

By: Senator(s) Harden

To: Labor; Appropriations

SENATE BILL NO. 2184

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET
 2 FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES WITHIN
 3 THE DEPARTMENT; TO PROVIDE FOR THE APPOINTMENT OF THE COMMISSIONER
 4 OF LABOR BY THE GOVERNOR; TO AMEND SECTION 71-5-101, MISSISSIPPI
 5 CODE OF 1972, TO PROVIDE THAT THE DUTIES, POWERS AND FUNDS OF THE
 6 MISSISSIPPI EMPLOYMENT SECURITY COMMISSION SHALL BE TRANSFERRED TO
 7 THE OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF
 8 LABOR; TO REPEAL SECTIONS 71-5-103, 71-5-105 AND 71-5-107,
 9 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR MEETINGS AND
 10 COMPENSATION OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO
 11 EMPOWER THE DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE
 12 CERTAIN FEDERAL AND STATE-FUNDED JOB TRAINING AND
 13 EMPLOYMENT-RELATED EDUCATION PROGRAMS; TO AMEND SECTIONS 7-1-351,
 14 7-1-355, 7-1-357, 7-1-361, 7-1-363 AND 7-1-365, MISSISSIPPI CODE
 15 OF 1972, IN CONFORMITY THERETO; TO PRESCRIBE THE RESPONSIBILITIES
 16 OF THE OFFICE OF INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING,
 17 THE OFFICE OF EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE
 18 OFFICE OF DISABLED EMPLOYEE ASSISTANCE WITHIN THE DEPARTMENT; TO
 19 AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL
 20 SALARY OF THE COMMISSIONER OF LABOR; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** The following terms shall have the meanings
 23 ascribed herein, unless the context shall otherwise require:

- 24 (a) "Commissioner" means the Commissioner of Labor.
- 25 (b) "Department" means the Mississippi Department of
 26 Labor.
- 27 (c) "Director" means the administrative head of an
 28 office.
- 29 (d) "Office" means an administrative subdivision of the
 30 department.

31 **SECTION 2.** (1) There is created the Mississippi Department
 32 of Labor for the following purposes:

- 33 (a) To coordinate employer-employee services and
 34 relations;
- 35 (b) To establish and oversee an effective and efficient
 36 workforce development system in Mississippi to enable residents to



37 acquire skills necessary to maximize their economic
38 self-sufficiency; and

39 (c) To provide Mississippi employers with the work
40 force they need to effectively compete in the changing world
41 economy.

42 (2) The department shall be composed of the following
43 offices:

44 (a) The Office of Employment Security;

45 (b) The Office of Job Development and Training;

46 (c) The Office of Industry Service and Industry
47 Start-up Training;

48 (d) The Office of Employee Relations and Job
49 Discrimination; and

50 (e) The Office of Disabled Employee Assistance.

51 **SECTION 3.** The Department of Labor shall provide the
52 labor-management services authorized by law and by the rules,
53 regulations and policies of the department to every individual
54 determined to be eligible therefor, and in carrying out the
55 purposes of this act, the department is authorized:

56 (a) To expend funds received either by appropriation or
57 directly from federal or private sources;

58 (b) To cooperate with other departments, agencies and
59 institutions, both public and private, in providing the services
60 authorized by this act to individuals, in studying the problems
61 involved therein, and in establishing, developing and providing in
62 conformity with the purposes of this act such programs, facilities
63 and services as may be necessary or desirable;

64 (c) To enter into reciprocal agreements with other
65 states to provide for the services authorized by this act to
66 residents of the states concerned;

67 (d) To conduct research and compile statistics relating
68 to the provision of services to or the need of services by
69 individuals;



70 (e) To enter into contractual arrangements with the
71 federal government and with other authorized public agencies or
72 persons for performance of services related to labor-management;

73 (f) To take such action as may be necessary to enable
74 the department to apply for, accept and receive for the state and
75 its residents the full benefits available under any federal
76 legislation or program having as its purpose the providing of,
77 improvement of or extension of labor-management services.

78 **SECTION 4.** (1) The chief officer of the department shall be
79 denominated the Commissioner of Labor who shall be appointed by
80 the Governor. His term of office shall be for four (4) years as
81 that of other state officials. The commissioner shall receive a
82 compensation to be fixed by law. The commissioner shall be
83 responsible for the proper administration of the programs of
84 labor-management relations provided under this act and shall be
85 responsible for appointing directors of offices and any necessary
86 supervisors, assistants and employees. The salary and
87 compensation of such employees shall be subject to the rules and
88 regulations adopted and promulgated by the State Personnel Board
89 as created under Section 25-9-101 et seq.

90 (2) In carrying out his duties under this act, the
91 Commissioner of Labor:

92 (a) Shall promulgate regulations governing personnel
93 standards, the protection of records and confidential information,
94 the manner and form of filing applications, eligibility and
95 investigation and determination therefor, for labor-management
96 services, procedures for fair hearings and such other regulations
97 as he finds necessary to carry out the purposes of this act and in
98 conformity with federal law;

99 (b) Shall establish appropriate subordinate
100 administrative units within the department;

101 (c) Shall prepare and submit to the Legislature annual
102 reports of activities and expenditures and, before each regular



103 session of the Legislature, coordinate budget requests required
104 for carrying out this act and estimates of the amounts to be made
105 available for this purpose from all sources;

106 (d) Shall be empowered to exercise executive and
107 administrative supervision over all institutions, offices,
108 programs and services now existing or hereafter acquired or
109 created under the jurisdiction of the department;

110 (e) Shall make certification for disbursement, in
111 accordance with regulations, of funds available for implementing
112 the purposes of this act;

113 (f) Shall take such other action as he deems necessary
114 or appropriate to effectuate the purposes of this act;

115 (g) May delegate to any officer or employee of the
116 department such of his powers and duties as he finds necessary to
117 effectuate the purposes of this act.

118 **SECTION 5.** Section 71-5-101, Mississippi Code of 1972, is
119 amended as follows:

120 71-5-101. From and after the effective date of this act, the
121 duties and powers of the Mississippi Employment Security
122 Commission and all equipment, supplies, records and any funds
123 appropriated by the Legislature to the Mississippi Employment
124 Security Commission shall be transferred to the Office of
125 Employment Security in the Mississippi Department of Labor created
126 in Senate Bill No. 2184, 2003 Regular Session. From and after the
127 effective date of this act, the Mississippi Employment Security
128 Commission shall be abolished. Any reference in this chapter to
129 "Mississippi Employment Security Commission" or "commission" means
130 the Office of Employment Security within the Mississippi
131 Department of Labor created in this act.

132 **SECTION 6.** Sections 71-5-103, 71-5-105 and 71-5-107,
133 Mississippi Code of 1972, which provide for meetings and
134 compensation of the Mississippi Employment Security Commission,
135 are repealed.



136 **SECTION 7.** The Office of Job Development and Training of the
137 Mississippi Department of Labor shall administer and coordinate as
138 necessary the following federally and state-funded employment,
139 training and employment-related education programs: (a) training
140 and employment-related education programs sponsored by the federal
141 Job Training Partnership Act; (b) employment programs under the
142 Wagner-Peyser Act; (c) employment, training and education programs
143 for welfare recipients funded by the federal JOBS and Basic Skills
144 Training Program within the Family Support Act; and (d) the
145 Comprehensive Employment and Training Act of 1973.

146 **SECTION 8.** Section 7-1-351, Mississippi Code of 1972, is
147 amended as follows:

148 7-1-351. The Office of Job Development and Training of the
149 Department of Labor shall be the Division of Job Development and
150 Training and shall retain all powers and duties granted by law to
151 the Division of Job Development and Training and wherever the term
152 "Division of Job Development and Training" shall appear in any law
153 it shall mean the Department of Labor. The Commissioner of Labor
154 may assign to appropriate divisions powers and duties as deemed
155 appropriate to carry out the lawful functions of the department.

156 **SECTION 9.** Section 7-1-355, Mississippi Code of 1972, is
157 amended as follows:

158 7-1-355. The Office of Job Development and Training,
159 Department of Labor is hereby designated as the sole administrator
160 of all programs for which the state is the prime sponsor under
161 Title 1(B) of Public Law 105-220, Workforce Investment Act of
162 1998, and the regulations promulgated thereunder, and is hereby
163 authorized to take all necessary action to secure to this state
164 the benefits of such legislation. The Office of Job Development
165 and Training is empowered to receive and disburse funds for such
166 programs which become available to it from any source.

167 **SECTION 10.** Section 7-1-357, Mississippi Code of 1972, is
168 amended as follows:



169 7-1-357. The Office of Job Development and Training,
170 Department of Labor, is hereby authorized to cooperate with or
171 enter into agreements with any agency, official, educational
172 institution or political subdivision of this state, any agency or
173 official of the government of the United States of America or any
174 private person, firm, partnership or corporation in order to carry
175 out the provisions of Sections 7-1-351 through 7-1-371.

