

By: Senator(s) Turner-Ford

To: Appropriations

SENATE BILL NO. 2746

1 AN ACT ENTITLED THE "WOMEN'S ECONOMIC SECURITY ACT OF 2023";
2 TO REQUIRE THAT THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
3 AND/OR ANY STATE AGENCY RECEIVING AND ADMINISTERING THE FEDERAL
4 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BLOCK GRANT
5 ANNUALLY SPEND NO LESS THAN \$20,000,000.00 OF FEDERAL TANF FUNDS
6 AND/OR STATE MAINTENANCE OF EFFORT (MOE) FUNDS ON DIRECT CHILD
7 CARE ASSISTANCE THROUGH THE CHILD CARE PAYMENT PROGRAM (CCPP) FOR
8 SINGLE PARENTS UNDER 200% OF THE FEDERAL POVERTY GUIDELINES; TO
9 AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO EXPAND THE
10 MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD TO INCLUDE A WOMAN
11 WITH EXPERTISE IN ASSISTING WOMEN IN JOB TRAINING AND SECURING
12 EMPLOYMENT IN NONTRADITIONAL OCCUPATIONS; TO AMEND SECTION
13 7-1-355, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
14 DEPARTMENT OF EMPLOYMENT SECURITY TO ACHIEVE GENDER EQUITY IN THE
15 WORKFORCE INVESTMENT ACT OR WORKFORCE INNOVATION OPPORTUNITY ACT
16 WORKFORCE DEVELOPMENT SYSTEM; TO REQUIRE CERTAIN INFORMATION TO BE
17 INCLUDED IN AN ANNUAL REPORT TO THE LEGISLATURE; TO REQUIRE EQUAL
18 PAY CERTIFICATES OF COMPLIANCE; TO CREATE WOMEN IN HIGH-WAGE,
19 HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM; TO ESTABLISH THE
20 MISSISSIPPI PAID FAMILY LEAVE ACT; TO ESTABLISH A MISSISSIPPI
21 HIGHER EDUCATION GRANT PROGRAM FOR SINGLE MOTHERS TO PROVIDE
22 FINANCIAL AID TO COMPLETE TWO- AND FOUR-YEAR DEGREES AT PUBLIC
23 COLLEGES AND UNIVERSITIES ADMINISTERED BY THE POSTSECONDARY
24 EDUCATION FINANCIAL ASSISTANCE BILL; TO CREATE THE MISSISSIPPI
25 MINIMUM WAGE ACT; TO PROVIDE FOR THE IMPLEMENTATION OF A STATE
26 MINIMUM WAGE; TO AMEND SECTIONS 17-1-51 AND 25-3-40, MISSISSIPPI
27 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING
28 FORWARD SECTIONS 7-7-204, 23-15-239, 37-7-307, 57-34-5, 85-3-4,
29 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
30 OF POSSIBLE AMENDMENT; TO PROVIDE THAT NO EMPLOYER SHALL PAY AN
31 EMPLOYEE A WAGE AT A RATE LESS THAN THE RATE AT WHICH AN EMPLOYEE
32 OF A DIFFERENT GENDER IS PAID FOR COMPARABLE WORK; TO PROVIDE THAT
33 AN EMPLOYEE MAY FILE A PETITION IN THE PROPER CIRCUIT COURT FOR
34 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.



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

36 **SECTION 1.** This act shall be known and may be cited as the
37 "Mississippi Women's Economic Security Act of 2023."

38 **SECTION 2.** (1) This section shall be known and may be cited
39 as the "Mississippi Affordable Child Care Act."

40 (2) Each federal fiscal year, the Mississippi Department
41 of Human Services (MDHS) and/or any state agency receiving and
42 administering the federal Temporary Assistance for Needy Families
43 (TANF) Block Grant shall spend no less than Twenty Million Dollars
44 (\$20,000,000.00) of federal TANF funds and/or state TANF
45 Maintenance of Effort (MOE) funds on direct child care assistance
46 through the Child Care Payment Program (CCPP) for single parents
47 under two hundred percent (200%) of the federal poverty
48 guidelines. The Mississippi Department of Human Services (MDHS)
49 or any state agency receiving and administering the federal TANF
50 Block Grant shall transfer no less than twenty percent (20%) of
51 the state's fixed basic block grant amount for its annual TANF
52 Block Grant to the Child Care and Development Fund (CCDF) for
53 purposes of serving eligible families through the Child Care
54 Payment Program (CCPP).

55 **SECTION 3.** Section 37-153-7, Mississippi Code of 1972, is
56 amended as follows:

57 37-153-7. (1) There is created the Mississippi Office of
58 Workforce Development and the Mississippi State Workforce
59 Investment Board, which shall serve as the advisory board for the



60 office. The Mississippi State Workforce Investment Board shall be
61 composed of * * * twenty-eight (28) voting members, of which a
62 majority shall be representatives of business and industry in
63 accordance with the federal Workforce Innovation and Opportunity
64 Act, or any successive acts.

65 (2) The members of the State Workforce Investment Board
66 shall include:

67 (a) The Governor, or his designee;

68 (b) * * * Sixteen (16) members, appointed by the
69 Governor, of whom:

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

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

81 2. Represent businesses, including small
82 businesses, or organizations representing businesses, which
83 provide employment opportunities that, at a minimum, include



84 high-quality, work-relevant training and development in
85 high-demand industry sectors or occupations in the state; and

86 3. Are appointed from among individuals
87 nominated by state business organizations and business trade
88 associations;

89 (ii) Not less than twenty percent (20%) shall
90 consist of representatives of the workforce within the state,
91 which:

92 1. Includes labor organization
93 representatives who have been nominated by state labor
94 federations;

95 2. Includes a labor organization member or
96 training director from an apprenticeship program in the state,
97 which shall be a joint labor-management apprenticeship program if
98 such a program exists in the state;

99 3. May include representatives of
100 community-based organizations, including organizations serving
101 veterans or providing or supporting competitive, integrated
102 employment for individuals with disabilities, who have
103 demonstrated experience and expertise in addressing employment,
104 training or education needs of individuals with barriers to
105 employment; * * *

106 4. May include representatives of
107 organizations, including organizations serving out-of-school



108 youth, who have demonstrated experience or expertise in addressing
109 the employment, training or education needs of eligible youth; and

110 5. Includes at least one (1) woman with
111 expertise in assisting women in job training and securing
112 employment in nontraditional occupations;

113 (iii) The balance shall include government
114 representatives, including the lead state officials with primary
115 responsibility for core programs, and chief elected officials
116 (collectively representing both cities and counties, where
117 appropriate);

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

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

123 (e) The following state officials:

124 (i) The Executive Director of the Mississippi
125 Department of Employment Security;

126 (ii) The Executive Director of the Department of
127 Rehabilitation Services;

128 (iii) The State Superintendent of Public
129 Education;

130 (iv) The Executive Director of the Mississippi
131 Development Authority;



132 (v) The Executive Director of the Mississippi
133 Community College Board; and

134 * * *

135 (* * * vi) The Commissioner of the Institutions of
136 Higher Learning.

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

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

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

145 (i) The membership of the board shall reflect the
146 diversity of the State of Mississippi.

147 (j) The Governor shall designate the Chairman of the
148 Mississippi State Workforce Investment Board from among the
149 business and industry voting members of the board, and a quorum of
150 the board shall consist of a majority of the voting members of the
151 board.

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



157 (3) Members of the state board may be recalled by their
158 appointing authority for cause, including a felony conviction,
159 fraudulent or dishonest acts or gross abuse of discretion, failure
160 to meet board member qualifications, or chronic failure to attend
161 board meetings.

162 (4) The Mississippi Department of Employment Security shall
163 establish limits on administrative costs for each portion of
164 Mississippi's workforce development system consistent with the
165 federal Workforce Investment Act or any future federal workforce
166 legislation. The Mississippi Department of Employment Security
167 shall be responsible for providing administrative, clerical and
168 budget support for the board.

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

174 (a) Through the office, develop and submit to the
175 Governor, Lieutenant Governor and Speaker of the House a strategic
176 plan for an integrated state workforce development system that
177 aligns resources and structures the system to more effectively and
178 efficiently meet the demands of Mississippi's employers and job
179 seekers. This plan will comply with the federal Workforce
180 Investment Act of 1998, as amended, the federal Workforce



181 Innovation and Opportunity Act of 2014 and amendments and
182 successor legislation to these acts;

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

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

188 (ii) Review local workforce development plans that
189 reflect the use of funds from the federal Workforce Investment
190 Act, * * * the Wagner-Peyser Act and * * * the Mississippi
191 Comprehensive Workforce Training and Education Consolidation Act;

192 (c) Recommend to the office the designation of local
193 workforce investment areas as required in Section 116 of the
194 federal Workforce Investment Act of 1998 and the Workforce
195 Innovation and Opportunity Act of 2014. There shall be four (4)
196 workforce investment areas that are generally aligned with the
197 planning and development district structure in Mississippi.

198 Planning and development districts will serve as the fiscal agents
199 to manage Workforce Investment Act funds, oversee and support the
200 local workforce investment boards aligned with the area and the
201 local programs and activities as delivered by the one-stop
202 employment and training system. The planning and development
203 districts will perform this function through the provisions of the
204 county cooperative service districts created under Sections
205 19-3-101 through 19-3-115; however, planning and development



206 districts currently performing this function under the Interlocal
207 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
208 continue to do so;

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

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

216 (f) Assist the Governor in the establishment and
217 management of a one-stop employment and training system conforming
218 to the requirements of the federal Workforce Investment Act of
219 1998 and the Workforce Innovation and Opportunity Act of 2014, as
220 amended, recommending policy for implementing the Governor's
221 approved plan for employment and training activities and services
222 within the state. In developing this one-stop career operating
223 system, the Mississippi State Workforce Investment Board, in
224 conjunction with local workforce investment boards, shall:

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

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



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

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

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

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

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

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

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



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

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

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

262 (n) To assist the Governor in carrying out any other
263 responsibility required by the federal Workforce Investment Act of
264 1998, as amended and the Workforce Innovation and Opportunity Act,
265 successor legislation and amendments.

266 (6) The Mississippi State Workforce Investment Board shall
267 coordinate all training programs and funds within its purview,
268 consistent with the federal Workforce Investment Act, Workforce
269 Innovation and Opportunity Act, amendments and successor
270 legislation to these acts, and other relevant federal law.

271 Each state agency director responsible for workforce training
272 activities shall advise the Mississippi Office of Workforce
273 Development and the State Workforce Investment Board of
274 appropriate federal and state requirements. Each state agency,
275 department and institution shall report any monies received for
276 workforce training activities or career and technical education
277 and a detailed itemization of how those monies were spent to the



278 state board. The board shall compile the data and provide a
279 report of the monies and expenditures to the Chairs of the House
280 and Senate Appropriations Committee, the Chair of the House
281 Workforce Development Committee and the Chair of the Senate
282 Economic and Workforce Development Committee by October 1 of each
283 year. Each such state agency director shall remain responsible
284 for the actions of his agency; however, each state agency and
285 director shall work cooperatively to fulfill the state's goals.

286 (7) The State Workforce Investment Board shall establish an
287 executive committee, which shall consist of the following State
288 Workforce Investment Board members:

289 (a) The Chair of the State Workforce Investment Board;
290 (b) Two (2) business representatives currently serving
291 on the state board selected by the Governor;

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

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

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



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

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

315 (b) Perform the functions necessary for the daily
316 operation and administration of the office, with oversight from
317 the executive committee and the State Workforce Investment Board,
318 to fulfill the duties of the state board as described in Chapter
319 476, Laws of 2020;

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

325 (d) Enter any part of the Mississippi Community College
326 Board, individual community and junior colleges, or other



327 workforce training facilities operated by the state or its
328 subdivisions;

329 (e) Serve at the will and pleasure of the executive
330 committee;

331 (f) Promulgate rules and regulations, subject to
332 oversight by the executive committee, not inconsistent with this
333 article, as may be necessary to enforce the provisions in Chapter
334 476, Laws of 2020; and

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

338 (9) The Office of Workforce Development and Mississippi
339 Community College Board shall collaborate in the administration
340 and oversight of the Mississippi Workforce Enhancement Training
341 Fund and Mississippi Works Fund, as described in Section 71-5-353.
342 The executive director shall maintain complete and exclusive
343 operational control of the office's functions.

344 (10) The office shall file an annual report with the
345 Governor, Secretary of State, President of the Senate, Secretary
346 of the Senate, Speaker of the House, and Clerk of the House not
347 later than October 1 of each year regarding all funds approved by
348 the office to be expended on workforce training during the prior
349 calendar year. The report shall include:

350 (a) Information on the performance of the Mississippi
351 Workforce Enhancement Training Fund and the Mississippi Works



352 Fund, in terms of adding value to the local and state economy, the
353 contribution to future growth of the state economy, and movement
354 toward state goals, including increasing the labor force
355 participation rate; and

356 (b) With respect to specific workforce training
357 projects:

358 (i) The location of the training;

359 (ii) The amount allocated to the project;

360 (iii) The purpose of the project;

361 (iv) The specific business entity that is the
362 beneficiary of the project; and

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

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

367 Such confidentiality shall not limit disclosure under the

368 Mississippi Public Records Act of 1983 of records describing the

369 nature, quantity, cost or other pertinent information related to

370 the activities of, or services performed using, the Mississippi

371 Workforce Enhancement Training Fund or the Mississippi Works Fund.

372 (11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.

373 2564] shall void or otherwise interrupt any contract, lease, grant

374 or other agreement previously entered into by the State Workforce

375 Investment Board, Mississippi Community College Board, individual

376 community or junior colleges, or other entities.



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

379 7-1-355. (1) The Mississippi Department of Employment
380 Security, Office of the Governor, is designated as the sole
381 administrator of all programs for which the state is the prime
382 sponsor under Title 1(B) of Public Law 105-220, Workforce
383 Investment Act of 1998, and the Workforce Innovation Opportunity
384 Act (Public Law 113-128) and the regulations promulgated
385 thereunder, and may take all necessary action to secure to this
386 state the benefits of that legislation. The Mississippi
387 Department of Employment Security, Office of the Governor, may
388 receive and disburse funds for those programs that become
389 available to it from any source.

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

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



402 (b) The number of individuals who receive core services
403 by each center;

404 (c) The number of individuals who receive intensive
405 services by each center;

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

408 (i) A list of schools and colleges to which these
409 vouchers were issued and the average cost per school of the
410 vouchers; and

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

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

415 (f) The monies and the amount retained for
416 administrative and other costs received from Workforce Investment
417 Act or Workforce Innovation Opportunity Act funds for each agency
418 or organization that Workforce Investment Act or Workforce
419 Innovation Opportunity Act funds flow through as a percentage and
420 actual dollar amount of all Workforce Investment Act or Workforce
421 Innovation Opportunity Act funds received.

422 (3) The Mississippi Department of Employment Security shall
423 achieve gender pay equity in the Workforce Investment Act or
424 Workforce Innovation Opportunity Act workforce development
425 systems. The department shall include in the annual report
426 required by subsection (2) of this section:



427 (a) The gender and race of those seeking employment
428 services;

429 (b) Training by training provider extended to each
430 participant by gender; and

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

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

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

446 (3) A business shall apply for an equal pay certificate by
447 paying a One Hundred Fifty Dollar (\$150.00) filing fee and
448 submitting an equal pay compliance statement to the Department of
449 Finance and Administration. The proceeds from the fees collected
450 under this section shall be deposited in an equal pay certificate
451 special revenue account. The Department of Finance and



452 Administration shall issue an equal pay certificate of compliance
453 to a business that submits to the department a statement signed by
454 the chairperson of the board or chief executive officer of the
455 business:

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

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

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

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

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

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



477 (a) A market pricing approach;
478 (b) State prevailing wage or union contract
479 requirements;
480 (c) A performance pay system;
481 (d) An internal analysis; or
482 (e) An alternative approach to determine what level of
483 wages and benefits to pay its employees. If the business uses an
484 alternative approach, the business must provide a description of
485 its approach.

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

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

494 (6) An equal pay certificate for a business may be suspended
495 or revoked by the Department of Finance and Administration when
496 the business fails to make a good-faith effort to comply with the
497 laws identified in subsection (3) of this section, fails to make a
498 good-faith effort to comply with this section, or has multiple
499 violations of this section or the laws identified in subsection
500 (3) of this section. Before suspending or revoking a certificate,
501 the Department of Finance and Administration must first have



502 sought to conciliate with the business regarding wages and
503 benefits due to employees.

504 (7) If a contract is awarded to a business that does not
505 have an equal pay certificate as required under this section, or
506 that is not in compliance with subsection (3) of this section, the
507 Department of Finance and Administration may void the contract on
508 behalf of the state. The contract award entity that is a party to
509 the agreement must be notified by the Department of Finance and
510 Administration before the Department of Finance and Administration
511 takes action to void the contract.

512 A contract may be abridged or terminated by the contract
513 award entity identified upon notice that the Department of Finance
514 and Administration has suspended or revoked the certificate of the
515 business.

516 (8) A business may obtain an administrative hearing before
517 the suspension or revocation of its certificate is effective by
518 filing a written request for a hearing twenty (20) days after
519 service of notice by the Department of Finance and Administration.
520 A business may obtain an administrative hearing before the
521 contract award entity's abridgement or termination of a contract
522 is effective by filing a written request for a hearing twenty (20)
523 days after service of notice by the contract award entity.

524 (9) The Department of Finance and Administration must
525 provide technical assistance to any business that requests
526 assistance regarding this section.



527 (10) The State Auditor may audit the business's compliance
528 with this section. As part of an audit, upon request, a business
529 must provide the State Auditor the following information with
530 respect to employees expected to perform work under the contract
531 in each of the major job categories in the EEO-1 Employer
532 Information Report:

533 (a) Number of male employees;

534 (b) Number of female employees;

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

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

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

545 (f) Other information identified by the business or by
546 the Department of Finance and Administration, as needed, to
547 determine compliance.

548 (11) Data submitted to the Department of Finance and
549 Administration related to equal pay certificates are private data
550 on individuals or nonpublic data with respect to persons other
551 than department employees. The Department of Finance and



552 Administration's decision to issue, not issue, revoke or suspend
553 an equal pay certificate is public data.

554 (12) The Department of Finance and Administration shall
555 report to the Governor and the Legislature by January 31 of every
556 year, beginning January 31, 2023. The report shall indicate the
557 number of equal pay certificates issued, the number of audits
558 conducted, the processes used by contractors to ensure compliance
559 with subsection (3) of this section, and a summary of its auditing
560 efforts. The Department of Finance and Administration shall
561 consult with the Committee on the Status of Women in preparing the
562 report.

563 **SECTION 6.** It is declared to be the public policy of the
564 State of Mississippi to establish fair minimum wages for workers
565 in order to safeguard their health, efficiency and general
566 well-being and to protect those workers as well as their employers
567 from the effects of unfair competition resulting from wage levels
568 detrimental to their health, efficiency and well-being.

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

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

573 (a) Beginning January 1, 2023, the rate of not less
574 than Seven Dollars and Fifty Cents (\$7.50) per hour;

575 (b) Beginning January 1, 2024, the rate of not less
576 than Seven Dollars and Seventy-five Cents (\$7.75) per hour;



577 (c) Beginning January 1, 2025, the rate of not less
578 than Eight Dollars (\$8.00) per hour; and

579 (d) Beginning January 1, 2026, the rate of not less
580 than Ten Dollars (\$10.00) per hour.

581 (3) Whenever the highest federal minimum wage is increased,
582 the minimum wage established under this section shall be increased
583 to the amount of the federal minimum wage plus one-half of one
584 percent (1/2 of 1%) more than the federal rate, rounded to the
585 nearest whole cent, effective on the same date as the increase in
586 the highest federal minimum wage, and shall apply to all wage
587 orders and administrative regulations then in force.

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

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

597 (a) "Director" means the Executive Director of the
598 Mississippi Department of Employment Security.

599 (b) "Department" means the Mississippi Department of
600 Employment Security, Office of the Governor, established under
601 Section 71-5-101.



602 (c) "Wage" means compensation due to an employee by
603 reason of his or her employment, payable in legal tender of the
604 United States or checks on banks convertible into cash on demand
605 at full face value, subject to any deductions, charges or
606 allowances as may be permitted by this act or by regulations of
607 the department under this act.

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

609 (e) "Employer" means any individual, partnership,
610 association, corporation, business trust, or any person or group
611 of persons acting directly or indirectly in the interest of an
612 employer in relation to an employee. The term "employer" does not
613 mean:

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

619 (ii) Any person, firm or corporation, or other
620 entity subject to the provisions of the federal Fair Labor
621 Standards Act of 1938.

622 (f) "Independent contractor" means any individual who
623 contracts to perform certain work away from the premises of his or
624 her employer, uses his or her own methods to accomplish the work,
625 and is subject to the control of the employer only as to the
626 result of his or her work.



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

629 (i) Any individual employed in a bona fide
630 executive, administrative or professional capacity, or as an
631 outside commission-paid salesperson, who customarily performs his
632 or her services away from his or her employer's premises, taking
633 orders for goods or services;

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

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

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

644 (v) Any bona fide independent contractor;

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

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

651 (viii) An individual who:



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

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

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

660 (ix) A migrant who:

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

663 2. Is paid on a piece-rate basis in an
664 operation which has been, and is customarily and generally
665 recognized as having been, paid on a piece-rate basis in the
666 region of employment;

667 3. Is employed on the same farm as his or her
668 parents; and

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

671 (x) Any employee principally engaged in the range
672 production of livestock; or

673 (xi) Any employee employed in planting or tending
674 trees, cruising, surveying or felling timber, or in preparing or
675 transporting logs or other forestry products to the mill,
676 processing plants, or railroad or other transportation terminal if



677 the number of employees employed by his or her employer in the
678 forestry or lumbering operations does not exceed eight (8).

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

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

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

687 **SECTION 9.** Nothing in this act shall be deemed to interfere
688 with, impede, or in any way diminish the right of employers and
689 employees to bargain collectively through representatives of their
690 own choosing in order to establish wages or other conditions of
691 work.

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

693 (a) Hinders or delays the department or its authorized
694 representative in the performance of its duties in the enforcement
695 of this act;

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

698 (c) Fails to make, keep and preserve any records as
699 required under the provisions of this act or to make the record
700 accessible to the department or its authorized representative upon
701 demand;



702 (d) Refuses to furnish a sworn statement of the record
703 or any other information required for the proper enforcement of
704 this act to the department or its authorized representative upon
705 demand; or

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

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

715 (a) Be fined not less than Four Thousand Dollars
716 (\$4,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for
717 each offense if the total amount of all unpaid wages owed to an
718 employee is more than Two Thousand Dollars (\$2,000.00);

719 (b) Be fined not less than Two Thousand Dollars
720 (\$2,000.00) nor more than Four Thousand Dollars (\$4,000.00) or the
721 agent or officer of the employer shall be imprisoned not more than
722 one (1) year, or both, for each offense if the total amount of all
723 unpaid wages owed to an employee is more than One Thousand Dollars
724 (\$1,000.00) but not more than Two Thousand Dollars (\$2,000.00);

725 (c) Be fined not less than One Thousand Dollars
726 (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) or the



727 agent or officer of the employer shall be imprisoned not more than
728 six (6) months, or both, for each offense if the total amount of
729 all unpaid wages owed to an employee is more than Five Hundred
730 Dollars (\$500.00) but not more than One Thousand Dollars
731 (\$1,000.00); or

732 (d) Be fined not less than Four Hundred Dollars
733 (\$400.00) nor more than One Thousand Dollars (\$1,000.00) or the
734 agent or officer of the employer shall be imprisoned not more than
735 three (3) months, or both, for each offense if the total amount of
736 all unpaid wages owed to an employee is Five Hundred Dollars
737 (\$500.00) or less.

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

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

744 (b) The employee has caused to be instituted or is
745 about to cause to be instituted any proceeding under or related to
746 this act; or

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

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



751 **SECTION 11.** (1) For any occupation, the department shall
752 make and revise any administrative regulations, including
753 definitions of terms, as it may deem appropriate to carry out the
754 purposes of this act or necessary to prevent the circumvention or
755 evasion of those purposes and to safeguard the minimum wage rates
756 established.

757 (2) The regulations may include, but are not limited to,
758 regulations governing:

759 (a) Outside or commission salespeople;

760 (b) Learners and apprentices, their number, proportion
761 or length of service;

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

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

764 (e) Permitted charges to employees or allowances for
765 board, lodging, apparel or other facilities or services
766 customarily furnished by employers to employees;

767 (f) Allowances for gratuities; or

768 (g) Allowances for other special conditions or
769 circumstances that may be usual in a particular employer/employee
770 relationship.

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



776 **SECTION 12.** The director or his or her authorized

777 representatives shall:

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

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

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

794 (d) Otherwise implement and enforce the regulations and
795 decisions of the department.

796 **SECTION 13.** Except as otherwise provided in this section, no
797 employer shall employ any of his or her employees for a workweek
798 longer than forty (40) hours unless the employee receives
799 compensation for his or her employment in excess of the hours



800 above specified at a rate not less than one and one-half (1-1/2)
801 times the regular rate of pay at which he or she is employed.

802 **SECTION 14.** (1) Every employer of an employee engaged in
803 any occupation in which gratuities have been customarily and
804 usually constituted and have been recognized as a part of
805 remuneration for hiring purposes shall be entitled to an allowance
806 for gratuities as a part of the hourly wage rate provided in
807 Section 7 of this act in an amount not to exceed fifty percent
808 (50%) of the minimum wage established by Section 7 of this act,
809 provided that the employee actually received that amount in
810 gratuities and that the application of the foregoing gratuity
811 allowances results in payment of wages other than gratuities to
812 tipped employees, including full-time students, subject to the
813 provisions of this act, of not less than fifty percent (50%) of
814 the minimum wage prescribed by this act.

815 (2) In determining whether an employee received in
816 gratuities the amount claimed, the director may require the
817 employee to show to the satisfaction of the director that the
818 actual amount of gratuities received by him or her during any
819 workweek was less than the amount determined by the employer as
820 the amount by which the wage paid the employee was deemed to be
821 increased under this section.

822 **SECTION 15.** (1) Every employer subject to any provisions of
823 this act shall keep a summary of this act, approved by the
824 department, and copies of any applicable regulations issued under



825 this act posted in a conspicuous and accessible place in or about
826 the premises where any person subject to this act is employed.

827 (2) Employers shall be furnished copies of the summaries of
828 this statute and regulations by the director on request without
829 charge.

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

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

842 (3) Every employer shall furnish to the director or to his
843 or her authorized representative on demand a sworn statement of
844 the records and information upon forms prescribed or approved by
845 the director.

846 **SECTION 17.** (1) Any employer who pays any employee less
847 than minimum wages to which the employee is entitled under or by
848 virtue of this act shall be liable to the employee affected for
849 the full amount of the wages, less any amount actually paid to the



850 employee by the employer, and for costs and reasonable attorney's
851 fees as may be allowed by the court.

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

854 (3) The venue of the action shall lie in the circuit court
855 of any county in which the services which are the subject of the
856 employment were performed.

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

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

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



874 (2) The Legislature finds that the prohibitions of
875 subsection (1) of this section are necessary to ensure an economic
876 climate conducive to new business development and job growth in
877 the State of Mississippi while protecting the health and
878 well-being of workers. * * *

879 * * *

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

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

892 25-3-40. On July 1, 1978, and each year thereafter, the
893 Mississippi Compensation Plan shall be amended to provide salary
894 increases in such amounts and percentages as might be recommended
895 by the Legislative Budget Office and as may be authorized by funds
896 appropriated by the Legislature for the purpose of granting
897 incentive salary increases as deemed possible dependent upon the
898 availability of general and special funds.



899 It is hereby declared to be the intent of the Mississippi
900 Legislature to implement the minimum wage as enacted by statutory
901 law of the United States Congress subject to funds being available
902 for that purpose. It is further the intent of the Legislature to
903 implement the state minimum wage as provided in this act. It is
904 the intent and purpose of this section to maximize annual salary
905 increases consistent with the availability of funds as might be
906 determined by the Mississippi Legislature at its regular annual
907 session and that all salary increases hereafter be made consistent
908 with the provisions of this section.

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

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



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

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

927 (b) Satisfy the following conditions:

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

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

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 bachelor of science degree in accounting.

938 (ii) Graduate stipulations: Applicants must have
939 met the regular admission standards and have been accepted into
940 the master of science accounting program at a Mississippi
941 institution of higher learning.

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

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



948 (d) Agree to work as an auditor at the Office of the
949 State Auditor upon graduation for a period of time equivalent to
950 the period of time for which the applicant receives compensation,
951 calculated to the nearest whole month, but in no event less than
952 two (2) years.

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

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



972 (c) The Office of the State Auditor shall have the
973 authority to cancel any contract made between it and any program
974 participant upon such cause being deemed sufficient by the State
975 Auditor.

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

993 (4) (a) Any recipient who is accepted into the program by
994 the Mississippi Office of the State Auditor and who fails to
995 complete undergraduate- or graduate-level coursework toward a
996 degree in accounting, or withdraws from school at any time before



997 completing his or her education, shall be liable to repay the
998 Office of the State Auditor for all monies received during the
999 time the recipient was in the program, at the rate of pay received
1000 by the employee while in the program, including benefits paid by
1001 the agency for the participant, and monies received for tuition,
1002 books and related fees used to pursue their degree with interest
1003 accruing at ten percent (10%) per annum from the date the
1004 recipient failed or withdrew from school. The recipient also will
1005 not be liable for repayment for any money earned during the
1006 required summer hours. This money shall be considered earned by
1007 the recipient at the federal minimum wage rate.

1008 (b) All paid internship compensation received by the
1009 recipient while in school shall be considered earned conditioned
1010 upon the fulfillment of the terms and obligations of the paid
1011 internship contract and this section. However, no recipient of
1012 the paid internship shall accrue personal or major medical leave
1013 while the recipient is pursuing junior or senior
1014 undergraduate-level year coursework toward a bachelor's degree in
1015 accounting or graduate-level coursework toward a master's degree
1016 in accounting. The recipient shall not be liable for liquidated
1017 damages.

1018 (c) If the recipient does not work as an auditor at the
1019 Office of the State Auditor for the period required under
1020 subsection (2) (d) of this section, the recipient shall be liable
1021 for repayment on demand of the remaining portion of the



1022 compensation that the recipient was paid while in the program
1023 which has not been unconditionally earned, with interest accruing
1024 at ten percent (10%) per annum from the recipient's date of
1025 graduation or the date that the recipient last worked at the
1026 Office of the State Auditor, whichever is the later date. In
1027 addition, there shall be included in any contract for paid student
1028 internship a provision for liquidated damages equal to Five
1029 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
1030 basis for each year served under such contract.

1031 **SECTION 21.** Section 23-15-239, Mississippi Code of 1972, is
1032 brought forward as follows:

1033 23-15-239. (1) The executive committee of each county, in
1034 the case of a primary election, or the election commissioners of
1035 each county, in the case of all other elections, in conjunction
1036 with the circuit clerk, shall, in the years in which counties
1037 conduct an election, sponsor and conduct, not less than five (5)
1038 days before each election, not less than four (4) hours and not
1039 more than eight (8) hours of poll manager training to instruct
1040 poll managers as to their duties in the proper administration of
1041 the election and the operation of the polling place. Any poll
1042 manager who completes the online training course provided by the
1043 Secretary of State shall only be required to complete two (2)
1044 hours of in-person poll manager training. No poll manager shall
1045 serve in any election unless he or she has received these
1046 instructions once during the twelve (12) months immediately



1047 preceding the date upon which the election is held; however,
1048 nothing in this section shall prevent the appointment of an
1049 alternate poll manager to fill a vacancy in case of an emergency.
1050 The county executive committee or the election commissioners, as
1051 appropriate, shall train a sufficient number of alternates to
1052 serve in the event a poll manager is unable to serve for any
1053 reason.

1054 (2) (a) If it is eligible under Section 23-15-266, the
1055 county executive committee may enter into a written agreement with
1056 the circuit clerk or the county election commission authorizing
1057 the circuit clerk or the county election commission to perform any
1058 of the duties required of the county executive committee pursuant
1059 to this section. Any agreement entered into pursuant to this
1060 subsection shall be signed by the chair of the county executive
1061 committee and the circuit clerk or the chair of the county
1062 election commission, as appropriate. The county executive
1063 committee shall notify the state executive committee and the
1064 Secretary of State of the existence of the agreement.

1065 (b) If it is eligible under Section 23-15-266, the
1066 municipal executive committee may enter into a written agreement
1067 with the municipal clerk or the municipal election commission
1068 authorizing the municipal clerk or the municipal election
1069 commission to perform any of the duties required of the municipal
1070 executive committee pursuant to this section. Any agreement
1071 entered into pursuant to this subsection shall be signed by the



1072 chair of the municipal executive committee and the municipal clerk
1073 or the chair of the municipal election commission, as appropriate.
1074 The municipal executive committee shall notify the state executive
1075 committee and the Secretary of State of the existence of the
1076 agreement.

1077 (3) The board of supervisors and the municipal governing
1078 authority, in their discretion, may compensate poll managers who
1079 attend these training sessions. The compensation shall be at a
1080 rate of not less than the federal hourly minimum wage nor more
1081 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1082 compensated for more than sixteen (16) hours of attendance at the
1083 training sessions regardless of the actual amount of time that
1084 they attended the training sessions.

1085 (4) The time and location of the training sessions required
1086 pursuant to this section shall be announced to the general public
1087 by posting a notice thereof at the courthouse and by delivering a
1088 copy of the notice to the office of a newspaper having general
1089 circulation in the county five (5) days before the date upon which
1090 the training session is to be conducted. Persons who will serve
1091 as poll watchers for candidates and political parties, as well as
1092 members of the general public, shall be allowed to attend the
1093 sessions.

1094 (5) Subject to the following annual limitations, the
1095 election commissioners shall be entitled to receive a per diem in
1096 the amount of One Hundred Dollars (\$100.00), to be paid from the



1097 county general fund, for every day or period of no less than five
1098 (5) hours accumulated over two (2) or more days actually employed
1099 in the performance of their duties for the necessary time spent in
1100 conducting training sessions as required by this section:

1101 (a) In counties having less than fifteen thousand
1102 (15,000) residents according to the latest federal decennial
1103 census, not more than five (5) days per year;

1104 (b) In counties having fifteen thousand (15,000)
1105 residents according to the latest federal decennial census but
1106 less than thirty thousand (30,000) residents according to the
1107 latest federal decennial census, not more than eight (8) days per
1108 year;

1109 (c) In counties having thirty thousand (30,000)
1110 residents according to the latest federal decennial census but
1111 less than seventy thousand (70,000) residents according to the
1112 latest federal decennial census, not more than ten (10) days per
1113 year;

1114 (d) In counties having seventy thousand (70,000)
1115 residents according to the latest federal decennial census but
1116 less than ninety thousand (90,000) residents according to the
1117 latest federal decennial census, not more than twelve (12) days
1118 per year;

1119 (e) In counties having ninety thousand (90,000)
1120 residents according to the latest federal decennial census but
1121 less than one hundred seventy thousand (170,000) residents



1122 according to the latest federal decennial census, not more than
1123 fifteen (15) days per year;

1124 (f) In counties having one hundred seventy thousand
1125 (170,000) residents according to the latest federal decennial
1126 census but less than two hundred thousand (200,000) residents
1127 according to the latest federal decennial census, not more than
1128 eighteen (18) days per year;

1129 (g) In counties having two hundred thousand (200,000)
1130 residents according to the latest federal decennial census but
1131 less than two hundred twenty-five thousand (225,000) residents
1132 according to the latest federal decennial census, not more than
1133 nineteen (19) days per year;

1134 (h) In counties having two hundred twenty-five thousand
1135 (225,000) residents or more according to the latest federal
1136 decennial census, not more than twenty-two (22) days per year.

1137 (6) Election commissioners shall claim the per diem
1138 authorized in subsection (5) of this section in the manner
1139 provided for in Section 23-15-153(6).

1140 (7) (a) To provide poll manager training, the Secretary of
1141 State has developed a single, comprehensive poll manager training
1142 program to ensure uniform, secure elections throughout the state.
1143 The program includes online training on all state and federal
1144 election laws and procedures and voting machine opening and
1145 closing procedures.



1146 (b) County poll managers who individually access and
1147 complete the online training program, including all skills
1148 assessments, at least five (5) days before an election shall be
1149 defined as "certified poll managers," and entitled to a
1150 "Certificate of Completion."

1151 (c) At least one (1) certified poll manager shall be
1152 appointed by the county election officials to work in each polling
1153 place in the county during each general election.

1154 **SECTION 22.** Section 37-7-307, Mississippi Code of 1972, is
1155 brought forward as follows:

1156 37-7-307. (1) For purposes of this section, the term
1157 "licensed employee" means any employee of a public school district
1158 required to hold a valid license by the Commission on Teacher and
1159 Administrator Education, Certification and Licensure and
1160 Development.

1161 (2) The school board of a school district shall establish by
1162 rules and regulations a policy of sick leave with pay for licensed
1163 employees and teacher assistants employed in the school district,
1164 and such policy shall include the following minimum provisions for
1165 sick and emergency leave with pay:

1166 (a) Each licensed employee and teacher assistant, at
1167 the beginning of each school year, shall be credited with a
1168 minimum sick leave allowance, with pay, of seven (7) days for
1169 absences caused by illness or physical disability of the employee
1170 during that school year.



1171 (b) Any unused portion of the total sick leave
1172 allowance shall be carried over to the next school year and
1173 credited to such licensed employee and teacher assistant if the
1174 licensed employee or teacher assistant remains employed in the
1175 same school district. In the event any public school licensed
1176 employee or teacher assistant transfers from one public school
1177 district in Mississippi to another, any unused portion of the
1178 total sick leave allowance credited to such licensed employee or
1179 teacher assistant shall be credited to such licensed employee or
1180 teacher assistant in the computation of unused leave for
1181 retirement purposes under Section 25-11-109. Accumulation of sick
1182 leave allowed under this section shall be unlimited.

1183 (c) No deduction from the pay of such licensed employee
1184 or teacher assistant may be made because of absence of such
1185 licensed employee or teacher assistant caused by illness or
1186 physical disability of the licensed employee or teacher assistant
1187 until after all sick leave allowance credited to such licensed
1188 employee or teacher assistant has been used.

1189 (d) For the first ten (10) days of absence of a
1190 licensed employee because of illness or physical disability, in
1191 any school year, in excess of the sick leave allowance credited to
1192 such licensed employee, there shall be deducted from the pay of
1193 such licensed employee the established substitute amount of
1194 licensed employee compensation paid in that local school district,
1195 necessitated because of the absence of the licensed employee as a



1196 result of illness or physical disability. In lieu of deducting
1197 the established substitute amount from the pay of such licensed
1198 employee, the policy may allow the licensed employee to receive
1199 full pay for the first ten (10) days of absence because of illness
1200 or physical disability, in any school year, in excess of the sick
1201 leave allowance credited to such licensed employee. Thereafter,
1202 the regular pay of such absent licensed employee shall be
1203 suspended and withheld in its entirety for any period of absence
1204 because of illness or physical disability during that school year.

1205 (3) (a) Beginning with the school year 1983-1984, each
1206 licensed employee at the beginning of each school year shall be
1207 credited with a minimum personal leave allowance, with pay, of two
1208 (2) days for absences caused by personal reasons during that
1209 school year. Effective for the 2010-2011 and 2011-2012 school
1210 years, licensed employees shall be credited with an additional
1211 one-half (1/2) day of personal leave for every day the licensed
1212 employee is furloughed without pay as provided in Section
1213 37-7-308. Except as otherwise provided in paragraph (b) of this
1214 subsection, such personal leave shall not be taken on the first
1215 day of the school term, the last day of the school term, on a day
1216 previous to a holiday or a day after a holiday. Personal leave
1217 may be used for professional purposes, including absences caused
1218 by attendance of such licensed employee at a seminar, class,
1219 training program, professional association or other functions
1220 designed for educators. No deduction from the pay of such



1221 licensed employee may be made because of absence of such licensed
1222 employee caused by personal reasons until after all personal leave
1223 allowance credited to such licensed employee has been used.
1224 However, the superintendent of a school district, in his
1225 discretion, may allow a licensed employee personal leave in
1226 addition to any minimum personal leave allowance, under the
1227 condition that there shall be deducted from the salary of such
1228 licensed employee the actual amount of any compensation paid to
1229 any person as a substitute, necessitated because of the absence of
1230 the licensed employee. Any unused portion of the total personal
1231 leave allowance up to five (5) days shall be carried over to the
1232 next school year and credited to such licensed employee if the
1233 licensed employee remains employed in the same school district.
1234 Any personal leave allowed for a furlough day shall not be carried
1235 over to the next school year.

1236 (b) Notwithstanding the restrictions on the use of
1237 personal leave prescribed under paragraph (a) of this subsection,
1238 a licensed employee may use personal leave as follows:

1239 (i) Personal leave may be taken on the first day
1240 of the school term, the last day of the school term, on a day
1241 previous to a holiday or a day after a holiday if, on the
1242 applicable day, an immediate family member of the employee is
1243 being deployed for military service.

1244 (ii) Personal leave may be taken on a day previous
1245 to a holiday or a day after a holiday if an employee of a school



1246 district has either a minimum of ten (10) years' experience as an
1247 employee of that school district or a minimum of thirty (30) days
1248 of unused accumulated leave that has been earned while employed in
1249 that school district.

1250 (iii) Personal leave may be taken on the first day
1251 of the school term, the last day of the school term, on a day
1252 previous to a holiday or a day after a holiday if, on the
1253 applicable day, the employee has been summoned to appear for jury
1254 duty or as a witness in court.

1255 (iv) Personal leave may be taken on the first day
1256 of the school term, the last day of the school term, on a day
1257 previous to a holiday or a day after a holiday if, on the
1258 applicable day, an immediate family member of the employee dies or
1259 funeral services are held. Any day of the three (3) bereavement
1260 days may be used at the discretion of the teacher, and are not
1261 required to be taken in consecutive succession.

1262 For the purpose of this subsection (3), the term "immediate
1263 family member" means spouse, parent, stepparent, child or
1264 stepchild, grandparent or sibling, including a stepbrother or
1265 stepsister.

1266 (4) Beginning with the school year 1992-1993, each licensed
1267 employee shall be credited with a professional leave allowance,
1268 with pay, for each day of absence caused by reason of such
1269 employee's statutorily required membership and attendance at a
1270 regular or special meeting held within the State of Mississippi of



1271 the State Board of Education, the Commission on Teacher and
1272 Administrator Education, Certification and Licensure and
1273 Development, the Commission on School Accreditation, the
1274 Mississippi Authority for Educational Television, the meetings of
1275 the state textbook rating committees or other meetings authorized
1276 by local school board policy.

1277 (5) Upon retirement from employment, each licensed and
1278 nonlicensed employee shall be paid for not more than thirty (30)
1279 days of unused accumulated leave earned while employed by the
1280 school district in which the employee is last employed. Such
1281 payment for licensed employees shall be made by the school
1282 district at a rate equal to the amount paid to substitute teachers
1283 and for nonlicensed employees, the payment shall be made by the
1284 school district at a rate equal to the federal minimum wage. The
1285 payment shall be treated in the same manner for retirement
1286 purposes as a lump-sum payment for personal leave as provided in
1287 Section 25-11-103(f). Any remaining lawfully credited unused
1288 leave, for which payment has not been made, shall be certified to
1289 the Public Employees' Retirement System in the same manner and
1290 subject to the same limitations as otherwise provided by law for
1291 unused leave. No payment for unused accumulated leave may be made
1292 to either a licensed or nonlicensed employee at termination or
1293 separation from service for any purpose other than for the purpose
1294 of retirement.



1295 (6) The school board may adopt rules and regulations which
1296 will reasonably aid to implement the policy of sick and personal
1297 leave, including, but not limited to, rules and regulations having
1298 the following general effect:

1299 (a) Requiring the absent employee to furnish the
1300 certificate of a physician or dentist or other medical
1301 practitioner as to the illness of the absent licensed employee,
1302 where the absence is for four (4) or more consecutive school days,
1303 or for two (2) consecutive school days immediately preceding or
1304 following a nonschool day;

1305 (b) Providing penalties, by way of full deduction from
1306 salary, or entry on the work record of the employee, or other
1307 appropriate penalties, for any materially false statement by the
1308 employee as to the cause of absence;

1309 (c) Forfeiture of accumulated or future sick leave, if
1310 the absence of the employee is caused by optional dental or
1311 medical treatment or surgery which could, without medical risk,
1312 have been provided, furnished or performed at a time when school
1313 was not in session;

1314 (d) Enlarging, increasing or providing greater sick or
1315 personal leave allowances than the minimum standards established
1316 by this section in the discretion of the school board of each
1317 school district.

1318 (7) School boards may include in their budgets provisions
1319 for the payment of substitute employees, necessitated because of



1320 the absence of regular licensed employees. All such substitute
1321 employees shall be paid wholly from district funds, except as
1322 otherwise provided for long-term substitute teachers in Section
1323 37-19-20. Such school boards, in their discretion, also may pay,
1324 from district funds other than adequate education program funds,
1325 the whole or any part of the salaries of all employees granted
1326 leaves for the purpose of special studies or training.

1327 (8) The school board may further adopt rules and regulations
1328 which will reasonably implement such leave policies for all other
1329 nonlicensed and hourly paid school employees as the board deems
1330 appropriate. Effective for the 2010-2011 and 2011-2012 school
1331 years, nonlicensed employees shall be credited with an additional
1332 one-half (1/2) day of personal leave for every day the nonlicensed
1333 employee is furloughed without pay as provided in Section
1334 37-7-308.

1335 (9) Vacation leave granted to either licensed or nonlicensed
1336 employees shall be synonymous with personal leave. Unused
1337 vacation or personal leave accumulated by licensed employees in
1338 excess of the maximum five (5) days which may be carried over from
1339 one year to the next may be converted to sick leave. The annual
1340 conversion of unused vacation or personal leave to sick days for
1341 licensed or unlicensed employees shall not exceed the allowable
1342 number of personal leave days as provided in Section 25-3-93. The
1343 annual total number of converted unused vacation and/or personal
1344 days added to the annual unused sick days for any employee shall



1345 not exceed the combined allowable number of days per year provided
1346 in Sections 25-3-93 and 25-3-95. Local school board policies that
1347 provide for vacation, personal and sick leave for employees shall
1348 not exceed the provisions for leave as provided in Sections
1349 25-3-93 and 25-3-95. Any personal or vacation leave previously
1350 converted to sick leave under a lawfully adopted policy before May
1351 1, 2004, or such personal or vacation leave accumulated and
1352 available for use prior to May 1, 2004, under a lawfully adopted
1353 policy but converted to sick leave after May 1, 2004, shall be
1354 recognized as accrued leave by the local school district and
1355 available for use by the employee. The leave converted under a
1356 lawfully adopted policy prior to May 1, 2004, or such personal and
1357 vacation leave accumulated and available for use as of May 1,
1358 2004, which was subsequently converted to sick leave may be
1359 certified to the Public Employees' Retirement System upon
1360 termination of employment and any such leave previously converted
1361 and certified to the Public Employees' Retirement System shall be
1362 recognized.

1363 (10) (a) For the purposes of this subsection, the following
1364 words and phrases shall have the meaning ascribed in this
1365 paragraph unless the context requires otherwise:

1366 (i) "Catastrophic injury or illness" means a
1367 life-threatening injury or illness of an employee or a member of
1368 an employee's immediate family that totally incapacitates the
1369 employee from work, as verified by a licensed physician, and



1370 forces the employee to exhaust all leave time earned by that
1371 employee, resulting in the loss of compensation from the local
1372 school district for the employee. Conditions that are short-term
1373 in nature, including, but not limited to, common illnesses such as
1374 influenza and the measles, and common injuries, are not
1375 catastrophic. Chronic illnesses or injuries, such as cancer or
1376 major surgery, that result in intermittent absences from work and
1377 that are long-term in nature and require long recuperation periods
1378 may be considered catastrophic.

1379 (ii) "Immediate family" means spouse, parent,
1380 stepparent, sibling, child or stepchild, grandparent, stepbrother
1381 or stepsister.

1382 (b) Any school district employee may donate a portion
1383 of his or her unused accumulated personal leave or sick leave to
1384 another employee of the same school district who is suffering from
1385 a catastrophic injury or illness or who has a member of his or her
1386 immediate family suffering from a catastrophic injury or illness,
1387 in accordance with the following:

1388 (i) The employee donating the leave (the "donor
1389 employee") shall designate the employee who is to receive the
1390 leave (the "recipient employee") and the amount of unused
1391 accumulated personal leave and sick leave that is to be donated,
1392 and shall notify the school district superintendent or his
1393 designee of his or her designation.



1394 (ii) The maximum amount of unused accumulated
1395 personal leave that an employee may donate to any other employee
1396 may not exceed a number of days that would leave the donor
1397 employee with fewer than seven (7) days of personal leave
1398 remaining, and the maximum amount of unused accumulated sick leave
1399 that an employee may donate to any other employee may not exceed
1400 fifty percent (50%) of the unused accumulated sick leave of the
1401 donor employee.

1402 (iii) An employee must have exhausted all of his
1403 or her available leave before he or she will be eligible to
1404 receive any leave donated by another employee. Eligibility for
1405 donated leave shall be based upon review and approval by the donor
1406 employee's supervisor.

1407 (iv) Before an employee may receive donated leave,
1408 he or she must provide the school district superintendent or his
1409 designee with a physician's statement that states that the illness
1410 meets the catastrophic criteria established under this section,
1411 the beginning date of the catastrophic injury or illness, a
1412 description of the injury or illness, and a prognosis for recovery
1413 and the anticipated date that the recipient employee will be able
1414 to return to work.

1415 (v) Before an employee may receive donated leave,
1416 the superintendent of education of the school district shall
1417 appoint a review committee to approve or disapprove the said



1418 donations of leave, including the determination that the illness
1419 is catastrophic within the meaning of this section.

1420 (vi) If the total amount of leave that is donated
1421 to any employee is not used by the recipient employee, the whole
1422 days of donated leave shall be returned to the donor employees on
1423 a pro rata basis, based on the ratio of the number of days of
1424 leave donated by each donor employee to the total number of days
1425 of leave donated by all donor employees.

1426 (vii) Donated leave shall not be used in lieu of
1427 disability retirement.

1428 (11) Effective January 1, 2020, the provisions of this
1429 section shall be fully applicable to any licensed employee of the
1430 Mississippi School of the Arts (MSA).

1431 **SECTION 23.** Section 57-34-5, Mississippi Code of 1972, is
1432 brought forward as follows:

1433 57-34-5. **Definitions.** As used in this chapter, the
1434 following words and phrases shall have the meanings ascribed to
1435 them in this section, unless the context clearly indicates a
1436 different meaning:

1437 (a) "Act" means the provisions of this chapter.

1438 (b) "Authority" means the Alabama-Mississippi Joint
1439 Economic Development Authority created pursuant to this chapter.

1440 (c) "Board of directors" means the board of directors
1441 of the authority.

1442 (d) "Designated geographic area" means:



1443 (i) Those counties in the State of Alabama that
1444 share a common border with any county in the State of Mississippi;
1445 and

1446 (ii) Those counties in the State of Mississippi
1447 that share a common border with any county in the State of
1448 Alabama.

1449 (e) "Herein," "hereby," "hereunder," "hereof" and other
1450 equivalent words refer to this chapter as an entirety and not
1451 solely to the particular section or portion thereof in which any
1452 such word is used.

1453 (f) "Project" means:

1454 (i) Any industrial, commercial, research and
1455 development, warehousing, distribution, transportation,
1456 processing, mining, United States government or tourism enterprise
1457 together with all real property required for construction,
1458 maintenance and operation of the enterprise:

1459 1. With an initial capital investment of not
1460 less than Three Hundred Million Dollars (\$300,000,000.00) from
1461 private or United States government sources together with all
1462 buildings, and other supporting land and facilities, structures or
1463 improvements of whatever kind required or useful for construction,
1464 maintenance and operation of the enterprise; or

1465 2. With an initial capital investment of not
1466 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1467 private or United States government sources together with all



1468 buildings and other supporting land and facilities, structures or
1469 improvements of whatever kind required or useful for construction,
1470 maintenance and operation of the enterprise and which creates at
1471 least one thousand (1,000) net new full-time jobs; or

1472 3. Which creates at least one thousand
1473 (1,000) net new full-time jobs which provide an average hourly
1474 wage of not less than two hundred percent (200%) of the federal
1475 minimum wage in effect on the date the project is placed in
1476 service.

1477 (ii) Any addition to, or expansion of, any
1478 existing enterprise as described in this paragraph if the addition
1479 or expansion:

1480 1. Has an initial capital investment of not
1481 less than Three Hundred Million Dollars (\$300,000,000.00) from
1482 private or United States government sources;

1483 2. Has an initial capital investment of not
1484 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1485 private or United States government sources together with all
1486 buildings and other supporting land and facilities, structures or
1487 improvements of whatever kind required or useful for construction,
1488 maintenance and operation of the enterprise and which creates at
1489 least one thousand (1,000) net new full-time jobs; or

1490 3. Creates at least one thousand (1,000) net
1491 new full-time jobs which provide an average hourly wage of not



1492 less than two hundred percent (200%) of the federal minimum wage
1493 in effect on the date the project is placed in service.

1494 (iii) Any development with an initial capital
1495 investment from private sources of not less than Seven Hundred
1496 Fifty Million Dollars (\$750,000,000.00) which will create at least
1497 three thousand (3,000) net new full-time jobs satisfying criteria
1498 to be established by the authority.

1499 In addition to meeting the other requirements of this
1500 paragraph, in order to fall within the definition of the term
1501 "project":

1502 (i) The enterprise or development must be located
1503 within the designated geographic area; and

1504 (ii) Each state must provide funds or in-kind
1505 contributions equal to at least one-third (1/3) of the total costs
1506 of the project to the states.

1507 (g) "Project agreement" means an agreement, approved by
1508 the Legislature of the states, setting forth certain obligations,
1509 responsibilities, benefits, administrative matters and any other
1510 matters with respect to a specific project that are not
1511 inconsistent with the terms of this chapter as the legislatures of
1512 the states deem appropriate with respect to a specific project.

1513 (h) "Project tax revenues" means:

1514 (i) All of the following state and local taxes
1515 paid directly to a state or a local government by the project:
1516 income taxes, ad valorem taxes on real and personal property,



1517 sales and use taxes, franchise taxes, license taxes, excise taxes
1518 and severance taxes; and

1519 (ii) All state and local personal income tax and
1520 occupational tax withholdings from employees of the project
1521 attributable to employment at the project.

1522 (i) "States" means the State of Alabama and the State
1523 of Mississippi collectively.

1524 **SECTION 24.** Section 85-3-4, Mississippi Code of 1972, is
1525 amended as follows:

1526 85-3-4. (1) The wages, salaries or other compensation of
1527 laborers or employees, residents of this state, shall be exempt
1528 from seizure under attachment, execution or garnishment for a
1529 period of thirty (30) days from the date of service of any writ of
1530 attachment, execution or garnishment.

1531 (2) After the passage of the period of thirty (30) days
1532 described in subsection (1) of this section, the maximum part of
1533 the aggregate disposable earnings (as defined by Section 1672(b)
1534 of Title 15, USCS) of an individual that may be levied by
1535 attachment, execution or garnishment shall be:

1536 (a) In the case of earnings for any workweek, the
1537 lesser amount of either * * *:

1538 (i) Twenty-five percent (25%) of his disposable
1539 earnings for that week, or

1540 (ii) The amount by which his disposable earnings
1541 for that week exceed thirty (30) times the federal minimum hourly



1542 wage (prescribed by Section 206 (a) (1) of Title 29, USCS) in
1543 effect at the time the earnings are payable; or

1544 (b) In the case of earnings for any period other than a
1545 week, the amount by which his disposable earnings exceed the
1546 following "multiple" of the federal minimum hourly wage which is
1547 equivalent in effect to that set forth in paragraph (a) (ii) of
1548 this subsection (2): The number of workweeks, or fractions
1549 thereof multiplied by thirty (30) multiplied by the applicable
1550 federal minimum wage.

1551 (3) (a) The restrictions of subsections (1) and (2) of this
1552 section do not apply in the case of:

1553 (i) Any order for the support of any person issued
1554 by a court of competent jurisdiction or in accordance with an
1555 administrative procedure, which is established by state law, which
1556 affords substantial due process, and which is subject to judicial
1557 review.

1558 (ii) Any debt due for any state or local tax.

1559 (b) Except as provided in subparagraph * * * (iii) of
1560 this * * * paragraph (b), the maximum part of the aggregate
1561 disposable earnings of an individual for any workweek which is
1562 subject to garnishment to enforce any order for the support of any
1563 person shall not exceed:

1564 (i) Where such individual is supporting his spouse
1565 or dependent child (other than a spouse or child with respect to



1566 whose support such order is used), fifty percent (50%) of such
1567 individual's disposable earnings for that week; and

1568 (ii) Where such individual is not supporting such
1569 a spouse or dependent child described in subparagraph * * * (i) of
1570 this * * * paragraph (b), sixty percent (60%) of such individual's
1571 disposable earnings for that week;

1572 (iii) With respect to the disposable earnings of
1573 any individual for that workweek, the fifty percent (50%)
1574 specified in subparagraph * * * (i) of this * * * paragraph (b)
1575 shall be deemed to be fifty-five percent (55%) and the sixty
1576 percent (60%) specified in subparagraph * * * (ii) of this * * *
1577 paragraph (b) shall be deemed to be sixty-five percent (65%), if
1578 and to the extent that such earnings are subject to garnishment to
1579 enforce a support order with respect to a period which is prior to
1580 the period of twelve (12) weeks which ends with the beginning of
1581 such workweek.

1582 **SECTION 25.** Section 97-3-54.4, Mississippi Code of 1972, is
1583 brought forward as follows:

1584 97-3-54.4. For the purposes of the Mississippi Human
1585 Trafficking Act the following words and phrases shall have the
1586 meanings ascribed herein unless the context clearly requires
1587 otherwise:

1588 (a) "Act" or "this act" means the Mississippi Human
1589 Trafficking Act.



1590 (b) "Actor" means a person who violates any of the
1591 provisions of Sections 97-3-54 through 97-3-54.4.

1592 (c) "Blackmail" means obtaining property or things of
1593 value of another by threatening to (i) inflict bodily injury on
1594 anyone; or (ii) commit any other criminal offense.

1595 (d) "Coerce" or "coercion" means:

1596 (i) Causing or threatening to cause bodily harm to
1597 any person, physically restraining or confining any person, or
1598 threatening to physically restrain or confine any person;

1599 (ii) Exposing or threatening to expose any fact or
1600 information or disseminating or threatening to disseminate any
1601 fact or information that would tend to subject a person to
1602 criminal or immigration proceedings, hatred, contempt or ridicule;

1603 (iii) Destroying, concealing, removing,
1604 confiscating or possessing any actual or purported passport or
1605 other immigration document, or any other actual or purported
1606 government identification document of any person;

1607 (iv) Providing a controlled substance to a person
1608 for the purpose of compelling the person to engage in labor or
1609 sexual servitude against the person's will;

1610 (v) Causing or threatening to cause financial harm
1611 to any person or using financial control over any person;

1612 (vi) Abusing or threatening to abuse a position of
1613 power, the law, or legal process;

1614 (vii) Using blackmail;



1615 (viii) Using an individual's personal services as
1616 payment or satisfaction of a real or purported debt when: 1. the
1617 reasonable value of the services is not applied toward the
1618 liquidation of the debt; 2. the length of the services is not
1619 limited and the nature of the services is not defined; 3. the
1620 principal amount of the debt does not reasonably reflect the value
1621 of the items or services for which the debt is incurred; or 4. the
1622 individual is prevented from acquiring accurate and timely
1623 information about the disposition of the debt; or

1624 (ix) Using any scheme, plan or pattern of conduct
1625 intended to cause any person to believe that, if the person did
1626 not perform the labor or services, that the person or another
1627 person would suffer serious harm or physical restraint.

1628 (e) "Commercial sexual activity" means any sex act on
1629 account of which anything of value is given to, promised to, or
1630 received by any person.

1631 (f) "Enterprise" means any individual, sole
1632 proprietorship, partnership, corporation, union or other legal
1633 entity, or any association or group of individuals associated in
1634 fact regardless of whether a legal entity has been formed pursuant
1635 to any state, federal or territorial law. It includes illicit as
1636 well as licit enterprises and governmental as well as other
1637 entities.

1638 (g) "Financial harm" includes, but is not limited to,
1639 extortion as defined by Section 97-3-82, Mississippi Code of 1972,



1640 or violation of the usury law as defined by Title 75, Chapter 17,
1641 Mississippi Code of 1972.

1642 (h) "Forced labor or services" means labor or services
1643 that are performed or provided by another person and are obtained
1644 or maintained through coercion.

1645 (i) "Labor" means work of economic or financial value.

1646 (j) "Maintain" means, in relation to labor or services,
1647 to secure continued performance thereof, regardless of any initial
1648 agreement on the part of the trafficked person to perform such
1649 labor or service.

1650 (k) "Minor" means a person under the age of eighteen
1651 (18) years.

1652 (l) "Obtain" means, in relation to labor or services,
1653 to secure performance thereof.

1654 (m) "Pecuniary damages" means any of the following:

1655 (i) The greater of the gross income or value to
1656 the defendant of the victim's labor or services, including sexual
1657 services, not reduced by the expense the defendant incurred as a
1658 result of maintaining the victim, or the value of the victim's
1659 labor or services calculated under the minimum wage and overtime
1660 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1661 seq., whichever is higher;

1662 (ii) If it is not possible or in the best interest
1663 of the victim to compute a value under subparagraph (i) of this
1664 paragraph (m), the equivalent of the value of the victim's labor



1665 or services if the victim had provided labor or services that were
1666 subject to the minimum wage and overtime provisions of the Fair
1667 Labor Standards Act, 29 USCS 201 et seq.;

1668 (iii) Costs and expenses incurred by the victim as
1669 a result of the offense for:

- 1670 1. Medical services;
- 1671 2. Therapy or psychological counseling;
- 1672 3. Temporary housing;
- 1673 4. Transportation;
- 1674 5. Childcare;
- 1675 6. Physical and occupational therapy or
1676 rehabilitation;
- 1677 7. Funeral, interment, and burial services;
1678 reasonable attorney's fees and other legal costs; and
- 1679 8. Other expenses incurred by the victim.

1680 (n) "Serious harm" means harm, whether physical or
1681 nonphysical, including psychological, economic or reputational, to
1682 an individual that would compel a reasonable person in similar
1683 circumstances as the individual to perform or continue to perform
1684 labor or services to avoid incurring the harm.

1685 (o) "Services" means an ongoing relationship between a
1686 person and the actor in which the person performs activities under
1687 the supervision of or for the benefit of the actor or a third
1688 party and includes, without limitation, commercial sexual



1689 activity, sexually explicit performances, or the production of
1690 sexually explicit materials.

