

By: Representatives Evans, Calhoun,
Cummings, Dedeaux, Fredericks, Green,
Reynolds, Robinson (63rd), Watson

To: Labor; Appropriations

HOUSE BILL NO. 1097

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; AND FOR RELATED PURPOSES.

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

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

24 (a) "Commissioner" means the Commissioner of Labor.

25 (b) "Department" means the Mississippi Department of
26 Labor.

27 (c) "Director" means the administrative head of an
28 office.

29 (d) "Office" means an administrative subdivision of the
30 department.

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

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

35 (b) To establish and oversee an effective and efficient
36 work force development system in Mississippi to enable residents

37 to acquire skills necessary to maximize their economic
38 self-sufficiency; and

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

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

44 (a) The Office of Employment Security;

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

46 (c) The Office of Industry Service and Industry
47 Start-up Training;

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

50 (e) The Office of Disabled Employee Assistance.

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

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

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

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

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

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

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

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

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

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

99 (b) Shall establish appropriate subordinate
100 administrative units within the department;

101 (c) Shall prepare and submit to the Legislature annual
102 reports of activities and expenditures and, before each regular

103 session of the Legislature, coordinate budget requests required
104 for carrying out this act and estimates of the amounts to be made
105 available for this purpose from all sources;

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

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

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

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

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

120 71-5-101. From and after the effective date of this act, the
121 duties and powers of the Mississippi Employment Security
122 Commission and all equipment, supplies, records and any funds
123 appropriated by the Legislature to the Mississippi Employment
124 Security Commission shall be transferred to the Office of
125 Employment Security in the Mississippi Department of Labor created
126 in House Bill No. _____, 2003 Regular Session. From and after the
127 effective date of this act, the Mississippi Employment Security
128 Commission shall be abolished. Any reference in this chapter to
129 "Mississippi Employment Security Commission" or "commission" means
130 the Office of Employment Security within the Mississippi
131 Department of Labor created in this act.

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

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

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

148 7-1-351. The Office of Job Development and Training of the
149 Department of Labor shall be the Division of Job Development and
150 Training and shall retain all powers and duties granted by law to
151 the Division of Job Development and Training and wherever the term
152 "Division of Job Development and Training" shall appear in any law
153 it shall mean the Department of Labor. The Commissioner of Labor
154 may assign to appropriate divisions powers and duties as deemed
155 appropriate to carry out the lawful functions of the department.

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

158 7-1-355. The Office of Job Development and Training,
159 Department of Labor is hereby designated as the sole administrator
160 of all programs for which the state is the prime sponsor under
161 Title 1(B) of Public Law 105-220, Workforce Investment Act of
162 1998, and the regulations promulgated thereunder, and is hereby
163 authorized to take all necessary action to secure to this state
164 the benefits of such legislation. The Office of Job Development
165 and Training is empowered to receive and disburse funds for such
166 programs which become available to it from any source.

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

169 7-1-357. The Office of Job Development and Training,
170 Department of Labor, is * * * authorized to cooperate with or
171 enter into agreements with any agency, official, educational
172 institution or political subdivision of this state, any agency or
173 official of the government of the United States of America or any
174 private person, firm, partnership or corporation in order to carry
175 out the provisions of Sections 7-1-351 through 7-1-371.

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

178 7-1-361. The Office of Job Development and Training,
179 Department of Labor, is authorized to promulgate such rules and
180 regulations as may be necessary to carry out the provisions of
181 Sections 7-1-351 through 7-1-371.

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

184 7-1-363. To the maximum extent practicable, the Department
185 of Labor shall contract with the Division of Vocational-Technical
186 Education of the State Department of Education all programs
187 embracing an institutional training component. Such programs
188 shall be contracted to the Division of Vocational-Technical
189 Education of the State Department of Education, except those
190 programs funded by the Governor's special grant, shall be
191 coordinated with and complementary to the existing state public
192 educational systems and shall not be duplicative or competitive in
193 nature to such systems.

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

196 7-1-365. The State Department of Education,
197 Vocational-Technical Division, the board of trustees of any junior
198 college district, the board of trustees of any school district,
199 * * * and the Office of Job Development and Training, Department
200 of Labor, shall cooperate in carrying out the provisions of
201 Sections 7-1-351 through 7-1-371.

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

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

227 **SECTION 16.** The Office of Disabled Employee Assistance of
228 the Mississippi Department of Labor shall function as an
229 information clearinghouse and referral service for employees and
230 employers regarding any aspect of the federal Americans With
231 Disabilities Act, which prohibits discrimination in all terms and
232 conditions of employment regarding private and public employers.

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

235 25-3-31. The annual salaries of the following elected state
236 and district officers are fixed as follows:

237	Governor.....	\$122,160.00
238	Attorney General.....	108,960.00
239	Secretary of State.....	90,000.00
240	Commissioner of Insurance.....	90,000.00
241	State Treasurer.....	90,000.00
242	State Auditor of Public Accounts.....	90,000.00
243	Commissioner of Agriculture and Commerce.....	90,000.00
244	Transportation Commissioners.....	78,000.00
245	Public Service Commissioners.....	78,000.00
246	<u>Commissioner of Labor.....</u>	<u>75,000.00</u>

247 If the person serving as Governor on December 31, 2003, is
248 reelected to the office of Governor for the term beginning in the
249 year 2004, he may choose not to receive the salary increase
250 authorized by this section, but to receive, instead, an annual
251 salary of One Hundred One Thousand Eight Hundred Dollars
252 (\$101,800.00) during his new term of office by filing a written
253 request with the Department of Finance and Administration.

254 The above fixed salary of the Governor shall be the reference
255 amount utilized in computing average compensation and earned
256 compensation pursuant to Section 25-11-103(f) and Section
257 25-11-103(k) and to related sections which require such
258 computations.

259 This section shall stand repealed from and after January 1,
260 2007.

261 **SECTION 18.** This act shall take effect and be in force from
262 and after July 1, 2004.