176 **SECTION 11.** Section 7-1-361, Mississippi Code of 1972, is
177 amended as follows:

178 7-1-361. The Office of Job Development and Training,
179 Department of Labor, is authorized to promulgate such rules and
180 regulations as may be necessary to carry out the provisions of
181 Sections 7-1-351 through 7-1-371.

182 **SECTION 12.** Section 7-1-363, Mississippi Code of 1972, is
183 amended as follows:

184 7-1-363. To the maximum extent practicable, the Department
185 of Labor shall contract with the Division of Vocational-Technical
186 Education of the State Department of Education all programs
187 embracing an institutional training component. Such programs
188 shall be contracted to the Division of Vocational-Technical
189 Education of the State Department of Education, except those
190 programs funded by the Governor's special grant, shall be
191 coordinated with and complementary to the existing state public
192 educational systems and shall not be duplicative or competitive in
193 nature to such systems.

194 **SECTION 13.** Section 7-1-365, Mississippi Code of 1972, is
195 amended as follows:

196 7-1-365. The State Department of Education,
197 Vocational-Technical Division, the board of trustees of any junior
198 college district, the board of trustees of any school district,
199 the Mississippi Employment Security Commission, and the Office of
200 Job Development and Training, Department of Labor, shall cooperate



201 in carrying out the provisions of Sections 7-1-351 through
202 7-1-371.

203 **SECTION 14.** The Office of Industry Service and Industry
204 Start-up Training in the Mississippi Department of Labor shall
205 contract with the State Board of Community/Junior Colleges, and
206 the Division of Vocational-Technical Education of the State
207 Department of Education to provide (a) all programs embracing an
208 existing industry or a new industrial training component, and (b)
209 all employment-related community/junior college or
210 employment-related secondary education programs.

211 **SECTION 15.** The Office of Employee Relations and Job
212 Discrimination in the Mississippi Department of Labor shall do all
213 in its power to promote the voluntary arbitration, mediation and
214 conciliation of disputes between employers and employees and to
215 avoid strikes, picketing, lockouts, boycotts, black list,
216 discriminations and legal proceedings in matters of employment.
217 In pursuance of this duty, the office may appoint temporary boards
218 of arbitration, provide necessary expenses of such boards, order
219 reasonable compensation for each member engaged in such
220 arbitration, prescribe rules for such arbitration boards, conduct
221 investigations and hearings, publish reports and advertisements,
222 and may do all things convenient and necessary to accomplish the
223 purpose. The office may designate a mediator and may detail
224 employees or persons not in the office from time to time for the
225 purpose of executing such provisions. Nothing in this section
226 shall be construed to in anywise prohibit or limit employees'
227 right to bargain collectively.

228 **SECTION 16.** The Office of Disabled Employee Assistance of
229 the Mississippi Department of Labor shall function as an
230 information clearinghouse and referral service for employees and
231 employers regarding any aspect of the federal Americans With
232 Disabilities Act, which prohibits discrimination in all terms and
233 conditions of employment regarding private and public employers.



234 **SECTION 17.** Section 25-3-33, Mississippi Code of 1972, is
235 amended as follows:

236 25-3-33. The annual salaries of the following appointive
237 state and district officials and employees are fixed as follows:

