

By: Representatives Williams-Barnes,
Faulkner, Jackson

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 1258

1 AN ACT ENTITLED THE "WOMEN'S ECONOMIC SECURITY ACT OF 2018";
2 TO REQUIRE MINIMUM SPENDING LEVELS ON THE CHILD CARE PAYMENT
3 PROGRAM (CCPP) FROM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
4 (TANF) BLOCK GRANT; TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF
5 1972, TO EXPAND THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD
6 TO INCLUDE A WOMAN WITH EXPERTISE IN ASSISTING WOMEN IN JOB
7 TRAINING AND SECURING EMPLOYMENT IN NONTRADITIONAL OCCUPATIONS; TO
8 AMEND SECTION 7-1-355, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
9 MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY TO ACHIEVE GENDER
10 EQUITY IN THE WORKFORCE INVESTMENT ACT OR WORKFORCE INNOVATION
11 OPPORTUNITY ACT WORKFORCE DEVELOPMENT SYSTEM; TO REQUIRE CERTAIN
12 INFORMATION TO BE INCLUDED IN AN ANNUAL REPORT TO THE LEGISLATURE;
13 TO REQUIRE EQUAL PAY CERTIFICATES OF COMPLIANCE; TO CREATE WOMEN
14 IN HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM; TO
15 ESTABLISH THE MISSISSIPPI PAID FAMILY LEAVE ACT; TO ESTABLISH A
16 MISSISSIPPI HIGHER EDUCATION GRANT PROGRAM FOR SINGLE MOTHERS TO
17 PROVIDE FINANCIAL AID TO COMPLETE TWO- AND FOUR-YEAR DEGREES AT
18 PUBLIC COLLEGES AND UNIVERSITIES ADMINISTERED BY THE POSTSECONDARY
19 EDUCATION FINANCIAL ASSISTANCE BILL; TO CREATE THE MISSISSIPPI
20 MINIMUM WAGE ACT; TO PROVIDE FOR THE IMPLEMENTATION OF A STATE
21 MINIMUM WAGE; TO AMEND SECTIONS 17-1-51 AND 25-3-40, MISSISSIPPI
22 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING
23 FORWARD SECTIONS 7-7-204, 23-15-239, 37-7-307, 57-34-5, 85-3-4,
24 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
25 OF POSSIBLE AMENDMENT; TO PROVIDE THAT NO EMPLOYER SHALL PAY AN
26 EMPLOYEE A WAGE AT A RATE LESS THAN THE RATE AT WHICH AN EMPLOYEE
27 OF A DIFFERENT GENDER IS PAID FOR COMPARABLE WORK; TO PROVIDE THAT
28 AN EMPLOYEE MAY FILE A PETITION IN THE PROPER CIRCUIT COURT FOR
29 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** This act shall be known and may be cited as the
32 "Mississippi Women's Economic Security Act of 2018."

33 **SECTION 2.** (1) This section shall be known and cited as the
34 "Mississippi Affordable Child Care Act."

35 (2) Each federal fiscal year, the Mississippi Department
36 of Human Services (MDHS) and/or any state agency receiving and
37 administering the federal Temporary Assistance for Needy Families
38 (TANF) Block Grant shall spend no less than Twenty Million Dollars
39 (\$20,000,000.00) of federal TANF funds and/or state TANF
40 Maintenance of Effort (MOE) funds on the Child Care Payment
41 Program (CCPP). The Mississippi Department of Human Services
42 (MDHS) and/or any state agency receiving and administering the
43 federal TANF Block Grant shall transfer no less than twenty
44 percent (20%) of the state's fixed basic block grant amount for
45 its annual TANF Block Grant to the Child Care and Development Fund
46 (CCDF) for purposes of serving eligible families through the Child
47 Care Payment Program (CCPP).

48 **SECTION 3.** Section 37-153-7, Mississippi Code of 1972, is
49 amended as follows:

50 37-153-7. (1) There is created the Mississippi State
51 Workforce Investment Board. The Mississippi State Workforce
52 Investment Board shall be composed of * * * thirty-eight (38)
53 voting members, of which a majority shall be representatives of
54 business and industry in accordance with the federal Workforce
55 Investment Act.



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

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

60 (ii) The Executive Director of the Mississippi
61 Municipal League;

62 (iii) One (1) elected mayor;

63 (iv) One (1) * * * elected county supervisor;

64 (v) * * * Two (2) representatives of labor
65 organizations, who * * * have been nominated by state labor
66 federations;

67 (vi) * * * Two (2) representatives of individuals
68 and organizations that * * * have experience with respect to youth
69 activities;

70 (vii) One (1) representative of the Mississippi
71 Association of Planning and Development Districts;

72 (viii) One (1) representative from each of the
73 four (4) workforce areas in the state, who has been nominated by
74 the community colleges in each respective area, with the consent
75 of the elected county supervisors within the respective workforce
76 area;

77 * * *

78 (* * * ix) * * * Nineteen (19) representatives of
79 business owners nominated by business and industry organizations,



80 which may include representatives of the various planning and
81 development districts in Mississippi * * *; and

82 (x) One (1) woman with expertise in assisting
83 women in job training and securing employment in nontraditional
84 occupations.

85 (b) The following state officials shall be members of
86 the board:

87 (i) The Executive Director of the Mississippi
88 Department of Employment Security;

89 (ii) The Executive Director of the Department of
90 Rehabilitation Services;

91 (iii) The State Superintendent of Public
92 Education;

93 (iv) The Executive Director of the Mississippi
94 Development Authority;

95 (v) The Executive Director of the Mississippi
96 Department of Human Services;

97 (vi) The Executive Director of the Mississippi
98 Community College Board; and

99 (vii) The Commissioner of the Institutions of
100 Higher Learning.

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

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



105 Lieutenant Governor from the membership of the Mississippi Senate,
106 and two (2) of whom shall be appointed by the Speaker of the House
107 from the membership of the Mississippi House of Representatives.

108 (e) The membership of the board shall reflect the
109 diversity of the State of Mississippi.

110 (f) The Governor shall designate the * * * Chair of the
111 Mississippi State Workforce Investment Board from among the voting
112 members of the board, and a quorum of the board shall consist of a
113 majority of the voting members of the board.

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

118 (h) The Mississippi Department of Employment Security
119 shall be responsible for providing necessary administrative,
120 clerical and budget support for the State Workforce Investment
121 Board.

122 (2) The Mississippi Department of Employment Security shall
123 establish limits on administrative costs for each portion of
124 Mississippi's workforce development system consistent with the
125 federal Workforce Investment Act or any future federal workforce
126 legislation.

127 (3) The Mississippi State Workforce Investment Board shall
128 have the following duties:



129 (a) Develop and submit to the Governor a strategic plan
130 for an integrated state workforce development system that aligns
131 resources and structures the system to more effectively and
132 efficiently meet the demands of Mississippi's employers and job
133 seekers. This plan will comply with the federal Workforce
134 Investment Act of 1998, as amended, the federal Workforce
135 Innovation and Opportunity Act of 2014 and amendments and
136 successor legislation to these acts;

137 (b) Assist the Governor in the development and
138 continuous improvement of the statewide workforce investment
139 system that shall include:

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

142 (ii) Review local workforce development plans that
143 reflect the use of funds from the federal Workforce Investment
144 Act, * * * the Wagner-Peyser Act and the * * * Mississippi
145 Comprehensive Workforce Training and Education Consolidation Act;

146 (c) Recommend the designation of local workforce
147 investment areas as required in Section 116 of the federal
148 Workforce Investment Act of 1998 and the Workforce Innovation and
149 Opportunity Act of 2014. There shall be four (4) workforce
150 investment areas that are generally aligned with the planning and
151 development district structure in Mississippi. Planning and
152 development districts will serve as the fiscal agents to manage
153 Workforce Investment Act funds, oversee and support the local



154 workforce investment boards aligned with the area and the local
155 programs and activities as delivered by the one-stop employment
156 and training system. The planning and development districts will
157 perform this function through the provisions of the county
158 cooperative service districts created under Sections 19-3-101
159 through 19-3-115; however, planning and development districts
160 currently performing this function under the Interlocal
161 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
162 continue to do so;

163 (d) Assist the Governor in the development of an
164 allocation formula for the distribution of funds for adult
165 employment and training activities and youth activities to local
166 workforce investment areas;

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

170 (f) Assist the Governor in the establishment and
171 management of a one-stop employment and training system conforming
172 to the requirements of the federal Workforce Investment Act of
173 1998 and the Workforce Innovation and Opportunity Act of 2014, as
174 amended, recommending policy for implementing the Governor's
175 approved plan for employment and training activities and services
176 within the state. In developing this one-stop career operating
177 system, the Mississippi State Workforce Investment Board, in
178 conjunction with local workforce investment boards, shall:



179 (i) Design broad guidelines for the delivery of
180 workforce development programs;

181 (ii) Identify all existing delivery agencies and
182 other resources;

183 (iii) Define appropriate roles of the various
184 agencies to include an analysis of service providers' strengths
185 and weaknesses;

186 (iv) Determine the best way to * * * use the
187 various agencies to deliver services to recipients; and

188 (v) Develop a financial plan to support the
189 delivery system that shall, at a minimum, include an
190 accountability system;

191 (g) Assist the Governor in reducing duplication of
192 services by urging the local workforce investment boards to
193 designate the local community/junior college as the operator of
194 the WIN Job Center. Incentive grants of Two Hundred Thousand
195 Dollars (\$200,000.00) from federal Workforce Investment Act funds
196 may be awarded to the local workforce boards where the
197 community/junior college district is designated as the WIN Job
198 Center. These grants must be provided to the community and junior
199 colleges for the extraordinary costs of coordinating with the
200 Workforce Investment Act, advanced technology centers and advanced
201 skills centers. In no case shall these funds be used to supplant
202 state resources being used for operation of workforce development
203 programs;



204 (h) To provide authority, in accordance with any
205 executive order of the Governor, for developing the necessary
206 collaboration among state agencies at the highest level for
207 accomplishing the purposes of this chapter;

208 (i) To monitor the effectiveness of the workforce
209 development centers and WIN job centers;

210 (j) To advise the Governor, public schools,
211 community/junior colleges and institutions of higher learning on
212 effective school-to-work transition policies and programs that
213 link students moving from high school to higher education and
214 students moving between community colleges and four-year
215 institutions in pursuit of academic and technical skills training;

216 (k) To work with industry to identify barriers that
217 inhibit the delivery of quality workforce education and the
218 responsiveness of educational institutions to the needs of
219 industry;

220 (l) To provide periodic assessments on effectiveness
221 and results of the overall Mississippi comprehensive workforce
222 development system and district councils; and

223 (m) To assist the Governor in carrying out any other
224 responsibility required by the federal Workforce Investment Act of
225 1998, as amended and the Workforce Innovation and Opportunity Act,
226 successor legislation and amendments.



227 (4) The Mississippi State Workforce Investment Board shall
228 coordinate all training programs and funds in the State of
229 Mississippi.

230 Each state agency director responsible for workforce training
231 activities shall advise the Mississippi State Workforce Investment
232 Board of appropriate federal and state requirements. Each such
233 state agency director shall remain responsible for the actions of
234 his or her agency; however, each state agency and director shall
235 work cooperatively, and shall be individually and collectively
236 responsible to the Governor for the successful implementation of
237 the statewide workforce investment system. The Governor, as the
238 Chief Executive Officer of the state, shall have complete
239 authority to enforce cooperation among all entities within the
240 state that * * * use federal or state funding for the conduct of
241 workforce development activities.

242 (5) The State Workforce Investment Board shall establish a
243 Rules Committee. The Rules Committee, in consultation with the
244 full board, shall be designated as the body with the sole
245 authority to promulgate rules and regulations for distribution of
246 Mississippi Works Funds created in Section 71-5-353. The State
247 Workforce Investment Board Rules Committee shall develop and
248 submit rules and regulations in accordance with the Mississippi
249 Administrative Procedures Act, within sixty (60) days of March 21,
250 2016. The State Workforce Investment Board Rules Committee shall
251 consist of the following State Workforce Investment Board members:



252 (a) The Executive Director of the Mississippi
253 Development Authority;

254 (b) The Executive Director of the Mississippi
255 Department of Employment Security;

256 (c) The Executive Director of the Mississippi Community
257 College Board;

258 (d) The Chair of the Mississippi Association of
259 Community and Junior Colleges;

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

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

263 (g) A business representative currently serving on the
264 board, selected by the * * * Chair of the State Workforce
265 Investment Board; and

266 (h) Two (2) legislators, who shall serve in a nonvoting
267 capacity, one (1) of whom shall be appointed by the Lieutenant
268 Governor from the membership of the Mississippi Senate and one (1)
269 of whom shall be appointed by the Speaker of the House of
270 Representatives from the membership of the Mississippi House of
271 Representatives.

272 (6) The Mississippi State Workforce Investment Board shall
273 create and implement performance metrics for the Mississippi Works
274 Fund to determine the added value to the local and state economy
275 and the contribution to the future growth of the state economy. A
276 report on the performance of the fund shall be made to the



277 Governor, Lieutenant Governor and Speaker of the House of
278 Representatives annually, throughout the life of the fund.

279 **SECTION 4.** Section 7-1-355, Mississippi Code of 1972, is
280 amended as follows:

281 7-1-355. (1) The Mississippi Department of Employment
282 Security, Office of the Governor, is designated as the sole
283 administrator of all programs for which the state is the prime
284 sponsor under Title 1(B) of Public Law 105-220, Workforce
285 Investment Act of 1998, and the Workforce Innovation Opportunity
286 Act (Public Law 113-128) and the regulations promulgated
287 thereunder, and may take all necessary action to secure to this
288 state the benefits of that legislation. The Mississippi
289 Department of Employment Security, Office of the Governor, may
290 receive and disburse funds for those programs that become
291 available to it from any source.

292 (2) The Mississippi Department of Employment Security,
293 Office of the Governor, shall establish guidelines on the amount
294 and/or percentage of indirect and/or administrative expenses by
295 the local fiscal agent or the Workforce Development Center
296 operator. The Mississippi Department of Employment Security,
297 Office of the Governor, shall develop an accountability system and
298 make an annual report to the Legislature before December 31 of
299 each year on Workforce Investment Act activities. The report
300 shall include, but is not limited to, the following:



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

304 (b) The number of individuals who receive core services
305 by each center;

306 (c) The number of individuals who receive intensive
307 services by each center;

308 (d) The number of Workforce Investment Act vouchers
309 issued by the Workforce Development Centers including:

310 (i) A list of schools and colleges to which these
311 vouchers were issued and the average cost per school of the
312 vouchers; and

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

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

317 (f) The monies and the amount retained for
318 administrative and other costs received from Workforce Investment
319 Act or Workforce Innovation Opportunity Act funds or Workforce
320 Innovation Opportunity Act for each agency or organization that
321 Workforce Investment Act or Workforce Innovation Opportunity Act
322 funds flow through as a percentage and actual dollar amount of all
323 Workforce Investment Act or Workforce Innovation Opportunity Act
324 funds received.



325 (3) The Mississippi Department of Employment Security shall
326 achieve gender pay equity in the Workforce Investment Act or
327 Workforce Innovation Opportunity Act workforce development system.
328 The department shall include in the annual report required by
329 subsection (2) of this section:

330 (a) The gender and race of those seeking employment
331 services;

332 (b) Training by training provider extended to each
333 participant by gender; and

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

336 **SECTION 5. Equal pay certificate.** (1) No department or
337 agency of the state shall execute a contract or agreement in
338 excess of One Hundred Thousand Dollars (\$100,000,00.00) with a
339 business that has twenty (20) or more full-time employees in this
340 state or a state where the business has its primary place of
341 business on a single day during the prior twelve (12) months,
342 unless the business has an equal pay certificate or it has
343 certified in writing that it is exempt. A certificate is valid
344 for four (4) years.

345 (2) This section does not apply to a business with respect
346 to a specific contract if the Executive Director of the Department
347 of Finance and Administration determines that application of this
348 section would cause undue hardship to the contracting entity.



349 (3) A business shall apply for an equal pay certificate by
350 paying a One Hundred Fifty Dollar (\$150.00) filing fee and
351 submitting an equal pay compliance statement to the Department of
352 Finance and Administration. The proceeds from the fees collected
353 under this section shall be deposited in an equal pay certificate
354 special revenue account. The Department of Finance and
355 Administration shall issue an equal pay certificate of compliance
356 to a business that submits to the department a statement signed by
357 the chairperson of the board or chief executive officer of the
358 business:

359 (a) That the business is in compliance with Title VII
360 of the Civil Rights Act of 1964;

361 (b) That the average compensation for its female
362 employees is not consistently below the average compensation for
363 its male employees within each of the major job categories in the
364 EEO-1 Employer Information Report for which an employee is
365 expected to perform work under the contract, taking into account
366 factors such as length of service, requirements of specific jobs,
367 experience, skill, effort, responsibility, working conditions of
368 the job, or other mitigating factors;

369 (c) That the business does not restrict employees of
370 one (1) sex to certain job classifications and makes retention and
371 promotion decisions without regard to sex;



372 (d) That wage and benefit disparities are corrected
373 when identified to ensure compliance with the laws cited in
374 paragraph (a) and with paragraph (b) of this subsection; and

375 (e) How often wages and benefits are evaluated to
376 ensure compliance with the laws cited in paragraph (a) and with
377 paragraph (b) of this subsection.

378 (4) The equal pay compliance statement shall also indicate
379 whether the business, in setting compensation and benefits, uses:

380 (a) A market pricing approach;

381 (b) State prevailing wage or union contract
382 requirements;

383 (c) A performance pay system;

384 (d) An internal analysis; or

385 (e) An alternative approach to determine what level of
386 wages and benefits to pay its employees. If the business uses an
387 alternative approach, the business must provide a description of
388 its approach.

389 Receipt of the equal pay compliance statement by the
390 commissioner does not establish compliance with the laws set forth
391 in subsection (3)(a) of this section.

392 (5) The Department of Finance and Administration must issue
393 an equal pay certificate, or a statement of why the application
394 was rejected, within fifteen (15) days of receipt of the
395 application. An application may be rejected only if it does not
396 comply with the requirements of subsection (3) of this section.



