STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1481

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Mississippi Code Annotated §33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impact the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi constitutes a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, due to health and safety concerns related to the risk of possible transmission of COVID-19, many businesses within the State of Mississippi have either significantly downsized their staffs in order to adhere to CDC guidelines or have temporarily closed business operations until further notice, leaving many employers and employees without regular work and/or income; and

WHEREAS, this public emergency has taken a significant financial toll on countless employers and employees in the State of Mississippi; and

WHEREAS, Mississippi is committed to helping the plight of the employers and employees adversely impacted by this emergency; and

WHEREAS, Mississippi must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, a measured and strategic plan to reopen the economy is essential to the health, safety and well-being of Mississippi residents; and

WHEREAS, on April 24, 2020, I issued Executive Order 1477 establishing the statewide Safer at Home allowing certain businesses to open and operate under certain conditions; and

WHEREAS, the Mississippi Department of Employment Security (hereafter "MDES") has been continuously working to process an unprecedented number of Unemployment Insurance claims during this time of emergency (processing an average of more than 36,000 claims per week) there are additional measures needed to cope with the emergency and the related economic impact to stabilize and re-energize Mississippi's workforce.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

1. That this Executive Order replaces and supersedes Executive Order No. 1462.

2. That due to essential efforts in response to the COVID-19 emergency, the one week waiting period established in Miss. Code Ann. §71-5-511(d) would prevent and hinder the expeditious disbursement of vital Unemployment Insurance benefits necessary to

cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the one-week waiting period requirement for receiving Unemployment Insurance benefits shall be waived for all claims filed from March 8, 2020, until December 26, 2020. Prior to its expiration on December 26, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

3. That due to essential efforts in response to the COVID-19 emergency, the work search requirements established in Miss. Code Ann. §71-5-511(a)(i) and MDES Regulation 305.02 would prevent and hinder the expeditious disbursement of vital Unemployment Insurance benefits necessary to cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), all work search requirements established in Miss. Code Ann. §71-5-511(a)(i) and MDES Regulation 305.02 that normally must be met to be considered eligible for Unemployment Insurance benefits shall be suspended from March 8, 2020, until June 27, 2020. This only applies to work search requirements; all individuals filing for benefits must continue to file weekly certifications with MDES. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

4. That due to essential efforts in response to the COVID-19 emergency, the MDES collection activity measures established in MDES Regulation 403 and Miss. Code Ann. §§ 71-5-19(4), 71-5-367, 71-5-369, and 71-5-375, would create an undue burden on the public during the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), all MDES collection activities established in MDES Regulation 403 and Miss. Code Ann. §§ 71-5-19(4), 71-5-367, 71-5-369, and 71-5-375, including, but not limited to, interception of state tax refunds, payment agreements, enrollment of MDES liens, MDES tax garnishments, and MDES claimant overpayment garnishments shall be suspended from March 1, 2020, until June 27, 2020. Moreover, interest shall not accrue from April 1, 2020, through June 27, 2020. This only applies to delinquencies and does not affect the timely filing of employer wage reports. Additionally, the offset of future benefits due to overpayments, as set forth in MDES Regulation 403, will be reduced to 25% from March 29, 2020, until June 27, 2020. The offset amount shall be deducted from both state, and federal, if necessary, Unemployment Insurance benefit payments. This measure does not apply to any child support garnishments or the offset of benefits due to child support obligations. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

5. That due to essential efforts in response to the COVID-19 emergency, strict interpretation of the able to work, available to work, and actively seeking work requirements established in Miss. Code Ann. §71-5-511(c) and MDES Regulation 305.03, as written, would create an undue burden on individuals seeking Unemployment Insurance benefits due to the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the able to work, available to work, and actively seeking work requirements for receiving Unemployment Insurance benefits established in Miss. Code Ann. §71-5-511(c) and MDES Regulation 305.03 shall be reasonably interpreted for claims filed from March 8, 2020, until June 27, 2020, in the case of individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

6. That due to essential efforts in response to the COVID-19 emergency, the Forty Dollar ($40.00) earning allowance established in Miss. Code Ann. §§ 71-5-11(Q)(1), 71-5-505, and MDES Regulation 313, would create an undue burden. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the Forty Dollar ($40.00) earning allowance shall be increased to Two Hundred Dollars ($200.00), from May 3, 2020, until June 27, 2020. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this

measure and will modify this measure as needed in response to the COVID-19 emergency.

