

By: Representatives Lott, Weathersby, Rogers (61st), Jennings, Staples, Palazzo, Gunn, Hudson, Chism, Gregory, Rogers (14th), Akins, Vince, Nicholson, Moore, Reed, Turner, Aldridge To: Labor

HOUSE BILL NO. 1379  
(As Passed the House)

1 AN ACT TO CREATE THE MISSISSIPPI EMPLOYMENT PROTECTION ACT;  
2 TO PROVIDE PROCEDURES FOR NEWLY HIRED EMPLOYEES AND THEIR  
3 EMPLOYERS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1. Title.** This act shall be known as the  
7 "Mississippi Employment Protection Act."

8 **SECTION 2.** The provisions of this act shall be enforced  
9 without regard to race, gender, religion, ethnicity, or national  
10 origin.

11 **SECTION 3. Definitions.** For the purpose of this act only,  
12 the following words shall have the meanings ascribed herein unless  
13 the content clearly states otherwise:

14 (a) "Employer" is any person or business that is  
15 required by federal or state law to issue a United States Internal  
16 Revenue Service Form W-2 or Form 1099 to report income paid to  
17 employed or contracted personnel in Mississippi.

18 (b) "Employee" is any person or entity that is hired to  
19 perform work within the State of Mississippi and to whom a United  
20 States Internal Revenue Service Form W-2 or Form 1099 must be  
21 issued.

22 (c) "Third-Party Employer" is any person or company  
23 that provides workers for another person or company. This  
24 includes, but is not limited to, leasing companies and contract  
25 employers.

26 **SECTION 4. Employee Verification.** (1) Employers in the  
27 State of Mississippi shall only hire employees who are legal  
28 citizens of the United States of America or are legal aliens. For

29 purposes of this section, a legal alien is an individual who was  
30 lawfully present in the United States at the time of employment  
31 and for the duration of employment, or was permanently residing in  
32 the United States under color of law at the time of employment and  
33 for the duration of employment.

34 (2) All employers in the State of Mississippi shall follow  
35 federal laws and guidelines for the verification of an employee's  
36 true identity and work authorization.

37 **SECTION 5. Employer Liability.** Any employer that complies  
38 with the requirements of this act shall be held harmless by the  
39 Mississippi Department of Employment Security, provided the  
40 employer is not directly involved in the creation of any false  
41 documents, and provided that the employer did not knowingly and  
42 willfully accept false documents from the employee.

43 **SECTION 6. Third-Party Employers.** (1) All third-party  
44 employers that conduct business in Mississippi shall register to  
45 do business in Mississippi with the Mississippi Department of  
46 Employment Security before placing employees into the workforce in  
47 Mississippi.

48 (2) Third-party employers shall provide proof of  
49 registration to any Mississippi employer with whom they do  
50 business.

51 **SECTION 7. State Agencies.** Each state agency, department or  
52 political subdivision shall meet the same requirements as  
53 employers in Sections 4 and 5 of this act.

54 **SECTION 8. Penalties for Noncompliance.** (1) Any employer  
55 violating the provisions of this act shall be subject to the  
56 following penalties:

57 (a) Cancellation of any state or public contract,  
58 resulting in ineligibility for any state or public contract for up  
59 to three (3) years; or

60 (b) The loss of any license, permit, certificate, or  
61 other document granted to the employer by any agency, department

62 or government entity in the State of Mississippi for the right to  
63 do business in Mississippi for up to one (1) year; or

64 (c) A fine up to One Thousand Dollars (\$1,000.00) to  
65 any employer with a state or public contract or any employer that  
66 has been issued any license, permit, certificate or other document  
67 by any agency, department, or government entity in the State of  
68 Mississippi granting the right to do business in Mississippi; or

69 (d) A combination of one or more of the above  
70 penalties.

71 (2) Any person or entity that is penalized under this act  
72 shall have the right to appeal to the Mississippi Department of  
73 Employment Security and to the circuit court of competent  
74 jurisdiction.

75 **SECTION 9. Employer-Employee Programs.** (1) There is  
76 created a function of Employer-Employee Programs within the  
77 Mississippi Department of Employment Security.

78 (2) The duties of the Employer-Employee Programs shall be  
79 to:

80 (a) To assist companies and agencies in finding  
81 qualified United States citizens and qualified legal foreign  
82 workers as employees;

83 (b) To create education materials for employers and the  
84 community to assist in the compliance of this act.

85 **SECTION 10. Exemptions.** (1) The provisions of this act  
86 shall not apply to:

87 (a) An employer who hires an employee through a state  
88 or federal work program that requires verification of the  
89 employee's social security number or provides for verification of  
90 the employee's lawful presence in the United States in an  
91 employment-authorized immigration status;

92 (b) Any candidate for employment referred by the  
93 Mississippi Department of Employment Security, if the Mississippi  
94 Department of Employment Security has verified the social security

95 number or provides for verification of the candidate's lawful  
96 presence in the United States in an employment-authorized  
97 immigration status.

98 (2) Neither shall the provisions of this act apply to  
99 individual homeowners who hire workers on their private property  
100 for noncommercial purposes, unless required by federal law to do  
101 so.

102 **SECTION 11. Federal Compliance.** (1) Compliance with the  
103 sections of this statute shall not exempt the employer from  
104 regulations and requirements related to any federal laws or  
105 procedures related to employers.

106 (2) Any section of this act shall not be construed as an  
107 attempt to preempt federal law.

108 **SECTION 12. Enforcement.** (1) The Mississippi Department of  
109 Employment Security shall enforce the provisions of this act and  
110 shall promulgate rules and regulations that may be necessary to  
111 carry out the provisions of this act.

112 (2) The Mississippi Department of Employment Security shall  
113 seek input from representatives of state labor groups and state  
114 business groups to represent employers and employees.

115 (3) Any fines that are assessed for violation of this act  
116 shall be collected and retained by the Mississippi Department of  
117 Employment Security.

118 **SECTION 13. Effective Date.** (1) This act shall take effect  
119 and be in force from and after July 1, 2007, for all state  
120 agencies, departments, and political subdivisions, all employers  
121 who have contracts with the State of Mississippi, or with its  
122 departments, agencies, and political subdivisions, all third-party  
123 employers, and any person or company using a third-party employer.

124 (2) This act shall take effect and be in force from and  
125 after January 1, 2008, for all other employers who do business in  
126 Mississippi.