STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1541

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 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 impacts the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, with vigilance and common sense, and as a result of the continued sacrifices made by all Mississippians in the interest of public health over the past ten months, COVID-19 infections and resulting hospitalizations have been effectively managed; and

WHEREAS, the Safe Recovery Order instituted in Executive Order 1535 adopts reasonable public health measures under the current circumstances permitting all business and non-profits to continue operating within the State of Mississippi and permitting the continued resumption of all community activities subject to reasonable limitations to minimize person to person interactions and associated risk of transmission of COVID-19 remains in full force and effect until 5:00 p.m. on Friday, January 15, 2021, unless it is modified, amended, rescinded, or superseded; and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 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 health 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 public health 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, the Mississippi Department of Employment Security (hereinafter "MDES") has been continuously working to process an unprecedented number of Unemployment Insurance claims and administer additional federal benefits during this time of emergency requiring additional measures to cope with the related economic impact to stabilize and re-energize Mississippi's workforce; and

WHEREAS, as businesses increase operations under the Safe Recovery Order and the number of Unemployment Insurance claims has declined, there are still reasonable measures that remain necessary to continue to address economic stability and energize Mississippi's workforce:

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution, the Mississippi Emergency Management Law as amended, Miss. Code. Ann.§ 33-15-1 *et seq.*, and other laws of the State of Mississippi, and in consultation with MDES do hereby order and direct as follows:

I. This Executive Order replaces and supersedes Executive Order 1510.

II. 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, through March 14, 2021. Prior to its expiration on March 14, 2021, MDES has the discretion to reassess this measure and will modify this measure as needed in response to the COVID-19 emergency.

III. That due to essential efforts in response to the COVID-19 emergency, the provision that reimbursable employers may not be noncharged under any circumstances established in Miss. Code Ann. § 71-5-357(b)(iv) would have an adverse impact to reimbursable employers during the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. § 33-15-11(c)(1), the provision in Miss. Code Ann. § 71-5-537(b)(iv) that all employers who elect to reimburse the trust fund in lieu of contributions may not be noncharged under any condition is amended to allow reimbursable employers to receive a noncharge if a claim was fraudulently filed for the weeks ending March 8, 2020, through March 14, 2021.

IV. 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 Miss. Code Ann. § 71-355(2)(b)(ii) 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. This notice must contain the date and details of the refusal.

V. 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.

VI. 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.

VII. 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.

VIII. 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 January, in the year of our Lord, two thousand and twenty-one, and of the Independence of the United States of America, the two hundred and forty-fifth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE