

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2572

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,
2 TO ALLOW PROXY PARTICIPATION IN MEETINGS OF THE STATE WORKFORCE
3 INVESTMENT BOARD IN ORDER TO MEET A QUORUM; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 37-153-7, Mississippi Code of 1972, is
7 amended as follows:

8 37-153-7. (1) There is created the Mississippi Office of
9 Workforce Development and the Mississippi State Workforce
10 Investment Board, which shall serve as the advisory board for the
11 office. The Mississippi State Workforce Investment Board shall be
12 composed of thirty-one (31) voting members, of which a majority
13 shall be representatives of business and industry in accordance
14 with the federal Workforce Innovation and Opportunity Act, or any
15 successive acts.

16 (2) The members of the State Workforce Investment Board
17 shall include:

18 (a) The Governor, or his designee;



19 (b) Nineteen (19) members, appointed by the Governor,
20 of whom:

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

23 1. Are owners of businesses, chief executives
24 or operating officers of businesses, or other business executives
25 or employers with optimum policymaking or hiring authority, and
26 who, in addition, may be members of a local board described in
27 Section 3122(b) (2) (A) (i) of the federal Workforce Innovation and
28 Opportunity Act. At least two (2) of the members appointed under
29 this item 1. shall be small business owners, chief executives or
30 operating officers of businesses with less than fifty (50)
31 employees;

32 2. Represent businesses, including small
33 businesses, or organizations representing businesses, which
34 provide employment opportunities that, at a minimum, include
35 high-quality, work-relevant training and development in
36 high-demand industry sectors or occupations in the state; and

37 3. Are appointed from among individuals
38 nominated by state business organizations and business trade
39 associations;

40 (ii) Not less than twenty percent (20%) shall
41 consist of representatives of the workforce within the state,
42 which:



43 1. Includes labor organization
44 representatives who have been nominated by state labor
45 federations;

46 2. Includes a labor organization member or
47 training director from an apprenticeship program in the state,
48 which shall be a joint labor-management apprenticeship program if
49 such a program exists in the state;

50 3. May include representatives of
51 community-based organizations, including organizations serving
52 veterans or providing or supporting competitive, integrated
53 employment for individuals with disabilities, who have
54 demonstrated experience and expertise in addressing employment,
55 training or education needs of individuals with barriers to
56 employment; and

57 4. May include representatives of
58 organizations, including organizations serving out-of-school
59 youth, who have demonstrated experience or expertise in addressing
60 the employment, training or education needs of eligible youth;

61 (iii) The balance shall include government
62 representatives, including the lead state officials with primary
63 responsibility for core programs, and chief elected officials
64 (collectively representing both cities and counties, where
65 appropriate);

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



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

71 (e) The following state officials or their designees:

72 (i) The Executive Director of the Mississippi
73 Department of Employment Security;

74 (ii) The Executive Director of the Department of
75 Rehabilitation Services;

76 (iii) The State Superintendent of Public
77 Education;

78 (iv) The Executive Director of the Mississippi
79 Development Authority;

80 (v) The Executive Director of the Mississippi
81 Community College Board;

82 (vi) The President of the Community College
83 Association; and

84 (vii) The Commissioner of the Institutions of
85 Higher Learning.

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

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



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

94 (i) The membership of the board shall reflect the
95 diversity of the State of Mississippi.

96 (j) The Governor shall designate the Chairman of the
97 Mississippi State Workforce Investment Board from among the
98 business and industry voting members of the board, and a quorum of
99 the board shall consist of a majority of the voting members of the
100 board.

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

106 (3) Members of the state board may be recalled by their
107 appointing authority for cause, including a felony conviction,
108 fraudulent or dishonest acts or gross abuse of discretion, failure
109 to meet board member qualifications, or chronic failure to attend
110 board meetings.

111 (4) The Mississippi Department of Employment Security shall
112 establish limits on administrative costs for each portion of
113 Mississippi's workforce development system consistent with the
114 federal Workforce Investment Act or any future federal workforce
115 legislation.



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

121 (a) Through the office, develop and submit to the
122 Governor, Lieutenant Governor and Speaker of the House a strategic
123 plan for an integrated state workforce development system that
124 aligns resources and structures the system to more effectively and
125 efficiently meet the demands of Mississippi's employers and job
126 seekers. This plan will comply with the federal Workforce
127 Investment Act of 1998, as amended, the federal Workforce
128 Innovation and Opportunity Act of 2014 and amendments and
129 successor legislation to these acts;

130 (b) Assist the Governor, Lieutenant Governor and
131 Speaker of the House in the development and continuous improvement
132 of the statewide workforce investment system that shall include:

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

135 (ii) Review local workforce development plans that
136 reflect the use of funds from the federal Workforce Investment
137 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser
138 Act and the amendment or successor legislation to the acts, and
139 the Mississippi Comprehensive Workforce Training and Education
140 Consolidation Act;



(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



215 (6) The Mississippi State Workforce Investment Board shall
216 coordinate all training programs and funds within its purview,
217 consistent with the federal Workforce Investment Act, Workforce
218 Innovation and Opportunity Act, amendments and successor
219 legislation to these acts, and other relevant federal law.

220 Each state agency director responsible for workforce training
221 activities shall advise the Mississippi Office of Workforce
222 Development and the State Workforce Investment Board of
223 appropriate federal and state requirements. Each state agency,
224 department and institution shall report any monies received for
225 workforce training activities or career and technical education
226 and a detailed itemization of how those monies were spent to the
227 state board. The board shall compile the data and provide a
228 report of the monies and expenditures to the Chairs of the House
229 and Senate Appropriations Committee, the Chair of the House
230 Workforce Development Committee and the Chair of the Senate
231 Economic and Workforce Development Committee by October 1 of each
232 year. Each such state agency director shall remain responsible
233 for the actions of his agency; however, each state agency and
234 director shall work cooperatively to fulfill the state's goals.

235 (7) The State Workforce Investment Board shall establish an
236 executive committee, which shall consist of the following State
237 Workforce Investment Board members:

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



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

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

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

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

(8) The executive committee shall select an executive director of the Office of Workforce Development, with the advice and consent of a majority of the State Workforce Investment Board. The executive committee shall seek input from economic development organizations across the state when selecting the executive director. The executive director shall:

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



264 (b) Perform the functions necessary for the daily
265 operation and administration of the office, with oversight from
266 the executive committee and the State Workforce Investment Board,
267 to fulfill the duties of the state board as described in Chapter
268 476, Laws of 2020;

269 (c) Hire staff needed for the performance of his or her
270 duties under Chapter 476, Laws of 2020. The executive director,
271 with approval from the executive committee, shall set the
272 compensation of any hired employees from any funds made available
273 for that purpose;

274 (d) Enter any part of the Mississippi Community College
275 Board, individual community and junior colleges, or other
276 workforce training facilities operated by the state or its
277 subdivisions;

278 (e) Serve at the will and pleasure of the executive
279 committee;

280 (f) Promulgate rules and regulations, subject to
281 oversight by the executive committee, not inconsistent with this
282 article, as may be necessary to enforce the provisions in Chapter
283 476, Laws of 2020; and

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

287 (9) The Office of Workforce Development and Mississippi
288 Community College Board shall collaborate in the administration



and oversight of the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, as described in Section 71-5-353. The executive director shall maintain complete and exclusive operational control of the office's functions.

(10) The office shall file an annual and a quarterly report with the Governor, Secretary of State, President of the Senate, Speaker of the House, Chairman of the House Workforce Development Committee and Chairman of the Senate Economic and Workforce Development Committee. The annual report shall be filed not later than October 1 of each year regarding all funds approved by the office to be expended on workforce training during the prior calendar year. The quarterly and annual reports shall include:

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

(b) With respect to specific workforce training projects:

- (i) The location of the training;
- (ii) The amount allocated to the project;
- (iii) The purpose of the project;
- (iv) The specific business entity that is the beneficiary of the project;



314 (v) The number of employees intended to be trained
315 and actually trained, if applicable, in the course of the project;
316 and

317 (vi) The types of funds used for the project;