1691 (p) "Sexually explicit performance" means a live or
1692 public act or show intended to arouse or satisfy the sexual
1693 desires or appeal to the prurient interests of patrons.

1694 (q) "Trafficked person" means a person subjected to the
1695 practices prohibited by this act regardless of whether a
1696 perpetrator is identified, apprehended, prosecuted or convicted,
1697 and is a term used interchangeably with the terms "victim,"
1698 "victim of trafficking" and "trafficking victim."

1699 (r) "Venture" means any group of two (2) or more
1700 individuals associated in fact, whether or not a legal entity.

1701 (s) "Sexually oriented material" shall have the meaning
1702 ascribed in Section 97-5-27, Mississippi Code of 1972.

1703 **SECTION 26.** Section 99-19-20, Mississippi Code of 1972, is
1704 brought forward as follows:

1705 99-19-20. (1) Except as otherwise provided under Section
1706 99-19-20.1, when any court sentences a defendant to pay a fine,
1707 the court may order (a) that the fine be paid immediately, or (b)
1708 that the fine be paid in installments to the clerk of the court or
1709 to the judge, if there be no clerk, or (c) that payment of the
1710 fine be a condition of probation, or (d) that the defendant be
1711 required to work on public property for public benefit under the
1712 direction of the sheriff for a specific number of hours, or (e)
1713 any combination of the above.



1714 (2) Except as otherwise provided under Section 99-19-20.1,
1715 the defendant may be imprisoned until the fine is paid if the
1716 defendant is financially able to pay a fine and the court so
1717 finds, subject to the limitations provided under this section.
1718 The defendant shall not be imprisoned if the defendant is
1719 financially unable to pay a fine and so states to the court in
1720 writing, under oath, after sentence is pronounced, and the court
1721 so finds, except if the defendant is financially unable to pay a
1722 fine and such defendant failed or refused to comply with a prior
1723 sentence as specified in subsection (1) of this section, the
1724 defendant may be imprisoned.

1725 This subsection shall be limited as follows:

1726 (a) In no event shall such period of imprisonment
1727 exceed one (1) day for each One Hundred Dollars (\$100.00) of the
1728 fine.

1729 (b) If a sentence of imprisonment, as well as a fine,
1730 were imposed, the aggregate of such term for nonpayment of a fine
1731 and the original sentence of imprisonment shall not exceed the
1732 maximum authorized term of imprisonment.

1733 (c) It shall be in the discretion of the judge to
1734 determine the rate of the credit to be earned for work performed
1735 under subsection (1)(d), but the rate shall be no lower than the
1736 rate of the highest current federal minimum wage.



1737 (3) Periods of confinement imposed for nonpayment of two (2)
1738 or more fines shall run consecutively unless specified by the
1739 court to run concurrently.

1740 **SECTION 27.** (1) **Definitions.** The following words and
1741 phrases shall have the meanings as defined in this section unless
1742 the context clearly indicates otherwise:

1743 (a) "Child" means a biological, adopted, or foster
1744 child, a stepchild, a legal ward, or a child of a person standing
1745 in loco parentis, who is: (i) under eighteen (18) years of age;
1746 (ii) or eighteen (18) years of age or older and incapable of
1747 self-care because of a mental or physical disability.

1748 (b) "Department" means the Mississippi Department of
1749 Employment Security.

1750 (c) "Director" means the director of the department.

1751 (d) "Employee" means a person who has been employed:
1752 (i) for at least twelve (12) months by the employer with respect
1753 to whom leave is requested; and (ii) for at least one thousand two
1754 hundred fifty (1,250) hours of service with the employer during
1755 the previous twelve-month period.

1756 "Employee" does not mean a person who is employed at a
1757 worksite at which the employer employs less than fifty (50)
1758 employees if the total number of employees employed by that
1759 employer within seventy-five (75) miles of that worksite is less
1760 than fifty (50).



1761 (e) "Employer" means: (i) any person, firm,
1762 corporation, partnership, business trust, legal representative, or
1763 other business entity which engages in any business, industry,
1764 profession, or activity in this state and includes any unit of
1765 local government including, but not limited to, a county, city,
1766 town, municipal corporation, quasi-municipal corporation, or
1767 political subdivision, which employs fifty (50) or more employees
1768 for each working day during each of twenty (20) or more calendar
1769 workweeks in the current or preceding calendar year; (ii) the
1770 state, state institutions, and state agencies; and (iii) any unit
1771 of local government including, but not limited to, a county, city,
1772 town, municipal corporation, quasi-municipal corporation, or
1773 political subdivision.

1774 (f) "Employment benefits" means all benefits provided
1775 or made available to employees by an employer, including group
1776 life insurance, health insurance, disability insurance, sick
1777 leave, annual leave, educational benefits, and pensions except
1778 benefits that are provided by a practice or written policy of an
1779 employer or through an employee benefit plan as defined in 29 USC
1780 Section 1002(3).

1781 (g) "Family member" means a child, parent, spouse, or
1782 state registered domestic partner of an employee.

1783 (h) "Health care provider" means: (i) a person
1784 licensed as a physician or an osteopathic physician and surgeon;
1785 (ii) a person licensed as an advanced registered nurse



1786 practitioner; or (iii) any other person determined by the director
1787 to be capable of providing health care services.

1788 (i) "Intermittent leave" is leave taken in separate
1789 blocks of time due to a single qualifying reason.

1790 (j) "Leave for a family member's serious health
1791 condition" means leave as defined in subsection (3) of this
1792 section.

1793 (k) "Leave for the birth or placement of a child" means
1794 leave as defined in subsection (3) of this section.

1795 (l) "Leave for the employee's serious health condition"
1796 means leave as defined in subsection (3) of this section.

1797 (m) "Parent" means the biological or adoptive parent of
1798 an employee or an individual who stood in loco parentis to an
1799 employee when the employee was a child.

1800 (n) "Period of incapacity" means an inability to work,
1801 attend school, or perform other regular daily activities because
1802 of the serious health condition, treatment of that condition or
1803 recovery from it, or subsequent treatment in connection with such
1804 inpatient care.

1805 (o) "Reduced leave schedule" means a leave schedule
1806 that reduces the usual number of hours per workweek, or hours per
1807 workday, of an employee.

1808 (p) (i) "Serious health condition" means an illness,
1809 injury, impairment, or physical or mental condition that involves:
1810 1. inpatient care in a hospital, hospice, or residential medical



1811 care facility, including any period of incapacity; or 2.
1812 continuing treatment by a health care provider. A serious health
1813 condition involving continuing treatment by a health care provider
1814 includes any one or more of the following:

1815 1. A period of incapacity of more than three
1816 (3) consecutive calendar days, and any subsequent treatment or
1817 period of incapacity relating to the same condition, that also
1818 involves:

1819 a. Treatment two (2) or more times by a
1820 health care provider, by a nurse or physician's assistant under
1821 direct supervision of a health care provider, or by a provider of
1822 health care services under orders of, or on referral by, a health
1823 care provider; or

1824 b. Treatment by a health care provider
1825 on at least one (1) occasion which results in a regimen of
1826 continuing treatment under the supervision of the health care
1827 provider;

1828 2. Any period of incapacity due to pregnancy,
1829 or for prenatal care;

1830 3. Any period of incapacity or treatment for
1831 such incapacity due to a chronic serious health condition. A
1832 chronic serious health condition is one which:

1833 a. Requires periodic visits for
1834 treatment by a health care provider, or by a nurse or physician's
1835 assistant under direct supervision of a health care provider;



1836 b. Continues over an extended period of
1837 time, including recurring episodes of a single underlying
1838 condition; and

1839 c. May cause episodic rather than a
1840 continuing period of incapacity;

1841 4. A period of incapacity which is permanent
1842 or long-term due to a condition for which treatment may not be
1843 effective. The employee or family member must be under the
1844 continuing supervision of, but need not be receiving active
1845 treatment by, a health care provider; or

1846 5. Any period of absence to receive multiple
1847 treatments, including any period of recovery from the treatments,
1848 by a health care provider or by a provider of health care services
1849 under orders of, or on referral by, a health care provider, either
1850 for restorative surgery after an accident or other injury, or for
1851 a condition that would likely result in a period of incapacity of
1852 more than three (3) consecutive calendar days in the absence of
1853 medical intervention or treatment, such as cancer, severe
1854 arthritis, or kidney disease.

1855 (ii) Treatment for purposes of subparagraph (i) of
1856 this paragraph (p) includes, but is not limited to, examinations
1857 to determine if a serious health condition exists and evaluations
1858 of the condition.

1859 Treatment does not include routine physical examinations, eye
1860 examinations, or dental examinations. Under subparagraph (i)1.b.



1861 of this paragraph (p), a regimen of continuing treatment includes,
1862 but is not limited to, a course of prescription medication or
1863 therapy requiring special equipment to resolve or alleviate the
1864 health condition. A regimen of continuing treatment that includes
1865 taking over-the-counter medications, such as aspirin,
1866 antihistamines, or salves, or bed rest, drinking fluids, exercise,
1867 and other similar activities that can be initiated without a visit
1868 to a health care provider, is not, by itself, sufficient to
1869 constitute a regimen of continuing treatment for purposes of this
1870 act.

1871 (iii) Conditions for which cosmetic treatments are
1872 administered are not "serious health conditions" unless inpatient
1873 hospital care is required or unless complications develop. Unless
1874 complications arise, the common cold, the flu, earaches, upset
1875 stomach, minor ulcers, headaches other than migraine, routine
1876 dental or orthodontia problems, and periodontal disease are
1877 examples of conditions that do not meet the definition of a
1878 "serious health condition" and do not qualify for leave under this
1879 act. Restorative dental or plastic surgery after an injury or
1880 removal of cancerous growths are serious health conditions
1881 provided all the other conditions of this section are met.

1882 Mental illness resulting from stress or allergies may be
1883 serious health conditions provided all the other conditions of
1884 this section are met.



1885 (iv) Substance abuse may be a serious health
1886 condition if the conditions of this section are met. However,
1887 leave may only be taken for treatment for substance abuse by a
1888 health care provider or by a provider of health care services upon
1889 referral by a health care provider. Absence from work because of
1890 the employee's use of the substance, rather than for treatment,
1891 does not qualify for leave under this act.

1892 (v) Absences attributable to incapacity under
1893 subparagraph (i)1. or 3. of this paragraph (p) qualify for leave
1894 under this act even though the employee or the immediate family
1895 member does not receive treatment from a health care provider
1896 during the absence, and even if the absence does not last more
1897 than three (3) days.

1898 (q) "Spouse" means a husband or wife, as the case may
1899 be, or state registered domestic partner.

1900 (2) **Administration.** The Mississippi Department of
1901 Employment Security shall administer the provisions of this act.

1902 (3) **Entitlement to paid leave.** (a) An employee is entitled
1903 to a total of twelve (12) workweeks of paid leave during any
1904 twelve-month period for one or more of the following:

1905 (i) Because of the birth of a child of the
1906 employee and in order to care for the child;

1907 (ii) Because of the placement of a child with the
1908 employee for adoption or foster care;



1909 (iii) In order to care for a family member of the
1910 employee, if the family member has a serious health condition; or

1911 (iv) Because of a serious health condition that
1912 makes the employee unable to perform the functions of the position
1913 of the employee.

1914 (b) The entitlement to leave for the birth or placement
1915 of a child expires at the end of the twelve-month period beginning
1916 on the date of such birth or placement.

1917 (4) **Leave taken intermittently or on reduced leave schedule.**

1918 (a) When paid leave is taken after the birth or
1919 placement of a child for adoption or foster care, an employee may
1920 take paid leave intermittently or on a reduced paid leave schedule
1921 with the employers' agreement. The employers' agreement is not
1922 required, however, for paid leave during which the employee has a
1923 serious health condition in connection with the birth of a child
1924 or if the newborn child has a serious health condition.

1925 (b) Paid leave may be taken intermittently or on a
1926 reduced leave schedule when medically necessary for medical
1927 treatment of a serious health condition by or under the
1928 supervision of a health care provider, or for recovery from
1929 treatment or recovery from a serious health condition. It may
1930 also be taken to provide care or psychological comfort to an
1931 immediate family member with a serious health condition.

1932 (i) Intermittent paid leave may be taken for a
1933 serious health condition that requires treatment by a health care



1934 provider periodically, rather than for one (1) continuous period
1935 of time, and may include leave of periods from an hour or more to
1936 several weeks.

1937 (ii) Intermittent or reduced schedule paid leave
1938 may be taken for absences where the employee or family member is
1939 incapacitated or unable to perform the essential functions of the
1940 position because of a chronic serious health condition even if he
1941 or she does not receive treatment by a health care provider.

1942 (c) There is no limit on the size of an increment of
1943 paid leave when an employee takes intermittent paid leave or paid
1944 leave on a reduced paid leave schedule. However, an employer may
1945 limit leave increments to the shortest period of time that the
1946 employer's payroll system uses to account for absences or use of
1947 leave, provided it is one (1) hour or less.

1948 (d) The taking of paid leave intermittently or on a
1949 reduced leave schedule under this section may not result in a
1950 reduction in the total amount of leave to which the employee is
1951 entitled beyond the amount of leave actually taken.

1952 (e) If an employee requests intermittent paid leave, or
1953 leave on a reduced leave schedule, for a family member's serious
1954 health condition or the employees' serious health condition when
1955 the condition is foreseeable based on planned medical treatment,
1956 the employer may require such employee to transfer temporarily to
1957 an available alternative position offered by the employer for
1958 which the employee is qualified and that:



1959 (i) Has equivalent pay and benefits; and
1960 (ii) Better accommodates recurring periods of
1961 leave than the regular employment position of the employee.

1962 (5) **Foreseeable paid leave.** (a) If the necessity for paid
1963 leave for the birth or placement of a child is foreseeable based
1964 on an expected birth or placement, the employee shall provide the
1965 employer with not less than thirty (30) days notice, before the
1966 date the leave is to begin, of the employee's intention to take
1967 leave for the birth or placement of a child, except that if the
1968 date of the birth or placement requires leave to begin in less
1969 than thirty (30) days, the employee shall provide such notice as
1970 is practicable.

1971 (b) If the necessity for paid leave for a family
1972 member's serious health condition or the employee's serious health
1973 condition is foreseeable based on planned medical treatment, the
1974 employee:

1975 (i) Must make a reasonable effort to schedule the
1976 treatment so as not to unduly disrupt the operations of the
1977 employer, subject to the approval of the health care provider of
1978 the employee or the health care provider of the family member, as
1979 appropriate; and

1980 (ii) Must provide the employer with not less than
1981 thirty (30) days notice, before the date the leave is to begin, of
1982 the employee's intention to take leave for a family member's
1983 serious health condition or the employee's serious health



1984 condition, except that if the date of the treatment requires leave
1985 to begin in less than thirty (30) days, the employee must provide
1986 such notice as is practicable.

1987 (6) **Spouses employed by same employer.** If spouses entitled
1988 to leave under this act are employed by the same employer, the
1989 aggregate number of workweeks of paid leave to which both may be
1990 entitled may be limited to twelve (12) workweeks during any
1991 twelve-month period, if such leave is taken: (a) for the birth or
1992 placement of a child; or (b) for a parent's serious health
1993 condition.

1994 (7) **Certification.** (a) An employer may require that a
1995 request for paid leave for a family member's serious health
1996 condition or the employee's serious health condition be supported
1997 by a certification issued by the health care provider of the
1998 employee or of the family member, as appropriate. The employee
1999 must provide, in a timely manner, a copy of the certification to
2000 the employer.

