

By: Senator(s) Harden

To: Labor; Appropriations

SENATE BILL NO. 2367

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 OF THE COMMISSIONER  
 4 OF LABOR BY THE GOVERNOR; 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; AND  
 19 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

34 (b) To establish and oversee an effective and efficient  
35 workforce development system in Mississippi to enable residents to

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

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

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

43 (a) The Office of Employment Security;

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

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

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

49 (e) The Office of Disabled Employee Assistance.

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

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

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

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

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

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

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; and

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 Senate Bill No. 2367, 2004 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  
160 administrator of all programs for which the state is the prime  
161 sponsor under Title 1(B) of Public Law 105-220, Workforce  
162 Investment Act of 1998, and the regulations promulgated  
163 thereunder, and is hereby authorized to take all necessary action  
164 to secure to this state the benefits of such legislation. The  
165 Office of Job Development and Training is empowered to receive and

166 disburse funds for such programs which become available to it from  
167 any source.

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

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

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

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

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

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

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

197             7-1-365. The State Department of Education,  
198 Vocational-Technical Division, the board of trustees of any junior

199 college district, the board of trustees of any school district,  
200 the Mississippi Employment Security Commission, and the Office of  
201 Job Development and Training, Department of Labor, shall cooperate  
202 in carrying out the provisions of Sections 7-1-351 through  
203 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.** This act shall take effect and be in force from  
236 and after July 1, 2004.