

By: Representatives Williams-Barnes, Anthony To: Workforce Development; Judiciary A

HOUSE BILL NO. 1397

1 AN ACT ENTITLED THE "WOMEN'S ECONOMIC SECURITY ACT OF 2019";
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 2019."

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) 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 a 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, 2020. 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, 2020, the rate of not less  
477 than Seven Dollars and Fifty Cents (\$7.50) per hour;

478 (b) Beginning January 1, 2021, the rate of not less  
479 than Seven Dollars and Seventy-five Cents (\$7.75) per hour;

480 (c) Beginning January 1, 2022, the rate of not less  
481 than Eight Dollars (\$8.00) per hour; and

482 (d) Beginning January 1, 2023, 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 One Hundred Dollars (\$100.00), 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 one  
1051 (1) poll manager per precinct, who shall individually access and  
1052 complete the online training program, including all skills  
1053 assessments, at least five (5) days before an election. The poll  
1054 manager shall be defined as a "certified poll manager," and  
1055 entitled to a "Certificate of Completion" and compensation for the  
1056 successful completion of the training and skills assessment in the  
1057 amount of Twenty-five Dollars (\$25.00) payable from the Secretary  
1058 of State. Compensation paid to any poll manager under this  
1059 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per  
1060 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 One Hundred Dollars (\$100.00), 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 managers," 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) Except as otherwise provided under Section  
1724 99-19-20.1, when any court sentences a defendant to pay a fine,  
1725 the court may order (a) that the fine be paid immediately, or (b)  
1726 that the fine be paid in installments to the clerk of the court or  
1727 to the judge, if there be no clerk, or (c) that payment of the  
1728 fine be a condition of probation, or (d) that the defendant be  
1729 required to work on public property for public benefit under the  
1730 direction of the sheriff for a specific number of hours, or (e)  
1731 any combination of the above.

1732 (2) Except as otherwise provided under Section 99-19-20.1,  
1733 the defendant may be imprisoned until the fine is paid if the



1734 defendant is financially able to pay a fine and the court so  
1735 finds, subject to the limitations provided under this section.  
1736 The defendant shall not be imprisoned if the defendant is  
1737 financially unable to pay a fine and so states to the court in  
1738 writing, under oath, after sentence is pronounced, and the court  
1739 so finds, except if the defendant is financially unable to pay a  
1740 fine and such defendant failed or refused to comply with a prior  
1741 sentence as specified in subsection (1) of this section, the  
1742 defendant may be imprisoned.

1743 This subsection shall be limited as follows:

1744 (a) In no event shall such period of imprisonment  
1745 exceed one (1) day for each One Hundred Dollars (\$100.00) of the  
1746 fine.

1747 (b) If a sentence of imprisonment, as well as a fine,  
1748 were imposed, the aggregate of such term for nonpayment of a fine  
1749 and the original sentence of imprisonment shall not exceed the  
1750 maximum authorized term of imprisonment.

1751 (c) It shall be in the discretion of the judge to  
1752 determine the rate of the credit to be earned for work performed  
1753 under subsection (1)(d), but the rate shall be no lower than the  
1754 rate of the highest current federal minimum wage.

1755 (3) Periods of confinement imposed for nonpayment of two (2)  
1756 or more fines shall run consecutively unless specified by the  
1757 court to run concurrently.



1758           **SECTION 27.** (1) **Definitions.** The following words and  
1759 phrases shall have the meanings as defined in this section unless  
1760 the context clearly indicates otherwise:

1761           (a) "Child" means a biological, adopted, or foster  
1762 child, a stepchild, a legal ward, or a child of a person standing  
1763 in loco parentis, who is: (i) Under eighteen (18) years of age;  
1764 (ii) or eighteen (18) years of age or older and incapable of  
1765 self-care because of a mental or physical disability.

1766           (b) "Department" means the Mississippi Department of  
1767 Employment Security.

1768           (c) "Director" means the director of the department.

1769           (d) "Employee" means a person who has been employed:  
1770 (i) for at least twelve (12) months by the employer with respect  
1771 to whom leave is requested; and (ii) for at least one thousand two  
1772 hundred fifty (1,250) hours of service with the employer during  
1773 the previous twelve-month period.

1774           "Employee" does not mean a person who is employed at a  
1775 worksite at which the employer employs less than fifty (50)  
1776 employees if the total number of employees employed by that  
1777 employer within seventy-five (75) miles of that worksite is less  
1778 than fifty (50).

1779           (e) "Employer" means: (i) any person, firm,  
1780 corporation, partnership, business trust, legal representative, or  
1781 other business entity which engages in any business, industry,  
1782 profession, or activity in this state and includes any unit of





1783 local government including, but not limited to, a county, city,  
1784 town, municipal corporation, quasi-municipal corporation, or  
1785 political subdivision, which employs fifty (50) or more employees  
1786 for each working day during each of twenty (20) or more calendar  
1787 workweeks in the current or preceding calendar year; (ii) the  
1788 state, state institutions, and state agencies; and (iii) any unit  
1789 of local government including, but not limited to, a county, city,  
1790 town, municipal corporation, quasi-municipal corporation, or  
1791 political subdivision.

1792 (f) "Employment benefits" means all benefits provided  
1793 or made available to employees by an employer, including group  
1794 life insurance, health insurance, disability insurance, sick  
1795 leave, annual leave, educational benefits, and pensions except  
1796 benefits that are provided by a practice or written policy of an  
1797 employer or through an employee benefit plan as defined in 29 USC  
1798 Section 1002(3).

1799 (g) "Family member" means a child, parent, spouse, or  
1800 state registered domestic partner of an employee.

1801 (h) "Health care provider" means: (i) a person  
1802 licensed as a physician or an osteopathic physician and surgeon;  
1803 (ii) a person licensed as an advanced registered nurse  
1804 practitioner; or (iii) any other person determined by the director  
1805 to be capable of providing health care services.

1806 (i) "Intermittent leave" is leave taken in separate  
1807 blocks of time due to a single qualifying reason.



1808           (j) "Leave for a family member's serious health  
1809 condition" means leave as defined in subsection (3) of this  
1810 section.

1811           (k) "Leave for the birth or placement of a child" means  
1812 leave as defined in subsection (3) of this section.

1813           (l) "Leave for the employee's serious health condition"  
1814 means leave as defined in subsection (3) of this section.

1815           (m) "Parent" means the biological or adoptive parent of  
1816 an employee or an individual who stood in loco parentis to an  
1817 employee when the employee was a child.

1818           (n) "Period of incapacity" means an inability to work,  
1819 attend school, or perform other regular daily activities because  
1820 of the serious health condition, treatment of that condition or  
1821 recovery from it, or subsequent treatment in connection with such  
1822 inpatient care.

1823           (o) "Reduced leave schedule" means a leave schedule  
1824 that reduces the usual number of hours per workweek, or hours per  
1825 workday, of an employee.

1826           (p) (i) "Serious health condition" means an illness,  
1827 injury, impairment, or physical or mental condition that involves:  
1828 1 inpatient care in a hospital, hospice, or residential medical  
1829 care facility, including any period of incapacity; or 2 continuing  
1830 treatment by a health care provider. A serious health condition  
1831 involving continuing treatment by a health care provider includes  
1832 any one or more of the following:



1833                   1. A period of incapacity of more than three  
1834 (3) consecutive calendar days, and any subsequent treatment or  
1835 period of incapacity relating to the same condition, that also  
1836 involves:

1837                   a. Treatment two (2) or more times by a  
1838 health care provider, by a nurse or physician's assistant under  
1839 direct supervision of a health care provider, or by a provider of  
1840 health care services under orders of, or on referral by, a health  
1841 care provider; or

1842                   b. Treatment by a health care provider  
1843 on at least one (1) occasion which results in a regimen of  
1844 continuing treatment under the supervision of the health care  
1845 provider;

1846                   2. Any period of incapacity due to pregnancy,  
1847 or for prenatal care;

1848                   3. Any period of incapacity or treatment for  
1849 such incapacity due to a chronic serious health condition. A  
1850 chronic serious health condition is one which:

1851                   a. Requires periodic visits for  
1852 treatment by a health care provider, or by a nurse or physician's  
1853 assistant under direct supervision of a health care provider;

1854                   b. Continues over an extended period of  
1855 time, including recurring episodes of a single underlying  
1856 condition; and



1857 c. May cause episodic rather than a  
1858 continuing period of incapacity;

1859 4. A period of incapacity which is permanent  
1860 or long-term due to a condition for which treatment may not be  
1861 effective. The employee or family member must be under the  
1862 continuing supervision of, but need not be receiving active  
1863 treatment by, a health care provider; or

1864 5. Any period of absence to receive multiple  
1865 treatments, including any period of recovery from the treatments,  
1866 by a health care provider or by a provider of health care services  
1867 under orders of, or on referral by, a health care provider, either  
1868 for restorative surgery after an accident or other injury, or for  
1869 a condition that would likely result in a period of incapacity of  
1870 more than three (3) consecutive calendar days in the absence of  
1871 medical intervention or treatment, such as cancer, severe  
1872 arthritis, or kidney disease.

1873 (ii) Treatment for purposes of subparagraph (i) of  
1874 this paragraph (p) includes, but is not limited to, examinations  
1875 to determine if a serious health condition exists and evaluations  
1876 of the condition.

1877 Treatment does not include routine physical examinations, eye  
1878 examinations, or dental examinations. Under subparagraph (i)1.b.  
1879 of this paragraph (p), a regimen of continuing treatment includes,  
1880 but is not limited to, a course of prescription medication or  
1881 therapy requiring special equipment to resolve or alleviate the



1882 health condition. A regimen of continuing treatment that includes  
1883 taking over-the-counter medications, such as aspirin,  
1884 antihistamines, or salves, or bed rest, drinking fluids, exercise,  
1885 and other similar activities that can be initiated without a visit  
1886 to a health care provider, is not, by itself, sufficient to  
1887 constitute a regimen of continuing treatment for purposes of this  
1888 act.

1889 (iii) Conditions for which cosmetic treatments are  
1890 administered are not "serious health conditions" unless inpatient  
1891 hospital care is required or unless complications develop. Unless  
1892 complications arise, the common cold, the flu, earaches, upset  
1893 stomach, minor ulcers, headaches other than migraine, routine  
1894 dental or orthodontia problems, and periodontal disease are  
1895 examples of conditions that do not meet the definition of a  
1896 "serious health condition" and do not qualify for leave under this  
1897 act. Restorative dental or plastic surgery after an injury or  
1898 removal of cancerous growths are serious health conditions  
1899 provided all the other conditions of this section are met.

1900 Mental illness resulting from stress or allergies may be  
1901 serious health conditions provided all the other conditions of  
1902 this section are met.

1903 (iv) Substance abuse may be a serious health  
1904 condition if the conditions of this section are met. However,  
1905 leave may only be taken for treatment for substance abuse by a  
1906 health care provider or by a provider of health care services upon



1907 referral by a health care provider. Absence from work because of  
1908 the employee's use of the substance, rather than for treatment,  
1909 does not qualify for leave under this act.

1910 (v) Absences attributable to incapacity under  
1911 subparagraph (i)1. or 3. of this paragraph (p) qualify for leave  
1912 under this act even though the employee or the immediate family  
1913 member does not receive treatment from a health care provider  
1914 during the absence, and even if the absence does not last more  
1915 than three (3) days.

1916 (q) "Spouse" means a husband or wife, as the case may  
1917 be, or state registered domestic partner.

1918 (2) **Administration.** The Mississippi Department of  
1919 Employment Security shall administer the provisions of this act.

1920 (3) **Entitlement to paid leave.** (a) An employee is entitled  
1921 to a total of twelve (12) workweeks of paid leave during any  
1922 twelve-month period for one or more of the following:

1923 (i) Because of the birth of a child of the  
1924 employee and in order to care for the child;

1925 (ii) Because of the placement of a child with the  
1926 employee for adoption or foster care;

1927 (iii) In order to care for a family member of the  
1928 employee, if the family member has a serious health condition; or

1929 (iv) Because of a serious health condition that  
1930 makes the employee unable to perform the functions of the position  
1931 of the employee.



1932           (b) The entitlement to leave for the birth or placement  
1933 of a child expires at the end of the twelve-month period beginning  
1934 on the date of such birth or placement.

1935           (4) **Leave taken intermittently or on reduced leave schedule.**

1936           (a) When paid leave is taken after the birth or  
1937 placement of a child for adoption or foster care, an employee may  
1938 take paid leave intermittently or on a reduced paid leave schedule  
1939 with the employers' agreement. The employers' agreement is not  
1940 required, however, for paid leave during which the employee has a  
1941 serious health condition in connection with the birth of a child  
1942 or if the newborn child has a serious health condition.

1943           (b) Paid leave may be taken intermittently or on a  
1944 reduced leave schedule when medically necessary for medical  
1945 treatment of a serious health condition by or under the  
1946 supervision of a health care provider, or for recovery from  
1947 treatment or recovery from a serious health condition. It may  
1948 also be taken to provide care or psychological comfort to an  
1949 immediate family member with a serious health condition.

1950           (i) Intermittent paid leave may be taken for a  
1951 serious health condition that requires treatment by a health care  
1952 provider periodically, rather than for one (1) continuous period  
1953 of time, and may include leave of periods from an hour or more to  
1954 several weeks.

1955           (ii) Intermittent or reduced schedule paid leave  
1956 may be taken for absences where the employee or family member is



1957 incapacitated or unable to perform the essential functions of the  
1958 position because of a chronic serious health condition even if he  
1959 or she does not receive treatment by a health care provider.

1960 (c) There is no limit on the size of an increment of  
1961 paid leave when an employee takes intermittent paid leave or paid  
1962 leave on a reduced paid leave schedule. However, an employer may  
1963 limit leave increments to the shortest period of time that the  
1964 employer's payroll system uses to account for absences or use of  
1965 leave, provided it is one (1) hour or less.

1966 (d) The taking of paid leave intermittently or on a  
1967 reduced leave schedule under this section may not result in a  
1968 reduction in the total amount of leave to which the employee is  
1969 entitled beyond the amount of leave actually taken.

1970 (e) If an employee requests intermittent paid leave, or  
1971 leave on a reduced leave schedule, for a family member's serious  
1972 health condition or the employees' serious health condition when  
1973 the condition is foreseeable based on planned medical treatment,  
1974 the employer may require such employee to transfer temporarily to  
1975 an available alternative position offered by the employer for  
1976 which the employee is qualified and that:

1977 (i) Has equivalent pay and benefits; and  
1978 (ii) Better accommodates recurring periods of  
1979 leave than the regular employment position of the employee.

1980 (5) **Foreseeable paid leave.** (a) If the necessity for paid  
1981 leave for the birth or placement of a child is foreseeable based





1982 on an expected birth or placement, the employee shall provide the  
1983 employer with not less than thirty (30) days notice, before the  
1984 date the leave is to begin, of the employee's intention to take  
1985 leave for the birth or placement of a child, except that if the  
1986 date of the birth or placement requires leave to begin in less  
1987 than thirty (30) days, the employee shall provide such notice as  
1988 is practicable.

1989 (b) If the necessity for paid leave for a family  
1990 member's serious health condition or the employee's serious health  
1991 condition is foreseeable based on planned medical treatment, the  
1992 employee:

1993 (i) Must make a reasonable effort to schedule the  
1994 treatment so as not to unduly disrupt the operations of the  
1995 employer, subject to the approval of the health care provider of  
1996 the employee or the health care provider of the family member, as  
1997 appropriate; and

1998 (ii) Must provide the employer with not less than  
1999 thirty (30) days notice, before the date the leave is to begin, of  
2000 the employee's intention to take leave for a family member's  
2001 serious health condition or the employee's serious health  
2002 condition, except that if the date of the treatment requires leave  
2003 to begin in less than thirty (30) days, the employee must provide  
2004 such notice as is practicable.

2005 (6) **Spouses employed by same employer.** If spouses entitled  
2006 to leave under this act are employed by the same employer, the



2007 aggregate number of workweeks of paid leave to which both may be  
2008 entitled may be limited to twelve (12) workweeks during any  
2009 twelve-month period, if such leave is taken: (a) for the birth or  
2010 placement of a child; or (b) for a parent's serious health  
2011 condition.

2012 (7) **Certification.** (a) An employer may require that a  
2013 request for paid leave for a family member's serious health  
2014 condition or the employee's serious health condition be supported  
2015 by a certification issued by the health care provider of the  
2016 employee or of the family member, as appropriate. The employee  
2017 must provide, in a timely manner, a copy of the certification to  
2018 the employer.

2019 (b) Certification provided under paragraph (a) of this  
2020 subsection is sufficient if it states:

2021 (i) The date on which the serious health condition  
2022 commenced;

2023 (ii) The probable duration of the condition;

2024 (iii) The appropriate medical facts within the  
2025 knowledge of the health care provider regarding the condition;

2026 (iv) 1. For purposes of leave for a family  
2027 member's serious health condition, a statement that the employee  
2028 is needed to care for the family member and an estimate of the  
2029 amount of time that such employee is needed to care for the family  
2030 member; and



2031                           2. For purposes of leave for the employee's  
2032 serious health condition, a statement that the employee is unable  
2033 to perform the functions of the position of the employee;

2034                           (v) In the case of certification for intermittent  
2035 leave, or leave on a reduced leave schedule, for planned medical  
2036 treatment, the dates on which the treatment is expected to be  
2037 given and the duration of the treatment;

2038                           (vi) In the case of certification for intermittent  
2039 leave, or leave on a reduced leave schedule, for the employee's  
2040 serious health condition, a statement of the medical necessity for  
2041 the intermittent leave or leave on a reduced leave schedule, and  
2042 the expected duration of the intermittent leave or reduced leave  
2043 schedule; and

2044                           (vii) In the case of certification for  
2045 intermittent leave, or leave on a reduced leave schedule, for a  
2046 family member's serious health condition, a statement that the  
2047 employee's intermittent leave or leave on a reduced leave schedule  
2048 is necessary for the care of the family member who has a serious  
2049 health condition, or will assist in their recovery, and the  
2050 expected duration and schedule of the intermittent leave or  
2051 reduced leave schedule.

2052                           (c) If the employer has reason to doubt the validity of  
2053 the certification provided under paragraph (a) of this subsection  
2054 (7) for leave for a family member's serious health condition or  
2055 the employee's serious health condition, the employer may require,



2056 at the expense of the employer, that the employee obtain the  
2057 opinion of a second health care provider designated or approved by  
2058 the employer concerning any information certified under paragraph  
2059 (b) of this subsection (7) for the leave. The second health care  
2060 provider may not be employed on a regular basis by the employer.

2061 (d) If the second opinion described in paragraph (c) of  
2062 this subsection (7) differs from the opinion in the original  
2063 certification provided under paragraph (a) of this subsection (7),  
2064 the employer may require, at the expense of the employer, that the  
2065 employee obtain the opinion of a third health care provider  
2066 designated or approved jointly by the employer and the employee  
2067 concerning the information certified under paragraph (b) of this  
2068 subsection (7). The opinion of the third health care provider  
2069 concerning the information certified under paragraph (b) of this  
2070 subsection (7) is considered to be final and is binding on the  
2071 employer and the employee.

2072 (e) The employer may require that the employee obtain  
2073 subsequent recertifications on a reasonable basis.

2074 (8) **Employment protection.** (a) Except as provided in  
2075 paragraph (b) of this subsection, any employee who takes paid  
2076 leave for the intended purpose of the leave is entitled, on return  
2077 from the leave:

2078 (i) To be restored by the employer to the position  
2079 of employment held by the employee when the leave commenced; or



2080 (ii) To be restored to an equivalent position with  
2081 equivalent employment benefits, pay, and other terms and  
2082 conditions of employment at a workplace within twenty (20) miles  
2083 of the employee's workplace when leave commenced.

2084 (b) The taking of leave may not result in the loss of  
2085 any employment benefits accrued before the date on which the leave  
2086 commenced.

2087 (c) Nothing in this section entitles any restored  
2088 employee to (i) the accrual of any seniority or employment  
2089 benefits during any period of leave; or (ii) any right, benefit,  
2090 or position of employment other than any right, benefit, or  
2091 position to which the employee would have been entitled had the  
2092 employee not taken the leave.

2093 (d) As a condition of restoration under paragraph (a)  
2094 of this subsection for an employee who has taken leave for the  
2095 employee's serious health condition, the employer may have a  
2096 uniformly applied practice or policy that requires each such  
2097 employee to receive certification from the health care provider of  
2098 the employee that the employee is able to resume work, except that  
2099 nothing in this paragraph (d) supersedes a valid local law or a  
2100 collective bargaining agreement that governs the return to work of  
2101 such employees.

2102 (e) Nothing in this subsection prohibits an employer  
2103 from requiring an employee on leave to report periodically to the



2104 employer on the status and intention of the employee to return to  
2105 work.

2106 An employer may deny restoration under this subsection to any  
2107 salaried employee who is among the highest paid ten percent (10%)  
2108 of the employees employed by the employer within seventy-five (75)  
2109 miles of the facility at which the employee is employed if:

2110 (i) Denial is necessary to prevent substantial and  
2111 grievous economic injury to the operations of the employer;

2112 (ii) The employer notifies the employee of the  
2113 intent of the employer to deny restoration on such basis at the  
2114 time the employer determines that the injury would occur; and

2115 (iii) The leave has commenced and the employee  
2116 elects not to return to employment after receiving the notice.

2117 (9) **Employment benefits.** During any period of paid leave  
2118 taken, if the employee is not eligible for any employer  
2119 contribution to medical or dental benefits under an applicable  
2120 collective bargaining agreement or employer policy during any  
2121 period of leave, an employer shall allow the employee to continue,  
2122 at the employee's expense, medical or dental insurance coverage,  
2123 including any spouse and dependent coverage, in accordance with  
2124 state or federal law. The premium to be paid by the employee  
2125 shall not exceed one hundred two percent (102%) of the applicable  
2126 premium for the leave period.

2127 (10) **Prohibited acts.** (a) It is unlawful for any employer  
2128 to:



2129 (i) Interfere with, restrain, or deny the exercise  
2130 of, or the attempt to exercise, any right provided under this act;  
2131 or

2132 (ii) Discharge or in any other manner discriminate  
2133 against any individual for opposing any practice made unlawful by  
2134 this act.

2135 (b) It is unlawful for any person to discharge or in  
2136 any other manner discriminate against any individual because the  
2137 individual has:

2138 (i) Filed any charge, or has instituted or caused  
2139 to be instituted any proceeding, under or related to this act;

2140 (ii) Given, or is about to give, any information  
2141 in connection with any inquiry or proceeding relating to any right  
2142 provided under this act; or

2143 (iii) Testified, or is about to testify, in any  
2144 inquiry or proceeding relating to any right provided under this  
2145 act.

2146 (11) **Complaint investigations by director.** Upon complaint  
2147 by an employee, the director shall investigate to determine if  
2148 there has been compliance with this act and the rules adopted  
2149 under this act. If the investigation indicates that a violation  
2150 may have occurred, a hearing must be held. The director must  
2151 issue a written determination including his or her findings after  
2152 the hearing. A judicial appeal from the director's determination



2153 may be taken, with the prevailing party entitled to recover  
2154 reasonable costs and attorney's fees.

2155           (12) **Civil penalty.** An employer who is found to have  
2156 violated a requirement of this act and the rules adopted under  
2157 this act, is subject to a civil penalty of not less than One  
2158 Thousand Dollars (\$1,000.00) for each violation. Civil penalties  
2159 must be collected by the department and deposited into the family  
2160 and medical leave enforcement account.

2161           (13) **Civil action by employees.** (a) Any employer who  
2162 violates is liable:

2163                           (i) For damages equal to:

2164                                   1. The amount of:

2165                                           a. Any wages, salary, employment  
2166 benefits, or other compensation denied or lost to such employee by  
2167 reason of the violation; or

2168                                           b. In a case in which wages, salary,  
2169 employment benefits, or other compensation have not been denied or  
2170 lost to the employee, any actual monetary losses sustained by the  
2171 employee as a direct result of the violation, such as the cost of  
2172 providing care, up to a sum equal to twelve (12) weeks of wages or  
2173 salary for the employee;

2174                                   2. The interest on the amount described in  
2175 subparagraph (i)1 of this paragraph (a) calculated at the  
2176 prevailing rate; and





2177                   3. An additional amount as liquidated damages  
2178 equal to the sum of the amount described in subparagraph (i)1 of  
2179 this paragraph (a) and the interest described in subparagraph (i)2  
2180 of this paragraph (a), except that if an employer who has violated  
2181 proves to the satisfaction of the court that the act or omission  
2182 which violated was in good faith and that the employer had  
2183 reasonable grounds for believing that the act or omission was not  
2184 a violation of, the court may, in the discretion of the court,  
2185 reduce the amount of the liability to the amount and interest  
2186 determined under subparagraph (i)1 and 2 of this paragraph (a),  
2187 respectively; and

2188                   (ii) For such equitable relief as may be  
2189 appropriate, including employment, reinstatement, and promotion.

2190                   (b) An action to recover the damages or equitable  
2191 relief prescribed in subsection (1) of this section may be  
2192 maintained against any employer in any court of competent  
2193 jurisdiction by any one or more employees for and on behalf of:

2194                   (i) The employees; or

2195                   (ii) The employees and other employees similarly  
2196 situated.

2197                   (c) The court in such an action shall, in addition to  
2198 any judgment awarded to the plaintiff, allow reasonable attorney's  
2199 fees, reasonable expert witness fees, and other costs of the  
2200 action to be paid by the defendant.



2201           (14) **Notice-Penalties.** Each employer shall post and keep  
2202 posted, in conspicuous places on the premises of the employer  
2203 where notices to employees and applicants for employment are  
2204 customarily posted, a notice, to be prepared or approved by the  
2205 director, setting forth excerpts from, or summaries of, the  
2206 pertinent provisions of this act and information pertaining to the  
2207 filing of a charge. Any employer that willfully violates this  
2208 section may be subject to a civil penalty of not more than One  
2209 Hundred Dollars (\$100.00) for each separate offense. Any  
2210 penalties collected by the department under this subsection shall  
2211 be deposited into the family and medical leave enforcement  
2212 account.

2213           (15) **Effect on other laws.** Nothing in this act shall be  
2214 construed: (a) to modify or affect any state or local law  
2215 prohibiting discrimination on the basis of race, religion, color,  
2216 national origin, sex, age, or disability; or (b) to supersede any  
2217 provision of any local law that provides greater family or medical  
2218 leave rights than the rights established under this act.

2219           (16) **Effect on existing employment benefits.** Nothing in  
2220 this act diminishes the obligation of an employer to comply with  
2221 any collective bargaining agreement or any employment benefit  
2222 program or plan that provides greater family or medical leave  
2223 rights to employees than the rights established under this act.  
2224 The rights established for employees under this act may not be



2225 diminished by any collective bargaining agreement or any  
2226 employment benefit program or plan.

2227 (17) **Encouragement of more generous leave policies.** Nothing  
2228 in this act shall be construed to discourage employers from  
2229 adopting or retaining leave policies more generous than any  
2230 policies that comply with the requirements under this act.

2231 (18) **Relationship to federal Family and Medical Leave Act.**

2232 (a) Leave under this section and leave under the  
2233 federal Family and Medical Leave Act of 1993 (Act Feb. 5, 1993,  
2234 Public Law 103-3, 107 Stat. 6) is in addition to any leave for  
2235 sickness or temporary disability because of pregnancy or  
2236 childbirth;

2237 (b) Leave taken under this act must be taken  
2238 concurrently with any leave taken under the federal Family and  
2239 Medical Leave Act of 1993 (Act Feb. 5, 1993, Public Law 103-3, 107  
2240 Stat. 6).

2241 (19) **Construction.** This must be construed to the extent  
2242 possible in a manner that is consistent with similar provisions,  
2243 if any, of the federal Family and Medical Leave Act of 1993 (Act  
2244 Feb. 5, 1993, Public Law 103-3, 107 Stat. 6), and that gives  
2245 consideration to the rules, precedents, and practices of the  
2246 federal Department of Labor relevant to the federal act.

2247 **SECTION 28. Women in High-Wage, High-Demand, Nontraditional**  
2248 **Jobs Grant Program.** (1) The following words and phrases shall



2249 have the meanings as defined in this section unless the context  
2250 clearly indicates otherwise:

2251 (a) "Commissioner" means the Executive Director of the  
2252 Mississippi Department of Employment Security.

2253 (b) "Eligible organization" includes, but is not  
2254 limited to:

2255 (i) Community-based organizations experienced in  
2256 serving women;

2257 (ii) Employers;

2258 (iii) Business and trade associations;

2259 (iv) Labor unions and employee organizations;

2260 (v) Registered apprenticeship programs;

2261 (vi) Secondary and postsecondary education  
2262 institutions located in Mississippi; and

2263 (vii) Workforce and economic development agencies.

2264 (c) "High-wage, high-demand" means occupations that  
2265 represent at least one-tenth of one percent (0.1%) of total  
2266 employment in the base year, have an annual median salary which is  
2267 higher than the average for the current year, and are projected to  
2268 have more total openings as a share of employment than the  
2269 average.

2270 (d) "Low-income" means income less than two hundred  
2271 percent (200%) of the federal poverty guideline adjusted for a  
2272 family size of four (4).



2273 (e) "Nontraditional occupations" mean those occupations  
2274 in which women make up less than twenty-five percent (25%) of the  
2275 workforce as defined under United States Code, Title 20, Section  
2276 2302.

2277 (2) **Grant program.** The Executive Director of the  
2278 Mississippi Department of Employment Security shall establish the  
2279 Women in High-Wage, High-Demand, Nontraditional Jobs Grant Program  
2280 to increase the number of women in high-wage, high-demand,  
2281 nontraditional occupations. The Executive Director of the  
2282 Mississippi Department of Employment Security shall make grants to  
2283 eligible organizations for programs that encourage and assist  
2284 women to enter high-wage, high-demand, nontraditional occupations,  
2285 including, but not limited to, those in the skilled trades,  
2286 science, technology, engineering and math (STEM) occupations.

2287 (3) **Use of funds.** Grant funds awarded under this section  
2288 may be used for:

2289 (a) Recruitment, preparation, placement, and retention  
2290 of women, including low-income women with child care  
2291 responsibilities, in registered apprenticeships, postsecondary  
2292 education programs, on-the-job training and permanent employment  
2293 in high-wage, high-demand, nontraditional occupations;

2294 (b) Secondary or postsecondary education or other  
2295 training to prepare women to succeed in high-wage, high-demand,  
2296 nontraditional occupations. Activities under this section may be  
2297 conducted by the grantee or in collaboration with another



2298 institution, including, but not limited to, a public or private  
2299 secondary or postsecondary school;

2300 (c) Innovative, hands-on best practices that stimulate  
2301 interest in high-wage, high-demand, nontraditional occupations  
2302 among women, increase awareness among women about opportunities in  
2303 high-wage, high-demand, nontraditional occupations, or increase  
2304 access to secondary programming leading to jobs in high-wage,  
2305 high-demand, nontraditional occupations. Best practices include,  
2306 but are not limited to, mentoring, internships, or apprenticeships  
2307 for women in high-wage, high-demand, nontraditional occupations;

2308 (d) Training and other staff development for job seeker  
2309 counselors and caseworkers on opportunities in high-wage,  
2310 high-demand, nontraditional occupations;

2311 (e) Incentives for employers and sponsors of registered  
2312 apprenticeship programs to retain women in high-wage, high-demand,  
2313 nontraditional occupations for more than one (1) year;

2314 (f) Training and technical assistance for employers to  
2315 create a safe and healthy workplace environment designed to retain  
2316 and advance women, including best practices for addressing sexual  
2317 harassment, and to overcome gender inequity among employers and  
2318 registered apprenticeship programs;

2319 (g) Public education and outreach activities to  
2320 overcome stereotypes about women in high-wage, high-demand,  
2321 nontraditional occupations, including the development of  
2322 educational and marketing materials; and



2323 (h) Support for women in high-wage, high-demand,  
2324 nontraditional occupations including, but not limited to,  
2325 assistance with workplace issues resolution and access to advocacy  
2326 assistance and services.

2327 (4) Grant applications must include detailed information  
2328 about how the applicant plans to:

2329 (a) Increase women's participation in high-wage,  
2330 high-demand occupations in which women are currently  
2331 underrepresented in the workforce;

2332 (b) Comply with the requirements under subsection (3)  
2333 of this section; and

2334 (c) Use grant funds in conjunction with funding from  
2335 other public or private sources.

2336 (5) In awarding grants under this section, the executive  
2337 director shall give priority to eligible organizations:

2338 (a) With demonstrated success in recruiting and  
2339 preparing women, especially low-income women with child care  
2340 responsibilities, for high-wage, high-demand, nontraditional  
2341 occupations; and

2342 (b) That leverage additional public and private  
2343 resources.

2344 (6) At least fifty percent (50%) of total grant funds must  
2345 be awarded to programs providing services and activities targeted  
2346 to low-income women.



2347 (7) The executive director shall monitor the use of funds  
2348 under this section, collect and compile information on the  
2349 activities of other state agencies and public or private entities  
2350 that have purposes similar to those under this section, and  
2351 identify other public and private funding available for these  
2352 purposes.

2353 **SECTION 29.** (1) There is established the Mississippi Higher  
2354 Education Grant Program for Single Mothers. This program is for  
2355 college or university freshmen, sophomores, juniors and seniors  
2356 and will be administered by the Mississippi Postsecondary  
2357 Education Financial Assistance Board established under Section  
2358 37-106-9. The board shall set the dates and deadlines for  
2359 applying for an award under this section and shall establish the  
2360 rules and regulations as it deems necessary and proper to carry  
2361 out the purposes and intent of this section.

2362 (2) The board shall approve grants to full-time and  
2363 part-time freshmen, sophomore, junior and senior Mississippi  
2364 residents who meet the general requirements for student  
2365 eligibility as provided in subsection (4) of this section.

2366 (3) Grants under the program shall be for single mothers who  
2367 are Mississippi resident students from any Mississippi family  
2368 whose prior year adjusted gross income (AGI) is at or below one  
2369 hundred and fifty percent (150%) of the Federal Poverty  
2370 Guidelines. The award shall be applied to tuition, rooms and  
2371 meals, books, materials, fees and child care expenses and shall be





2372 at least One Thousand Five Hundred Dollars (\$1,500.00) for  
2373 students attending any board-approved institution of higher  
2374 learning or community or junior college. The award will be  
2375 prorated per term, semester or quarter of the academic year for  
2376 costs of attendance, calculated according to the formula specified  
2377 in subsection (8) of this section.

2378 (4) The general requirements for initial eligibility for the  
2379 Mississippi Higher Education Grant Program for Single Mothers  
2380 shall consist of the following:

2381 (a) An unmarried mother to at least one (1) minor  
2382 child.

2383 (b) Member of a Mississippi family whose prior year  
2384 adjusted gross income (AGI) is at or below one hundred and fifty  
2385 percent (150%) of the Federal Poverty Guidelines.

2386 (c) Acceptance for enrollment at any state institution  
2387 of higher learning or public community or junior college located  
2388 in Mississippi, or any regionally accredited, state-approved,  
2389 nonprofit two-year or four-year college or university located in  
2390 Mississippi and approved by the board.

2391 (d) Completion of a secondary education as follows:

2392 (i) Graduation from high school verified by the  
2393 institution before disbursement of award with a minimum grade  
2394 point average of 2.0 calculated on a 4.0 scale after seven (7)  
2395 semesters as certified by the high school counselor or other  
2396 authorized school official on the application; or



2397 (ii) Attendance at a home education program during  
2398 grade levels 9 through 12; or

2399 (iii) Satisfactory completion of the High School  
2400 Equivalency Diploma; or

2401 (iv) Successful completion of the International  
2402 Baccalaureate Program.

2403 (e) A minimum score of fifteen (15) on the ACT test  
2404 except that any student entering a vocational or technical program  
2405 of study, or who has satisfactorily completed the High School  
2406 Equivalency Diploma Test and attends a community or junior college  
2407 will not be required to have a test score under the ACT unless a  
2408 student enrolls in courses of academic study.

2409 (f) Any student currently enrolled in any qualified  
2410 institution shall have to only meet the same requirements as  
2411 students who are applying for a renewal award.

2412 (5) By accepting a Mississippi Higher Education Grant for  
2413 Single Mothers, the student is attesting to the accuracy,  
2414 completeness and correctness of information provided to  
2415 demonstrate the student's eligibility. Falsification of such  
2416 information shall result in the denial of any pending grant and  
2417 revocation of any award currently held to the extent that no  
2418 further payments shall be made. Any student knowingly making  
2419 false statements in order to receive a grant shall be guilty of a  
2420 misdemeanor punishable, upon conviction thereof, by a fine of up  
2421 to Ten Thousand Dollars (\$10,000.00), a prison sentence of up to



2422 one (1) year in the county jail, or both, and shall be required to  
2423 return all grants wrongfully obtained.

2424 (6) Eligibility for renewal of Mississippi Higher Education  
2425 Grants for Single Mothers shall be evaluated at the end of each  
2426 semester, or term, of each academic year. As a condition for  
2427 renewal, a student shall:

2428 (a) Make steady academic progress toward a certificate  
2429 or degree, as outlined in the school Satisfactory Academic  
2430 Progress Standards and certified by the institution's registrar.

2431 (b) Maintain continuous enrollment for not less than  
2432 two (2) semesters or three (3) quarters in each successive  
2433 academic year, unless granted an exception for cause by the  
2434 administering board; examples of cause may include student  
2435 participation in a cooperative program, internship program or  
2436 foreign study program. If a student fails to maintain continuous  
2437 enrollment, and is not granted an exception for cause by the  
2438 administering board, the student is ineligible to receive the  
2439 grant during the following semester or trimester or term of the  
2440 regular academic year.

2441 (c) Have a cumulative grade point average of at least  
2442 2.0 calculated on a 4.0 scale at the end of each semester or  
2443 trimester or term.

2444 (7) Each student, each year, must complete a Free  
2445 Application for Federal Student Aid form or a Statement of



2446 Certification as designed by the administering board to determine  
2447 her eligibility for a grant.

2448       (8) (a) The amount of the Mississippi Higher Education  
2449 Grant for Single Mothers awarded to any one (1) student, up to the  
2450 maximum amount provided in subsection (3) of this section, shall  
2451 be the difference of the student's cost of attendance at her  
2452 accredited college of choice and the amount of federal aid such  
2453 student may receive, not to supplant but to supplement the amount  
2454 of any federal aid awarded to the student. Cost of attendance is  
2455 the tuition and fees of the applicable institution plus an  
2456 allowance for room, meals, books, materials and child care  
2457 expenses.

2458       (b) Payment of the grant shall be made payable to the  
2459 recipient and the educational institution and mailed directly to  
2460 the institution, to be applied first to tuition.

2461       (9) In order for an institution to remain eligible for its  
2462 students to participate in the Mississippi Higher Education Grant  
2463 Program for Single Mothers, the institution shall comply with any  
2464 other requirements set forth by the board.

2465       (10) No student may receive a Mississippi Higher Education  
2466 Grant for Single Mothers for more than the equivalent semesters or  
2467 quarters required to complete one (1) baccalaureate degree or one  
2468 (1) certificate or associate degree program per institution.



2469 (11) In no case shall any student receive any combination of  
2470 student financial aid that would exceed the cost of attendance, as  
2471 defined in subsection (8) (a) of this section.

2472 **SECTION 30.** Each federal fiscal year, any Temporary  
2473 Assistance for Needy Families (TANF) state Maintenance of Effort  
2474 (MOE) funds spent on or allocated to state-funded scholarship  
2475 programs administered by the Mississippi Institutes of Higher  
2476 Learning and/or the Mississippi Community College Board shall be  
2477 spent solely on or allocated solely for the Mississippi Higher  
2478 Education Grant Program for Single Mothers. This funding  
2479 requirement shall not preclude any additional state funds to be  
2480 spent on or allocated to the Mississippi Higher Education Grant  
2481 Program for Single Mothers.

2482 **SECTION 31.** Sections 31 through 33 shall be known and may be  
2483 cited as the "Evelyn Gandy Fair Pay Act."

2484 **SECTION 32.** The Mississippi Legislature finds that the  
2485 existence of wage differentials based on sex in industries engaged  
2486 in commerce or in the production of goods for commerce:

2487 (a) Depresses the wages and living standards for  
2488 employees that are necessary for their health and efficiency,  
2489 thereby increasing the poverty rate in Mississippi;

2490 (b) Prevents the maximum utilization of the available  
2491 labor resources, thereby depressing the growth of the state GDP;

2492 (c) Tends to cause labor disputes, thereby burdening,  
2493 affecting and obstructing commerce;



2494 (d) Burdens commerce and the free flow of goods in  
2495 commerce; and

2496 (e) Constitutes an unfair method of competition.

2497 **SECTION 33.** (1) No employer shall discriminate in any way  
2498 against any employee on the basis of sex by paying a salary or  
2499 wage to any employee at a rate less than the rate paid to its  
2500 employees of the opposite sex for equal work on jobs that require  
2501 equal skill, effort and responsibility to perform, and which are  
2502 performed under similar working conditions, except where such  
2503 payment is made pursuant to:

2504 (a) A seniority system; however, time spent on leave  
2505 due to a pregnancy-related condition and parental, family and  
2506 medical leave, shall not reduce the seniority-level of an  
2507 employee;

2508 (b) A merit system;

2509 (c) A system which measures earnings by quantity or  
2510 quality of production; or

2511 (d) A differential based on any bona fide factor other  
2512 than sex if the factor:

2513 (i) Is not based on or derived from a differential  
2514 in wage based on sex;

2515 (ii) Is job-related with respect to the position  
2516 and necessary for the business; and

2517 (iii) Accounts for the entire differential.



2518           An employer who is paying a wage rate differential in  
2519 violation of this subsection shall not, in order to comply with  
2520 the provisions of this subsection, reduce the wage rate of any  
2521 employee.

2522           (2) (a) No labor organization, or its agents, representing  
2523 employees of an employer whose employees are subject to the  
2524 provisions of this section, shall cause or attempt to cause the  
2525 employer to discriminate against an employee in violation of  
2526 subsection (1) of this section.

2527           (b) As used in this subsection (2), the term "labor  
2528 organization" means any organization of any kind, or any agency or  
2529 employee representation committee or plan, in which employees  
2530 participate and which exists for the purpose, in whole or in part,  
2531 of dealing with employers concerning grievances, labor disputes,  
2532 wages, rates of pay, hours of employment or conditions of work.

2533           (3) For purposes of administration and enforcement, any  
2534 amounts owed to an employee that have been withheld in violation  
2535 of this section shall be deemed to be unpaid minimum wages or  
2536 unpaid overtime compensation.

2537           (4) (a) An employer that has been charged with unlawful sex  
2538 discrimination under this section shall be entitled to a  
2539 rebuttable presumption that the employer has not engaged in  
2540 unlawful sex discrimination in violation of this section if:

2541                   (i) The charge is made by an employee who holds a  
2542 job predominantly occupied by members of one (1) sex, which means



2543 that at least seventy-five percent (75%) of the occupants of the  
2544 job are of the same sex, and the employee alleges he or she is  
2545 being paid less than an employee who does a different job;

2546 (ii) The employer has, within two (2) years of the  
2547 commencement of the action, completed a self-evaluation that meets  
2548 the standards set forth in paragraph (d) of this subsection; and

2549 (iii) The employer makes an affirmative showing  
2550 that it has made reasonable and substantial progress towards  
2551 eliminating wage differentials, including implementing any  
2552 required remediation plan, between jobs of equivalent value,  
2553 including the job of the employee making the charge, in accordance  
2554 with the self-evaluation required in subparagraph (ii) of this  
2555 paragraph.

2556 (b) In such cases, the court must give the aggrieved  
2557 party an opportunity to rebut this presumption through evidence  
2558 that reasonably demonstrates that, notwithstanding the employer's  
2559 self-evaluation, the employer has violated this section. In  
2560 rebutting this presumption, the aggrieved party may provide all  
2561 relevant information including, but not limited to, evidence that:

2562 (i) The employer's job analysis devalues  
2563 attributes associated with jobs occupied predominantly by members  
2564 of one (1) sex and/or over-values attributes associated with jobs  
2565 occupied predominantly by members of the opposite sex;

2566 (ii) The job the aggrieved party occupies was not  
2567 adequately evaluated; or





2568 (iii) A job evaluation process has been completed  
2569 and, if necessary, a remediation process is in progress or has  
2570 been completed, but the self-evaluation has not been reviewed and  
2571 updated at reasonable intervals to adjust for changes in the work  
2572 environment over time.

2573 (c) An employer wishing to be availed of this  
2574 presumption must produce documentation that describes the  
2575 self-evaluation process in detail sufficient to show that the  
2576 employer has met the standards under paragraph (d).

2577 (d) In order to be eligible for the presumption of  
2578 compliance, the self-evaluation must:

2579 (i) Clearly define the employer's establishment;

2580 (ii) Analyze the employee population to identify  
2581 differentials in wages, including raises, bonuses, incentive  
2582 payments and other forms of remuneration, based on sex;

2583 (iii) Establish a job evaluation plan to determine  
2584 the value of jobs within the establishment. The plan must:

2585 1. Be free of any bias based on a person's  
2586 sex;

2587 2. Allow for the comparison of all jobs; and

2588 3. Fully and accurately measure the skill,  
2589 effort, responsibility and working conditions of each job based on  
2590 the actual work performance requirements of the jobs evaluated;

2591 (iv) Apply the job evaluation plan to all jobs;



2592 (v) Create a salary structure or have an  
2593 identifying salary group system where jobs of equal value are  
2594 placed in the same level or grouping;

2595 (vi) Determine for each salary grouping, or for  
2596 each total job evaluation score, the pay differential between jobs  
2597 that are predominantly occupied by one (1) sex and other jobs,  
2598 including those predominantly occupied by the opposite sex, in  
2599 order to identify any wage rate discrimination; and

2600 (vii) Remedy any pay differential identified in  
2601 subsection (vi); however, such remediation may not reduce the pay  
2602 of any employee or class of employees.

2603 The presumption of compliance may be strengthened where,  
2604 through the self-evaluation, including any needed remediation, the  
2605 employer maintains communication with and keeps employees apprised  
2606 of the process. The method and procedure for that communication  
2607 may vary according to the size and organizational structure of the  
2608 establishment, but any method or procedure chosen should be  
2609 adequate to reach all employees at the establishment.

2610 (5) It shall be an unlawful employment practice for an  
2611 employer to:

2612 (a) Require, as a condition of employment, that an  
2613 employee refrain from inquiring about, discussing or disclosing  
2614 his or her wages or the wages of another employee;



2615 (b) Require an employee to sign a waiver or other  
2616 document which purports to deny an employee the right to disclose  
2617 or discuss his or her wages;

2618 (c) Discharge, formally discipline, or otherwise  
2619 discriminate against an employee for inquiring about, discussing,  
2620 or disclosing his or her wages or the wages of another employee;  
2621 however, nothing in this subsection (5) creates an obligation for  
2622 an employer or employee to disclose wages;

2623 (d) Retaliate or in any other manner discriminate  
2624 against an employee or applicant for employment because that  
2625 individual has opposed a practice made unlawful by this act or  
2626 because that individual has made a charge, filed a complaint, or  
2627 instituted or caused to be instituted any investigation,  
2628 proceeding, hearing, or action under or related to this act,  
2629 including an investigation conducted by the employer, or has  
2630 testified or is planning to testify, or has assisted, or  
2631 participated in any manner in any such investigation, proceeding,  
2632 or hearing under this act.

2633 (6) (a) A civil action asserting a violation of this  
2634 section may be maintained against any employer in any court of  
2635 competent jurisdiction by any one (1) or more employees for or on  
2636 behalf of the employee, a group of employees, and other employees  
2637 similarly situated. Any such action shall commence no later than  
2638 two (2) years after the discriminatory practice declared unlawful  
2639 by this section has occurred. A discriminatory practice occurs



2640 when a discriminatory compensation decision or other practice is  
2641 adopted, when an employee is subjected to a discriminatory  
2642 compensation decision or other practice, or when an employee is  
2643 affected by the application of a discriminatory compensation  
2644 decision or other practice, including each time wages, benefits,  
2645 or other compensation is paid based on the discriminatory  
2646 compensation decision or other practice.

2647 (b) If an employer is found in violation of this  
2648 section, the employee may recover in a civil action the amount of  
2649 their unpaid wages; liquidated damages; compensatory damages;  
2650 punitive damages as may be appropriate, where the employee  
2651 demonstrates that the employer acted with malice or reckless  
2652 indifference; other equitable relief as may be appropriate; and  
2653 the costs of the action and reasonable attorney's fees.

2654 **SECTION 34. Definitions.** (1) As used in this section, the  
2655 following words and terms have the following meanings:

2656 (a) "Department" means the Mississippi Department of  
2657 Employment Security.

2658 (b) "Domestic partner" means a party to a civil union.

2659 (c) "Domestic violence" means certain crimes when  
2660 committed by one (1) family or household member against another.

2661 (d) "Employee" means any person suffered or permitted  
2662 to work by an employer, except that independent contractors or  
2663 subcontractors shall not be considered employees.



2664 (e) "Employer" means any individual, partnership,  
2665 association, corporation, business trust, or any person or group  
2666 of persons acting directly or indirectly in the interest of an  
2667 employer, in relation to an employee, but does not include the  
2668 United States government.

2669 (f) "Family member" means:

2670 (i) Regardless of age, a biological, adopted or  
2671 foster child, stepchild or legal ward, a child of a domestic  
2672 partner, a child to whom the employee stands in loco parentis, or  
2673 an individual to whom the employee stood in loco parentis when the  
2674 individual was a minor;

2675 (ii) A biological, foster, stepparent or adoptive  
2676 parent or legal guardian of an employee's spouse or domestic  
2677 partner or a person who stood in loco parentis when the employee  
2678 or employee's spouse or domestic partner was a minor child;

2679 (iii) A person to whom the employee is legally  
2680 married under the laws of any state, or a domestic partner of an  
2681 employee;

2682 (iv) A grandparent, grandchild or sibling (whether  
2683 of a biological, foster, adoptive or step relationship) of the  
2684 employee or the employee's spouse or domestic partner; or

2685 (v) Any other individual related by blood or  
2686 affinity whose close association with the employee is the  
2687 equivalent of a family relationship.



2688 (g) "Health care professional" means any person  
2689 licensed under federal or Mississippi law to provide medical or  
2690 emergency services, including, but not limited to, doctors,  
2691 nurses, and emergency room personnel.

2692 (h) "Paid sick leave time" or "paid sick and safe leave  
2693 time" means time that is compensated at the same hourly rate and  
2694 with the same benefits, including health care benefits, as the  
2695 employee normally earns during hours worked and is provided by an  
2696 employer to an employee.

2697 (i) "Retaliatory personnel action" means denial of any  
2698 right guaranteed under this chapter and any threat, discharge,  
2699 suspension, demotion, reduction of hours, reporting or threatening  
2700 to report an employee's suspected citizenship or immigration  
2701 status, or the suspected citizenship or immigration status of a  
2702 family member of the employee to a federal, state or local agency,  
2703 or any other adverse action against an employee for the exercise  
2704 of any right guaranteed herein including any sanctions against an  
2705 employee who is the recipient of public benefits for rights  
2706 guaranteed under this chapter. Retaliatory personnel action shall  
2707 also include interference with or punishment for in any manner  
2708 participating in or assisting an investigation, proceeding, or  
2709 hearing under this section.

2710 (j) "Sexual assault" means a crime as defined in  
2711 Mississippi law.



2712 (k) "Stalking" means harassing another person or  
2713 willfully, maliciously and repeatedly following another person  
2714 with the intent to place that person in reasonable fear of bodily  
2715 injury.

2716 (2) All employees in Mississippi shall accrue a minimum of  
2717 one (1) hour of paid sick and safe leave time for every thirty  
2718 (30) hours worked up to a maximum of fifty-six (56) hours per  
2719 year, unless the employer chooses to provide a higher annual  
2720 limit.

2721 (3) Employees who are exempt from the overtime requirements  
2722 under 29 USC Section 213(a)(1) of the Federal Fair Labor Standards  
2723 Act, 29 USC Section 201 et seq., will be assumed to work forty  
2724 (40) hours in each work week for purposes of paid sick and safe  
2725 leave time accrual unless their normal work week is less than  
2726 forty (40) hours, in which case paid sick and safe leave time  
2727 accrues based upon that normal work week.

2728 (4) Paid sick and safe leave time as provided in this  
2729 chapter shall begin to accrue at the commencement of employment or  
2730 pursuant to the law's effective date, whichever is later. An  
2731 employer may provide all paid sick and safe leave time that an  
2732 employee is expected to accrue in a year at the beginning of the  
2733 year.

2734 (5) Employees shall be entitled to use accrued paid sick and  
2735 safe leave time beginning on the ninetieth calendar day following  
2736 commencement of their employment, unless otherwise permitted by



2737 the employer. On and after the ninetieth calendar day of  
2738 employment, employees may use paid sick and safe leave time as it  
2739 is accrued.

2740 (6) Paid sick and safe leave time shall be carried over to  
2741 the following calendar year; however, an employee's use of paid  
2742 sick and safe leave time provided under this chapter in each  
2743 calendar year shall not exceed fifty-six (56) hours.  
2744 Alternatively, in lieu of carryover of unused earned paid sick and  
2745 safe leave time from one (1) year to the next, an employer may pay  
2746 an employee for unused earned paid sick and safe leave time at the  
2747 end of a year and provide the employee with an amount of paid sick  
2748 and safe leave that meets or exceeds the requirements of this  
2749 chapter that is available for the employee's immediate use at the  
2750 beginning of the subsequent year.

2751 (7) Any employer with a paid leave time off policy who makes  
2752 available an amount of paid leave time off sufficient to meet the  
2753 accrual requirements of this section that may be used for the same  
2754 purposes and under the same conditions, including with regards to  
2755 employee notice and documentation, as paid sick and safe leave  
2756 time under this chapter is not required to provide additional paid  
2757 sick and safe leave time.

2758 (8) Nothing in this chapter shall be construed as requiring  
2759 financial or other reimbursement to an employee from an employer  
2760 upon the employee's termination, resignation, retirement, or other





2761 separation from employment for accrued paid sick and safe leave  
2762 time that has not been used.

2763 (9) If an employee is transferred to a separate division,  
2764 entity or location, but remains employed by the same employer, the  
2765 employee is entitled to all paid sick and safe leave time accrued  
2766 at the prior division, entity or location and is entitled to use  
2767 all paid sick and safe leave time as provided in this chapter.  
2768 When there is a separation from employment and the employee is  
2769 rehired within one (1) year of separation by the same employer,  
2770 previously accrued paid sick and safe leave time that had not been  
2771 used shall be reinstated. Further, the employee shall be entitled  
2772 to use accrued paid sick and safe leave time and accrue additional  
2773 sick and safe leave time at the re-commencement of employment.

2774 (10) When a different employer succeeds or takes the place  
2775 of an existing employer, all employees of the original employer  
2776 who remain employed by the successor employer are entitled to all  
2777 earned paid sick and safe leave time they accrued when employed by  
2778 the original employer, and are entitled to use earned paid sick  
2779 and safe leave time previously accrued.

2780 (11) At its discretion, an employer may loan sick and safe  
2781 leave time to an employee in advance of accrual by such employee.

2782 (12) Paid sick and safe leave time shall be provided to an  
2783 employee by an employer for:

2784 (a) An employee's mental or physical illness, injury or  
2785 health condition; an employee's need for medical diagnosis, care,



2786 or treatment of a mental or physical illness, injury or health  
2787 condition; an employee's need for preventive medical care;

2788 (b) Care of a family member with a mental or physical  
2789 illness, injury or health condition; care of a family member who  
2790 needs medical diagnosis, care, or treatment of a mental or  
2791 physical illness, injury or health condition; care of a family  
2792 member who needs preventive medical care;

2793 (c) Closure of the employee's place of business by  
2794 order of a public official due to a public health emergency or an  
2795 employee's need to care for a child whose school or place of care  
2796 has been closed by order of a public official due to a public  
2797 health emergency, or care for oneself or a family member when it  
2798 has been determined by the health authorities having jurisdiction  
2799 or by a health care provider that the employee's or family  
2800 member's presence in the community may jeopardize the health of  
2801 others because of their exposure to a communicable disease,  
2802 whether or not the employee or family member has actually  
2803 contracted the communicable disease; or

2804 (d) Time off needed when the employee or a member of  
2805 the employee's family is a victim of domestic violence, sexual  
2806 assault or stalking.

2807 (13) Paid sick and safe leave time shall be provided upon  
2808 the request of an employee. Such request may be made orally, in  
2809 writing, by electronic means or by any other means acceptable to



2810 the employer. When possible, the request shall include the  
2811 expected duration of the absence.

2812 (14) When the use of paid sick and safe leave time is  
2813 foreseeable, the employee shall make a good faith effort to  
2814 provide notice of the need for such time to the employer in  
2815 advance of the use of the sick and safe leave time and shall make  
2816 a reasonable effort to schedule the use of sick and safe leave  
2817 time in a manner that does not unduly disrupt the operations of  
2818 the employer.

2819 (15) An employer that requires notice of the need to use  
2820 earned paid sick and safe leave time where the need is not  
2821 foreseeable shall provide a written policy that contains  
2822 procedures for the employee to provide notice. An employer that  
2823 has not provided to the employee a copy of its written policy for  
2824 providing such notice shall not deny earned paid sick and safe  
2825 leave time to the employee based on noncompliance with such a  
2826 policy.

2827 (16) Paid sick and safe leave time may be used in the lesser  
2828 of hourly increments or the smallest increment that the employer's  
2829 payroll system uses to account for absences or use of other time.

2830 (17) For paid sick and safe leave time of more than three  
2831 (3) consecutive work days, an employer may require reasonable  
2832 documentation that the paid sick and safe leave time has been used  
2833 for a purpose covered by paragraphs (a) and (b) of this subsection  
2834 if the employer has notified the employee in writing of this



2835 requirement in advance of the employee's use of paid sick and safe  
2836 time. An employer may not require that the documentation explain  
2837 the nature of the illness or the details of the domestic violence,  
2838 sexual assault, or stalking.

2839 (a) Documentation signed by a health care professional  
2840 indicating that paid sick leave time is necessary shall be  
2841 considered reasonable documentation under paragraph (a) of this  
2842 subsection.

2843 (b) One of the following, of the employee's choosing,  
2844 shall be considered reasonable documentation of an absence under  
2845 paragraph (b) of this subsection (17) of this section:

2846 (i) An employee's written statement that the  
2847 employee or the employee's family member is a victim of domestic  
2848 violence, sexual assault or stalking;

2849 (ii) A police report indicating that the employee  
2850 or employee's family member was a victim of domestic violence,  
2851 sexual assault or stalking;

2852 (iii) A court document indicating that the  
2853 employee or employee's family member is involved in legal action  
2854 related to domestic violence, sexual assault or stalking; or

2855 (iv) A signed statement from a victim and witness  
2856 advocate affirming that the employee or employee's family member  
2857 is receiving services from a victim services organization or is  
2858 involved in legal action related to domestic violence, sexual  
2859 assault or stalking.



2860 (18) An employer's requirements for verification may not  
2861 result in an unreasonable burden or expense on the employee and  
2862 may not exceed privacy or verification requirements otherwise  
2863 established by law.

2864 (19) An employer may not require, as a condition of an  
2865 employee's taking paid sick and safe leave time, that the employee  
2866 search for or find a replacement worker to cover the hours during  
2867 which the employee is using paid sick and safe leave time.

2868 (20) It shall be unlawful for an employer or any other  
2869 person to interfere with, restrain, or deny the exercise, or the  
2870 attempt to exercise, any right protected under this section.

2871 (21) An employer shall not take retaliatory personnel action  
2872 or discriminate against an employee or former employee because the  
2873 person has exercised rights protected under this chapter. Such  
2874 rights include, but are not limited to, the right to request or  
2875 use paid sick and safe leave pursuant to this chapter; the right  
2876 to file a complaint with the department or the courts or inform  
2877 any person about any employer's alleged violation of this chapter;  
2878 the right to participate in an investigation, hearing or  
2879 proceeding or cooperate with or assist the department in its  
2880 investigations of alleged violations of this chapter; and the  
2881 right to inform any person of their potential rights under this  
2882 chapter.

2883 (22) It shall be unlawful for an employer's absence control  
2884 policy to count paid sick and safe leave time taken under this



2885 chapter as an absence that may lead to or result in discipline,  
2886 discharge, demotion, suspension, or any other adverse action.

2887 (23) Protections of this section shall apply to any person  
2888 who mistakenly but in good faith alleges violations of this  
2889 chapter.

2890 (24) There shall be a rebuttable presumption of unlawful  
2891 retaliatory personnel action under this section whenever an  
2892 employer takes action against a person within ninety (90) days of  
2893 when that person:

2894 (a) Files a complaint with the department or a court  
2895 alleging a violation of any provision of this chapter;

2896 (b) Informs any person about an employer's alleged  
2897 violation of this chapter;

2898 (c) Cooperates with the department or other persons in  
2899 the investigation or prosecution of any alleged violation of this  
2900 chapter;

2901 (d) Opposes any policy, practice or act that is  
2902 unlawful under this chapter; or

2903 (e) Informs any person of their rights under this  
2904 chapter.

2905 (25) (a) Employers shall give employees written notice of  
2906 the following at the commencement of employment or by the  
2907 effective date of this chapter, whichever is later, which shall  
2908 include the following information:



2909 (i) Employees are entitled to paid sick and safe  
2910 leave time;

2911 (ii) The amount of paid sick and safe leave time;

2912 (iii) The terms of paid sick and safe leave time  
2913 use guaranteed under this chapter;

2914 (iv) That retaliatory personnel actions against  
2915 employees who request or use paid sick and safe leave time is  
2916 prohibited;

2917 (v) That each employee has the right to file a  
2918 complaint or bring a civil action if paid sick and safe leave  
2919 time, as required by this section, is denied by the employer or  
2920 the employee is subjected to retaliatory personnel action for  
2921 requesting or taking paid sick and safe leave time; and

2922 (vi) Contact information for the department where  
2923 questions about rights and responsibilities under this chapter can  
2924 be answered.

2925 (b) Employers shall comply with this subsection by  
2926 supplying each of their employees with a notice in English and in  
2927 any language that is the first language spoken by at least five  
2928 percent (5%) of the employer's workforce that contains the  
2929 information required in paragraph (a) of this subsection, provided  
2930 that the notice has been translated into such language by the  
2931 department.

2932 (c) The amount of paid sick and safe leave time  
2933 available to the employee, the amount of paid sick and safe leave



2934 time taken by the employee to date in the year and the amount of  
2935 pay the employee has received as paid sick and safe leave time  
2936 shall be recorded in, or on an attachment to, the employee's  
2937 regular paycheck or be made available at the employee's request.

2938 (d) Employers shall display a poster in a conspicuous  
2939 and accessible place in each establishment where such employees  
2940 are employed. The poster displayed shall be in English and in any  
2941 language that is the first language spoken by at least five  
2942 percent (5%) of the employer's workforce that contains the  
2943 information required in paragraph (a) of this subsection, provided  
2944 that the poster has been translated into such language by the  
2945 department.

2946 (e) The department shall create and make available to  
2947 employers, in all languages deemed appropriate by the department,  
2948 posters that contain the information required under paragraph (a)  
2949 of this subsection.

2950 (f) An employer who willfully violates the notice and  
2951 posting requirements of this subsection shall be subject to a  
2952 civil fine in an amount not to exceed One Hundred Dollars  
2953 (\$100.00) for each separate violation.

2954 (26) An employer may not require disclosure of details  
2955 relating to domestic violence, sexual assault, sexual contact or  
2956 stalking or the details of an employee's or an employee's family  
2957 member's health information as a condition of providing paid sick  
2958 and safe leave time under this section. If an employer possesses





2959 health information or information pertaining to domestic violence,  
2960 sexual assault, sexual contact or stalking about an employee or  
2961 employee's family member, such information shall be treated as  
2962 confidential and not disclosed except to the affected employee or  
2963 with the permission of the affected employee.

2964 (27) The minimum requirements pertaining to paid sick and  
2965 safe leave time in this section shall not be construed to preempt,  
2966 limit or otherwise affect the applicability of any other law,  
2967 regulation, requirement, policy or standard that provides for  
2968 greater accrual or use by employees of sick and safe leave time,  
2969 whether paid or unpaid, or that extends other protections to  
2970 employees.

2971 (28) Nothing in this section shall be construed to supersede  
2972 or preempt any provision of any local law that provides greater  
2973 rights to paid sick and safe leave time than the rights  
2974 established under this section.

2975 (29) Nothing in this section shall be construed in a manner  
2976 to discourage or prohibit an employer from the adoption of a paid  
2977 sick and safe leave time policy that provides greater rights or  
2978 benefits than the one required in this section.

2979 (30) Nothing in this section shall be construed as  
2980 diminishing the obligation of an employer to comply with any  
2981 contract, collective bargaining agreement, employment benefit plan  
2982 or other agreement that provides greater sick and safe leave time  
2983 to an employee than required in this chapter.



2984 (31) Nothing in this chapter shall be construed as  
2985 diminishing the rights of public employees regarding paid sick and  
2986 safe leave or use of sick and safe leave time as provided in the  
2987 general laws.

2988 (32) Employers shall retain records documenting hours worked  
2989 by employees and paid sick and safe leave time taken by employees,  
2990 for a period of three (3) years, and shall allow the department  
2991 access to such records, with appropriate notice and at a mutually  
2992 agreeable time, to monitor compliance with the requirements of  
2993 this section. When an issue arises as to an employee's  
2994 entitlement to paid sick and safe leave time under this section,  
2995 if the employer does not maintain or retain adequate records  
2996 documenting hours worked by the employee and paid sick and safe  
2997 leave time taken by the employee, or does not allow the department  
2998 reasonable access to such records, it shall be presumed that the  
2999 employer has violated the section, absent clear and convincing  
3000 evidence otherwise.

3001 **SECTION 35.** This act shall take effect and be in force from  
3002 and after July 1, 2019.