7. That due to essential efforts in response to the COVID-19 emergency, charges to rated and reimbursable employers' accounts, as established in Miss. Code Ann. §§ 71-5-351, 71-5-353, 71-5-355, 71-5-357, and 71-5-359, would create an undue burden on Mississippi employers during the COVID-19 emergency. Therefore, any charges to the accounts of both rated and reimbursable employers, that could be assessed for reasons related to COVID-19, for all weeks of unemployment between the period of March 8, 2020, until June 27, 2020, and all associated charges for those weeks (including the collection of Workforce Investment and Training Contributions) shall be waived. Any such charges attributable to both rated and reimbursable employers outside of that time period will be assessed according to existing MDES laws and regulations. Moreover, interest shall not accrue during this period. MDES shall separately account for these expenditures so that the State of Mississippi can seek reimbursement from the federal government. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this measure and will extend this measure as needed to maintain financial stability.

8. That due to essential efforts in response to the COVID-19 emergency, the statutorily imposed date for employers to pay contributions established in Miss. Code Ann. §§ 71-5-351, 71-5-357, 71-5-359, and MDES Regulations 600 and 600.01 would create an undue burden on the public during the COVID-19 Emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the statutorily imposed date for both rated and reimbursable employers to pay First Quarter 2020 contributions, shall be suspended. The new due date for both rated and reimbursable employers to pay First Quarter 2020 contributions shall be July 31, 2020. This will only apply to the date that First Quarter 2020 Contributions are due and will not affect the timely filing of wage reports. Prior to its expiration on July 31, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

9. That due to essential efforts in response to the COVID-19 emergency, the statutorily imposed penalties for late reporting and late contribution payments established in Miss. Code Ann. §§ 71-5-135, 71-5-367, 71-5-369, and 71-5-373 would create an undue burden on Mississippi employers during the COVID-19 Emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the statutorily imposed penalties for late reporting and late contribution payments shall be suspended from March 8, 2020, until July 31, 2020. Prior to its expiration on July 31, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

10. That due to essential efforts in response to the COVID-19 emergency, the work registration requirements established in Miss. Code Ann. 71-5-511(a)(i) and MDES Regulation 305.01 would prevent and hinder the expeditious disbursement of vital Unemployment Insurance benefits necessary to cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the work registration requirements shall be suspended from March 8, 2020, until June 27, 2020. Under this measure, individuals will not be required to report in-person. Prior to its expiration on June 27, 2020, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

11. That as the swift return of all employees to the workplace is of vital importance, it is incumbent to remind all Mississippi employers that, pursuant to Section 71-5-355 (2)(b)(ii)(10) and MDES Regulation 321, an employer must notify MDES in writing within ten (10) days from the date they receive a refusal of an offer of suitable employment. The notice must contain the date and details of the refusal.

12. That in order for MDES to receive emergency administrative grants under Section 903(h)(2)(A) of the Social Security Act, all employers are required to provide notification of the availability of unemployment compensation to each employee individually at the time of separation of employment.

13. That due to essential efforts in response to the COVID-19 emergency, the statutorily imposed requirement that MDES determine unemployment eligibility based on the reason for separation for all employers in the base period forward, set forth in Miss. Code Ann. § 71-5-513, would hinder the expeditious disbursement of vital Unemployment Insurance benefits needed to cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. § 33-15-11 (c)(1), MDES will determine Unemployment Insurance benefits eligibility based on separation from the employee's most recent employer, for claims filed from March 8, 2020, until June 27, 2020. Eligibility for Unemployment Insurance benefits will not be affected by prior job separations that come to the attention of MDES based upon claims filed between March 8, 2020, and June 27, 2020. MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

14. That any waivers granted by the United States Congress related to the COVID-19 emergency may be adopted and implemented by the State of Mississippi. Moreover, MDES has the express authority to actively seek any waivers that it deems necessary to serve the people of Mississippi in response to the COVID-19 emergency.

15. That MDES shall have the authority and discretion to interpret and apply its laws in order to effectuate the measures set forth herein and be empowered with the administrative flexibility to carry out this Executive Order pursuant to Miss. Code Ann. §§ 33-13-31 and 71-5-115.

16. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 11TH day of May, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE