MAINE STATE LEGISLATURE

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1	L.D. 1388
3	(Filing No. H-567)
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7	STATE OF MAINE HOUSE OF REPRESENTATIVES
9	114TH LEGISLATURE FIRST REGULAR SESSION
11	A
13	COMMITTEE AMENDMENT "H" to H.P. 999, L.D. 1388, Bill, "An Act to Improve Retraining Opportunities for Maine Workers"
15	Amend the bill by striking out everything after the enacting
17	clause and before the statement of fact and inserting in its place the following:
19	
21	'Sec. 1. 26 MRSA §2015-A, sub-§8, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:
23	A. A training voucher of up to \$3,000 for the following activities:
25	(1) This of the short of the said and the sa
27	(1) Tuition for education and training;
	(2) Training materials or books necessary for
29	participation in the training;
31	(3) Payment for dependent care costs, provided those costs do not exceed the prevailing regional rate for
3,3	such care; and
35	(4) Travel payments according to the policies established by the United States Job Training
37	Partnership Act service providers; and
39	(5) Payment of a living allowance in the same amount
41	as the participant's prior unemployment compensation weekly benefit amount for a reasonable time period to
	allow the employee to complete the employability
43	development plan, provided that the individual has exhausted all entitlement to unemployment compensation
45	and is ineligible for extended benefits as a dislocated worker under section 1196;
47	worker under Section 1130;

113,	Sec. 2. 26 MRSA $\S2015$ -A, sub- $\S8$, \PC , as enacted by PL 1987, c. $\S3$, is amended to read:
	C. While a participant is collecting unemployment benefits or for the duration of the training program which does not
	exceed one year, an exception to the limitations set forth in paragraph A shall be granted for supportive services when
	additional funds for transportation, living allowance and dependent care are necessary for the participant to complete
	the training specified in the individual employment plan and the participant is unable to purchase theseservices
	transportation, basic necessities or dependent care. The commissioner shall adopt rules under the Maine
	Administrative Procedure Act, Title 5, chapter 375, to determine the requirements for these exceptions.
	Sec. 3. 26 MRSA c. 33 is enacted to read:
	CHAPTER 33
	JOB TRAINING SYSTEM
§ 217	71. Maine Job Training System
Job trai oper	This chapter applies to actions taken under the Maine Johning System. For the purposes of this chapter, the "Maine Training System" means all state and federal education and ining programs administered by the Department of Labor and tated by a network of private industry councils and their pective service delivery areas and service providers,
-	luding:
the	
	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 300, as amended by the Omnibus Trade and Competitiveness Act, Lic Law 100-418;
Pub]	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 800, as amended by the Omnibus Trade and Competitiveness Act,
Pub]	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 800, as amended by the Omnibus Trade and Competitiveness Act, Lic Law 100-418; 2. Maine Training Initiative. The Maine Training
Init	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 800, as amended by the Omnibus Trade and Competitiveness Act, Lic Law 100-418; 2. Maine Training Initiative. The Maine Training Liative program under sections 2013 and 2014; 3. ASPIRE. The Additional Support for People in Retraining
Init and Reen	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 300, as amended by the Omnibus Trade and Competitiveness Act, Lic Law 100-418; 2. Maine Training Initiative. The Maine Training Liative program under sections 2013 and 2014; 3. ASPIRE. The Additional Support for People in Retraining Education program under Title 22, chapter 1054-A; 4. STAR. The Strategic Training for Accelerated
Init and Reen	1. Job Training Partnership Act. The state program under United States Job Training Partnership Act, Public Law 300, as amended by the Omnibus Trade and Competitiveness Act, Lic Law 100-418; 2. Maine Training Initiative. The Maine Training Liative program under sections 2013 and 2014; 3. ASPIRE. The Additional Support for People in Retraining Education program under Title 22, chapter 1054-A; 4. STAR. The Strategic Training for Accelerated apployment program under section 2015-A; and

1	training contracts entered into by any agency or organization,
	public or private, that provides a wage subsidy for a trainee
3	with public funds, including all contracts written under the
	Maine Job Training System.
5	
	Standards for on-the-job training contracts. All
7	on-the-job training contracts must meet the following
	requirements of this subsection.
9	
	A. The occupation for which the contract is written is one
11	which traditionally requires specific occupational training
	as a prerequisite.
13	
	B. The firm or establishment with which the contract is
15	made is not involved in a strike, lockout or other labor
	dispute.
17	
	C. The trainee working under the contract shall receive the
19	same wages and benefits and be subject to the same working
	conditions as other employees working an equivalent length
21	of time and performing a substantially equivalent job at the
	work site.
23	
	D. Except when the employer has good cause related to the
25	trainee's work performance, the employer shall, upon
	completion of the on-the-job training contract, offer the
27	trainee continued employment with at least equivalent wages,
	benefits and working conditions, as existed under the
29	contract.
31	E. The employer with whom the contract is made has not, in
	the past, violated paragraph D.
33	
	3. Nondisplacement; noninfringement; existing collective
35	bargaining agreements. An on-the-job training contract may be
	executed only if:
37	·
	A. No currently employed worker would be displaced by the
39	trainee, including partial displacement such as reduction in
	the hours of work, wages or employment benefits;
1	
	B. The training position would not impair existing
13	contracts for the services or collective bargaining
	agreements, except when the written concurrence of the labor
15	organization concerned has been obtained;
7	C. No other individual is on layoff from the same or any
	substantially equivalent job for which the trainee would be
9	trained:
1	D. The employer has not terminated the employment of any
	regular employee or otherwise reduced the work force of the

1	employer with the intention of filling the vacancy so
2	created by contracting to hire the trainee; and
3	E. The job for which the individual would be trained is not
5	being created in a promotional line that will infringe in
	any way on the promotional opportunities of currently
7	employed individuals.
9	 Apprenticeable occupations. With respect to each
	placement under the Maine Job Training System, the Department of
11	Labor shall:
13	A Determine whether the convertion is securely in
LJ	A. Determine whether the occupation is apprenticeable in accordance with a list of apprenticeable occupations
15	provided by the State Apprenticeship and Training Council;
	provided by the State Apprendiceship and Italining Councily
17	B. If the occupation is determined to be apprenticeable,
	contact the State Apprenticeship and Training Council for
19	assistance in establishing an apprenticeship position that
	would follow Maine Job Training System placement;
21	
	C. Ensure that the State Apprenticeship and Training
23	Council provides a semiannual and annual list to the
	Commissioner of Labor on both the number of Maine Job
25	Training System referrals received and the number of
27	apprenticeship positions that were established from the
<i>L 1</i>	Maine Job Training System referrals; and
29	D. If an apprenticeship program is developed under this
	subsection, provide the trainee information on various
31	education and training opportunities that may be of
	assistance for indenturing in the apprenticeship program.
3 3	
	§2173. Labor education
35	Fach reserve and lad in a success under the Waine lab
37	Each person enrolled in a program under the Maine Job Training System shall be provided an informational pamphlet on
	labor law which explains the person's rights and responsibilities
39	and lists the appropriate agency to contact for additional
	information. The informational pamphlet shall be developed and
41	disseminated to all Maine Job Training System service providers
	by January 1, 1990.
13	
	 Content of pamphlet. The pamphlet shall cover such laws
45	as:
4.7	A Mile Making I Taken Balaking Ask Bublic For 1015 Ma
47	A. The National Labor Relations Act, Public Law 1935, No.
19	198, 49 Stat 449;
. 7	B. The Occupational Safety and Health Act of 1970, Public
51	Law 91-596;

1	C. The Fair Labor Standards Act, Public Law 1938, No. 7118, 52 Stat 1060;
3	D. The Workers' Compensation Act;
· 5	
7	E. Unemployment insurance laws; and
9	F. State and federal laws relating to employment discrimination, including sexual harassment.
11	2. Review with providers. To enhance the trainees'
13	knowledge of labor law, the Maine Job Training System service providers shall, when offering prevocational services to program
15	participants, review the content of the informational pamphlet with the program participants, unless the participants have already received this review.
17	
19	3. Staff training. The direct service staff of the Maine Job Training System service providers shall receive training to expand their knowledge of the labor laws contained in the
21	informational pamphlet.
23	FISCAL NOTE
25	mbic hill will moule in additional code to the Duncan of
27	This bill will result in additional costs to the Bureau of Employment and Training Programs and its network of contractual service providers, totaling approximately \$300,000. However, the
29	additional requirements of this bill may be implemented within existing resources of the bureau by reducing the number of people
31	served.'
33	STATEMENT OF FACT
35	This amendment completely replaces the original bill and
37	makes the following changes to current law.
39	1. The amendment permits the payment of a living allowance
41	to STAR program participants who have exhausted their unemployment benefits to allow them to complete their training
43	programs. This payment is equal to the amount previously received by the program participant under unemployment
45	compensation.
47	 The amendment creates the Maine Job Training System, which is composed of current job training programs implemented by the Department of Labor. The amendment provides restrictions
49	upon programs of the Maine Job Training System to provide
51	standards in on-the-job training contracts to protect the trainees, to prevent the displacement of current employees by trainees and to encourage the use of apprenticeship programs

- under the Maine Job Training System.
- 3 3. Finally, the amendment requires that all program participants in the Maine Job Training System receive education
- 5 concerning their rights and responsibilities under common labor

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Reported by the Committee on Labor
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