officers are fixed as follows:

239	Governor.....	\$101,800.00
240	Attorney General.....	90,800.00
241	Secretary of State.....	75,000.00
242	Commissioner of Insurance.....	75,000.00
243	State Treasurer.....	75,000.00
244	State Auditor of Public Accounts.....	75,000.00
245	Commissioner of Agriculture and Commerce.....	75,000.00
246	Transportation Commissioners.....	65,000.00
247	Public Service Commissioners.....	65,000.00
248	<u>Commissioner of Labor</u>	<u>75,000.00</u>

249 The above fixed salary of the Governor shall be the reference
250 amount utilized in computing average compensation and earned
251 compensation pursuant to Section 25-11-103(f) and Section
252 25-11-103(k) and to related sections which require such
253 computations.

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

256 25-3-33. The annual salaries of the following appointive
257 state and district officials and employees are fixed as follows:

258	Deputy Attorney General, not to exceed.....	\$72,800.00
259	Assistant Attorneys General shall each	
260	receive annual salaries in an amount	
261	to be fixed by the Attorney General	
262	but not to exceed.....	68,400.00

263 Military Department--National Guard:

264	Adjutant General.....	80,000.00
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265 Department of Banking and Consumer Finance:



266	Commissioner.....	85,000.00
267	Chairman of the State Tax Commission	
268	(Commissioner of Revenue).....	91,000.00
269	Associate Commissioners, each.....	42,000.00
270	Director of Emergency Management Agency.....	65,000.00
271	Department of Public Safety:	
272	Commissioner of Public Safety.....	80,000.00
273	Director, Office of Mississippi	
274	Highway Safety Patrol, or his	
275	successor.....	70,000.00
276	Director, Office of Support Services,	
277	or his successor.....	70,000.00
278	Department of Human Services:	
279	Director, not to exceed.....	85,000.00
280	Workers' Compensation Commission:	
281	Chairman.....	80,000.00
282	Members, each.....	78,000.00
283	Executive Director.....	75,000.00
284	Administrative Judge, each.....	75,000.00
285	Archives and History:	
286	Director, not to exceed.....	70,000.00
287	State Forester.....	70,000.00
288	State Oil and Gas Board:	
289	Secretary-Supervisor.....	70,000.00
290	Educational Television Authority:	
291	Executive Director.....	70,000.00
292	Director, Mississippi Library Commission,	
293	not to exceed.....	70,000.00
294	Executive Secretary, Public Service	
295	Commission.....	65,000.00
296	Parole Board:	
297	Chairman.....	50,000.00



298 Administrative Assistant for Parole
 299 Matters..... 42,000.00
 300 Members, each..... 44,000.00
 301 Governor's State Bond Advisory Division:
 302 Director..... 55,000.00
 303 * * *
 304 Executive Director, Department of Mental
 305 Health, to be determined by the State
 306 Board of Mental Health, not to exceed..... 85,000.00
 307 Director, Division of Medicaid, not to
 308 exceed..... 85,000.00
 309 Director, State Department of
 310 Transportation, not to exceed..... 85,000.00
 311 State Entomologist..... 65,000.00
 312 Clerk of the Supreme Court..... 60,000.00
 313 State Aid Engineer, Division of State Aid
 314 Road Construction..... 70,000.00
 315 Executive Director, Judicial Performance
 316 Commission..... 65,000.00
 317 Executive Director, Department of Finance
 318 and Administration..... 85,000.00
 319 Superintendent, Mississippi School for the
 320 Blind, to be determined by the State
 321 Board of Education, not to exceed..... 65,000.00
 322 Superintendent, Mississippi School for the
 323 Deaf, to be determined by the State
 324 Board of Education, not to exceed..... 65,000.00
 325 Executive Director, State Fair Commission..... 65,000.00
 326 Executive Director, Department of Wildlife,
 327 Fisheries and Parks..... 80,000.00
 328 Executive Director, Department of
 329 Environmental Quality..... 85,000.00



330	Executive Director, Pat Harrison Waterway	
331	District.....	65,000.00
332	Executive Director, Pearl River Basin	
333	Development District.....	61,000.00
334	Executive Director, Pearl River Valley	
335	Water Supply District.....	71,000.00
336	Executive Director, Tombigbee River Valley	
337	Water Management District.....	61,000.00
338	Director, Soil and Water Conservation	
339	Commission.....	60,000.00
340	Commissioner, Mississippi Department of	
341	Corrections.....	85,000.00
342	Executive Director, Mississippi Department	
343	of Information Technology Services.....	85,000.00
344	Director, Mississippi Bureau of Narcotics.....	60,000.00
345	Executive Secretary, State Veterans Affairs	
346	Board.....	55,000.00
347	Executive Officer, Veterans' Home Purchase	
348	Board.....	65,000.00
349	Chief Administrative Officer, Motor Vehicle	
350	Commission.....	55,000.00
351	Stadium Manager, Mississippi Veterans	
352	Memorial Stadium.....	55,000.00
353	Executive Director, Mississippi Arts	
354	Commission.....	55,000.00
355	Director, Mississippi Board of Nursing.....	60,000.00
356	Director, State Board of Pharmacy.....	60,000.00
357	Director, State Board of Public Contractors.....	50,000.00
358	Director, Real Estate Commission.....	55,000.00
359	Director of Support Services, Department of	
360	Rehabilitation Services.....	80,000.00
361	Executive Director, State Fire Academy.....	55,000.00



362	Executive Director, Law Enforcement	
363	Officers Training Academy.....	50,000.00
364	Executive Director, State Board of	
365	Accountancy.....	60,000.00
366	Executive Director, Mississippi Gaming	
367	Commission.....	90,000.00
368	Executive Director, Mississippi Department	
369	of Marine Resources.....	70,000.00
370	Executive Director, State Board of	
371	Registration for Professional	
372	Engineers and Land Surveyors.....	55,000.00
373	Executive Director, Public Utilities Staff.....	85,000.00
374	State Law Librarian.....	60,000.00
375	State Personnel Director.....	75,000.00
376	Manager, Farmers Central Market, Department	
377	of Agriculture and Commerce.....	40,000.00
378	State Veterinarian.....	70,000.00
379	Executive Director, Mississippi Ethics	
380	Commission.....	70,000.00

381 **SECTION 19.** This act shall take effect and be in force from
382 and after July 1, 2003.

