

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.