2001 (b) Certification provided under paragraph (a) of this
2002 subsection is sufficient if it states:

2003 (i) The date on which the serious health condition
2004 commenced;

2005 (ii) The probable duration of the condition;

2006 (iii) The appropriate medical facts within the
2007 knowledge of the health care provider regarding the condition;



2008 (iv) 1. For purposes of leave for a family
2009 member's serious health condition, a statement that the employee
2010 is needed to care for the family member and an estimate of the
2011 amount of time that such employee is needed to care for the family
2012 member; and

2013 2. For purposes of leave for the employee's
2014 serious health condition, a statement that the employee is unable
2015 to perform the functions of the position of the employee;

2016 (v) In the case of certification for intermittent
2017 leave, or leave on a reduced leave schedule, for planned medical
2018 treatment, the dates on which the treatment is expected to be
2019 given and the duration of the treatment;

2020 (vi) In the case of certification for intermittent
2021 leave, or leave on a reduced leave schedule, for the employee's
2022 serious health condition, a statement of the medical necessity for
2023 the intermittent leave or leave on a reduced leave schedule, and
2024 the expected duration of the intermittent leave or reduced leave
2025 schedule; and

2026 (vii) In the case of certification for
2027 intermittent leave, or leave on a reduced leave schedule, for a
2028 family member's serious health condition, a statement that the
2029 employee's intermittent leave or leave on a reduced leave schedule
2030 is necessary for the care of the family member who has a serious
2031 health condition, or will assist in their recovery, and the



2032 expected duration and schedule of the intermittent leave or
2033 reduced leave schedule.

2034 (c) If the employer has reason to doubt the validity of
2035 the certification provided under paragraph (a) of this subsection
2036 (7) for leave for a family member's serious health condition or
2037 the employee's serious health condition, the employer may require,
2038 at the expense of the employer, that the employee obtain the
2039 opinion of a second health care provider designated or approved by
2040 the employer concerning any information certified under paragraph
2041 (b) of this subsection (7) for the leave. The second health care
2042 provider may not be employed on a regular basis by the employer.

2043 (d) If the second opinion described in paragraph (c) of
2044 this subsection (7) differs from the opinion in the original
2045 certification provided under paragraph (a) of this subsection (7),
2046 the employer may require, at the expense of the employer, that the
2047 employee obtain the opinion of a third health care provider
2048 designated or approved jointly by the employer and the employee
2049 concerning the information certified under paragraph (b) of this
2050 subsection (7). The opinion of the third health care provider
2051 concerning the information certified under paragraph (b) of this
2052 subsection (7) is considered to be final and is binding on the
2053 employer and the employee.

2054 (e) The employer may require that the employee obtain
2055 subsequent recertifications on a reasonable basis.



2056 (8) **Employment protection.** (a) Except as provided in
2057 paragraph (b) of this subsection, any employee who takes paid
2058 leave for the intended purpose of the leave is entitled, on return
2059 from the leave:

2060 (i) To be restored by the employer to the position
2061 of employment held by the employee when the leave commenced; or

2062 (ii) To be restored to an equivalent position with
2063 equivalent employment benefits, pay, and other terms and
2064 conditions of employment at a workplace within twenty (20) miles
2065 of the employee's workplace when leave commenced.

2066 (b) The taking of leave may not result in the loss of
2067 any employment benefits accrued before the date on which the leave
2068 commenced.

2069 (c) Nothing in this section entitles any restored
2070 employee to (i) the accrual of any seniority or employment
2071 benefits during any period of leave; or (ii) any right, benefit,
2072 or position of employment other than any right, benefit, or
2073 position to which the employee would have been entitled had the
2074 employee not taken the leave.

2075 (d) As a condition of restoration under paragraph (a)
2076 of this subsection for an employee who has taken leave for the
2077 employee's serious health condition, the employer may have a
2078 uniformly applied practice or policy that requires each such
2079 employee to receive certification from the health care provider of
2080 the employee that the employee is able to resume work, except that



2081 nothing in this paragraph (d) supersedes a valid local law or a
2082 collective bargaining agreement that governs the return to work of
2083 such employees.

2084 (e) Nothing in this subsection prohibits an employer
2085 from requiring an employee on leave to report periodically to the
2086 employer on the status and intention of the employee to return to
2087 work.

2088 An employer may deny restoration under this subsection to any
2089 salaried employee who is among the highest paid ten percent (10%)
2090 of the employees employed by the employer within seventy-five (75)
2091 miles of the facility at which the employee is employed if:

2092 (i) Denial is necessary to prevent substantial and
2093 grievous economic injury to the operations of the employer;

2094 (ii) The employer notifies the employee of the
2095 intent of the employer to deny restoration on such basis at the
2096 time the employer determines that the injury would occur; and

2097 (iii) The leave has commenced and the employee
2098 elects not to return to employment after receiving the notice.

2099 (9) **Employment benefits.** During any period of paid leave
2100 taken, if the employee is not eligible for any employer
2101 contribution to medical or dental benefits under an applicable
2102 collective bargaining agreement or employer policy during any
2103 period of leave, an employer shall allow the employee to continue,
2104 at the employee's expense, medical or dental insurance coverage,
2105 including any spouse and dependent coverage, in accordance with



2106 state or federal law. The premium to be paid by the employee
2107 shall not exceed one hundred two percent (102%) of the applicable
2108 premium for the leave period.

2109 (10) **Prohibited acts.** (a) It is unlawful for any employer
2110 to:

2111 (i) Interfere with, restrain, or deny the exercise
2112 of, or the attempt to exercise, any right provided under this act;
2113 or

2114 (ii) Discharge or in any other manner discriminate
2115 against any individual for opposing any practice made unlawful by
2116 this act.

2117 (b) It is unlawful for any person to discharge or in
2118 any other manner discriminate against any individual because the
2119 individual has:

2120 (i) Filed any charge, or has instituted or caused
2121 to be instituted any proceeding, under or related to this act;

2122 (ii) Given, or is about to give, any information
2123 in connection with any inquiry or proceeding relating to any right
2124 provided under this act; or

2125 (iii) Testified, or is about to testify, in any
2126 inquiry or proceeding relating to any right provided under this
2127 act.

2128 (11) **Complaint investigations by director.** Upon complaint
2129 by an employee, the director shall investigate to determine if
2130 there has been compliance with this act and the rules adopted



2131 under this act. If the investigation indicates that a violation
2132 may have occurred, a hearing must be held. The director must
2133 issue a written determination including his or her findings after
2134 the hearing. A judicial appeal from the director's determination
2135 may be taken, with the prevailing party entitled to recover
2136 reasonable costs and attorney's fees.

2137 (12) **Civil penalty.** An employer who is found to have
2138 violated a requirement of this act and the rules adopted under
2139 this act, is subject to a civil penalty of not less than One
2140 Thousand Dollars (\$1,000.00) for each violation. Civil penalties
2141 must be collected by the department and deposited into the family
2142 and medical leave enforcement account.

2143 (13) **Civil action by employees.** (a) Any employer who
2144 violates is liable:

2145 (i) For damages equal to:

2146 1. The amount of:

2147 a. Any wages, salary, employment

2148 benefits, or other compensation denied or lost to such employee by
2149 reason of the violation; or

2150 b. In a case in which wages, salary,
2151 employment benefits, or other compensation have not been denied or
2152 lost to the employee, any actual monetary losses sustained by the
2153 employee as a direct result of the violation, such as the cost of
2154 providing care, up to a sum equal to twelve (12) weeks of wages or
2155 salary for the employee;



2156 2. The interest on the amount described in
2157 subparagraph (i)1. of this paragraph (a) calculated at the
2158 prevailing rate; and

2159 3. An additional amount as liquidated damages
2160 equal to the sum of the amount described in subparagraph (i)1. of
2161 this paragraph (a) and the interest described in subparagraph
2162 (i)2. of this paragraph (a), except that if an employer who has
2163 violated proves to the satisfaction of the court that the act or
2164 omission which violated was in good faith and that the employer
2165 had reasonable grounds for believing that the act or omission was
2166 not a violation of, the court may, in the discretion of the court,
2167 reduce the amount of the liability to the amount and interest
2168 determined under subparagraph (i)1 and 2 of this paragraph (a),
2169 respectively; and

2170 (ii) For such equitable relief as may be
2171 appropriate, including employment, reinstatement, and promotion.

2172 (b) An action to recover the damages or equitable
2173 relief prescribed in subsection (1) of this section may be
2174 maintained against any employer in any court of competent
2175 jurisdiction by any one or more employees for and on behalf of:

2176 (i) The employees; or

2177 (ii) The employees and other employees similarly
2178 situated.

2179 (c) The court in such an action shall, in addition to
2180 any judgment awarded to the plaintiff, allow reasonable attorney's



2181 fees, reasonable expert witness fees, and other costs of the
2182 action to be paid by the defendant.

2183 (14) **Notice; penalties.** Each employer shall post and keep
2184 posted, in conspicuous places on the premises of the employer
2185 where notices to employees and applicants for employment are
2186 customarily posted, a notice, to be prepared or approved by the
2187 director, setting forth excerpts from, or summaries of, the
2188 pertinent provisions of this act and information pertaining to the
2189 filing of a charge. Any employer that willfully violates this
2190 section may be subject to a civil penalty of not more than One
2191 Hundred Dollars (\$100.00) for each separate offense. Any
2192 penalties collected by the department under this subsection shall
2193 be deposited into the family and medical leave enforcement
2194 account.

2195 (15) **Effect on other laws.** Nothing in this act shall be
2196 construed: (a) to modify or affect any state or local law
2197 prohibiting discrimination on the basis of race, religion, color,
2198 national origin, sex, age, or disability; or (b) to supersede any
2199 provision of any local law that provides greater family or medical
2200 leave rights than the rights established under this act.

2201 (16) **Effect on existing employment benefits.** Nothing in
2202 this act diminishes the obligation of an employer to comply with
2203 any collective bargaining agreement or any employment benefit
2204 program or plan that provides greater family or medical leave
2205 rights to employees than the rights established under this act.



2206 The rights established for employees under this act may not be
2207 diminished by any collective bargaining agreement or any
2208 employment benefit program or plan.

2209 (17) **Encouragement of more generous leave policies.** Nothing
2210 in this act shall be construed to discourage employers from
2211 adopting or retaining leave policies more generous than any
2212 policies that comply with the requirements under this act.

2213 (18) **Relationship to federal Family and Medical Leave Act.**

2214 (a) Leave under this section and leave under the
2215 federal Family and Medical Leave Act of 1993 (Act Feb. 5, 1993,
2216 Public Law 103-3, 107 Stat. 6) is in addition to any leave for
2217 sickness or temporary disability because of pregnancy or
2218 childbirth;

2219 (b) Leave taken under this act must be taken
2220 concurrently with any leave taken under the federal Family and
2221 Medical Leave Act of 1993 (Act Feb. 5, 1993, Public Law 103-3, 107
2222 Stat. 6).

2223 (19) **Construction.** This must be construed to the extent
2224 possible in a manner that is consistent with similar provisions,
2225 if any, of the federal Family and Medical Leave Act of 1993 (Act
2226 Feb. 5, 1993, Public Law 103-3, 107 Stat. 6), and that gives
2227 consideration to the rules, precedents, and practices of the
2228 federal Department of Labor relevant to the federal act.

2229 **SECTION 28. Women in High-Wage, High-Demand, Nontraditional**

2230 **Jobs Grant Program.** (1) The following words and phrases shall



2231 have the meanings as defined in this section unless the context
2232 clearly indicates otherwise:

2233 (a) "Executive director" means the Executive Director
2234 of the Mississippi Department of Employment Security.

2235 (b) "Eligible organization" includes, but is not
2236 limited to:

2237 (i) Community-based organizations experienced in
2238 serving women;

2239 (ii) Employers;

2240 (iii) Business and trade associations;

2241 (iv) Labor unions and employee organizations;

2242 (v) Registered apprenticeship programs;

2243 (vi) Secondary and postsecondary education
2244 institutions located in Mississippi; and

2245 (vii) Workforce and economic development agencies.

2246 (c) "High-wage, high-demand" means occupations that
2247 represent at least one-tenth of one percent (0.1%) of total
2248 employment in the base year, have an annual median salary which is
2249 higher than the average for the current year, and are projected to
2250 have more total openings as a share of employment than the
2251 average.

2252 (d) "Low-income" means income less than two hundred
2253 percent (200%) of the federal poverty guideline adjusted for a
2254 family size of four (4).



2255 (e) "Nontraditional occupations" mean those occupations
2256 in which women make up less than twenty-five percent (25%) of the
2257 workforce as defined under United States Code, Title 20, Section
2258 2302.

2259 (2) **Grant program.** The executive director shall establish
2260 the Women in High-Wage, High-Demand, Nontraditional Jobs Grant
2261 Program to increase the number of women in high-wage, high-demand,
2262 nontraditional occupations. The executive director shall make
2263 grants to eligible organizations for programs that encourage and
2264 assist women to enter high-wage, high-demand, nontraditional
2265 occupations, including, but not limited to, those in the skilled
2266 trades, science, technology, engineering and math (STEM)
2267 occupations.

2268 (3) **Use of funds.** Grant funds awarded under this section
2269 may be used for:

2270 (a) Recruitment, preparation, placement, and retention
2271 of women, including low-income women with child care
2272 responsibilities, in registered apprenticeships, postsecondary
2273 education programs, on-the-job training and permanent employment
2274 in high-wage, high-demand, nontraditional occupations;

2275 (b) Secondary or postsecondary education or other
2276 training to prepare women to succeed in high-wage, high-demand,
2277 nontraditional occupations. Activities under this section may be
2278 conducted by the grantee or in collaboration with another



2279 institution, including, but not limited to, a public or private
2280 secondary or postsecondary school;

2281 (c) Innovative, hands-on best practices that stimulate
2282 interest in high-wage, high-demand, nontraditional occupations
2283 among women, increase awareness among women about opportunities in
2284 high-wage, high-demand, nontraditional occupations, or increase
2285 access to secondary programming leading to jobs in high-wage,
2286 high-demand, nontraditional occupations. Best practices include,
2287 but are not limited to, mentoring, internships, or apprenticeships
2288 for women in high-wage, high-demand, nontraditional occupations;

2289 (d) Training and other staff development for job seeker
2290 counselors and caseworkers on opportunities in high-wage,
2291 high-demand, nontraditional occupations;

2292 (e) Incentives for employers and sponsors of registered
2293 apprenticeship programs to retain women in high-wage, high-demand,
2294 nontraditional occupations for more than one (1) year;

2295 (f) Training and technical assistance for employers to
2296 create a safe and healthy workplace environment designed to retain
2297 and advance women, including best practices for addressing sexual
2298 harassment, and to overcome gender inequity among employers and
2299 registered apprenticeship programs;

2300 (g) Public education and outreach activities to
2301 overcome stereotypes about women in high-wage, high-demand,
2302 nontraditional occupations, including the development of
2303 educational and marketing materials; and



2304 (h) Support for women in high-wage, high-demand,
2305 nontraditional occupations including, but not limited to,
2306 assistance with workplace issues resolution and access to advocacy
2307 assistance and services.

2308 (4) Grant applications must include detailed information
2309 about how the applicant plans to:

2310 (a) Increase women's participation in high-wage,
2311 high-demand occupations in which women are currently
2312 underrepresented in the workforce;

2313 (b) Comply with the requirements under subsection (3)
2314 of this section; and

2315 (c) Use grant funds in conjunction with funding from
2316 other public or private sources.

2317 (5) In awarding grants under this section, the executive
2318 director shall give priority to eligible organizations:

2319 (a) With demonstrated success in recruiting and
2320 preparing women, especially low-income women with child care
2321 responsibilities, for high-wage, high-demand, nontraditional
2322 occupations; and

2323 (b) That leverage additional public and private
2324 resources.

2325 (6) At least fifty percent (50%) of total grant funds must
2326 be awarded to programs providing services and activities targeted
2327 to low-income women.



2328 (7) The executive director shall monitor the use of funds
2329 under this section, collect and compile information on the
2330 activities of other state agencies and public or private entities
2331 that have purposes similar to those under this section, and
2332 identify other public and private funding available for these
2333 purposes.

2334 **SECTION 29.** (1) There is established the Mississippi Higher
2335 Education Grant Program for Single Mothers. This program is for
2336 college or university freshmen, sophomores, juniors and seniors
2337 and will be administered by the Mississippi Postsecondary
2338 Education Financial Assistance Board established under Section
2339 37-106-9. The board shall set the dates and deadlines for
2340 applying for an award under this section and shall establish the
2341 rules and regulations as it deems necessary and proper to carry
2342 out the purposes and intent of this section.

