

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

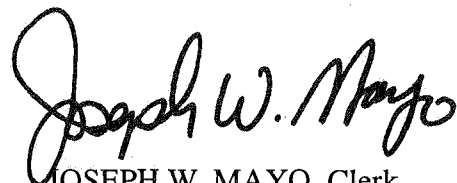
No. 1578

H.P. 1122

House of Representatives, March 18, 1997

**An Act to Protect Workers and Establish Labor Standards for
"Workfare" Participants.**

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative SAMSON of Jay.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: BERRY of Livermore, BRENNAN of Portland, HATCH of Skowhegan,
KONTOS of Windham, PENDLETON of Scarborough, RINES of Wiscasset, STANLEY of
Medway, Senator: MILLS of Somerset.

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

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

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

1. Definition. As used in this section, unless the context otherwise indicates, "participant" means a person who is required to work as a condition of receiving public assistance as defined in Title 22, section 9-A, subsection 1, paragraph A.

2. Labor standards. Notwithstanding any other provision of law, the commissioner, with assistance from the department, shall adopt rules to ensure that participants and employees in a workplace in which a participant works are treated fairly and protected in employment and the workplace. The rules adopted under this section must ensure that a participant:

A. Receives the protection of all labor and employment standards applied to employees under state law;

B. Is not used by a public or private employer to replace an existing employee; and

C. Is not used to remedy work problems arising for an employer during a labor dispute, especially when such a dispute involves a lockout or strike.

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

3. Specific requirements. The rules adopted under subsection 2 must address the following specific labor and employment standards:

A. Wages. The rules must include a provision limiting the number of hours a participant is required to work to the amount of the public assistance received divided by the minimum wage;

B. Workers' compensation. The rules must include, at a minimum, medical and accident protection coverage at the same level and to the same extent provided employees under Title 39-A;

C. Health and safety;

2 D. Discrimination in employment under the Maine Human
Rights Act;

4 E. Displacement of currently employed workers. The rules
must include prohibitions against:

6 (1) Impairment of existing contracts or collective
8 bargaining agreements;

10 (2) Filling a position with a participant when an
12 employee is on layoff from the same or an equivalent
14 position or when the vacancy was created by terminating
16 an employee or otherwise reducing the workforce;

18 (3) Infringement of promotional opportunities for
20 employees; and

22 (4) Filling an established position that is vacant
24 with a participant;

26 F. Grievance procedures for employees concerning
28 displacement and other concerns regarding participants in
30 the workplace;

32 G. Grievance procedures for participants concerning
34 workplace working conditions, workers' compensation coverage
36 and wage rates; and

38 H. Attainment of employee status by participants. The
40 rules must include provisions that:

42 (1) Workplace personnel policies apply equally to
44 employees and participants; and

46 (2) A participant must be provided wages and benefits
48 commensurate to those of an employee in a similar
50 position working the same amount of time after the
participant has worked for the employer for 6 months.

40 4. Deadline; report. The commissioner shall adopt the
42 rules required by this section by October 1, 1998. By January 1,
44 1998, the commissioner shall report to the joint standing
46 committee of the Legislature having jurisdiction over labor
48 matters on progress in adopting rules under this section and
shall recommend any legislation necessary to effect the
requirements of this section. By January 1, 1999 and annually
thereafter, the commissioner shall report to the joint standing
committee of the Legislature having jurisdiction over labor
matters on experience with rules adopted under this section.

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SUMMARY

4 This bill requires the Commissioner of Labor to adopt rules
and recommend any necessary legislation to ensure that "workfare"
6 participants and employees in workplaces in which participants
work are treated fairly and receive labor and employment
8 standards protection. The rules must address issues of wages,
workers' compensation, health and safety, discrimination,
10 displacement grievance procedures and attainment of employee
status. The commissioner is directed to report on these matters
12 to the Joint Standing Committee on Labor.