

By: Representatives Evans, Straughter

To: Labor; Appropriations

## HOUSE BILL NO. 798

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 ELECTION OF THE COMMISSIONER OF  
4 LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972, TO  
5 PROVIDE THAT THE DUTIES, POWERS AND FUNDS OF THE MISSISSIPPI  
6 DEPARTMENT OF EMPLOYMENT SECURITY SHALL BE TRANSFERRED TO THE  
7 OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF  
8 LABOR; TO REPEAL SECTION 71-5-107, MISSISSIPPI CODE OF 1972, WHICH  
9 PROVIDES FOR MEETINGS AND COMPENSATION OF THE MISSISSIPPI  
10 DEPARTMENT OF EMPLOYMENT SECURITY; TO EMPOWER THE DEPARTMENT OF  
11 LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL AND  
12 STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION  
13 PROGRAMS; TO AMEND SECTIONS 7-1-351, 7-1-355, 7-1-357, 7-1-361,  
14 7-1-363 AND 7-1-365, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
15 THERETO; TO PRESCRIBE THE RESPONSIBILITIES OF THE OFFICE OF  
16 INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING, THE OFFICE OF  
17 EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE OFFICE OF  
18 DISABLED EMPLOYEE ASSISTANCE WITHIN THE DEPARTMENT; TO AMEND  
19 SECTION 25-3-31, 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 work force development system in Mississippi to enable residents

37 to 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 elected at the  
80 election in 2007 in the same manner provided in Section 23-15-193  
81 of the Mississippi Code of 1972 and Section 140 of the  
82 Constitution. His term of office shall be for four (4) years as  
83 that of other state officials. The commissioner shall receive a  
84 compensation to be fixed by law. The commissioner shall be  
85 responsible for the proper administration of the programs of  
86 labor-management relations provided under this act and shall be  
87 responsible for appointing directors of offices and any necessary  
88 supervisors, assistants and employees. The salary and  
89 compensation of such employees shall be subject to the rules and  
90 regulations adopted and promulgated by the State Personnel Board  
91 as created under Section 25-9-101 et seq.

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

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

101 (b) Shall establish appropriate subordinate  
102 administrative units within the department;

103           (c) Shall prepare and submit to the Legislature annual  
104 reports of activities and expenditures and, before each regular  
105 session of the Legislature, coordinate budget requests required  
106 for carrying out this act and estimates of the amounts to be made  
107 available for this purpose from all sources;

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

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

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

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

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

122           71-5-101. From and after the effective date of this act, the  
123 duties and powers of the Mississippi Department of Employment  
124 Security and all equipment, supplies, records and any funds  
125 appropriated by the Legislature to the Mississippi Department of  
126 Employment Security shall be transferred to the Office of  
127 Employment Security in the Mississippi Department of Labor created  
128 in House Bill No. \_\_\_\_\_, 2007 Regular Session. From and after the  
129 effective date of this act, the Mississippi Department of  
130 Employment Security shall be abolished. Any reference in this  
131 chapter to "Mississippi Department of Employment Security" or  
132 "commission" means the Office of Employment Security within the  
133 Mississippi Department of Labor created in this act.

134           **SECTION 6.** Section 71-5-107, Mississippi Code of 1972, which  
135 provides for the appointment of the Executive Director of the  
136 Mississippi Department of Employment Security, is repealed.

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

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

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

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

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

166 may receive and disburse funds for those programs that become  
167 available to it from any source.

168 \* \* \*

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

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

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

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

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

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

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

198           7-1-365. The State Department of Education,  
199 Vocational-Technical Division, the board of trustees of any junior  
200 college district, the board of trustees of any school  
201 district, \* \* \* and the Office of Job Development and Training,  
202 Department of Labor, shall cooperate in carrying out the  
203 provisions of Sections 7-1-351 through 7-1-371.

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

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

229           **SECTION 16.** The Office of Disabled Employee Assistance of  
230 the Mississippi Department of Labor shall function as an

231 information clearinghouse and referral service for employees and  
232 employers regarding any aspect of the federal Americans With  
233 Disabilities Act, which prohibits discrimination in all terms and  
234 conditions of employment regarding private and public employers.

235 **SECTION 17.** Section 25-3-31, Mississippi Code of 1972, is  
236 amended as follows:

237 25-3-31. The annual salaries of the following elected state  
238 and district officers are fixed as follows:

239	Governor.....	\$122,160.00
240	Attorney General.....	108,960.00
241	Secretary of State.....	90,000.00
242	Commissioner of Insurance.....	90,000.00
243	State Treasurer.....	90,000.00
244	State Auditor of Public Accounts.....	90,000.00
245	Commissioner of Agriculture and Commerce.....	90,000.00
246	Transportation Commissioners.....	78,000.00
247	Public Service Commissioners.....	78,000.00
248	<u>Commissioner of Labor .....</u>	<u>75,000.00</u>

249 \* \* \* The above fixed salary of the Governor shall be the  
250 reference amount utilized in computing average compensation and  
251 earned compensation pursuant to Section 25-11-103(f) and Section  
252 25-11-103(k) and to related sections which require such  
253 computations.

254 \* \* \*

255 **SECTION 18.** This act shall take effect and be in force from  
256 and after July 1, 2007.