

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1388

H.P. 999

House of Representatives, April 27, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative PINEAU of Jay, Senator DUTREMBLE of York and Senator ESTY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Improve Retraining Opportunities for Maine Workers.



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

3 Sec. 1. 26 MRSA §1196, sub-§1, ¶¶B and C, as enacted by PL
5 1985, c. 591, §5, are amended to read:

7 B. An individual who has been terminated or who has
9 received a notice of termination of employment, as a result
11 of any permanent closure of a plant or facility; or

13 C. An individual who is long-term unemployed and has
15 limited opportunities for employment or reemployment in the
17 same or a similar occupation on a regular, full-time basis,
in the area in which he the individual resides, including
any older individual who may have substantial barriers to
employment because of his age; or

19 Sec. 2. 26 MRSA §1196, sub-§1, ¶D is enacted to read:

21 D. An individual who is long-term unemployed and who would
benefit from appropriate training in order to achieve a
higher skill level than that which was required in the
individual's previous work or to achieve a greater wage
potential.

23 Sec. 3. 26 MRSA §1196, sub-§3, as amended by PL 1987, c. 570,
25 §4, is repealed and the following enacted in its place:

27 3. Repeal. This section; section 1043, subsection 5,
29 paragraph B; and section 1191, subsection 4, paragraph A, are
repealed if the reserve multiple determined under section 1221,
31 subsection 4, paragraph C, is .245 or below.

33 Any person who has qualified to receive benefits under section
35 1043, subsection 5, paragraph B, or section 1191, subsection 4,
paragraph A, at the time of repeal under this subsection shall
continue to be governed by the repealed provision.

37 Sec. 4. 26 MRSA c. 33 is enacted to read:

39 CHAPTER 33

41 JOB TRAINING SYSTEM

43 §2171. On-the-job training contracts

45 This section shall apply to all on-the-job training
47 contracts signed or agreed to by any agency or organization,
public or private, providing a wage subsidy for a trainee with
49 public funds, including all contracts written under the United
51 States Job Training Partnership Act, Public Law 97-300; Maine
training initiative program; Additional Support for People in
Retraining and Education program; Strategic Training for

1 Accelerated Reemployment program; and Health Occupation Training
2 project.

3 1. Standards for on-the-job training contracts. All
4 on-the-job training contracts shall meet the following
5 requirements.

6 A. The occupation for which the contract is written is one
7 which traditionally requires specific occupational training
8 as a prerequisite.

9 B. The firm or establishment with which the contract is
10 made is not in violation of any local, state or federal
11 labor, health, safety or environmental law and is not the
12 site of a strike, lockout or similar situation.

13 C. The trainee working under the contract shall receive the
14 same wages and benefits and be subject to the same working
15 conditions as other employees working an equivalent length
16 of time and performing a substantially equivalent job at the
17 work site.

18 D. The contract provides for an hourly wage of at least \$6
19 in 1989 which shall be increased on June 1st of each year
20 thereafter by the same percent as the increase in the state
21 annual average weekly wage, as defined in section 1043,
22 subsection 1-A, for the preceding year.

23 E. The contract provides for health insurance coverage for
24 the trainee.

25 F. Except when the employer has good cause related to the
26 trainee's work performance, the employer shall, upon
27 completion of the on-the-job training contract, offer the
28 trainee continued employment with at least equivalent wages,
29 benefits and working conditions, as existed under the
30 contract.

31 G. The employer with whom the contract is made has not, in
32 the past, violated paragraph F.

33 2. Nondisplacement; noninfringement; existing collective
34 bargaining agreements. An on-the-job training contract may be
35 executed only if:

36 A. No currently employed worker would be displaced by the
37 trainee, including partial displacement such as reduction in
38 the hours of work, wages or employment benefits;

39 B. The training position would not impair existing
40 contracts for services or collective bargaining agreements,
41

1 except when the written concurrence of the labor
2 organization concerned has been obtained;

3
4 C. No other individual is on layoff from the same or any
5 substantially equivalent job for which the trainee would be
6 trained;

7
8 D. The employer has not terminated the employment of any
9 regular employee or otherwise reduced the workforce of the
10 employer with the intention of filing the vacancy so created
11 by contracting to hire the trainee; and

12
13 E. The job for which the individual would be trained is not
14 being created in a promotional line that will infringe in
15 any way on the promotional opportunities of currently
16 employed individuals.

17
18 3. Apprenticeable occupations. With respect to each
19 on-the-job training contract the agency or organization shall:

20
21 A. Make a determination as to whether the occupation for
22 which the contract is written is apprenticeable in
23 accordance with a list of apprenticeable occupations
24 provided by the Maine State Apprenticeship and Training
25 Council;

26
27 B. If the occupation is determined apprenticeable, contact
28 the Maine State Apprenticeship and Training Council for
29 assistance in establishing an apprenticeship position that
30 would follow the on-the-job training contract; and

31
32 C. If an apprenticeship program is developed as a result of
33 the effort required by this subsection, provide the trainee
34 with any additional training or education which may be
35 necessary for indenturing in the apprentice program.

36 **§2172. Labor education**

37
38 Each person participating in a training or education program
39 under the United States Job Training Partnership Act, Public Law
40 97-300; Additional Support for People in Retraining and Education
41 program; Maine training initiative program; Strategic Training
42 for Accelerated Reemployment program; or Health Occupation
43 Training project shall be provided at least 3 hours of
44 instruction in labor law by a qualified provider certified as
45 such by the Commissioner of Labor. The commissioner shall
46 promulgate rules for certifying qualified providers in accordance
47 with the Maine Administrative Procedure Act, Title 5, section
48 8001 et seq. The training shall include, at minimum, information
49 about the United States National Labor Relations Act, 1935 Public
50 Law 198, 49 Stat 449; the United States Occupational Safety and
51 Health Act of 1970, Public Law 91-596; the Maine Workers'

1 Compensation Act; unemployment insurance laws; the United States
3 Fair Labor Standards Act of 1938, Public Law 718, 52 Stat 1060;
5 and state and federal laws related to employment discrimination,
7 including sexual harassment.

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STATEMENT OF FACT

This bill improves the quality of job retraining available to Maine workers by establishing standards for on-the-job training contracts and requiring a labor education component in each training program.

It also amends the definition of "dislocated worker" used in determining eligibility in the dislocated worker benefit program and repeals the sunset provision on that program in current law.