

By: Representatives Paden, Sykes

To: Workforce Development;  
Judiciary A

HOUSE BILL NO. 96

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,  
 2 TO EXPAND THE MEMBERSHIP OF THE MISSISSIPPI STATE WORKFORCE  
 3 INVESTMENT BOARD TO INCLUDE ONE WOMAN WITH EXPERTISE IN ASSISTING  
 4 WOMEN IN JOB TRAINING AND SECURING EMPLOYMENT IN NONTRADITIONAL  
 5 OCCUPATIONS; TO AMEND SECTION 7-1-355, MISSISSIPPI CODE OF 1972,  
 6 TO REQUIRE THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY TO  
 7 ACHIEVE GENDER EQUITY IN THE WORKFORCE INVESTMENT ACT AND  
 8 WORKFORCE INNOVATION OPPORTUNITY ACT WORKFORCE DEVELOPMENT  
 9 SYSTEMS; TO REQUIRE THAT CERTAIN INFORMATION REGARDING GENDER PAY  
 10 EQUITY IN THE WORKFORCE INVESTMENT ACT AND THE WORKFORCE  
 11 INNOVATION OPPORTUNITY ACT BE INCLUDED IN THE REPORT SUBMITTED TO  
 12 THE LEGISLATURE EACH YEAR BY THE DEPARTMENT OF EMPLOYMENT  
 13 SECURITY; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 37-153-7, Mississippi Code of 1972, is  
 16 amended as follows:

17 37-153-7. (1) There is created the Mississippi State  
 18 Workforce Investment Board. The Mississippi State Workforce  
 19 Investment Board shall be composed of \* \* \* forty-two (42) voting  
 20 members, of which a majority shall be representatives of business  
 21 and industry in accordance with the federal Workforce Investment  
 22 Act.



23 (a) The Governor shall appoint the following members of  
24 the board to serve a term of four (4) years:

25 (i) The Executive Director of the Mississippi  
26 Association of Supervisors, or his/her designee;

27 (ii) The Executive Director of the Mississippi  
28 Municipal League;

29 (iii) One (1) elected mayor;

30 (iv) One (1) representative of an apprenticeship  
31 program in the state;

32 (v) One (1) representative of labor organizations,  
33 who has been nominated by state labor federations;

34 (vi) One (1) representative of individuals and  
35 organizations that has experience with respect to youth  
36 activities;

37 (vii) One (1) representative of the Mississippi  
38 Association of Planning and Development Districts;

39 (viii) One (1) representative from each of the  
40 four (4) workforce areas in the state, who has been nominated by  
41 the community colleges in each respective area, with the consent  
42 of the elected county supervisors within the respective workforce  
43 area;

44 (ix) The chair of the Mississippi Association of  
45 Community and Junior Colleges; \* \* \*

46 (x) Twenty-one (21) representatives of business  
47 owners nominated by business and industry organizations, which may



48 include representatives of the various planning and development  
49 districts in Mississippi \* \* \*; and

50 (xi) One (1) woman with expertise in assisting  
51 women in job training and securing employment in nontraditional  
52 occupations.

53 (b) The following state officials shall be members of  
54 the board:

55 (i) The Executive Director of the Mississippi  
56 Department of Employment Security;

57 (ii) The Executive Director of the Department of  
58 Rehabilitation Services;

59 (iii) The State Superintendent of Public  
60 Education;

61 (iv) The Executive Director of the Mississippi  
62 Development Authority;

63 (v) The Executive Director of the Mississippi  
64 Department of Human Services;

65 (vi) The Executive Director of the Mississippi  
66 Community College Board; and

67 (vii) The Commissioner of the Institutions of  
68 Higher Learning.

69 (c) The Governor, or his or her designee, shall serve  
70 as a member.

71 (d) Four (4) legislators, who shall serve in a  
72 nonvoting capacity, two (2) of whom shall be appointed by the



73 Lieutenant Governor from the membership of the Mississippi Senate,  
74 and two (2) of whom shall be appointed by the Speaker of the House  
75 from the membership of the Mississippi House of Representatives.

76 (e) The membership of the board shall reflect the  
77 diversity of the State of Mississippi.

78 (f) The Governor shall designate the \* \* \* Chair of the  
79 Mississippi State Workforce Investment Board from among the voting  
80 members of the board, and a quorum of the board shall consist of a  
81 majority of the voting members of the board.

82 (g) The voting members of the board who are not state  
83 employees shall be entitled to reimbursement of their reasonable  
84 expenses incurred in carrying out their duties under this chapter,  
85 from any funds available for that purpose.

86 (2) The Mississippi Department of Employment Security shall  
87 establish limits on administrative costs for each portion of  
88 Mississippi's workforce development system consistent with the  
89 federal Workforce Investment Act or any future federal workforce  
90 legislation.

