

By: Representative Williams-Barnes

To: Workforce Development;
Public Health and Human
Services

HOUSE BILL NO. 1160

1 AN ACT ENTITLED THE "WOMEN'S ECONOMIC SECURITY ACT OF 2020";
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 2020."

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 for each agency
320 or organization that Workforce Investment Act or Workforce
321 Innovation Opportunity Act funds flow through as a percentage and
322 actual dollar amount of all Workforce Investment Act or Workforce
323 Innovation Opportunity Act funds received.

324 (3) The Mississippi Department of Employment Security shall
325 achieve gender pay equity in the Workforce Investment Act or



326 Workforce Innovation Opportunity Act workforce development system.
327 The department shall include in the annual report required by
328 subsection (2) of this section:

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

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

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

335 **SECTION 5. Equal pay certificate.** (1) No department or
336 agency of the state shall execute a contract or agreement in
337 excess of One Hundred Thousand Dollars (\$100,000.00) with a
338 business that has twenty (20) or more full-time employees in this
339 state or a state where the business has its primary place of
340 business on a single day during the prior twelve (12) months,
341 unless the business has an equal pay certificate or it has
342 certified in writing that it is exempt. A certificate is valid
343 for four (4) years.

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

348 (3) A business shall apply for an equal pay certificate by
349 paying a One Hundred Fifty Dollar (\$150.00) filing fee and
350 submitting an equal pay compliance statement to the Department of



351 Finance and Administration. The proceeds from the fees collected
352 under this section shall be deposited in an equal pay certificate
353 special revenue account. The Department of Finance and
354 Administration shall issue an equal pay certificate of compliance
355 to a business that submits to the department a statement signed by
356 the chairperson of the board or chief executive officer of the
357 business:

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

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

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

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



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

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

379 (a) A market pricing approach;

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

382 (c) A performance pay system;

383 (d) An internal analysis; or

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

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

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

396 (6) An equal pay certificate for a business may be suspended
397 or revoked by the Department of Finance and Administration when
398 the business fails to make a good-faith effort to comply with the



399 laws identified in subsection (3) of this section, fails to make a
400 good-faith effort to comply with this section, or has multiple
401 violations of this section or the laws identified in subsection
402 (3) of this section. Before suspending or revoking a certificate,
403 the Department of Finance and Administration must first have
404 sought to conciliate with the business regarding wages and
405 benefits due to employees.

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

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

418 (8) A business may obtain an administrative hearing before
419 the suspension or revocation of its certificate is effective by
420 filing a written request for a hearing twenty (20) days after
421 service of notice by the Department of Finance and Administration.
422 A business may obtain an administrative hearing before the
423 contract award entity's abridgement or termination of a contract



424 is effective by filing a written request for a hearing twenty (20)
425 days after service of notice by the contract award entity.

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

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

435 (a) Number of male employees;

436 (b) Number of female employees;

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

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

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



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

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

456 (12) The Department of Finance and Administration shall
457 report to the Governor and the Legislature by January 31 of every
458 year, beginning January 31, 2021. The report shall indicate the
459 number of equal pay certificates issued, the number of audits
460 conducted, the processes used by contractors to ensure compliance
461 with subsection (3) of this section, and a summary of its auditing
462 efforts. The Department of Finance and Administration shall
463 consult with the Committee on the Status of Women in preparing the
464 report.

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



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

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

475 (a) Beginning January 1, 2021, the rate of not less
476 than Seven Dollars and Fifty Cents (\$7.50) per hour;

477 (b) Beginning January 1, 2022, the rate of not less
478 than Seven Dollars and Seventy-five Cents (\$7.75) per hour;

479 (c) Beginning January 1, 2023, the rate of not less
480 than Eight Dollars (\$8.00) per hour; and

481 (d) Beginning January 1, 2024, the rate of not less
482 than Ten Dollars (\$10.00) per hour.

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

490 (4) The rates for learners, beginners, and persons under the
491 age of eighteen (18) years shall be not less than eighty-five
492 percent (85%) of the state minimum wage for the first two hundred
493 (200) hours of their employment and equal to the applicable state
494 minimum wage thereafter, except institutional training programs
495 specifically exempted by the director.



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

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

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

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

510 (d) "Employ" means to suffer or to permit to work.

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

516 (i) Any individual, partnership, association,
517 corporation, business trust, or any person or group of persons
518 acting directly or indirectly in the interest of an employer in
519 relation to an employee that employs fewer than five (5) employees
520 in a regular employment relationship; or



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

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

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

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

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

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

542 (iv) Any individual engaged in an activity of any
543 educational, charitable, religious or nonprofit organization where
544 the employer/employee relationship does not in fact exist or where
545 the service is rendered to the organization gratuitously;



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

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

553 (viii) An individual who:

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

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

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

562 (ix) A migrant who:

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

661 (a) Outside or commission salespeople;

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

764 17-1-51. (1) No county, board of supervisors of a county,
765 municipality or governing authority of a municipality is



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

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

781 * * *

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



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

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

794 25-3-40. On July 1, 1978, and each year thereafter, the
795 Mississippi Compensation Plan shall be amended to provide salary
796 increases in such amounts and percentages as might be recommended
797 by the Legislative Budget Office and as may be authorized by funds
798 appropriated by the Legislature for the purpose of granting
799 incentive salary increases as deemed possible dependent upon the
800 availability of general and special funds.

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

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

813 7-7-204. (1) Within the limits of the funds available to
814 the Office of the State Auditor for such purpose, the State



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

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

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

829 (b) Satisfy the following conditions:

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

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

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



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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

936 23-15-239. (1) The executive committee of each county, in
937 the case of a primary election, or the election commissioners of
938 each county, in the case of all other elections, in conjunction
939 with the circuit clerk, shall, in the years in which counties



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

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



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

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

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

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



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

997 (5) Subject to the following annual limitations, the
998 election commissioners shall be entitled to receive a per diem in
999 the amount of One Hundred Dollars (\$100.00), to be paid from the
1000 county general fund, for every day or period of no less than five
1001 (5) hours accumulated over two (2) or more days actually employed
1002 in the performance of their duties for the necessary time spent in
1003 conducting training sessions as required by this section:

1004 (a) In counties having less than fifteen thousand
1005 (15,000) residents according to the latest federal decennial
1006 census, not more than five (5) days per year;

1007 (b) In counties having fifteen thousand (15,000)
1008 residents according to the latest federal decennial census but
1009 less than thirty thousand (30,000) residents according to the
1010 latest federal decennial census, not more than eight (8) days per
1011 year;

1012 (c) In counties having thirty thousand (30,000)
1013 residents according to the latest federal decennial census but
1014 less than seventy thousand (70,000) residents according to the



1015 latest federal decennial census, not more than ten (10) days per
1016 year;

1017 (d) In counties having seventy thousand (70,000)
1018 residents according to the latest federal decennial census but
1019 less than ninety thousand (90,000) residents according to the
1020 latest federal decennial census, not more than twelve (12) days
1021 per year;

1022 (e) In counties having ninety thousand (90,000)
1023 residents according to the latest federal decennial census but
1024 less than one hundred seventy thousand (170,000) residents
1025 according to the latest federal decennial census, not more than
1026 fifteen (15) days per year;

1027 (f) In counties having one hundred seventy thousand
1028 (170,000) residents according to the latest federal decennial
1029 census but less than two hundred thousand (200,000) residents
1030 according to the latest federal decennial census, not more than
1031 eighteen (18) days per year;

1032 (g) In counties having two hundred thousand (200,000)
1033 residents according to the latest federal decennial census but
1034 less than two hundred twenty-five thousand (225,000) residents
1035 according to the latest federal decennial census, not more than
1036 nineteen (19) days per year;

1037 (h) In counties having two hundred twenty-five thousand
1038 (225,000) residents or more according to the latest federal
1039 decennial census, not more than twenty-two (22) days per year.



1040 (6) Election commissioners shall claim the per diem
1041 authorized in subsection (5) of this section in the manner
1042 provided for in Section 23-15-153(6).

1043 (7) (a) To provide poll manager training, the Secretary of
1044 State has developed a single, comprehensive poll manager training
1045 program to ensure uniform, secure elections throughout the state.
1046 The program includes online training on all state and federal
1047 election laws and procedures and voting machine opening and
1048 closing procedures.

1049 (b) County election commissioners shall designate one
1050 (1) poll manager per precinct, who shall individually access and
1051 complete the online training program, including all skills
1052 assessments, at least five (5) days before an election. The poll
1053 manager shall be defined as a "certified poll manager," and
1054 entitled to a "Certificate of Completion" and compensation for the
1055 successful completion of the training and skills assessment in the
1056 amount of Twenty-five Dollars (\$25.00) payable from the Secretary
1057 of State. Compensation paid to any poll manager under this
1058 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per
1059 calendar year.

1060 (c) Every election held after January 1, 2018, shall
1061 have at least one (1) certified poll manager appointed by the
1062 county election officials to work in each polling place in the
1063 county during each general election.



1064 **[From and after January 1, 2020, this section shall read as**
1065 **follows:]**

1066 23-15-239. (1) The executive committee of each county, in
1067 the case of a primary election, or the election commissioners of
1068 each county, in the case of all other elections, in conjunction
1069 with the circuit clerk, shall, in the years in which counties
1070 conduct an election, sponsor and conduct, not less than five (5)
1071 days before each election, not less than four (4) hours and not
1072 more than eight (8) hours of poll manager training to instruct
1073 poll managers as to their duties in the proper administration of
1074 the election and the operation of the polling place. Any poll
1075 manager who completes the online training course provided by the
1076 Secretary of State shall only be required to complete two (2)
1077 hours of in-person poll manager training. No poll manager shall
1078 serve in any election unless he or she has received these
1079 instructions once during the twelve (12) months immediately
1080 preceding the date upon which the election is held; however,
1081 nothing in this section shall prevent the appointment of an
1082 alternate poll manager to fill a vacancy in case of an emergency.
1083 The county executive committee or the election commissioners, as
1084 appropriate, shall train a sufficient number of alternates to
1085 serve in the event a poll manager is unable to serve for any
1086 reason.

1087 (2) (a) If it is eligible under Section 23-15-266, the
1088 county executive committee may enter into a written agreement with



1089 the circuit clerk or the county election commission authorizing
1090 the circuit clerk or the county election commission to perform any
1091 of the duties required of the county executive committee pursuant
1092 to this section. Any agreement entered into pursuant to this
1093 subsection shall be signed by the chair of the county executive
1094 committee and the circuit clerk or the chair of the county
1095 election commission, as appropriate. The county executive
1096 committee shall notify the state executive committee and the
1097 Secretary of State of the existence of the agreement.

1098 (b) If it is eligible under Section 23-15-266, the
1099 municipal executive committee may enter into a written agreement
1100 with the municipal clerk or the municipal election commission
1101 authorizing the municipal clerk or the municipal election
1102 commission to perform any of the duties required of the municipal
1103 executive committee pursuant to this section. Any agreement
1104 entered into pursuant to this subsection shall be signed by the
1105 chair of the municipal executive committee and the municipal clerk
1106 or the chair of the municipal election commission, as appropriate.
1107 The municipal executive committee shall notify the state executive
1108 committee and the Secretary of State of the existence of the
1109 agreement.

1110 (3) The board of supervisors and the municipal governing
1111 authority, in their discretion, may compensate poll managers who
1112 attend these training sessions. The compensation shall be at a
1113 rate of not less than the federal hourly minimum wage nor more



1114 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1115 compensated for more than sixteen (16) hours of attendance at the
1116 training sessions regardless of the actual amount of time that
1117 they attended the training sessions.

1118 (4) The time and location of the training sessions required
1119 pursuant to this section shall be announced to the general public
1120 by posting a notice thereof at the courthouse and by delivering a
1121 copy of the notice to the office of a newspaper having general
1122 circulation in the county five (5) days before the date upon which
1123 the training session is to be conducted. Persons who will serve
1124 as poll watchers for candidates and political parties, as well as
1125 members of the general public, shall be allowed to attend the
1126 sessions.

1127 (5) Subject to the following annual limitations, the
1128 election commissioners shall be entitled to receive a per diem in
1129 the amount of One Hundred Dollars (\$100.00), to be paid from the
1130 county general fund, for every day or period of no less than five
1131 (5) hours accumulated over two (2) or more days actually employed
1132 in the performance of their duties for the necessary time spent in
1133 conducting training sessions as required by this section:

1134 (a) In counties having less than fifteen thousand
1135 (15,000) residents according to the latest federal decennial
1136 census, not more than five (5) days per year;

1137 (b) In counties having fifteen thousand (15,000)
1138 residents according to the latest federal decennial census but



1139 less than thirty thousand (30,000) residents according to the
1140 latest federal decennial census, not more than eight (8) days per
1141 year;

1142 (c) In counties having thirty thousand (30,000)
1143 residents according to the latest federal decennial census but
1144 less than seventy thousand (70,000) residents according to the
1145 latest federal decennial census, not more than ten (10) days per
1146 year;

1147 (d) In counties having seventy thousand (70,000)
1148 residents according to the latest federal decennial census but
1149 less than ninety thousand (90,000) residents according to the
1150 latest federal decennial census, not more than twelve (12) days
1151 per year;

1152 (e) In counties having ninety thousand (90,000)
1153 residents according to the latest federal decennial census but
1154 less than one hundred seventy thousand (170,000) residents
1155 according to the latest federal decennial census, not more than
1156 fifteen (15) days per year;

1157 (f) In counties having one hundred seventy thousand
1158 (170,000) residents according to the latest federal decennial
1159 census but less than two hundred thousand (200,000) residents
1160 according to the latest federal decennial census, not more than
1161 eighteen (18) days per year;

1162 (g) In counties having two hundred thousand (200,000)
1163 residents according to the latest federal decennial census but



1164 less than two hundred twenty-five thousand (225,000) residents
1165 according to the latest federal decennial census, not more than
1166 nineteen (19) days per year;

1167 (h) In counties having two hundred twenty-five thousand
1168 (225,000) residents or more according to the latest federal
1169 decennial census, not more than twenty-two (22) days per year.

1170 (6) Election commissioners shall claim the per diem
1171 authorized in subsection (5) of this section in the manner
1172 provided for in Section 23-15-153(6).

1173 (7) (a) To provide poll manager training, the Secretary of
1174 State has developed a single, comprehensive poll manager training
1175 program to ensure uniform, secure elections throughout the state.
1176 The program includes online training on all state and federal
1177 election laws and procedures and voting machine opening and
1178 closing procedures.

1179 (b) County poll managers who individually access and
1180 complete the online training program, including all skills
1181 assessments, at least five (5) days before an election shall be
1182 defined as "certified poll managers," and entitled to a
1183 "Certificate of Completion."

1184 (c) At least one (1) certified poll manager shall be
1185 appointed by the county election officials to work in each polling
1186 place in the county during each general election.

1187 **SECTION 22.** Section 37-7-307, Mississippi Code of 1972, is
1188 brought forward as follows:



1189 37-7-307. (1) For purposes of this section, the term
1190 "licensed employee" means any employee of a public school district
1191 required to hold a valid license by the Commission on Teacher and
1192 Administrator Education, Certification and Licensure and
1193 Development.

1194 (2) The school board of a school district shall establish by
1195 rules and regulations a policy of sick leave with pay for licensed
1196 employees and teacher assistants employed in the school district,
1197 and such policy shall include the following minimum provisions for
1198 sick and emergency leave with pay:

1199 (a) Each licensed employee and teacher assistant, at
1200 the beginning of each school year, shall be credited with a
1201 minimum sick leave allowance, with pay, of seven (7) days for
1202 absences caused by illness or physical disability of the employee
1203 during that school year.

1204 (b) Any unused portion of the total sick leave
1205 allowance shall be carried over to the next school year and
1206 credited to such licensed employee and teacher assistant if the
1207 licensed employee or teacher assistant remains employed in the
1208 same school district. In the event any public school licensed
1209 employee or teacher assistant transfers from one public school
1210 district in Mississippi to another, any unused portion of the
1211 total sick leave allowance credited to such licensed employee or
1212 teacher assistant shall be credited to such licensed employee or
1213 teacher assistant in the computation of unused leave for



1214 retirement purposes under Section 25-11-109. Accumulation of sick
1215 leave allowed under this section shall be unlimited.

1216 (c) No deduction from the pay of such licensed employee
1217 or teacher assistant may be made because of absence of such
1218 licensed employee or teacher assistant caused by illness or
1219 physical disability of the licensed employee or teacher assistant
1220 until after all sick leave allowance credited to such licensed
1221 employee or teacher assistant has been used.

1222 (d) For the first ten (10) days of absence of a
1223 licensed employee because of illness or physical disability, in
1224 any school year, in excess of the sick leave allowance credited to
1225 such licensed employee, there shall be deducted from the pay of
1226 such licensed employee the established substitute amount of
1227 licensed employee compensation paid in that local school district,
1228 necessitated because of the absence of the licensed employee as a
1229 result of illness or physical disability. In lieu of deducting
1230 the established substitute amount from the pay of such licensed
1231 employee, the policy may allow the licensed employee to receive
1232 full pay for the first ten (10) days of absence because of illness
1233 or physical disability, in any school year, in excess of the sick
1234 leave allowance credited to such licensed employee. Thereafter,
1235 the regular pay of such absent licensed employee shall be
1236 suspended and withheld in its entirety for any period of absence
1237 because of illness or physical disability during that school year.



1238 (3) (a) Beginning with the school year 1983-1984, each
1239 licensed employee at the beginning of each school year shall be
1240 credited with a minimum personal leave allowance, with pay, of two
1241 (2) days for absences caused by personal reasons during that
1242 school year. Effective for the 2010-2011 and 2011-2012 school
1243 years, licensed employees shall be credited with an additional
1244 one-half (1/2) day of personal leave for every day the licensed
1245 employee is furloughed without pay as provided in Section
1246 37-7-308. Except as otherwise provided in paragraph (b) of this
1247 subsection, such personal leave shall not be taken on the first
1248 day of the school term, the last day of the school term, on a day
1249 previous to a holiday or a day after a holiday. Personal leave
1250 may be used for professional purposes, including absences caused
1251 by attendance of such licensed employee at a seminar, class,
1252 training program, professional association or other functions
1253 designed for educators. No deduction from the pay of such
1254 licensed employee may be made because of absence of such licensed
1255 employee caused by personal reasons until after all personal leave
1256 allowance credited to such licensed employee has been used.
1257 However, the superintendent of a school district, in his
1258 discretion, may allow a licensed employee personal leave in
1259 addition to any minimum personal leave allowance, under the
1260 condition that there shall be deducted from the salary of such
1261 licensed employee the actual amount of any compensation paid to
1262 any person as a substitute, necessitated because of the absence of



1263 the licensed employee. Any unused portion of the total personal
1264 leave allowance up to five (5) days shall be carried over to the
1265 next school year and credited to such licensed employee if the
1266 licensed employee remains employed in the same school district.
1267 Any personal leave allowed for a furlough day shall not be carried
1268 over to the next school year.

1269 (b) Notwithstanding the restrictions on the use of
1270 personal leave prescribed under paragraph (a) of this subsection,
1271 a licensed employee may use personal leave as follows:

1272 (i) Personal leave may be taken on the first day
1273 of the school term, the last day of the school term, on a day
1274 previous to a holiday or a day after a holiday if, on the
1275 applicable day, an immediate family member of the employee is
1276 being deployed for military service.

1277 (ii) Personal leave may be taken on a day previous
1278 to a holiday or a day after a holiday if an employee of a school
1279 district has either a minimum of ten (10) years' experience as an
1280 employee of that school district or a minimum of thirty (30) days
1281 of unused accumulated leave that has been earned while employed in
1282 that school district.

1283 (iii) Personal leave may be taken on the first day
1284 of the school term, the last day of the school term, on a day
1285 previous to a holiday or a day after a holiday if, on the
1286 applicable day, the employee has been summoned to appear for jury
1287 duty or as a witness in court.



1288 (iv) Personal leave may be taken on the first day
1289 of the school term, the last day of the school term, on a day
1290 previous to a holiday or a day after a holiday if, on the
1291 applicable day, an immediate family member of the employee dies or
1292 funeral services are held. Any day of the three (3) bereavement
1293 days may be used at the discretion of the teacher, and are not
1294 required to be taken in consecutive succession.

1295 For the purpose of this subsection (3), the term "immediate
1296 family member" means spouse, parent, stepparent, child or
1297 stepchild, grandparent or sibling, including a stepbrother or
1298 stepsister.

1299 (4) Beginning with the school year 1992-1993, each licensed
1300 employee shall be credited with a professional leave allowance,
1301 with pay, for each day of absence caused by reason of such
1302 employee's statutorily required membership and attendance at a
1303 regular or special meeting held within the State of Mississippi of
1304 the State Board of Education, the Commission on Teacher and
1305 Administrator Education, Certification and Licensure and
1306 Development, the Commission on School Accreditation, the
1307 Mississippi Authority for Educational Television, the meetings of
1308 the state textbook rating committees or other meetings authorized
1309 by local school board policy.

1310 (5) Upon retirement from employment, each licensed and
1311 nonlicensed employee shall be paid for not more than thirty (30)
1312 days of unused accumulated leave earned while employed by the



1313 school district in which the employee is last employed. Such
1314 payment for licensed employees shall be made by the school
1315 district at a rate equal to the amount paid to substitute teachers
1316 and for nonlicensed employees, the payment shall be made by the
1317 school district at a rate equal to the federal minimum wage. The
1318 payment shall be treated in the same manner for retirement
1319 purposes as a lump-sum payment for personal leave as provided in
1320 Section 25-11-103(f). Any remaining lawfully credited unused
1321 leave, for which payment has not been made, shall be certified to
1322 the Public Employees' Retirement System in the same manner and
1323 subject to the same limitations as otherwise provided by law for
1324 unused leave. No payment for unused accumulated leave may be made
1325 to either a licensed or nonlicensed employee at termination or
1326 separation from service for any purpose other than for the purpose
1327 of retirement.

1328 (6) The school board may adopt rules and regulations which
1329 will reasonably aid to implement the policy of sick and personal
1330 leave, including, but not limited to, rules and regulations having
1331 the following general effect:

1332 (a) Requiring the absent employee to furnish the
1333 certificate of a physician or dentist or other medical
1334 practitioner as to the illness of the absent licensed employee,
1335 where the absence is for four (4) or more consecutive school days,
1336 or for two (2) consecutive school days immediately preceding or
1337 following a nonschool day;



1338 (b) Providing penalties, by way of full deduction from
1339 salary, or entry on the work record of the employee, or other
1340 appropriate penalties, for any materially false statement by the
1341 employee as to the cause of absence;

1342 (c) Forfeiture of accumulated or future sick leave, if
1343 the absence of the employee is caused by optional dental or
1344 medical treatment or surgery which could, without medical risk,
1345 have been provided, furnished or performed at a time when school
1346 was not in session;

1347 (d) Enlarging, increasing or providing greater sick or
1348 personal leave allowances than the minimum standards established
1349 by this section in the discretion of the school board of each
1350 school district.

1351 (7) School boards may include in their budgets provisions
1352 for the payment of substitute employees, necessitated because of
1353 the absence of regular licensed employees. All such substitute
1354 employees shall be paid wholly from district funds, except as
1355 otherwise provided for long-term substitute teachers in Section
1356 37-19-20. Such school boards, in their discretion, also may pay,
1357 from district funds other than adequate education program funds,
1358 the whole or any part of the salaries of all employees granted
1359 leaves for the purpose of special studies or training.

1360 (8) The school board may further adopt rules and regulations
1361 which will reasonably implement such leave policies for all other
1362 nonlicensed and hourly paid school employees as the board deems



1363 appropriate. Effective for the 2010-2011 and 2011-2012 school
1364 years, nonlicensed employees shall be credited with an additional
1365 one-half (1/2) day of personal leave for every day the nonlicensed
1366 employee is furloughed without pay as provided in Section
1367 37-7-308.

1368 (9) Vacation leave granted to either licensed or nonlicensed
1369 employees shall be synonymous with personal leave. Unused
1370 vacation or personal leave accumulated by licensed employees in
1371 excess of the maximum five (5) days which may be carried over from
1372 one year to the next may be converted to sick leave. The annual
1373 conversion of unused vacation or personal leave to sick days for
1374 licensed or unlicensed employees shall not exceed the allowable
1375 number of personal leave days as provided in Section 25-3-93. The
1376 annual total number of converted unused vacation and/or personal
1377 days added to the annual unused sick days for any employee shall
1378 not exceed the combined allowable number of days per year provided
1379 in Sections 25-3-93 and 25-3-95. Local school board policies that
1380 provide for vacation, personal and sick leave for employees shall
1381 not exceed the provisions for leave as provided in Sections
1382 25-3-93 and 25-3-95. Any personal or vacation leave previously
1383 converted to sick leave under a lawfully adopted policy before May
1384 1, 2004, or such personal or vacation leave accumulated and
1385 available for use prior to May 1, 2004, under a lawfully adopted
1386 policy but converted to sick leave after May 1, 2004, shall be
1387 recognized as accrued leave by the local school district and



1388 available for use by the employee. The leave converted under a
1389 lawfully adopted policy prior to May 1, 2004, or such personal and
1390 vacation leave accumulated and available for use as of May 1,
1391 2004, which was subsequently converted to sick leave may be
1392 certified to the Public Employees' Retirement System upon
1393 termination of employment and any such leave previously converted
1394 and certified to the Public Employees' Retirement System shall be
1395 recognized.

1396 (10) (a) For the purposes of this subsection, the following
1397 words and phrases shall have the meaning ascribed in this
1398 paragraph unless the context requires otherwise:

1399 (i) "Catastrophic injury or illness" means a
1400 life-threatening injury or illness of an employee or a member of
1401 an employee's immediate family that totally incapacitates the
1402 employee from work, as verified by a licensed physician, and
1403 forces the employee to exhaust all leave time earned by that
1404 employee, resulting in the loss of compensation from the local
1405 school district for the employee. Conditions that are short-term
1406 in nature, including, but not limited to, common illnesses such as
1407 influenza and the measles, and common injuries, are not
1408 catastrophic. Chronic illnesses or injuries, such as cancer or
1409 major surgery, that result in intermittent absences from work and
1410 that are long-term in nature and require long recuperation periods
1411 may be considered catastrophic.



