

By: Representative Sykes

To: Workforce Development;  
Judiciary A

HOUSE BILL NO. 120

1 AN ACT TO PROHIBIT AN EMPLOYER FROM TERMINATING OR OTHERWISE  
2 DISCRIMINATING AGAINST AN EMPLOYEE WHO LEAVES HIS OR HER PLACE OF  
3 EMPLOYMENT TO EVACUATE UNDER AN EMERGENCY EVACUATION ORDER; TO  
4 PROVIDE DEFINITIONS; TO PROVIDE THAT IF AN EMPLOYER TERMINATES OR  
5 OTHERWISE DISCRIMINATES AGAINST SUCH AN EMPLOYEE, THE EMPLOYER  
6 SHALL BE LIABLE AND THE EMPLOYEE SHALL BE REINSTATED; TO EXEMPT  
7 CERTAIN INDIVIDUALS FROM THE REQUIREMENTS OF THIS ACT; AND FOR  
8 RELATED PURPOSES.

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

10 **SECTION 1.** (1) **Definitions.** The following words and  
11 phrases shall have the meanings as defined in this section unless  
12 the context clearly indicates otherwise:

13 (a) "Disaster" has the same meaning as defined in  
14 Section 33-15-5.

15 (b) "Emergency" has the same meaning as defined in  
16 Section 33-15-5.

17 (c) "Emergency evacuation order" means an official  
18 statement issued by the President of the United States, the  
19 Governor, or a political subdivision of this state to mandate the  
20 evacuation of all or part of a population of an area stricken or  
21 threatened by an emergency or disaster.



22 (d) "Emergency personnel" means law enforcement  
23 personnel, fire department personnel, emergency medical personnel,  
24 emergency management personnel, public works personnel, or other  
25 individuals who are required, in the course and scope of their  
26 employment, to provide services for the benefit of the general  
27 public during an emergency or disaster.

28 (e) "Employee" means a person who performs services for  
29 and under the control and direction of an employer for wages or  
30 other remuneration.

31 (f) "Employer" means a person who employs one or more  
32 employees.

33 (2) **Discrimination Prohibited.** An employer may not  
34 terminate or in any other manner discriminate against an employee  
35 who leaves the employee's place of employment to evacuate under an  
36 emergency evacuation order.

37 (3) **Liability; Reinstatement.** An employer who violates the  
38 provisions of subsection (2) shall be liable for any loss of wages  
39 and employer-provided benefits incurred by the employee as a  
40 result of the violation. An employee terminated in violation of  
41 subsection (2) shall be entitled to reinstatement in the same or  
42 an equivalent position of employment with commensurate pay.

43 (4) **Applicability.** This section does not apply to  
44 individuals employed as emergency personnel if the employer  
45 provides adequate emergency shelter for those individuals. This  
46 section does not apply to an employee who is necessary to provide



47 for the safety and well-being of the general public, including a  
48 person necessary for the restoration of vital services.

49           **SECTION 2.** This act shall take effect and be in force from  
50 and after July 1, 2018.

