

By: Representative Williams-Barnes

To: Workforce Development;  
Public Health and Human  
Services

HOUSE BILL NO. 1261

1 AN ACT ENTITLED THE "WOMEN'S ECONOMIC SECURITY ACT OF 2021";  
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 2021."

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 Office of  
51 Workforce Development and the Mississippi State Workforce  
52 Investment Board, which shall serve as the advisory board for the  
53 office. The Mississippi State Workforce Investment Board shall be  
54 composed of \* \* \* twenty-eight (28) voting members, of which a  
55 majority shall be representatives of business and industry in



56 accordance with the federal Workforce Innovation and Opportunity  
57 Act, or any successive acts.

58 (2) The members of the State Workforce Investment Board  
59 shall include:

60 (a) The Governor, or his designee;

61 (b) \* \* \* Sixteen (16) members, appointed by the  
62 Governor, of whom:

63 (i) A majority shall be representatives of  
64 businesses in the state, who:

65 1. Are owners of businesses, chief executives  
66 or operating officers of businesses, or other business executives  
67 or employers with optimum policymaking or hiring authority, and  
68 who, in addition, may be members of a local board described in  
69 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and  
70 Opportunity Act. At least two (2) of the members appointed under  
71 this item 1. shall be small business owners, chief executives or  
72 operating officers of businesses with less than fifty (50)  
73 employees;

74 2. Represent businesses, including small  
75 businesses, or organizations representing businesses, which  
76 provide employment opportunities that, at a minimum, include  
77 high-quality, work-relevant training and development in  
78 high-demand industry sectors or occupations in the state; and



79                   3. Are appointed from among individuals  
80 nominated by state business organizations and business trade  
81 associations;

82                   (ii) Not less than twenty percent (20%) shall  
83 consist of representatives of the workforce within the state,  
84 which:

85                   1. Includes labor organization  
86 representatives who have been nominated by state labor  
87 federations;

88                   2. Includes a labor organization member or  
89 training director from an apprenticeship program in the state,  
90 which shall be a joint labor-management apprenticeship program if  
91 such a program exists in the state;

92                   3. May include representatives of  
93 community-based organizations, including organizations serving  
94 veterans or providing or supporting competitive, integrated  
95 employment for individuals with disabilities, who have  
96 demonstrated experience and expertise in addressing employment,  
97 training or education needs of individuals with barriers to  
98 employment; and

99                   4. May include representatives of  
100 organizations, including organizations serving out-of-school  
101 youth, who have demonstrated experience or expertise in addressing  
102 the employment, training or education needs of eligible youth;



103                           5. Includes at least one (1) woman with  
104 expertise in assisting women in job training and securing  
105 employment in nontraditional occupations;

106                           (iii) The balance shall include government  
107 representatives, including the lead state officials with primary  
108 responsibility for core programs, and chief elected officials  
109 (collectively representing both cities and counties, where  
110 appropriate);

111                           (c) Two (2) representatives of businesses in the state  
112 appointed by the Lieutenant Governor;

113                           (d) Two (2) representatives of businesses in the state  
114 appointed by the Governor from a list of three (3) recommendations  
115 from the Speaker of the House; and

116                           (e) The following state officials:

117                           (i) The Executive Director of the Mississippi  
118 Department of Employment Security;

119                           (ii) The Executive Director of the Department of  
120 Rehabilitation Services;

121                           (iii) The State Superintendent of Public  
122 Education;

123                           (iv) The Executive Director of the Mississippi  
124 Development Authority;

125                           (v) The Executive Director of the Mississippi  
126 Community College Board;

127       \* \* \*



128 ( \* \* \*vi) The Commissioner of the Institutions of  
129 Higher Learning.

130 (f) One (1) senator, appointed by the Lieutenant  
131 Governor, and one (1) representative, appointed by the Speaker of  
132 the House, shall serve on the state board in a nonvoting capacity.

133 (g) The Governor may appoint additional members if  
134 required by the federal Workforce Innovation and Opportunity Act,  
135 or any successive acts.

136 (h) Members of the board shall serve a term of four (4)  
137 years, and shall not serve more than three (3) consecutive terms.

138 (i) The membership of the board shall reflect the  
139 diversity of the State of Mississippi.

140 (j) The Governor shall designate the Chairman of the  
141 Mississippi State Workforce Investment Board from among the  
142 business and industry voting members of the board, and a quorum of  
143 the board shall consist of a majority of the voting members of the  
144 board.

145 (k) The voting members of the board who are not state  
146 employees shall be entitled to reimbursement of their reasonable  
147 expenses in the manner and amount specified in Section 25-3-41 and  
148 shall be entitled to receive per diem compensation as authorized  
149 in Section 25-3-69.

150 (3) Members of the state board may be recalled by their  
151 appointing authority for cause, including a felony conviction,  
152 fraudulent or dishonest acts or gross abuse of discretion, failure



153 to meet board member qualifications, or chronic failure to attend  
154 board meetings.

155 (4) The Mississippi Department of Employment Security shall  
156 establish limits on administrative costs for each portion of  
157 Mississippi's workforce development system consistent with the  
158 federal Workforce Investment Act or any future federal workforce  
159 legislation. The Mississippi Department of Employment Security  
160 shall be responsible for providing necessary administrative,  
161 clerical and budget support for the State Workforce Investment  
162 Board.

163 (5) The Mississippi State Workforce Investment Board shall  
164 have the following duties. These duties are intended to be  
165 consistent with the scope of duties provided in the federal  
166 Workforce Innovation and Opportunity Act, amendments and successor  
167 legislation to this act, and other relevant federal law:

168 (a) Through the office, develop and submit to the  
169 Governor, Lieutenant Governor and Speaker of the House a strategic  
170 plan for an integrated state workforce development system that  
171 aligns resources and structures the system to more effectively and  
172 efficiently meet the demands of Mississippi's employers and job  
173 seekers. This plan will comply with the federal Workforce  
174 Investment Act of 1998, as amended, the federal Workforce  
175 Innovation and Opportunity Act of 2014 and amendments and  
176 successor legislation to these acts;



177           (b) Assist the Governor, Lieutenant Governor and  
178 Speaker of the House in the development and continuous improvement  
179 of the statewide workforce investment system that shall include:  
180           (i) Development of linkages in order to assure  
181 coordination and nonduplication among programs and activities; and  
182           (ii) Review local workforce development plans that  
183 reflect the use of funds from the federal Workforce Investment  
184 Act, \* \* \* the Wagner-Peyser Act and the \* \* \* Mississippi  
185 Comprehensive Workforce Training and Education Consolidation Act;  
186           (c) Recommend to the office the designation of local  
187 workforce investment areas as required in Section 116 of the  
188 federal Workforce Investment Act of 1998 and the Workforce  
189 Innovation and Opportunity Act of 2014. There shall be four (4)  
190 workforce investment areas that are generally aligned with the  
191 planning and development district structure in Mississippi.  
192 Planning and development districts will serve as the fiscal agents  
193 to manage Workforce Investment Act funds, oversee and support the  
194 local workforce investment boards aligned with the area and the  
195 local programs and activities as delivered by the one-stop  
196 employment and training system. The planning and development  
197 districts will perform this function through the provisions of the  
198 county cooperative service districts created under Sections  
199 19-3-101 through 19-3-115; however, planning and development  
200 districts currently performing this function under the Interlocal





201 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
202 continue to do so;

203 (d) Assist the Governor in the development of an  
204 allocation formula for the distribution of funds for adult  
205 employment and training activities and youth activities to local  
206 workforce investment areas;

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

210 (f) Assist the Governor in the establishment and  
211 management of a one-stop employment and training system conforming  
212 to the requirements of the federal Workforce Investment Act of  
213 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
214 amended, recommending policy for implementing the Governor's  
215 approved plan for employment and training activities and services  
216 within the state. In developing this one-stop career operating  
217 system, the Mississippi State Workforce Investment Board, in  
218 conjunction with local workforce investment boards, shall:

219 (i) Design broad guidelines for the delivery of  
220 workforce development programs;

221 (ii) Identify all existing delivery agencies and  
222 other resources;

223 (iii) Define appropriate roles of the various  
224 agencies to include an analysis of service providers' strengths  
225 and weaknesses;



226 (iv) Determine the best way to utilize the various  
227 agencies to deliver services to recipients; and

228 (v) Develop a financial plan to support the  
229 delivery system that shall, at a minimum, include an  
230 accountability system;

231 (g) To provide authority, in accordance with any  
232 executive order of the Governor, for developing the necessary  
233 collaboration among state agencies at the highest level for  
234 accomplishing the purposes of this chapter;

235 (h) To monitor the effectiveness of the workforce  
236 development centers and WIN job centers;

237 (i) To advise the Governor, public schools,  
238 community/junior colleges and institutions of higher learning on  
239 effective school-to-work transition policies and programs that  
240 link students moving from high school to higher education and  
241 students moving between community colleges and four-year  
242 institutions in pursuit of academic and technical skills training;

243 (j) To work with industry to identify barriers that  
244 inhibit the delivery of quality workforce education and the  
245 responsiveness of educational institutions to the needs of  
246 industry;

247 (k) To provide periodic assessments on effectiveness  
248 and results of the overall Mississippi comprehensive workforce  
249 development system and district councils;



250 (l) Develop broad statewide development goals,  
251 including a goal to raise the state's labor force participation  
252 rate;

253 (m) Perform a comprehensive review of Mississippi's  
254 workforce development efforts, including the amount spent and  
255 effectiveness of programs supported by state or federal money; and

256 (n) To assist the Governor in carrying out any other  
257 responsibility required by the federal Workforce Investment Act of  
258 1998, as amended and the Workforce Innovation and Opportunity Act,  
259 successor legislation and amendments.

260 (6) The Mississippi State Workforce Investment Board shall  
261 coordinate all training programs and funds within its purview,  
262 consistent with the federal Workforce Investment Act, Workforce  
263 Innovation and Opportunity Act, amendments and successor  
264 legislation to these acts, and other relevant federal law.

265 Each state agency director responsible for workforce training  
266 activities shall advise the Mississippi Office of Workforce  
267 Development and the State Workforce Investment Board of  
268 appropriate federal and state requirements. Each state agency,  
269 department and institution shall report any monies received for  
270 workforce training activities or career and technical education  
271 and a detailed itemization of how those monies were spent to the  
272 state board. The board shall compile the data and provide a  
273 report of the monies and expenditures to the Chairs of the House  
274 and Senate Appropriations Committee, the Chair of the House



275 Workforce Development Committee and the Chair of the Senate  
276 Economic and Workforce Development Committee by October 1 of each  
277 year. Each such state agency director shall remain responsible  
278 for the actions of his agency; however, each state agency and  
279 director shall work cooperatively to fulfill the state's goals.

280 (7) The State Workforce Investment Board shall establish an  
281 executive committee, which shall consist of the following State  
282 Workforce Investment Board members:

283 (a) The Chair of the State Workforce Investment Board;

284 (b) Two (2) business representatives currently serving  
285 on the state board selected by the Governor;

286 (c) The two (2) business representatives currently  
287 serving on the state board appointed by the Lieutenant Governor;

288 (d) The two (2) business representatives currently  
289 serving on the state board appointed by the Governor from a list  
290 of three (3) recommendations from the Speaker of the House;

291 (e) The two (2) legislators, who shall serve in a  
292 nonvoting capacity, one (1) of whom shall be appointed by the  
293 Lieutenant Governor from the membership of the Mississippi Senate  
294 and one (1) of whom shall be appointed by the Speaker of the House  
295 of Representatives from the membership of the Mississippi House of  
296 Representatives.

297 (8) The executive committee shall select an executive  
298 director of the Office of Workforce Development, with the advice  
299 and consent of a majority of the State Workforce Investment Board.



300 The executive committee shall seek input from economic development  
301 organizations across the state when selecting the executive  
302 director. The executive director shall:

303 (a) Be a person with extensive experience in  
304 development of economic, human and physical resources, and  
305 promotion of industrial and commercial development. The executive  
306 director shall have a bachelor's degree from a state-accredited  
307 institution and no less than eight (8) years of professional  
308 experience related to workforce or economic development;

309 (b) Perform the functions necessary for the daily  
310 operation and administration of the office, with oversight from  
311 the executive committee and the State Workforce Investment Board,  
312 to fulfill the duties of the state board as described in Chapter  
313 476, Laws of 2020;

314 (c) Hire staff needed for the performance of his or her  
315 duties under this act. The executive director, with approval from  
316 the executive committee, shall set the compensation of any hired  
317 employees from any funds made available for that purpose;

318 (d) Enter any part of the Mississippi Community College  
319 Board, individual community and junior colleges, or other  
320 workforce training facilities operated by the state or its  
321 subdivisions;

322 (e) Serve at the will and pleasure of the executive  
323 committee;



324 (f) Promulgate rules and regulations, subject to  
325 oversight by the executive committee, not inconsistent with this  
326 chapter, as may be necessary to enforce the provisions in this  
327 act; and

328 (g) Perform any other actions he or she, in  
329 consultation with the executive committee, deems necessary to  
330 fulfill the duties under Chapter 476, Laws of 2020.

331 (9) The Office of Workforce Development and Mississippi  
332 Community College Board shall collaborate in the administration  
333 and oversight of the Mississippi Workforce Enhancement Training  
334 Fund and Mississippi Works Fund, as described in Section 71-5-353.  
335 The executive director shall maintain complete and exclusive  
336 operational control of the office's functions.

337 (10) The office shall file an annual report with the  
338 Governor, Secretary of State, President of the Senate, Secretary  
339 of the Senate, Speaker of the House, and Clerk of the House not  
340 later than October 1 of each year regarding all funds approved by  
341 the office to be expended on workforce training during the prior  
342 calendar year. The report shall include:

343 (a) Information on the performance of the Mississippi  
344 Workforce Enhancement Training Fund and the Mississippi Works  
345 Fund, in terms of adding value to the local and state economy, the  
346 contribution to future growth of the state economy, and movement  
347 toward state goals, including increasing the labor force  
348 participation rate; and



349 (b) With respect to specific workforce training  
350 projects:

351 (i) The location of the training;

352 (ii) The amount allocated to the project;

353 (iii) The purpose of the project;

354 (iv) The specific business entity that is the  
355 beneficiary of the project; and

356 (v) The number of employees intended to be trained  
357 and actually trained, if applicable, in the course of the project.

358 (c) All information concerning a proposed project which  
359 is provided to the executive director shall be kept confidential.

360 Such confidentiality shall not limit disclosure under the  
361 Mississippi Public Records Act of 1983 of records describing the  
362 nature, quantity, cost or other pertinent information related to  
363 the activities of, or services performed using, the Mississippi  
364 Workforce Enhancement Training Fund or the Mississippi Works Fund.

365 (11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.  
366 2564] shall void or otherwise interrupt any contract, lease, grant  
367 or other agreement previously entered into by the State Workforce  
368 Investment Board, Mississippi Community College Board, individual  
369 community or junior colleges, or other entities.

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

372 7-1-355. (1) The Mississippi Department of Employment  
373 Security, Office of the Governor, is designated as the sole



374 administrator of all programs for which the state is the prime  
375 sponsor under Title 1(B) of Public Law 105-220, Workforce  
376 Investment Act of 1998, and the Workforce Innovation Opportunity  
377 Act (Public Law 113-128) and the regulations promulgated  
378 thereunder, and may take all necessary action to secure to this  
379 state the benefits of that legislation. The Mississippi  
380 Department of Employment Security, Office of the Governor, may  
381 receive and disburse funds for those programs that become  
382 available to it from any source.

383 (2) The Mississippi Department of Employment Security,  
384 Office of the Governor, shall establish guidelines on the amount  
385 and/or percentage of indirect and/or administrative expenses by  
386 the local fiscal agent or the Workforce Development Center  
387 operator. The Mississippi Department of Employment Security,  
388 Office of the Governor, shall develop an accountability system and  
389 make an annual report to the Legislature before December 31 of  
390 each year on Workforce Investment Act activities. The report  
391 shall include, but is not limited to, the following:

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

395 (b) The number of individuals who receive core services  
396 by each center;

397 (c) The number of individuals who receive intensive  
398 services by each center;





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

401 (i) A list of schools and colleges to which these  
402 vouchers were issued and the average cost per school of the  
403 vouchers; and

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

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

408 (f) The monies and the amount retained for  
409 administrative and other costs received from Workforce Investment  
410 Act or Workforce Innovation Opportunity Act funds for each agency  
411 or organization that Workforce Investment Act or Workforce  
412 Innovation Opportunity Act funds flow through as a percentage and  
413 actual dollar amount of all Workforce Investment Act or Workforce  
414 Innovation Opportunity Act funds received.

415 (3) The Mississippi Department of Employment Security shall  
416 achieve gender pay equity in the Workforce Investment Act or  
417 Workforce Innovation Opportunity Act workforce development system.  
418 The department shall include in the annual report required by  
419 subsection (2) of this section:

420 (a) The gender and race of those seeking employment  
421 services;

422 (b) Training by training provider extended to each  
423 participant by gender; and



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

426                   **SECTION 5. Equal pay certificate.** (1) No department or  
427 agency of the state shall execute a contract or agreement in  
428 excess of One Hundred Thousand Dollars (\$100,000.00) with a  
429 business that has twenty (20) or more full-time employees in this  
430 state or a state where the business has its primary place of  
431 business on a single day during the prior twelve (12) months,  
432 unless the business has an equal pay certificate or it has  
433 certified in writing that it is exempt. A certificate is valid  
434 for four (4) years.

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

439                   (3) A business shall apply for an equal pay certificate by  
440 paying a One Hundred Fifty Dollar (\$150.00) filing fee and  
441 submitting an equal pay compliance statement to the Department of  
442 Finance and Administration. The proceeds from the fees collected  
443 under this section shall be deposited in an equal pay certificate  
444 special revenue account. The Department of Finance and  
445 Administration shall issue an equal pay certificate of compliance  
446 to a business that submits to the department a statement signed by  
447 the chairperson of the board or chief executive officer of the  
448 business:



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

451 (b) That the average compensation for its female  
452 employees is not consistently below the average compensation for  
453 its male employees within each of the major job categories in the  
454 EEO-1 Employer Information Report for which an employee is  
455 expected to perform work under the contract, taking into account  
456 factors such as length of service, requirements of specific jobs,  
457 experience, skill, effort, responsibility, working conditions of  
458 the job, or other mitigating factors;

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

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

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

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

470 (a) A market pricing approach;

471 (b) State prevailing wage or union contract  
472 requirements;

473 (c) A performance pay system;



474           (d) An internal analysis; or  
475           (e) An alternative approach to determine what level of  
476 wages and benefits to pay its employees. If the business uses an  
477 alternative approach, the business must provide a description of  
478 its approach.