91 (3) The Mississippi State Workforce Investment Board shall  
92 have the following duties:

93 (a) Develop and submit to the Governor a strategic plan  
94 for an integrated state workforce development system that aligns  
95 resources and structures the system to more effectively and  
96 efficiently meet the demands of Mississippi's employers and job  
97 seekers. This plan will comply with the federal Workforce



98 Investment Act of 1998, as amended, the federal Workforce  
99 Innovation and Opportunity Act of 2014 and amendments and  
100 successor legislation to these acts;

101 (b) Assist the Governor in the development and  
102 continuous improvement of the statewide workforce investment  
103 system that shall include:

104 (i) Development of linkages in order to assure  
105 coordination and nonduplication among programs and activities; and

106 (ii) Review local workforce development plans that  
107 reflect the use of funds from the federal Workforce Investment  
108 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser  
109 Act and the amendment or successor legislation to the acts, and  
110 the Mississippi Comprehensive Workforce Training and Education  
111 Consolidation Act;

112 (c) Recommend the designation of local workforce  
113 investment areas as required in Section 116 of the federal  
114 Workforce Investment Act of 1998 and the Workforce Innovation and  
115 Opportunity Act of 2014. There shall be four (4) workforce  
116 investment areas that are generally aligned with the planning and  
117 development district structure in Mississippi. Planning and  
118 development districts will serve as the fiscal agents to manage  
119 Workforce Investment Act funds, oversee and support the local  
120 workforce investment boards aligned with the area and the local  
121 programs and activities as delivered by the one-stop employment  
122 and training system. The planning and development districts will



123 perform this function through the provisions of the county  
124 cooperative service districts created under Sections 19-3-101  
125 through 19-3-115; however, planning and development districts  
126 currently performing this function under the Interlocal  
127 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
128 continue to do so;

129           (d) Assist the Governor in the development of an  
130 allocation formula for the distribution of funds for adult  
131 employment and training activities and youth activities to local  
132 workforce investment areas;

133           (e) Recommend comprehensive, results-oriented measures  
134 that shall be applied to all of Mississippi's workforce  
135 development system programs;

136           (f) Assist the Governor in the establishment and  
137 management of a one-stop employment and training system conforming  
138 to the requirements of the federal Workforce Investment Act of  
139 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
140 amended, recommending policy for implementing the Governor's  
141 approved plan for employment and training activities and services  
142 within the state. In developing this one-stop career operating  
143 system, the Mississippi State Workforce Investment Board, in  
144 conjunction with local workforce investment boards, shall:

145           (i) Design broad guidelines for the delivery of  
146 workforce development programs;



147 (ii) Identify all existing delivery agencies and  
148 other resources;

149 (iii) Define appropriate roles of the various  
150 agencies to include an analysis of service providers' strengths  
151 and weaknesses;

152 (iv) Determine the best way to utilize the various  
153 agencies to deliver services to recipients; and

154 (v) Develop a financial plan to support the  
155 delivery system that shall, at a minimum, include an  
156 accountability system;

157 (g) Assist the Governor in reducing duplication of  
158 services by urging the local workforce investment boards to  
159 designate the local community/junior college as the operator of  
160 the WIN Job Center. Incentive grants of Two Hundred Thousand  
161 Dollars (\$200,000.00) from federal Workforce Investment Act funds  
162 may be awarded to the local workforce boards where the  
163 community/junior college district is designated as the WIN Job  
164 Center. These grants must be provided to the community and junior  
165 colleges for the extraordinary costs of coordinating with the  
166 Workforce Investment Act, advanced technology centers and advanced  
167 skills centers. In no case shall these funds be used to supplant  
168 state resources being used for operation of workforce development  
169 programs;

170 (h) To provide authority, in accordance with any  
171 executive order of the Governor, for developing the necessary



172 collaboration among state agencies at the highest level for  
173 accomplishing the purposes of this chapter;

174 (i) To monitor the effectiveness of the workforce  
175 development centers and WIN job centers;

176 (j) To advise the Governor, public schools,  
177 community/junior colleges and institutions of higher learning on  
178 effective school-to-work transition policies and programs that  
179 link students moving from high school to higher education and  
180 students moving between community colleges and four-year  
181 institutions in pursuit of academic and technical skills training;

182 (k) To work with industry to identify barriers that  
183 inhibit the delivery of quality workforce education and the  
184 responsiveness of educational institutions to the needs of  
185 industry;

186 (l) To provide periodic assessments on effectiveness  
187 and results of the overall Mississippi comprehensive workforce  
188 development system and district councils; and

189 (m) To assist the Governor in carrying out any other  
190 responsibility required by the federal Workforce Investment Act of  
191 1998, as amended and the Workforce Innovation and Opportunity Act,  
192 successor legislation and amendments.

193 (4) The Mississippi State Workforce Investment Board shall  
194 coordinate all training programs and funds in the State of  
195 Mississippi.





196 Each state agency director responsible for workforce training  
197 activities shall advise the Mississippi State Workforce Investment  
198 Board of appropriate federal and state requirements. Each such  
199 state agency director shall remain responsible for the actions of  
200 his or her agency; however, each state agency and director shall  
201 work cooperatively, and shall be individually and collectively  
202 responsible to the Governor for the successful implementation of  
203 the statewide workforce investment system. The Governor, as the  
204 Chief Executive Officer of the state, shall have complete  
205 authority to enforce cooperation among all entities within the  
206 state that utilize federal or state funding for the conduct of  
207 workforce development activities.

