

# MAINE STATE LEGISLATURE

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MAJORITY  
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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1122, L.D. 1578, Bill, "An Act to Protect Workers and Establish Labor Standards for "Workfare" Participants"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 26 MRSA §1403 is enacted to read:

§1403. Labor standards for persons required to work as condition of receiving public assistance and affected employees

1. Nondisplacement of existing employees; nonavailability for layoff replacement; noninfringement on promotional opportunities or collective bargaining agreements; labor disputes. A participant who is required to work as a condition of receiving public assistance, as defined in Title 22, section 9-A, subsection 1, paragraph A, may not be employed in or assigned to:

A. A position that was previously filled by a regular employee when that employee is on layoff from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce;

B. An established position that is vacant;

C. A worksite where there is a labor dispute, including a strike or lockout; or

COMMITTEE AMENDMENT

## COMMITTEE AMENDMENT "A" to H.P. 1122, L.D. 1578

2 D. A worksite in a manner that violates an existing  
3 contract or collective bargaining agreement or infringes on  
4 the promotional opportunities for any employees.

6 2. Grievance procedures. The commissioner, with assistance  
7 from the department, shall adopt rules to ensure that:

8 A. Persons required to work as a condition of receiving  
9 public assistance have access to a grievance procedure for  
10 the purpose of resolving complaints of alleged violations of  
11 subsection 1; and

12 B. Regular employees at a worksite where a person required  
13 to work as a condition of receiving public assistance works  
14 have access to a grievance procedure for the purpose of  
15 resolving complaints of alleged violations of subsection 1.

16 Rules adopted pursuant to this subsection are routine technical  
17 rules in accordance with Title 5, chapter 375, subchapter II-A.

18 3. Penalty. Employers who do not comply with the  
19 requirements of this section may not participate in any work  
20 program for individuals required to work as a condition of  
21 receiving public assistance.

22 **Sec. 2. Report.** The Department of Human Services and the  
23 Department of Labor shall report to the Joint Standing Committee  
24 on Labor by February 1, 1998 on any activities at the United  
25 States Department of Labor or any other federal agency to develop  
26 labor standards regarding workfare participants. The Joint  
27 Standing Committee on Labor is authorized to report out  
28 legislation on this issue during the Second Regular Session of  
29 the 118th Legislature.'

30 Further amend the bill by inserting at the end before the  
31 summary the following:

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**FISCAL NOTE**

41 The Department of Labor will incur some minor additional  
42 costs to adopt certain rules. These costs can be absorbed within  
43 the department's existing budgeted resources.

44 The Department of Labor and the Department of Human Services  
45 will incur some minor additional costs to submit a required  
46 report to the Legislature. These costs can be absorbed within  
47 the departments' existing budgeted resources.'

## SUMMARY

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4 This amendment replaces the bill with more limited labor  
standards governing the use of workfare participants. The  
6 amendment prohibits the use of workfare participants to fill  
vacant positions when there is a labor dispute or in a manner  
8 that violates existing collective bargaining disputes or  
infringes upon promotional opportunities for employees.  
Employers using workfare participants must also provide access to  
10 a grievance procedure for participants and employees to resolve  
issues regarding displacement of employees. The amendment also  
12 requires the Department of Human Services and the Department of  
Labor to report to the Joint Standing Committee on Labor by  
14 February 1, 1998 on efforts at the federal level to develop  
standards for workfare participants. The amendment also  
16 authorizes the Joint Standing Committee on Labor to report out  
legislation on labor standards for workfare participants during  
18 the Second Regular Session of the 118th Legislature.

20 The amendment also adds a fiscal note to the bill.