

MAINE STATE LEGISLATURE

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L.D. 2494
(Filing No. H- 696)

STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE OF CONFERENCE AMENDMENT "A" to S.P.
946, L.D. 2494, Bill, "AN ACT to Establish the
Strategic Training for Accelerated Reemployment
Program."

Amend the bill by striking out everything after
the title and inserting in its place the following:

'Be it enacted by the People of the State of Maine as
follows:

Sec. 1. 26 MRSA §1043, sub-§31 are enacted to
read:

31. STAR. "STAR" means Strategic Training for
Accelerated Reemployment.

Sec. 2. 26 MRSA §1192, sub-§6-C is enacted to
read:

6-C. Prohibition against disqualification of
individuals in approved training under subchapter X.
Notwithstanding any provisions of this chapter, the
acceptance of training for opportunities available
through subchapter X is deemed to be acceptance of
training with state approval under federal or state
law relating to unemployment benefits.

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1 3. Annual allocation; county. Each county shall
2 receive an annual allocation based on the number of
3 individuals unemployed during the calendar year
4 preceding the program year.

5 4. Service delivery area. No service delivery
6 area may be allotted less than 90% of its allotment
7 percentage for the preceding program year.

8 §1275. Participant eligibility

9 To be eligible to participate in the STAR program
10 an individual must not have received STAR services.
11 In addition, an individual must:

12 1. Unemployment. Be unemployed and receiving
13 unemployment compensation benefits at the time of
14 application and have registered for the STAR program
15 prior to the end of the 8th week of collecting
16 unemployment compensation benefits. An exception to
17 the time limitation may be granted for good cause
18 shown. The commissioner shall establish standards to
19 determine good cause. The commissioner's decision is
20 final agency action under Title 5, section 11002, for
21 purposes of judicial review;

22 2. Notice of pending job displacement. Have
23 received notice of pending job displacement due to
24 either a reduction in overall employment within a
25 business or a substantial change, due to technological
26 or other reasons, in the skills required of an ongoing
27 job; or

28 3. Special eligibility conditions. Have received
29 unemployment compensation benefits between January 1,
30 1988, and July 31, 1988, and register for the STAR
31 program by September 30, 1988.

32 §1276. Participant certification

33 1. Notification. Claimants shall receive both
34 written and oral notice of the STAR program when they
35 apply for unemployment compensation benefits. The
36 notice shall explain the program's eligibility
37 requirements, the importance of entering training
38 early in a claimant's term of unemployment, the

1 availability of unemployment compensation benefits to
2 claimants in approved training and the availability of
3 extended benefits for dislocated workers in approved
4 training for up to 26 weeks. Interested individuals
5 shall be referred to the Maine Job Service for a
6 determination of eligibility and referral to testing
7 and counseling centers.

8 2. Service providers. Service providers under
9 the United States Job Training Partnership Act, Public
10 Law 97-300, shall provide assessment services to
11 eligible STAR participants in accordance with annual
12 contracts negotiated between the service delivery
13 areas and the Bureau of Employment and Training
14 Programs. These services shall include a review of
15 previous employment, education and training. Academic
16 and vocational testing may be provided, as well as
17 occupational counseling.

18 3. Individual employment plan. At the end of the
19 assessment process, an individual employment plan
20 shall be developed for each participant based on the
21 results of the assessment, the participant's
22 occupational preference and the occupational
23 opportunities available as determined under section
24 1279, subsection 1, including opportunities in
25 nontraditional occupations. The plan shall identify
26 the occupation selected and what additional training
27 and education is necessary. If the occupation is one
28 for which an apprenticeship program may be available,
29 the State Apprenticeship and Training Council shall be
30 notified, and shall determine what additional training
31 or education may be necessary for indenturing in an
32 apprentice program.