2343 (2) The board shall approve grants to full-time and
2344 part-time freshmen, sophomore, junior and senior Mississippi
2345 residents who meet the general requirements for student
2346 eligibility as provided in subsection (4) of this section.

2347 (3) Grants under the program shall be for single mothers who
2348 are Mississippi resident students from any Mississippi family
2349 whose prior year adjusted gross income (AGI) is at or below one
2350 hundred and fifty percent (150%) of the Federal Poverty
2351 Guidelines. The award shall be applied to tuition, rooms and
2352 meals, books, materials, fees and child care expenses and shall be



2353 at least One Thousand Five Hundred Dollars (\$1,500.00) for
2354 students attending any board-approved institution of higher
2355 learning or community or junior college. The award will be
2356 prorated per term, semester or quarter of the academic year for
2357 costs of attendance, calculated according to the formula specified
2358 in subsection (8) of this section.

2359 (4) The general requirements for initial eligibility for the
2360 Mississippi Higher Education Grant Program for Single Mothers
2361 shall consist of the following:

2362 (a) An unmarried mother to at least one (1) minor
2363 child.

2364 (b) Member of a Mississippi family whose prior year
2365 adjusted gross income (AGI) is at or below one hundred and fifty
2366 percent (150%) of the Federal Poverty Guidelines.

2367 (c) Acceptance for enrollment at any state institution
2368 of higher learning or public community or junior college located
2369 in Mississippi, or any regionally accredited, state-approved,
2370 nonprofit two-year or four-year college or university located in
2371 Mississippi and approved by the board.

2372 (d) Completion of a secondary education as follows:

2373 (i) Graduation from high school verified by the
2374 institution before disbursement of award with a minimum grade
2375 point average of 2.0 calculated on a 4.0 scale after seven (7)
2376 semesters as certified by the high school counselor or other
2377 authorized school official on the application; or



2378 (ii) Attendance at a home education program during
2379 grade levels 9 through 12; or

2380 (iii) Satisfactory completion of the High School
2381 Equivalency Diploma; or

2382 (iv) Successful completion of the International
2383 Baccalaureate Program.

2384 (e) A minimum score of fifteen (15) on the ACT test
2385 except that any student entering a vocational or technical program
2386 of study, or who has satisfactorily completed the High School
2387 Equivalency Diploma Test and attends a community or junior college
2388 will not be required to have a test score under the ACT unless a
2389 student enrolls in courses of academic study.

2390 (f) Any student currently enrolled in any qualified
2391 institution shall have to only meet the same requirements as
2392 students who are applying for a renewal award.

2393 (5) By accepting a Mississippi Higher Education Grant for
2394 Single Mothers, the student is attesting to the accuracy,
2395 completeness and correctness of information provided to
2396 demonstrate the student's eligibility. Falsification of such
2397 information shall result in the denial of any pending grant and
2398 revocation of any award currently held to the extent that no
2399 further payments shall be made. Any student knowingly making
2400 false statements in order to receive a grant shall be guilty of a
2401 misdemeanor punishable, upon conviction thereof, by a fine of up
2402 to Ten Thousand Dollars (\$10,000.00), a prison sentence of up to



2403 one (1) year in the county jail, or both, and shall be required to
2404 return all grants wrongfully obtained.

2405 (6) Eligibility for renewal of Mississippi Higher Education
2406 Grants for Single Mothers shall be evaluated at the end of each
2407 semester, or term, of each academic year. As a condition for
2408 renewal, a student shall:

2409 (a) Make steady academic progress toward a certificate
2410 or degree, as outlined in the school Satisfactory Academic
2411 Progress Standards and certified by the institution's registrar.

2412 (b) Maintain continuous enrollment for not less than
2413 two (2) semesters or three (3) quarters in each successive
2414 academic year, unless granted an exception for cause by the
2415 administering board; examples of cause may include student
2416 participation in a cooperative program, internship program or
2417 foreign study program. If a student fails to maintain continuous
2418 enrollment, and is not granted an exception for cause by the
2419 administering board, the student is ineligible to receive the
2420 grant during the following semester or trimester or term of the
2421 regular academic year.

2422 (c) Have a cumulative grade point average of at least
2423 2.0 calculated on a 4.0 scale at the end of each semester or
2424 trimester or term.

2425 (7) Each student, each year, must complete a Free
2426 Application for Federal Student Aid form or a Statement of



2427 Certification as designed by the administering board to determine
2428 her eligibility for a grant.

2429 (8) (a) The amount of the Mississippi Higher Education
2430 Grant for Single Mothers awarded to any one (1) student, up to the
2431 maximum amount provided in subsection (3) of this section, shall
2432 be the difference of the student's cost of attendance at her
2433 accredited college of choice and the amount of federal aid such
2434 student may receive, not to supplant but to supplement the amount
2435 of any federal aid awarded to the student. Cost of attendance is
2436 the tuition and fees of the applicable institution plus an
2437 allowance for room, meals, books, materials and child care
2438 expenses.

2439 (b) Payment of the grant shall be made payable to the
2440 recipient and the educational institution and mailed directly to
2441 the institution, to be applied first to tuition.

2442 (9) In order for an institution to remain eligible for its
2443 students to participate in the Mississippi Higher Education Grant
2444 Program for Single Mothers, the institution shall comply with any
2445 other requirements set forth by the board.

2446 (10) No student may receive a Mississippi Higher Education
2447 Grant for Single Mothers for more than the equivalent semesters or
2448 quarters required to complete one (1) baccalaureate degree or one
2449 (1) certificate or associate degree program per institution.



2450 (11) In no case shall any student receive any combination of
2451 student financial aid that would exceed the cost of attendance, as
2452 defined in subsection (8) (a) of this section.

2453 **SECTION 30.** Each federal fiscal year, any Temporary
2454 Assistance for Needy Families (TANF) state Maintenance of Effort
2455 (MOE) funds counted in Mississippi's TANF MOE expenditures in the
2456 category of state-funded scholarship programs administered by
2457 Mississippi public and state agencies or institutions shall be
2458 allocated solely to the Mississippi Higher Education Grant Program
2459 for Single Mothers. This funding requirement shall not preclude
2460 any additional state funds to be spent on or allocated to the
2461 Mississippi Higher Education Grant Program for Single Mothers.

2462 **SECTION 31.** Sections 31 through 33 shall be known and may be
2463 cited as the "Evelyn Gandy Fair Pay Act."

2464 **SECTION 32.** The Mississippi Legislature finds that the
2465 existence of wage differentials based on sex in industries engaged
2466 in commerce or in the production of goods for commerce:

2467 (a) Depresses the wages and living standards for
2468 employees that are necessary for their health and efficiency,
2469 thereby increasing the poverty rate in Mississippi;

2470 (b) Prevents the maximum utilization of the available
2471 labor resources, thereby depressing the growth of the state GDP;

2472 (c) Tends to cause labor disputes, thereby burdening,
2473 affecting and obstructing commerce;



2474 (d) Burdens commerce and the free flow of goods in
2475 commerce; and

2476 (e) Constitutes an unfair method of competition.

2477 **SECTION 33.** (1) No employer shall discriminate in any way
2478 against any employee on the basis of sex by paying a salary or
2479 wage to any employee at a rate less than the rate paid to its
2480 employees of the opposite sex for equal work on jobs that require
2481 equal skill, effort and responsibility to perform, and which are
2482 performed under similar working conditions, except where such
2483 payment is made pursuant to:

2484 (a) A seniority system; however, time spent on leave
2485 due to a pregnancy-related condition and parental, family and
2486 medical leave, shall not reduce the seniority-level of an
2487 employee;

2488 (b) A merit system;

2489 (c) A system which measures earnings by quantity or
2490 quality of production; or

2491 (d) A differential based on any bona fide factor other
2492 than sex if the factor:

2493 (i) Is not based on or derived from a differential
2494 in wage based on sex;

2495 (ii) Is job-related with respect to the position
2496 and necessary for the business; and

2497 (iii) Accounts for the entire differential.



2498 An employer who is paying a wage rate differential in
2499 violation of this subsection shall not, in order to comply with
2500 the provisions of this subsection, reduce the wage rate of any
2501 employee.

2502 (2) (a) No labor organization, or its agents, representing
2503 employees of an employer whose employees are subject to the
2504 provisions of this section, shall cause or attempt to cause the
2505 employer to discriminate against an employee in violation of
2506 subsection (1) of this section.

2507 (b) As used in this subsection (2), the term "labor
2508 organization" means any organization of any kind, or any agency or
2509 employee representation committee or plan, in which employees
2510 participate and which exists for the purpose, in whole or in part,
2511 of dealing with employers concerning grievances, labor disputes,
2512 wages, rates of pay, hours of employment or conditions of work.

2513 (3) For purposes of administration and enforcement, any
2514 amounts owed to an employee that have been withheld in violation
2515 of this section shall be deemed to be unpaid minimum wages or
2516 unpaid overtime compensation.

2517 (4) (a) An employer that has been charged with unlawful sex
2518 discrimination under this section shall be entitled to a
2519 rebuttable presumption that the employer has not engaged in
2520 unlawful sex discrimination in violation of this section if:

2521 (i) The charge is made by an employee who holds a
2522 job predominantly occupied by members of one (1) sex, which means



2523 that at least seventy-five percent (75%) of the occupants of the
2524 job are of the same sex, and the employee alleges he or she is
2525 being paid less than an employee who does a different job;

2526 (ii) The employer has, within two (2) years of the
2527 commencement of the action, completed a self-evaluation that meets
2528 the standards set forth in paragraph (d) of this subsection; and

2529 (iii) The employer makes an affirmative showing
2530 that it has made reasonable and substantial progress towards
2531 eliminating wage differentials, including implementing any
2532 required remediation plan, between jobs of equivalent value,
2533 including the job of the employee making the charge, in accordance
2534 with the self-evaluation required in subparagraph (ii) of this
2535 paragraph.

2536 (b) In such cases, the court must give the aggrieved
2537 party an opportunity to rebut this presumption through evidence
2538 that reasonably demonstrates that, notwithstanding the employer's
2539 self-evaluation, the employer has violated this section. In
2540 rebutting this presumption, the aggrieved party may provide all
2541 relevant information including, but not limited to, evidence that:

2542 (i) The employer's job analysis devalues
2543 attributes associated with jobs occupied predominantly by members
2544 of one (1) sex and/or over-values attributes associated with jobs
2545 occupied predominantly by members of the opposite sex;

2546 (ii) The job the aggrieved party occupies was not
2547 adequately evaluated; or



2548 (iii) A job evaluation process has been completed
2549 and, if necessary, a remediation process is in progress or has
2550 been completed, but the self-evaluation has not been reviewed and
2551 updated at reasonable intervals to adjust for changes in the work
2552 environment over time.

2553 (c) An employer wishing to be availed of this
2554 presumption must produce documentation that describes the
2555 self-evaluation process in detail sufficient to show that the
2556 employer has met the standards under paragraph (d).

2557 (d) In order to be eligible for the presumption of
2558 compliance, the self-evaluation must:

2559 (i) Clearly define the employer's establishment;

2560 (ii) Analyze the employee population to identify
2561 differentials in wages, including raises, bonuses, incentive
2562 payments and other forms of remuneration, based on sex;

2563 (iii) Establish a job evaluation plan to determine
2564 the value of jobs within the establishment. The plan must:

2565 1. Be free of any bias based on a person's
2566 sex;

2567 2. Allow for the comparison of all jobs; and

2568 3. Fully and accurately measure the skill,
2569 effort, responsibility and working conditions of each job based on
2570 the actual work performance requirements of the jobs evaluated;

2571 (iv) Apply the job evaluation plan to all jobs;



2572 (v) Create a salary structure or have an
2573 identifying salary group system where jobs of equal value are
2574 placed in the same level or grouping;

2575 (vi) Determine for each salary grouping, or for
2576 each total job evaluation score, the pay differential between jobs
2577 that are predominantly occupied by one (1) sex and other jobs,
2578 including those predominantly occupied by the opposite sex, in
2579 order to identify any wage rate discrimination; and

2580 (vii) Remedy any pay differential identified in
2581 subsection (vi); however, such remediation may not reduce the pay
2582 of any employee or class of employees.

2583 The presumption of compliance may be strengthened where,
2584 through the self-evaluation, including any needed remediation, the
2585 employer maintains communication with and keeps employees apprised
2586 of the process. The method and procedure for that communication
2587 may vary according to the size and organizational structure of the
2588 establishment, but any method or procedure chosen should be
2589 adequate to reach all employees at the establishment.

2590 (5) It shall be an unlawful employment practice for an
2591 employer to:

2592 (a) Require, as a condition of employment, that an
2593 employee refrain from inquiring about, discussing or disclosing
2594 his or her wages or the wages of another employee;



2595 (b) Require an employee to sign a waiver or other
2596 document which purports to deny an employee the right to disclose
2597 or discuss his or her wages;

2598 (c) Discharge, formally discipline, or otherwise
2599 discriminate against an employee for inquiring about, discussing,
2600 or disclosing his or her wages or the wages of another employee;
2601 however, nothing in this subsection (5) creates an obligation for
2602 an employer or employee to disclose wages;

2603 (d) Retaliate or in any other manner discriminate
2604 against an employee or applicant for employment because that
2605 individual has opposed a practice made unlawful by this act or
2606 because that individual has made a charge, filed a complaint, or
2607 instituted or caused to be instituted any investigation,
2608 proceeding, hearing, or action under or related to this act,
2609 including an investigation conducted by the employer, or has
2610 testified or is planning to testify, or has assisted, or
2611 participated in any manner in any such investigation, proceeding,
2612 or hearing under this act.

2613 (6) (a) A civil action asserting a violation of this
2614 section may be maintained against any employer in any court of
2615 competent jurisdiction by any one (1) or more employees for or on
2616 behalf of the employee, a group of employees, and other employees
2617 similarly situated. Any such action shall commence no later than
2618 two (2) years after the discriminatory practice declared unlawful
2619 by this section has occurred. A discriminatory practice occurs



2620 when a discriminatory compensation decision or other practice is
2621 adopted, when an employee is subjected to a discriminatory
2622 compensation decision or other practice, or when an employee is
2623 affected by the application of a discriminatory compensation
2624 decision or other practice, including each time wages, benefits,
2625 or other compensation is paid based on the discriminatory
2626 compensation decision or other practice.

2627 (b) If an employer is found in violation of this
2628 section, the employee may recover in a civil action the amount of
2629 their unpaid wages; liquidated damages; compensatory damages;
2630 punitive damages as may be appropriate, where the employee
2631 demonstrates that the employer acted with malice or reckless
2632 indifference; other equitable relief as may be appropriate; and
2633 the costs of the action and reasonable attorney's fees.

2634 **SECTION 34. Definitions.** (1) As used in this section, the
2635 following words and terms have the following meanings:

2636 (a) "Department" means the Mississippi Department of
2637 Employment Security.

2638 (b) "Domestic partner" means a party to a civil union.

2639 (c) "Domestic violence" means certain crimes when
2640 committed by one (1) family or household member against another.

2641 (d) "Employee" means any person suffered or permitted
2642 to work by an employer, except that independent contractors or
2643 subcontractors shall not be considered employees.



2644 (e) "Employer" means any individual, partnership,
2645 association, corporation, business trust, or any person or group
2646 of persons acting directly or indirectly in the interest of an
2647 employer, in relation to an employee, but does not include the
2648 United States government.