238 Deputy Attorney General, not to exceed..... \$72,800.00

239 Assistant Attorneys General shall each

240 receive annual salaries in an amount

241 to be fixed by the Attorney General

242 but not to exceed..... 68,400.00

243 Military Department--National Guard:

244 Adjutant General..... 80,000.00

245 Department of Banking and Consumer Finance:

246 Commissioner..... 85,000.00

247 Chairman of the State Tax Commission

248 (Commissioner of Revenue)..... 91,000.00

249 Associate Commissioners, each..... 42,000.00

250 Director of Emergency Management Agency..... 65,000.00

251 Department of Public Safety:

252 Commissioner of Public Safety..... 80,000.00

253 Director, Office of Mississippi

254 Highway Safety Patrol, or his

255 successor..... 70,000.00

256 Director, Office of Support Services,

257 or his successor..... 70,000.00

258 Department of Human Services:

259 Director, not to exceed..... 85,000.00

260 Workers' Compensation Commission:

261 Chairman..... 80,000.00

262 Members, each..... 78,000.00

263 Executive Director..... 75,000.00

264 Administrative Judge, each..... 75,000.00

265 Archives and History:

266 Director, not to exceed..... 70,000.00



267	State Forester.....	70,000.00
268	State Oil and Gas Board:	
269	Secretary-Supervisor.....	70,000.00
270	Educational Television Authority:	
271	Executive Director.....	70,000.00
272	Director, Mississippi Library Commission,	
273	not to exceed.....	70,000.00
274	Executive Secretary, Public Service	
275	Commission.....	65,000.00
276	Parole Board:	
277	Chairman.....	50,000.00
278	Administrative Assistant for Parole	
279	Matters.....	42,000.00
280	Members, each.....	44,000.00
281	Governor's State Bond Advisory Division:	
282	Director.....	55,000.00
283	<u>Commissioner of Labor</u>	<u>75,000.00</u>
284	* * *	
285	Executive Director, Department of Mental	
286	Health, to be determined by the State	
287	Board of Mental Health, not to exceed.....	85,000.00
288	Director, Division of Medicaid, not to	
289	exceed.....	85,000.00
290	Director, State Department of	
291	Transportation, not to exceed.....	85,000.00
292	State Entomologist.....	65,000.00
293	Clerk of the Supreme Court.....	60,000.00
294	State Aid Engineer, Division of State Aid	
295	Road Construction.....	70,000.00
296	Executive Director, Judicial Performance	
297	Commission.....	65,000.00
298	Executive Director, Department of Finance	
299	and Administration.....	85,000.00



300	Superintendent, Mississippi School for the	
301	Blind, to be determined by the State	
302	Board of Education, not to exceed.....	65,000.00
303	Superintendent, Mississippi School for the	
304	Deaf, to be determined by the State	
305	Board of Education, not to exceed.....	65,000.00
306	Executive Director, State Fair Commission.....	65,000.00
307	Executive Director, Department of Wildlife,	
308	Fisheries and Parks.....	80,000.00
309	Executive Director, Department of	
310	Environmental Quality.....	85,000.00
311	Executive Director, Pat Harrison Waterway	
312	District.....	65,000.00
313	Executive Director, Pearl River Basin	
314	Development District.....	61,000.00
315	Executive Director, Pearl River Valley	
316	Water Supply District.....	71,000.00
317	Executive Director, Tombigbee River Valley	
318	Water Management District.....	61,000.00
319	Director, Soil and Water Conservation	
320	Commission.....	60,000.00
321	Commissioner, Mississippi Department of	
322	Corrections.....	85,000.00
323	Executive Director, Mississippi Department	
324	of Information Technology Services.....	85,000.00
325	Director, Mississippi Bureau of Narcotics.....	60,000.00
326	Executive Secretary, State Veterans Affairs	
327	Board.....	55,000.00
328	Executive Officer, Veterans' Home Purchase	
329	Board.....	65,000.00
330	Chief Administrative Officer, Motor Vehicle	
331	Commission.....	55,000.00



332	Stadium Manager, Mississippi Veterans	
333	Memorial Stadium.....	55,000.00
334	Executive Director, Mississippi Arts	
335	Commission.....	55,000.00
336	Director, Mississippi Board of Nursing.....	60,000.00
337	Director, State Board of Pharmacy.....	60,000.00
338	Director, State Board of Public Contractors.....	50,000.00
339	Director, Real Estate Commission.....	55,000.00
340	Director of Support Services, Department of	
341	Rehabilitation Services.....	80,000.00
342	Executive Director, State Fire Academy.....	55,000.00
343	Executive Director, Law Enforcement	
344	Officers Training Academy.....	50,000.00
345	Executive Director, State Board of	
346	Accountancy.....	60,000.00
347	Executive Director, Mississippi Gaming	
348	Commission.....	90,000.00
349	Executive Director, Mississippi Department	
350	of Marine Resources.....	70,000.00
351	Executive Director, State Board of	
352	Registration for Professional	
353	Engineers and Land Surveyors.....	55,000.00
354	Executive Director, Public Utilities Staff.....	85,000.00
355	State Law Librarian.....	60,000.00
356	State Personnel Director.....	75,000.00
357	Manager, Farmers Central Market, Department	
358	of Agriculture and Commerce.....	40,000.00
359	State Veterinarian.....	70,000.00
360	Executive Director, Mississippi Ethics	
361	Commission.....	70,000.00

362 **SECTION 18.** This act shall take effect and be in force from
363 and after July 1, 2003.

