

By: Senator(s) Clarke, Hopson, Horhn, DeBar, To: Appropriations
Dearing, Jackson (15th)

SENATE BILL NO. 2962
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE
2 EXPENSES OF THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY FOR
3 FISCAL YEAR 2019.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi Department of Employment
8 Security, or its successor, for the purpose of defraying the
9 expenses incurred by said department for the fiscal year beginning
10 July 1, 2018, and ending June 30, 2019.....\$ 152,634,400.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 this act, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	353
15		Part Time.....	189
16	Time-Limited:	Full Time.....	7
17		Part Time.....	70



18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2020 do not
21 exceed Fiscal Year 2019 funds appropriated for that purpose,
22 unless programs or positions are added to the agency's Fiscal Year
23 2019 budget by the Mississippi Legislature. Based on data
24 provided by the Legislative Budget Office, the State Personnel
25 Board shall determine and publish the projected annual cost to
26 fully fund all appropriated positions in compliance with the
27 provisions of this act. It shall be the responsibility of the
28 agency head to ensure that no single personnel action increases
29 this projected annual cost and/or the Fiscal Year 2019
30 appropriations for "Personal Services" when annualized, with the
31 exception of escalated funds and the award of benchmarks. If, at
32 the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2019 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

40 Any transfers or escalations shall be made in accordance with
41 the terms, conditions and procedures established by law or
42 allowable under the terms set forth within this act. The State



43 Personnel Board shall not escalate positions without written
44 approval from the Department of Finance and Administration. The
45 Department of Finance and Administration shall not provide written
46 approval to escalate any funds for salaries and/or positions
47 without proof of availability of new or additional funds above the
48 appropriated level.

49 No general funds authorized to be expended herein shall be
50 used to replace federal funds and/or other special funds which are
51 being used for salaries authorized under the provisions of this
52 act and which are withdrawn and no longer available.

53 None of the funds herein appropriated shall be used in
54 violation of Internal Revenue Service's Publication 15-A relating
55 to the reporting of income paid to contract employees, as
56 interpreted by the Office of the State Auditor.

57 **SECTION 3.** Of the funds appropriated under the provisions of
58 Section 1, the following sum shall be derived from money in the
59 Unemployment Trust Fund, made available to this state under
60 Section 903 of the Social Security Act, as amended (42 USCA
61 Section 1103), to the Mississippi Department of Employment
62 Security to be deposited in the Employment Security Administration
63 Fund and used by the Mississippi Department of Employment Security
64 for the following purposes:

65 (a) Payment of various One-Stop Administration expenses
66 that support the service delivery of employment and workforce



67 information services. This includes, but is not limited to, the
68 following activities:

69 (i) Staff for delivery of reemployment services to
70 UI claimants, including group job search assistance and
71 staff-assisted referrals to jobs.

72 (ii) Equipment and resources for resource rooms.

73 (iii) Payment for rent, utilities and maintenance
74 of facilities, including common spaces such as resource rooms,
75 reception areas, conference areas, etc.

76 (iv) Payment of shared costs for operation of
77 local One-Stop Career Centers, including payment for One-Stop
78 operators.

79 (v) Purchase of computer equipment, network
80 equipment, telecommunications equipment, application development
81 and other technology resources.

82 (vi) Training, technical assistance, and
83 professional development of staff who deliver employment and
84 workforce information services.

85 (vii) Access Improvement costs for individuals
86 with disabilities, including remodeling or retrofitting One-Stop
87 Career Centers and purchasing appropriate software, hardware,
88 furniture and supplies.

89 (b) Administration of the Unemployment Compensation
90 (UC) law and its public employment service (ES) offices. This
91 includes, but is not limited to, the following uses:



- 92 (i) ES and UI automation. This includes
- 93 purchases, modifications, or automation of computer-related
- 94 systems and related costs.
- 95 (ii) UI and ES Performance Improvement costs.
- 96 (iii) Fraud and Abuse Reduction costs.
- 97 (iv) UI Claims Filing and Payment Methods
- 98 Improvement costs.
- 99 (v) Under the direction of the Bureau of Building,
- 100 Grounds and Real Property Management to acquire lands and
- 101 construct buildings thereon or improve existing buildings to be
- 102 used as offices. The funds in this section are authorized for the
- 103 fiscal year beginning July 1, 2018, and ending June 30, 2019.....
- 104\$ 33,047,000.00.

105 The funds authorized in this section shall be requisitioned
 106 by the Mississippi Department of Employment Security from the
 107 Unemployment Trust Fund maintained by the Secretary of the
 108 Treasury of the United States as needed for the payment of
 109 obligations incurred under this appropriation, and such monies
 110 shall be deposited in the Employment Security Administration Fund
 111 in accordance with the provisions of Section 71-5-457, Mississippi
 112 Code of 1972.

113 **SECTION 4.** It is the intention of the Legislature that
 114 whenever two (2) or more bids are received by this agency for the
 115 purchase of commodities or equipment, and whenever all things
 116 stated in such received bids are equal with respect to price,



117 quality and service, the Mississippi Industries for the Blind
118 shall be given preference. A similar preference shall be given to
119 the Mississippi Industries for the Blind whenever purchases are
120 made without competitive bids.

121 **SECTION 5.** The Mississippi Department of Employment Security
122 is authorized to expend up to Three Million Five Hundred Thousand
123 Dollars (\$3,500,000.00) from the State Workforce Investment Funds
124 collected pursuant to Section 71-5-353, Mississippi Code of 1972.

125 **SECTION 6.** Of the funds appropriated in this act, a sum not
126 to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) is made
127 available for Pathways2Possibilities from the State Workforce
128 Investment Funds collected.

129 **SECTION 7.** Of the funds appropriated under the provisions of
130 Section 1, the Mississippi Department of Employment Security is
131 authorized to expend up to Twenty-two Million Dollars
132 (\$22,000,000.00) from the Mississippi Works Fund collected
133 pursuant to Section 71-5-353, Mississippi Code of 1972.

134 **SECTION 8.** It is the intention of the Legislature that this
135 agency shall have the authority to expend funds from any source
136 that may become available to the agency in accordance with the
137 rules and regulations of the Department of Finance and
138 Administration in a manner consistent with the escalation of
139 federal funds for the purpose of funding any increase in health
140 insurance costs for fiscal year 2019, or for the purpose of
141 funding additional fees, costs or assessments received by the



142 agency from the Department of Information Technology Services or
143 the Department of Finance and Administration for fiscal year 2019
144 that may be incurred by the agency as a result of legislation
145 passed during the 2018 Regular Session of the Legislature and
146 approved by the Governor. The agency is authorized to escalate
147 other special funds for the limited purposes provided in this
148 section in an amount not to exceed Nine Hundred Fifty Thousand
149 Four Hundred Seventy-four Dollars (\$950,474.00).

150 **SECTION 9.** It is the intention of the Legislature that the
151 funds herein appropriated shall be expended in compliance with
152 Section 27-104-25, Mississippi Code of 1972, that no state agency
153 shall incur obligations or indebtedness in excess of their
154 appropriation and that the responsible officers, either personally
155 or upon their official bonds, shall be held responsible for
156 actions contrary to this provision.

157 **SECTION 10.** The money herein appropriated shall be paid by
158 the State Treasurer out of any money in the State Treasury to the
159 credit of the proper fund or funds as set forth in this act, upon
160 warrants issued by the State Fiscal Officer; and the State Fiscal
161 Officer shall issue his warrants upon requisitions signed by the
162 proper person, officer or officers, in the manner provided by law.

163 **SECTION 11.** This act shall take effect and be in force from
164 and after July 1, 2018.