2649 (f) "Family member" means:

2650 (i) Regardless of age, a biological, adopted or
2651 foster child, stepchild or legal ward, a child of a domestic
2652 partner, a child to whom the employee stands in loco parentis, or
2653 an individual to whom the employee stood in loco parentis when the
2654 individual was a minor;

2655 (ii) A biological, foster, stepparent or adoptive
2656 parent or legal guardian of an employee's spouse or domestic
2657 partner or a person who stood in loco parentis when the employee
2658 or employee's spouse or domestic partner was a minor child;

2659 (iii) A person to whom the employee is legally
2660 married under the laws of any state, or a domestic partner of an
2661 employee;

2662 (iv) A grandparent, grandchild or sibling (whether
2663 of a biological, foster, adoptive or step relationship) of the
2664 employee or the employee's spouse or domestic partner; or

2665 (v) Any other individual related by blood or
2666 affinity whose close association with the employee is the
2667 equivalent of a family relationship.



2668 (g) "Health care professional" means any person
2669 licensed under federal or Mississippi law to provide medical or
2670 emergency services, including, but not limited to, doctors,
2671 nurses, and emergency room personnel.

2672 (h) "Paid sick leave time" or "paid sick and safe leave
2673 time" means time that is compensated at the same hourly rate and
2674 with the same benefits, including health care benefits, as the
2675 employee normally earns during hours worked and is provided by an
2676 employer to an employee.

2677 (i) "Retaliatory personnel action" means denial of any
2678 right guaranteed under this chapter and any threat, discharge,
2679 suspension, demotion, reduction of hours, reporting or threatening
2680 to report an employee's suspected citizenship or immigration
2681 status, or the suspected citizenship or immigration status of a
2682 family member of the employee to a federal, state or local agency,
2683 or any other adverse action against an employee for the exercise
2684 of any right guaranteed herein, including any sanctions against an
2685 employee who is the recipient of public benefits for rights
2686 guaranteed under this chapter. Retaliatory personnel action shall
2687 also include interference with or punishment for in any manner
2688 participating in or assisting an investigation, proceeding, or
2689 hearing under this section.

2690 (j) "Sexual assault" means a crime as defined in
2691 Mississippi law.



2692 (k) "Stalking" means harassing another person or
2693 willfully, maliciously and repeatedly following another person
2694 with the intent to place that person in reasonable fear of bodily
2695 injury.

2696 (2) All employees in Mississippi shall accrue a minimum of
2697 one (1) hour of paid sick and safe leave time for every thirty
2698 (30) hours worked up to a maximum of fifty-six (56) hours per
2699 year, unless the employer chooses to provide a higher annual
2700 limit.

2701 (3) Employees who are exempt from the overtime requirements
2702 under 29 USC Section 213(a)(1) of the Federal Fair Labor Standards
2703 Act, 29 USC Section 201 et seq., will be assumed to work forty
2704 (40) hours in each work week for purposes of paid sick and safe
2705 leave time accrual unless their normal work week is less than
2706 forty (40) hours, in which case paid sick and safe leave time
2707 accrues based upon that normal work week.

2708 (4) Paid sick and safe leave time as provided in this
2709 chapter shall begin to accrue at the commencement of employment or
2710 pursuant to the law's effective date, whichever is later. An
2711 employer may provide all paid sick and safe leave time that an
2712 employee is expected to accrue in a year at the beginning of the
2713 year.

2714 (5) Employees shall be entitled to use accrued paid sick and
2715 safe leave time beginning on the ninetieth calendar day following
2716 commencement of their employment, unless otherwise permitted by



2717 the employer. On and after the ninetieth calendar day of
2718 employment, employees may use paid sick and safe leave time as it
2719 is accrued.

2720 (6) Paid sick and safe leave time shall be carried over to
2721 the following calendar year; however, an employee's use of paid
2722 sick and safe leave time provided under this chapter in each
2723 calendar year shall not exceed fifty-six (56) hours.

2724 Alternatively, in lieu of carryover of unused earned paid sick and
2725 safe leave time from one (1) year to the next, an employer may pay
2726 an employee for unused earned paid sick and safe leave time at the
2727 end of a year and provide the employee with an amount of paid sick
2728 and safe leave that meets or exceeds the requirements of this
2729 chapter that is available for the employee's immediate use at the
2730 beginning of the subsequent year.

2731 (7) Any employer with a paid leave time off policy who makes
2732 available an amount of paid leave time off sufficient to meet the
2733 accrual requirements of this section that may be used for the same
2734 purposes and under the same conditions, including with regards to
2735 employee notice and documentation, as paid sick and safe leave
2736 time under this chapter is not required to provide additional paid
2737 sick and safe leave time.

2738 (8) Nothing in this chapter shall be construed as requiring
2739 financial or other reimbursement to an employee from an employer
2740 upon the employee's termination, resignation, retirement, or other



2741 separation from employment for accrued paid sick and safe leave
2742 time that has not been used.

2743 (9) If an employee is transferred to a separate division,
2744 entity or location, but remains employed by the same employer, the
2745 employee is entitled to all paid sick and safe leave time accrued
2746 at the prior division, entity or location and is entitled to use
2747 all paid sick and safe leave time as provided in this chapter.
2748 When there is a separation from employment and the employee is
2749 rehired within one (1) year of separation by the same employer,
2750 previously accrued paid sick and safe leave time that had not been
2751 used shall be reinstated. Further, the employee shall be entitled
2752 to use accrued paid sick and safe leave time and accrue additional
2753 sick and safe leave time at the re-commencement of employment.

2754 (10) When a different employer succeeds or takes the place
2755 of an existing employer, all employees of the original employer
2756 who remain employed by the successor employer are entitled to all
2757 earned paid sick and safe leave time they accrued when employed by
2758 the original employer, and are entitled to use earned paid sick
2759 and safe leave time previously accrued.

2760 (11) At its discretion, an employer may loan sick and safe
2761 leave time to an employee in advance of accrual by such employee.

2762 (12) Paid sick and safe leave time shall be provided to an
2763 employee by an employer for:

2764 (a) An employee's mental or physical illness, injury or
2765 health condition; an employee's need for medical diagnosis, care,



2766 or treatment of a mental or physical illness, injury or health
2767 condition; an employee's need for preventive medical care;

2768 (b) Care of a family member with a mental or physical
2769 illness, injury or health condition; care of a family member who
2770 needs medical diagnosis, care, or treatment of a mental or
2771 physical illness, injury or health condition; and care of a family
2772 member who needs preventive medical care;

2773 (c) Closure of the employee's place of business by
2774 order of a public official due to a public health emergency or an
2775 employee's need to care for a child whose school or place of care
2776 has been closed by order of a public official due to a public
2777 health emergency, or care for oneself or a family member when it
2778 has been determined by the health authorities having jurisdiction
2779 or by a health care provider that the employee's or family
2780 member's presence in the community may jeopardize the health of
2781 others because of their exposure to a communicable disease,
2782 whether or not the employee or family member has actually
2783 contracted the communicable disease; or

2784 (d) Time off needed when the employee or a member of
2785 the employee's family is a victim of domestic violence, sexual
2786 assault or stalking.

2787 (13) Paid sick and safe leave time shall be provided upon
2788 the request of an employee. Such request may be made orally, in
2789 writing, by electronic means or by any other means acceptable to



2790 the employer. When possible, the request shall include the
2791 expected duration of the absence.

2792 (14) When the use of paid sick and safe leave time is
2793 foreseeable, the employee shall make a good faith effort to
2794 provide notice of the need for such time to the employer in
2795 advance of the use of the sick and safe leave time and shall make
2796 a reasonable effort to schedule the use of sick and safe leave
2797 time in a manner that does not unduly disrupt the operations of
2798 the employer.

2799 (15) An employer that requires notice of the need to use
2800 earned paid sick and safe leave time where the need is not
2801 foreseeable shall provide a written policy that contains
2802 procedures for the employee to provide notice. An employer that
2803 has not provided to the employee a copy of its written policy for
2804 providing such notice shall not deny earned paid sick and safe
2805 leave time to the employee based on noncompliance with such a
2806 policy.

2807 (16) Paid sick and safe leave time may be used in the lesser
2808 of hourly increments or the smallest increment that the employer's
2809 payroll system uses to account for absences or use of other time.

2810 (17) For paid sick and safe leave time of more than three
2811 (3) consecutive work days, an employer may require reasonable
2812 documentation that the paid sick and safe leave time has been used
2813 for a purpose covered by paragraphs (a) and (b) of this subsection
2814 if the employer has notified the employee in writing of this



2815 requirement in advance of the employee's use of paid sick and safe
2816 time. An employer may not require that the documentation explain
2817 the nature of the illness or the details of the domestic violence,
2818 sexual assault, or stalking.

2819 (a) Documentation signed by a health care professional
2820 indicating that paid sick leave time is necessary shall be
2821 considered reasonable documentation under this paragraph (a).

2822 (b) One of the following, of the employee's choosing,
2823 shall be considered reasonable documentation of an absence under
2824 this paragraph (b):

2825 (i) An employee's written statement that the
2826 employee or the employee's family member is a victim of domestic
2827 violence, sexual assault or stalking;

2828 (ii) A police report indicating that the employee
2829 or employee's family member was a victim of domestic violence,
2830 sexual assault or stalking;

2831 (iii) A court document indicating that the
2832 employee or employee's family member is involved in legal action
2833 related to domestic violence, sexual assault or stalking; or

2834 (iv) A signed statement from a victim and witness
2835 advocate affirming that the employee or employee's family member
2836 is receiving services from a victim services organization or is
2837 involved in legal action related to domestic violence, sexual
2838 assault or stalking.



2839 (18) An employer's requirements for verification may not
2840 result in an unreasonable burden or expense on the employee and
2841 may not exceed privacy or verification requirements otherwise
2842 established by law.

2843 (19) An employer may not require, as a condition of an
2844 employee's taking paid sick and safe leave time, that the employee
2845 search for or find a replacement worker to cover the hours during
2846 which the employee is using paid sick and safe leave time.

2847 (20) It shall be unlawful for an employer or any other
2848 person to interfere with, restrain, or deny the exercise, or the
2849 attempt to exercise, any right protected under this section.

2850 (21) An employer shall not take retaliatory personnel action
2851 or discriminate against an employee or former employee because the
2852 person has exercised rights protected under this chapter. Such
2853 rights include, but are not limited to, the right to request or
2854 use paid sick and safe leave pursuant to this chapter; the right
2855 to file a complaint with the department or the courts or inform
2856 any person about any employer's alleged violation of this chapter;
2857 the right to participate in an investigation, hearing or
2858 proceeding or cooperate with or assist the department in its
2859 investigations of alleged violations of this chapter; and the
2860 right to inform any person of their potential rights under this
2861 chapter.

2862 (22) It shall be unlawful for an employer's absence control
2863 policy to count paid sick and safe leave time taken under this



2864 chapter as an absence that may lead to or result in discipline,
2865 discharge, demotion, suspension, or any other adverse action.

2866 (23) Protections of this section shall apply to any person
2867 who mistakenly but in good faith alleges violations of this
2868 chapter.

2869 (24) There shall be a rebuttable presumption of unlawful
2870 retaliatory personnel action under this section whenever an
2871 employer takes action against a person within ninety (90) days of
2872 when that person:

2873 (a) Files a complaint with the department or a court
2874 alleging a violation of any provision of this chapter;

2875 (b) Informs any person about an employer's alleged
2876 violation of this chapter;

2877 (c) Cooperates with the department or other persons in
2878 the investigation or prosecution of any alleged violation of this
2879 chapter;

2880 (d) Opposes any policy, practice or act that is
2881 unlawful under this chapter; or

2882 (e) Informs any person of their rights under this
2883 chapter.

2884 (25) (a) Employers shall give employees written notice of
2885 the following at the commencement of employment or by the
2886 effective date of this chapter, whichever is later, which shall
2887 include the following information:



2888 (i) Employees are entitled to paid sick and safe
2889 leave time;

2890 (ii) The amount of paid sick and safe leave time;

2891 (iii) The terms of paid sick and safe leave time
2892 use guaranteed under this chapter;

2893 (iv) That retaliatory personnel actions against
2894 employees who request or use paid sick and safe leave time is
2895 prohibited;

2896 (v) That each employee has the right to file a
2897 complaint or bring a civil action if paid sick and safe leave
2898 time, as required by this section, is denied by the employer or
2899 the employee is subjected to retaliatory personnel action for
2900 requesting or taking paid sick and safe leave time; and

2901 (vi) Contact information for the department where
2902 questions about rights and responsibilities under this chapter can
2903 be answered.

2904 (b) Employers shall comply with this subsection by
2905 supplying each of their employees with a notice in English and in
2906 any language that is the first language spoken by at least five
2907 percent (5%) of the employer's workforce that contains the
2908 information required in paragraph (a) of this subsection, provided
2909 that the notice has been translated into such language by the
2910 department.

2911 (c) The amount of paid sick and safe leave time
2912 available to the employee, the amount of paid sick and safe leave



2913 time taken by the employee to date in the year and the amount of
2914 pay the employee has received as paid sick and safe leave time
2915 shall be recorded in, or on an attachment to, the employee's
2916 regular paycheck or be made available at the employee's request.

2917 (d) Employers shall display a poster in a conspicuous
2918 and accessible place in each establishment where such employees
2919 are employed. The poster displayed shall be in English and in any
2920 language that is the first language spoken by at least five
2921 percent (5%) of the employer's workforce that contains the
2922 information required in paragraph (a) of this subsection, provided
2923 that the poster has been translated into such language by the
2924 department.

2925 (e) The department shall create and make available to
2926 employers, in all languages deemed appropriate by the department,
2927 posters that contain the information required under paragraph (a)
2928 of this subsection.

2929 (f) An employer who willfully violates the notice and
2930 posting requirements of this subsection shall be subject to a
2931 civil fine in an amount not to exceed One Hundred Dollars
2932 (\$100.00) for each separate violation.

2933 (26) An employer may not require disclosure of details
2934 relating to domestic violence, sexual assault, sexual contact or
2935 stalking or the details of an employee's or an employee's family
2936 member's health information as a condition of providing paid sick
2937 and safe leave time under this section. If an employer possesses



2938 health information or information pertaining to domestic violence,
2939 sexual assault, sexual contact or stalking about an employee or
2940 employee's family member, such information shall be treated as
2941 confidential and not disclosed except to the affected employee or
2942 with the permission of the affected employee.

2943 (27) The minimum requirements pertaining to paid sick and
2944 safe leave time in this section shall not be construed to preempt,
2945 limit or otherwise affect the applicability of any other law,
2946 regulation, requirement, policy or standard that provides for
2947 greater accrual or use by employees of sick and safe leave time,
2948 whether paid or unpaid, or that extends other protections to
2949 employees.

2950 (28) Nothing in this section shall be construed to supersede
2951 or preempt any provision of any local law that provides greater
2952 rights to paid sick and safe leave time than the rights
2953 established under this section.

2954 (29) Nothing in this section shall be construed in a manner
2955 to discourage or prohibit an employer from the adoption of a paid
2956 sick and safe leave time policy that provides greater rights or
2957 benefits than the one required in this section.

2958 (30) Nothing in this section shall be construed as
2959 diminishing the obligation of an employer to comply with any
2960 contract, collective bargaining agreement, employment benefit plan
2961 or other agreement that provides greater sick and safe leave time
2962 to an employee than required in this chapter.



2963 (31) Nothing in this chapter shall be construed as
2964 diminishing the rights of public employees regarding paid sick and
2965 safe leave or use of sick and safe leave time as provided in the
2966 general laws.

2967 (32) Employers shall retain records documenting hours worked
2968 by employees and paid sick and safe leave time taken by employees,
2969 for a period of three (3) years, and shall allow the department
2970 access to such records, with appropriate notice and at a mutually
2971 agreeable time, to monitor compliance with the requirements of
2972 this section. When an issue arises as to an employee's
2973 entitlement to paid sick and safe leave time under this section,
2974 if the employer does not maintain or retain adequate records
2975 documenting hours worked by the employee and paid sick and safe
2976 leave time taken by the employee, or does not allow the department
2977 reasonable access to such records, it shall be presumed that the
2978 employer has violated the section, absent clear and convincing
2979 evidence otherwise.

2980 **SECTION 35.** This act shall take effect and be in force from
2981 and after July 1, 2023.