33 4. STAR participant. A STAR participant, who has
34 been assessed and has received an individual
35 employment plan, may be provided with a training
36 voucher of up to \$3,000 under section 1278. This
37 voucher will enable STAR participants to enter into
38 training for occupations approved under section 1279,
39 subsection 1, to be conducted by training agents
40 certified pursuant to section 1279, subsection 4. The
41 STAR voucher is valid for 12 weeks for STAR
42 participants to enter training initially, unless an
43 extension for cause is approved by the United States
44 Job Training Partnership Act service providers.

1 §1277. Training opportunities

2 The following training options are available to
3 STAR participants provided that occupational and skill
4 training takes place in occupations approved under
5 section 1279:

6 1. General occupational training. Training in
7 skills found in a traditional occupation that is in
8 general demand throughout an area of industry. The
9 training shall be conducted in a classroom setting;

10 2. On-the-job training. Individualized skill
11 training for a person who is hired and trained by a
12 private or public employer. The employer shall
13 provide the training through a contractual arrangement
14 which specifies the length of training and skills to
15 be acquired. STAR shall reimburse the employer for up
16 to 50% of the training costs incurred;

17 3. Customized occupational training. Customized
18 occupational training in skills specific to an
19 employer or group of employers. This training shall
20 be developed around employment opportunities for which
21 a demand is clearly demonstrated, for which
22 opportunities exist for promotion or for which skills
23 transferability is probable. Each participating
24 employer must supply a formal commitment to hire the
25 trained individuals upon completion of training. The
26 employer shall participate in the design of the
27 curriculum and in the selection of the training. The
28 employer shall pay 50% of the training costs and the
29 STAR program shall pay the remaining 50%;

30 4. Employment competency training. Employment
31 competency training in preemployment skills. This
32 component consists of structured activities designed
33 to assess basic employment competency and to provide
34 remedial training in such areas as job-seeking skills,
35 interviewing and resume writing. Employment
36 competency training may only be used if it leads to
37 vocational skills training;

38 5. Educational skills training. Training in
39 academic and learning skills. This component consists

1 of training aimed at correcting deficiencies in
2 language and in computational skills or providing
3 needed credentials that are recognized by employers
4 and the educational community. Educational training
5 shall be structured to provide the individual with the
6 prerequisite level of education of the occupation
7 identified on the individual's STAR certification.
8 The duration of educational training shall be
9 determined by the needs of the individual claimant; and

10 6. Enrollment. Enrollment in one or a
11 combination of training opportunities is limited to 52
12 weeks duration except under the following conditions:

13 A. An employer guarantees placement and
14 contributes a minimum of 50% of the training
15 costs; or

16 B. A participant contributes a minimum of 50% of
17 the training costs. For purposes of this
18 paragraph, any financial assistance received by a
19 participant for educational purposes shall be
20 counted towards that participant's contribution.

21 §1278. Training and supportive services

22 STAR participants are eligible to receive the
23 following training and supportive services.

24 1. Training voucher. A training voucher of up to
25 \$3,000 for the following activities:

26 A. Tuition for education and training;

27 B. Training materials or books necessary for
28 participation in the training;

29 C. Payment for dependent care costs provided
30 those costs do not exceed the prevailing regional
31 rate for such care; and

32 D. Travel payments according to the policies
33 established by the United States Job Training
34 Partnership Act service providers.

35 2. Continuation of benefits. Provided the

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1 participant meets the eligibility requirements of
2 sections 1192 and 1193, the participant is entitled to
3 the continuation of unemployment compensation benefits
4 while enrolled in STAR training until the individual's
5 benefits are exhausted under employment security law.

6 3. Exception to limitations. While a participant
7 is collecting unemployment benefits, an exception to
8 the limitations set forth in subsection 1 shall be
9 granted for supportive services when additional funds
10 for transportation and dependent care are necessary
11 for the participant to complete the training specified
12 in the individual employment plan and the participant
13 is unable to purchase those services. The
14 commissioner shall adopt rules under the Maine
15 Administrative Procedure Act, Title 5, chapter 375, to
16 determine the requirements for these exceptions.

17 §1279. Employment and training review panel

18 Each private industry council established under
19 the United States Job Training Partnership Act shall
20 establish an employment and training review panel.
21 Each private industry council shall appoint a chairman
22 and membership to the panels which shall each consist
23 of 9 members, including 3 representatives of business,
24 3 representatives of labor, one representative of
25 economic development, one representative of
26 community-based organizations and one representative
27 of the general public. The panels shall:

28 1. Identify and approve occupations. Annually
29 identify occupations that are stable or subject to
30 growth in their areas and approve them for STAR
31 program eligibility. Approved occupations must meet
32 the performance standards under subsection 3. All
33 occupations included in the department's most recent
34 edition of the publication "Selected Occupational
35 Information for Employment and Training Program
36 Design" for the appropriate county or counties shall
37 be approved occupations. In addition, occupations may
38 be approved as follows:

39 A. The panel may approve occupations identified
40 by the panel following an assessment of local
41 economic factors; or

1 B. STAR participants may petition the panel to
2 approve an occupation;

3 2. Review curricula. Review the curricula for
4 classroom and customized vocational training in their
5 areas for consistency with employers' needs;

6 3. Set performance standards. Set performance
7 standards in their areas, including placement of
8 participants in jobs, wage levels at placement,
9 retention of employment and career ladder options; and

10 4. Annual certification. Annually certify the
11 demonstrated effectiveness of training agents in
12 delivering training in their areas according to the
13 performance standards established in this section. At
14 the completion of training, these agents shall provide
15 placement services to the STAR participants and shall
16 report to the panel on placement status and the
17 competency attained.

18 §1280. Appeal procedure

19 1. Right to appeal. All determinations under
20 this subchapter shall be made promptly in writing. A
21 claimant who is aggrieved by any decision or action
22 made under this subchapter may appeal to the
23 commissioner pursuant to the Maine Administrative
24 Procedure Act, Title 5, chapter 375. This does not
25 apply to section 1275, subsection 1.

26 2. Time limits for appeal. A determination is
27 final 15 days after it is mailed or hand delivered,
28 unless the claimant files an appeal. The 15-day
29 appeal period may be extended up to 15 additional days
30 if the claimant can show good cause. The commissioner
31 shall establish standards to determine good cause.

32 3. Final agency action. A decision of the
33 hearing officer designated by the commissioner is
34 final agency action under Title 5, section 11002, for
35 purposes of judicial review.

36 §1280-A. Monitoring, evaluation and long-term funding

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1 1. Report. The Bureau of Employment and Training
2 Programs shall prepare a report for the joint standing
3 committee of the Legislature having jurisdiction over
4 labor by April 15, 1989. This report shall include,
5 but not be limited to:

6 A. A description of the training programs and
7 services provided to date by the STAR program;

8 B. The results of the training, including the
9 numbers of employees entering nontraditional
10 occupations;

11 C. A discussion of the training programs and
12 services available to STAR participants based on
13 information supplied by the service delivery areas;

14 D. A description of the sizes and types of
15 businesses and the number of individuals and their
16 training for which customized and on-the-job
17 training is provided; and

18 E. Any STAR program savings for the Unemployment
19 Trust Fund.

20 2. Recommendations. The joint standing committee
21 of the Legislature having jurisdiction over labor
22 shall review the report by the Bureau of Employment
23 and Training Programs and recommend to the Legislature
24 by May 1, 1989, whether to continue the STAR program
25 and if so, whether to continue funding the STAR
26 program from the General Fund or through a separate
27 assessment on employers who are liable for
28 contributions to the Unemployment Trust Fund.

29 **Sec. 4. Sunset.** This Act is repealed July 1,
30 1989. Any person who has qualified to receive
31 benefits under this Act at the time of repeal shall
32 continue to be governed by the repealed provision.

33 **Sec. 5. Appropriation.** The following funds are
34 appropriated from the General Fund to carry out the
35 purposes of this Act.