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

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

487           (6) An equal pay certificate for a business may be suspended  
488 or revoked by the Department of Finance and Administration when  
489 the business fails to make a good-faith effort to comply with the  
490 laws identified in subsection (3) of this section, fails to make a  
491 good-faith effort to comply with this section, or has multiple  
492 violations of this section or the laws identified in subsection  
493 (3) of this section. Before suspending or revoking a certificate,  
494 the Department of Finance and Administration must first have  
495 sought to conciliate with the business regarding wages and  
496 benefits due to employees.

497           (7) If a contract is awarded to a business that does not  
498 have an equal pay certificate as required under this section, or



499 that is not in compliance with subsection (3) of this section, the  
500 Department of Finance and Administration may void the contract on  
501 behalf of the state. The contract award entity that is a party to  
502 the agreement must be notified by the Department of Finance and  
503 Administration before the Department of Finance and Administration  
504 takes action to void the contract.

505 A contract may be abridged or terminated by the contract  
506 award entity identified upon notice that the Department of Finance  
507 and Administration has suspended or revoked the certificate of the  
508 business.

509 (8) A business may obtain an administrative hearing before  
510 the suspension or revocation of its certificate is effective by  
511 filing a written request for a hearing twenty (20) days after  
512 service of notice by the Department of Finance and Administration.  
513 A business may obtain an administrative hearing before the  
514 contract award entity's abridgement or termination of a contract  
515 is effective by filing a written request for a hearing twenty (20)  
516 days after service of notice by the contract award entity.

517 (9) The Department of Finance and Administration must  
518 provide technical assistance to any business that requests  
519 assistance regarding this section.

520 (10) The State Auditor may audit the business's compliance  
521 with this section. As part of an audit, upon request, a business  
522 must provide the State Auditor the following information with  
523 respect to employees expected to perform work under the contract



524 in each of the major job categories in the EEO-1 Employer  
525 Information Report:

526 (a) Number of male employees;

527 (b) Number of female employees;

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

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

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

538 (f) Other information identified by the business or by  
539 the Department of Finance and Administration, as needed, to  
540 determine compliance.

541 (11) Data submitted to the Department of Finance and  
542 Administration related to equal pay certificates are private data  
543 on individuals or nonpublic data with respect to persons other  
544 than department employees. The Department of Finance and  
545 Administration's decision to issue, not issue, revoke or suspend  
546 an equal pay certificate is public data.

547 (12) The Department of Finance and Administration shall  
548 report to the Governor and the Legislature by January 31 of every



549 year, beginning January 31, 2022. The report shall indicate the  
550 number of equal pay certificates issued, the number of audits  
551 conducted, the processes used by contractors to ensure compliance  
552 with subsection (3) of this section, and a summary of its auditing  
553 efforts. The Department of Finance and Administration shall  
554 consult with the Committee on the Status of Women in preparing the  
555 report.

556 **SECTION 6.** It is declared to be the public policy of the  
557 State of Mississippi to establish fair minimum wages for workers  
558 in order to safeguard their health, efficiency and general  
559 well-being and to protect those workers as well as their employers  
560 from the effects of unfair competition resulting from wage levels  
561 detrimental to their health, efficiency and well-being.

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

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

566 (a) Beginning January 1, 2022, the rate of not less  
567 than Seven Dollars and Fifty Cents (\$7.50) per hour;

568 (b) Beginning January 1, 2023, the rate of not less  
569 than Seven Dollars and Seventy-five Cents (\$7.75) per hour;

570 (c) Beginning January 1, 2024, the rate of not less  
571 than Eight Dollars (\$8.00) per hour; and

572 (d) Beginning January 1, 2025, the rate of not less  
573 than Ten Dollars (\$10.00) per hour.



574 (3) Whenever the highest federal minimum wage is increased,  
575 the minimum wage established under this section shall be increased  
576 to the amount of the federal minimum wage plus one-half of one  
577 percent (1/2 of 1%) more than the federal rate, rounded to the  
578 nearest whole cent, effective on the same date as the increase in  
579 the highest federal minimum wage, and shall apply to all wage  
580 orders and administrative regulations then in force.

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

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

590 (a) "Director" means the Executive Director of the  
591 Mississippi Department of Employment Security.

592 (b) "Department" means the Mississippi Department of  
593 Employment Security, Office of the Governor, established under  
594 Section 71-5-101.

595 (c) "Wage" means compensation due to an employee by  
596 reason of his or her employment, payable in legal tender of the  
597 United States or checks on banks convertible into cash on demand  
598 at full face value, subject to any deductions, charges or





599 allowances as may be permitted by this act or by regulations of  
600 the department under this act.

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

602 (e) "Employer" means any individual, partnership,  
603 association, corporation, business trust, or any person or group  
604 of persons acting directly or indirectly in the interest of an  
605 employer in relation to an employee. The term "employer" does not  
606 mean:

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

612 (ii) Any person, firm or corporation, or other  
613 entity subject to the provisions of the federal Fair Labor  
614 Standards Act of 1938.

615 (f) "Independent contractor" means any individual who  
616 contracts to perform certain work away from the premises of his or  
617 her employer, uses his or her own methods to accomplish the work,  
618 and is subject to the control of the employer only as to the  
619 result of his or her work.

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

622 (i) Any individual employed in a bona fide  
623 executive, administrative or professional capacity, or as an



624 outside commission-paid salesperson, who customarily performs his  
625 or her services away from his or her employer's premises, taking  
626 orders for goods or services;

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

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

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

637 (v) Any bona fide independent contractor;

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

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

644 (viii) An individual who:

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



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

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

653                   (ix) A migrant who:

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

656                   2. Is paid on a piece-rate basis in an  
657 operation which has been, and is customarily and generally  
658 recognized as having been, paid on a piece-rate basis in the  
659 region of employment;

660                   3. Is employed on the same farm as his or her  
661 parents; and

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

664                   (x) Any employee principally engaged in the range  
665 production of livestock; or

666                   (xi) Any employee employed in planting or tending  
667 trees, cruising, surveying or felling timber, or in preparing or  
668 transporting logs or other forestry products to the mill,  
669 processing plants, or railroad or other transportation terminal if  
670 the number of employees employed by his or her employer in the  
671 forestry or lumbering operations does not exceed eight (8).



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

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

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

680 **SECTION 9.** Nothing in this act shall be deemed to interfere  
681 with, impede, or in any way diminish the right of employers and  
682 employees to bargain collectively through representatives of their  
683 own choosing in order to establish wages or other conditions of  
684 work.

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

686 (a) Hinders or delays the department or its authorized  
687 representative in the performance of its duties in the enforcement  
688 of this act;

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

691 (c) Fails to make, keep and preserve any records as  
692 required under the provisions of this act or to make the record  
693 accessible to the department or its authorized representative upon  
694 demand;

695 (d) Refuses to furnish a sworn statement of the record  
696 or any other information required for the proper enforcement of



697 this act to the department or its authorized representative upon  
698 demand; or

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

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

708 (a) Be fined not less than Four Thousand Dollars  
709 (\$4,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for  
710 each offense if the total amount of all unpaid wages owed to an  
711 employee is more than Two Thousand Dollars (\$2,000.00);

712 (b) Be fined not less than Two Thousand Dollars  
713 (\$2,000.00) nor more than Four Thousand Dollars (\$4,000.00) or the  
714 agent or officer of the employer shall be imprisoned not more than  
715 one (1) year, or both, for each offense if the total amount of all  
716 unpaid wages owed to an employee is more than One Thousand Dollars  
717 (\$1,000.00) but not more than Two Thousand Dollars (\$2,000.00);

718 (c) Be fined not less than One Thousand Dollars  
719 (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) or the  
720 agent or officer of the employer shall be imprisoned not more than  
721 six (6) months, or both, for each offense if the total amount of



722 all unpaid wages owed to an employee is more than Five Hundred  
723 Dollars (\$500.00) but not more than One Thousand Dollars  
724 (\$1,000.00); or

725 (d) Be fined not less than Four Hundred Dollars  
726 (\$400.00) nor more than One Thousand Dollars (\$1,000.00) or the  
727 agent or officer of the employer shall be imprisoned not more than  
728 three (3) months, or both, for each offense if the total amount of  
729 all unpaid wages owed to an employee is Five Hundred Dollars  
730 (\$500.00) or less.

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

733 (a) The employee has made any complaint to his or her  
734 employer, to the department, or to the director or his or her  
735 authorized representative that he or she has not been paid minimum  
736 wages in accordance with the provisions of this act;

737 (b) The employee has caused to be instituted or is  
738 about to cause to be instituted any proceeding under or related to  
739 this act; or

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

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

744 **SECTION 11.** (1) For any occupation, the department shall  
745 make and revise any administrative regulations, including  
746 definitions of terms, as it may deem appropriate to carry out the



747 purposes of this act or necessary to prevent the circumvention or  
748 evasion of those purposes and to safeguard the minimum wage rates  
749 established.

750 (2) The regulations may include, but are not limited to,  
751 regulations governing:

752 (a) Outside or commission salespeople;

753 (b) Learners and apprentices, their number, proportion  
754 or length of service;

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

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

757 (e) Permitted charges to employees or allowances for  
758 board, lodging, apparel or other facilities or services  
759 customarily furnished by employers to employees;

760 (f) Allowances for gratuities; or

761 (g) Allowances for other special conditions or  
762 circumstances that may be usual in a particular employer/employee  
763 relationship.

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

769 **SECTION 12.** The director or his or her authorized  
770 representatives shall:



771           (a) Have authority to enter and inspect the place of  
772 business or employment of any employer in the state for the  
773 purpose of examining and inspecting any books, registers, payrolls  
774 and other records of any employer that in any way relate to or  
775 have a bearing upon the question of wages, hours or other  
776 conditions of employment of any employees; copy any of the books,  
777 registers, payrolls or other records as he or she may deem  
778 necessary or appropriate; and question employees to ascertain  
779 whether the provisions of this act and regulations issued under  
780 this act have been and are being complied with;

781           (b) Have authority to require from the employer full  
782 and correct statements in writing, including sworn statements,  
783 with respect to wages, hours, names, addresses and any information  
784 pertaining to his or her employees as the director or his or her  
785 authorized representative may deem necessary or appropriate;

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

787           (d) Otherwise implement and enforce the regulations and  
788 decisions of the department.

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





795           **SECTION 14.** (1) Every employer of an employee engaged in  
796 any occupation in which gratuities have been customarily and  
797 usually constituted and have been recognized as a part of  
798 remuneration for hiring purposes shall be entitled to an allowance  
799 for gratuities as a part of the hourly wage rate provided in  
800 Section 7 of this act in an amount not to exceed fifty percent  
801 (50%) of the minimum wage established by Section 7 of this act,  
802 provided that the employee actually received that amount in  
803 gratuities and that the application of the foregoing gratuity  
804 allowances results in payment of wages other than gratuities to  
805 tipped employees, including full-time students, subject to the  
806 provisions of this act, of not less than fifty percent (50%) of  
807 the minimum wage prescribed by this act.

808           (2) In determining whether an employee received in  
809 gratuities the amount claimed, the director may require the  
810 employee to show to the satisfaction of the director that the  
811 actual amount of gratuities received by him or her during any  
812 workweek was less than the amount determined by the employer as  
813 the amount by which the wage paid the employee was deemed to be  
814 increased under this section.

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



820 (2) Employers shall be furnished copies of the summaries of  
821 this statute and regulations by the director on request without  
822 charge.

823 **SECTION 16.** (1) Every employer subject to any provision of  
824 this act or of any regulation issued under this act shall make and  
825 keep for a period of not less than three (3) years, in or about  
826 the premises where any employee is employed, a record of the name,  
827 address and occupation of each of his or her employees, the rate  
828 of pay and the amount paid each pay period to each employee and  
829 any other information as the department prescribes by regulation  
830 as necessary or appropriate for the enforcement of the provisions  
831 of this act or of the regulations under this act.

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

835 (3) Every employer shall furnish to the director or to his  
836 or her authorized representative on demand a sworn statement of  
837 the records and information upon forms prescribed or approved by  
838 the director.

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



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

847 (3) The venue of the action shall lie in the circuit court  
848 of any county in which the services which are the subject of the  
849 employment were performed.

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

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

855 17-1-51. (1) No county, board of supervisors of a county,  
856 municipality or governing authority of a municipality is  
857 authorized to establish a mandatory, minimum living wage rate that  
858 is lower than the rate provided in this act, minimum number of  
859 vacation or sick days, whether paid or unpaid, that would regulate  
860 how a private employer pays its employees. Each county, board of  
861 supervisors of a county, municipality or governing authority of a  
862 municipality shall be prohibited from establishing a mandatory,  
863 minimum living wage rate that is lower than the rate provided in  
864 this act, minimum number of vacation or sick days, whether paid or  
865 unpaid, that would regulate how a private employer pays its  
866 employees.

867 (2) The Legislature finds that the prohibitions of  
868 subsection (1) of this section are necessary to ensure an economic  
869 climate conducive to new business development and job growth in



870 the State of Mississippi while protecting the health and  
871 well-being of workers. \* \* \*

872 \* \* \*

873 ( \* \* \*3) The Legislature concludes from \* \* \* this finding  
874 that, in order for a business to remain competitive and yet  
875 attract and retain the highest possible caliber of employees, and  
876 thereby remain sound, an enterprise must work in \* \* \* an  
877 environment \* \* \* that respects its workers and that encourages  
878 the payment of fair minimum wage rates \* \* \*. The net impact of  
879 any local \* \* \* wages that are greater than the rate provided in  
880 this act \* \* \* will be economically \* \* \* stable and create  
881 a \* \* \* rise and \* \* \* increase in the standard of living for the  
882 citizens of the state. \* \* \*

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

885 25-3-40. On July 1, 1978, and each year thereafter, the  
886 Mississippi Compensation Plan shall be amended to provide salary  
887 increases in such amounts and percentages as might be recommended  
888 by the Legislative Budget Office and as may be authorized by funds  
889 appropriated by the Legislature for the purpose of granting  
890 incentive salary increases as deemed possible dependent upon the  
891 availability of general and special funds.

892 It is hereby declared to be the intent of the Mississippi  
893 Legislature to implement the minimum wage as enacted by statutory  
894 law of the United States Congress subject to funds being available



895 for that purpose. It is further the intent of the Legislature to  
896 implement the state minimum wage as provided in this act. It is  
897 the intent and purpose of this section to maximize annual salary  
898 increases consistent with the availability of funds as might be  
899 determined by the Mississippi Legislature at its regular annual  
900 session and that all salary increases hereafter be made consistent  
901 with the provisions of this section.

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

904 7-7-204. (1) Within the limits of the funds available to  
905 the Office of the State Auditor for such purpose, the State  
906 Auditor may grant a paid internship to students pursuing junior or  
907 senior undergraduate-level year coursework toward a bachelor's  
908 degree in accounting or graduate-level coursework toward a  
909 master's degree in accounting. Those applicants deemed qualified  
910 shall receive funds that may be used to pay for tuition, books and  
911 related fees to pursue their degree. It is the intent of the  
912 Legislature that the paid internship program (hereinafter referred  
913 to as the program) shall be used as an incentive for accounting  
914 students to develop job-related skills and to encourage accounting  
915 careers at the Office of the State Auditor.

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

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



920 (b) Satisfy the following conditions:

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

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

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

931 (ii) Graduate stipulations: Applicants must have  
932 met the regular admission standards and have been accepted into  
933 the master of science accounting program at a Mississippi  
934 institution of higher learning.

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

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

941 (d) Agree to work as an auditor at the Office of the  
942 State Auditor upon graduation for a period of time equivalent to  
943 the period of time for which the applicant receives compensation,



944 calculated to the nearest whole month, but in no event less than  
945 two (2) years.

946 (3) (a) Before being placed into the program, each  
947 applicant shall enter into a contract with the Office of the State  
948 Auditor, which shall be deemed a contract with the State of  
949 Mississippi, agreeing to the terms and conditions upon which the  
950 internship shall be granted to him. The contract shall include  
951 such terms and provisions necessary to carry out the full purpose  
952 and intent of this section. The form of such contract shall be  
953 prepared and approved by the Attorney General of this state, and  
954 shall be signed by the State Auditor of the Office of the State  
955 Auditor and the participant.

956 (b) Upon entry into the program, participants will  
957 become employees of the Office of the State Auditor during their  
958 time in the program and shall be eligible for benefits such as  
959 medical insurance paid by the agency for the participant; however,  
960 in accordance with Section 25-11-105II(b), those participants  
961 shall not become members of the Public Employees' Retirement  
962 System while participating in the program. Participants shall not  
963 accrue personal or major medical leave while they are in the  
964 program.

965 (c) The Office of the State Auditor shall have the  
966 authority to cancel any contract made between it and any program  
967 participant upon such cause being deemed sufficient by the State  
968 Auditor.



969           (d) The Office of the State Auditor is vested with full  
970 and complete authority and power to sue in its own name any  
971 participant for any damages due the state on any such uncompleted  
972 contract, which suit shall be filed and handled by the Attorney  
973 General of the state. The Office of the State Auditor may  
974 contract with a collection agency or banking institution, subject  
975 to approval by the Attorney General, for collection of any damages  
976 due the state from any participant. The State of Mississippi, the  
977 Office of the State Auditor and its employees are immune from any  
978 suit brought in law or equity for actions taken by the collection  
979 agency or banking institution incidental to or arising from their  
980 performance under the contract. The Office of the State Auditor,  
981 collection agency and banking institution may negotiate for the  
982 payment of a sum that is less than full payment in order to  
983 satisfy any damages the participant owes the state, subject to  
984 approval by the director of the sponsoring facility within the  
985 Office of the State Auditor.