397 (6) An equal pay certificate for a business may be suspended
398 or revoked by the Department of Finance and Administration when
399 the business fails to make a good-faith effort to comply with the
400 laws identified in subsection (3) of this section, fails to make a
401 good-faith effort to comply with this section, or has multiple
402 violations of this section or the laws identified in subsection
403 (3) of this section. Before suspending or revoking a certificate,
404 the Department of Finance and Administration must first have
405 sought to conciliate with the business regarding wages and
406 benefits due to employees.

407 (7) If a contract is awarded to a business that does not
408 have an equal pay certificate as required under this section, or
409 that is not in compliance with subsection (3) of this section, the
410 Department of Finance and Administration may void the contract on
411 behalf of the state. The contract award entity that is a party to
412 the agreement must be notified by the Department of Finance and
413 Administration before the Department of Finance and Administration
414 takes action to void the contract.

415 A contract may be abridged or terminated by the contract
416 award entity identified upon notice that the Department of Finance
417 and Administration has suspended or revoked the certificate of the
418 business.

419 (8) A business may obtain an administrative hearing before
420 the suspension or revocation of its certificate is effective by
421 filing a written request for hearing twenty (20) days after



422 service of notice by the Department of Finance and Administration.
423 A business may obtain an administrative hearing before the
424 contract award entity's abridgement or termination of a contract
425 is effective by filing a written request for a hearing twenty (20)
426 days after service of notice by the contract award entity.

427 (9) The Department of Finance and Administration must
428 provide technical assistance to any business that requests
429 assistance regarding this section.

430 (10) The State Auditor may audit the business's compliance
431 with this section. As part of an audit, upon request, a business
432 must provide the State Auditor the following information with
433 respect to employees expected to perform work under the contract
434 in each of the major job categories in the EEO-1 Employer
435 Information Report:

436 (a) Number of male employees;

437 (b) Number of female employees;

438 (c) Average annualized salaries paid to male employees
439 and to female employees, in the manner most consistent with the
440 employer's compensation system, within each major job category;

441 (d) Information on performance payments, benefits, or
442 other elements of compensation, in the manner most consistent with
443 the employer's compensation system, if requested by the State
444 Auditor as part of a determination as to whether these elements of
445 compensation are different for male and female employees;



446 (e) Average length of service for male and female
447 employees in each major job category; and

448 (f) Other information identified by the business or by
449 the Department of Finance and Administration, as needed, to
450 determine compliance.

451 (11) Data submitted to the Department of Finance and
452 Administration related to equal pay certificates are private data
453 on individuals or nonpublic data with respect to persons other
454 than department employees. The Department of Finance and
455 Administration's decision to issue, not issue, revoke or suspend
456 an equal pay certificate is public data.

457 (12) The Department of Finance and Administration shall
458 report to the Governor and the Legislature by January 31 of every
459 year, beginning January 31, 2019. The report shall indicate the
460 number of equal pay certificates issued, the number of audits
461 conducted, the processes used by contractors to ensure compliance
462 with subsection (3) of this section, and a summary of its auditing
463 efforts. The Department of Finance and Administration shall
464 consult with the Committee on the Status of Women in preparing the
465 report.

466 **SECTION 6.** It is declared to be the public policy of the
467 State of Mississippi to establish fair minimum wages for workers
468 in order to safeguard their health, efficiency and general
469 well-being and to protect those workers as well as their employers



470 from the effects of unfair competition resulting from wage levels
471 detrimental to their health, efficiency and well-being.

472 **SECTION 7.** (1) Except as otherwise provided in this act,
473 every employer shall pay each of its employees a fair minimum wage
474 as provided in this section.

475 (2) The state minimum wage shall be as follows:

476 (a) Beginning January 1, 2019, the rate of not less
477 than Seven Dollars and Fifty Cents (\$7.50) per hour;

478 (b) Beginning January 1, 2020, the rate of not less
479 than Seven Dollars and Seventy-Five Cents (\$7.75) per hour;

480 (c) Beginning January 1, 2021, the rate of not less
481 than Eight Dollars (\$8.00) per hour; and

482 (d) Beginning January 1, 2022, the rate of not less
483 than ten dollars (\$10.00) per hour.

484 (3) Whenever the highest federal minimum wage is increased,
485 the minimum wage established under this section shall be increased
486 to the amount of the federal minimum wage plus one-half of one
487 percent (1/2 of 1%) more than the federal rate, rounded to the
488 nearest whole cent, effective on the same date as the increase in
489 the highest federal minimum wage, and shall apply to all wage
490 orders and administrative regulations then in force.

491 (4) The rates for learners, beginners, and persons under the
492 age of eighteen (18) years shall be not less than eighty-five
493 percent (85%) of the state minimum wage for the first two hundred
494 (200) hours of their employment and equal to the applicable state



495 minimum wage thereafter, except institutional training programs
496 specifically exempted by the director.

497 **SECTION 8.** As used in this act, the following words shall
498 have the meanings ascribed herein unless the context clearly
499 requires otherwise:

500 (a) "Director" means the Executive Director of the
501 Mississippi Department of Employment Security.

502 (b) "Department" means the Mississippi Department of
503 Employment Security, Office of the Governor, established under
504 Section 71-5-101.

505 (c) "Wage" means compensation due to an employee by reason
506 of his or her employment, payable in legal tender of the United
507 States or checks on banks convertible into cash on demand at full
508 face value, subject to any deductions, charges or allowances as
509 may be permitted by this act or by regulations of the department
510 under this act.

511 (d) "Employ" means to suffer or to permit to work;

512 (e) "Employer" means any individual, partnership,
513 association, corporation, business trust, or any person or group
514 of persons acting directly or indirectly in the interest of an
515 employer in relation to an employee. The term "employer" does not
516 mean:

517 (i) Any individual, partnership, association,
518 corporation, business trust, or any person or group of persons
519 acting directly or indirectly in the interest of an employer in



520 relation to an employee that employs fewer than five (5) employees
521 in a regular employment relationship; or

522 (ii) Any person, firm or corporation, or other
523 entity subject to the provisions of the federal Fair Labor
524 Standards Act of 1938.

525 (f) "Independent contractor" means any individual who
526 contracts to perform certain work away from the premises of his or
527 her employer, uses his or her own methods to accomplish the work,
528 and is subject to the control of the employer only as to the
529 result of his or her work.

530 (g) "Employee" means any individual employed by an
531 employer but does not mean:

532 (i) Any individual employed in a bona fide
533 executive, administrative or professional capacity, or as an
534 outside commission-paid salesperson, who customarily performs his
535 or her services away from his or her employer's premises, taking
536 orders for goods or services;

537 (ii) Any student performing services for any
538 school, college or university in which he or she is enrolled and
539 is regularly attending classes;

540 (iii) Any individual employed by the United States
541 or by the state or any political subdivision of the state, except
542 public schools and school districts;

543 (iv) Any individual engaged in an activity of any
544 educational, charitable, religious or nonprofit organization where



545 the employer/employee relationship does not in fact exist or where
546 the service is rendered to the organization gratuitously;

547 (v) Any bona fide independent contractor;

548 (vi) Any individual employed by an agricultural
549 employer who did not use more than five hundred (500) man-days of
550 agricultural labor in any calendar quarter of the preceding
551 calendar year;

552 (vii) The parent, spouse, child or other member of
553 an agricultural employer's immediate family;

554 (viii) An individual who:

555 1. Is employed as a hand harvest laborer and
556 is paid on a piece-rate basis in an operation that has been, and
557 is customarily and generally recognized as having been, paid on a
558 piece-rate basis in the region of employment;

559 2. Commutes daily from his or her permanent
560 residence to the farm on which he or she is so employed; and

561 3. Has been employed in agriculture less than
562 thirteen (13) weeks during the preceding calendar year;

563 (ix) A migrant who:

564 1. Is sixteen (16) years of age or under and
565 is employed as a hand harvest laborer;

566 2. Is paid on a piece-rate basis in an
567 operation which has been, and is customarily and generally
568 recognized as having been, paid on a piece-rate basis in the
569 region of employment;



570 3. Is employed on the same farm as his or her
571 parents; and

572 4. Is paid the same piece-rate as employees
573 over age sixteen (16) are paid on the same farm;

574 (x) Any employee principally engaged in the range
575 production of livestock; or

576 (xi) Any employee employed in planting or tending
577 trees, cruising, surveying or felling timber, or in preparing or
578 transporting logs or other forestry products to the mill,
579 processing plants, or railroad or other transportation terminal if
580 the number of employees employed by his or her employer in the
581 forestry or lumbering operations does not exceed eight (8).

582 (h) "Occupation" means any occupation, service, trade,
583 business, industry, or branch or group of industries or employment
584 or class of employment in which employees are gainfully employed.

585 (i) "Gratuities" means voluntary monetary contributions
586 received by an employee from a guest, patron or customer for
587 services rendered.

588 (j) "Man-day" means any day during any portion of which
589 an employee performs any agricultural labor.

590 **SECTION 9.** Nothing in this act shall be deemed to interfere
591 with, impede, or in any way diminish the right of employers and
592 employees to bargain collectively through representatives of their
593 own choosing in order to establish wages or other conditions of
594 work.



595 **SECTION 10.** (1) Any employer who willfully:

596 (a) Hinders or delays the department or its authorized
597 representative in the performance of its duties in the enforcement
598 of this act;

599 (b) Refuses to admit the department or its authorized
600 representative to any place of employment;

601 (c) Fails to make, keep and preserve any records as
602 required under the provisions of this act or to make the record
603 accessible to the department or its authorized representative upon
604 demand;

605 (d) Refuses to furnish a sworn statement of the record
606 or any other information required for the proper enforcement of
607 this act to the department or its authorized representative upon
608 demand; or

609 (e) Fails to post a summary of this act or a copy of
610 any applicable regulations as required by this act shall be deemed
611 in violation of this act and shall, upon conviction, be fined not
612 less than One Hundred Dollars (\$100.00) nor more than Four Hundred
613 Dollars (\$400.00). For the purposes of this subsection, each
614 violation shall constitute a separate offense.

615 (2) Any employer who pays or agrees to pay minimum wages at
616 a rate less than the rate applicable under this act shall be
617 guilty of a felony and the employer shall:

618 (a) Be fined not less than Four Thousand Dollars
619 (\$4,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for



620 each offense if the total amount of all unpaid wages owed to an
621 employee is more than Two Thousand Dollars (\$2,000.00);

622 (b) Be fined not less than Two Thousand Dollars
623 (\$2,000.00) nor more than Four Thousand Dollars (\$4,000.00) or the
624 agent or officer of the employer shall be imprisoned not more than
625 one (1) year, or both, for each offense if the total amount of all
626 unpaid wages owed to an employee is more than One Thousand Dollars
627 (\$1,000.00) but not more than Two Thousand Dollars (\$2,000.00);

628 (c) Be fined not less than One Thousand Dollars
629 (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) or the
630 agent or officer of the employer shall be imprisoned not more than
631 six (6) months, or both, for each offense if the total amount of
632 all unpaid wages owed to an employee is more than Five Hundred
633 Dollars (\$500.00) but not more than One Thousand Dollars
634 (\$1,000.00); or

635 (d) Be fined not less than Four Hundred Dollars
636 (\$400.00) nor more than One Thousand Dollars (\$1,000.00) or the
637 agent or officer of the employer shall be imprisoned not more than
638 three (3) months, or both, for each offense if the total amount of
639 all unpaid wages owed to an employee is Five Hundred Dollars
640 (\$500.00) or less.

641 (3) Any employer who willfully discharges or in any other
642 manner willfully discriminates against any employee because:

643 (a) The employee has made any complaint to his or her
644 employer, to the department, or to the director or his or her



645 authorized representative that he or she has not been paid minimum
646 wages in accordance with the provisions of this act;

647 (b) The employee has caused to be instituted or is
648 about to cause to be instituted any proceeding under or related to
649 this act; or

650 (c) The employee has testified or is about to testify
651 in any such proceeding;

652 Shall be deemed in violation of this act and shall, upon
653 conviction, be fined not more than One Hundred Dollars (\$100.00).

654 **SECTION 11.** (1) For any occupation, the department shall
655 make and revise any administrative regulations, including
656 definitions of terms, as it may deem appropriate to carry out the
657 purposes of this act or necessary to prevent the circumvention or
658 evasion of those purposes and to safeguard the minimum wage rates
659 established.

660 (2) The regulations may include, but are not limited to,
661 regulations governing:

662 (a) Outside or commission salespeople;

663 (b) Learners and apprentices, their number, proportion
664 or length of service;

665 (c) Part-time pay, bonuses or fringe benefits;

666 (d) Special pay for special or extra work;

667 (e) Permitted charges to employees or allowances for
668 board, lodging, apparel or other facilities or services
669 customarily furnished by employers to employees;



670 (f) Allowances for gratuities; or
671 (g) Allowances for other special conditions or
672 circumstances that may be usual in a particular employer/employee
673 relationship.

674 (3) Regulations or revisions issued by the department under
675 this section shall be made only after a public hearing, at which
676 any person may be heard by the department, at least ten (10) days
677 subsequent to publication of notice of the hearing in a newspaper
678 of general circulation throughout the State of Mississippi.

679 **SECTION 12.** The director or his or her authorized
680 representatives shall:

681 (a) Have authority to enter and inspect the place of
682 business or employment of any employer in the state for the
683 purpose of examining and inspecting any books, registers, payrolls
684 and other records of any employer that in any way relate to or
685 have a bearing upon the question of wages, hours or other
686 conditions of employment of any employees; copy any of the books,
687 registers, payrolls or other records as he or she may deem
688 necessary or appropriate; and question employees to ascertain
689 whether the provisions of this act and regulations issued under
690 this act have been and are being complied with;

691 (b) Have authority to require from the employer full
692 and correct statements in writing, including sworn statements,
693 with respect to wages, hours, names, addresses and any information



694 pertaining to his or her employees as the director or his or her
695 authorized representative may deem necessary or appropriate;

696 (c) Publish all regulations made by the department; and

697 (d) Otherwise implement and enforce the regulations and
698 decisions of the department.

699 **SECTION 13.** Except as otherwise provided in this section, no
700 employer shall employ any of his or her employees for a workweek
701 longer than forty (40) hours unless the employee receives
702 compensation for his or her employment in excess of the hours
703 above specified at a rate not less than one and one-half (1-1/2)
704 times the regular rate of pay at which he or she is employed.

705 **SECTION 14.** (1) Every employer of an employee engaged in
706 any occupation in which gratuities have been customarily and
707 usually constituted and have been recognized as a part of
708 remuneration for hiring purposes shall be entitled to an allowance
709 for gratuities as a part of the hourly wage rate provided in
710 Section 7 of this act in an amount not to exceed fifty percent
711 (50%) of the minimum wage established by Section 7 of this act,
712 provided that the employee actually received that amount in
713 gratuities and that the application of the foregoing gratuity
714 allowances results in payment of wages other than gratuities to
715 tipped employees, including full-time students, subject to the
716 provisions of this act, of not less than fifty percent (50%) of
717 the minimum wage prescribed by this act.



718 (2) In determining whether an employee received in
719 gratuities the amount claimed, the director may require the
720 employee to show to the satisfaction of the director that the
721 actual amount of gratuities received by him or her during any
722 workweek was less than the amount determined by the employer as
723 the amount by which the wage paid the employee was deemed to be
724 increased under this section.

725 **SECTION 15.** (1) Every employer subject to any provisions of
726 this act shall keep a summary of this act, approved by the
727 department, and copies of any applicable regulations issued under
728 this act posted in a conspicuous and accessible place in or about
729 the premises where any person subject to this act is employed.

730 (2) Employers shall be furnished copies of the summaries of
731 this statute and regulations by the director on request without
732 charge.

733 **SECTION 16.** (1) Every employer subject to any provision of
734 this act or of any regulation issued under this act shall make and
735 keep for a period of not less than three (3) years, in or about
736 the premises where any employee is employed, a record of the name,
737 address and occupation of each of his or her employees, the rate
738 of pay and the amount paid each pay period to each employee and
739 any other information as the department prescribes by regulation
740 as necessary or appropriate for the enforcement of the provisions
741 of this act or of the regulations under this act.



742 (2) The records shall be open for inspection or
743 transcription by the director or his or her authorized
744 representative at any reasonable time.

745 (3) Every employer shall furnish to the director or to his
746 or her authorized representative on demand a sworn statement of
747 the records and information upon forms prescribed or approved by
748 the director.

749 **SECTION 17.** (1) Any employer who pays any employee less
750 than minimum wages to which the employee is entitled under or by
751 virtue of this act shall be liable to the employee affected for
752 the full amount of the wages, less any amount actually paid to the
753 employee by the employer, and for costs and reasonable attorney's
754 fees as may be allowed by the court.

755 (2) Any agreement between the employee and employer to work
756 for less than minimum wages shall be no defense to the action.

757 (3) The venue of the action shall lie in the circuit court
758 of any county in which the services which are the subject of the
759 employment were performed.

760 (4) The director shall have the authority to fully enforce
761 this act by instituting legal action to recover any wages which he
762 or she determines to be due to employees under this act.

763 **SECTION 18.** Section 17-1-51, Mississippi Code of 1972, is
764 amended as follows:

765 17-1-51. (1) No county, board of supervisors of a county,
766 municipality or governing authority of a municipality is



767 authorized to establish a mandatory, minimum living wage rate that
768 is lower than the rate provided in this act, minimum number of
769 vacation or sick days, whether paid or unpaid, that would regulate
770 how a private employer pays its employees. Each county, board of
771 supervisors of a county, municipality or governing authority of a
772 municipality shall be prohibited from establishing a mandatory,
773 minimum living wage rate that is lower than the rate provided in
774 this act, minimum number of vacation or sick days, whether paid or
775 unpaid, that would regulate how a private employer pays its
776 employees.

