

By: Senator(s) Harden

To: Labor; Appropriations

SENATE BILL NO. 2219

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 DEPARTMENT OF EMPLOYMENT SECURITY, OFFICE OF THE
 7 GOVERNOR, SHALL BE TRANSFERRED TO THE OFFICE OF EMPLOYMENT
 8 SECURITY IN THE MISSISSIPPI DEPARTMENT OF LABOR; TO EMPOWER THE
 9 DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL
 10 AND STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION
 11 PROGRAMS; TO AMEND SECTIONS 7-1-351, 7-1-355, 7-1-357, 7-1-361,
 12 7-1-363 AND 7-1-365, MISSISSIPPI CODE OF 1972, IN CONFORMITY
 13 THERETO; TO PRESCRIBE THE RESPONSIBILITIES OF THE OFFICE OF
 14 INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING, THE OFFICE OF
 15 EMPLOYEE RELATIONS AND JOB DISCRIMINATION, AND THE OFFICE OF
 16 DISABLED EMPLOYEE ASSISTANCE WITHIN THE DEPARTMENT; TO REPEAL
 17 SECTION 71-5-107, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
 18 APPOINTMENT OF A DIRECTOR FOR THE MISSISSIPPI DEPARTMENT OF
 19 EMPLOYMENT SECURITY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

43 (a) The Office of Employment Security;

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

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

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

49 (e) The Office of Disabled Employee Assistance.

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

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

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

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

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

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

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; and

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 Department of Employment
122 Security, Office of the Governor, and all equipment, supplies,
123 records and any funds appropriated by the Legislature to the
124 Mississippi Employment Security Commission, and its successor, the
125 Mississippi Department of Employment Security, Office of the
126 Governor, shall be transferred to the Office of Employment
127 Security in the Mississippi Department of Labor created in Senate
128 Bill No. 2219, 2005 Regular Session. From and after the effective
129 date of this act, the Mississippi Department of Employment
130 Security, Office of the Governor, shall be abolished. Any
131 reference in this chapter to "Mississippi Employment Security
132 Commission" or "commission" or "Mississippi Department of
133 Employment Security, Office of the Governor," means the Office of

134 Employment Security within the Mississippi Department of Labor
135 created in this act.

136 **SECTION 6.** 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 7.** 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 8.** Section 7-1-355, Mississippi Code of 1972, is
157 amended as follows:

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

167 (2) The Office of Job Development and Training of the
168 Department of Labor shall establish guidelines on the amount
169 and/or percentage of indirect and/or administrative expenses by
170 the local fiscal agent or the Workforce Development Center
171 operator. The Office of Job Development and Training of the
172 Department of Labor shall develop an accountability system and
173 make an annual report to the Legislature before December 31 of
174 each year on Workforce Investment Act activities. The report
175 shall include, but is not limited to, the following:

176 (a) The total number of individuals served through the
177 Workforce Development Centers and the percentage and number of
178 individuals for which a quarterly follow up is provided;

179 (b) The number of individuals who receive core services
180 by center;

181 (c) The number of individuals who receive intensive
182 services by each center;

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

185 (i) A list of schools and colleges to which these
186 vouchers were issued and the average cost per school of the
187 vouchers; and

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

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

192 (f) The monies and the amount retained for
193 administrative and other costs received from Workforce Investment
194 Act funds for each agency or organization that Workforce
195 Investment Act funds flow through as a percentage and actual
196 dollar amount of all Workforce Investment Act funds received.

197 **SECTION 9.** Section 7-1-357, Mississippi Code of 1972, is
198 amended as follows:

199 7-1-357. The Office of Job Development and Training,
200 Department of Labor, is hereby authorized to cooperate with or
201 enter into agreements with any agency, official, educational
202 institution or political subdivision of this state, any agency or
203 official of the government of the United States of America, or any
204 private person, firm, partnership or corporation in order to carry
205 out the provisions of Sections 7-1-351 through 7-1-371.

206 **SECTION 10.** Section 7-1-361, Mississippi Code of 1972, is
207 amended as follows:

208 7-1-361. The Office of Job Development and Training,
209 Department of Labor, is authorized to promulgate such rules and
210 regulations as may be necessary to carry out the provisions of
211 Sections 7-1-351 through 7-1-371.

212 **SECTION 11.** Section 7-1-363, Mississippi Code of 1972, is
213 amended as follows:

214 7-1-363. To the maximum extent practicable, the Department
215 of Labor shall contract with the Division of Vocational-Technical
216 Education of the State Department of Education all programs
217 embracing an institutional training component. Such programs
218 shall be contracted to the Division of Vocational-Technical
219 Education of the State Department of Education, except those
220 programs funded by the Governor's special grant, shall be
221 coordinated with and complementary to the existing state public
222 educational systems and shall not be duplicative or competitive in
223 nature to such systems.

224 **SECTION 12.** Section 7-1-365, Mississippi Code of 1972, is
225 amended as follows:

226 7-1-365. The State Department of Education,
227 Vocational-Technical Division, the board of trustees of any junior
228 college district, the board of trustees of any school district,
229 the Mississippi Employment Security Commission, and the Office of
230 Job Development and Training, Department of Labor, shall cooperate

231 in carrying out the provisions of Sections 7-1-351 through
232 7-1-371.

233 **SECTION 13.** The Office of Industry Service and Industry
234 Start-up Training in the Mississippi Department of Labor shall
235 contract with the State Board of Community/Junior Colleges, and
236 the Division of Vocational-Technical Education of the State
237 Department of Education to provide (a) all programs embracing an
238 existing industry or a new industrial training component, and (b)
239 all employment-related community/junior college or
240 employment-related secondary education programs.

241 **SECTION 14.** The Office of Employee Relations and Job
242 Discrimination in the Mississippi Department of Labor shall do all
243 in its power to promote the voluntary arbitration, mediation and
244 conciliation of disputes between employers and employees and to
245 avoid strikes, picketing, lockouts, boycotts, black list,
246 discriminations and legal proceedings in matters of employment.
247 In pursuance of this duty, the office may appoint temporary boards
248 of arbitration, provide necessary expenses of such boards, order
249 reasonable compensation for each member engaged in such
250 arbitration, prescribe rules for such arbitration boards, conduct
251 investigations and hearings, publish reports and advertisements,
252 and may do all things convenient and necessary to accomplish the
253 purpose. The office may designate a mediator and may detail
254 employees or persons not in the office from time to time for the
255 purpose of executing such provisions. Nothing in this section
256 shall be construed to in anywise prohibit or limit employees'
257 right to bargain collectively.

258 **SECTION 15.** The Office of Disabled Employee Assistance of
259 the Mississippi Department of Labor shall function as an
260 information clearinghouse and referral service for employees and
261 employers regarding any aspect of the federal Americans With
262 Disabilities Act, which prohibits discrimination in all terms and
263 conditions of employment regarding private and public employers.

264 **SECTION 16.** Section 71-5-107, Mississippi Code of 1972,
265 which provides for meetings and compensation of the Mississippi
266 Employment Security Commission, is repealed.

267 **SECTION 17.** This act shall take effect and be in force from
268 and after July 1, 2005.