986           (4) (a) Any recipient who is accepted into the program by  
987 the Mississippi Office of the State Auditor and who fails to  
988 complete undergraduate- or graduate-level coursework toward a  
989 degree in accounting, or withdraws from school at any time before  
990 completing his or her education, shall be liable to repay the  
991 Office of the State Auditor for all monies received during the  
992 time the recipient was in the program, at the rate of pay received  
993 by the employee while in the program, including benefits paid by





994 the agency for the participant, and monies received for tuition,  
995 books and related fees used to pursue their degree with interest  
996 accruing at ten percent (10%) per annum from the date the  
997 recipient failed or withdrew from school. The recipient also will  
998 not be liable for repayment for any money earned during the  
999 required summer hours. This money shall be considered earned by  
1000 the recipient at the federal minimum wage rate.

1001 (b) All paid internship compensation received by the  
1002 recipient while in school shall be considered earned conditioned  
1003 upon the fulfillment of the terms and obligations of the paid  
1004 internship contract and this section. However, no recipient of  
1005 the paid internship shall accrue personal or major medical leave  
1006 while the recipient is pursuing junior or senior  
1007 undergraduate-level year coursework toward a bachelor's degree in  
1008 accounting or graduate-level coursework toward a master's degree  
1009 in accounting. The recipient shall not be liable for liquidated  
1010 damages.

1011 (c) If the recipient does not work as an auditor at the  
1012 Office of the State Auditor for the period required under  
1013 subsection (2)(d) of this section, the recipient shall be liable  
1014 for repayment on demand of the remaining portion of the  
1015 compensation that the recipient was paid while in the program  
1016 which has not been unconditionally earned, with interest accruing  
1017 at ten percent (10%) per annum from the recipient's date of  
1018 graduation or the date that the recipient last worked at the



1019 Office of the State Auditor, whichever is the later date. In  
1020 addition, there shall be included in any contract for paid student  
1021 internship a provision for liquidated damages equal to Five  
1022 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata  
1023 basis for each year served under such contract.

1024 **SECTION 21.** Section 23-15-239, Mississippi Code of 1972, is  
1025 brought forward as follows:

1026 **[Until January 1, 2020, this section shall read as follows:]**

1027 23-15-239. (1) The executive committee of each county, in  
1028 the case of a primary election, or the election commissioners of  
1029 each county, in the case of all other elections, in conjunction  
1030 with the circuit clerk, shall, in the years in which counties  
1031 conduct an election, sponsor and conduct, not less than five (5)  
1032 days before each election, not less than four (4) hours and not  
1033 more than eight (8) hours of poll manager training to instruct  
1034 poll managers as to their duties in the proper administration of  
1035 the election and the operation of the polling place. Any poll  
1036 manager who completes the online training course provided by the  
1037 Secretary of State shall only be required to complete two (2)  
1038 hours of in-person poll manager training. No poll manager shall  
1039 serve in any election unless he or she has received these  
1040 instructions once during the twelve (12) months immediately  
1041 preceding the date upon which the election is held; however,  
1042 nothing in this section shall prevent the appointment of an  
1043 alternate poll manager to fill a vacancy in case of an emergency.



1044 The county executive committee or the election commissioners, as  
1045 appropriate, shall train a sufficient number of alternates to  
1046 serve in the event a poll manager is unable to serve for any  
1047 reason.

1048 (2) (a) If it is eligible under Section 23-15-266, the  
1049 county executive committee may enter into a written agreement with  
1050 the circuit clerk or the county election commission authorizing  
1051 the circuit clerk or the county election commission to perform any  
1052 of the duties required of the county executive committee pursuant  
1053 to this section. Any agreement entered into pursuant to this  
1054 subsection shall be signed by the chair of the county executive  
1055 committee and the circuit clerk or the chair of the county  
1056 election commission, as appropriate. The county executive  
1057 committee shall notify the state executive committee and the  
1058 Secretary of State of the existence of the agreement.

1059 (b) If it is eligible under Section 23-15-266, the  
1060 municipal executive committee may enter into a written agreement  
1061 with the municipal clerk or the municipal election commission  
1062 authorizing the municipal clerk or the municipal election  
1063 commission to perform any of the duties required of the municipal  
1064 executive committee pursuant to this section. Any agreement  
1065 entered into pursuant to this subsection shall be signed by the  
1066 chair of the municipal executive committee and the municipal clerk  
1067 or the chair of the municipal election commission, as appropriate.  
1068 The municipal executive committee shall notify the state executive



1069 committee and the Secretary of State of the existence of the  
1070 agreement.

1071 (3) The board of supervisors and the municipal governing  
1072 authority, in their discretion, may compensate poll managers who  
1073 attend these training sessions. The compensation shall be at a  
1074 rate of not less than the federal hourly minimum wage nor more  
1075 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
1076 compensated for more than sixteen (16) hours of attendance at the  
1077 training sessions regardless of the actual amount of time that  
1078 they attended the training sessions.

1079 (4) The time and location of the training sessions required  
1080 pursuant to this section shall be announced to the general public  
1081 by posting a notice thereof at the courthouse and by delivering a  
1082 copy of the notice to the office of a newspaper having general  
1083 circulation in the county five (5) days before the date upon which  
1084 the training session is to be conducted. Persons who will serve  
1085 as poll watchers for candidates and political parties, as well as  
1086 members of the general public, shall be allowed to attend the  
1087 sessions.

1088 (5) Subject to the following annual limitations, the  
1089 election commissioners shall be entitled to receive a per diem in  
1090 the amount of One Hundred Dollars (\$100.00), to be paid from the  
1091 county general fund, for every day or period of no less than five  
1092 (5) hours accumulated over two (2) or more days actually employed



1093 in the performance of their duties for the necessary time spent in  
1094 conducting training sessions as required by this section:

1095 (a) In counties having less than fifteen thousand  
1096 (15,000) residents according to the latest federal decennial  
1097 census, not more than five (5) days per year;

1098 (b) In counties having fifteen thousand (15,000)  
1099 residents according to the latest federal decennial census but  
1100 less than thirty thousand (30,000) residents according to the  
1101 latest federal decennial census, not more than eight (8) days per  
1102 year;

1103 (c) In counties having thirty thousand (30,000)  
1104 residents according to the latest federal decennial census but  
1105 less than seventy thousand (70,000) residents according to the  
1106 latest federal decennial census, not more than ten (10) days per  
1107 year;

1108 (d) In counties having seventy thousand (70,000)  
1109 residents according to the latest federal decennial census but  
1110 less than ninety thousand (90,000) residents according to the  
1111 latest federal decennial census, not more than twelve (12) days  
1112 per year;

1113 (e) In counties having ninety thousand (90,000)  
1114 residents according to the latest federal decennial census but  
1115 less than one hundred seventy thousand (170,000) residents  
1116 according to the latest federal decennial census, not more than  
1117 fifteen (15) days per year;



1118 (f) In counties having one hundred seventy thousand  
1119 (170,000) residents according to the latest federal decennial  
1120 census but less than two hundred thousand (200,000) residents  
1121 according to the latest federal decennial census, not more than  
1122 eighteen (18) days per year;

1123 (g) In counties having two hundred thousand (200,000)  
1124 residents according to the latest federal decennial census but  
1125 less than two hundred twenty-five thousand (225,000) residents  
1126 according to the latest federal decennial census, not more than  
1127 nineteen (19) days per year;

1128 (h) In counties having two hundred twenty-five thousand  
1129 (225,000) residents or more according to the latest federal  
1130 decennial census, not more than twenty-two (22) days per year.

1131 (6) Election commissioners shall claim the per diem  
1132 authorized in subsection (5) of this section in the manner  
1133 provided for in Section 23-15-153(6).

1134 (7) (a) To provide poll manager training, the Secretary of  
1135 State has developed a single, comprehensive poll manager training  
1136 program to ensure uniform, secure elections throughout the state.  
1137 The program includes online training on all state and federal  
1138 election laws and procedures and voting machine opening and  
1139 closing procedures.

1140 (b) County election commissioners shall designate one  
1141 (1) poll manager per precinct, who shall individually access and  
1142 complete the online training program, including all skills



1143 assessments, at least five (5) days before an election. The poll  
1144 manager shall be defined as a "certified poll manager," and  
1145 entitled to a "Certificate of Completion" and compensation for the  
1146 successful completion of the training and skills assessment in the  
1147 amount of Twenty-five Dollars (\$25.00) payable from the Secretary  
1148 of State. Compensation paid to any poll manager under this  
1149 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per  
1150 calendar year.

1151 (c) Every election held after January 1, 2018, shall  
1152 have at least one (1) certified poll manager appointed by the  
1153 county election officials to work in each polling place in the  
1154 county during each general election.

1155 **[From and after January 1, 2020, this section shall read as**  
1156 **follows:]**

1157 23-15-239. (1) The executive committee of each county, in  
1158 the case of a primary election, or the election commissioners of  
1159 each county, in the case of all other elections, in conjunction  
1160 with the circuit clerk, shall, in the years in which counties  
1161 conduct an election, sponsor and conduct, not less than five (5)  
1162 days before each election, not less than four (4) hours and not  
1163 more than eight (8) hours of poll manager training to instruct  
1164 poll managers as to their duties in the proper administration of  
1165 the election and the operation of the polling place. Any poll  
1166 manager who completes the online training course provided by the  
1167 Secretary of State shall only be required to complete two (2)



1168 hours of in-person poll manager training. No poll manager shall  
1169 serve in any election unless he or she has received these  
1170 instructions once during the twelve (12) months immediately  
1171 preceding the date upon which the election is held; however,  
1172 nothing in this section shall prevent the appointment of an  
1173 alternate poll manager to fill a vacancy in case of an emergency.  
1174 The county executive committee or the election commissioners, as  
1175 appropriate, shall train a sufficient number of alternates to  
1176 serve in the event a poll manager is unable to serve for any  
1177 reason.

1178       (2) (a) If it is eligible under Section 23-15-266, the  
1179 county executive committee may enter into a written agreement with  
1180 the circuit clerk or the county election commission authorizing  
1181 the circuit clerk or the county election commission to perform any  
1182 of the duties required of the county executive committee pursuant  
1183 to this section. Any agreement entered into pursuant to this  
1184 subsection shall be signed by the chair of the county executive  
1185 committee and the circuit clerk or the chair of the county  
1186 election commission, as appropriate. The county executive  
1187 committee shall notify the state executive committee and the  
1188 Secretary of State of the existence of the agreement.

1189       (b) If it is eligible under Section 23-15-266, the  
1190 municipal executive committee may enter into a written agreement  
1191 with the municipal clerk or the municipal election commission  
1192 authorizing the municipal clerk or the municipal election





1193 commission to perform any of the duties required of the municipal  
1194 executive committee pursuant to this section. Any agreement  
1195 entered into pursuant to this subsection shall be signed by the  
1196 chair of the municipal executive committee and the municipal clerk  
1197 or the chair of the municipal election commission, as appropriate.  
1198 The municipal executive committee shall notify the state executive  
1199 committee and the Secretary of State of the existence of the  
1200 agreement.

1201 (3) The board of supervisors and the municipal governing  
1202 authority, in their discretion, may compensate poll managers who  
1203 attend these training sessions. The compensation shall be at a  
1204 rate of not less than the federal hourly minimum wage nor more  
1205 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
1206 compensated for more than sixteen (16) hours of attendance at the  
1207 training sessions regardless of the actual amount of time that  
1208 they attended the training sessions.

1209 (4) The time and location of the training sessions required  
1210 pursuant to this section shall be announced to the general public  
1211 by posting a notice thereof at the courthouse and by delivering a  
1212 copy of the notice to the office of a newspaper having general  
1213 circulation in the county five (5) days before the date upon which  
1214 the training session is to be conducted. Persons who will serve  
1215 as poll watchers for candidates and political parties, as well as  
1216 members of the general public, shall be allowed to attend the  
1217 sessions.



1218           (5) Subject to the following annual limitations, the  
1219 election commissioners shall be entitled to receive a per diem in  
1220 the amount of One Hundred Dollars (\$100.00), to be paid from the  
1221 county general fund, for every day or period of no less than five  
1222 (5) hours accumulated over two (2) or more days actually employed  
1223 in the performance of their duties for the necessary time spent in  
1224 conducting training sessions as required by this section:

1225                   (a) In counties having less than fifteen thousand  
1226 (15,000) residents according to the latest federal decennial  
1227 census, not more than five (5) days per year;

1228                   (b) In counties having fifteen thousand (15,000)  
1229 residents according to the latest federal decennial census but  
1230 less than thirty thousand (30,000) residents according to the  
1231 latest federal decennial census, not more than eight (8) days per  
1232 year;

1233                   (c) In counties having thirty thousand (30,000)  
1234 residents according to the latest federal decennial census but  
1235 less than seventy thousand (70,000) residents according to the  
1236 latest federal decennial census, not more than ten (10) days per  
1237 year;

1238                   (d) In counties having seventy thousand (70,000)  
1239 residents according to the latest federal decennial census but  
1240 less than ninety thousand (90,000) residents according to the  
1241 latest federal decennial census, not more than twelve (12) days  
1242 per year;



1243 (e) In counties having ninety thousand (90,000)  
1244 residents according to the latest federal decennial census but  
1245 less than one hundred seventy thousand (170,000) residents  
1246 according to the latest federal decennial census, not more than  
1247 fifteen (15) days per year;

1248 (f) In counties having one hundred seventy thousand  
1249 (170,000) residents according to the latest federal decennial  
1250 census but less than two hundred thousand (200,000) residents  
1251 according to the latest federal decennial census, not more than  
1252 eighteen (18) days per year;

1253 (g) In counties having two hundred thousand (200,000)  
1254 residents according to the latest federal decennial census but  
1255 less than two hundred twenty-five thousand (225,000) residents  
1256 according to the latest federal decennial census, not more than  
1257 nineteen (19) days per year;

1258 (h) In counties having two hundred twenty-five thousand  
1259 (225,000) residents or more according to the latest federal  
1260 decennial census, not more than twenty-two (22) days per year.

1261 (6) Election commissioners shall claim the per diem  
1262 authorized in subsection (5) of this section in the manner  
1263 provided for in Section 23-15-153(6).

1264 (7) (a) To provide poll manager training, the Secretary of  
1265 State has developed a single, comprehensive poll manager training  
1266 program to ensure uniform, secure elections throughout the state.  
1267 The program includes online training on all state and federal



1268 election laws and procedures and voting machine opening and  
1269 closing procedures.

1270 (b) County poll managers who individually access and  
1271 complete the online training program, including all skills  
1272 assessments, at least five (5) days before an election shall be  
1273 defined as "certified poll managers," and entitled to a  
1274 "Certificate of Completion."

1275 (c) At least one (1) certified poll manager shall be  
1276 appointed by the county election officials to work in each polling  
1277 place in the county during each general election.

1278 **SECTION 22.** Section 37-7-307, Mississippi Code of 1972, is  
1279 brought forward as follows:

1280 37-7-307. (1) For purposes of this section, the term  
1281 "licensed employee" means any employee of a public school district  
1282 required to hold a valid license by the Commission on Teacher and  
1283 Administrator Education, Certification and Licensure and  
1284 Development.

1285 (2) The school board of a school district shall establish by  
1286 rules and regulations a policy of sick leave with pay for licensed  
1287 employees and teacher assistants employed in the school district,  
1288 and such policy shall include the following minimum provisions for  
1289 sick and emergency leave with pay:

1290 (a) Each licensed employee and teacher assistant, at  
1291 the beginning of each school year, shall be credited with a  
1292 minimum sick leave allowance, with pay, of seven (7) days for



1293 absences caused by illness or physical disability of the employee  
1294 during that school year.

1295 (b) Any unused portion of the total sick leave  
1296 allowance shall be carried over to the next school year and  
1297 credited to such licensed employee and teacher assistant if the  
1298 licensed employee or teacher assistant remains employed in the  
1299 same school district. In the event any public school licensed  
1300 employee or teacher assistant transfers from one public school  
1301 district in Mississippi to another, any unused portion of the  
1302 total sick leave allowance credited to such licensed employee or  
1303 teacher assistant shall be credited to such licensed employee or  
1304 teacher assistant in the computation of unused leave for  
1305 retirement purposes under Section 25-11-109. Accumulation of sick  
1306 leave allowed under this section shall be unlimited.

1307 (c) No deduction from the pay of such licensed employee  
1308 or teacher assistant may be made because of absence of such  
1309 licensed employee or teacher assistant caused by illness or  
1310 physical disability of the licensed employee or teacher assistant  
1311 until after all sick leave allowance credited to such licensed  
1312 employee or teacher assistant has been used.

1313 (d) For the first ten (10) days of absence of a  
1314 licensed employee because of illness or physical disability, in  
1315 any school year, in excess of the sick leave allowance credited to  
1316 such licensed employee, there shall be deducted from the pay of  
1317 such licensed employee the established substitute amount of



1318 licensed employee compensation paid in that local school district,  
1319 necessitated because of the absence of the licensed employee as a  
1320 result of illness or physical disability. In lieu of deducting  
1321 the established substitute amount from the pay of such licensed  
1322 employee, the policy may allow the licensed employee to receive  
1323 full pay for the first ten (10) days of absence because of illness  
1324 or physical disability, in any school year, in excess of the sick  
1325 leave allowance credited to such licensed employee. Thereafter,  
1326 the regular pay of such absent licensed employee shall be  
1327 suspended and withheld in its entirety for any period of absence  
1328 because of illness or physical disability during that school year.