777 (2) The Legislature finds that the prohibitions of
778 subsection (1) of this section are necessary to ensure an economic
779 climate conducive to new business development and job growth in
780 the State of Mississippi while protecting the health and
781 well-being of workers. * * *

782 * * *

783 (* * *3) The Legislature concludes from * * * this finding
784 that, in order for a business to remain competitive and yet
785 attract and retain the highest possible caliber of employees, and
786 thereby remain sound, an enterprise must work in * * * an
787 environment * * * that respects its workers and that encourages
788 the payment of fair minimum wage rates * * *. The net impact of
789 any local * * * wages that are greater than the rate provided in
790 this act * * * will be economically * * * stable and create



791 a * * * rise and * * * increase in the standard of living for the
792 citizens of the state. * * *

793 **SECTION 19.** Section 25-3-40, Mississippi Code of 1972, is
794 amended as follows:

795 25-3-40. On July 1, 1978, and each year thereafter, the
796 Mississippi Compensation Plan shall be amended to provide salary
797 increases in such amounts and percentages as might be recommended
798 by the Legislative Budget Office and as may be authorized by funds
799 appropriated by the Legislature for the purpose of granting
800 incentive salary increases as deemed possible dependent upon the
801 availability of general and special funds.

802 It is hereby declared to be the intent of the Mississippi
803 Legislature to implement the minimum wage as enacted by statutory
804 law of the United States Congress subject to funds being available
805 for that purpose. It is further the intent of the Legislature to
806 implement the state minimum wage as provided in this act. It is
807 the intent and purpose of this section to maximize annual salary
808 increases consistent with the availability of funds as might be
809 determined by the Mississippi Legislature at its regular annual
810 session and that all salary increases hereafter be made consistent
811 with the provisions of this section.

812 **SECTION 20.** Section 7-7-204, Mississippi Code of 1972, is
813 brought forward as follows:

814 7-7-204. (1) Within the limits of the funds available to
815 the Office of the State Auditor for such purpose, the State



816 Auditor may grant a paid internship to students pursuing junior or
817 senior undergraduate-level year coursework toward a bachelor's
818 degree in accounting or graduate-level coursework toward a
819 master's degree in accounting. Those applicants deemed qualified
820 shall receive funds that may be used to pay for tuition, books and
821 related fees to pursue their degree. It is the intent of the
822 Legislature that the paid internship program (hereinafter referred
823 to as the program) shall be used as an incentive for accounting
824 students to develop job-related skills and to encourage accounting
825 careers at the Office of the State Auditor.

826 (2) In order to be eligible for the program, an applicant
827 must:

828 (a) Attend any college or school approved and
829 designated by the Office of the State Auditor.

830 (b) Satisfy the following conditions:

831 (i) Undergraduate stipulations: Applicants must
832 have successfully obtained a minimum of fifty-eight (58) semester
833 hours toward a bachelor of science degree in accounting from a
834 Mississippi institution of higher learning.

835 Applicants must have achieved a minimum grade point average
836 (GPA) on the previously obtained semester hours toward a bachelor
837 of science degree in accounting of 3.0 on a 4.0 scale.

838 If accepted into the program, participants shall maintain a
839 minimum cumulative GPA of 3.0 on a 4.0 scale in all coursework
840 counted toward a bachelor of science degree in accounting.



841 (ii) Graduate stipulations: Applicants must have
842 met the regular admission standards and have been accepted into
843 the master of science accounting program at a Mississippi
844 institution of higher learning.

845 If accepted into the program, participants shall maintain a
846 minimum cumulative GPA of 3.0 on a 4.0 scale in all coursework
847 counted toward a master of science degree in accounting.

848 (c) All program participants will be required to work a
849 total of three hundred thirty-six (336) hours each summer at the
850 Office of the State Auditor in Jackson, Mississippi.

851 (d) Agree to work as an auditor at the Office of the
852 State Auditor upon graduation for a period of time equivalent to
853 the period of time for which the applicant receives compensation,
854 calculated to the nearest whole month, but in no event less than
855 two (2) years.

856 (3) (a) Before being placed into the program, each
857 applicant shall enter into a contract with the Office of the State
858 Auditor, which shall be deemed a contract with the State of
859 Mississippi, agreeing to the terms and conditions upon which the
860 internship shall be granted to him. The contract shall include
861 such terms and provisions necessary to carry out the full purpose
862 and intent of this section. The form of such contract shall be
863 prepared and approved by the Attorney General of this state, and
864 shall be signed by the State Auditor of the Office of the State
865 Auditor and the participant.



866 (b) Upon entry into the program, participants will
867 become employees of the Office of the State Auditor during their
868 time in the program and shall be eligible for benefits such as
869 medical insurance paid by the agency for the participant; however,
870 in accordance with Section 25-11-105II(b), those participants
871 shall not become members of the Public Employees' Retirement
872 System while participating in the program. Participants shall not
873 accrue personal or major medical leave while they are in the
874 program.

875 (c) The Office of the State Auditor shall have the
876 authority to cancel any contract made between it and any program
877 participant upon such cause being deemed sufficient by the State
878 Auditor.

879 (d) The Office of the State Auditor is vested with full
880 and complete authority and power to sue in its own name any
881 participant for any damages due the state on any such uncompleted
882 contract, which suit shall be filed and handled by the Attorney
883 General of the state. The Office of the State Auditor may
884 contract with a collection agency or banking institution, subject
885 to approval by the Attorney General, for collection of any damages
886 due the state from any participant. The State of Mississippi, the
887 Office of the State Auditor and its employees are immune from any
888 suit brought in law or equity for actions taken by the collection
889 agency or banking institution incidental to or arising from their
890 performance under the contract. The Office of the State Auditor,



891 collection agency and banking institution may negotiate for the
892 payment of a sum that is less than full payment in order to
893 satisfy any damages the participant owes the state, subject to
894 approval by the director of the sponsoring facility within the
895 Office of the State Auditor.

896 (4) (a) Any recipient who is accepted into the program by
897 the Mississippi Office of the State Auditor and who fails to
898 complete undergraduate- or graduate-level coursework toward a
899 degree in accounting, or withdraws from school at any time before
900 completing his or her education, shall be liable to repay the
901 Office of the State Auditor for all monies received during the
902 time the recipient was in the program, at the rate of pay received
903 by the employee while in the program, including benefits paid by
904 the agency for the participant, and monies received for tuition,
905 books and related fees used to pursue their degree with interest
906 accruing at ten percent (10%) per annum from the date the
907 recipient failed or withdrew from school. The recipient also will
908 not be liable for repayment for any money earned during the
909 required summer hours. This money shall be considered earned by
910 the recipient at the federal minimum wage rate.

911 (b) All paid internship compensation received by the
912 recipient while in school shall be considered earned conditioned
913 upon the fulfillment of the terms and obligations of the paid
914 internship contract and this section. However, no recipient of
915 the paid internship shall accrue personal or major medical leave



916 while the recipient is pursuing junior or senior
917 undergraduate-level year coursework toward a bachelor's degree in
918 accounting or graduate-level coursework toward a master's degree
919 in accounting. The recipient shall not be liable for liquidated
920 damages.

921 (c) If the recipient does not work as an auditor at the
922 Office of the State Auditor for the period required under
923 subsection (2)(d) of this section, the recipient shall be liable
924 for repayment on demand of the remaining portion of the
925 compensation that the recipient was paid while in the program
926 which has not been unconditionally earned, with interest accruing
927 at ten percent (10%) per annum from the recipient's date of
928 graduation or the date that the recipient last worked at the
929 Office of the State Auditor, whichever is the later date. In
930 addition, there shall be included in any contract for paid student
931 internship a provision for liquidated damages equal to Five
932 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
933 basis for each year served under such contract.

934 **SECTION 21.** Section 23-15-239, Mississippi Code of 1972, is
935 brought forward as follows:

936 **[Until January 1, 2020, this section shall read as follows:]**

937 23-15-239. (1) The executive committee of each county, in
938 the case of a primary election, or the election commissioners of
939 each county, in the case of all other elections, in conjunction
940 with the circuit clerk, shall, in the years in which counties



941 conduct an election, sponsor and conduct, not less than five (5)
942 days before each election, not less than four (4) hours and not
943 more than eight (8) hours of poll manager training to instruct
944 poll managers as to their duties in the proper administration of
945 the election and the operation of the polling place. Any poll
946 manager who completes the online training course provided by the
947 Secretary of State shall only be required to complete two (2)
948 hours of in-person poll manager training. No poll manager shall
949 serve in any election unless he or she has received these
950 instructions once during the twelve (12) months immediately
951 preceding the date upon which the election is held; however,
952 nothing in this section shall prevent the appointment of an
953 alternate poll manager to fill a vacancy in case of an emergency.
954 The county executive committee or the election commissioners, as
955 appropriate, shall train a sufficient number of alternates to
956 serve in the event a poll manager is unable to serve for any
957 reason.

958 (2) (a) If it is eligible under Section 23-15-266, the
959 county executive committee may enter into a written agreement with
960 the circuit clerk or the county election commission authorizing
961 the circuit clerk or the county election commission to perform any
962 of the duties required of the county executive committee pursuant
963 to this section. Any agreement entered into pursuant to this
964 subsection shall be signed by the chair of the county executive
965 committee and the circuit clerk or the chair of the county



966 election commission, as appropriate. The county executive
967 committee shall notify the state executive committee and the
968 Secretary of State of the existence of the agreement.

969 (b) If it is eligible under Section 23-15-266, the
970 municipal executive committee may enter into a written agreement
971 with the municipal clerk or the municipal election commission
972 authorizing the municipal clerk or the municipal election
973 commission to perform any of the duties required of the municipal
974 executive committee pursuant to this section. Any agreement
975 entered into pursuant to this subsection shall be signed by the
976 chair of the municipal executive committee and the municipal clerk
977 or the chair of the municipal election commission, as appropriate.
978 The municipal executive committee shall notify the state executive
979 committee and the Secretary of State of the existence of the
980 agreement.

981 (3) The board of supervisors and the municipal governing
982 authority, in their discretion, may compensate poll managers who
983 attend these training sessions. The compensation shall be at a
984 rate of not less than the federal hourly minimum wage nor more
985 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
986 compensated for more than sixteen (16) hours of attendance at the
987 training sessions regardless of the actual amount of time that
988 they attended the training sessions.

989 (4) The time and location of the training sessions required
990 pursuant to this section shall be announced to the general public



991 by posting a notice thereof at the courthouse and by delivering a
992 copy of the notice to the office of a newspaper having general
993 circulation in the county five (5) days before the date upon which
994 the training session is to be conducted. Persons who will serve
995 as poll watchers for candidates and political parties, as well as
996 members of the general public, shall be allowed to attend the
997 sessions.

998 (5) Subject to the following annual limitations, the
999 election commissioners shall be entitled to receive a per diem in
1000 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1001 county general fund, for every day or period of no less than five
1002 (5) hours accumulated over two (2) or more days actually employed
1003 in the performance of their duties for the necessary time spent in
1004 conducting training sessions as required by this section:

1005 (a) In counties having less than fifteen thousand
1006 (15,000) residents according to the latest federal decennial
1007 census, not more than five (5) days per year;

1008 (b) In counties having fifteen thousand (15,000)
1009 residents according to the latest federal decennial census but
1010 less than thirty thousand (30,000) residents according to the
1011 latest federal decennial census, not more than eight (8) days per
1012 year;

1013 (c) In counties having thirty thousand (30,000)
1014 residents according to the latest federal decennial census but
1015 less than seventy thousand (70,000) residents according to the



1016 latest federal decennial census, not more than ten (10) days per
1017 year;

1018 (d) In counties having seventy thousand (70,000)
1019 residents according to the latest federal decennial census but
1020 less than ninety thousand (90,000) residents according to the
1021 latest federal decennial census, not more than twelve (12) days
1022 per year;

1023 (e) In counties having ninety thousand (90,000)
1024 residents according to the latest federal decennial census but
1025 less than one hundred seventy thousand (170,000) residents
1026 according to the latest federal decennial census, not more than
1027 fifteen (15) days per year;

1028 (f) In counties having one hundred seventy thousand
1029 (170,000) residents according to the latest federal decennial
1030 census but less than two hundred thousand (200,000) residents
1031 according to the latest federal decennial census, not more than
1032 eighteen (18) days per year;

1033 (g) In counties having two hundred thousand (200,000)
1034 residents according to the latest federal decennial census but
1035 less than two hundred twenty-five thousand (225,000) residents
1036 according to the latest federal decennial census, not more than
1037 nineteen (19) days per year;

1038 (h) In counties having two hundred twenty-five thousand
1039 (225,000) residents or more according to the latest federal
1040 decennial census, not more than twenty-two (22) days per year;



1041 (6) Election commissioners shall claim the per diem
1042 authorized in subsection (5) of this section in the manner
1043 provided for in Section 23-15-153(6).

1044 (7) (a) To provide poll manager training, the Secretary of
1045 State has developed a single, comprehensive poll manager training
1046 program to ensure uniform, secure elections throughout the state.
1047 The program includes online training on all state and federal
1048 election laws and procedures and voting machine opening and
1049 closing procedures.

1050 (b) County election commissioners shall designate no
1051 more than two (2) poll managers per precinct, who shall
1052 individually access and complete the online training program,
1053 including all skills assessments, at least five (5) days before an
1054 election. The poll managers shall be defined as "certified poll
1055 managers," and entitled to a "Certificate of Completion" and
1056 compensation for the successful completion of the training and
1057 skills assessment in the amount of Twenty-five Dollars (\$25.00)
1058 payable from the Help Mississippi Vote Fund. Compensation paid to
1059 any poll manager under this paragraph (b) shall not exceed
1060 Twenty-five Dollars (\$25.00) per calendar year.

1061 (c) Every election held after January 1, 2018, shall
1062 have at least one (1) certified poll manager appointed by the
1063 county election officials to work in each polling place in the
1064 county during each general election.



1065 **[From and after January 1, 2020, this section shall read as**
1066 **follows:]**

1067 23-15-239. (1) The executive committee of each county, in
1068 the case of a primary election, or the election commissioners of
1069 each county, in the case of all other elections, in conjunction
1070 with the circuit clerk, shall, in the years in which counties
1071 conduct an election, sponsor and conduct, not less than five (5)
1072 days before each election, not less than four (4) hours and not
1073 more than eight (8) hours of poll manager training to instruct
1074 poll managers as to their duties in the proper administration of
1075 the election and the operation of the polling place. Any poll
1076 manager who completes the online training course provided by the
1077 Secretary of State shall only be required to complete two (2)
1078 hours of in-person poll manager training. No poll manager shall
1079 serve in any election unless he or she has received these
1080 instructions once during the twelve (12) months immediately
1081 preceding the date upon which the election is held; however,
1082 nothing in this section shall prevent the appointment of an
1083 alternate poll manager to fill a vacancy in case of an emergency.
1084 The county executive committee or the election commissioners, as
1085 appropriate, shall train a sufficient number of alternates to
1086 serve in the event a poll manager is unable to serve for any
1087 reason.

1088 (2) (a) If it is eligible under Section 23-15-266, the
1089 county executive committee may enter into a written agreement with



1090 the circuit clerk or the county election commission authorizing
1091 the circuit clerk or the county election commission to perform any
1092 of the duties required of the county executive committee pursuant
1093 to this section. Any agreement entered into pursuant to this
1094 subsection shall be signed by the chair of the county executive
1095 committee and the circuit clerk or the chair of the county
1096 election commission, as appropriate. The county executive
1097 committee shall notify the state executive committee and the
1098 Secretary of State of the existence of the agreement.

1099 (b) If it is eligible under Section 23-15-266, the
1100 municipal executive committee may enter into a written agreement
1101 with the municipal clerk or the municipal election commission
1102 authorizing the municipal clerk or the municipal election
1103 commission to perform any of the duties required of the municipal
1104 executive committee pursuant to this section. Any agreement
1105 entered into pursuant to this subsection shall be signed by the
1106 chair of the municipal executive committee and the municipal clerk
1107 or the chair of the municipal election commission, as appropriate.
1108 The municipal executive committee shall notify the state executive
1109 committee and the Secretary of State of the existence of the
1110 agreement.

1111 (3) The board of supervisors and the municipal governing
1112 authority, in their discretion, may compensate poll managers who
1113 attend these training sessions. The compensation shall be at a
1114 rate of not less than the federal hourly minimum wage nor more



1115 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1116 compensated for more than sixteen (16) hours of attendance at the
1117 training sessions regardless of the actual amount of time that
1118 they attended the training sessions.

1119 (4) The time and location of the training sessions required
1120 pursuant to this section shall be announced to the general public
1121 by posting a notice thereof at the courthouse and by delivering a
1122 copy of the notice to the office of a newspaper having general
1123 circulation in the county five (5) days before the date upon which
1124 the training session is to be conducted. Persons who will serve
1125 as poll watchers for candidates and political parties, as well as
1126 members of the general public, shall be allowed to attend the
1127 sessions.

1128 (5) Subject to the following annual limitations, the
1129 election commissioners shall be entitled to receive a per diem in
1130 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1131 county general fund, for every day or period of no less than five
1132 (5) hours accumulated over two (2) or more days actually employed
1133 in the performance of their duties for the necessary time spent in
1134 conducting training sessions as required by this section:

1135 (a) In counties having less than fifteen thousand
1136 (15,000) residents according to the latest federal decennial
1137 census, not more than five (5) days per year;

1138 (b) In counties having fifteen thousand (15,000)
1139 residents according to the latest federal decennial census but



1140 less than thirty thousand (30,000) residents according to the
1141 latest federal decennial census, not more than eight (8) days per
1142 year;

1143 (c) In counties having thirty thousand (30,000)
1144 residents according to the latest federal decennial census but
1145 less than seventy thousand (70,000) residents according to the
1146 latest federal decennial census, not more than ten (10) days per
1147 year;

1148 (d) In counties having seventy thousand (70,000)
1149 residents according to the latest federal decennial census but
1150 less than ninety thousand (90,000) residents according to the
1151 latest federal decennial census, not more than twelve (12) days
1152 per year;

1153 (e) In counties having ninety thousand (90,000)
1154 residents according to the latest federal decennial census but
1155 less than one hundred seventy thousand (170,000) residents
1156 according to the latest federal decennial census, not more than
1157 fifteen (15) days per year;

1158 (f) In counties having one hundred seventy thousand
1159 (170,000) residents according to the latest federal decennial
1160 census but less than two hundred thousand (200,000) residents
1161 according to the latest federal decennial census, not more than
1162 eighteen (18) days per year;

1163 (g) In counties having two hundred thousand (200,000)
1164 residents according to the latest federal decennial census but



1165 less than two hundred twenty-five thousand (225,000) residents
1166 according to the latest federal decennial census, not more than
1167 nineteen (19) days per year;

1168 (h) In counties having two hundred twenty-five thousand
1169 (225,000) residents or more according to the latest federal
1170 decennial census, not more than twenty-two (22) days per year;

1171 (6) Election commissioners shall claim the per diem
1172 authorized in subsection (5) of this section in the manner
1173 provided for in Section 23-15-153(6).