318 (c) With respect to the grants that have been awarded
319 under the Mississippi K-12 Workforce Development Grant Program
320 created in Section 37-153-221:

321 (i) The entity that was awarded the grant;

322 (ii) The amount allocated to the grant;

323 (iii) The purpose of the grant; * * *

324 (iv) How the grant has been used since it was
325 awarded; and

326 (d) With respect to the office's authority to select
327 tools and resources, including necessary online platforms and
328 similar systems in furtherance of the mission of the office:

329 (i) The policies that the office has adopted or
330 amended on the process for the selection of tools and resources,
331 including necessary online platforms and similar systems in
332 furtherance of the mission of the office;

333 (ii) The eligible entities that the office
334 determined may provide services, such as companies, nonprofit
335 organizations, or other similar groups;

336 (iii) Any tools and resources, including necessary
337 online platforms and similar systems in furtherance of the mission
338 of the office, that have been selected by the office; and



(iv) What entity received the benefit of the tools and resources that were selected.

(e) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Except as provided in subsections (13) and (14), such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.

(11) In addition to other powers and duties provided in this section, the Office of Workforce Development shall also have the following powers and duties:

(a) Direct access to accounting and banking statements for all funds under its direction to ensure accurate and efficient management of funds and to improve internal control;

(b) The ability to enter into nondisclosure agreements to effectively support economic development activities and the proprietary nature of customized training for existing and new industry;

(c) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the Mississippi K-12 Workforce Development Grant Program created in Section 37-153-221;



(d) To receive contributions, donations, gifts, bequests of money, other forms of financial assistance and property, equipment, materials or manpower from persons, foundations, trust funds, corporations, organizations and other sources, public or private, made to the office, and may expend or use the same in accordance with the conditions prescribed by the donor, provided that no such condition is contrary to any provision of law;

(e) To contract with state agencies, governing authorities or economic and workforce development entities for shared programmatic efforts and support service or joint employment of personnel in order to further the office's purposes;

(f) To determine, subject to appropriation, the need for and, if desired, the selection of tools and resources, including necessary online platforms and similar systems in furtherance of the mission of the office, through processes established in policies adopted by the office that are deemed to be practical, feasible and in the public interest. These processes shall outline eligible entities that may provide such services, such as companies, nonprofit organizations, or other similar groups and shall ensure the office determines metrics for success, including deliverables as required by the office;

(g) To implement the career coaching program provided for in Section 37-73-3;



387 (h) To provide career coaches with access to technology
388 to develop customized career pathways and connect students with
389 post-secondary and employment opportunities matching their skills
390 and interests; and

391 (i) To implement and oversee programs providing support
392 to community and junior colleges for training needs that may arise
393 when new businesses locate in Mississippi, to include providing
394 support to existing industries that may lose employees as a result
395 of the new business.

396 Through December 31, 2024, the provisions of Section 27-104-7
397 related to rental agreements or leasing of real property for the
398 purpose of conducting agency business shall not apply to the
399 office.

400 (12) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.
401 2564] shall void or otherwise interrupt any contract, lease, grant
402 or other agreement previously entered into by the State Workforce
403 Investment Board, Mississippi Community College Board, individual
404 community or junior colleges, or other entities.

405 (13) Any records of the office which contain client
406 information from the Mississippi Development Authority or local
407 economic development entities concerning development projects
408 shall be exempt from the provisions of the Mississippi Public
409 Records Act of 1983 for a period of two (2) years after receipt of
410 the information by the office. Confidential client information as
411 described in this section shall not include the information which



412 must be disclosed by the certified applicant related to a
413 qualified economic development project in the annual report
414 described in Section 57-1-759.

415 (14) Confidential client information in public records held
416 by the office shall be exempt from the provisions of the
417 Mississippi Public Records Act of 1983 during any period of review
418 and negotiation on a project proposal facilitated by the
419 Mississippi Development Authority or local economic development
420 entities and for a period of thirty (30) days after approval,
421 disapproval or abandonment of the proposal not to exceed one (1)
422 year.

423 **SECTION 2.** This act shall take effect and be in force from
424 and after July 1, 2024.

