

16543

NOTICE OF RULE ADOPTION—FINAL RULE

**FILED**  
OCT 20 2009

STATE OF MISSISSIPPI  
Mississippi Department of Employment Security

MISSISSIPPI  
SECRETARY OF STATE

MISSISSIPPI DEPARTMENT OF  
EMPLOYMENT SECURITY  
c/o John W. Garrett, Jr., General Counsel  
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**Authority authorizing the promulgation of Rule:**  
Mississippi Employment Security Law, as set forth in Sections 71-5-1 to 71-5-541 of the Mississippi Code Annotated. From these statutes, MDES is given the power to adopt, amend or rescind such rules and regulations as it deems necessary to administer and interpret the Mississippi Employment Security Law.

**Reference to Rules repealed, amended or suspended by the Proposed Rule :** 309.00, 309.01, 309.03, 308.00, 402, 403.00, 404, 318.02, 318.04, 319.00, 320.00, 321.00, 322.00, 302.00, 603.06, 603.07, 603.10, 603.17, 603.2, 603.21, 605

**Specific Legal**

**Date Rule Proposed:** September 15, 2009

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** MDES hereby submits the following regulation changes to the Office of the Secretary of State for review and feedback:

Regulation 309.00 defines good cause.  
Regulation 309.01 provides a domestic violence exception  
Regulation 309.03 provides a military exception. These 3 regulations are used for purposes of determining unemployment insurance benefit eligibility.

Regulation 308.00 sets forth the definition of misconduct which is used by the agency to determine unemployment insurance benefit eligibility.  
Regulation 402 sets forth the disqualification period for fraudulent overpayments.  
Regulation 403.00 makes a typographical correction.  
Regulation 404 sets forth the criteria for determining an overpayment of unemployment insurance benefits. (This criteria pertains to both fraudulent and non-fraudulent overpayments.)

There are minor typographical corrections in the following: 318.02, 318.04, 319.00, 320.00, 321.00 and 322.00.

Section 302.00 has been reworded for clarity.

There are changes in sections 603.06, 603.07, 603.10, 603.17, 603.2, 603.21, 605, in the references to Mississippi Code Annotated 1972 as amended; currently reads as "I" and should be "J".

All of the aforementioned regulation additions/changes are needed to further the agency's mandate of administering the "Mississippi Employment Security Law" for the State of Mississippi.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date: {Insert Date}  
Time: {Insert Time}  
Place: {Insert Place}

An oral proceeding was not held on this rule.

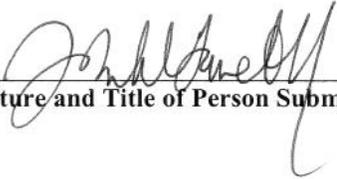
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: ~~October 16, 2009~~ **November 19, 2009**

  
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Signature and Title of Person Submitting Rule for Filing