1412 (ii) "Immediate family" means spouse, parent,
1413 stepparent, sibling, child or stepchild, grandparent, stepbrother
1414 or stepsister.

1415 (b) Any school district employee may donate a portion
1416 of his or her unused accumulated personal leave or sick leave to
1417 another employee of the same school district who is suffering from
1418 a catastrophic injury or illness or who has a member of his or her
1419 immediate family suffering from a catastrophic injury or illness,
1420 in accordance with the following:

1421 (i) The employee donating the leave (the "donor
1422 employee") shall designate the employee who is to receive the
1423 leave (the "recipient employee") and the amount of unused
1424 accumulated personal leave and sick leave that is to be donated,
1425 and shall notify the school district superintendent or his
1426 designee of his or her designation.

1427 (ii) The maximum amount of unused accumulated
1428 personal leave that an employee may donate to any other employee
1429 may not exceed a number of days that would leave the donor
1430 employee with fewer than seven (7) days of personal leave
1431 remaining, and the maximum amount of unused accumulated sick leave
1432 that an employee may donate to any other employee may not exceed
1433 fifty percent (50%) of the unused accumulated sick leave of the
1434 donor employee.

1435 (iii) An employee must have exhausted all of his
1436 or her available leave before he or she will be eligible to



1437 receive any leave donated by another employee. Eligibility for
1438 donated leave shall be based upon review and approval by the donor
1439 employee's supervisor.

1440 (iv) Before an employee may receive donated leave,
1441 he or she must provide the school district superintendent or his
1442 designee with a physician's statement that states that the illness
1443 meets the catastrophic criteria established under this section,
1444 the beginning date of the catastrophic injury or illness, a
1445 description of the injury or illness, and a prognosis for recovery
1446 and the anticipated date that the recipient employee will be able
1447 to return to work.

1448 (v) Before an employee may receive donated leave,
1449 the superintendent of education of the school district shall
1450 appoint a review committee to approve or disapprove the said
1451 donations of leave, including the determination that the illness
1452 is catastrophic within the meaning of this section.

1453 (vi) If the total amount of leave that is donated
1454 to any employee is not used by the recipient employee, the whole
1455 days of donated leave shall be returned to the donor employees on
1456 a pro rata basis, based on the ratio of the number of days of
1457 leave donated by each donor employee to the total number of days
1458 of leave donated by all donor employees.

1459 (vii) Donated leave shall not be used in lieu of
1460 disability retirement.



1461 (11) Effective January 1, 2020, the provisions of this
1462 section shall be fully applicable to any licensed employee of the
1463 Mississippi School of the Arts (MSA).

1464 **SECTION 23.** Section 57-34-5, Mississippi Code of 1972, is
1465 brought forward as follows:

1466 57-34-5. **Definitions.** As used in this chapter, the
1467 following words and phrases shall have the meanings ascribed to
1468 them in this section, unless the context clearly indicates a
1469 different meaning:

1470 (a) "Act" means the provisions of this chapter.

1471 (b) "Authority" means the Alabama-Mississippi Joint
1472 Economic Development Authority created pursuant to this chapter.

1473 (c) "Board of directors" means the board of directors
1474 of the authority.

1475 (d) "Designated geographic area" means:

1476 (i) Those counties in the State of Alabama that
1477 share a common border with any county in the State of Mississippi;
1478 and

1479 (ii) Those counties in the State of Mississippi
1480 that share a common border with any county in the State of
1481 Alabama.

1482 (e) "Herein," "hereby," "hereunder," "hereof" and other
1483 equivalent words refer to this chapter as an entirety and not
1484 solely to the particular section or portion thereof in which any
1485 such word is used.



1486 (f) "Project" means:

1487 (i) Any industrial, commercial, research and
1488 development, warehousing, distribution, transportation,
1489 processing, mining, United States government or tourism enterprise
1490 together with all real property required for construction,
1491 maintenance and operation of the enterprise:

1492 1. With an initial capital investment of not
1493 less than Three Hundred Million Dollars (\$300,000,000.00) from
1494 private or United States government sources together with all
1495 buildings, and other supporting land and facilities, structures or
1496 improvements of whatever kind required or useful for construction,
1497 maintenance and operation of the enterprise; or

1498 2. With an initial capital investment of not
1499 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1500 private or United States government sources together with all
1501 buildings and other supporting land and facilities, structures or
1502 improvements of whatever kind required or useful for construction,
1503 maintenance and operation of the enterprise and which creates at
1504 least one thousand (1,000) net new full-time jobs; or

1505 3. Which creates at least one thousand
1506 (1,000) net new full-time jobs which provide an average hourly
1507 wage of not less than two hundred percent (200%) of the federal
1508 minimum wage in effect on the date the project is placed in
1509 service.



1510 (ii) Any addition to, or expansion of, any
1511 existing enterprise as described in this paragraph if the addition
1512 or expansion:

1513 1. Has an initial capital investment of not
1514 less than Three Hundred Million Dollars (\$300,000,000.00) from
1515 private or United States government sources;

1516 2. Has an initial capital investment of not
1517 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1518 private or United States government sources together with all
1519 buildings and other supporting land and facilities, structures or
1520 improvements of whatever kind required or useful for construction,
1521 maintenance and operation of the enterprise and which creates at
1522 least one thousand (1,000) net new full-time jobs; or

1523 3. Creates at least one thousand (1,000) net
1524 new full-time jobs which provide an average hourly wage of not
1525 less than two hundred percent (200%) of the federal minimum wage
1526 in effect on the date the project is placed in service.

1527 (iii) Any development with an initial capital
1528 investment from private sources of not less than Seven Hundred
1529 Fifty Million Dollars (\$750,000,000.00) which will create at least
1530 three thousand (3,000) net new full-time jobs satisfying criteria
1531 to be established by the authority.

1532 In addition to meeting the other requirements of this
1533 paragraph, in order to fall within the definition of the term
1534 "project":



1535 (i) The enterprise or development must be located
1536 within the designated geographic area; and

1537 (ii) Each state must provide funds or in-kind
1538 contributions equal to at least one-third (1/3) of the total costs
1539 of the project to the states.

1540 (g) "Project agreement" means an agreement, approved by
1541 the Legislature of the states, setting forth certain obligations,
1542 responsibilities, benefits, administrative matters and any other
1543 matters with respect to a specific project that are not
1544 inconsistent with the terms of this chapter as the legislatures of
1545 the states deem appropriate with respect to a specific project.

1546 (h) "Project tax revenues" means:

1547 (i) All of the following state and local taxes
1548 paid directly to a state or a local government by the project:
1549 income taxes, ad valorem taxes on real and personal property,
1550 sales and use taxes, franchise taxes, license taxes, excise taxes
1551 and severance taxes; and

1552 (ii) All state and local personal income tax and
1553 occupational tax withholdings from employees of the project
1554 attributable to employment at the project.

1555 (i) "States" means the State of Alabama and the State
1556 of Mississippi collectively.

1557 **SECTION 24.** Section 85-3-4, Mississippi Code of 1972, is
1558 brought forward as follows:



1559 85-3-4. (1) The wages, salaries or other compensation of
1560 laborers or employees, residents of this state, shall be exempt
1561 from seizure under attachment, execution or garnishment for a
1562 period of thirty (30) days from the date of service of any writ of
1563 attachment, execution or garnishment.

1564 (2) After the passage of the period of thirty (30) days
1565 described in subsection (1) of this section, the maximum part of
1566 the aggregate disposable earnings (as defined by Section 1672(b)
1567 of Title 15, USCS) of an individual that may be levied by
1568 attachment, execution or garnishment shall be:

1569 (a) In the case of earnings for any workweek, the
1570 lesser amount of either,

1571 (i) Twenty-five percent (25%) of his disposable
1572 earnings for that week, or

1573 (ii) The amount by which his disposable earnings
1574 for that week exceed thirty (30) times the federal minimum hourly
1575 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in
1576 effect at the time the earnings are payable; or

1577 (b) In the case of earnings for any period other than a
1578 week, the amount by which his disposable earnings exceed the
1579 following "multiple" of the federal minimum hourly wage which is
1580 equivalent in effect to that set forth in subparagraph (a) (ii) of
1581 this subsection (2): The number of workweeks, or fractions
1582 thereof multiplied by thirty (30) multiplied by the applicable
1583 federal minimum wage.



1584 (3) (a) The restrictions of subsections (1) and (2) of this
1585 section do not apply in the case of:

1586 (i) Any order for the support of any person issued
1587 by a court of competent jurisdiction or in accordance with an
1588 administrative procedure, which is established by state law, which
1589 affords substantial due process, and which is subject to judicial
1590 review.

1591 (ii) Any debt due for any state or local tax.

1592 (b) Except as provided in subparagraph (b)(iii) of this
1593 subsection (3), the maximum part of the aggregate disposable
1594 earnings of an individual for any workweek which is subject to
1595 garnishment to enforce any order for the support of any person
1596 shall not exceed:

1597 (i) Where such individual is supporting his spouse
1598 or dependent child (other than a spouse or child with respect to
1599 whose support such order is used), fifty percent (50%) of such
1600 individual's disposable earnings for that week; and

1601 (ii) Where such individual is not supporting such
1602 a spouse or dependent child described in subparagraph (b)(i) of
1603 this subsection (3), sixty percent (60%) of such individual's
1604 disposable earnings for that week;

1605 (iii) With respect to the disposable earnings of
1606 any individual for that workweek, the fifty percent (50%)
1607 specified in subparagraph (b)(i) of this subsection (3) shall be
1608 deemed to be fifty-five percent (55%) and the sixty percent (60%)



1609 specified in subparagraph (b) (ii) of this subsection (3) shall be
1610 deemed to be sixty-five percent (65%), if and to the extent that
1611 such earnings are subject to garnishment to enforce a support
1612 order with respect to a period which is prior to the period of
1613 twelve (12) weeks which ends with the beginning of such workweek.

1614 **SECTION 25.** Section 97-3-54.4, Mississippi Code of 1972, is
1615 brought forward as follows:

1616 97-3-54.4. For the purposes of the Mississippi Human
1617 Trafficking Act the following words and phrases shall have the
1618 meanings ascribed herein unless the context clearly requires
1619 otherwise:

1620 (a) "Act" or "this act" means the Mississippi Human
1621 Trafficking Act.

1622 (b) "Actor" means a person who violates any of the
1623 provisions of Sections 97-3-54 through 97-3-54.4.

1624 (c) "Blackmail" means obtaining property or things of
1625 value of another by threatening to (i) inflict bodily injury on
1626 anyone; or (ii) commit any other criminal offense.

1627 (d) "Coerce" or "coercion" means:

1628 (i) Causing or threatening to cause bodily harm to
1629 any person, physically restraining or confining any person, or
1630 threatening to physically restrain or confine any person;

1631 (ii) Exposing or threatening to expose any fact or
1632 information or disseminating or threatening to disseminate any



1633 fact or information that would tend to subject a person to
1634 criminal or immigration proceedings, hatred, contempt or ridicule;
1635 (iii) Destroying, concealing, removing,
1636 confiscating or possessing any actual or purported passport or
1637 other immigration document, or any other actual or purported
1638 government identification document of any person;
1639 (iv) Providing a controlled substance to a person
1640 for the purpose of compelling the person to engage in labor or
1641 sexual servitude against the person's will;
1642 (v) Causing or threatening to cause financial harm
1643 to any person or using financial control over any person;
1644 (vi) Abusing or threatening to abuse a position of
1645 power, the law, or legal process;
1646 (vii) Using blackmail;
1647 (viii) Using an individual's personal services as
1648 payment or satisfaction of a real or purported debt when: 1. the
1649 reasonable value of the services is not applied toward the
1650 liquidation of the debt; 2. the length of the services is not
1651 limited and the nature of the services is not defined; 3. the
1652 principal amount of the debt does not reasonably reflect the value
1653 of the items or services for which the debt is incurred; or 4. the
1654 individual is prevented from acquiring accurate and timely
1655 information about the disposition of the debt; or
1656 (ix) Using any scheme, plan or pattern of conduct
1657 intended to cause any person to believe that, if the person did



1658 not perform the labor or services, that the person or another
1659 person would suffer serious harm or physical restraint.

1660 (e) "Commercial sexual activity" means any sex act on
1661 account of which anything of value is given to, promised to, or
1662 received by any person.

1663 (f) "Enterprise" means any individual, sole
1664 proprietorship, partnership, corporation, union or other legal
1665 entity, or any association or group of individuals associated in
1666 fact regardless of whether a legal entity has been formed pursuant
1667 to any state, federal or territorial law. It includes illicit as
1668 well as licit enterprises and governmental as well as other
1669 entities.

1670 (g) "Financial harm" includes, but is not limited to,
1671 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
1672 or violation of the usury law as defined by Title 75, Chapter 17,
1673 Mississippi Code of 1972.

1674 (h) "Forced labor or services" means labor or services
1675 that are performed or provided by another person and are obtained
1676 or maintained through coercion.

1677 (i) "Labor" means work of economic or financial value.

1678 (j) "Maintain" means, in relation to labor or services,
1679 to secure continued performance thereof, regardless of any initial
1680 agreement on the part of the trafficked person to perform such
1681 labor or service.



1682 (k) "Minor" means a person under the age of eighteen
1683 (18) years.

1684 (l) "Obtain" means, in relation to labor or services,
1685 to secure performance thereof.

1686 (m) "Pecuniary damages" means any of the following:

1687 (i) The greater of the gross income or value to
1688 the defendant of the victim's labor or services, including sexual
1689 services, not reduced by the expense the defendant incurred as a
1690 result of maintaining the victim, or the value of the victim's
1691 labor or services calculated under the minimum wage and overtime
1692 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1693 seq., whichever is higher;

1694 (ii) If it is not possible or in the best interest
1695 of the victim to compute a value under subparagraph (i) of this
1696 paragraph (m), the equivalent of the value of the victim's labor
1697 or services if the victim had provided labor or services that were
1698 subject to the minimum wage and overtime provisions of the Fair
1699 Labor Standards Act, 29 USCS 201 et seq.;

1700 (iii) Costs and expenses incurred by the victim as
1701 a result of the offense for:

- 1702 1. Medical services;
- 1703 2. Therapy or psychological counseling;
- 1704 3. Temporary housing;
- 1705 4. Transportation;
- 1706 5. Childcare;



1707 6. Physical and occupational therapy or
1708 rehabilitation;

1709 7. Funeral, interment, and burial services;
1710 reasonable attorney's fees and other legal costs; and

1711 8. Other expenses incurred by the victim.

1712 (n) "Serious harm" means harm, whether physical or
1713 nonphysical, including psychological, economic or reputational, to
1714 an individual that would compel a reasonable person in similar
1715 circumstances as the individual to perform or continue to perform
1716 labor or services to avoid incurring the harm.

1717 (o) "Services" means an ongoing relationship between a
1718 person and the actor in which the person performs activities under
1719 the supervision of or for the benefit of the actor or a third
1720 party and includes, without limitation, commercial sexual
1721 activity, sexually explicit performances, or the production of
1722 sexually explicit materials.

1723 (p) "Sexually explicit performance" means a live or
1724 public act or show intended to arouse or satisfy the sexual
1725 desires or appeal to the prurient interests of patrons.

1726 (q) "Trafficked person" means a person subjected to the
1727 practices prohibited by this act regardless of whether a
1728 perpetrator is identified, apprehended, prosecuted or convicted,
1729 and is a term used interchangeably with the terms "victim,"
1730 "victim of trafficking" and "trafficking victim."



1731 (r) "Venture" means any group of two (2) or more
1732 individuals associated in fact, whether or not a legal entity.

1733 (s) "Sexually oriented material" shall have the meaning
1734 ascribed in Section 97-5-27, Mississippi Code of 1972.

1735 **SECTION 26.** Section 99-19-20, Mississippi Code of 1972, is
1736 brought forward as follows:

1737 99-19-20. (1) Except as otherwise provided under Section
1738 99-19-20.1, when any court sentences a defendant to pay a fine,
1739 the court may order (a) that the fine be paid immediately, or (b)
1740 that the fine be paid in installments to the clerk of the court or
1741 to the judge, if there be no clerk, or (c) that payment of the
1742 fine be a condition of probation, or (d) that the defendant be
1743 required to work on public property for public benefit under the
1744 direction of the sheriff for a specific number of hours, or (e)
1745 any combination of the above.

1746 (2) Except as otherwise provided under Section 99-19-20.1,
1747 the defendant may be imprisoned until the fine is paid if the
1748 defendant is financially able to pay a fine and the court so
1749 finds, subject to the limitations provided under this section.
1750 The defendant shall not be imprisoned if the defendant is
1751 financially unable to pay a fine and so states to the court in
1752 writing, under oath, after sentence is pronounced, and the court
1753 so finds, except if the defendant is financially unable to pay a
1754 fine and such defendant failed or refused to comply with a prior



1755 sentence as specified in subsection (1) of this section, the
1756 defendant may be imprisoned.

1757 This subsection shall be limited as follows:

1758 (a) In no event shall such period of imprisonment
1759 exceed one (1) day for each One Hundred Dollars (\$100.00) of the
1760 fine.

1761 (b) If a sentence of imprisonment, as well as a fine,
1762 were imposed, the aggregate of such term for nonpayment of a fine
1763 and the original sentence of imprisonment shall not exceed the
1764 maximum authorized term of imprisonment.

1765 (c) It shall be in the discretion of the judge to
1766 determine the rate of the credit to be earned for work performed
1767 under subsection (1)(d), but the rate shall be no lower than the
1768 rate of the highest current federal minimum wage.

1769 (3) Periods of confinement imposed for nonpayment of two (2)
1770 or more fines shall run consecutively unless specified by the
1771 court to run concurrently.

1772 **SECTION 27.** (1) **Definitions.** The following words and
1773 phrases shall have the meanings as defined in this section unless
1774 the context clearly indicates otherwise:

1775 (a) "Child" means a biological, adopted, or foster
1776 child, a stepchild, a legal ward, or a child of a person standing
1777 in loco parentis, who is: (i) under eighteen (18) years of age;
1778 (ii) or eighteen (18) years of age or older and incapable of
1779 self-care because of a mental or physical disability.



1780 (b) "Department" means the Mississippi Department of
1781 Employment Security.

1782 (c) "Director" means the director of the department.

1783 (d) "Employee" means a person who has been employed:

1784 (i) for at least twelve (12) months by the employer with respect
1785 to whom leave is requested; and (ii) for at least one thousand two
1786 hundred fifty (1,250) hours of service with the employer during
1787 the previous twelve-month period.

1788 "Employee" does not mean a person who is employed at a
1789 worksite at which the employer employs less than fifty (50)
1790 employees if the total number of employees employed by that
1791 employer within seventy-five (75) miles of that worksite is less
1792 than fifty (50).

1793 (e) "Employer" means: (i) any person, firm,
1794 corporation, partnership, business trust, legal representative, or
1795 other business entity which engages in any business, industry,
1796 profession, or activity in this state and includes any unit of
1797 local government including, but not limited to, a county, city,
1798 town, municipal corporation, quasi-municipal corporation, or
1799 political subdivision, which employs fifty (50) or more employees
1800 for each working day during each of twenty (20) or more calendar
1801 workweeks in the current or preceding calendar year; (ii) the
1802 state, state institutions, and state agencies; and (iii) any unit
1803 of local government including, but not limited to, a county, city,



1804 town, municipal corporation, quasi-municipal corporation, or
1805 political subdivision.

1806 (f) "Employment benefits" means all benefits provided
1807 or made available to employees by an employer, including group
1808 life insurance, health insurance, disability insurance, sick
1809 leave, annual leave, educational benefits, and pensions except
1810 benefits that are provided by a practice or written policy of an
1811 employer or through an employee benefit plan as defined in 29 USC
1812 Section 1002(3).

1813 (g) "Family member" means a child, parent, spouse, or
1814 state registered domestic partner of an employee.

1815 (h) "Health care provider" means: (i) a person
1816 licensed as a physician or an osteopathic physician and surgeon;
1817 (ii) a person licensed as an advanced registered nurse
1818 practitioner; or (iii) any other person determined by the director
1819 to be capable of providing health care services.

1820 (i) "Intermittent leave" is leave taken in separate
1821 blocks of time due to a single qualifying reason.

1822 (j) "Leave for a family member's serious health
1823 condition" means leave as defined in subsection (3) of this
1824 section.

1825 (k) "Leave for the birth or placement of a child" means
1826 leave as defined in subsection (3) of this section.

1827 (l) "Leave for the employee's serious health condition"
1828 means leave as defined in subsection (3) of this section.



1829 (m) "Parent" means the biological or adoptive parent of
1830 an employee or an individual who stood in loco parentis to an
1831 employee when the employee was a child.

1832 (n) "Period of incapacity" means an inability to work,
1833 attend school, or perform other regular daily activities because
1834 of the serious health condition, treatment of that condition or
1835 recovery from it, or subsequent treatment in connection with such
1836 inpatient care.

1837 (o) "Reduced leave schedule" means a leave schedule
1838 that reduces the usual number of hours per workweek, or hours per
1839 workday, of an employee.

1840 (p) (i) "Serious health condition" means an illness,
1841 injury, impairment, or physical or mental condition that involves:
1842 1. inpatient care in a hospital, hospice, or residential medical
1843 care facility, including any period of incapacity; or 2.
1844 continuing treatment by a health care provider. A serious health
1845 condition involving continuing treatment by a health care provider
1846 includes any one or more of the following:

1847 1. A period of incapacity of more than three
1848 (3) consecutive calendar days, and any subsequent treatment or
1849 period of incapacity relating to the same condition, that also
1850 involves:

1851 a. Treatment two (2) or more times by a
1852 health care provider, by a nurse or physician's assistant under
1853 direct supervision of a health care provider, or by a provider of



1854 health care services under orders of, or on referral by, a health
1855 care provider; or

1856 b. Treatment by a health care provider
1857 on at least one (1) occasion which results in a regimen of
1858 continuing treatment under the supervision of the health care
1859 provider;

1860 2. Any period of incapacity due to pregnancy,
1861 or for prenatal care;

1862 3. Any period of incapacity or treatment for
1863 such incapacity due to a chronic serious health condition. A
1864 chronic serious health condition is one which:

1865 a. Requires periodic visits for
1866 treatment by a health care provider, or by a nurse or physician's
1867 assistant under direct supervision of a health care provider;

1868 b. Continues over an extended period of
1869 time, including recurring episodes of a single underlying
1870 condition; and

1871 c. May cause episodic rather than a
1872 continuing period of incapacity;

1873 4. A period of incapacity which is permanent
1874 or long-term due to a condition for which treatment may not be
1875 effective. The employee or family member must be under the
1876 continuing supervision of, but need not be receiving active
1877 treatment by, a health care provider; or



1878 5. Any period of absence to receive multiple
1879 treatments, including any period of recovery from the treatments,
1880 by a health care provider or by a provider of health care services
1881 under orders of, or on referral by, a health care provider, either
1882 for restorative surgery after an accident or other injury, or for
1883 a condition that would likely result in a period of incapacity of
1884 more than three (3) consecutive calendar days in the absence of
1885 medical intervention or treatment, such as cancer, severe
1886 arthritis, or kidney disease.

1887 (ii) Treatment for purposes of subparagraph (i) of
1888 this paragraph (p) includes, but is not limited to, examinations
1889 to determine if a serious health condition exists and evaluations
1890 of the condition.

1891 Treatment does not include routine physical examinations, eye
1892 examinations, or dental examinations. Under subparagraph (i)1.b.
1893 of this paragraph (p), a regimen of continuing treatment includes,
1894 but is not limited to, a course of prescription medication or
1895 therapy requiring special equipment to resolve or alleviate the
1896 health condition. A regimen of continuing treatment that includes
1897 taking over-the-counter medications, such as aspirin,
1898 antihistamines, or salves, or bed rest, drinking fluids, exercise,
1899 and other similar activities that can be initiated without a visit
1900 to a health care provider, is not, by itself, sufficient to
1901 constitute a regimen of continuing treatment for purposes of this
1902 act.



1903 (iii) Conditions for which cosmetic treatments are
1904 administered are not "serious health conditions" unless inpatient
1905 hospital care is required or unless complications develop. Unless
1906 complications arise, the common cold, the flu, earaches, upset
1907 stomach, minor ulcers, headaches other than migraine, routine
1908 dental or orthodontia problems, and periodontal disease are
1909 examples of conditions that do not meet the definition of a
1910 "serious health condition" and do not qualify for leave under this
1911 act. Restorative dental or plastic surgery after an injury or
1912 removal of cancerous growths are serious health conditions
1913 provided all the other conditions of this section are met.

1914 Mental illness resulting from stress or allergies may be
1915 serious health conditions provided all the other conditions of
1916 this section are met.

1917 (iv) Substance abuse may be a serious health
1918 condition if the conditions of this section are met. However,
1919 leave may only be taken for treatment for substance abuse by a
1920 health care provider or by a provider of health care services upon
1921 referral by a health care provider. Absence from work because of
1922 the employee's use of the substance, rather than for treatment,
1923 does not qualify for leave under this act.

1924 (v) Absences attributable to incapacity under
1925 subparagraph (i)1. or 3. of this paragraph (p) qualify for leave
1926 under this act even though the employee or the immediate family
1927 member does not receive treatment from a health care provider



1928 during the absence, and even if the absence does not last more
1929 than three (3) days.

1930 (q) "Spouse" means a husband or wife, as the case may
1931 be, or state registered domestic partner.

1932 (2) **Administration.** The Mississippi Department of
1933 Employment Security shall administer the provisions of this act.

1934 (3) **Entitlement to paid leave.** (a) An employee is entitled
1935 to a total of twelve (12) workweeks of paid leave during any
1936 twelve-month period for one or more of the following:

1937 (i) Because of the birth of a child of the
1938 employee and in order to care for the child;

1939 (ii) Because of the placement of a child with the
1940 employee for adoption or foster care;

1941 (iii) In order to care for a family member of the
1942 employee, if the family member has a serious health condition; or

1943 (iv) Because of a serious health condition that
1944 makes the employee unable to perform the functions of the position
1945 of the employee.

1946 (b) The entitlement to leave for the birth or placement
1947 of a child expires at the end of the twelve-month period beginning
1948 on the date of such birth or placement.

1949 (4) **Leave taken intermittently or on reduced leave schedule.**

1950 (a) When paid leave is taken after the birth or
1951 placement of a child for adoption or foster care, an employee may
1952 take paid leave intermittently or on a reduced paid leave schedule



1953 with the employers' agreement. The employers' agreement is not
1954 required, however, for paid leave during which the employee has a
1955 serious health condition in connection with the birth of a child
1956 or if the newborn child has a serious health condition.

1957 (b) Paid leave may be taken intermittently or on a
1958 reduced leave schedule when medically necessary for medical
1959 treatment of a serious health condition by or under the
1960 supervision of a health care provider, or for recovery from
1961 treatment or recovery from a serious health condition. It may
1962 also be taken to provide care or psychological comfort to an
1963 immediate family member with a serious health condition.

1964 (i) Intermittent paid leave may be taken for a
1965 serious health condition that requires treatment by a health care
1966 provider periodically, rather than for one (1) continuous period
1967 of time, and may include leave of periods from an hour or more to
1968 several weeks.

1969 (ii) Intermittent or reduced schedule paid leave
1970 may be taken for absences where the employee or family member is
1971 incapacitated or unable to perform the essential functions of the
1972 position because of a chronic serious health condition even if he
1973 or she does not receive treatment by a health care provider.

1974 (c) There is no limit on the size of an increment of
1975 paid leave when an employee takes intermittent paid leave or paid
1976 leave on a reduced paid leave schedule. However, an employer may
1977 limit leave increments to the shortest period of time that the



1978 employer's payroll system uses to account for absences or use of
1979 leave, provided it is one (1) hour or less.

1980 (d) The taking of paid leave intermittently or on a
1981 reduced leave schedule under this section may not result in a
1982 reduction in the total amount of leave to which the employee is
1983 entitled beyond the amount of leave actually taken.

1984 (e) If an employee requests intermittent paid leave, or
1985 leave on a reduced leave schedule, for a family member's serious
1986 health condition or the employees' serious health condition when
1987 the condition is foreseeable based on planned medical treatment,
1988 the employer may require such employee to transfer temporarily to
1989 an available alternative position offered by the employer for
1990 which the employee is qualified and that:

1991 (i) Has equivalent pay and benefits; and

1992 (ii) Better accommodates recurring periods of
1993 leave than the regular employment position of the employee.

1994 (5) **Foreseeable paid leave.** (a) If the necessity for paid
1995 leave for the birth or placement of a child is foreseeable based
1996 on an expected birth or placement, the employee shall provide the
1997 employer with not less than thirty (30) days notice, before the
1998 date the leave is to begin, of the employee's intention to take
1999 leave for the birth or placement of a child, except that if the
2000 date of the birth or placement requires leave to begin in less
2001 than thirty (30) days, the employee shall provide such notice as
2002 is practicable.



2003 (b) If the necessity for paid leave for a family
2004 member's serious health condition or the employee's serious health
2005 condition is foreseeable based on planned medical treatment, the
2006 employee:

2007 (i) Must make a reasonable effort to schedule the
2008 treatment so as not to unduly disrupt the operations of the
2009 employer, subject to the approval of the health care provider of
2010 the employee or the health care provider of the family member, as
2011 appropriate; and

2012 (ii) Must provide the employer with not less than
2013 thirty (30) days notice, before the date the leave is to begin, of
2014 the employee's intention to take leave for a family member's
2015 serious health condition or the employee's serious health
2016 condition, except that if the date of the treatment requires leave
2017 to begin in less than thirty (30) days, the employee must provide
2018 such notice as is practicable.

2019 (6) **Spouses employed by same employer.** If spouses entitled
2020 to leave under this act are employed by the same employer, the
2021 aggregate number of workweeks of paid leave to which both may be
2022 entitled may be limited to twelve (12) workweeks during any
2023 twelve-month period, if such leave is taken: (a) for the birth or
2024 placement of a child; or (b) for a parent's serious health
2025 condition.

2026 (7) **Certification.** (a) An employer may require that a
2027 request for paid leave for a family member's serious health



2028 condition or the employee's serious health condition be supported
2029 by a certification issued by the health care provider of the
2030 employee or of the family member, as appropriate. The employee
2031 must provide, in a timely manner, a copy of the certification to
2032 the employer.

2033 (b) Certification provided under paragraph (a) of this
2034 subsection is sufficient if it states:

2035 (i) The date on which the serious health condition
2036 commenced;

2037 (ii) The probable duration of the condition;

2038 (iii) The appropriate medical facts within the
2039 knowledge of the health care provider regarding the condition;

2040 (iv) 1. For purposes of leave for a family
2041 member's serious health condition, a statement that the employee
2042 is needed to care for the family member and an estimate of the
2043 amount of time that such employee is needed to care for the family
2044 member; and

2045 2. For purposes of leave for the employee's
2046 serious health condition, a statement that the employee is unable
2047 to perform the functions of the position of the employee;

2048 (v) In the case of certification for intermittent
2049 leave, or leave on a reduced leave schedule, for planned medical
2050 treatment, the dates on which the treatment is expected to be
2051 given and the duration of the treatment;



2052 (vi) In the case of certification for intermittent
2053 leave, or leave on a reduced leave schedule, for the employee's
2054 serious health condition, a statement of the medical necessity for
2055 the intermittent leave or leave on a reduced leave schedule, and
2056 the expected duration of the intermittent leave or reduced leave
2057 schedule; and

2058 (vii) In the case of certification for
2059 intermittent leave, or leave on a reduced leave schedule, for a
2060 family member's serious health condition, a statement that the
2061 employee's intermittent leave or leave on a reduced leave schedule
2062 is necessary for the care of the family member who has a serious
2063 health condition, or will assist in their recovery, and the
2064 expected duration and schedule of the intermittent leave or
2065 reduced leave schedule.

2066 (c) If the employer has reason to doubt the validity of
2067 the certification provided under paragraph (a) of this subsection
2068 (7) for leave for a family member's serious health condition or
2069 the employee's serious health condition, the employer may require,
2070 at the expense of the employer, that the employee obtain the
2071 opinion of a second health care provider designated or approved by
2072 the employer concerning any information certified under paragraph
2073 (b) of this subsection (7) for the leave. The second health care
2074 provider may not be employed on a regular basis by the employer.

2075 (d) If the second opinion described in paragraph (c) of
2076 this subsection (7) differs from the opinion in the original



2077 certification provided under paragraph (a) of this subsection (7),
2078 the employer may require, at the expense of the employer, that the
2079 employee obtain the opinion of a third health care provider
2080 designated or approved jointly by the employer and the employee
2081 concerning the information certified under paragraph (b) of this
2082 subsection (7). The opinion of the third health care provider
2083 concerning the information certified under paragraph (b) of this
2084 subsection (7) is considered to be final and is binding on the
2085 employer and the employee.

2086 (e) The employer may require that the employee obtain
2087 subsequent recertifications on a reasonable basis.

2088 (8) **Employment protection.** (a) Except as provided in
2089 paragraph (b) of this subsection, any employee who takes paid
2090 leave for the intended purpose of the leave is entitled, on return
2091 from the leave:

2092 (i) To be restored by the employer to the position
2093 of employment held by the employee when the leave commenced; or

2094 (ii) To be restored to an equivalent position with
2095 equivalent employment benefits, pay, and other terms and
2096 conditions of employment at a workplace within twenty (20) miles
2097 of the employee's workplace when leave commenced.

2098 (b) The taking of leave may not result in the loss of
2099 any employment benefits accrued before the date on which the leave
2100 commenced.



2101 (c) Nothing in this section entitles any restored
2102 employee to (i) the accrual of any seniority or employment
2103 benefits during any period of leave; or (ii) any right, benefit,
2104 or position of employment other than any right, benefit, or
2105 position to which the employee would have been entitled had the
2106 employee not taken the leave.

2107 (d) As a condition of restoration under paragraph (a)
2108 of this subsection for an employee who has taken leave for the
2109 employee's serious health condition, the employer may have a
2110 uniformly applied practice or policy that requires each such
2111 employee to receive certification from the health care provider of
2112 the employee that the employee is able to resume work, except that
2113 nothing in this paragraph (d) supersedes a valid local law or a
2114 collective bargaining agreement that governs the return to work of
2115 such employees.

2116 (e) Nothing in this subsection prohibits an employer
2117 from requiring an employee on leave to report periodically to the
2118 employer on the status and intention of the employee to return to
2119 work.

2120 An employer may deny restoration under this subsection to any
2121 salaried employee who is among the highest paid ten percent (10%)
2122 of the employees employed by the employer within seventy-five (75)
2123 miles of the facility at which the employee is employed if:

2124 (i) Denial is necessary to prevent substantial and
2125 grievous economic injury to the operations of the employer;



2126 (ii) The employer notifies the employee of the
2127 intent of the employer to deny restoration on such basis at the
2128 time the employer determines that the injury would occur; and

2129 (iii) The leave has commenced and the employee
2130 elects not to return to employment after receiving the notice.

2131 (9) **Employment benefits.** During any period of paid leave
2132 taken, if the employee is not eligible for any employer
2133 contribution to medical or dental benefits under an applicable
2134 collective bargaining agreement or employer policy during any
2135 period of leave, an employer shall allow the employee to continue,
2136 at the employee's expense, medical or dental insurance coverage,
2137 including any spouse and dependent coverage, in accordance with
2138 state or federal law. The premium to be paid by the employee
2139 shall not exceed one hundred two percent (102%) of the applicable
2140 premium for the leave period.

2141 (10) **Prohibited acts.** (a) It is unlawful for any employer
2142 to:

2143 (i) Interfere with, restrain, or deny the exercise
2144 of, or the attempt to exercise, any right provided under this act;
2145 or

2146 (ii) Discharge or in any other manner discriminate
2147 against any individual for opposing any practice made unlawful by
2148 this act.



2149 (b) It is unlawful for any person to discharge or in
2150 any other manner discriminate against any individual because the
2151 individual has:

2152 (i) Filed any charge, or has instituted or caused
2153 to be instituted any proceeding, under or related to this act;

2154 (ii) Given, or is about to give, any information
2155 in connection with any inquiry or proceeding relating to any right
2156 provided under this act; or

2157 (iii) Testified, or is about to testify, in any
2158 inquiry or proceeding relating to any right provided under this
2159 act.

2160 (11) **Complaint investigations by director.** Upon complaint
2161 by an employee, the director shall investigate to determine if
2162 there has been compliance with this act and the rules adopted
2163 under this act. If the investigation indicates that a violation
2164 may have occurred, a hearing must be held. The director must
2165 issue a written determination including his or her findings after
2166 the hearing. A judicial appeal from the director's determination
2167 may be taken, with the prevailing party entitled to recover
2168 reasonable costs and attorney's fees.

2169 (12) **Civil penalty.** An employer who is found to have
2170 violated a requirement of this act and the rules adopted under
2171 this act, is subject to a civil penalty of not less than One
2172 Thousand Dollars (\$1,000.00) for each violation. Civil penalties



2173 must be collected by the department and deposited into the family
2174 and medical leave enforcement account.

2175 (13) **Civil action by employees.** (a) Any employer who
2176 violates is liable:

2177 (i) For damages equal to:

2178 1. The amount of:

2179 a. Any wages, salary, employment
2180 benefits, or other compensation denied or lost to such employee by
2181 reason of the violation; or

2182 b. In a case in which wages, salary,
2183 employment benefits, or other compensation have not been denied or
2184 lost to the employee, any actual monetary losses sustained by the
2185 employee as a direct result of the violation, such as the cost of
2186 providing care, up to a sum equal to twelve (12) weeks of wages or
2187 salary for the employee;

2188 2. The interest on the amount described in
2189 subparagraph (i)1. of this paragraph (a) calculated at the
2190 prevailing rate; and

2191 3. An additional amount as liquidated damages
2192 equal to the sum of the amount described in subparagraph (i)1. of
2193 this paragraph (a) and the interest described in subparagraph
2194 (i)2. of this paragraph (a), except that if an employer who has
2195 violated proves to the satisfaction of the court that the act or
2196 omission which violated was in good faith and that the employer
2197 had reasonable grounds for believing that the act or omission was



2198 not a violation of, the court may, in the discretion of the court,
2199 reduce the amount of the liability to the amount and interest
2200 determined under subparagraph (i)1 and 2 of this paragraph (a),
2201 respectively; and

2202 (ii) For such equitable relief as may be
2203 appropriate, including employment, reinstatement, and promotion.

2204 (b) An action to recover the damages or equitable
2205 relief prescribed in subsection (1) of this section may be
2206 maintained against any employer in any court of competent
2207 jurisdiction by any one or more employees for and on behalf of:

2208 (i) The employees; or

2209 (ii) The employees and other employees similarly
2210 situated.

2211 (c) The court in such an action shall, in addition to
2212 any judgment awarded to the plaintiff, allow reasonable attorney's
2213 fees, reasonable expert witness fees, and other costs of the
2214 action to be paid by the defendant.

2215 (14) **Notice-Penalties.** Each employer shall post and keep
2216 posted, in conspicuous places on the premises of the employer
2217 where notices to employees and applicants for employment are
2218 customarily posted, a notice, to be prepared or approved by the
2219 director, setting forth excerpts from, or summaries of, the
2220 pertinent provisions of this act and information pertaining to the
2221 filing of a charge. Any employer that willfully violates this
2222 section may be subject to a civil penalty of not more than One



2223 Hundred Dollars (\$100.00) for each separate offense. Any
2224 penalties collected by the department under this subsection shall
2225 be deposited into the family and medical leave enforcement
2226 account.

2227 (15) **Effect on other laws.** Nothing in this act shall be
2228 construed: (a) to modify or affect any state or local law
2229 prohibiting discrimination on the basis of race, religion, color,
2230 national origin, sex, age, or disability; or (b) to supersede any
2231 provision of any local law that provides greater family or medical
2232 leave rights than the rights established under this act.

2233 (16) **Effect on existing employment benefits.** Nothing in
2234 this act diminishes the obligation of an employer to comply with
2235 any collective bargaining agreement or any employment benefit
2236 program or plan that provides greater family or medical leave
2237 rights to employees than the rights established under this act.
2238 The rights established for employees under this act may not be
2239 diminished by any collective bargaining agreement or any
2240 employment benefit program or plan.

2241 (17) **Encouragement of more generous leave policies.** Nothing
2242 in this act shall be construed to discourage employers from
2243 adopting or retaining leave policies more generous than any
2244 policies that comply with the requirements under this act.

2245 (18) **Relationship to federal Family and Medical Leave Act.**

2246 (a) Leave under this section and leave under the
2247 federal Family and Medical Leave Act of 1993 (Act Feb. 5, 1993,



2248 Public Law 103-3, 107 Stat. 6) is in addition to any leave for
2249 sickness or temporary disability because of pregnancy or
2250 childbirth;

2251 (b) Leave taken under this act must be taken
2252 concurrently with any leave taken under the federal Family and
2253 Medical Leave Act of 1993 (Act Feb. 5, 1993, Public Law 103-3, 107
2254 Stat. 6).

2255 (19) **Construction.** This must be construed to the extent
2256 possible in a manner that is consistent with similar provisions,
2257 if any, of the federal Family and Medical Leave Act of 1993 (Act
2258 Feb. 5, 1993, Public Law 103-3, 107 Stat. 6), and that gives
2259 consideration to the rules, precedents, and practices of the
2260 federal Department of Labor relevant to the federal act.

2261 **SECTION 28. Women in High-Wage, High-Demand, Nontraditional**
2262 **Jobs Grant Program.** (1) The following words and phrases shall
2263 have the meanings as defined in this section unless the context
2264 clearly indicates otherwise:

2265 (a) "Commissioner" means the Executive Director of the
2266 Mississippi Department of Employment Security.

2267 (b) "Eligible organization" includes, but is not
2268 limited to:

2269 (i) Community-based organizations experienced in
2270 serving women;

2271 (ii) Employers;

2272 (iii) Business and trade associations;



2273 (iv) Labor unions and employee organizations;
2274 (v) Registered apprenticeship programs;
2275 (vi) Secondary and postsecondary education
2276 institutions located in Mississippi; and
2277 (vii) Workforce and economic development agencies.

2278 (c) "High-wage, high-demand" means occupations that
2279 represent at least one-tenth of one percent (0.1%) of total
2280 employment in the base year, have an annual median salary which is
2281 higher than the average for the current year, and are projected to
2282 have more total openings as a share of employment than the
2283 average.

2284 (d) "Low-income" means income less than two hundred
2285 percent (200%) of the federal poverty guideline adjusted for a
2286 family size of four (4).

2287 (e) "Nontraditional occupations" mean those occupations
2288 in which women make up less than twenty-five percent (25%) of the
2289 workforce as defined under United States Code, Title 20, Section
2290 2302.

2291 (2) **Grant program.** The Executive Director of the
2292 Mississippi Department of Employment Security shall establish the
2293 Women in High-Wage, High-Demand, Nontraditional Jobs Grant Program
2294 to increase the number of women in high-wage, high-demand,
2295 nontraditional occupations. The Executive Director of the
2296 Mississippi Department of Employment Security shall make grants to
2297 eligible organizations for programs that encourage and assist



2298 women to enter high-wage, high-demand, nontraditional occupations,
2299 including, but not limited to, those in the skilled trades,
2300 science, technology, engineering and math (STEM) occupations.

2301 (3) **Use of funds.** Grant funds awarded under this section
2302 may be used for:

2303 (a) Recruitment, preparation, placement, and retention
2304 of women, including low-income women with child care
2305 responsibilities, in registered apprenticeships, postsecondary
2306 education programs, on-the-job training and permanent employment
2307 in high-wage, high-demand, nontraditional occupations;

2308 (b) Secondary or postsecondary education or other
2309 training to prepare women to succeed in high-wage, high-demand,
2310 nontraditional occupations. Activities under this section may be
2311 conducted by the grantee or in collaboration with another
2312 institution, including, but not limited to, a public or private
2313 secondary or postsecondary school;

2314 (c) Innovative, hands-on best practices that stimulate
2315 interest in high-wage, high-demand, nontraditional occupations
2316 among women, increase awareness among women about opportunities in
2317 high-wage, high-demand, nontraditional occupations, or increase
2318 access to secondary programming leading to jobs in high-wage,
2319 high-demand, nontraditional occupations. Best practices include,
2320 but are not limited to, mentoring, internships, or apprenticeships
2321 for women in high-wage, high-demand, nontraditional occupations;



2322 (d) Training and other staff development for job seeker
2323 counselors and caseworkers on opportunities in high-wage,
2324 high-demand, nontraditional occupations;

2325 (e) Incentives for employers and sponsors of registered
2326 apprenticeship programs to retain women in high-wage, high-demand,
2327 nontraditional occupations for more than one (1) year;

2328 (f) Training and technical assistance for employers to
2329 create a safe and healthy workplace environment designed to retain
2330 and advance women, including best practices for addressing sexual
2331 harassment, and to overcome gender inequity among employers and
2332 registered apprenticeship programs;

2333 (g) Public education and outreach activities to
2334 overcome stereotypes about women in high-wage, high-demand,
2335 nontraditional occupations, including the development of
2336 educational and marketing materials; and

2337 (h) Support for women in high-wage, high-demand,
2338 nontraditional occupations including, but not limited to,
2339 assistance with workplace issues resolution and access to advocacy
2340 assistance and services.

2341 (4) Grant applications must include detailed information
2342 about how the applicant plans to:

2343 (a) Increase women's participation in high-wage,
2344 high-demand occupations in which women are currently
2345 underrepresented in the workforce;



2346 (b) Comply with the requirements under subsection (3)
2347 of this section; and

2348 (c) Use grant funds in conjunction with funding from
2349 other public or private sources.

2350 (5) In awarding grants under this section, the executive
2351 director shall give priority to eligible organizations:

2352 (a) With demonstrated success in recruiting and
2353 preparing women, especially low-income women with child care
2354 responsibilities, for high-wage, high-demand, nontraditional
2355 occupations; and

2356 (b) That leverage additional public and private
2357 resources.

2358 (6) At least fifty percent (50%) of total grant funds must
2359 be awarded to programs providing services and activities targeted
2360 to low-income women.

2361 (7) The executive director shall monitor the use of funds
2362 under this section, collect and compile information on the
2363 activities of other state agencies and public or private entities
2364 that have purposes similar to those under this section, and
2365 identify other public and private funding available for these
2366 purposes.

2367 **SECTION 29.** (1) There is established the Mississippi Higher
2368 Education Grant Program for Single Mothers. This program is for
2369 college or university freshmen, sophomores, juniors and seniors
2370 and will be administered by the Mississippi Postsecondary



2371 Education Financial Assistance Board established under Section
2372 37-106-9. The board shall set the dates and deadlines for
2373 applying for an award under this section and shall establish the
2374 rules and regulations as it deems necessary and proper to carry
2375 out the purposes and intent of this section.

2376 (2) The board shall approve grants to full-time and
2377 part-time freshmen, sophomore, junior and senior Mississippi
2378 residents who meet the general requirements for student
2379 eligibility as provided in subsection (4) of this section.

2380 (3) Grants under the program shall be for single mothers who
2381 are Mississippi resident students from any Mississippi family
2382 whose prior year adjusted gross income (AGI) is at or below one
2383 hundred and fifty percent (150%) of the Federal Poverty
2384 Guidelines. The award shall be applied to tuition, rooms and
2385 meals, books, materials, fees and child care expenses and shall be
2386 at least One Thousand Five Hundred Dollars (\$1,500.00) for
2387 students attending any board-approved institution of higher
2388 learning or community or junior college. The award will be
2389 prorated per term, semester or quarter of the academic year for
2390 costs of attendance, calculated according to the formula specified
2391 in subsection (8) of this section.

2392 (4) The general requirements for initial eligibility for the
2393 Mississippi Higher Education Grant Program for Single Mothers
2394 shall consist of the following:



2395 (a) An unmarried mother to at least one (1) minor
2396 child.

2397 (b) Member of a Mississippi family whose prior year
2398 adjusted gross income (AGI) is at or below one hundred and fifty
2399 percent (150%) of the Federal Poverty Guidelines.

2400 (c) Acceptance for enrollment at any state institution
2401 of higher learning or public community or junior college located
2402 in Mississippi, or any regionally accredited, state-approved,
2403 nonprofit two-year or four-year college or university located in
2404 Mississippi and approved by the board.

2405 (d) Completion of a secondary education as follows:

2406 (i) Graduation from high school verified by the
2407 institution before disbursement of award with a minimum grade
2408 point average of 2.0 calculated on a 4.0 scale after seven (7)
2409 semesters as certified by the high school counselor or other
2410 authorized school official on the application; or

2411 (ii) Attendance at a home education program during
2412 grade levels 9 through 12; or

2413 (iii) Satisfactory completion of the High School
2414 Equivalency Diploma; or

2415 (iv) Successful completion of the International
2416 Baccalaureate Program.

2417 (e) A minimum score of fifteen (15) on the ACT test
2418 except that any student entering a vocational or technical program
2419 of study, or who has satisfactorily completed the High School



2420 Equivalency Diploma Test and attends a community or junior college
2421 will not be required to have a test score under the ACT unless a
2422 student enrolls in courses of academic study.

2423 (f) Any student currently enrolled in any qualified
2424 institution shall have to only meet the same requirements as
2425 students who are applying for a renewal award.

2426 (5) By accepting a Mississippi Higher Education Grant for
2427 Single Mothers, the student is attesting to the accuracy,
2428 completeness and correctness of information provided to
2429 demonstrate the student's eligibility. Falsification of such
2430 information shall result in the denial of any pending grant and
2431 revocation of any award currently held to the extent that no
2432 further payments shall be made. Any student knowingly making
2433 false statements in order to receive a grant shall be guilty of a
2434 misdemeanor punishable, upon conviction thereof, by a fine of up
2435 to Ten Thousand Dollars (\$10,000.00), a prison sentence of up to
2436 one (1) year in the county jail, or both, and shall be required to
2437 return all grants wrongfully obtained.

2438 (6) Eligibility for renewal of Mississippi Higher Education
2439 Grants for Single Mothers shall be evaluated at the end of each
2440 semester, or term, of each academic year. As a condition for
2441 renewal, a student shall:

2442 (a) Make steady academic progress toward a certificate
2443 or degree, as outlined in the school Satisfactory Academic
2444 Progress Standards and certified by the institution's registrar.



2445 (b) Maintain continuous enrollment for not less than
2446 two (2) semesters or three (3) quarters in each successive
2447 academic year, unless granted an exception for cause by the
2448 administering board; examples of cause may include student
2449 participation in a cooperative program, internship program or
2450 foreign study program. If a student fails to maintain continuous
2451 enrollment, and is not granted an exception for cause by the
2452 administering board, the student is ineligible to receive the
2453 grant during the following semester or trimester or term of the
2454 regular academic year.

2455 (c) Have a cumulative grade point average of at least
2456 2.0 calculated on a 4.0 scale at the end of each semester or
2457 trimester or term.

2458 (7) Each student, each year, must complete a Free
2459 Application for Federal Student Aid form or a Statement of
2460 Certification as designed by the administering board to determine
2461 her eligibility for a grant.

2462 (8) (a) The amount of the Mississippi Higher Education
2463 Grant for Single Mothers awarded to any one (1) student, up to the
2464 maximum amount provided in subsection (3) of this section, shall
2465 be the difference of the student's cost of attendance at her
2466 accredited college of choice and the amount of federal aid such
2467 student may receive, not to supplant but to supplement the amount
2468 of any federal aid awarded to the student. Cost of attendance is
2469 the tuition and fees of the applicable institution plus an



2470 allowance for room, meals, books, materials and child care
2471 expenses.

2472 (b) Payment of the grant shall be made payable to the
2473 recipient and the educational institution and mailed directly to
2474 the institution, to be applied first to tuition.

2475 (9) In order for an institution to remain eligible for its
2476 students to participate in the Mississippi Higher Education Grant
2477 Program for Single Mothers, the institution shall comply with any
2478 other requirements set forth by the board.

2479 (10) No student may receive a Mississippi Higher Education
2480 Grant for Single Mothers for more than the equivalent semesters or
2481 quarters required to complete one (1) baccalaureate degree or one
2482 (1) certificate or associate degree program per institution.

2483 (11) In no case shall any student receive any combination of
2484 student financial aid that would exceed the cost of attendance, as
2485 defined in subsection (8) (a) of this section.

2486 **SECTION 30.** Each federal fiscal year, any Temporary
2487 Assistance for Needy Families (TANF) state Maintenance of Effort
2488 (MOE) funds spent on or allocated to state-funded scholarship
2489 programs administered by the Mississippi Institutes of Higher
2490 Learning and/or the Mississippi Community College Board shall be
2491 spent solely on or allocated solely for the Mississippi Higher
2492 Education Grant Program for Single Mothers. This funding
2493 requirement shall not preclude any additional state funds to be



2494 spent on or allocated to the Mississippi Higher Education Grant
2495 Program for Single Mothers.

2496 **SECTION 31.** Sections 31 through 33 shall be known and may be
2497 cited as the "Evelyn Gandy Fair Pay Act."

2498 **SECTION 32.** The Mississippi Legislature finds that the
2499 existence of wage differentials based on sex in industries engaged
2500 in commerce or in the production of goods for commerce:

2501 (a) Depresses the wages and living standards for
2502 employees that are necessary for their health and efficiency,
2503 thereby increasing the poverty rate in Mississippi;

2504 (b) Prevents the maximum utilization of the available
2505 labor resources, thereby depressing the growth of the state GDP;

2506 (c) Tends to cause labor disputes, thereby burdening,
2507 affecting and obstructing commerce;

2508 (d) Burdens commerce and the free flow of goods in
2509 commerce; and

2510 (e) Constitutes an unfair method of competition.

2511 **SECTION 33.** (1) No employer shall discriminate in any way
2512 against any employee on the basis of sex by paying a salary or
2513 wage to any employee at a rate less than the rate paid to its
2514 employees of the opposite sex for equal work on jobs that require
2515 equal skill, effort and responsibility to perform, and which are
2516 performed under similar working conditions, except where such
2517 payment is made pursuant to:



2518 (a) A seniority system; however, time spent on leave
2519 due to a pregnancy-related condition and parental, family and
2520 medical leave, shall not reduce the seniority-level of an
2521 employee;

2522 (b) A merit system;

2523 (c) A system which measures earnings by quantity or
2524 quality of production; or

2525 (d) A differential based on any bona fide factor other
2526 than sex if the factor:

2527 (i) Is not based on or derived from a differential
2528 in wage based on sex;

2529 (ii) Is job-related with respect to the position
2530 and necessary for the business; and

2531 (iii) Accounts for the entire differential.

2532 An employer who is paying a wage rate differential in
2533 violation of this subsection shall not, in order to comply with
2534 the provisions of this subsection, reduce the wage rate of any
2535 employee.

2536 (2) (a) No labor organization, or its agents, representing
2537 employees of an employer whose employees are subject to the
2538 provisions of this section, shall cause or attempt to cause the
2539 employer to discriminate against an employee in violation of
2540 subsection (1) of this section.

2541 (b) As used in this subsection (2), the term "labor
2542 organization" means any organization of any kind, or any agency or



2543 employee representation committee or plan, in which employees
2544 participate and which exists for the purpose, in whole or in part,
2545 of dealing with employers concerning grievances, labor disputes,
2546 wages, rates of pay, hours of employment or conditions of work.

2547 (3) For purposes of administration and enforcement, any
2548 amounts owed to an employee that have been withheld in violation
2549 of this section shall be deemed to be unpaid minimum wages or
2550 unpaid overtime compensation.

2551 (4) (a) An employer that has been charged with unlawful sex
2552 discrimination under this section shall be entitled to a
2553 rebuttable presumption that the employer has not engaged in
2554 unlawful sex discrimination in violation of this section if:

2555 (i) The charge is made by an employee who holds a
2556 job predominantly occupied by members of one (1) sex, which means
2557 that at least seventy-five percent (75%) of the occupants of the
2558 job are of the same sex, and the employee alleges he or she is
2559 being paid less than an employee who does a different job;

2560 (ii) The employer has, within two (2) years of the
2561 commencement of the action, completed a self-evaluation that meets
2562 the standards set forth in paragraph (d) of this subsection; and

2563 (iii) The employer makes an affirmative showing
2564 that it has made reasonable and substantial progress towards
2565 eliminating wage differentials, including implementing any
2566 required remediation plan, between jobs of equivalent value,
2567 including the job of the employee making the charge, in accordance



2568 with the self-evaluation required in subparagraph (ii) of this
2569 paragraph.

2570 (b) In such cases, the court must give the aggrieved
2571 party an opportunity to rebut this presumption through evidence
2572 that reasonably demonstrates that, notwithstanding the employer's
2573 self-evaluation, the employer has violated this section. In
2574 rebutting this presumption, the aggrieved party may provide all
2575 relevant information including, but not limited to, evidence that:

2576 (i) The employer's job analysis devalues
2577 attributes associated with jobs occupied predominantly by members
2578 of one (1) sex and/or over-values attributes associated with jobs
2579 occupied predominantly by members of the opposite sex;

2580 (ii) The job the aggrieved party occupies was not
2581 adequately evaluated; or

2582 (iii) A job evaluation process has been completed
2583 and, if necessary, a remediation process is in progress or has
2584 been completed, but the self-evaluation has not been reviewed and
2585 updated at reasonable intervals to adjust for changes in the work
2586 environment over time.

2587 (c) An employer wishing to be availed of this
2588 presumption must produce documentation that describes the
2589 self-evaluation process in detail sufficient to show that the
2590 employer has met the standards under paragraph (d).

2591 (d) In order to be eligible for the presumption of
2592 compliance, the self-evaluation must:



2593 (i) Clearly define the employer's establishment;
2594 (ii) Analyze the employee population to identify
2595 differentials in wages, including raises, bonuses, incentive
2596 payments and other forms of remuneration, based on sex;
2597 (iii) Establish a job evaluation plan to determine
2598 the value of jobs within the establishment. The plan must:
2599 1. Be free of any bias based on a person's
2600 sex;
2601 2. Allow for the comparison of all jobs; and
2602 3. Fully and accurately measure the skill,
2603 effort, responsibility and working conditions of each job based on
2604 the actual work performance requirements of the jobs evaluated;
2605 (iv) Apply the job evaluation plan to all jobs;
2606 (v) Create a salary structure or have an
2607 identifying salary group system where jobs of equal value are
2608 placed in the same level or grouping;
2609 (vi) Determine for each salary grouping, or for
2610 each total job evaluation score, the pay differential between jobs
2611 that are predominantly occupied by one (1) sex and other jobs,
2612 including those predominantly occupied by the opposite sex, in
2613 order to identify any wage rate discrimination; and
2614 (vii) Remedy any pay differential identified in
2615 subsection (vi); however, such remediation may not reduce the pay
2616 of any employee or class of employees.



2617 The presumption of compliance may be strengthened where,
2618 through the self-evaluation, including any needed remediation, the
2619 employer maintains communication with and keeps employees apprised
2620 of the process. The method and procedure for that communication
2621 may vary according to the size and organizational structure of the
2622 establishment, but any method or procedure chosen should be
2623 adequate to reach all employees at the establishment.

2624 (5) It shall be an unlawful employment practice for an
2625 employer to:

2626 (a) Require, as a condition of employment, that an
2627 employee refrain from inquiring about, discussing or disclosing
2628 his or her wages or the wages of another employee;

2629 (b) Require an employee to sign a waiver or other
2630 document which purports to deny an employee the right to disclose
2631 or discuss his or her wages;

2632 (c) Discharge, formally discipline, or otherwise
2633 discriminate against an employee for inquiring about, discussing,
2634 or disclosing his or her wages or the wages of another employee;
2635 however, nothing in this subsection (5) creates an obligation for
2636 an employer or employee to disclose wages;

2637 (d) Retaliate or in any other manner discriminate
2638 against an employee or applicant for employment because that
2639 individual has opposed a practice made unlawful by this act or
2640 because that individual has made a charge, filed a complaint, or
2641 instituted or caused to be instituted any investigation,



2642 proceeding, hearing, or action under or related to this act,
2643 including an investigation conducted by the employer, or has
2644 testified or is planning to testify, or has assisted, or
2645 participated in any manner in any such investigation, proceeding,
2646 or hearing under this act.

2647 (6) (a) A civil action asserting a violation of this
2648 section may be maintained against any employer in any court of
2649 competent jurisdiction by any one (1) or more employees for or on
2650 behalf of the employee, a group of employees, and other employees
2651 similarly situated. Any such action shall commence no later than
2652 two (2) years after the discriminatory practice declared unlawful
2653 by this section has occurred. A discriminatory practice occurs
2654 when a discriminatory compensation decision or other practice is
2655 adopted, when an employee is subjected to a discriminatory
2656 compensation decision or other practice, or when an employee is
2657 affected by the application of a discriminatory compensation
2658 decision or other practice, including each time wages, benefits,
2659 or other compensation is paid based on the discriminatory
2660 compensation decision or other practice.

2661 (b) If an employer is found in violation of this
2662 section, the employee may recover in a civil action the amount of
2663 their unpaid wages; liquidated damages; compensatory damages;
2664 punitive damages as may be appropriate, where the employee
2665 demonstrates that the employer acted with malice or reckless



2666 indifference; other equitable relief as may be appropriate; and
2667 the costs of the action and reasonable attorney's fees.

2668 **SECTION 34. Definitions.** (1) As used in this section, the
2669 following words and terms have the following meanings:

2670 (a) "Department" means the Mississippi Department of
2671 Employment Security.

2672 (b) "Domestic partner" means a party to a civil union.

2673 (c) "Domestic violence" means certain crimes when
2674 committed by one (1) family or household member against another.

2675 (d) "Employee" means any person suffered or permitted
2676 to work by an employer, except that independent contractors or
2677 subcontractors shall not be considered employees.

2678 (e) "Employer" means any individual, partnership,
2679 association, corporation, business trust, or any person or group
2680 of persons acting directly or indirectly in the interest of an
2681 employer, in relation to an employee, but does not include the
2682 United States government.

2683 (f) "Family member" means:

2684 (i) Regardless of age, a biological, adopted or
2685 foster child, stepchild or legal ward, a child of a domestic
2686 partner, a child to whom the employee stands in loco parentis, or
2687 an individual to whom the employee stood in loco parentis when the
2688 individual was a minor;

2689 (ii) A biological, foster, stepparent or adoptive
2690 parent or legal guardian of an employee's spouse or domestic



2691 partner or a person who stood in loco parentis when the employee
2692 or employee's spouse or domestic partner was a minor child;

2693 (iii) A person to whom the employee is legally
2694 married under the laws of any state, or a domestic partner of an
2695 employee;

2696 (iv) A grandparent, grandchild or sibling (whether
2697 of a biological, foster, adoptive or step relationship) of the
2698 employee or the employee's spouse or domestic partner; or

2699 (v) Any other individual related by blood or
2700 affinity whose close association with the employee is the
2701 equivalent of a family relationship.

2702 (g) "Health care professional" means any person
2703 licensed under federal or Mississippi law to provide medical or
2704 emergency services, including, but not limited to, doctors,
2705 nurses, and emergency room personnel.

2706 (h) "Paid sick leave time" or "paid sick and safe leave
2707 time" means time that is compensated at the same hourly rate and
2708 with the same benefits, including health care benefits, as the
2709 employee normally earns during hours worked and is provided by an
2710 employer to an employee.

2711 (i) "Retaliatory personnel action" means denial of any
2712 right guaranteed under this chapter and any threat, discharge,
2713 suspension, demotion, reduction of hours, reporting or threatening
2714 to report an employee's suspected citizenship or immigration
2715 status, or the suspected citizenship or immigration status of a



2716 family member of the employee to a federal, state or local agency,
2717 or any other adverse action against an employee for the exercise
2718 of any right guaranteed herein including any sanctions against an
2719 employee who is the recipient of public benefits for rights
2720 guaranteed under this chapter. Retaliatory personnel action shall
2721 also include interference with or punishment for in any manner
2722 participating in or assisting an investigation, proceeding, or
2723 hearing under this section.

2724 (j) "Sexual assault" means a crime as defined in
2725 Mississippi law.

2726 (k) "Stalking" means harassing another person or
2727 willfully, maliciously and repeatedly following another person
2728 with the intent to place that person in reasonable fear of bodily
2729 injury.

2730 (2) All employees in Mississippi shall accrue a minimum of
2731 one (1) hour of paid sick and safe leave time for every thirty
2732 (30) hours worked up to a maximum of fifty-six (56) hours per
2733 year, unless the employer chooses to provide a higher annual
2734 limit.

2735 (3) Employees who are exempt from the overtime requirements
2736 under 29 USC Section 213(a)(1) of the Federal Fair Labor Standards
2737 Act, 29 USC Section 201 et seq., will be assumed to work forty
2738 (40) hours in each work week for purposes of paid sick and safe
2739 leave time accrual unless their normal work week is less than



2740 forty (40) hours, in which case paid sick and safe leave time
2741 accrues based upon that normal work week.