1174 (7) (a) To provide poll manager training, the Secretary of
1175 State has developed a single, comprehensive poll manager training
1176 program to ensure uniform, secure elections throughout the state.
1177 The program includes online training on all state and federal
1178 election laws and procedures and voting machine opening and
1179 closing procedures.

1180 (b) County poll managers who individually access and
1181 complete the online training program, including all skills
1182 assessments, at least five (5) days before an election shall be
1183 defined as "certified poll manager," and entitled to a
1184 "Certificate of Completion."

1185 (c) At least one (1) certified poll manager shall be
1186 appointed by the county election officials to work in each polling
1187 place in the county during each general election.

1188 **SECTION 22.** Section 37-7-307, Mississippi Code of 1972, is
1189 brought forward as follows:



1190 37-7-307. (1) For purposes of this section, the term
1191 "licensed employee" means any employee of a public school district
1192 required to hold a valid license by the Commission on Teacher and
1193 Administrator Education, Certification and Licensure and
1194 Development.

1195 (2) The school board of a school district shall establish by
1196 rules and regulations a policy of sick leave with pay for licensed
1197 employees and teacher assistants employed in the school district,
1198 and such policy shall include the following minimum provisions for
1199 sick and emergency leave with pay:

1200 (a) Each licensed employee and teacher assistant, at
1201 the beginning of each school year, shall be credited with a
1202 minimum sick leave allowance, with pay, of seven (7) days for
1203 absences caused by illness or physical disability of the employee
1204 during that school year.

1205 (b) Any unused portion of the total sick leave
1206 allowance shall be carried over to the next school year and
1207 credited to such licensed employee and teacher assistant if the
1208 licensed employee or teacher assistant remains employed in the
1209 same school district. In the event any public school licensed
1210 employee or teacher assistant transfers from one public school
1211 district in Mississippi to another, any unused portion of the
1212 total sick leave allowance credited to such licensed employee or
1213 teacher assistant shall be credited to such licensed employee or
1214 teacher assistant in the computation of unused leave for



1215 retirement purposes under Section 25-11-109. Accumulation of sick
1216 leave allowed under this section shall be unlimited.

1217 (c) No deduction from the pay of such licensed employee
1218 or teacher assistant may be made because of absence of such
1219 licensed employee or teacher assistant caused by illness or
1220 physical disability of the licensed employee or teacher assistant
1221 until after all sick leave allowance credited to such licensed
1222 employee or teacher assistant has been used.

1223 (d) For the first ten (10) days of absence of a
1224 licensed employee because of illness or physical disability, in
1225 any school year, in excess of the sick leave allowance credited to
1226 such licensed employee, there shall be deducted from the pay of
1227 such licensed employee the established substitute amount of
1228 licensed employee compensation paid in that local school district,
1229 necessitated because of the absence of the licensed employee as a
1230 result of illness or physical disability. In lieu of deducting
1231 the established substitute amount from the pay of such licensed
1232 employee, the policy may allow the licensed employee to receive
1233 full pay for the first ten (10) days of absence because of illness
1234 or physical disability, in any school year, in excess of the sick
1235 leave allowance credited to such licensed employee. Thereafter,
1236 the regular pay of such absent licensed employee shall be
1237 suspended and withheld in its entirety for any period of absence
1238 because of illness or physical disability during that school year.



1239 (3) (a) Beginning with the school year 1983-1984, each
1240 licensed employee at the beginning of each school year shall be
1241 credited with a minimum personal leave allowance, with pay, of two
1242 (2) days for absences caused by personal reasons during that
1243 school year. Effective for the 2010-2011 and 2011-2012 school
1244 years, licensed employees shall be credited with an additional
1245 one-half (1/2) day of personal leave for every day the licensed
1246 employee is furloughed without pay as provided in Section
1247 37-7-308. Except as otherwise provided in paragraph (b) of this
1248 subsection, such personal leave shall not be taken on the first
1249 day of the school term, the last day of the school term, on a day
1250 previous to a holiday or a day after a holiday. Personal leave
1251 may be used for professional purposes, including absences caused
1252 by attendance of such licensed employee at a seminar, class,
1253 training program, professional association or other functions
1254 designed for educators. No deduction from the pay of such
1255 licensed employee may be made because of absence of such licensed
1256 employee caused by personal reasons until after all personal leave
1257 allowance credited to such licensed employee has been used.
1258 However, the superintendent of a school district, in his
1259 discretion, may allow a licensed employee personal leave in
1260 addition to any minimum personal leave allowance, under the
1261 condition that there shall be deducted from the salary of such
1262 licensed employee the actual amount of any compensation paid to
1263 any person as a substitute, necessitated because of the absence of



1264 the licensed employee. Any unused portion of the total personal
1265 leave allowance up to five (5) days shall be carried over to the
1266 next school year and credited to such licensed employee if the
1267 licensed employee remains employed in the same school district.
1268 Any personal leave allowed for a furlough day shall not be carried
1269 over to the next school year.

1270 (b) Notwithstanding the restrictions on the use of
1271 personal leave prescribed under paragraph (a) of this subsection,
1272 a licensed employee may use personal leave as follows:

1273 (i) Personal leave may be taken on the first day
1274 of the school term, the last day of the school term, on a day
1275 previous to a holiday or a day after a holiday if, on the
1276 applicable day, an immediate family member of the employee is
1277 being deployed for military service.

1278 (ii) Personal leave may be taken on a day previous
1279 to a holiday or a day after a holiday if an employee of a school
1280 district has either a minimum of ten (10) years' experience as an
1281 employee of that school district or a minimum of thirty (30) days
1282 of unused accumulated leave that has been earned while employed in
1283 that school district.

1284 (iii) Personal leave may be taken on the first day
1285 of the school term, the last day of the school term, on a day
1286 previous to a holiday or a day after a holiday if, on the
1287 applicable day, the employee has been summoned to appear for jury
1288 duty or as a witness in court.



1289 (4) Beginning with the school year 1992-1993, each licensed
1290 employee shall be credited with a professional leave allowance,
1291 with pay, for each day of absence caused by reason of such
1292 employee's statutorily required membership and attendance at a
1293 regular or special meeting held within the State of Mississippi of
1294 the State Board of Education, the Commission on Teacher and
1295 Administrator Education, Certification and Licensure and
1296 Development, the Commission on School Accreditation, the
1297 Mississippi Authority for Educational Television, the meetings of
1298 the state textbook rating committees or other meetings authorized
1299 by local school board policy.

1300 (5) Upon retirement from employment, each licensed and
1301 nonlicensed employee shall be paid for not more than thirty (30)
1302 days of unused accumulated leave earned while employed by the
1303 school district in which the employee is last employed. Such
1304 payment for licensed employees shall be made by the school
1305 district at a rate equal to the amount paid to substitute teachers
1306 and for nonlicensed employees, the payment shall be made by the
1307 school district at a rate equal to the federal minimum wage. The
1308 payment shall be treated in the same manner for retirement
1309 purposes as a lump-sum payment for personal leave as provided in
1310 Section 25-11-103(e). Any remaining lawfully credited unused
1311 leave, for which payment has not been made, shall be certified to
1312 the Public Employees' Retirement System in the same manner and
1313 subject to the same limitations as otherwise provided by law for



1314 unused leave. No payment for unused accumulated leave may be made
1315 to either a licensed or nonlicensed employee at termination or
1316 separation from service for any purpose other than for the purpose
1317 of retirement.

1318 (6) The school board may adopt rules and regulations which
1319 will reasonably aid to implement the policy of sick and personal
1320 leave, including, but not limited to, rules and regulations having
1321 the following general effect:

1322 (a) Requiring the absent employee to furnish the
1323 certificate of a physician or dentist or other medical
1324 practitioner as to the illness of the absent licensed employee,
1325 where the absence is for four (4) or more consecutive school days,
1326 or for two (2) consecutive school days immediately preceding or
1327 following a nonschool day;

1328 (b) Providing penalties, by way of full deduction from
1329 salary, or entry on the work record of the employee, or other
1330 appropriate penalties, for any materially false statement by the
1331 employee as to the cause of absence;

1332 (c) Forfeiture of accumulated or future sick leave, if
1333 the absence of the employee is caused by optional dental or
1334 medical treatment or surgery which could, without medical risk,
1335 have been provided, furnished or performed at a time when school
1336 was not in session;

1337 (d) Enlarging, increasing or providing greater sick or
1338 personal leave allowances than the minimum standards established



1339 by this section in the discretion of the school board of each
1340 school district.

1341 (7) School boards may include in their budgets provisions
1342 for the payment of substitute employees, necessitated because of
1343 the absence of regular licensed employees. All such substitute
1344 employees shall be paid wholly from district funds, except as
1345 otherwise provided for long-term substitute teachers in Section
1346 37-19-20. Such school boards, in their discretion, also may pay,
1347 from district funds other than adequate education program funds,
1348 the whole or any part of the salaries of all employees granted
1349 leaves for the purpose of special studies or training.

1350 (8) The school board may further adopt rules and regulations
1351 which will reasonably implement such leave policies for all other
1352 nonlicensed and hourly paid school employees as the board deems
1353 appropriate. Effective for the 2010-2011 and 2011-2012 school
1354 years, nonlicensed employees shall be credited with an additional
1355 one-half (1/2) day of personal leave for every day the nonlicensed
1356 employee is furloughed without pay as provided in Section
1357 37-7-308.

1358 (9) Vacation leave granted to either licensed or nonlicensed
1359 employees shall be synonymous with personal leave. Unused
1360 vacation or personal leave accumulated by licensed employees in
1361 excess of the maximum five (5) days which may be carried over from
1362 one year to the next may be converted to sick leave. The annual
1363 conversion of unused vacation or personal leave to sick days for



1364 licensed or unlicensed employees shall not exceed the allowable
1365 number of personal leave days as provided in Section 25-3-93. The
1366 annual total number of converted unused vacation and/or personal
1367 days added to the annual unused sick days for any employee shall
1368 not exceed the combined allowable number of days per year provided
1369 in Sections 25-3-93 and 25-3-95. Local school board policies that
1370 provide for vacation, personal and sick leave for employees shall
1371 not exceed the provisions for leave as provided in Sections
1372 25-3-93 and 25-3-95. Any personal or vacation leave previously
1373 converted to sick leave under a lawfully adopted policy before May
1374 1, 2004, or such personal or vacation leave accumulated and
1375 available for use prior to May 1, 2004, under a lawfully adopted
1376 policy but converted to sick leave after May 1, 2004, shall be
1377 recognized as accrued leave by the local school district and
1378 available for use by the employee. The leave converted under a
1379 lawfully adopted policy prior to May 1, 2004, or such personal and
1380 vacation leave accumulated and available for use as of May 1,
1381 2004, which was subsequently converted to sick leave may be
1382 certified to the Public Employees' Retirement System upon
1383 termination of employment and any such leave previously converted
1384 and certified to the Public Employees' Retirement System shall be
1385 recognized.

1386 (10) (a) For the purposes of this subsection, the following
1387 words and phrases shall have the meaning ascribed in this
1388 paragraph unless the context requires otherwise:



1389 (i) "Catastrophic injury or illness" means a
1390 life-threatening injury or illness of an employee or a member of
1391 an employee's immediate family that totally incapacitates the
1392 employee from work, as verified by a licensed physician, and
1393 forces the employee to exhaust all leave time earned by that
1394 employee, resulting in the loss of compensation from the local
1395 school district for the employee. Conditions that are short-term
1396 in nature, including, but not limited to, common illnesses such as
1397 influenza and the measles, and common injuries, are not
1398 catastrophic. Chronic illnesses or injuries, such as cancer or
1399 major surgery, that result in intermittent absences from work and
1400 that are long-term in nature and require long recuperation periods
1401 may be considered catastrophic.

1402 (ii) "Immediate family" means spouse, parent,
1403 stepparent, sibling, child or stepchild.

1404 (b) Any school district employee may donate a portion
1405 of his or her unused accumulated personal leave or sick leave to
1406 another employee of the same school district who is suffering from
1407 a catastrophic injury or illness or who has a member of his or her
1408 immediate family suffering from a catastrophic injury or illness,
1409 in accordance with the following:

1410 (i) The employee donating the leave (the "donor
1411 employee") shall designate the employee who is to receive the
1412 leave (the "recipient employee") and the amount of unused
1413 accumulated personal leave and sick leave that is to be donated,



1414 and shall notify the school district superintendent or his
1415 designee of his or her designation.

1416 (ii) The maximum amount of unused accumulated
1417 personal leave that an employee may donate to any other employee
1418 may not exceed a number of days that would leave the donor
1419 employee with fewer than seven (7) days of personal leave
1420 remaining, and the maximum amount of unused accumulated sick leave
1421 that an employee may donate to any other employee may not exceed
1422 fifty percent (50%) of the unused accumulated sick leave of the
1423 donor employee.

1424 (iii) An employee must have exhausted all of his
1425 or her available leave before he or she will be eligible to
1426 receive any leave donated by another employee. Eligibility for
1427 donated leave shall be based upon review and approval by the donor
1428 employee's supervisor.

1429 (iv) Before an employee may receive donated leave,
1430 he or she must provide the school district superintendent or his
1431 designee with a physician's statement that states that the illness
1432 meets the catastrophic criteria established under this section,
1433 the beginning date of the catastrophic injury or illness, a
1434 description of the injury or illness, and a prognosis for recovery
1435 and the anticipated date that the recipient employee will be able
1436 to return to work.

1437 (v) Before an employee may receive donated leave,
1438 the superintendent of education of the school district shall



1439 appoint a review committee to approve or disapprove the said
1440 donations of leave, including the determination that the illness
1441 is catastrophic within the meaning of this section.

1442 (vi) If the total amount of leave that is donated
1443 to any employee is not used by the recipient employee, the whole
1444 days of donated leave shall be returned to the donor employees on
1445 a pro rata basis, based on the ratio of the number of days of
1446 leave donated by each donor employee to the total number of days
1447 of leave donated by all donor employees.

1448 (vii) Donated leave shall not be used in lieu of
1449 disability retirement.

1450 **SECTION 23.** Section 57-34-5, Mississippi Code of 1972, is
1451 brought forward as follows:

1452 57-34-5. **Definitions.** As used in this chapter, the
1453 following words and phrases shall have the meanings ascribed to
1454 them in this section, unless the context clearly indicates a
1455 different meaning:

1456 (a) "Act" means the provisions of this chapter.

1457 (b) "Authority" means the Alabama-Mississippi Joint
1458 Economic Development Authority created pursuant to this chapter.

1459 (c) "Board of directors" means the board of directors
1460 of the authority.

1461 (d) "Designated geographic area" means:



1462 (i) Those counties in the State of Alabama that
1463 share a common border with any county in the State of Mississippi;
1464 and

1465 (ii) Those counties in the State of Mississippi
1466 that share a common border with any county in the State of
1467 Alabama.

1468 (e) "Herein," "hereby," "hereunder," "hereof" and other
1469 equivalent words refer to this chapter as an entirety and not
1470 solely to the particular section or portion thereof in which any
1471 such word is used.

1472 (f) "Project" means:

1473 (i) Any industrial, commercial, research and
1474 development, warehousing, distribution, transportation,
1475 processing, mining, United States government or tourism enterprise
1476 together with all real property required for construction,
1477 maintenance and operation of the enterprise:

1478 1. With an initial capital investment of not
1479 less than Three Hundred Million Dollars (\$300,000,000.00) from
1480 private or United States government sources together with all
1481 buildings, and other supporting land and facilities, structures or
1482 improvements of whatever kind required or useful for construction,
1483 maintenance and operation of the enterprise; or

1484 2. With an initial capital investment of not
1485 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1486 private or United States government sources together with all



1487 buildings and other supporting land and facilities, structures or
1488 improvements of whatever kind required or useful for construction,
1489 maintenance and operation of the enterprise and which creates at
1490 least one thousand (1,000) net new full-time jobs; or

1491 3. Which creates at least one thousand
1492 (1,000) net new full-time jobs which provide an average hourly
1493 wage of not less than two hundred percent (200%) of the federal
1494 minimum wage in effect on the date the project is placed in
1495 service.

1496 (ii) Any addition to, or expansion of, any
1497 existing enterprise as described in this paragraph if the addition
1498 or expansion:

1499 1. Has an initial capital investment of not
1500 less than Three Hundred Million Dollars (\$300,000,000.00) from
1501 private or United States government sources;

1502 2. Has an initial capital investment of not
1503 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1504 private or United States government sources together with all
1505 buildings and other supporting land and facilities, structures or
1506 improvements of whatever kind required or useful for construction,
1507 maintenance and operation of the enterprise and which creates at
1508 least one thousand (1,000) net new full-time jobs; or

1509 3. Creates at least one thousand (1,000) net
1510 new full-time jobs which provide an average hourly wage of not



1511 less than two hundred percent (200%) of the federal minimum wage
1512 in effect on the date the project is placed in service.

1513 (iii) Any development with an initial capital
1514 investment from private sources of not less than Seven Hundred
1515 Fifty Million Dollars (\$750,000,000.00) which will create at least
1516 three thousand (3,000) net new full-time jobs satisfying criteria
1517 to be established by the authority.

1518 In addition to meeting the other requirements of this
1519 paragraph, in order to fall within the definition of the term
1520 "project":

1521 (i) The enterprise or development must be located
1522 within the designated geographic area; and

1523 (ii) Each state must provide funds or in-kind
1524 contributions equal to at least one-third (1/3) of the total costs
1525 of the project to the states.

1526 (g) "Project agreement" means an agreement, approved by
1527 the Legislature of the states, setting forth certain obligations,
1528 responsibilities, benefits, administrative matters and any other
1529 matters with respect to a specific project that are not
1530 inconsistent with the terms of this chapter as the legislatures of
1531 the states deem appropriate with respect to a specific project.

1532 (h) "Project tax revenues" means:

1533 (i) All of the following state and local taxes
1534 paid directly to a state or a local government by the project:
1535 income taxes, ad valorem taxes on real and personal property,



1536 sales and use taxes, franchise taxes, license taxes, excise taxes
1537 and severance taxes; and

1538 (ii) All state and local personal income tax and
1539 occupational tax withholdings from employees of the project
1540 attributable to employment at the project.

1541 (i) "States" means the State of Alabama and the State
1542 of Mississippi collectively.

1543 **SECTION 24.** Section 85-3-4, Mississippi Code of 1972, is
1544 brought forward as follows:

1545 85-3-4. (1) The wages, salaries or other compensation of
1546 laborers or employees, residents of this state, shall be exempt
1547 from seizure under attachment, execution or garnishment for a
1548 period of thirty (30) days from the date of service of any writ of
1549 attachment, execution or garnishment.

1550 (2) After the passage of the period of thirty (30) days
1551 described in subsection (1) of this section, the maximum part of
1552 the aggregate disposable earnings (as defined by Section 1672(b)
1553 of Title 15, USCS) of an individual that may be levied by
1554 attachment, execution or garnishment shall be:

1555 (a) In the case of earnings for any workweek, the
1556 lesser amount of either,

1557 (i) Twenty-five percent (25%) of his disposable
1558 earnings for that week, or

1559 (ii) The amount by which his disposable earnings
1560 for that week exceed thirty (30) times the federal minimum hourly



1561 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in
1562 effect at the time the earnings are payable; or

1563 (b) In the case of earnings for any period other than a
1564 week, the amount by which his disposable earnings exceed the
1565 following "multiple" of the federal minimum hourly wage which is
1566 equivalent in effect to that set forth in subparagraph (a) (ii) of
1567 this subsection (2): The number of workweeks, or fractions
1568 thereof multiplied by thirty (30) multiplied by the applicable
1569 federal minimum wage.

1570 (3) (a) The restrictions of subsections (1) and (2) of this
1571 section do not apply in the case of:

1572 (i) Any order for the support of any person issued
1573 by a court of competent jurisdiction or in accordance with an
1574 administrative procedure, which is established by state law, which
1575 affords substantial due process, and which is subject to judicial
1576 review.

1577 (ii) Any debt due for any state or local tax.

1578 (b) Except as provided in subparagraph (b) (iii) of this
1579 subsection (3), the maximum part of the aggregate disposable
1580 earnings of an individual for any workweek which is subject to
1581 garnishment to enforce any order for the support of any person
1582 shall not exceed:

1583 (i) Where such individual is supporting his spouse
1584 or dependent child (other than a spouse or child with respect to



1585 whose support such order is used), fifty percent (50%) of such
1586 individual's disposable earnings for that week; and

1587 (ii) Where such individual is not supporting such
1588 a spouse or dependent child described in subparagraph (b)(i) of
1589 this subsection (3), sixty percent (60%) of such individual's
1590 disposable earnings for that week;

1591 (iii) With respect to the disposable earnings of
1592 any individual for that workweek, the fifty percent (50%)
1593 specified in subparagraph (b)(i) of this subsection (3) shall be
1594 deemed to be fifty-five percent (55%) and the sixty percent (60%)
1595 specified in subparagraph (b)(ii) of this subsection (3) shall be
1596 deemed to be sixty-five percent (65%), if and to the extent that
1597 such earnings are subject to garnishment to enforce a support
1598 order with respect to a period which is prior to the period of
1599 twelve (12) weeks which ends with the beginning of such workweek.

1600 **SECTION 25.** Section 97-3-54.4, Mississippi Code of 1972, is
1601 brought forward as follows:

1602 97-3-54.4. For the purposes of the Mississippi Human
1603 Trafficking Act the following words and phrases shall have the
1604 meanings ascribed herein unless the context clearly requires
1605 otherwise:

1606 (a) "Act" or "this act" means the Mississippi Human
1607 Trafficking Act.

1608 (b) "Actor" means a person who violates any of the
1609 provisions of Sections 97-3-54 through 97-3-54.4.



1610 (c) "Blackmail" means obtaining property or things of
1611 value of another by threatening to (i) inflict bodily injury on
1612 anyone; or (ii) commit any other criminal offense.

1613 (d) "Coerce" or "coercion" means:

1614 (i) Causing or threatening to cause bodily harm to
1615 any person, physically restraining or confining any person, or
1616 threatening to physically restrain or confine any person;

1617 (ii) Exposing or threatening to expose any fact or
1618 information or disseminating or threatening to disseminate any
1619 fact or information that would tend to subject a person to
1620 criminal or immigration proceedings, hatred, contempt or ridicule;

1621 (iii) Destroying, concealing, removing,
1622 confiscating or possessing any actual or purported passport or
1623 other immigration document, or any other actual or purported
1624 government identification document of any person;

1625 (iv) Providing a controlled substance to a person
1626 for the purpose of compelling the person to engage in labor or
1627 sexual servitude against the person's will;

1628 (v) Causing or threatening to cause financial harm
1629 to any person or using financial control over any person;

1630 (vi) Abusing or threatening to abuse a position of
1631 power, the law, or legal process;

1632 (vii) Using blackmail;

1633 (viii) Using an individual's personal services as
1634 payment or satisfaction of a real or purported debt when: 1. the



1635 reasonable value of the services is not applied toward the
1636 liquidation of the debt; 2. the length of the services is not
1637 limited and the nature of the services is not defined; 3. the
1638 principal amount of the debt does not reasonably reflect the value
1639 of the items or services for which the debt is incurred; or 4. the
1640 individual is prevented from acquiring accurate and timely
1641 information about the disposition of the debt; or

1642 (ix) Using any scheme, plan or pattern of conduct
1643 intended to cause any person to believe that, if the person did
1644 not perform the labor or services, that the person or another
1645 person would suffer serious harm or physical restraint.

1646 (e) "Commercial sexual activity" means any sex act on
1647 account of which anything of value is given to, promised to, or
1648 received by any person.

1649 (f) "Enterprise" means any individual, sole
1650 proprietorship, partnership, corporation, union or other legal
1651 entity, or any association or group of individuals associated in
1652 fact regardless of whether a legal entity has been formed pursuant
1653 to any state, federal or territorial law. It includes illicit as
1654 well as licit enterprises and governmental as well as other
1655 entities.

1656 (g) "Financial harm" includes, but is not limited to,
1657 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
1658 or violation of the usury law as defined by Title 75, Chapter 17,
1659 Mississippi Code of 1972.



1660 (h) "Forced labor or services" means labor or services
1661 that are performed or provided by another person and are obtained
1662 or maintained through coercion.

1663 (i) "Labor" means work of economic or financial value.

1664 (j) "Maintain" means, in relation to labor or services,
1665 to secure continued performance thereof, regardless of any initial
1666 agreement on the part of the trafficked person to perform such
1667 labor or service.

1668 (k) "Minor" means a person under the age of eighteen
1669 (18) years.

1670 (l) "Obtain" means, in relation to labor or services,
1671 to secure performance thereof.

1672 (m) "Pecuniary damages" means any of the following:

1673 (i) The greater of the gross income or value to
1674 the defendant of the victim's labor or services, including sexual
1675 services, not reduced by the expense the defendant incurred as a
1676 result of maintaining the victim, or the value of the victim's
1677 labor or services calculated under the minimum wage and overtime
1678 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1679 seq., whichever is higher;

1680 (ii) If it is not possible or in the best interest
1681 of the victim to compute a value under subparagraph (i) of this
1682 paragraph (m), the equivalent of the value of the victim's labor
1683 or services if the victim had provided labor or services that were



1684 subject to the minimum wage and overtime provisions of the Fair
1685 Labor Standards Act, 29 USCS 201 et seq.;

1686 (iii) Costs and expenses incurred by the victim as
1687 a result of the offense for:

- 1688 1. Medical services;
- 1689 2. Therapy or psychological counseling;
- 1690 3. Temporary housing;
- 1691 4. Transportation;
- 1692 5. Childcare;
- 1693 6. Physical and occupational therapy or
1694 rehabilitation;
- 1695 7. Funeral, interment, and burial services;
1696 reasonable attorney's fees and other legal costs; and
- 1697 8. Other expenses incurred by the victim.

1698 (n) "Serious harm" means harm, whether physical or
1699 nonphysical, including psychological, economic or reputational, to
1700 an individual that would compel a reasonable person in similar
1701 circumstances as the individual to perform or continue to perform
1702 labor or services to avoid incurring the harm.

1703 (o) "Services" means an ongoing relationship between a
1704 person and the actor in which the person performs activities under
1705 the supervision of or for the benefit of the actor or a third
1706 party and includes, without limitation, commercial sexual
1707 activity, sexually explicit performances, or the production of
1708 sexually explicit materials.



1709 (p) "Sexually explicit performance" means a live or
1710 public act or show intended to arouse or satisfy the sexual
1711 desires or appeal to the prurient interests of patrons.

1712 (q) "Trafficked person" means a person subjected to the
1713 practices prohibited by this act regardless of whether a
1714 perpetrator is identified, apprehended, prosecuted or convicted,
1715 and is a term used interchangeably with the terms "victim,"
1716 "victim of trafficking" and "trafficking victim."

1717 (r) "Venture" means any group of two (2) or more
1718 individuals associated in fact, whether or not a legal entity.

1719 (s) "Sexually oriented material" shall have the meaning
1720 ascribed in Section 97-5-27, Mississippi Code of 1972.

1721 **SECTION 26.** Section 99-19-20, Mississippi Code of 1972, is
1722 brought forward as follows:

1723 99-19-20. (1) When any court sentences a defendant to pay a
1724 fine, the court may order (a) that the fine be paid immediately,
1725 or (b) that the fine be paid in installments to the clerk of said
1726 court or to the judge, if there be no clerk, or (c) that payment
1727 of the fine be a condition of probation, or (d) that the defendant
1728 be required to work on public property for public benefit under
1729 the direction of the sheriff for a specific number of hours, or
1730 (e) any combination of the above.

1731 (2) The defendant may be imprisoned until the fine is paid
1732 if the defendant is financially able to pay a fine and the court
1733 so finds, subject to the limitations hereinafter set out. The



1734 defendant shall not be imprisoned if the defendant is financially
1735 unable to pay a fine and so states to the court in writing, under
1736 oath, after sentence is pronounced, and the court so finds, except
1737 if the defendant is financially unable to pay a fine and such
1738 defendant failed or refused to comply with a prior sentence as
1739 specified in subsection (1) of this section, the defendant may be
1740 imprisoned.

1741 This subsection shall be limited as follows:

1742 (a) In no event shall such period of imprisonment
1743 exceed one (1) day for each Twenty-five Dollars (\$25.00) of the
1744 fine. If a defendant is unable to work or if the county or the
1745 municipality is unable to provide work for the defendant, the
1746 defendant shall receive a credit of Twenty-five Dollars (\$25.00)
1747 for each day of imprisonment.

1748 (b) If a sentence of imprisonment, as well as a fine,
1749 were imposed, the aggregate of such term for nonpayment of a fine
1750 and the original sentence of imprisonment shall not exceed the
1751 maximum authorized term of imprisonment.

1752 (c) It shall be in the discretion of the judge to
1753 determine the rate of the credit to be earned for work performed
1754 under subsection (1)(d), but the rate shall be no lower than the
1755 rate of the highest current federal minimum wage.

1756 (3) Periods of confinement imposed for nonpayment of two (2)
1757 or more fines shall run consecutively unless specified by the
1758 court to run concurrently.



1759 **SECTION 27.** (1) **Definitions.** The following words and
1760 phrases shall have the meanings as defined in this section unless
1761 the context clearly indicates otherwise:

1762 (a) "Child" means a biological, adopted, or foster
1763 child, a stepchild, a legal ward, or a child of a person standing
1764 in loco parentis, who is: (i) Under eighteen (18) years of age;
1765 (ii) or eighteen (18) years of age or older and incapable of
1766 self-care because of a mental or physical disability.

1767 (b) "Department" means the Mississippi Department of
1768 Employment Security.

1769 (c) "Director" means the director of the department.

1770 (d) "Employee" means a person who has been employed:
1771 (i) for at least twelve (12) months by the employer with respect
1772 to whom leave is requested; and (ii) for at least one thousand two
1773 hundred fifty (1,250) hours of service with the employer during
1774 the previous twelve-month period.

1775 "Employee" does not mean a person who is employed at a
1776 worksite at which the employer employs less than fifty (50)
1777 employees if the total number of employees employed by that
1778 employer within seventy-five (75) miles of that worksite is less
1779 than fifty (50).

1780 (e) "Employer" means: (i) any person, firm,
1781 corporation, partnership, business trust, legal representative, or
1782 other business entity which engages in any business, industry,
1783 profession, or activity in this state and includes any unit of



1784 local government including, but not limited to, a county, city,
1785 town, municipal corporation, quasi-municipal corporation, or
1786 political subdivision, which employs fifty (50) or more employees
1787 for each working day during each of twenty (20) or more calendar
1788 workweeks in the current or preceding calendar year; (ii) the
1789 state, state institutions, and state agencies; and (iii) any unit
1790 of local government including, but not limited to, a county, city,
1791 town, municipal corporation, quasi-municipal corporation, or
1792 political subdivision.

1793 (f) "Employment benefits" means all benefits provided
1794 or made available to employees by an employer, including group
1795 life insurance, health insurance, disability insurance, sick
1796 leave, annual leave, educational benefits, and pensions except
1797 benefits that are provided by a practice or written policy of an
1798 employer or through an employee benefit plan as defined in 29
1799 U.S.C. Section 1002(3).

1800 (g) "Family member" means a child, parent, spouse, or
1801 state registered domestic partner of an employee.

1802 (h) "Health care provider" means: (i) a person
1803 licensed as a physician or an osteopathic physician and surgeon;
1804 (ii) a person licensed as an advanced registered nurse
1805 practitioner; or (iii) any other person determined by the director
1806 to be capable of providing health care services.

1807 (i) "Intermittent leave" is leave taken in separate
1808 blocks of time due to a single qualifying reason.



1809 (j) "Leave for a family member's serious health
1810 condition" means leave as defined in subsection (3) of this
1811 section.

1812 (k) "Leave for the birth or placement of a child" means
1813 leave as defined in subsection (3) of this section.

1814 (l) "Leave for the employee's serious health condition"
1815 means leave as defined in subsection (3) of this section.

1816 (m) "Parent" means the biological or adoptive parent of
1817 an employee or an individual who stood in loco parentis to an
1818 employee when the employee was a child.

1819 (n) "Period of incapacity" means an inability to work,
1820 attend school, or perform other regular daily activities because
1821 of the serious health condition, treatment of that condition or
1822 recovery from it, or subsequent treatment in connection with such
1823 inpatient care.

1824 (o) "Reduced leave schedule" means a leave schedule
1825 that reduces the usual number of hours per workweek, or hours per
1826 workday, of an employee.

1827 (p) (i) "Serious health condition" means an illness,
1828 injury, impairment, or physical or mental condition that involves:
1829 1. inpatient care in a hospital, hospice, or residential medical
1830 care facility, including any period of incapacity; or 2.
1831 continuing treatment by a health care provider. A serious health
1832 condition involving continuing treatment by a health care provider
1833 includes any one or more of the following:



1834 1. A period of incapacity of more than three
1835 (3) consecutive calendar days, and any subsequent treatment or
1836 period of incapacity relating to the same condition, that also
1837 involves:

1838 a. Treatment two (2) or more times by a
1839 health care provider, by a nurse or physician's assistant under
1840 direct supervision of a health care provider, or by a provider of
1841 health care services under orders of, or on referral by, a health
1842 care provider; or

1843 b. Treatment by a health care provider
1844 on at least one (1) occasion which results in a regimen of
1845 continuing treatment under the supervision of the health care
1846 provider;

1847 2. Any period of incapacity due to pregnancy,
1848 or for prenatal care;

1849 3. Any period of incapacity or treatment for
1850 such incapacity due to a chronic serious health condition. A
1851 chronic serious health condition is one which:

1852 a. Requires periodic visits for
1853 treatment by a health care provider, or by a nurse or physicians
1854 assistant under direct supervision of a health care provider;

1855 b. Continues over an extended period of
1856 time, including recurring episodes of a single underlying
1857 condition; and



1858 c. May cause episodic rather than a
1859 continuing period of incapacity;

1860 4. A period of incapacity which is permanent
1861 or long-term due to a condition for which treatment may not be
1862 effective. The employee or family member must be under the
1863 continuing supervision of, but need not be receiving active
1864 treatment by, a health care provider; or

1865 5. Any period of absence to receive multiple
1866 treatments, including any period of recovery from the treatments,
1867 by a health care provider or by a provider of health care services
1868 under orders of, or on referral by, a health care provider, either
1869 for restorative surgery after an accident or other injury, or for
1870 a condition that would likely result in a period of incapacity of
1871 more than three (3) consecutive calendar days in the absence of
1872 medical intervention or treatment, such as cancer, severe
1873 arthritis, or kidney disease.

1874 (ii) Treatment for purposes of subparagraph (i) of
1875 this paragraph (p) includes, but is not limited to, examinations
1876 to determine if a serious health condition exists and evaluations
1877 of the condition.

1878 Treatment does not include routine physical examinations, eye
1879 examinations, or dental examinations. Under subparagraph (i)1.b.
1880 of this paragraph (p), a regimen of continuing treatment includes,
1881 but is not limited to, a course of prescription medication or
1882 therapy requiring special equipment to resolve or alleviate the



1883 health condition. A regimen of continuing treatment that includes
1884 taking over-the-counter medications, such as aspirin,
1885 antihistamines, or salves, or bed rest, drinking fluids, exercise,
1886 and other similar activities that can be initiated without a visit
1887 to a health care provider, is not, by itself, sufficient to
1888 constitute a regimen of continuing treatment for purposes of this
1889 act.

1890 (iii) Conditions for which cosmetic treatments are
1891 administered are not "serious health conditions" unless inpatient
1892 hospital care is required or unless complications develop. Unless
1893 complications arise, the common cold, the flu, earaches, upset
1894 stomach, minor ulcers, headaches other than migraine, routine
1895 dental or orthodontia problems, and periodontal disease are
1896 examples of conditions that do not meet the definition of a
1897 "serious health condition" and do not qualify for leave under this
1898 act. Restorative dental or plastic surgery after an injury or
1899 removal of cancerous growths are serious health conditions
1900 provided all the other conditions of this section are met.

1901 Mental illness resulting from stress or allergies may be
1902 serious health conditions provided all the other conditions of
1903 this section are met.

1904 (iv) Substance abuse may be a serious health
1905 condition if the conditions of this section are met. However,
1906 leave may only be taken for treatment for substance abuse by a
1907 health care provider or by a provider of health care services upon



1908 referral by a health care provider. Absence from work because of
1909 the employee's use of the substance, rather than for treatment,
1910 does not qualify for leave under this act.

1911 (v) Absences attributable to incapacity under
1912 subparagraph (i)1. or 3. of this paragraph (p) qualify for leave
1913 under this act even though the employee or the immediate family
1914 member does not receive treatment from a health care provider
1915 during the absence, and even if the absence does not last more
1916 than three (3) days.

1917 (q) "Spouse" means a husband or wife, as the case may
1918 be, or state registered domestic partner.

1919 (2) **Administration.** The Mississippi Department of
1920 Employment Security shall administer the provisions of this act.

1921 (3) **Entitlement to paid leave.** (a) An employee is entitled
1922 to a total of twelve (12) workweeks of paid leave during any
1923 twelve-month period for one or more of the following:

1924 (i) Because of the birth of a child of the
1925 employee and in order to care for the child;

1926 (ii) Because of the placement of a child with the
1927 employee for adoption or foster care;

1928 (iii) In order to care for a family member of the
1929 employee, if the family member has a serious health condition; or

1930 (iv) Because of a serious health condition that
1931 makes the employee unable to perform the functions of the position
1932 of the employee.



1933 (b) The entitlement to leave for the birth or placement
1934 of a child expires at the end of the twelve-month period beginning
1935 on the date of such birth or placement.

1936 (4) **Leave taken intermittently or on reduced leave schedule.**

1937 (a) When paid leave is taken after the birth or
1938 placement of a child for adoption or foster care, an employee may
1939 take paid leave intermittently or on a reduced paid leave schedule
1940 with the employers' agreement. The employers' agreement is not
1941 required, however, for paid leave during which the employee has a
1942 serious health condition in connection with the birth of a child
1943 or if the newborn child has a serious health condition.

1944 (b) Paid leave may be taken intermittently or on a
1945 reduced leave schedule when medically necessary for medical
1946 treatment of a serious health condition by or under the
1947 supervision of a health care provider, or for recovery from
1948 treatment or recovery from a serious health condition. It may
1949 also be taken to provide care or psychological comfort to an
1950 immediate family member with a serious health condition.

1951 (i) Intermittent paid leave may be taken for a
1952 serious health condition that requires treatment by a health care
1953 provider periodically, rather than for one (1) continuous period
1954 of time, and may include leave of periods from an hour or more to
1955 several weeks.

1956 (ii) Intermittent or reduced schedule paid leave
1957 may be taken for absences where the employee or family member is



1958 incapacitated or unable to perform the essential functions of the
1959 position because of a chronic serious health condition even if he
1960 or she does not receive treatment by a health care provider.

1961 (c) There is no limit on the size of an increment of
1962 paid leave when an employee takes intermittent paid leave or paid
1963 leave on a reduced paid leave schedule. However, an employer may
1964 limit leave increments to the shortest period of time that the
1965 employer's payroll system uses to account for absences or use of
1966 leave, provided it is one (1) hour or less.

1967 (d) The taking of paid leave intermittently or on a
1968 reduced leave schedule under this section may not result in a
1969 reduction in the total amount of leave to which the employee is
1970 entitled beyond the amount of leave actually taken.

1971 (e) If an employee requests intermittent paid leave, or
1972 leave on a reduced leave schedule, for a family member's serious
1973 health condition or the employees serious health condition when
1974 the condition is foreseeable based on planned medical treatment,
1975 the employer may require such employee to transfer temporarily to
1976 an available alternative position offered by the employer for
1977 which the employee is qualified and that:

1978 (i) Has equivalent pay and benefits; and

1979 (ii) Better accommodates recurring periods of
1980 leave than the regular employment position of the employee.

1981 (5) **Foreseeable paid leave.** (a) If the necessity for paid
1982 leave for the birth or placement of a child is foreseeable based



1983 on an expected birth or placement, the employee shall provide the
1984 employer with not less than thirty (30) days' notice, before the
1985 date the leave is to begin, of the employee's intention to take
1986 leave for the birth or placement of a child, except that if the
1987 date of the birth or placement requires leave to begin in less
1988 than thirty (30) days, the employee shall provide such notice as
1989 is practicable.

1990 (b) If the necessity for paid leave for a family
1991 member's serious health condition or the employee's serious health
1992 condition is foreseeable based on planned medical treatment, the
1993 employee:

1994 (i) Must make a reasonable effort to schedule the
1995 treatment so as not to unduly disrupt the operations of the
1996 employer, subject to the approval of the health care provider of
1997 the employee or the health care provider of the family member, as
1998 appropriate; and

1999 (ii) Must provide the employer with not less than
2000 thirty (30) days' notice, before the date the leave is to begin,
2001 of the employee's intention to take leave for a family member's
2002 serious health condition or the employee's serious health
2003 condition, except that if the date of the treatment requires leave
2004 to begin in less than thirty (30) days, the employee must provide
2005 such notice as is practicable.

2006 (6) **Spouses employed by same employer.** If spouses entitled
2007 to leave under this act are employed by the same employer, the



2008 aggregate number of workweeks of paid leave to which both may be
2009 entitled may be limited to twelve (12) workweeks during any
2010 twelve-month period, if such leave is taken: (a) for the birth or
2011 placement of a child; or (b) for a parent's serious health
2012 condition.

2013 (7) **Certification.** (a) An employer may require that a
2014 request for paid leave for a family member's serious health
2015 condition or the employee's serious health condition be supported
2016 by a certification issued by the health care provider of the
2017 employee or of the family member, as appropriate. The employee
2018 must provide, in a timely manner, a copy of the certification to
2019 the employer.

2020 (b) Certification provided under paragraph (a) of this
2021 subsection is sufficient if it states:

2022 (i) The date on which the serious health condition
2023 commenced;

2024 (ii) The probable duration of the condition;

2025 (iii) The appropriate medical facts within the
2026 knowledge of the health care provider regarding the condition;

2027 (iv) 1. For purposes of leave for a family
2028 members serious health condition, a statement that the employee is
2029 needed to care for the family member and an estimate of the amount
2030 of time that such employee is needed to care for the family
2031 member; and



2032 2. For purposes of leave for the employee's
2033 serious health condition, a statement that the employee is unable
2034 to perform the functions of the position of the employee;

2035 (v) In the case of certification for intermittent
2036 leave, or leave on a reduced leave schedule, for planned medical
2037 treatment, the dates on which the treatment is expected to be
2038 given and the duration of the treatment;

2039 (vi) In the case of certification for intermittent
2040 leave, or leave on a reduced leave schedule, for the employees
2041 serious health condition, a statement of the medical necessity for
2042 the intermittent leave or leave on a reduced leave schedule, and
2043 the expected duration of the intermittent leave or reduced leave
2044 schedule; and

2045 (vii) In the case of certification for
2046 intermittent leave, or leave on a reduced leave schedule, for a
2047 family members serious health condition, a statement that the
2048 employee's intermittent leave or leave on a reduced leave schedule
2049 is necessary for the care of the family member who has a serious
2050 health condition, or will assist in their recovery, and the
2051 expected duration and schedule of the intermittent leave or
2052 reduced leave schedule.

2053 (c) If the employer has reason to doubt the validity of
2054 the certification provided under paragraph (a) of this subsection
2055 (7) for leave for a family member's serious health condition or
2056 the employee's serious health condition, the employer may require,



2057 at the expense of the employer, that the employee obtain the
2058 opinion of a second health care provider designated or approved by
2059 the employer concerning any information certified under paragraph
2060 (b) of this subsection (7) for the leave. The second health care
2061 provider may not be employed on a regular basis by the employer.

2062 (d) If the second opinion described in paragraph (c) of
2063 this subsection (7) differs from the opinion in the original
2064 certification provided under paragraph (a) of this subsection (7),
2065 the employer may require, at the expense of the employer, that the
2066 employee obtain the opinion of a third health care provider
2067 designated or approved jointly by the employer and the employee
2068 concerning the information certified under paragraph (b) of this
2069 subsection (7). The opinion of the third health care provider
2070 concerning the information certified under paragraph (b) of this
2071 subsection (7) is considered to be final and is binding on the
2072 employer and the employee.

2073 (e) The employer may require that the employee obtain
2074 subsequent recertifications on a reasonable basis.

2075 (8) **Employment protection.** (a) Except as provided in
2076 paragraph (b) of this subsection, any employee who takes paid
2077 leave for the intended purpose of the leave is entitled, on return
2078 from the leave:

2079 (i) To be restored by the employer to the position
2080 of employment held by the employee when the leave commenced; or



2081 (ii) To be restored to an equivalent position with
2082 equivalent employment benefits, pay, and other terms and
2083 conditions of employment at a workplace within twenty (20) miles
2084 of the employees workplace when leave commenced.

2085 (b) The taking of leave may not result in the loss of
2086 any employment benefits accrued before the date on which the leave
2087 commenced.

2088 (c) Nothing in this section entitles any restored
2089 employee to (i) the accrual of any seniority or employment
2090 benefits during any period of leave; or (ii) any right, benefit,
2091 or position of employment other than any right, benefit, or
2092 position to which the employee would have been entitled had the
2093 employee not taken the leave.

2094 (d) As a condition of restoration under paragraph (a)
2095 of this subsection for an employee who has taken leave for the
2096 employee's serious health condition, the employer may have a
2097 uniformly applied practice or policy that requires each such
2098 employee to receive certification from the health care provider of
2099 the employee that the employee is able to resume work, except that
2100 nothing in this paragraph (d) supersedes a valid local law or a
2101 collective bargaining agreement that governs the return to work of
2102 such employees.

2103 (e) Nothing in this subsection prohibits an employer
2104 from requiring an employee on leave to report periodically to the



2105 employer on the status and intention of the employee to return to
2106 work.

2107 An employer may deny restoration under this subsection to any
2108 salaried employee who is among the highest paid ten percent (10%)
2109 of the employees employed by the employer within seventy-five (75)
2110 miles of the facility at which the employee is employed if:

2111 (i) Denial is necessary to prevent substantial and
2112 grievous economic injury to the operations of the employer;

2113 (ii) The employer notifies the employee of the
2114 intent of the employer to deny restoration on such basis at the
2115 time the employer determines that the injury would occur; and

2116 (iii) The leave has commenced and the employee
2117 elects not to return to employment after receiving the notice.

2118 (9) **Employment benefits.** During any period of paid leave
2119 taken, if the employee is not eligible for any employer
2120 contribution to medical or dental benefits under an applicable
2121 collective bargaining agreement or employer policy during any
2122 period of leave, an employer shall allow the employee to continue,
2123 at the employees expense, medical or dental insurance coverage,
2124 including any spouse and dependent coverage, in accordance with
2125 state or federal law. The premium to be paid by the employee
2126 shall not exceed one hundred two percent (102%) of the applicable
2127 premium for the leave period.

2128 (10) **Prohibited acts.** (a) It is unlawful for any employer
2129 to:



2130 (i) Interfere with, restrain, or deny the exercise
2131 of, or the attempt to exercise, any right provided under this act;
2132 or

2133 (ii) Discharge or in any other manner discriminate
2134 against any individual for opposing any practice made unlawful by
2135 this act.

2136 (b) It is unlawful for any person to discharge or in
2137 any other manner discriminate against any individual because the
2138 individual has:

2139 (i) Filed any charge, or has instituted or caused
2140 to be instituted any proceeding, under or related to this act;

2141 (ii) Given, or is about to give, any information
2142 in connection with any inquiry or proceeding relating to any right
2143 provided under this act; or

2144 (iii) Testified, or is about to testify, in any
2145 inquiry or proceeding relating to any right provided under this
2146 act.

2147 (11) **Complaint investigations by director.** Upon complaint
2148 by an employee, the director shall investigate to determine if
2149 there has been compliance with this act and the rules adopted
2150 under this act. If the investigation indicates that a violation
2151 may have occurred, a hearing must be held. The director must
2152 issue a written determination including his or her findings after
2153 the hearing. A judicial appeal from the director's determination



2154 may be taken, with the prevailing party entitled to recover
2155 reasonable costs and attorney's fees.

2156 (12) **Civil penalty.** An employer who is found to have
2157 violated a requirement of this act and the rules adopted under
2158 this act, is subject to a civil penalty of not less than One
2159 Thousand Dollars (\$1,000.00) for each violation. Civil penalties
2160 must be collected by the department and deposited into the family
2161 and medical leave enforcement account.

2162 (13) **Civil action by employees.** (a) Any employer who
2163 violates is liable:

2164 (i) For damages equal to:

2165 1. The amount of:

2166 a. Any wages, salary, employment
2167 benefits, or other compensation denied or lost to such employee by
2168 reason of the violation; or

2169 b. In a case in which wages, salary,
2170 employment benefits, or other compensation have not been denied or
2171 lost to the employee, any actual monetary losses sustained by the
2172 employee as a direct result of the violation, such as the cost of
2173 providing care, up to a sum equal to twelve (12) weeks of wages or
2174 salary for the employee;

2175 2. The interest on the amount described in
2176 subparagraph (i)1 of this paragraph (a) calculated at the
2177 prevailing rate; and



2178 3. An additional amount as liquidated damages
2179 equal to the sum of the amount described in subparagraph (i)1 of
2180 this paragraph (a) and the interest described in subparagraph (i)2
2181 of this paragraph (a), except that if an employer who has violated
2182 proves to the satisfaction of the court that the act or omission
2183 which violated was in good faith and that the employer had
2184 reasonable grounds for believing that the act or omission was not
2185 a violation of, the court may, in the discretion of the court,
2186 reduce the amount of the liability to the amount and interest
2187 determined under subparagraph (i)1 and 2 of this paragraph (a),
2188 respectively; and

2189 (ii) For such equitable relief as may be
2190 appropriate, including employment, reinstatement, and promotion.

2191 (b) An action to recover the damages or equitable
2192 relief prescribed in subsection (1) of this section may be
2193 maintained against any employer in any court of competent
2194 jurisdiction by any one or more employees for and on behalf of:

2195 (i) The employees; or

2196 (ii) The employees and other employees similarly
2197 situated.

2198 (c) The court in such an action shall, in addition to
2199 any judgment awarded to the plaintiff, allow reasonable attorneys
2200 fees, reasonable expert witness fees, and other costs of the
2201 action to be paid by the defendant.



2202 (14) **Notice-Penalties.** Each employer shall post and keep
2203 posted, in conspicuous places on the premises of the employer
2204 where notices to employees and applicants for employment are
2205 customarily posted, a notice, to be prepared or approved by the
2206 director, setting forth excerpts from, or summaries of, the
2207 pertinent provisions of this act and information pertaining to the
2208 filing of a charge. Any employer that willfully violates this
2209 section may be subject to a civil penalty of not more than One
2210 Hundred Dollars (\$100.00) for each separate offense. Any
2211 penalties collected by the department under this subsection shall
2212 be deposited into the family and medical leave enforcement
2213 account.

2214 (15) **Effect on other laws.** Nothing in this act shall be
2215 construed: (a) to modify or affect any state or local law
2216 prohibiting discrimination on the basis of race, religion, color,
2217 national origin, sex, age, or disability; or (b) to supersede any
2218 provision of any local law that provides greater family or medical
2219 leave rights than the rights established under this act.

2220 (16) **Effect on existing employment benefits.** Nothing in
2221 this act diminishes the obligation of an employer to comply with
2222 any collective bargaining agreement or any employment benefit
2223 program or plan that provides greater family or medical leave
2224 rights to employees than the rights established under this act.
2225 The rights established for employees under this act may not be



2226 diminished by any collective bargaining agreement or any
2227 employment benefit program or plan.

2228 (17) **Encouragement of more generous leave policies.** Nothing
2229 in this act shall be construed to discourage employers from
2230 adopting or retaining leave policies more generous than any
2231 policies that comply with the requirements under this act.

2232 (18) **Relationship to federal Family and Medical Leave Act.**

2233 (a) Leave under this section and leave under the
2234 federal Family and Medical Leave Act of 1993 (Act Feb. 5, 1993,
2235 Public Law 103-3, 107 Stat. 6) is in addition to any leave for
2236 sickness or temporary disability because of pregnancy or
2237 childbirth;

2238 (b) Leave taken under this act must be taken
2239 concurrently with any leave taken under the federal Family and
2240 Medical Leave Act of 1993 (Act Feb. 5, 1993, Public Law 103-3, 107
2241 Stat. 6).

2242 (19) **Construction.** This must be construed to the extent
2243 possible in a manner that is consistent with similar provisions,
2244 if any, of the federal Family and Medical Leave Act of 1993 (Act
2245 Feb. 5, 1993, Public Law 103-3, 107 Stat. 6), and that gives
2246 consideration to the rules, precedents, and practices of the
2247 federal Department of Labor relevant to the federal act.

2248 **SECTION 28. Women in High-Wage, High-Demand, Nontraditional**
2249 **Jobs Grant Program.** (1) The following words and phrases shall



2250 have the meanings as defined in this section unless the context
2251 clearly indicates otherwise:

2252 (a) "Commissioner" means the Executive Director of the
2253 Mississippi Department of Employment Security.

2254 (b) "Eligible organization" includes, but is not
2255 limited to:

2256 (i) Community-based organizations experienced in
2257 serving women;

2258 (ii) Employers;

2259 (iii) Business and trade associations;

2260 (iv) Labor unions and employee organizations;

2261 (v) Registered apprenticeship programs;

2262 (vi) Secondary and postsecondary education
2263 institutions located in Mississippi; and

2264 (vii) Workforce and economic development agencies.

2265 (c) "High-wage, high-demand" means occupations that
2266 represent at least one-tenth of one percent (0.1%) of total
2267 employment in the base year, have an annual median salary which is
2268 higher than the average for the current year, and are projected to
2269 have more total openings as a share of employment than the
2270 average.

2271 (d) "Low-income" means income less than two hundred
2272 percent (200%) of the federal poverty guideline adjusted for a
2273 family size of four (4).



2274 (e) "Nontraditional occupations" mean those occupations
2275 in which women make up less than twenty-five percent (25%) of the
2276 workforce as defined under United States Code, Title 20, Section
2277 2302.

2278 (2) **Grant program.** The Executive Director of the
2279 Mississippi Department of Employment Security shall establish the
2280 Women in High-Wage, High-Demand, Nontraditional Jobs Grant Program
2281 to increase the number of women in high-wage, high-demand,
2282 nontraditional occupations. The Executive Director of the
2283 Mississippi Department of Employment Security shall make grants to
2284 eligible organizations for programs that encourage and assist
2285 women to enter high-wage, high-demand, nontraditional occupations,
2286 including, but not limited to, those in the skilled trades,
2287 science, technology, engineering and math (STEM) occupations.

2288 (3) **Use of funds.** Grant funds awarded under this section
2289 may be used for:

2290 (a) Recruitment, preparation, placement, and retention
2291 of women, including low-income women with child care
2292 responsibilities, in registered apprenticeships, postsecondary
2293 education programs, on-the-job training and permanent employment
2294 in high-wage, high-demand, nontraditional occupations;

2295 (b) Secondary or postsecondary education or other
2296 training to prepare women to succeed in high-wage, high-demand,
2297 nontraditional occupations. Activities under this section may be
2298 conducted by the grantee or in collaboration with another



2299 institution, including, but not limited to, a public or private
2300 secondary or postsecondary school;

2301 (c) Innovative, hands-on best practices that stimulate
2302 interest in high-wage, high-demand, nontraditional occupations
2303 among women, increase awareness among women about opportunities in
2304 high-wage, high-demand, nontraditional occupations, or increase
2305 access to secondary programming leading to jobs in high-wage,
2306 high-demand, nontraditional occupations. Best practices include,
2307 but are not limited to, mentoring, internships, or apprenticeships
2308 for women in high-wage, high-demand, nontraditional occupations;

2309 (d) Training and other staff development for job seeker
2310 counselors and caseworkers on opportunities in high-wage,
2311 high-demand, nontraditional occupations;

2312 (e) Incentives for employers and sponsors of registered
2313 apprenticeship programs to retain women in high-wage, high-demand,
2314 nontraditional occupations for more than one (1) year;

2315 (f) Training and technical assistance for employers to
2316 create a safe and healthy workplace environment designed to retain
2317 and advance women, including best practices for addressing sexual
2318 harassment, and to overcome gender inequity among employers and
2319 registered apprenticeship programs;

2320 (g) Public education and outreach activities to
2321 overcome stereotypes about women in high-wage, high-demand,
2322 nontraditional occupations, including the development of
2323 educational and marketing materials; and



2324 (h) Support for women in high-wage, high-demand,
2325 nontraditional occupations including, but not limited to,
2326 assistance with workplace issues resolution and access to advocacy
2327 assistance and services.

2328 (4) Grant applications must include detailed information
2329 about how the applicant plans to:

2330 (a) Increase women's participation in high-wage,
2331 high-demand occupations in which women are currently
2332 underrepresented in the workforce;

2333 (b) Comply with the requirements under subsection (3)
2334 of this section; and

2335 (c) Use grant funds in conjunction with funding from
2336 other public or private sources.

2337 (5) In awarding grants under this section, the executive
2338 director shall give priority to eligible organizations:

2339 (a) With demonstrated success in recruiting and
2340 preparing women, especially low-income women with child care
2341 responsibilities, for high-wage, high-demand, nontraditional
2342 occupations; and

2343 (b) That leverage additional public and private
2344 resources.

2345 (6) At least fifty percent (50%) of total grant funds must
2346 be awarded to programs providing services and activities targeted
2347 to low-income women.



2348 (7) The executive director shall monitor the use of funds
2349 under this section, collect and compile information on the
2350 activities of other state agencies and public or private entities
2351 that have purposes similar to those under this section, and
2352 identify other public and private funding available for these
2353 purposes.

2354 **SECTION 29.** (1) There is established the Mississippi Higher
2355 Education Grant Program for Single Mothers. This program is for
2356 college or university freshmen, sophomores, juniors and seniors
2357 and will be administered by the Mississippi Postsecondary
2358 Education Financial Assistance Board established under Section
2359 37-106-9. The board shall set the dates and deadlines for
2360 applying for an award under this section and shall establish the
2361 rules and regulations as it deems necessary and proper to carry
2362 out the purposes and intent of this section.

2363 (2) The board shall approve grants to full-time and
2364 part-time freshmen, sophomore, junior and senior Mississippi
2365 residents who meet the general requirements for student
2366 eligibility as provided in subsection (4) of this section.

2367 (3) Grants under the program shall be for single mothers who
2368 are Mississippi resident students from any Mississippi family
2369 whose prior year adjusted gross income (AGI) is at or below one
2370 hundred and fifty percent (150%) of the Federal Poverty
2371 Guidelines. The award shall be applied to tuition, rooms and
2372 meals, books, materials, fees and child care expenses and shall be



2373 at least One Thousand Five Hundred Dollars (\$1,500.00) for
2374 students attending any board-approved institution of higher
2375 learning or community or junior college. The award will be
2376 prorated per term, semester or quarter of the academic year for
2377 costs of attendance, calculated according to the formula specified
2378 in subsection (8) of this section.

2379 (4) The general requirements for initial eligibility for the
2380 Mississippi Higher Education Grant Program for Single Mothers
2381 shall consist of the following:

2382 (a) An unmarried mother to at least one (1) minor
2383 child.

2384 (b) Member of a Mississippi family whose prior year
2385 adjusted gross income (AGI) is at or below one hundred and fifty
2386 percent (150%) of the Federal Poverty Guidelines.

2387 (c) Acceptance for enrollment at any state institution
2388 of higher learning or public community or junior college located
2389 in Mississippi, or any regionally accredited, state-approved,
2390 nonprofit two-year or four-year college or university located in
2391 Mississippi and approved by the board.

2392 (d) Completion of a secondary education as follows:

2393 (i) Graduation from high school verified by the
2394 institution before disbursement of award with a minimum grade
2395 point average of 2.0 calculated on a 4.0 scale after seven (7)
2396 semesters as certified by the high school counselor or other
2397 authorized school official on the application; or



2398 (ii) Attendance at a home education program during
2399 grade levels 9 through 12; or

2400 (iii) Satisfactory completion of the High School
2401 Equivalency Diploma; or

2402 (iv) Successful completion of the International
2403 Baccalaureate Program.

2404 (e) A minimum score of fifteen (15) on the ACT test
2405 except that any student entering a vocational or technical program
2406 of study, or who has satisfactorily completed the High School
2407 Equivalency Diploma Test and attends a community or junior college
2408 will not be required to have a test score under the ACT unless a
2409 student enrolls in courses of academic study.

2410 (f) Any student currently enrolled in any qualified
2411 institution shall have to only meet the same requirements as
2412 students who are applying for a renewal award.

2413 (5) By accepting a Mississippi Higher Education Grant for
2414 Single Mothers, the student is attesting to the accuracy,
2415 completeness and correctness of information provided to
2416 demonstrate the student's eligibility. Falsification of such
2417 information shall result in the denial of any pending grant and
2418 revocation of any award currently held to the extent that no
2419 further payments shall be made. Any student knowingly making
2420 false statements in order to receive a grant shall be guilty of a
2421 misdemeanor punishable, upon conviction thereof, by a fine of up
2422 to Ten Thousand Dollars (\$10,000.00), a prison sentence of up to



2423 one (1) year in the county jail, or both, and shall be required to
2424 return all grants wrongfully obtained.

2425 (6) Eligibility for renewal of Mississippi Higher Education
2426 Grants for Single Mothers shall be evaluated at the end of each
2427 semester, or term, of each academic year. As a condition for
2428 renewal, a student shall:

2429 (a) Make steady academic progress toward a certificate
2430 or degree, as outlined in the school Satisfactory Academic
2431 Progress Standards and certified by the institution's registrar.

2432 (b) Maintain continuous enrollment for not less than
2433 two (2) semesters or three (3) quarters in each successive
2434 academic year, unless granted an exception for cause by the
2435 administering board; examples of cause may include student
2436 participation in a cooperative program, internship program or
2437 foreign study program. If a student fails to maintain continuous
2438 enrollment, and is not granted an exception for cause by the
2439 administering board, the student is ineligible to receive the
2440 grant during the following semester or trimester or term of the
2441 regular academic year.

2442 (c) Have a cumulative grade point average of at least
2443 2.0 calculated on a 4.0 scale at the end of each semester or
2444 trimester or term.

2445 (7) Each student, each year, must complete a Free
2446 Application for Federal Student Aid form or a Statement of



2447 Certification as designed by the administering board to determine
2448 his/her eligibility for a grant.

2449 (8) (a) The amount of the Mississippi Higher Education
2450 Grant for Single Mothers awarded to any one (1) student, up to the
2451 maximum amount provided in subsection (3) of this section, shall
2452 be the difference of the student's cost of attendance at her
2453 accredited college of choice and the amount of federal aid such
2454 student may receive, not to supplant but to supplement the amount
2455 of any federal aid awarded to the student. Cost of attendance is
2456 the tuition and fees of the applicable institution plus an
2457 allowance for room, meals, books, materials and child care
2458 expenses.

2459 (b) Payment of the grant shall be made payable to the
2460 recipient and the educational institution and mailed directly to
2461 the institution, to be applied first to tuition.

2462 (9) In order for an institution to remain eligible for its
2463 students to participate in the Mississippi Higher Education Grant
2464 Program for Single Mothers, the institution shall comply with any
2465 other requirements set forth by the board.

2466 (10) No student may receive a Mississippi Higher Education
2467 Grant for Single Mothers for more than the equivalent semesters or
2468 quarters required to complete one (1) baccalaureate degree or one
2469 (1) certificate or associate degree program per institution.



2470 (11) In no case shall any student receive any combination of
2471 student financial aid that would exceed the cost of attendance, as
2472 defined in subsection (8) (a) of this section.

2473 **SECTION 30.** Each federal fiscal year, any Temporary
2474 Assistance for Needy Families (TANF) state Maintenance of Effort
2475 (MOE) funds spent on or allocated to state-funded scholarship
2476 programs administered by the Mississippi Institutes of Higher
2477 Learning and/or the Mississippi Community College Board shall be
2478 spent solely on or allocated solely for the Mississippi Higher
2479 Education Grant Program for Single Mothers. This funding
2480 requirement shall not preclude any additional state funds to be
2481 spent on or allocated to the Mississippi Higher Education Grant
2482 Program for Single Mothers.

2483 **SECTION 31.** Sections 31 through 33 shall be known and may be
2484 cited as the "Evelyn Gandy Fair Pay Act."

2485 **SECTION 32.** The Mississippi Legislature finds that the
2486 existence of wage differentials based on sex in industries engaged
2487 in commerce or in the production of goods for commerce:

2488 (a) Depresses the wages and living standards for
2489 employees that are necessary for their health and efficiency,
2490 thereby increasing the poverty rate in Mississippi;

2491 (b) Prevents the maximum utilization of the available
2492 labor resources, thereby depressing the growth of the state GDP;

2493 (c) Tends to cause labor disputes, thereby burdening,
2494 affecting and obstructing commerce;



2495 (d) Burdens commerce and the free flow of goods in
2496 commerce; and

2497 (e) Constitutes an unfair method of competition.

2498 **SECTION 33.** (1) No employer shall discriminate in any way
2499 against any employee on the basis of sex by paying a salary or
2500 wage to any employee at a rate less than the rate paid to its
2501 employees of the opposite sex for equal work on jobs that require
2502 equal skill, effort and responsibility to perform, and which are
2503 performed under similar working conditions, except where such
2504 payment is made pursuant to:

2505 (a) A seniority system; however, time spent on leave
2506 due to a pregnancy-related condition and parental, family and
2507 medical leave, shall not reduce the seniority-level of an
2508 employee;

2509 (b) A merit system;

2510 (c) A system which measures earnings by quantity or
2511 quality of production; or

2512 (d) A differential based on any bona fide factor other
2513 than sex if the factor:

2514 (i) Is not based on or derived from a differential
2515 in wage based on sex;

2516 (ii) Is job-related with respect to the position
2517 and necessary for the business; and

2518 (iii) Accounts for the entire differential.



2519 An employer who is paying a wage rate differential in
2520 violation of this subsection shall not, in order to comply with
2521 the provisions of this subsection, reduce the wage rate of any
2522 employee.

2523 (2) (a) No labor organization, or its agents, representing
2524 employees of an employer whose employees are subject to the
2525 provisions of this section, shall cause or attempt to cause the
2526 employer to discriminate against an employee in violation of
2527 subsection (1) of this section.

2528 (b) As used in this subsection (2), the term "labor
2529 organization" means any organization of any kind, or any agency or
2530 employee representation committee or plan, in which employees
2531 participate and which exists for the purpose, in whole or in part,
2532 of dealing with employers concerning grievances, labor disputes,
2533 wages, rates of pay, hours of employment or conditions of work.

2534 (3) For purposes of administration and enforcement, any
2535 amounts owed to an employee that have been withheld in violation
2536 of this section shall be deemed to be unpaid minimum wages or
2537 unpaid overtime compensation.

2538 (4) (a) An employer that has been charged with unlawful sex
2539 discrimination under this section shall be entitled to a
2540 rebuttable presumption that the employer has not engaged in
2541 unlawful sex discrimination in violation of this section if:

2542 (i) The charge is made by an employee who holds a
2543 job predominantly occupied by members of one (1) sex, which means



2544 that at least seventy-five percent (75%) of the occupants of the
2545 job are of the same sex, and the employee alleges he or she is
2546 being paid less than an employee who does a different job;

2547 (ii) The employer has, within two (2) years of the
2548 commencement of the action, completed a self-evaluation that meets
2549 the standards set forth in paragraph (d) of this subsection; and

2550 (iii) The employer makes an affirmative showing
2551 that it has made reasonable and substantial progress towards
2552 eliminating wage differentials, including implementing any
2553 required remediation plan, between jobs of equivalent value,
2554 including the job of the employee making the charge, in accordance
2555 with the self-evaluation required in subparagraph (ii) of this
2556 paragraph.

2557 (b) In such cases, the court must give the aggrieved
2558 party an opportunity to rebut this presumption through evidence
2559 that reasonably demonstrates that, notwithstanding the employer's
2560 self-evaluation, the employer has violated this section. In
2561 rebutting this presumption, the aggrieved party may provide all
2562 relevant information including, but not limited to, evidence that:

2563 (i) The employer's job analysis devalues
2564 attributes associated with jobs occupied predominantly by members
2565 of one (1) sex and/or over-values attributes associated with jobs
2566 occupied predominantly by members of the opposite sex;

2567 (ii) The job the aggrieved party occupies was not
2568 adequately evaluated; or



2569 (iii) A job evaluation process has been completed
2570 and, if necessary, a remediation process is in progress or has
2571 been completed, but the self-evaluation has not been reviewed and
2572 updated at reasonable intervals to adjust for changes in the work
2573 environment over time.

2574 (c) An employer wishing to be availed of this
2575 presumption must produce documentation that describes the
2576 self-evaluation process in detail sufficient to show that the
2577 employer has met the standards under paragraph (d).

2578 (d) In order to be eligible for the presumption of
2579 compliance, the self-evaluation must:

2580 (i) Clearly define the employer's establishment;

2581 (ii) Analyze the employee population to identify
2582 differentials in wages, including raises, bonuses, incentive
2583 payments and other forms of remuneration, based on sex;

2584 (iii) Establish a job evaluation plan to determine
2585 the value of jobs within the establishment. The plan must:

2586 1. Be free of any bias based on a person's
2587 sex;

2588 2. Allow for the comparison of all jobs; and

2589 3. Fully and accurately measure the skill,
2590 effort, responsibility and working conditions of each job based on
2591 the actual work performance requirements of the jobs evaluated;

2592 (iv) Apply the job evaluation plan to all jobs;



2593 (v) Create a salary structure or have an
2594 identifying salary group system where jobs of equal value are
2595 placed in the same level or grouping;

2596 (vi) Determine for each salary grouping, or for
2597 each total job evaluation score, the pay differential between jobs
2598 that are predominantly occupied by one (1) sex and other jobs,
2599 including those predominantly occupied by the opposite sex, in
2600 order to identify any wage rate discrimination; and

2601 (vii) Remedy any pay differential identified in
2602 subsection (vi); however, such remediation may not reduce the pay
2603 of any employee or class of employees.

2604 The presumption of compliance may be strengthened where,
2605 through the self-evaluation, including any needed remediation, the
2606 employer maintains communication with and keeps employees apprised
2607 of the process. The method and procedure for that communication
2608 may vary according to the size and organizational structure of the
2609 establishment, but any method or procedure chosen should be
2610 adequate to reach all employees at the establishment.

2611 (5) It shall be an unlawful employment practice for an
2612 employer to:

2613 (a) Require, as a condition of employment, that an
2614 employee refrain from inquiring about, discussing or disclosing
2615 his or her wages or the wages of another employee;



2616 (b) Require an employee to sign a waiver or other
2617 document which purports to deny an employee the right to disclose
2618 or discuss his or her wages;

2619 (c) Discharge, formally discipline, or otherwise
2620 discriminate against an employee for inquiring about, discussing,
2621 or disclosing his or her wages or the wages of another employee;
2622 however, nothing in this subsection (5) creates an obligation for
2623 an employer or employee to disclose wages;

2624 (d) Retaliate or in any other manner discriminate
2625 against an employee or applicant for employment because that
2626 individual has opposed a practice made unlawful by this act or
2627 because that individual has made a charge, filed a complaint, or
2628 instituted or caused to be instituted any investigation,
2629 proceeding, hearing, or action under or related to this act,
2630 including an investigation conducted by the employer, or has
2631 testified or is planning to testify, or has assisted, or
2632 participated in any manner in any such investigation, proceeding,
2633 or hearing under this act.