1329 (3) (a) Beginning with the school year 1983-1984, each  
1330 licensed employee at the beginning of each school year shall be  
1331 credited with a minimum personal leave allowance, with pay, of two  
1332 (2) days for absences caused by personal reasons during that  
1333 school year. Effective for the 2010-2011 and 2011-2012 school  
1334 years, licensed employees shall be credited with an additional  
1335 one-half (1/2) day of personal leave for every day the licensed  
1336 employee is furloughed without pay as provided in Section  
1337 37-7-308. Except as otherwise provided in paragraph (b) of this  
1338 subsection, such personal leave shall not be taken on the first  
1339 day of the school term, the last day of the school term, on a day  
1340 previous to a holiday or a day after a holiday. Personal leave  
1341 may be used for professional purposes, including absences caused  
1342 by attendance of such licensed employee at a seminar, class,



1343 training program, professional association or other functions  
1344 designed for educators. No deduction from the pay of such  
1345 licensed employee may be made because of absence of such licensed  
1346 employee caused by personal reasons until after all personal leave  
1347 allowance credited to such licensed employee has been used.  
1348 However, the superintendent of a school district, in his  
1349 discretion, may allow a licensed employee personal leave in  
1350 addition to any minimum personal leave allowance, under the  
1351 condition that there shall be deducted from the salary of such  
1352 licensed employee the actual amount of any compensation paid to  
1353 any person as a substitute, necessitated because of the absence of  
1354 the licensed employee. Any unused portion of the total personal  
1355 leave allowance up to five (5) days shall be carried over to the  
1356 next school year and credited to such licensed employee if the  
1357 licensed employee remains employed in the same school district.  
1358 Any personal leave allowed for a furlough day shall not be carried  
1359 over to the next school year.

1360 (b) Notwithstanding the restrictions on the use of  
1361 personal leave prescribed under paragraph (a) of this subsection,  
1362 a licensed employee may use personal leave as follows:

1363 (i) Personal leave may be taken on the first day  
1364 of the school term, the last day of the school term, on a day  
1365 previous to a holiday or a day after a holiday if, on the  
1366 applicable day, an immediate family member of the employee is  
1367 being deployed for military service.



1368                   (ii) Personal leave may be taken on a day previous  
1369 to a holiday or a day after a holiday if an employee of a school  
1370 district has either a minimum of ten (10) years' experience as an  
1371 employee of that school district or a minimum of thirty (30) days  
1372 of unused accumulated leave that has been earned while employed in  
1373 that school district.

1374                   (iii) Personal leave may be taken on the first day  
1375 of the school term, the last day of the school term, on a day  
1376 previous to a holiday or a day after a holiday if, on the  
1377 applicable day, the employee has been summoned to appear for jury  
1378 duty or as a witness in court.

1379                   (iv) Personal leave may be taken on the first day  
1380 of the school term, the last day of the school term, on a day  
1381 previous to a holiday or a day after a holiday if, on the  
1382 applicable day, an immediate family member of the employee dies or  
1383 funeral services are held. Any day of the three (3) bereavement  
1384 days may be used at the discretion of the teacher, and are not  
1385 required to be taken in consecutive succession.

1386           For the purpose of this subsection (3), the term "immediate  
1387 family member" means spouse, parent, stepparent, child or  
1388 stepchild, grandparent or sibling, including a stepbrother or  
1389 stepsister.

1390           (4) Beginning with the school year 1992-1993, each licensed  
1391 employee shall be credited with a professional leave allowance,  
1392 with pay, for each day of absence caused by reason of such





1393 employee's statutorily required membership and attendance at a  
1394 regular or special meeting held within the State of Mississippi of  
1395 the State Board of Education, the Commission on Teacher and  
1396 Administrator Education, Certification and Licensure and  
1397 Development, the Commission on School Accreditation, the  
1398 Mississippi Authority for Educational Television, the meetings of  
1399 the state textbook rating committees or other meetings authorized  
1400 by local school board policy.

1401 (5) Upon retirement from employment, each licensed and  
1402 nonlicensed employee shall be paid for not more than thirty (30)  
1403 days of unused accumulated leave earned while employed by the  
1404 school district in which the employee is last employed. Such  
1405 payment for licensed employees shall be made by the school  
1406 district at a rate equal to the amount paid to substitute teachers  
1407 and for nonlicensed employees, the payment shall be made by the  
1408 school district at a rate equal to the federal minimum wage. The  
1409 payment shall be treated in the same manner for retirement  
1410 purposes as a lump-sum payment for personal leave as provided in  
1411 Section 25-11-103(f). Any remaining lawfully credited unused  
1412 leave, for which payment has not been made, shall be certified to  
1413 the Public Employees' Retirement System in the same manner and  
1414 subject to the same limitations as otherwise provided by law for  
1415 unused leave. No payment for unused accumulated leave may be made  
1416 to either a licensed or nonlicensed employee at termination or



1417 separation from service for any purpose other than for the purpose  
1418 of retirement.

1419 (6) The school board may adopt rules and regulations which  
1420 will reasonably aid to implement the policy of sick and personal  
1421 leave, including, but not limited to, rules and regulations having  
1422 the following general effect:

1423 (a) Requiring the absent employee to furnish the  
1424 certificate of a physician or dentist or other medical  
1425 practitioner as to the illness of the absent licensed employee,  
1426 where the absence is for four (4) or more consecutive school days,  
1427 or for two (2) consecutive school days immediately preceding or  
1428 following a nonschool day;

1429 (b) Providing penalties, by way of full deduction from  
1430 salary, or entry on the work record of the employee, or other  
1431 appropriate penalties, for any materially false statement by the  
1432 employee as to the cause of absence;

1433 (c) Forfeiture of accumulated or future sick leave, if  
1434 the absence of the employee is caused by optional dental or  
1435 medical treatment or surgery which could, without medical risk,  
1436 have been provided, furnished or performed at a time when school  
1437 was not in session;

1438 (d) Enlarging, increasing or providing greater sick or  
1439 personal leave allowances than the minimum standards established  
1440 by this section in the discretion of the school board of each  
1441 school district.



1442 (7) School boards may include in their budgets provisions  
1443 for the payment of substitute employees, necessitated because of  
1444 the absence of regular licensed employees. All such substitute  
1445 employees shall be paid wholly from district funds, except as  
1446 otherwise provided for long-term substitute teachers in Section  
1447 37-19-20. Such school boards, in their discretion, also may pay,  
1448 from district funds other than adequate education program funds,  
1449 the whole or any part of the salaries of all employees granted  
1450 leaves for the purpose of special studies or training.

1451 (8) The school board may further adopt rules and regulations  
1452 which will reasonably implement such leave policies for all other  
1453 nonlicensed and hourly paid school employees as the board deems  
1454 appropriate. Effective for the 2010-2011 and 2011-2012 school  
1455 years, nonlicensed employees shall be credited with an additional  
1456 one-half (1/2) day of personal leave for every day the nonlicensed  
1457 employee is furloughed without pay as provided in Section  
1458 37-7-308.

1459 (9) Vacation leave granted to either licensed or nonlicensed  
1460 employees shall be synonymous with personal leave. Unused  
1461 vacation or personal leave accumulated by licensed employees in  
1462 excess of the maximum five (5) days which may be carried over from  
1463 one year to the next may be converted to sick leave. The annual  
1464 conversion of unused vacation or personal leave to sick days for  
1465 licensed or unlicensed employees shall not exceed the allowable  
1466 number of personal leave days as provided in Section 25-3-93. The



1467 annual total number of converted unused vacation and/or personal  
1468 days added to the annual unused sick days for any employee shall  
1469 not exceed the combined allowable number of days per year provided  
1470 in Sections 25-3-93 and 25-3-95. Local school board policies that  
1471 provide for vacation, personal and sick leave for employees shall  
1472 not exceed the provisions for leave as provided in Sections  
1473 25-3-93 and 25-3-95. Any personal or vacation leave previously  
1474 converted to sick leave under a lawfully adopted policy before May  
1475 1, 2004, or such personal or vacation leave accumulated and  
1476 available for use prior to May 1, 2004, under a lawfully adopted  
1477 policy but converted to sick leave after May 1, 2004, shall be  
1478 recognized as accrued leave by the local school district and  
1479 available for use by the employee. The leave converted under a  
1480 lawfully adopted policy prior to May 1, 2004, or such personal and  
1481 vacation leave accumulated and available for use as of May 1,  
1482 2004, which was subsequently converted to sick leave may be  
1483 certified to the Public Employees' Retirement System upon  
1484 termination of employment and any such leave previously converted  
1485 and certified to the Public Employees' Retirement System shall be  
1486 recognized.

1487 (10) (a) For the purposes of this subsection, the following  
1488 words and phrases shall have the meaning ascribed in this  
1489 paragraph unless the context requires otherwise:

1490 (i) "Catastrophic injury or illness" means a  
1491 life-threatening injury or illness of an employee or a member of



1492 an employee's immediate family that totally incapacitates the  
1493 employee from work, as verified by a licensed physician, and  
1494 forces the employee to exhaust all leave time earned by that  
1495 employee, resulting in the loss of compensation from the local  
1496 school district for the employee. Conditions that are short-term  
1497 in nature, including, but not limited to, common illnesses such as  
1498 influenza and the measles, and common injuries, are not  
1499 catastrophic. Chronic illnesses or injuries, such as cancer or  
1500 major surgery, that result in intermittent absences from work and  
1501 that are long-term in nature and require long recuperation periods  
1502 may be considered catastrophic.

1503 (ii) "Immediate family" means spouse, parent,  
1504 stepparent, sibling, child or stepchild, grandparent, stepbrother  
1505 or stepsister.

1506 (b) Any school district employee may donate a portion  
1507 of his or her unused accumulated personal leave or sick leave to  
1508 another employee of the same school district who is suffering from  
1509 a catastrophic injury or illness or who has a member of his or her  
1510 immediate family suffering from a catastrophic injury or illness,  
1511 in accordance with the following:

1512 (i) The employee donating the leave (the "donor  
1513 employee") shall designate the employee who is to receive the  
1514 leave (the "recipient employee") and the amount of unused  
1515 accumulated personal leave and sick leave that is to be donated,



1516 and shall notify the school district superintendent or his  
1517 designee of his or her designation.

1518           (ii) The maximum amount of unused accumulated  
1519 personal leave that an employee may donate to any other employee  
1520 may not exceed a number of days that would leave the donor  
1521 employee with fewer than seven (7) days of personal leave  
1522 remaining, and the maximum amount of unused accumulated sick leave  
1523 that an employee may donate to any other employee may not exceed  
1524 fifty percent (50%) of the unused accumulated sick leave of the  
1525 donor employee.

1526           (iii) An employee must have exhausted all of his  
1527 or her available leave before he or she will be eligible to  
1528 receive any leave donated by another employee. Eligibility for  
1529 donated leave shall be based upon review and approval by the donor  
1530 employee's supervisor.

1531           (iv) Before an employee may receive donated leave,  
1532 he or she must provide the school district superintendent or his  
1533 designee with a physician's statement that states that the illness  
1534 meets the catastrophic criteria established under this section,  
1535 the beginning date of the catastrophic injury or illness, a  
1536 description of the injury or illness, and a prognosis for recovery  
1537 and the anticipated date that the recipient employee will be able  
1538 to return to work.

1539           (v) Before an employee may receive donated leave,  
1540 the superintendent of education of the school district shall



1541 appoint a review committee to approve or disapprove the said  
1542 donations of leave, including the determination that the illness  
1543 is catastrophic within the meaning of this section.

1544 (vi) If the total amount of leave that is donated  
1545 to any employee is not used by the recipient employee, the whole  
1546 days of donated leave shall be returned to the donor employees on  
1547 a pro rata basis, based on the ratio of the number of days of  
1548 leave donated by each donor employee to the total number of days  
1549 of leave donated by all donor employees.

1550 (vii) Donated leave shall not be used in lieu of  
1551 disability retirement.

1552 (11) Effective January 1, 2020, the provisions of this  
1553 section shall be fully applicable to any licensed employee of the  
1554 Mississippi School of the Arts (MSA).

1555 **SECTION 23.** Section 57-34-5, Mississippi Code of 1972, is  
1556 brought forward as follows:

1557 57-34-5. **Definitions.** As used in this chapter, the  
1558 following words and phrases shall have the meanings ascribed to  
1559 them in this section, unless the context clearly indicates a  
1560 different meaning:

1561 (a) "Act" means the provisions of this chapter.

1562 (b) "Authority" means the Alabama-Mississippi Joint  
1563 Economic Development Authority created pursuant to this chapter.

1564 (c) "Board of directors" means the board of directors  
1565 of the authority.



1566 (d) "Designated geographic area" means:  
1567 (i) Those counties in the State of Alabama that  
1568 share a common border with any county in the State of Mississippi;  
1569 and

1570 (ii) Those counties in the State of Mississippi  
1571 that share a common border with any county in the State of  
1572 Alabama.

1573 (e) "Herein," "hereby," "hereunder," "hereof" and other  
1574 equivalent words refer to this chapter as an entirety and not  
1575 solely to the particular section or portion thereof in which any  
1576 such word is used.

1577 (f) "Project" means:

1578 (i) Any industrial, commercial, research and  
1579 development, warehousing, distribution, transportation,  
1580 processing, mining, United States government or tourism enterprise  
1581 together with all real property required for construction,  
1582 maintenance and operation of the enterprise:

1583 1. With an initial capital investment of not  
1584 less than Three Hundred Million Dollars (\$300,000,000.00) from  
1585 private or United States government sources together with all  
1586 buildings, and other supporting land and facilities, structures or  
1587 improvements of whatever kind required or useful for construction,  
1588 maintenance and operation of the enterprise; or

1589 2. With an initial capital investment of not  
1590 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from





1591 private or United States government sources together with all  
1592 buildings and other supporting land and facilities, structures or  
1593 improvements of whatever kind required or useful for construction,  
1594 maintenance and operation of the enterprise and which creates at  
1595 least one thousand (1,000) net new full-time jobs; or

1596                   3. Which creates at least one thousand  
1597 (1,000) net new full-time jobs which provide an average hourly  
1598 wage of not less than two hundred percent (200%) of the federal  
1599 minimum wage in effect on the date the project is placed in  
1600 service.

1601                   (ii) Any addition to, or expansion of, any  
1602 existing enterprise as described in this paragraph if the addition  
1603 or expansion:

1604                   1. Has an initial capital investment of not  
1605 less than Three Hundred Million Dollars (\$300,000,000.00) from  
1606 private or United States government sources;

1607                   2. Has an initial capital investment of not  
1608 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from  
1609 private or United States government sources together with all  
1610 buildings and other supporting land and facilities, structures or  
1611 improvements of whatever kind required or useful for construction,  
1612 maintenance and operation of the enterprise and which creates at  
1613 least one thousand (1,000) net new full-time jobs; or

1614                   3. Creates at least one thousand (1,000) net  
1615 new full-time jobs which provide an average hourly wage of not



1616 less than two hundred percent (200%) of the federal minimum wage  
1617 in effect on the date the project is placed in service.

1618 (iii) Any development with an initial capital  
1619 investment from private sources of not less than Seven Hundred  
1620 Fifty Million Dollars (\$750,000,000.00) which will create at least  
1621 three thousand (3,000) net new full-time jobs satisfying criteria  
1622 to be established by the authority.

1623 In addition to meeting the other requirements of this  
1624 paragraph, in order to fall within the definition of the term  
1625 "project":

1626 (i) The enterprise or development must be located  
1627 within the designated geographic area; and

1628 (ii) Each state must provide funds or in-kind  
1629 contributions equal to at least one-third (1/3) of the total costs  
1630 of the project to the states.

1631 (g) "Project agreement" means an agreement, approved by  
1632 the Legislature of the states, setting forth certain obligations,  
1633 responsibilities, benefits, administrative matters and any other  
1634 matters with respect to a specific project that are not  
1635 inconsistent with the terms of this chapter as the legislatures of  
1636 the states deem appropriate with respect to a specific project.

1637 (h) "Project tax revenues" means:

1638 (i) All of the following state and local taxes  
1639 paid directly to a state or a local government by the project:  
1640 income taxes, ad valorem taxes on real and personal property,



1641 sales and use taxes, franchise taxes, license taxes, excise taxes  
1642 and severance taxes; and

1643 (ii) All state and local personal income tax and  
1644 occupational tax withholdings from employees of the project  
1645 attributable to employment at the project.

1646 (i) "States" means the State of Alabama and the State  
1647 of Mississippi collectively.

1648 **SECTION 24.** Section 85-3-4, Mississippi Code of 1972, is  
1649 brought forward as follows:

1650 85-3-4. (1) The wages, salaries or other compensation of  
1651 laborers or employees, residents of this state, shall be exempt  
1652 from seizure under attachment, execution or garnishment for a  
1653 period of thirty (30) days from the date of service of any writ of  
1654 attachment, execution or garnishment.

1655 (2) After the passage of the period of thirty (30) days  
1656 described in subsection (1) of this section, the maximum part of  
1657 the aggregate disposable earnings (as defined by Section 1672(b)  
1658 of Title 15, USCS) of an individual that may be levied by  
1659 attachment, execution or garnishment shall be:

1660 (a) In the case of earnings for any workweek, the  
1661 lesser amount of either,

1662 (i) Twenty-five percent (25%) of his disposable  
1663 earnings for that week, or

1664 (ii) The amount by which his disposable earnings  
1665 for that week exceed thirty (30) times the federal minimum hourly



1666 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in  
1667 effect at the time the earnings are payable; or

1668 (b) In the case of earnings for any period other than a  
1669 week, the amount by which his disposable earnings exceed the  
1670 following "multiple" of the federal minimum hourly wage which is  
1671 equivalent in effect to that set forth in subparagraph (a) (ii) of  
1672 this subsection (2): The number of workweeks, or fractions  
1673 thereof multiplied by thirty (30) multiplied by the applicable  
1674 federal minimum wage.

1675 (3) (a) The restrictions of subsections (1) and (2) of this  
1676 section do not apply in the case of:

1677 (i) Any order for the support of any person issued  
1678 by a court of competent jurisdiction or in accordance with an  
1679 administrative procedure, which is established by state law, which  
1680 affords substantial due process, and which is subject to judicial  
1681 review.

1682 (ii) Any debt due for any state or local tax.