2742 (4) Paid sick and safe leave time as provided in this
2743 chapter shall begin to accrue at the commencement of employment or
2744 pursuant to the law's effective date, whichever is later. An
2745 employer may provide all paid sick and safe leave time that an
2746 employee is expected to accrue in a year at the beginning of the
2747 year.

2748 (5) Employees shall be entitled to use accrued paid sick and
2749 safe leave time beginning on the ninetieth calendar day following
2750 commencement of their employment, unless otherwise permitted by
2751 the employer. On and after the ninetieth calendar day of
2752 employment, employees may use paid sick and safe leave time as it
2753 is accrued.

2754 (6) Paid sick and safe leave time shall be carried over to
2755 the following calendar year; however, an employee's use of paid
2756 sick and safe leave time provided under this chapter in each
2757 calendar year shall not exceed fifty-six (56) hours.
2758 Alternatively, in lieu of carryover of unused earned paid sick and
2759 safe leave time from one (1) year to the next, an employer may pay
2760 an employee for unused earned paid sick and safe leave time at the
2761 end of a year and provide the employee with an amount of paid sick
2762 and safe leave that meets or exceeds the requirements of this
2763 chapter that is available for the employee's immediate use at the
2764 beginning of the subsequent year.



2765 (7) Any employer with a paid leave time off policy who makes
2766 available an amount of paid leave time off sufficient to meet the
2767 accrual requirements of this section that may be used for the same
2768 purposes and under the same conditions, including with regards to
2769 employee notice and documentation, as paid sick and safe leave
2770 time under this chapter is not required to provide additional paid
2771 sick and safe leave time.

2772 (8) Nothing in this chapter shall be construed as requiring
2773 financial or other reimbursement to an employee from an employer
2774 upon the employee's termination, resignation, retirement, or other
2775 separation from employment for accrued paid sick and safe leave
2776 time that has not been used.

2777 (9) If an employee is transferred to a separate division,
2778 entity or location, but remains employed by the same employer, the
2779 employee is entitled to all paid sick and safe leave time accrued
2780 at the prior division, entity or location and is entitled to use
2781 all paid sick and safe leave time as provided in this chapter.
2782 When there is a separation from employment and the employee is
2783 rehired within one (1) year of separation by the same employer,
2784 previously accrued paid sick and safe leave time that had not been
2785 used shall be reinstated. Further, the employee shall be entitled
2786 to use accrued paid sick and safe leave time and accrue additional
2787 sick and safe leave time at the re-commencement of employment.

2788 (10) When a different employer succeeds or takes the place
2789 of an existing employer, all employees of the original employer



2790 who remain employed by the successor employer are entitled to all
2791 earned paid sick and safe leave time they accrued when employed by
2792 the original employer, and are entitled to use earned paid sick
2793 and safe leave time previously accrued.

2794 (11) At its discretion, an employer may loan sick and safe
2795 leave time to an employee in advance of accrual by such employee.

2796 (12) Paid sick and safe leave time shall be provided to an
2797 employee by an employer for:

2798 (a) An employee's mental or physical illness, injury or
2799 health condition; an employee's need for medical diagnosis, care,
2800 or treatment of a mental or physical illness, injury or health
2801 condition; an employee's need for preventive medical care;

2802 (b) Care of a family member with a mental or physical
2803 illness, injury or health condition; care of a family member who
2804 needs medical diagnosis, care, or treatment of a mental or
2805 physical illness, injury or health condition; care of a family
2806 member who needs preventive medical care;

2807 (c) Closure of the employee's place of business by
2808 order of a public official due to a public health emergency or an
2809 employee's need to care for a child whose school or place of care
2810 has been closed by order of a public official due to a public
2811 health emergency, or care for oneself or a family member when it
2812 has been determined by the health authorities having jurisdiction
2813 or by a health care provider that the employee's or family
2814 member's presence in the community may jeopardize the health of



2815 others because of their exposure to a communicable disease,
2816 whether or not the employee or family member has actually
2817 contracted the communicable disease; or

2818 (d) Time off needed when the employee or a member of
2819 the employee's family is a victim of domestic violence, sexual
2820 assault or stalking.

2821 (13) Paid sick and safe leave time shall be provided upon
2822 the request of an employee. Such request may be made orally, in
2823 writing, by electronic means or by any other means acceptable to
2824 the employer. When possible, the request shall include the
2825 expected duration of the absence.

2826 (14) When the use of paid sick and safe leave time is
2827 foreseeable, the employee shall make a good faith effort to
2828 provide notice of the need for such time to the employer in
2829 advance of the use of the sick and safe leave time and shall make
2830 a reasonable effort to schedule the use of sick and safe leave
2831 time in a manner that does not unduly disrupt the operations of
2832 the employer.

2833 (15) An employer that requires notice of the need to use
2834 earned paid sick and safe leave time where the need is not
2835 foreseeable shall provide a written policy that contains
2836 procedures for the employee to provide notice. An employer that
2837 has not provided to the employee a copy of its written policy for
2838 providing such notice shall not deny earned paid sick and safe



2839 leave time to the employee based on noncompliance with such a
2840 policy.

2841 (16) Paid sick and safe leave time may be used in the lesser
2842 of hourly increments or the smallest increment that the employer's
2843 payroll system uses to account for absences or use of other time.

2844 (17) For paid sick and safe leave time of more than three
2845 (3) consecutive work days, an employer may require reasonable
2846 documentation that the paid sick and safe leave time has been used
2847 for a purpose covered by paragraphs (a) and (b) of this subsection
2848 if the employer has notified the employee in writing of this
2849 requirement in advance of the employee's use of paid sick and safe
2850 time. An employer may not require that the documentation explain
2851 the nature of the illness or the details of the domestic violence,
2852 sexual assault, or stalking.

2853 (a) Documentation signed by a health care professional
2854 indicating that paid sick leave time is necessary shall be
2855 considered reasonable documentation under paragraph (a) of this
2856 subsection.

2857 (b) One of the following, of the employee's choosing,
2858 shall be considered reasonable documentation of an absence under
2859 paragraph (b) of this subsection (17) of this section:

2860 (i) An employee's written statement that the
2861 employee or the employee's family member is a victim of domestic
2862 violence, sexual assault or stalking;



2863 (ii) A police report indicating that the employee
2864 or employee's family member was a victim of domestic violence,
2865 sexual assault or stalking;

2866 (iii) A court document indicating that the
2867 employee or employee's family member is involved in legal action
2868 related to domestic violence, sexual assault or stalking; or

2869 (iv) A signed statement from a victim and witness
2870 advocate affirming that the employee or employee's family member
2871 is receiving services from a victim services organization or is
2872 involved in legal action related to domestic violence, sexual
2873 assault or stalking.

2874 (18) An employer's requirements for verification may not
2875 result in an unreasonable burden or expense on the employee and
2876 may not exceed privacy or verification requirements otherwise
2877 established by law.

2878 (19) An employer may not require, as a condition of an
2879 employee's taking paid sick and safe leave time, that the employee
2880 search for or find a replacement worker to cover the hours during
2881 which the employee is using paid sick and safe leave time.

2882 (20) It shall be unlawful for an employer or any other
2883 person to interfere with, restrain, or deny the exercise, or the
2884 attempt to exercise, any right protected under this section.

2885 (21) An employer shall not take retaliatory personnel action
2886 or discriminate against an employee or former employee because the
2887 person has exercised rights protected under this chapter. Such



2888 rights include, but are not limited to, the right to request or
2889 use paid sick and safe leave pursuant to this chapter; the right
2890 to file a complaint with the department or the courts or inform
2891 any person about any employer's alleged violation of this chapter;
2892 the right to participate in an investigation, hearing or
2893 proceeding or cooperate with or assist the department in its
2894 investigations of alleged violations of this chapter; and the
2895 right to inform any person of their potential rights under this
2896 chapter.

2897 (22) It shall be unlawful for an employer's absence control
2898 policy to count paid sick and safe leave time taken under this
2899 chapter as an absence that may lead to or result in discipline,
2900 discharge, demotion, suspension, or any other adverse action.

2901 (23) Protections of this section shall apply to any person
2902 who mistakenly but in good faith alleges violations of this
2903 chapter.

2904 (24) There shall be a rebuttable presumption of unlawful
2905 retaliatory personnel action under this section whenever an
2906 employer takes action against a person within ninety (90) days of
2907 when that person:

2908 (a) Files a complaint with the department or a court
2909 alleging a violation of any provision of this chapter;

2910 (b) Informs any person about an employer's alleged
2911 violation of this chapter;



2912 (c) Cooperates with the department or other persons in
2913 the investigation or prosecution of any alleged violation of this
2914 chapter;

2915 (d) Opposes any policy, practice or act that is
2916 unlawful under this chapter; or

2917 (e) Informs any person of their rights under this
2918 chapter.

2919 (25) (a) Employers shall give employees written notice of
2920 the following at the commencement of employment or by the
2921 effective date of this chapter, whichever is later, which shall
2922 include the following information:

2923 (i) Employees are entitled to paid sick and safe
2924 leave time;

2925 (ii) The amount of paid sick and safe leave time;

2926 (iii) The terms of paid sick and safe leave time
2927 use guaranteed under this chapter;

2928 (iv) That retaliatory personnel actions against
2929 employees who request or use paid sick and safe leave time is
2930 prohibited;

2931 (v) That each employee has the right to file a
2932 complaint or bring a civil action if paid sick and safe leave
2933 time, as required by this section, is denied by the employer or
2934 the employee is subjected to retaliatory personnel action for
2935 requesting or taking paid sick and safe leave time; and



2936 (vi) Contact information for the department where
2937 questions about rights and responsibilities under this chapter can
2938 be answered.

2939 (b) Employers shall comply with this subsection by
2940 supplying each of their employees with a notice in English and in
2941 any 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 notice has been translated into such language by the
2945 department.

2946 (c) The amount of paid sick and safe leave time
2947 available to the employee, the amount of paid sick and safe leave
2948 time taken by the employee to date in the year and the amount of
2949 pay the employee has received as paid sick and safe leave time
2950 shall be recorded in, or on an attachment to, the employee's
2951 regular paycheck or be made available at the employee's request.

2952 (d) Employers shall display a poster in a conspicuous
2953 and accessible place in each establishment where such employees
2954 are employed. The poster displayed shall be in English and in any
2955 language that is the first language spoken by at least five
2956 percent (5%) of the employer's workforce that contains the
2957 information required in paragraph (a) of this subsection, provided
2958 that the poster has been translated into such language by the
2959 department.



2960 (e) The department shall create and make available to
2961 employers, in all languages deemed appropriate by the department,
2962 posters that contain the information required under paragraph (a)
2963 of this subsection.

2964 (f) An employer who willfully violates the notice and
2965 posting requirements of this subsection shall be subject to a
2966 civil fine in an amount not to exceed One Hundred Dollars
2967 (\$100.00) for each separate violation.

2968 (26) An employer may not require disclosure of details
2969 relating to domestic violence, sexual assault, sexual contact or
2970 stalking or the details of an employee's or an employee's family
2971 member's health information as a condition of providing paid sick
2972 and safe leave time under this section. If an employer possesses
2973 health information or information pertaining to domestic violence,
2974 sexual assault, sexual contact or stalking about an employee or
2975 employee's family member, such information shall be treated as
2976 confidential and not disclosed except to the affected employee or
2977 with the permission of the affected employee.

2978 (27) The minimum requirements pertaining to paid sick and
2979 safe leave time in this section shall not be construed to preempt,
2980 limit or otherwise affect the applicability of any other law,
2981 regulation, requirement, policy or standard that provides for
2982 greater accrual or use by employees of sick and safe leave time,
2983 whether paid or unpaid, or that extends other protections to
2984 employees.



2985 (28) Nothing in this section shall be construed to supersede
2986 or preempt any provision of any local law that provides greater
2987 rights to paid sick and safe leave time than the rights
2988 established under this section.

2989 (29) Nothing in this section shall be construed in a manner
2990 to discourage or prohibit an employer from the adoption of a paid
2991 sick and safe leave time policy that provides greater rights or
2992 benefits than the one required in this section.

2993 (30) Nothing in this section shall be construed as
2994 diminishing the obligation of an employer to comply with any
2995 contract, collective bargaining agreement, employment benefit plan
2996 or other agreement that provides greater sick and safe leave time
2997 to an employee than required in this chapter.

2998 (31) Nothing in this chapter shall be construed as
2999 diminishing the rights of public employees regarding paid sick and
3000 safe leave or use of sick and safe leave time as provided in the
3001 general laws.

3002 (32) Employers shall retain records documenting hours worked
3003 by employees and paid sick and safe leave time taken by employees,
3004 for a period of three (3) years, and shall allow the department
3005 access to such records, with appropriate notice and at a mutually
3006 agreeable time, to monitor compliance with the requirements of
3007 this section. When an issue arises as to an employee's
3008 entitlement to paid sick and safe leave time under this section,
3009 if the employer does not maintain or retain adequate records



3010 documenting hours worked by the employee and paid sick and safe
3011 leave time taken by the employee, or does not allow the department
3012 reasonable access to such records, it shall be presumed that the
3013 employer has violated the section, absent clear and convincing
3014 evidence otherwise.

3015 **SECTION 35.** This act shall take effect and be in force from
3016 and after July 1, 2020.