208 (5) The State Workforce Investment Board shall establish a  
209 Rules Committee. The Rules Committee, in consultation with the  
210 full board, shall be designated as the body with the sole  
211 authority to promulgate rules and regulations for distribution of  
212 Mississippi Works Funds created in Section 71-5-353. The State  
213 Workforce Investment Board Rules Committee shall develop and  
214 submit rules and regulations in accordance with the Mississippi  
215 Administrative Procedures Act, within sixty (60) days of March 21,  
216 2016. The State Workforce Investment Board Rules Committee shall  
217 consist of the following State Workforce Investment Board members:

218 (a) The Executive Director of the Mississippi  
219 Development Authority;



220 (b) The Executive Director of the Mississippi  
221 Department of Employment Security;

222 (c) The Executive Director of the Mississippi Community  
223 College Board;

224 (d) The Chair of the Mississippi Association of  
225 Community and Junior Colleges;

226 (e) The Chair of the State Workforce Investment Board;

227 (f) A representative from the workforce areas selected  
228 by the Mississippi Association of Workforce Areas, Inc.;

229 (g) A business representative currently serving on the  
230 board, selected by the \* \* \* Chair of the State Workforce  
231 Investment Board; and

232 (h) Two (2) legislators, who shall serve in a nonvoting  
233 capacity, one (1) of whom shall be appointed by the Lieutenant  
234 Governor from the membership of the Mississippi Senate and one (1)  
235 of whom shall be appointed by the Speaker of the House of  
236 Representatives from the membership of the Mississippi House of  
237 Representatives.

238 (6) The Mississippi State Workforce Investment Board shall  
239 create and implement performance metrics for the Mississippi Works  
240 Fund to determine the added value to the local and state economy  
241 and the contribution to the future growth of the state economy. A  
242 report on the performance of the fund shall be made to the  
243 Governor, Lieutenant Governor and Speaker of the House of  
244 Representatives annually, throughout the life of the fund.



245           **SECTION 2.** Section 7-1-355, Mississippi Code of 1972, is  
246 amended as follows:

247           7-1-355. (1) The Mississippi Department of Employment  
248 Security, Office of the Governor, is designated as the sole  
249 administrator of all programs for which the state is the prime  
250 sponsor under Title 1(B) of Public Law 105-220, Workforce  
251 Investment Act of 1998, and the regulations promulgated  
252 thereunder, and the Workforce Innovation Opportunity Act (Public  
253 Law 113-128), and may take all necessary action to secure to this  
254 state the benefits of that legislation. The Mississippi  
255 Department of Employment Security, Office of the Governor, may  
256 receive and disburse funds for those programs that become  
257 available to it from any source.

258           (2) The Mississippi Department of Employment Security,  
259 Office of the Governor, shall establish guidelines on the amount  
260 and/or percentage of indirect and/or administrative expenses by  
261 the local fiscal agent or the Workforce Development Center  
262 operator. The Mississippi Department of Employment Security,  
263 Office of the Governor, shall develop an accountability system and  
264 make an annual report to the Legislature before December 31 of  
265 each year on Workforce Investment Act and Workforce Innovation  
266 Opportunity Act activities. The report shall include, but is not  
267 limited to, the following:



268 (a) The total number of individuals served through the  
269 Workforce Development Centers and the percentage and number of  
270 individuals for which a quarterly follow-up is provided;

271 (b) The number of individuals who receive core services  
272 by each center;

273 (c) The number of individuals who receive intensive  
274 services by each center;

275 (d) The number of Workforce Investment Act and  
276 Workforce Innovation Opportunity Act vouchers issued by the  
277 Workforce Development Centers including:

278 (i) A list of schools and colleges to which these  
279 vouchers were issued and the average cost per school of the  
280 vouchers; and

281 (ii) A list of the types of programs for which  
282 these vouchers were issued;

283 (e) The number of individuals placed in a job through  
284 Workforce Development Centers;

285 (f) The monies and the amount retained for  
286 administrative and other costs received from Workforce Investment  
287 Act funds and Workforce Innovation Opportunity Act funds for each  
288 agency or organization that Workforce Investment Act funds and  
289 Workforce Innovation Opportunity Act funds flow through as a  
290 percentage and actual dollar amount of all Workforce Investment  
291 Act funds and Workforce Innovation Opportunity Act funds received.



292           (3) The Mississippi Department of Employment Security shall  
293 achieve gender equity in the Workforce Investment Act and  
294 Workforce Innovation Opportunity Act workforce development  
295 systems. The department shall include in the annual report  
296 required by subsection (2) of this section:

297           (a) The gender and race of those seeking employment  
298 services;

299           (b) Training by training provider extended to each  
300 participant by gender; and

301           (c) Earnings for each participant by gender as  
302 verification of pay equity in the workforce system.

303           **SECTION 3.** This act shall take effect and be in force from  
304 and after July 1, 2018.

