SENATE BILL NO. 2184

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 OF THE COMMISSIONER OF LABOR BY THE GOVERNOR; 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 THERETO; 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 25-3-33, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL SALARY OF THE COMMISSIONER OF LABOR; 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 workforce development system in Mississippi to enable residents to
acquire skills necessary to maximize their economic
self-sufficiency; and
(c) To provide Mississippi employers with the work
force they need to effectively compete in the changing world
economy.

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

(a) The Office of Employment Security;
(b) The Office of Job Development and Training;
(c) The Office of Industry Service and Industry
Start-up Training;
(d) The Office of Employee Relations and Job
Discrimination; and
(e) The Office of Disabled Employee Assistance.

SECTION 3. The 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 Senate Bill No. 2184, 2003 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,
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:

S. B. No. 2184
03/SS02/R338
PAGE 5
7-1-357. The Office of Job Development and Training, Department of Labor, is hereby authorized to cooperate with or enter into agreements with any agency, official, educational institution or political subdivision of this state, any agency or official of the government of the United States of America or any private person, firm, partnership or corporation in order to carry out the provisions of Sections 7-1-351 through 7-1-371.

SECTION 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 25-3-33, 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
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SECTION 18. This act shall take effect and be in force from and after July 1, 2003.