2634 (6) (a) A civil action asserting a violation of this
2635 section may be maintained against any employer in any court of
2636 competent jurisdiction by any one or more employees for or on
2637 behalf of the employee, a group of employees, and other employees
2638 similarly situated. Any such action shall commence no later than
2639 two (2) years after the discriminatory practice declared unlawful
2640 by this section has occurred. A discriminatory practice occurs



2641 when a discriminatory compensation decision or other practice is
2642 adopted, when an employee is subjected to a discriminatory
2643 compensation decision or other practice, or when an employee is
2644 affected by the application of a discriminatory compensation
2645 decision or other practice, including each time wages, benefits,
2646 or other compensation is paid based on the discriminatory
2647 compensation decision or other practice.

2648 (b) If an employer is found in violation of this
2649 section, the employee may recover in a civil action the amount of
2650 their unpaid wages; liquidated damages; compensatory damages;
2651 punitive damages as may be appropriate, where the employee
2652 demonstrates that the employer acted with malice or reckless
2653 indifference; other equitable relief as may be appropriate; and
2654 the costs of the action and reasonable attorney's fees.

2655 **SECTION 34. Definitions.** (1) As used in this section, the
2656 following words and terms have the following meanings:

2657 (a) "Department" means the Mississippi Department of
2658 Employment Security.

2659 (b) "Domestic partner" means a party to a civil union.

2660 (c) "Domestic violence" means certain crimes when
2661 committed by one (1) family or household member against another.

2662 (d) "Employee" means any person suffered or permitted
2663 to work by an employer, except that independent contractors or
2664 subcontractors shall not be considered employees.



2665 (e) "Employer" means any individual, partnership,
2666 association, corporation, business trust, or any person or group
2667 of persons acting directly or indirectly in the interest of an
2668 employer, in relation to an employee, but does not include the
2669 United States government.

2670 (f) "Family member" means:

2671 (i) Regardless of age, a biological, adopted or
2672 foster child, stepchild or legal ward, a child of a domestic
2673 partner, a child to whom the employee stands in loco parentis, or
2674 an individual to whom the employee stood in loco parentis when the
2675 individual was a minor;

2676 (ii) A biological, foster, stepparent or adoptive
2677 parent or legal guardian of an employee's spouse or domestic
2678 partner or a person who stood in loco parentis when the employee
2679 or employee's spouse or domestic partner was a minor child;

2680 (iii) A person to whom the employee is legally
2681 married under the laws of any state, or a domestic partner of an
2682 employee;

2683 (iv) A grandparent, grandchild or sibling (whether
2684 of a biological, foster, adoptive or step relationship) of the
2685 employee or the employee's spouse or domestic partner; or

2686 (v) Any other individual related by blood or affinity whose
2687 close association with the employee is the equivalent of a family
2688 relationship.



2689 (g) "Health care professional" means any person
2690 licensed under federal or Mississippi law to provide medical or
2691 emergency services, including, but not limited to, doctors,
2692 nurses, and emergency room personnel.

2693 (h) "Paid sick leave time" or "paid sick and safe leave
2694 time" means time that is compensated at the same hourly rate and
2695 with the same benefits, including health care benefits, as the
2696 employee normally earns during hours worked and is provided by an
2697 employer to an employee.

2698 (i) "Retaliatory personnel action" means denial of any
2699 right guaranteed under this chapter and any threat, discharge,
2700 suspension, demotion, reduction of hours, reporting or threatening
2701 to report an employee's suspected citizenship or immigration
2702 status, or the suspected citizenship or immigration status of a
2703 family member of the employee to a federal, state or local agency,
2704 or any other adverse action against an employee for the exercise
2705 of any right guaranteed herein including any sanctions against an
2706 employee who is the recipient of public benefits for rights
2707 guaranteed under this chapter. Retaliatory personnel action shall
2708 also include interference with or punishment for in any manner
2709 participating in or assisting an investigation, proceeding, or
2710 hearing under this section.

2711 (j) "Sexual assault" means a crime as defined in
2712 Mississippi law.



2713 (k) "Stalking" means harassing another person or
2714 willfully, maliciously and repeatedly following another person
2715 with the intent to place that person in reasonable fear of bodily
2716 injury.

2717 (2) All employees in Mississippi shall accrue a minimum of
2718 one (1) hour of paid sick and safe leave time for every thirty
2719 (30) hours worked up to a maximum of fifty-six (56) hours per
2720 year, unless the employer chooses to provide a higher annual
2721 limit.

2722 (3) Employees who are exempt from the overtime requirements
2723 under 29 USC Section 213(a)(1) of the Federal Fair Labor Standards
2724 Act, 29 U.S.C. Section 201 et seq., will be assumed to work forty
2725 (40) hours in each work week for purposes of paid sick and safe
2726 leave time accrual unless their normal work week is less than
2727 forty (40) hours, in which case paid sick and safe leave time
2728 accrues based upon that normal work week.

2729 (4) Paid sick and safe leave time as provided in this
2730 chapter shall begin to accrue at the commencement of employment or
2731 pursuant to the law's effective date, whichever is later. An
2732 employer may provide all paid sick and safe leave time that an
2733 employee is expected to accrue in a year at the beginning of the
2734 year.

2735 (5) Employees shall be entitled to use accrued paid sick and
2736 safe leave time beginning on the ninetieth calendar day following
2737 commencement of their employment, unless otherwise permitted by



2738 the employer. On and after the ninetieth calendar day of
2739 employment, employees may use paid sick and safe leave time as it
2740 is accrued.

2741 (6) Paid sick and safe leave time shall be carried over to
2742 the following calendar year; however, an employee's use of paid
2743 sick and safe leave time provided under this chapter in each
2744 calendar year shall not exceed fifty-six (56) hours.
2745 Alternatively, in lieu of carryover of unused earned paid sick and
2746 safe leave time from one (1) year to the next, an employer may pay
2747 an employee for unused earned paid sick and safe leave time at the
2748 end of a year and provide the employee with an amount of paid sick
2749 and safe leave that meets or exceeds the requirements of this
2750 chapter that is available for the employee's immediate use at the
2751 beginning of the subsequent year.

2752 (7) Any employer with a paid leave time off policy who makes
2753 available an amount of paid leave time off sufficient to meet the
2754 accrual requirements of this section that may be used for the same
2755 purposes and under the same conditions, including with regards to
2756 employee notice and documentation, as paid sick and safe leave
2757 time under this chapter is not required to provide additional paid
2758 sick and safe leave time.

2759 (8) Nothing in this chapter shall be construed as requiring
2760 financial or other reimbursement to an employee from an employer
2761 upon the employee's termination, resignation, retirement, or other



2762 separation from employment for accrued paid sick and safe leave
2763 time that has not been used.

2764 (9) If an employee is transferred to a separate division,
2765 entity or location, but remains employed by the same employer, the
2766 employee is entitled to all paid sick and safe leave time accrued
2767 at the prior division, entity or location and is entitled to use
2768 all paid sick and safe leave time as provided in this chapter.
2769 When there is a separation from employment and the employee is
2770 rehired within one (1) year of separation by the same employer,
2771 previously accrued paid sick and safe leave time that had not been
2772 used shall be reinstated. Further, the employee shall be entitled
2773 to use accrued paid sick and safe leave time and accrue additional
2774 sick and safe leave time at the re-commencement of employment.

2775 (10) When a different employer succeeds or takes the place
2776 of an existing employer, all employees of the original employer
2777 who remain employed by the successor employer are entitled to all
2778 earned paid sick and safe leave time they accrued when employed by
2779 the original employer, and are entitled to use earned paid sick
2780 and safe leave time previously accrued.

2781 (11) At its discretion, an employer may loan sick and safe
2782 leave time to an employee in advance of accrual by such employee.

2783 (12) Paid sick and safe leave time shall be provided to an
2784 employee by an employer for:

2785 (a) An employee's mental or physical illness, injury or
2786 health condition; an employee's need for medical diagnosis, care,



2787 or treatment of a mental or physical illness, injury or health
2788 condition; an employee's need for preventive medical care;

2789 (b) Care of a family member with a mental or physical
2790 illness, injury or health condition; care of a family member who
2791 needs medical diagnosis, care, or treatment of a mental or
2792 physical illness, injury or health condition; care of a family
2793 member who needs preventive medical care;

2794 (c) Closure of the employee's place of business by
2795 order of a public official due to a public health emergency or an
2796 employee's need to care for a child whose school or place of care
2797 has been closed by order of a public official due to a public
2798 health emergency, or care for oneself or a family member when it
2799 has been determined by the health authorities having jurisdiction
2800 or by a health care provider that the employee's or family
2801 member's presence in the community may jeopardize the health of
2802 others because of their exposure to a communicable disease,
2803 whether or not the employee or family member has actually
2804 contracted the communicable disease; or

2805 (d) Time off needed when the employee or a member of
2806 the employee's family is a victim of domestic violence, sexual
2807 assault or stalking.

2808 (13) Paid sick and safe leave time shall be provided upon
2809 the request of an employee. Such request may be made orally, in
2810 writing, by electronic means or by any other means acceptable to



2811 the employer. When possible, the request shall include the
2812 expected duration of the absence.

2813 (14) When the use of paid sick and safe leave time is
2814 foreseeable, the employee shall make a good faith effort to
2815 provide notice of the need for such time to the employer in
2816 advance of the use of the sick and safe leave time and shall make
2817 a reasonable effort to schedule the use of sick and safe leave
2818 time in a manner that does not unduly disrupt the operations of
2819 the employer.

2820 (15) An employer that requires notice of the need to use
2821 earned paid sick and safe leave time where the need is not
2822 foreseeable shall provide a written policy that contains
2823 procedures for the employee to provide notice. An employer that
2824 has not provided to the employee a copy of its written policy for
2825 providing such notice shall not deny earned paid sick and safe
2826 leave time to the employee based on noncompliance with such a
2827 policy.

2828 (16) Paid sick and safe leave time may be used in the lesser
2829 of hourly increments or the smallest increment that the employer's
2830 payroll system uses to account for absences or use of other time.

2831 (17) For paid sick and safe leave time of more than three
2832 (3) consecutive work days, an employer may require reasonable
2833 documentation that the paid sick and safe leave time has been used
2834 for a purpose covered by paragraphs (a) and (b) of this subsection
2835 if the employer has notified the employee in writing of this



2836 requirement in advance of the employee's use of paid sick and safe
2837 time. An employer may not require that the documentation explain
2838 the nature of the illness or the details of the domestic violence,
2839 sexual assault, or stalking.

2840 (a) Documentation signed by a health care professional
2841 indicating that paid sick leave time is necessary shall be
2842 considered reasonable documentation under paragraph (a) of this
2843 subsection.

2844 (b) One of the following, of the employee's choosing,
2845 shall be considered reasonable documentation of an absence under
2846 paragraph (b) of this subsection (17) of this section:

2847 (i) An employee's written statement that the
2848 employee or the employee's family member is a victim of domestic
2849 violence, sexual assault or stalking;

2850 (ii) A police report indicating that the employee
2851 or employee's family member was a victim of domestic violence,
2852 sexual assault or stalking;

2853 (iii) A court document indicating that the
2854 employee or employee's family member is involved in legal action
2855 related to domestic violence, sexual assault or stalking; or

2856 (iv) A signed statement from a victim and witness
2857 advocate affirming that the employee or employee's family member
2858 is receiving services from a victim services organization or is
2859 involved in legal action related to domestic violence, sexual
2860 assault or stalking.



2861 (18) An employer's requirements for verification may not
2862 result in an unreasonable burden or expense on the employee and
2863 may not exceed privacy or verification requirements otherwise
2864 established by law.

2865 (19) An employer may not require, as a condition of an
2866 employee's taking paid sick and safe leave time, that the employee
2867 search for or find a replacement worker to cover the hours during
2868 which the employee is using paid sick and safe leave time.

2869 (20) It shall be unlawful for an employer or any other
2870 person to interfere with, restrain, or deny the exercise, or the
2871 attempt to exercise, any right protected under this section.

2872 (21) An employer shall not take retaliatory personnel action
2873 or discriminate against an employee or former employee because the
2874 person has exercised rights protected under this chapter. Such
2875 rights include, but are not limited to, the right to request or
2876 use paid sick and safe leave pursuant to this chapter; the right
2877 to file a complaint with the department or the courts or inform
2878 any person about any employer's alleged violation of this chapter;
2879 the right to participate in an investigation, hearing or
2880 proceeding or cooperate with or assist the department in its
2881 investigations of alleged violations of this chapter; and the
2882 right to inform any person of their potential rights under this
2883 chapter.

2884 (22) It shall be unlawful for an employer's absence control
2885 policy to count paid sick and safe leave time taken under this



2886 chapter as an absence that may lead to or result in discipline,
2887 discharge, demotion, suspension, or any other adverse action.

2888 (23) Protections of this section shall apply to any person
2889 who mistakenly but in good faith alleges violations of this
2890 chapter.

2891 (24) There shall be a rebuttable presumption of unlawful
2892 retaliatory personnel action under this section whenever an
2893 employer takes action against a person within ninety (90) days of
2894 when that person:

2895 (a) Files a complaint with the department or a court
2896 alleging a violation of any provision of this chapter;

2897 (b) Informs any person about an employer's alleged
2898 violation of this chapter;

2899 (c) Cooperates with the department or other persons in
2900 the investigation or prosecution of any alleged violation of this
2901 chapter;

2902 (d) Opposes any policy, practice or act that is
2903 unlawful under this chapter; or

2904 (e) Informs any person of their rights under this
2905 chapter.

2906 (25) (a) Employers shall give employees written notice of
2907 the following at the commencement of employment or by the
2908 effective date of this chapter, whichever is later, which shall
2909 include the following information:



2910 (i) Employees are entitled to paid sick and safe
2911 leave time;

2912 (ii) The amount of paid sick and safe leave time;

2913 (iii) The terms of paid sick and safe leave time
2914 use guaranteed under this chapter;

2915 (iv) That retaliatory personnel actions against
2916 employees who request or use paid sick and safe leave time is
2917 prohibited;

2918 (v) That each employee has the right to file a
2919 complaint or bring a civil action if paid sick and safe leave
2920 time, as required by this section, is denied by the employer or
2921 the employee is subjected to retaliatory personnel action for
2922 requesting or taking paid sick and safe leave time; and

2923 (vi) Contact information for the department where
2924 questions about rights and responsibilities under this chapter can
2925 be answered.

2926 (b) Employers shall comply with this subsection by
2927 supplying each of their employees with a notice in English and in
2928 any language that is the first language spoken by at least five
2929 percent (5%) of the employer's workforce that contains the
2930 information required in paragraph (a) of this subsection, provided
2931 that the notice has been translated into such language by the
2932 department.

2933 (c) The amount of paid sick and safe leave time
2934 available to the employee, the amount of paid sick and safe leave



2935 time taken by the employee to date in the year and the amount of
2936 pay the employee has received as paid sick and safe leave time
2937 shall be recorded in, or on an attachment to, the employee's
2938 regular paycheck or be made available at the employees request.

2939 (d) Employers shall display a poster in a conspicuous
2940 and accessible place in each establishment where such employees
2941 are employed. The poster displayed shall be in English and in any
2942 language that is the first language spoken by at least five
2943 percent (5%) of the employer's workforce that contains the
2944 information required in paragraph (a) of this subsection, provided
2945 that the poster has been translated into such language by the
2946 department.

2947 (e) The department shall create and make available to
2948 employers, in all languages deemed appropriate by the department,
2949 posters that contain the information required under paragraph (a)
2950 of this subsection.

2951 (f) An employer who willfully violates the notice and
2952 posting requirements of this subsection shall be subject to a
2953 civil fine in an amount not to exceed One Hundred Dollars
2954 (\$100.00) for each separate violation.

2955 (26) An employer may not require disclosure of details
2956 relating to domestic violence, sexual assault, sexual contact or
2957 stalking or the details of an employee's or an employee's family
2958 member's health information as a condition of providing paid sick
2959 and safe leave time under this section. If an employer possesses



2960 health information or information pertaining to domestic violence,
2961 sexual assault, sexual contact or stalking about an employee or
2962 employee's family member, such information shall be treated as
2963 confidential and not disclosed except to the affected employee or
2964 with the permission of the affected employee.

2965 (27) The minimum requirements pertaining to paid sick and
2966 safe leave time in this section shall not be construed to preempt,
2967 limit or otherwise affect the applicability of any other law,
2968 regulation, requirement, policy or standard that provides for
2969 greater accrual or use by employees of sick and safe leave time,
2970 whether paid or unpaid, or that extends other protections to
2971 employees.

2972 (28) Nothing in this section shall be construed to supersede
2973 or preempt any provision of any local law that provides greater
2974 rights to paid sick and safe leave time than the rights
2975 established under this section.

2976 (29) Nothing in this section shall be construed in a manner
2977 to discourage or prohibit an employer from the adoption of a paid
2978 sick and safe leave time policy that provides greater rights or
2979 benefits than the one required in this section.

2980 (30) Nothing in this section shall be construed as
2981 diminishing the obligation of an employer to comply with any
2982 contract, collective bargaining agreement, employment benefit plan
2983 or other agreement that provides greater sick and safe leave time
2984 to an employee than required in this chapter.



2985 (31) Nothing in this chapter shall be construed as
2986 diminishing the rights of public employees regarding paid sick and
2987 safe leave or use of sick and safe leave time as provided in the
2988 general laws.

2989 (32) Employers shall retain records documenting hours worked
2990 by employees and paid sick and safe leave time taken by employees,
2991 for a period of three (3) years, and shall allow the department
2992 access to such records, with appropriate notice and at a mutually
2993 agreeable time, to monitor compliance with the requirements of
2994 this section. When an issue arises as to an employee's
2995 entitlement to paid sick and safe leave time under this section,
2996 if the employer does not maintain or retain adequate records
2997 documenting hours worked by the employee and paid sick and safe
2998 leave time taken by the employee, or does not allow the department
2999 reasonable access to such records, it shall be presumed that the
3000 employer has violated the section, absent clear and convincing
3001 evidence otherwise.

3002 **SECTION 35.** This act shall take effect and be in force from
3003 and after July 1, 2018.