1683 (b) Except as provided in subparagraph (b) (iii) of this  
1684 subsection (3), the maximum part of the aggregate disposable  
1685 earnings of an individual for any workweek which is subject to  
1686 garnishment to enforce any order for the support of any person  
1687 shall not exceed:

1688 (i) Where such individual is supporting his spouse  
1689 or dependent child (other than a spouse or child with respect to



1690 whose support such order is used), fifty percent (50%) of such  
1691 individual's disposable earnings for that week; and

1692 (ii) Where such individual is not supporting such  
1693 a spouse or dependent child described in subparagraph (b)(i) of  
1694 this subsection (3), sixty percent (60%) of such individual's  
1695 disposable earnings for that week;

1696 (iii) With respect to the disposable earnings of  
1697 any individual for that workweek, the fifty percent (50%)  
1698 specified in subparagraph (b)(i) of this subsection (3) shall be  
1699 deemed to be fifty-five percent (55%) and the sixty percent (60%)  
1700 specified in subparagraph (b)(ii) of this subsection (3) shall be  
1701 deemed to be sixty-five percent (65%), if and to the extent that  
1702 such earnings are subject to garnishment to enforce a support  
1703 order with respect to a period which is prior to the period of  
1704 twelve (12) weeks which ends with the beginning of such workweek.

1705 **SECTION 25.** Section 97-3-54.4, Mississippi Code of 1972, is  
1706 brought forward as follows:

1707 97-3-54.4. For the purposes of the Mississippi Human  
1708 Trafficking Act the following words and phrases shall have the  
1709 meanings ascribed herein unless the context clearly requires  
1710 otherwise:

1711 (a) "Act" or "this act" means the Mississippi Human  
1712 Trafficking Act.

1713 (b) "Actor" means a person who violates any of the  
1714 provisions of Sections 97-3-54 through 97-3-54.4.



1715 (c) "Blackmail" means obtaining property or things of  
1716 value of another by threatening to (i) inflict bodily injury on  
1717 anyone; or (ii) commit any other criminal offense.

1718 (d) "Coerce" or "coercion" means:

1719 (i) Causing or threatening to cause bodily harm to  
1720 any person, physically restraining or confining any person, or  
1721 threatening to physically restrain or confine any person;

1722 (ii) Exposing or threatening to expose any fact or  
1723 information or disseminating or threatening to disseminate any  
1724 fact or information that would tend to subject a person to  
1725 criminal or immigration proceedings, hatred, contempt or ridicule;

1726 (iii) Destroying, concealing, removing,  
1727 confiscating or possessing any actual or purported passport or  
1728 other immigration document, or any other actual or purported  
1729 government identification document of any person;

1730 (iv) Providing a controlled substance to a person  
1731 for the purpose of compelling the person to engage in labor or  
1732 sexual servitude against the person's will;

1733 (v) Causing or threatening to cause financial harm  
1734 to any person or using financial control over any person;

1735 (vi) Abusing or threatening to abuse a position of  
1736 power, the law, or legal process;

1737 (vii) Using blackmail;

1738 (viii) Using an individual's personal services as  
1739 payment or satisfaction of a real or purported debt when: 1. the



1740 reasonable value of the services is not applied toward the  
1741 liquidation of the debt; 2. the length of the services is not  
1742 limited and the nature of the services is not defined; 3. the  
1743 principal amount of the debt does not reasonably reflect the value  
1744 of the items or services for which the debt is incurred; or 4. the  
1745 individual is prevented from acquiring accurate and timely  
1746 information about the disposition of the debt; or

1747 (ix) Using any scheme, plan or pattern of conduct  
1748 intended to cause any person to believe that, if the person did  
1749 not perform the labor or services, that the person or another  
1750 person would suffer serious harm or physical restraint.

1751 (e) "Commercial sexual activity" means any sex act on  
1752 account of which anything of value is given to, promised to, or  
1753 received by any person.

1754 (f) "Enterprise" means any individual, sole  
1755 proprietorship, partnership, corporation, union or other legal  
1756 entity, or any association or group of individuals associated in  
1757 fact regardless of whether a legal entity has been formed pursuant  
1758 to any state, federal or territorial law. It includes illicit as  
1759 well as licit enterprises and governmental as well as other  
1760 entities.

1761 (g) "Financial harm" includes, but is not limited to,  
1762 extortion as defined by Section 97-3-82, Mississippi Code of 1972,  
1763 or violation of the usury law as defined by Title 75, Chapter 17,  
1764 Mississippi Code of 1972.



1765 (h) "Forced labor or services" means labor or services  
1766 that are performed or provided by another person and are obtained  
1767 or maintained through coercion.

1768 (i) "Labor" means work of economic or financial value.

1769 (j) "Maintain" means, in relation to labor or services,  
1770 to secure continued performance thereof, regardless of any initial  
1771 agreement on the part of the trafficked person to perform such  
1772 labor or service.

1773 (k) "Minor" means a person under the age of eighteen  
1774 (18) years.

1775 (l) "Obtain" means, in relation to labor or services,  
1776 to secure performance thereof.

1777 (m) "Pecuniary damages" means any of the following:

1778 (i) The greater of the gross income or value to  
1779 the defendant of the victim's labor or services, including sexual  
1780 services, not reduced by the expense the defendant incurred as a  
1781 result of maintaining the victim, or the value of the victim's  
1782 labor or services calculated under the minimum wage and overtime  
1783 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
1784 seq., whichever is higher;

1785 (ii) If it is not possible or in the best interest  
1786 of the victim to compute a value under subparagraph (i) of this  
1787 paragraph (m), the equivalent of the value of the victim's labor  
1788 or services if the victim had provided labor or services that were





1789 subject to the minimum wage and overtime provisions of the Fair  
1790 Labor Standards Act, 29 USCS 201 et seq.;

1791 (iii) Costs and expenses incurred by the victim as  
1792 a result of the offense for:

- 1793 1. Medical services;
- 1794 2. Therapy or psychological counseling;
- 1795 3. Temporary housing;
- 1796 4. Transportation;
- 1797 5. Childcare;
- 1798 6. Physical and occupational therapy or  
1799 rehabilitation;
- 1800 7. Funeral, interment, and burial services;  
1801 reasonable attorney's fees and other legal costs; and
- 1802 8. Other expenses incurred by the victim.

1803 (n) "Serious harm" means harm, whether physical or  
1804 nonphysical, including psychological, economic or reputational, to  
1805 an individual that would compel a reasonable person in similar  
1806 circumstances as the individual to perform or continue to perform  
1807 labor or services to avoid incurring the harm.

1808 (o) "Services" means an ongoing relationship between a  
1809 person and the actor in which the person performs activities under  
1810 the supervision of or for the benefit of the actor or a third  
1811 party and includes, without limitation, commercial sexual  
1812 activity, sexually explicit performances, or the production of  
1813 sexually explicit materials.



1814 (p) "Sexually explicit performance" means a live or  
1815 public act or show intended to arouse or satisfy the sexual  
1816 desires or appeal to the prurient interests of patrons.

1817 (q) "Trafficked person" means a person subjected to the  
1818 practices prohibited by this act regardless of whether a  
1819 perpetrator is identified, apprehended, prosecuted or convicted,  
1820 and is a term used interchangeably with the terms "victim,"  
1821 "victim of trafficking" and "trafficking victim."

1822 (r) "Venture" means any group of two (2) or more  
1823 individuals associated in fact, whether or not a legal entity.

1824 (s) "Sexually oriented material" shall have the meaning  
1825 ascribed in Section 97-5-27, Mississippi Code of 1972.

1826 **SECTION 26.** Section 99-19-20, Mississippi Code of 1972, is  
1827 brought forward as follows:

1828 99-19-20. (1) Except as otherwise provided under Section  
1829 99-19-20.1, when any court sentences a defendant to pay a fine,  
1830 the court may order (a) that the fine be paid immediately, or (b)  
1831 that the fine be paid in installments to the clerk of the court or  
1832 to the judge, if there be no clerk, or (c) that payment of the  
1833 fine be a condition of probation, or (d) that the defendant be  
1834 required to work on public property for public benefit under the  
1835 direction of the sheriff for a specific number of hours, or (e)  
1836 any combination of the above.

1837 (2) Except as otherwise provided under Section 99-19-20.1,  
1838 the defendant may be imprisoned until the fine is paid if the



1839 defendant is financially able to pay a fine and the court so  
1840 finds, subject to the limitations provided under this section.  
1841 The defendant shall not be imprisoned if the defendant is  
1842 financially unable to pay a fine and so states to the court in  
1843 writing, under oath, after sentence is pronounced, and the court  
1844 so finds, except if the defendant is financially unable to pay a  
1845 fine and such defendant failed or refused to comply with a prior  
1846 sentence as specified in subsection (1) of this section, the  
1847 defendant may be imprisoned.

1848 This subsection shall be limited as follows:

1849 (a) In no event shall such period of imprisonment  
1850 exceed one (1) day for each One Hundred Dollars (\$100.00) of the  
1851 fine.

1852 (b) If a sentence of imprisonment, as well as a fine,  
1853 were imposed, the aggregate of such term for nonpayment of a fine  
1854 and the original sentence of imprisonment shall not exceed the  
1855 maximum authorized term of imprisonment.

1856 (c) It shall be in the discretion of the judge to  
1857 determine the rate of the credit to be earned for work performed  
1858 under subsection (1)(d), but the rate shall be no lower than the  
1859 rate of the highest current federal minimum wage.

1860 (3) Periods of confinement imposed for nonpayment of two (2)  
1861 or more fines shall run consecutively unless specified by the  
1862 court to run concurrently.



1863           **SECTION 27.** (1) **Definitions.** The following words and  
1864 phrases shall have the meanings as defined in this section unless  
1865 the context clearly indicates otherwise:

1866           (a) "Child" means a biological, adopted, or foster  
1867 child, a stepchild, a legal ward, or a child of a person standing  
1868 in loco parentis, who is: (i) under eighteen (18) years of age;  
1869 (ii) or eighteen (18) years of age or older and incapable of  
1870 self-care because of a mental or physical disability.

1871           (b) "Department" means the Mississippi Department of  
1872 Employment Security.

1873           (c) "Director" means the director of the department.

1874           (d) "Employee" means a person who has been employed:  
1875 (i) for at least twelve (12) months by the employer with respect  
1876 to whom leave is requested; and (ii) for at least one thousand two  
1877 hundred fifty (1,250) hours of service with the employer during  
1878 the previous twelve-month period.

1879           "Employee" does not mean a person who is employed at a  
1880 worksite at which the employer employs less than fifty (50)  
1881 employees if the total number of employees employed by that  
1882 employer within seventy-five (75) miles of that worksite is less  
1883 than fifty (50).

1884           (e) "Employer" means: (i) any person, firm,  
1885 corporation, partnership, business trust, legal representative, or  
1886 other business entity which engages in any business, industry,  
1887 profession, or activity in this state and includes any unit of



1888 local government including, but not limited to, a county, city,  
1889 town, municipal corporation, quasi-municipal corporation, or  
1890 political subdivision, which employs fifty (50) or more employees  
1891 for each working day during each of twenty (20) or more calendar  
1892 workweeks in the current or preceding calendar year; (ii) the  
1893 state, state institutions, and state agencies; and (iii) any unit  
1894 of local government including, but not limited to, a county, city,  
1895 town, municipal corporation, quasi-municipal corporation, or  
1896 political subdivision.

1897 (f) "Employment benefits" means all benefits provided  
1898 or made available to employees by an employer, including group  
1899 life insurance, health insurance, disability insurance, sick  
1900 leave, annual leave, educational benefits, and pensions except  
1901 benefits that are provided by a practice or written policy of an  
1902 employer or through an employee benefit plan as defined in 29 USC  
1903 Section 1002(3).

1904 (g) "Family member" means a child, parent, spouse, or  
1905 state registered domestic partner of an employee.

1906 (h) "Health care provider" means: (i) a person  
1907 licensed as a physician or an osteopathic physician and surgeon;  
1908 (ii) a person licensed as an advanced registered nurse  
1909 practitioner; or (iii) any other person determined by the director  
1910 to be capable of providing health care services.

1911 (i) "Intermittent leave" is leave taken in separate  
1912 blocks of time due to a single qualifying reason.



1913                   (j) "Leave for a family member's serious health  
1914 condition" means leave as defined in subsection (3) of this  
1915 section.

1916                   (k) "Leave for the birth or placement of a child" means  
1917 leave as defined in subsection (3) of this section.

1918                   (l) "Leave for the employee's serious health condition"  
1919 means leave as defined in subsection (3) of this section.

1920                   (m) "Parent" means the biological or adoptive parent of  
1921 an employee or an individual who stood in loco parentis to an  
1922 employee when the employee was a child.

1923                   (n) "Period of incapacity" means an inability to work,  
1924 attend school, or perform other regular daily activities because  
1925 of the serious health condition, treatment of that condition or  
1926 recovery from it, or subsequent treatment in connection with such  
1927 inpatient care.

1928                   (o) "Reduced leave schedule" means a leave schedule  
1929 that reduces the usual number of hours per workweek, or hours per  
1930 workday, of an employee.

1931                   (p) (i) "Serious health condition" means an illness,  
1932 injury, impairment, or physical or mental condition that involves:  
1933 1. inpatient care in a hospital, hospice, or residential medical  
1934 care facility, including any period of incapacity; or 2.  
1935 continuing treatment by a health care provider. A serious health  
1936 condition involving continuing treatment by a health care provider  
1937 includes any one or more of the following:



1938                   1. A period of incapacity of more than three  
1939 (3) consecutive calendar days, and any subsequent treatment or  
1940 period of incapacity relating to the same condition, that also  
1941 involves:

1942                   a. Treatment two (2) or more times by a  
1943 health care provider, by a nurse or physician's assistant under  
1944 direct supervision of a health care provider, or by a provider of  
1945 health care services under orders of, or on referral by, a health  
1946 care provider; or

1947                   b. Treatment by a health care provider  
1948 on at least one (1) occasion which results in a regimen of  
1949 continuing treatment under the supervision of the health care  
1950 provider;

1951                   2. Any period of incapacity due to pregnancy,  
1952 or for prenatal care;

1953                   3. Any period of incapacity or treatment for  
1954 such incapacity due to a chronic serious health condition. A  
1955 chronic serious health condition is one which:

1956                   a. Requires periodic visits for  
1957 treatment by a health care provider, or by a nurse or physician's  
1958 assistant under direct supervision of a health care provider;

1959                   b. Continues over an extended period of  
1960 time, including recurring episodes of a single underlying  
1961 condition; and



1962 c. May cause episodic rather than a  
1963 continuing period of incapacity;

1964 4. A period of incapacity which is permanent  
1965 or long-term due to a condition for which treatment may not be  
1966 effective. The employee or family member must be under the  
1967 continuing supervision of, but need not be receiving active  
1968 treatment by, a health care provider; or

1969 5. Any period of absence to receive multiple  
1970 treatments, including any period of recovery from the treatments,  
1971 by a health care provider or by a provider of health care services  
1972 under orders of, or on referral by, a health care provider, either  
1973 for restorative surgery after an accident or other injury, or for  
1974 a condition that would likely result in a period of incapacity of  
1975 more than three (3) consecutive calendar days in the absence of  
1976 medical intervention or treatment, such as cancer, severe  
1977 arthritis, or kidney disease.

1978 (ii) Treatment for purposes of subparagraph (i) of  
1979 this paragraph (p) includes, but is not limited to, examinations  
1980 to determine if a serious health condition exists and evaluations  
1981 of the condition.

1982 Treatment does not include routine physical examinations, eye  
1983 examinations, or dental examinations. Under subparagraph (i)1.b.  
1984 of this paragraph (p), a regimen of continuing treatment includes,  
1985 but is not limited to, a course of prescription medication or  
1986 therapy requiring special equipment to resolve or alleviate the





1987 health condition. A regimen of continuing treatment that includes  
1988 taking over-the-counter medications, such as aspirin,  
1989 antihistamines, or salves, or bed rest, drinking fluids, exercise,  
1990 and other similar activities that can be initiated without a visit  
1991 to a health care provider, is not, by itself, sufficient to  
1992 constitute a regimen of continuing treatment for purposes of this  
1993 act.

1994 (iii) Conditions for which cosmetic treatments are  
1995 administered are not "serious health conditions" unless inpatient  
1996 hospital care is required or unless complications develop. Unless  
1997 complications arise, the common cold, the flu, earaches, upset  
1998 stomach, minor ulcers, headaches other than migraine, routine  
1999 dental or orthodontia problems, and periodontal disease are  
2000 examples of conditions that do not meet the definition of a  
2001 "serious health condition" and do not qualify for leave under this  
2002 act. Restorative dental or plastic surgery after an injury or  
2003 removal of cancerous growths are serious health conditions  
2004 provided all the other conditions of this section are met.

2005 Mental illness resulting from stress or allergies may be  
2006 serious health conditions provided all the other conditions of  
2007 this section are met.

2008 (iv) Substance abuse may be a serious health  
2009 condition if the conditions of this section are met. However,  
2010 leave may only be taken for treatment for substance abuse by a  
2011 health care provider or by a provider of health care services upon



2012 referral by a health care provider. Absence from work because of  
2013 the employee's use of the substance, rather than for treatment,  
2014 does not qualify for leave under this act.

2015 (v) Absences attributable to incapacity under  
2016 subparagraph (i)1. or 3. of this paragraph (p) qualify for leave  
2017 under this act even though the employee or the immediate family  
2018 member does not receive treatment from a health care provider  
2019 during the absence, and even if the absence does not last more  
2020 than three (3) days.

2021 (q) "Spouse" means a husband or wife, as the case may  
2022 be, or state registered domestic partner.

2023 (2) **Administration.** The Mississippi Department of  
2024 Employment Security shall administer the provisions of this act.

2025 (3) **Entitlement to paid leave.** (a) An employee is entitled  
2026 to a total of twelve (12) workweeks of paid leave during any  
2027 twelve-month period for one or more of the following:

2028 (i) Because of the birth of a child of the  
2029 employee and in order to care for the child;

2030 (ii) Because of the placement of a child with the  
2031 employee for adoption or foster care;

2032 (iii) In order to care for a family member of the  
2033 employee, if the family member has a serious health condition; or

2034 (iv) Because of a serious health condition that  
2035 makes the employee unable to perform the functions of the position  
2036 of the employee.



2037 (b) The entitlement to leave for the birth or placement  
2038 of a child expires at the end of the twelve-month period beginning  
2039 on the date of such birth or placement.

2040 (4) **Leave taken intermittently or on reduced leave schedule.**

2041 (a) When paid leave is taken after the birth or  
2042 placement of a child for adoption or foster care, an employee may  
2043 take paid leave intermittently or on a reduced paid leave schedule  
2044 with the employers' agreement. The employers' agreement is not  
2045 required, however, for paid leave during which the employee has a  
2046 serious health condition in connection with the birth of a child  
2047 or if the newborn child has a serious health condition.

2048 (b) Paid leave may be taken intermittently or on a  
2049 reduced leave schedule when medically necessary for medical  
2050 treatment of a serious health condition by or under the  
2051 supervision of a health care provider, or for recovery from  
2052 treatment or recovery from a serious health condition. It may  
2053 also be taken to provide care or psychological comfort to an  
2054 immediate family member with a serious health condition.

2055 (i) Intermittent paid leave may be taken for a  
2056 serious health condition that requires treatment by a health care  
2057 provider periodically, rather than for one (1) continuous period  
2058 of time, and may include leave of periods from an hour or more to  
2059 several weeks.

2060 (ii) Intermittent or reduced schedule paid leave  
2061 may be taken for absences where the employee or family member is



2062 incapacitated or unable to perform the essential functions of the  
2063 position because of a chronic serious health condition even if he  
2064 or she does not receive treatment by a health care provider.

2065 (c) There is no limit on the size of an increment of  
2066 paid leave when an employee takes intermittent paid leave or paid  
2067 leave on a reduced paid leave schedule. However, an employer may  
2068 limit leave increments to the shortest period of time that the  
2069 employer's payroll system uses to account for absences or use of  
2070 leave, provided it is one (1) hour or less.

2071 (d) The taking of paid leave intermittently or on a  
2072 reduced leave schedule under this section may not result in a  
2073 reduction in the total amount of leave to which the employee is  
2074 entitled beyond the amount of leave actually taken.

2075 (e) If an employee requests intermittent paid leave, or  
2076 leave on a reduced leave schedule, for a family member's serious  
2077 health condition or the employees' serious health condition when  
2078 the condition is foreseeable based on planned medical treatment,  
2079 the employer may require such employee to transfer temporarily to  
2080 an available alternative position offered by the employer for  
2081 which the employee is qualified and that:

2082 (i) Has equivalent pay and benefits; and  
2083 (ii) Better accommodates recurring periods of  
2084 leave than the regular employment position of the employee.

2085 (5) **Foreseeable paid leave.** (a) If the necessity for paid  
2086 leave for the birth or placement of a child is foreseeable based



2087 on an expected birth or placement, the employee shall provide the  
2088 employer with not less than thirty (30) days notice, before the  
2089 date the leave is to begin, of the employee's intention to take  
2090 leave for the birth or placement of a child, except that if the  
2091 date of the birth or placement requires leave to begin in less  
2092 than thirty (30) days, the employee shall provide such notice as  
2093 is practicable.

2094 (b) If the necessity for paid leave for a family  
2095 member's serious health condition or the employee's serious health  
2096 condition is foreseeable based on planned medical treatment, the  
2097 employee:

2098 (i) Must make a reasonable effort to schedule the  
2099 treatment so as not to unduly disrupt the operations of the  
2100 employer, subject to the approval of the health care provider of  
2101 the employee or the health care provider of the family member, as  
2102 appropriate; and

2103 (ii) Must provide the employer with not less than  
2104 thirty (30) days notice, before the date the leave is to begin, of  
2105 the employee's intention to take leave for a family member's  
2106 serious health condition or the employee's serious health  
2107 condition, except that if the date of the treatment requires leave  
2108 to begin in less than thirty (30) days, the employee must provide  
2109 such notice as is practicable.

2110 (6) **Spouses employed by same employer.** If spouses entitled  
2111 to leave under this act are employed by the same employer, the



2112 aggregate number of workweeks of paid leave to which both may be  
2113 entitled may be limited to twelve (12) workweeks during any  
2114 twelve-month period, if such leave is taken: (a) for the birth or  
2115 placement of a child; or (b) for a parent's serious health  
2116 condition.

2117         (7) **Certification.** (a) An employer may require that a  
2118 request for paid leave for a family member's serious health  
2119 condition or the employee's serious health condition be supported  
2120 by a certification issued by the health care provider of the  
2121 employee or of the family member, as appropriate. The employee  
2122 must provide, in a timely manner, a copy of the certification to  
2123 the employer.

2124         (b) Certification provided under paragraph (a) of this  
2125 subsection is sufficient if it states:

2126                 (i) The date on which the serious health condition  
2127 commenced;

2128                 (ii) The probable duration of the condition;

2129                 (iii) The appropriate medical facts within the  
2130 knowledge of the health care provider regarding the condition;

2131                 (iv) 1. For purposes of leave for a family  
2132 member's serious health condition, a statement that the employee  
2133 is needed to care for the family member and an estimate of the  
2134 amount of time that such employee is needed to care for the family  
2135 member; and



2136                   2. For purposes of leave for the employee's  
2137 serious health condition, a statement that the employee is unable  
2138 to perform the functions of the position of the employee;

2139                   (v) In the case of certification for intermittent  
2140 leave, or leave on a reduced leave schedule, for planned medical  
2141 treatment, the dates on which the treatment is expected to be  
2142 given and the duration of the treatment;

2143                   (vi) In the case of certification for intermittent  
2144 leave, or leave on a reduced leave schedule, for the employee's  
2145 serious health condition, a statement of the medical necessity for  
2146 the intermittent leave or leave on a reduced leave schedule, and  
2147 the expected duration of the intermittent leave or reduced leave  
2148 schedule; and

2149                   (vii) In the case of certification for  
2150 intermittent leave, or leave on a reduced leave schedule, for a  
2151 family member's serious health condition, a statement that the  
2152 employee's intermittent leave or leave on a reduced leave schedule  
2153 is necessary for the care of the family member who has a serious  
2154 health condition, or will assist in their recovery, and the  
2155 expected duration and schedule of the intermittent leave or  
2156 reduced leave schedule.

2157                   (c) If the employer has reason to doubt the validity of  
2158 the certification provided under paragraph (a) of this subsection  
2159 (7) for leave for a family member's serious health condition or  
2160 the employee's serious health condition, the employer may require,



2161 at the expense of the employer, that the employee obtain the  
2162 opinion of a second health care provider designated or approved by  
2163 the employer concerning any information certified under paragraph  
2164 (b) of this subsection (7) for the leave. The second health care  
2165 provider may not be employed on a regular basis by the employer.

2166 (d) If the second opinion described in paragraph (c) of  
2167 this subsection (7) differs from the opinion in the original  
2168 certification provided under paragraph (a) of this subsection (7),  
2169 the employer may require, at the expense of the employer, that the  
2170 employee obtain the opinion of a third health care provider  
2171 designated or approved jointly by the employer and the employee  
2172 concerning the information certified under paragraph (b) of this  
2173 subsection (7). The opinion of the third health care provider  
2174 concerning the information certified under paragraph (b) of this  
2175 subsection (7) is considered to be final and is binding on the  
2176 employer and the employee.

2177 (e) The employer may require that the employee obtain  
2178 subsequent recertifications on a reasonable basis.

2179 (8) **Employment protection.** (a) Except as provided in  
2180 paragraph (b) of this subsection, any employee who takes paid  
2181 leave for the intended purpose of the leave is entitled, on return  
2182 from the leave:

2183 (i) To be restored by the employer to the position  
2184 of employment held by the employee when the leave commenced; or





2185                   (ii) To be restored to an equivalent position with  
2186 equivalent employment benefits, pay, and other terms and  
2187 conditions of employment at a workplace within twenty (20) miles  
2188 of the employee's workplace when leave commenced.

2189                   (b) The taking of leave may not result in the loss of  
2190 any employment benefits accrued before the date on which the leave  
2191 commenced.

2192                   (c) Nothing in this section entitles any restored  
2193 employee to (i) the accrual of any seniority or employment  
2194 benefits during any period of leave; or (ii) any right, benefit,  
2195 or position of employment other than any right, benefit, or  
2196 position to which the employee would have been entitled had the  
2197 employee not taken the leave.

2198                   (d) As a condition of restoration under paragraph (a)  
2199 of this subsection for an employee who has taken leave for the  
2200 employee's serious health condition, the employer may have a  
2201 uniformly applied practice or policy that requires each such  
2202 employee to receive certification from the health care provider of  
2203 the employee that the employee is able to resume work, except that  
2204 nothing in this paragraph (d) supersedes a valid local law or a  
2205 collective bargaining agreement that governs the return to work of  
2206 such employees.

2207                   (e) Nothing in this subsection prohibits an employer  
2208 from requiring an employee on leave to report periodically to the



2209 employer on the status and intention of the employee to return to  
2210 work.

2211 An employer may deny restoration under this subsection to any  
2212 salaried employee who is among the highest paid ten percent (10%)  
2213 of the employees employed by the employer within seventy-five (75)  
2214 miles of the facility at which the employee is employed if:

2215 (i) Denial is necessary to prevent substantial and  
2216 grievous economic injury to the operations of the employer;

2217 (ii) The employer notifies the employee of the  
2218 intent of the employer to deny restoration on such basis at the  
2219 time the employer determines that the injury would occur; and

2220 (iii) The leave has commenced and the employee  
2221 elects not to return to employment after receiving the notice.

2222 (9) **Employment benefits.** During any period of paid leave  
2223 taken, if the employee is not eligible for any employer  
2224 contribution to medical or dental benefits under an applicable  
2225 collective bargaining agreement or employer policy during any  
2226 period of leave, an employer shall allow the employee to continue,  
2227 at the employee's expense, medical or dental insurance coverage,  
2228 including any spouse and dependent coverage, in accordance with  
2229 state or federal law. The premium to be paid by the employee  
2230 shall not exceed one hundred two percent (102%) of the applicable  
2231 premium for the leave period.

2232 (10) **Prohibited acts.** (a) It is unlawful for any employer  
2233 to:



2234 (i) Interfere with, restrain, or deny the exercise  
2235 of, or the attempt to exercise, any right provided under this act;  
2236 or

2237 (ii) Discharge or in any other manner discriminate  
2238 against any individual for opposing any practice made unlawful by  
2239 this act.

2240 (b) It is unlawful for any person to discharge or in  
2241 any other manner discriminate against any individual because the  
2242 individual has:

2243 (i) Filed any charge, or has instituted or caused  
2244 to be instituted any proceeding, under or related to this act;

2245 (ii) Given, or is about to give, any information  
2246 in connection with any inquiry or proceeding relating to any right  
2247 provided under this act; or

2248 (iii) Testified, or is about to testify, in any  
2249 inquiry or proceeding relating to any right provided under this  
2250 act.

2251 (11) **Complaint investigations by director.** Upon complaint  
2252 by an employee, the director shall investigate to determine if  
2253 there has been compliance with this act and the rules adopted  
2254 under this act. If the investigation indicates that a violation  
2255 may have occurred, a hearing must be held. The director must  
2256 issue a written determination including his or her findings after  
2257 the hearing. A judicial appeal from the director's determination



2258 may be taken, with the prevailing party entitled to recover  
2259 reasonable costs and attorney's fees.

2260 (12) **Civil penalty.** An employer who is found to have  
2261 violated a requirement of this act and the rules adopted under  
2262 this act, is subject to a civil penalty of not less than One  
2263 Thousand Dollars (\$1,000.00) for each violation. Civil penalties  
2264 must be collected by the department and deposited into the family  
2265 and medical leave enforcement account.

2266 (13) **Civil action by employees.** (a) Any employer who  
2267 violates is liable:

2268 (i) For damages equal to:

2269 1. The amount of:

2270 a. Any wages, salary, employment  
2271 benefits, or other compensation denied or lost to such employee by  
2272 reason of the violation; or

2273 b. In a case in which wages, salary,  
2274 employment benefits, or other compensation have not been denied or  
2275 lost to the employee, any actual monetary losses sustained by the  
2276 employee as a direct result of the violation, such as the cost of  
2277 providing care, up to a sum equal to twelve (12) weeks of wages or  
2278 salary for the employee;

2279 2. The interest on the amount described in  
2280 subparagraph (i)1. of this paragraph (a) calculated at the  
2281 prevailing rate; and



2282                               3. An additional amount as liquidated damages  
2283 equal to the sum of the amount described in subparagraph (i)1. of  
2284 this paragraph (a) and the interest described in subparagraph  
2285 (i)2. of this paragraph (a), except that if an employer who has  
2286 violated proves to the satisfaction of the court that the act or  
2287 omission which violated was in good faith and that the employer  
2288 had reasonable grounds for believing that the act or omission was  
2289 not a violation of, the court may, in the discretion of the court,  
2290 reduce the amount of the liability to the amount and interest  
2291 determined under subparagraph (i)1 and 2 of this paragraph (a),  
2292 respectively; and

2293                               (ii) For such equitable relief as may be  
2294 appropriate, including employment, reinstatement, and promotion.

2295                               (b) An action to recover the damages or equitable  
2296 relief prescribed in subsection (1) of this section may be  
2297 maintained against any employer in any court of competent  
2298 jurisdiction by any one or more employees for and on behalf of:

2299                               (i) The employees; or

2300                               (ii) The employees and other employees similarly  
2301 situated.

2302                               (c) The court in such an action shall, in addition to  
2303 any judgment awarded to the plaintiff, allow reasonable attorney's  
2304 fees, reasonable expert witness fees, and other costs of the  
2305 action to be paid by the defendant.



2306           (14) **Notice-Penalties.** Each employer shall post and keep  
2307 posted, in conspicuous places on the premises of the employer  
2308 where notices to employees and applicants for employment are  
2309 customarily posted, a notice, to be prepared or approved by the  
2310 director, setting forth excerpts from, or summaries of, the  
2311 pertinent provisions of this act and information pertaining to the  
2312 filing of a charge. Any employer that willfully violates this  
2313 section may be subject to a civil penalty of not more than One  
2314 Hundred Dollars (\$100.00) for each separate offense. Any  
2315 penalties collected by the department under this subsection shall  
2316 be deposited into the family and medical leave enforcement  
2317 account.

2318           (15) **Effect on other laws.** Nothing in this act shall be  
2319 construed: (a) to modify or affect any state or local law  
2320 prohibiting discrimination on the basis of race, religion, color,  
2321 national origin, sex, age, or disability; or (b) to supersede any  
2322 provision of any local law that provides greater family or medical  
2323 leave rights than the rights established under this act.

2324           (16) **Effect on existing employment benefits.** Nothing in  
2325 this act diminishes the obligation of an employer to comply with  
2326 any collective bargaining agreement or any employment benefit  
2327 program or plan that provides greater family or medical leave  
2328 rights to employees than the rights established under this act.  
2329 The rights established for employees under this act may not be



2330 diminished by any collective bargaining agreement or any  
2331 employment benefit program or plan.

2332 (17) **Encouragement of more generous leave policies.** Nothing  
2333 in this act shall be construed to discourage employers from  
2334 adopting or retaining leave policies more generous than any  
2335 policies that comply with the requirements under this act.

2336 (18) **Relationship to federal Family and Medical Leave Act.**

2337 (a) Leave under this section and leave under the  
2338 federal Family and Medical Leave Act of 1993 (Act Feb. 5, 1993,  
2339 Public Law 103-3, 107 Stat. 6) is in addition to any leave for  
2340 sickness or temporary disability because of pregnancy or  
2341 childbirth;

2342 (b) Leave taken under this act must be taken  
2343 concurrently with any leave taken under the federal Family and  
2344 Medical Leave Act of 1993 (Act Feb. 5, 1993, Public Law 103-3, 107  
2345 Stat. 6).

2346 (19) **Construction.** This must be construed to the extent  
2347 possible in a manner that is consistent with similar provisions,  
2348 if any, of the federal Family and Medical Leave Act of 1993 (Act  
2349 Feb. 5, 1993, Public Law 103-3, 107 Stat. 6), and that gives  
2350 consideration to the rules, precedents, and practices of the  
2351 federal Department of Labor relevant to the federal act.

2352 **SECTION 28. Women in High-Wage, High-Demand, Nontraditional**  
2353 **Jobs Grant Program.** (1) The following words and phrases shall



2354 have the meanings as defined in this section unless the context  
2355 clearly indicates otherwise:

2356 (a) "Commissioner" means the Executive Director of the  
2357 Mississippi Department of Employment Security.

2358 (b) "Eligible organization" includes, but is not  
2359 limited to:

2360 (i) Community-based organizations experienced in  
2361 serving women;

2362 (ii) Employers;

2363 (iii) Business and trade associations;

2364 (iv) Labor unions and employee organizations;

2365 (v) Registered apprenticeship programs;

2366 (vi) Secondary and postsecondary education  
2367 institutions located in Mississippi; and

2368 (vii) Workforce and economic development agencies.

2369 (c) "High-wage, high-demand" means occupations that  
2370 represent at least one-tenth of one percent (0.1%) of total  
2371 employment in the base year, have an annual median salary which is  
2372 higher than the average for the current year, and are projected to  
2373 have more total openings as a share of employment than the  
2374 average.

2375 (d) "Low-income" means income less than two hundred  
2376 percent (200%) of the federal poverty guideline adjusted for a  
2377 family size of four (4).





2378 (e) "Nontraditional occupations" mean those occupations  
2379 in which women make up less than twenty-five percent (25%) of the  
2380 workforce as defined under United States Code, Title 20, Section  
2381 2302.

2382 (2) **Grant program.** The Executive Director of the  
2383 Mississippi Department of Employment Security shall establish the  
2384 Women in High-Wage, High-Demand, Nontraditional Jobs Grant Program  
2385 to increase the number of women in high-wage, high-demand,  
2386 nontraditional occupations. The Executive Director of the  
2387 Mississippi Department of Employment Security shall make grants to  
2388 eligible organizations for programs that encourage and assist  
2389 women to enter high-wage, high-demand, nontraditional occupations,  
2390 including, but not limited to, those in the skilled trades,  
2391 science, technology, engineering and math (STEM) occupations.

2392 (3) **Use of funds.** Grant funds awarded under this section  
2393 may be used for:

2394 (a) Recruitment, preparation, placement, and retention  
2395 of women, including low-income women with child care  
2396 responsibilities, in registered apprenticeships, postsecondary  
2397 education programs, on-the-job training and permanent employment  
2398 in high-wage, high-demand, nontraditional occupations;

2399 (b) Secondary or postsecondary education or other  
2400 training to prepare women to succeed in high-wage, high-demand,  
2401 nontraditional occupations. Activities under this section may be  
2402 conducted by the grantee or in collaboration with another



2403 institution, including, but not limited to, a public or private  
2404 secondary or postsecondary school;

2405 (c) Innovative, hands-on best practices that stimulate  
2406 interest in high-wage, high-demand, nontraditional occupations  
2407 among women, increase awareness among women about opportunities in  
2408 high-wage, high-demand, nontraditional occupations, or increase  
2409 access to secondary programming leading to jobs in high-wage,  
2410 high-demand, nontraditional occupations. Best practices include,  
2411 but are not limited to, mentoring, internships, or apprenticeships  
2412 for women in high-wage, high-demand, nontraditional occupations;

2413 (d) Training and other staff development for job seeker  
2414 counselors and caseworkers on opportunities in high-wage,  
2415 high-demand, nontraditional occupations;

2416 (e) Incentives for employers and sponsors of registered  
2417 apprenticeship programs to retain women in high-wage, high-demand,  
2418 nontraditional occupations for more than one (1) year;

2419 (f) Training and technical assistance for employers to  
2420 create a safe and healthy workplace environment designed to retain  
2421 and advance women, including best practices for addressing sexual  
2422 harassment, and to overcome gender inequity among employers and  
2423 registered apprenticeship programs;

2424 (g) Public education and outreach activities to  
2425 overcome stereotypes about women in high-wage, high-demand,  
2426 nontraditional occupations, including the development of  
2427 educational and marketing materials; and



2428           (h) Support for women in high-wage, high-demand,  
2429 nontraditional occupations including, but not limited to,  
2430 assistance with workplace issues resolution and access to advocacy  
2431 assistance and services.

2432           (4) Grant applications must include detailed information  
2433 about how the applicant plans to:

2434           (a) Increase women's participation in high-wage,  
2435 high-demand occupations in which women are currently  
2436 underrepresented in the workforce;

2437           (b) Comply with the requirements under subsection (3)  
2438 of this section; and

2439           (c) Use grant funds in conjunction with funding from  
2440 other public or private sources.

2441           (5) In awarding grants under this section, the executive  
2442 director shall give priority to eligible organizations:

2443           (a) With demonstrated success in recruiting and  
2444 preparing women, especially low-income women with child care  
2445 responsibilities, for high-wage, high-demand, nontraditional  
2446 occupations; and

2447           (b) That leverage additional public and private  
2448 resources.

2449           (6) At least fifty percent (50%) of total grant funds must  
2450 be awarded to programs providing services and activities targeted  
2451 to low-income women.



2452 (7) The executive director shall monitor the use of funds  
2453 under this section, collect and compile information on the  
2454 activities of other state agencies and public or private entities  
2455 that have purposes similar to those under this section, and  
2456 identify other public and private funding available for these  
2457 purposes.

2458 **SECTION 29.** (1) There is established the Mississippi Higher  
2459 Education Grant Program for Single Mothers. This program is for  
2460 college or university freshmen, sophomores, juniors and seniors  
2461 and will be administered by the Mississippi Postsecondary  
2462 Education Financial Assistance Board established under Section  
2463 37-106-9. The board shall set the dates and deadlines for  
2464 applying for an award under this section and shall establish the  
2465 rules and regulations as it deems necessary and proper to carry  
2466 out the purposes and intent of this section.

2467 (2) The board shall approve grants to full-time and  
2468 part-time freshmen, sophomore, junior and senior Mississippi  
2469 residents who meet the general requirements for student  
2470 eligibility as provided in subsection (4) of this section.

2471 (3) Grants under the program shall be for single mothers who  
2472 are Mississippi resident students from any Mississippi family  
2473 whose prior year adjusted gross income (AGI) is at or below one  
2474 hundred and fifty percent (150%) of the Federal Poverty  
2475 Guidelines. The award shall be applied to tuition, rooms and  
2476 meals, books, materials, fees and child care expenses and shall be



2477 at least One Thousand Five Hundred Dollars (\$1,500.00) for  
2478 students attending any board-approved institution of higher  
2479 learning or community or junior college. The award will be  
2480 prorated per term, semester or quarter of the academic year for  
2481 costs of attendance, calculated according to the formula specified  
2482 in subsection (8) of this section.

2483 (4) The general requirements for initial eligibility for the  
2484 Mississippi Higher Education Grant Program for Single Mothers  
2485 shall consist of the following:

2486 (a) An unmarried mother to at least one (1) minor  
2487 child.

2488 (b) Member of a Mississippi family whose prior year  
2489 adjusted gross income (AGI) is at or below one hundred and fifty  
2490 percent (150%) of the Federal Poverty Guidelines.

2491 (c) Acceptance for enrollment at any state institution  
2492 of higher learning or public community or junior college located  
2493 in Mississippi, or any regionally accredited, state-approved,  
2494 nonprofit two-year or four-year college or university located in  
2495 Mississippi and approved by the board.

2496 (d) Completion of a secondary education as follows:

2497 (i) Graduation from high school verified by the  
2498 institution before disbursement of award with a minimum grade  
2499 point average of 2.0 calculated on a 4.0 scale after seven (7)  
2500 semesters as certified by the high school counselor or other  
2501 authorized school official on the application; or



2502                   (ii) Attendance at a home education program during  
2503 grade levels 9 through 12; or

2504                   (iii) Satisfactory completion of the High School  
2505 Equivalency Diploma; or

2506                   (iv) Successful completion of the International  
2507 Baccalaureate Program.

2508                   (e) A minimum score of fifteen (15) on the ACT test  
2509 except that any student entering a vocational or technical program  
2510 of study, or who has satisfactorily completed the High School  
2511 Equivalency Diploma Test and attends a community or junior college  
2512 will not be required to have a test score under the ACT unless a  
2513 student enrolls in courses of academic study.

2514                   (f) Any student currently enrolled in any qualified  
2515 institution shall have to only meet the same requirements as  
2516 students who are applying for a renewal award.

2517                   (5) By accepting a Mississippi Higher Education Grant for  
2518 Single Mothers, the student is attesting to the accuracy,  
2519 completeness and correctness of information provided to  
2520 demonstrate the student's eligibility. Falsification of such  
2521 information shall result in the denial of any pending grant and  
2522 revocation of any award currently held to the extent that no  
2523 further payments shall be made. Any student knowingly making  
2524 false statements in order to receive a grant shall be guilty of a  
2525 misdemeanor punishable, upon conviction thereof, by a fine of up  
2526 to Ten Thousand Dollars (\$10,000.00), a prison sentence of up to



2527 one (1) year in the county jail, or both, and shall be required to  
2528 return all grants wrongfully obtained.

2529 (6) Eligibility for renewal of Mississippi Higher Education  
2530 Grants for Single Mothers shall be evaluated at the end of each  
2531 semester, or term, of each academic year. As a condition for  
2532 renewal, a student shall:

2533 (a) Make steady academic progress toward a certificate  
2534 or degree, as outlined in the school Satisfactory Academic  
2535 Progress Standards and certified by the institution's registrar.

2536 (b) Maintain continuous enrollment for not less than  
2537 two (2) semesters or three (3) quarters in each successive  
2538 academic year, unless granted an exception for cause by the  
2539 administering board; examples of cause may include student  
2540 participation in a cooperative program, internship program or  
2541 foreign study program. If a student fails to maintain continuous  
2542 enrollment, and is not granted an exception for cause by the  
2543 administering board, the student is ineligible to receive the  
2544 grant during the following semester or trimester or term of the  
2545 regular academic year.

2546 (c) Have a cumulative grade point average of at least  
2547 2.0 calculated on a 4.0 scale at the end of each semester or  
2548 trimester or term.

2549 (7) Each student, each year, must complete a Free  
2550 Application for Federal Student Aid form or a Statement of



2551 Certification as designed by the administering board to determine  
2552 her eligibility for a grant.

2553           (8) (a) The amount of the Mississippi Higher Education  
2554 Grant for Single Mothers awarded to any one (1) student, up to the  
2555 maximum amount provided in subsection (3) of this section, shall  
2556 be the difference of the student's cost of attendance at her  
2557 accredited college of choice and the amount of federal aid such  
2558 student may receive, not to supplant but to supplement the amount  
2559 of any federal aid awarded to the student. Cost of attendance is  
2560 the tuition and fees of the applicable institution plus an  
2561 allowance for room, meals, books, materials and child care  
2562 expenses.

2563           (b) Payment of the grant shall be made payable to the  
2564 recipient and the educational institution and mailed directly to  
2565 the institution, to be applied first to tuition.

2566           (9) In order for an institution to remain eligible for its  
2567 students to participate in the Mississippi Higher Education Grant  
2568 Program for Single Mothers, the institution shall comply with any  
2569 other requirements set forth by the board.

2570           (10) No student may receive a Mississippi Higher Education  
2571 Grant for Single Mothers for more than the equivalent semesters or  
2572 quarters required to complete one (1) baccalaureate degree or one  
2573 (1) certificate or associate degree program per institution.





2574 (11) In no case shall any student receive any combination of  
2575 student financial aid that would exceed the cost of attendance, as  
2576 defined in subsection (8) (a) of this section.

2577 **SECTION 30.** Each federal fiscal year, any Temporary  
2578 Assistance for Needy Families (TANF) state Maintenance of Effort  
2579 (MOE) funds spent on or allocated to state-funded scholarship  
2580 programs administered by the Mississippi Institutes of Higher  
2581 Learning and/or the Mississippi Community College Board shall be  
2582 spent solely on or allocated solely for the Mississippi Higher  
2583 Education Grant Program for Single Mothers. This funding  
2584 requirement shall not preclude any additional state funds to be  
2585 spent on or allocated to the Mississippi Higher Education Grant  
2586 Program for Single Mothers.

2587 **SECTION 31.** Sections 31 through 33 shall be known and may be  
2588 cited as the "Evelyn Gandy Fair Pay Act."

2589 **SECTION 32.** The Mississippi Legislature finds that the  
2590 existence of wage differentials based on sex in industries engaged  
2591 in commerce or in the production of goods for commerce:

2592 (a) Depresses the wages and living standards for  
2593 employees that are necessary for their health and efficiency,  
2594 thereby increasing the poverty rate in Mississippi;

2595 (b) Prevents the maximum utilization of the available  
2596 labor resources, thereby depressing the growth of the state GDP;

2597 (c) Tends to cause labor disputes, thereby burdening,  
2598 affecting and obstructing commerce;



2599 (d) Burdens commerce and the free flow of goods in  
2600 commerce; and

2601 (e) Constitutes an unfair method of competition.

2602 **SECTION 33.** (1) No employer shall discriminate in any way  
2603 against any employee on the basis of sex by paying a salary or  
2604 wage to any employee at a rate less than the rate paid to its  
2605 employees of the opposite sex for equal work on jobs that require  
2606 equal skill, effort and responsibility to perform, and which are  
2607 performed under similar working conditions, except where such  
2608 payment is made pursuant to:

2609 (a) A seniority system; however, time spent on leave  
2610 due to a pregnancy-related condition and parental, family and  
2611 medical leave, shall not reduce the seniority-level of an  
2612 employee;

2613 (b) A merit system;

2614 (c) A system which measures earnings by quantity or  
2615 quality of production; or

2616 (d) A differential based on any bona fide factor other  
2617 than sex if the factor:

2618 (i) Is not based on or derived from a differential  
2619 in wage based on sex;

2620 (ii) Is job-related with respect to the position  
2621 and necessary for the business; and

2622 (iii) Accounts for the entire differential.



2623 An employer who is paying a wage rate differential in  
2624 violation of this subsection shall not, in order to comply with  
2625 the provisions of this subsection, reduce the wage rate of any  
2626 employee.

2627 (2) (a) No labor organization, or its agents, representing  
2628 employees of an employer whose employees are subject to the  
2629 provisions of this section, shall cause or attempt to cause the  
2630 employer to discriminate against an employee in violation of  
2631 subsection (1) of this section.

2632 (b) As used in this subsection (2), the term "labor  
2633 organization" means any organization of any kind, or any agency or  
2634 employee representation committee or plan, in which employees  
2635 participate and which exists for the purpose, in whole or in part,  
2636 of dealing with employers concerning grievances, labor disputes,  
2637 wages, rates of pay, hours of employment or conditions of work.

2638 (3) For purposes of administration and enforcement, any  
2639 amounts owed to an employee that have been withheld in violation  
2640 of this section shall be deemed to be unpaid minimum wages or  
2641 unpaid overtime compensation.

2642 (4) (a) An employer that has been charged with unlawful sex  
2643 discrimination under this section shall be entitled to a  
2644 rebuttable presumption that the employer has not engaged in  
2645 unlawful sex discrimination in violation of this section if:

2646 (i) The charge is made by an employee who holds a  
2647 job predominantly occupied by members of one (1) sex, which means



2648 that at least seventy-five percent (75%) of the occupants of the  
2649 job are of the same sex, and the employee alleges he or she is  
2650 being paid less than an employee who does a different job;

2651 (ii) The employer has, within two (2) years of the  
2652 commencement of the action, completed a self-evaluation that meets  
2653 the standards set forth in paragraph (d) of this subsection; and

2654 (iii) The employer makes an affirmative showing  
2655 that it has made reasonable and substantial progress towards  
2656 eliminating wage differentials, including implementing any  
2657 required remediation plan, between jobs of equivalent value,  
2658 including the job of the employee making the charge, in accordance  
2659 with the self-evaluation required in subparagraph (ii) of this  
2660 paragraph.

2661 (b) In such cases, the court must give the aggrieved  
2662 party an opportunity to rebut this presumption through evidence  
2663 that reasonably demonstrates that, notwithstanding the employer's  
2664 self-evaluation, the employer has violated this section. In  
2665 rebutting this presumption, the aggrieved party may provide all  
2666 relevant information including, but not limited to, evidence that:

2667 (i) The employer's job analysis devalues  
2668 attributes associated with jobs occupied predominantly by members  
2669 of one (1) sex and/or over-values attributes associated with jobs  
2670 occupied predominantly by members of the opposite sex;

2671 (ii) The job the aggrieved party occupies was not  
2672 adequately evaluated; or



2673 (iii) A job evaluation process has been completed  
2674 and, if necessary, a remediation process is in progress or has  
2675 been completed, but the self-evaluation has not been reviewed and  
2676 updated at reasonable intervals to adjust for changes in the work  
2677 environment over time.

2678 (c) An employer wishing to be availed of this  
2679 presumption must produce documentation that describes the  
2680 self-evaluation process in detail sufficient to show that the  
2681 employer has met the standards under paragraph (d).

2682 (d) In order to be eligible for the presumption of  
2683 compliance, the self-evaluation must:

2684 (i) Clearly define the employer's establishment;

2685 (ii) Analyze the employee population to identify  
2686 differentials in wages, including raises, bonuses, incentive  
2687 payments and other forms of remuneration, based on sex;

2688 (iii) Establish a job evaluation plan to determine  
2689 the value of jobs within the establishment. The plan must:

2690 1. Be free of any bias based on a person's  
2691 sex;

2692 2. Allow for the comparison of all jobs; and

2693 3. Fully and accurately measure the skill,  
2694 effort, responsibility and working conditions of each job based on  
2695 the actual work performance requirements of the jobs evaluated;

2696 (iv) Apply the job evaluation plan to all jobs;



2697 (v) Create a salary structure or have an  
2698 identifying salary group system where jobs of equal value are  
2699 placed in the same level or grouping;

2700 (vi) Determine for each salary grouping, or for  
2701 each total job evaluation score, the pay differential between jobs  
2702 that are predominantly occupied by one (1) sex and other jobs,  
2703 including those predominantly occupied by the opposite sex, in  
2704 order to identify any wage rate discrimination; and

2705 (vii) Remedy any pay differential identified in  
2706 subsection (vi); however, such remediation may not reduce the pay  
2707 of any employee or class of employees.

2708 The presumption of compliance may be strengthened where,  
2709 through the self-evaluation, including any needed remediation, the  
2710 employer maintains communication with and keeps employees apprised  
2711 of the process. The method and procedure for that communication  
2712 may vary according to the size and organizational structure of the  
2713 establishment, but any method or procedure chosen should be  
2714 adequate to reach all employees at the establishment.

2715 (5) It shall be an unlawful employment practice for an  
2716 employer to:

2717 (a) Require, as a condition of employment, that an  
2718 employee refrain from inquiring about, discussing or disclosing  
2719 his or her wages or the wages of another employee;



2720 (b) Require an employee to sign a waiver or other  
2721 document which purports to deny an employee the right to disclose  
2722 or discuss his or her wages;

2723 (c) Discharge, formally discipline, or otherwise  
2724 discriminate against an employee for inquiring about, discussing,  
2725 or disclosing his or her wages or the wages of another employee;  
2726 however, nothing in this subsection (5) creates an obligation for  
2727 an employer or employee to disclose wages;

2728 (d) Retaliate or in any other manner discriminate  
2729 against an employee or applicant for employment because that  
2730 individual has opposed a practice made unlawful by this act or  
2731 because that individual has made a charge, filed a complaint, or  
2732 instituted or caused to be instituted any investigation,  
2733 proceeding, hearing, or action under or related to this act,  
2734 including an investigation conducted by the employer, or has  
2735 testified or is planning to testify, or has assisted, or  
2736 participated in any manner in any such investigation, proceeding,  
2737 or hearing under this act.

2738 (6) (a) A civil action asserting a violation of this  
2739 section may be maintained against any employer in any court of  
2740 competent jurisdiction by any one (1) or more employees for or on  
2741 behalf of the employee, a group of employees, and other employees  
2742 similarly situated. Any such action shall commence no later than  
2743 two (2) years after the discriminatory practice declared unlawful  
2744 by this section has occurred. A discriminatory practice occurs



2745 when a discriminatory compensation decision or other practice is  
2746 adopted, when an employee is subjected to a discriminatory  
2747 compensation decision or other practice, or when an employee is  
2748 affected by the application of a discriminatory compensation  
2749 decision or other practice, including each time wages, benefits,  
2750 or other compensation is paid based on the discriminatory  
2751 compensation decision or other practice.

2752 (b) If an employer is found in violation of this  
2753 section, the employee may recover in a civil action the amount of  
2754 their unpaid wages; liquidated damages; compensatory damages;  
2755 punitive damages as may be appropriate, where the employee  
2756 demonstrates that the employer acted with malice or reckless  
2757 indifference; other equitable relief as may be appropriate; and  
2758 the costs of the action and reasonable attorney's fees.

2759 **SECTION 34. Definitions.** (1) As used in this section, the  
2760 following words and terms have the following meanings:

2761 (a) "Department" means the Mississippi Department of  
2762 Employment Security.

2763 (b) "Domestic partner" means a party to a civil union.

2764 (c) "Domestic violence" means certain crimes when  
2765 committed by one (1) family or household member against another.

2766 (d) "Employee" means any person suffered or permitted  
2767 to work by an employer, except that independent contractors or  
2768 subcontractors shall not be considered employees.





2769 (e) "Employer" means any individual, partnership,  
2770 association, corporation, business trust, or any person or group  
2771 of persons acting directly or indirectly in the interest of an  
2772 employer, in relation to an employee, but does not include the  
2773 United States government.

2774 (f) "Family member" means:

2775 (i) Regardless of age, a biological, adopted or  
2776 foster child, stepchild or legal ward, a child of a domestic  
2777 partner, a child to whom the employee stands in loco parentis, or  
2778 an individual to whom the employee stood in loco parentis when the  
2779 individual was a minor;

2780 (ii) A biological, foster, stepparent or adoptive  
2781 parent or legal guardian of an employee's spouse or domestic  
2782 partner or a person who stood in loco parentis when the employee  
2783 or employee's spouse or domestic partner was a minor child;

2784 (iii) A person to whom the employee is legally  
2785 married under the laws of any state, or a domestic partner of an  
2786 employee;

2787 (iv) A grandparent, grandchild or sibling (whether  
2788 of a biological, foster, adoptive or step relationship) of the  
2789 employee or the employee's spouse or domestic partner; or

2790 (v) Any other individual related by blood or  
2791 affinity whose close association with the employee is the  
2792 equivalent of a family relationship.



2793 (g) "Health care professional" means any person  
2794 licensed under federal or Mississippi law to provide medical or  
2795 emergency services, including, but not limited to, doctors,  
2796 nurses, and emergency room personnel.

2797 (h) "Paid sick leave time" or "paid sick and safe leave  
2798 time" means time that is compensated at the same hourly rate and  
2799 with the same benefits, including health care benefits, as the  
2800 employee normally earns during hours worked and is provided by an  
2801 employer to an employee.

2802 (i) "Retaliatory personnel action" means denial of any  
2803 right guaranteed under this chapter and any threat, discharge,  
2804 suspension, demotion, reduction of hours, reporting or threatening  
2805 to report an employee's suspected citizenship or immigration  
2806 status, or the suspected citizenship or immigration status of a  
2807 family member of the employee to a federal, state or local agency,  
2808 or any other adverse action against an employee for the exercise  
2809 of any right guaranteed herein including any sanctions against an  
2810 employee who is the recipient of public benefits for rights  
2811 guaranteed under this chapter. Retaliatory personnel action shall  
2812 also include interference with or punishment for in any manner  
2813 participating in or assisting an investigation, proceeding, or  
2814 hearing under this section.

2815 (j) "Sexual assault" means a crime as defined in  
2816 Mississippi law.



2817           (k) "Stalking" means harassing another person or  
2818 willfully, maliciously and repeatedly following another person  
2819 with the intent to place that person in reasonable fear of bodily  
2820 injury.

2821           (2) All employees in Mississippi shall accrue a minimum of  
2822 one (1) hour of paid sick and safe leave time for every thirty  
2823 (30) hours worked up to a maximum of fifty-six (56) hours per  
2824 year, unless the employer chooses to provide a higher annual  
2825 limit.

2826           (3) Employees who are exempt from the overtime requirements  
2827 under 29 USC Section 213(a)(1) of the Federal Fair Labor Standards  
2828 Act, 29 USC Section 201 et seq., will be assumed to work forty  
2829 (40) hours in each work week for purposes of paid sick and safe  
2830 leave time accrual unless their normal work week is less than  
2831 forty (40) hours, in which case paid sick and safe leave time  
2832 accrues based upon that normal work week.

2833           (4) Paid sick and safe leave time as provided in this  
2834 chapter shall begin to accrue at the commencement of employment or  
2835 pursuant to the law's effective date, whichever is later. An  
2836 employer may provide all paid sick and safe leave time that an  
2837 employee is expected to accrue in a year at the beginning of the  
2838 year.

2839           (5) Employees shall be entitled to use accrued paid sick and  
2840 safe leave time beginning on the ninetieth calendar day following  
2841 commencement of their employment, unless otherwise permitted by



2842 the employer. On and after the ninetieth calendar day of  
2843 employment, employees may use paid sick and safe leave time as it  
2844 is accrued.

2845 (6) Paid sick and safe leave time shall be carried over to  
2846 the following calendar year; however, an employee's use of paid  
2847 sick and safe leave time provided under this chapter in each  
2848 calendar year shall not exceed fifty-six (56) hours.  
2849 Alternatively, in lieu of carryover of unused earned paid sick and  
2850 safe leave time from one (1) year to the next, an employer may pay  
2851 an employee for unused earned paid sick and safe leave time at the  
2852 end of a year and provide the employee with an amount of paid sick  
2853 and safe leave that meets or exceeds the requirements of this  
2854 chapter that is available for the employee's immediate use at the  
2855 beginning of the subsequent year.

2856 (7) Any employer with a paid leave time off policy who makes  
2857 available an amount of paid leave time off sufficient to meet the  
2858 accrual requirements of this section that may be used for the same  
2859 purposes and under the same conditions, including with regards to  
2860 employee notice and documentation, as paid sick and safe leave  
2861 time under this chapter is not required to provide additional paid  
2862 sick and safe leave time.

2863 (8) Nothing in this chapter shall be construed as requiring  
2864 financial or other reimbursement to an employee from an employer  
2865 upon the employee's termination, resignation, retirement, or other



2866 separation from employment for accrued paid sick and safe leave  
2867 time that has not been used.

2868 (9) If an employee is transferred to a separate division,  
2869 entity or location, but remains employed by the same employer, the  
2870 employee is entitled to all paid sick and safe leave time accrued  
2871 at the prior division, entity or location and is entitled to use  
2872 all paid sick and safe leave time as provided in this chapter.  
2873 When there is a separation from employment and the employee is  
2874 rehired within one (1) year of separation by the same employer,  
2875 previously accrued paid sick and safe leave time that had not been  
2876 used shall be reinstated. Further, the employee shall be entitled  
2877 to use accrued paid sick and safe leave time and accrue additional  
2878 sick and safe leave time at the re-commencement of employment.

2879 (10) When a different employer succeeds or takes the place  
2880 of an existing employer, all employees of the original employer  
2881 who remain employed by the successor employer are entitled to all  
2882 earned paid sick and safe leave time they accrued when employed by  
2883 the original employer, and are entitled to use earned paid sick  
2884 and safe leave time previously accrued.

2885 (11) At its discretion, an employer may loan sick and safe  
2886 leave time to an employee in advance of accrual by such employee.

2887 (12) Paid sick and safe leave time shall be provided to an  
2888 employee by an employer for:

2889 (a) An employee's mental or physical illness, injury or  
2890 health condition; an employee's need for medical diagnosis, care,



2891 or treatment of a mental or physical illness, injury or health  
2892 condition; an employee's need for preventive medical care;

2893 (b) Care of a family member with a mental or physical  
2894 illness, injury or health condition; care of a family member who  
2895 needs medical diagnosis, care, or treatment of a mental or  
2896 physical illness, injury or health condition; care of a family  
2897 member who needs preventive medical care;

2898 (c) Closure of the employee's place of business by  
2899 order of a public official due to a public health emergency or an  
2900 employee's need to care for a child whose school or place of care  
2901 has been closed by order of a public official due to a public  
2902 health emergency, or care for oneself or a family member when it  
2903 has been determined by the health authorities having jurisdiction  
2904 or by a health care provider that the employee's or family  
2905 member's presence in the community may jeopardize the health of  
2906 others because of their exposure to a communicable disease,  
2907 whether or not the employee or family member has actually  
2908 contracted the communicable disease; or

2909 (d) Time off needed when the employee or a member of  
2910 the employee's family is a victim of domestic violence, sexual  
2911 assault or stalking.

2912 (13) Paid sick and safe leave time shall be provided upon  
2913 the request of an employee. Such request may be made orally, in  
2914 writing, by electronic means or by any other means acceptable to



2915 the employer. When possible, the request shall include the  
2916 expected duration of the absence.

2917 (14) When the use of paid sick and safe leave time is  
2918 foreseeable, the employee shall make a good faith effort to  
2919 provide notice of the need for such time to the employer in  
2920 advance of the use of the sick and safe leave time and shall make  
2921 a reasonable effort to schedule the use of sick and safe leave  
2922 time in a manner that does not unduly disrupt the operations of  
2923 the employer.

2924 (15) An employer that requires notice of the need to use  
2925 earned paid sick and safe leave time where the need is not  
2926 foreseeable shall provide a written policy that contains  
2927 procedures for the employee to provide notice. An employer that  
2928 has not provided to the employee a copy of its written policy for  
2929 providing such notice shall not deny earned paid sick and safe  
2930 leave time to the employee based on noncompliance with such a  
2931 policy.

2932 (16) Paid sick and safe leave time may be used in the lesser  
2933 of hourly increments or the smallest increment that the employer's  
2934 payroll system uses to account for absences or use of other time.

2935 (17) For paid sick and safe leave time of more than three  
2936 (3) consecutive work days, an employer may require reasonable  
2937 documentation that the paid sick and safe leave time has been used  
2938 for a purpose covered by paragraphs (a) and (b) of this subsection  
2939 if the employer has notified the employee in writing of this



2940 requirement in advance of the employee's use of paid sick and safe  
2941 time. An employer may not require that the documentation explain  
2942 the nature of the illness or the details of the domestic violence,  
2943 sexual assault, or stalking.

2944 (a) Documentation signed by a health care professional  
2945 indicating that paid sick leave time is necessary shall be  
2946 considered reasonable documentation under paragraph (a) of this  
2947 subsection.

2948 (b) One of the following, of the employee's choosing,  
2949 shall be considered reasonable documentation of an absence under  
2950 paragraph (b) of this subsection (17) of this section:

2951 (i) An employee's written statement that the  
2952 employee or the employee's family member is a victim of domestic  
2953 violence, sexual assault or stalking;

2954 (ii) A police report indicating that the employee  
2955 or employee's family member was a victim of domestic violence,  
2956 sexual assault or stalking;

2957 (iii) A court document indicating that the  
2958 employee or employee's family member is involved in legal action  
2959 related to domestic violence, sexual assault or stalking; or

2960 (iv) A signed statement from a victim and witness  
2961 advocate affirming that the employee or employee's family member  
2962 is receiving services from a victim services organization or is  
2963 involved in legal action related to domestic violence, sexual  
2964 assault or stalking.





2965 (18) An employer's requirements for verification may not  
2966 result in an unreasonable burden or expense on the employee and  
2967 may not exceed privacy or verification requirements otherwise  
2968 established by law.

2969 (19) An employer may not require, as a condition of an  
2970 employee's taking paid sick and safe leave time, that the employee  
2971 search for or find a replacement worker to cover the hours during  
2972 which the employee is using paid sick and safe leave time.

2973 (20) It shall be unlawful for an employer or any other  
2974 person to interfere with, restrain, or deny the exercise, or the  
2975 attempt to exercise, any right protected under this section.

2976 (21) An employer shall not take retaliatory personnel action  
2977 or discriminate against an employee or former employee because the  
2978 person has exercised rights protected under this chapter. Such  
2979 rights include, but are not limited to, the right to request or  
2980 use paid sick and safe leave pursuant to this chapter; the right  
2981 to file a complaint with the department or the courts or inform  
2982 any person about any employer's alleged violation of this chapter;  
2983 the right to participate in an investigation, hearing or  
2984 proceeding or cooperate with or assist the department in its  
2985 investigations of alleged violations of this chapter; and the  
2986 right to inform any person of their potential rights under this  
2987 chapter.

2988 (22) It shall be unlawful for an employer's absence control  
2989 policy to count paid sick and safe leave time taken under this



2990 chapter as an absence that may lead to or result in discipline,  
2991 discharge, demotion, suspension, or any other adverse action.

2992 (23) Protections of this section shall apply to any person  
2993 who mistakenly but in good faith alleges violations of this  
2994 chapter.

2995 (24) There shall be a rebuttable presumption of unlawful  
2996 retaliatory personnel action under this section whenever an  
2997 employer takes action against a person within ninety (90) days of  
2998 when that person:

2999 (a) Files a complaint with the department or a court  
3000 alleging a violation of any provision of this chapter;

3001 (b) Informs any person about an employer's alleged  
3002 violation of this chapter;

3003 (c) Cooperates with the department or other persons in  
3004 the investigation or prosecution of any alleged violation of this  
3005 chapter;

3006 (d) Opposes any policy, practice or act that is  
3007 unlawful under this chapter; or

3008 (e) Informs any person of their rights under this  
3009 chapter.

3010 (25) (a) Employers shall give employees written notice of  
3011 the following at the commencement of employment or by the  
3012 effective date of this chapter, whichever is later, which shall  
3013 include the following information:



3014 (i) Employees are entitled to paid sick and safe  
3015 leave time;

3016 (ii) The amount of paid sick and safe leave time;

3017 (iii) The terms of paid sick and safe leave time  
3018 use guaranteed under this chapter;

3019 (iv) That retaliatory personnel actions against  
3020 employees who request or use paid sick and safe leave time is  
3021 prohibited;

3022 (v) That each employee has the right to file a  
3023 complaint or bring a civil action if paid sick and safe leave  
3024 time, as required by this section, is denied by the employer or  
3025 the employee is subjected to retaliatory personnel action for  
3026 requesting or taking paid sick and safe leave time; and

3027 (vi) Contact information for the department where  
3028 questions about rights and responsibilities under this chapter can  
3029 be answered.

3030 (b) Employers shall comply with this subsection by  
3031 supplying each of their employees with a notice in English and in  
3032 any language that is the first language spoken by at least five  
3033 percent (5%) of the employer's workforce that contains the  
3034 information required in paragraph (a) of this subsection, provided  
3035 that the notice has been translated into such language by the  
3036 department.

3037 (c) The amount of paid sick and safe leave time  
3038 available to the employee, the amount of paid sick and safe leave



3039 time taken by the employee to date in the year and the amount of  
3040 pay the employee has received as paid sick and safe leave time  
3041 shall be recorded in, or on an attachment to, the employee's  
3042 regular paycheck or be made available at the employee's request.

3043 (d) Employers shall display a poster in a conspicuous  
3044 and accessible place in each establishment where such employees  
3045 are employed. The poster displayed shall be in English and in any  
3046 language that is the first language spoken by at least five  
3047 percent (5%) of the employer's workforce that contains the  
3048 information required in paragraph (a) of this subsection, provided  
3049 that the poster has been translated into such language by the  
3050 department.

3051 (e) The department shall create and make available to  
3052 employers, in all languages deemed appropriate by the department,  
3053 posters that contain the information required under paragraph (a)  
3054 of this subsection.

3055 (f) An employer who willfully violates the notice and  
3056 posting requirements of this subsection shall be subject to a  
3057 civil fine in an amount not to exceed One Hundred Dollars  
3058 (\$100.00) for each separate violation.

3059 (26) An employer may not require disclosure of details  
3060 relating to domestic violence, sexual assault, sexual contact or  
3061 stalking or the details of an employee's or an employee's family  
3062 member's health information as a condition of providing paid sick  
3063 and safe leave time under this section. If an employer possesses



3064 health information or information pertaining to domestic violence,  
3065 sexual assault, sexual contact or stalking about an employee or  
3066 employee's family member, such information shall be treated as  
3067 confidential and not disclosed except to the affected employee or  
3068 with the permission of the affected employee.

3069 (27) The minimum requirements pertaining to paid sick and  
3070 safe leave time in this section shall not be construed to preempt,  
3071 limit or otherwise affect the applicability of any other law,  
3072 regulation, requirement, policy or standard that provides for  
3073 greater accrual or use by employees of sick and safe leave time,  
3074 whether paid or unpaid, or that extends other protections to  
3075 employees.

3076 (28) Nothing in this section shall be construed to supersede  
3077 or preempt any provision of any local law that provides greater  
3078 rights to paid sick and safe leave time than the rights  
3079 established under this section.

3080 (29) Nothing in this section shall be construed in a manner  
3081 to discourage or prohibit an employer from the adoption of a paid  
3082 sick and safe leave time policy that provides greater rights or  
3083 benefits than the one required in this section.

3084 (30) Nothing in this section shall be construed as  
3085 diminishing the obligation of an employer to comply with any  
3086 contract, collective bargaining agreement, employment benefit plan  
3087 or other agreement that provides greater sick and safe leave time  
3088 to an employee than required in this chapter.



3089 (31) Nothing in this chapter shall be construed as  
3090 diminishing the rights of public employees regarding paid sick and  
3091 safe leave or use of sick and safe leave time as provided in the  
3092 general laws.

3093 (32) Employers shall retain records documenting hours worked  
3094 by employees and paid sick and safe leave time taken by employees,  
3095 for a period of three (3) years, and shall allow the department  
3096 access to such records, with appropriate notice and at a mutually  
3097 agreeable time, to monitor compliance with the requirements of  
3098 this section. When an issue arises as to an employee's  
3099 entitlement to paid sick and safe leave time under this section,  
3100 if the employer does not maintain or retain adequate records  
3101 documenting hours worked by the employee and paid sick and safe  
3102 leave time taken by the employee, or does not allow the department  
3103 reasonable access to such records, it shall be presumed that the  
3104 employer has violated the section, absent clear and convincing  
3105 evidence otherwise.

3106 **SECTION 35.** This act shall take effect and be in force from  
3107 and after July 1, 2021.

