

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2498

S.P. 957

In Senate, January 24, 2000

**An Act to Increase Access to High-quality Jobs Through the Federal
Workforce Investment Act.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.
Cosponsored by Representatives: HATCH of Skowhegan, SAMSON of Jay.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the federal Workforce Investment Act requires that
states must adopt rules and complete plans to receive federal
money under the Act by July of 2000; and

8
10 **Whereas,** this legislation sets policies and standards that
the Department of Labor is to follow in adopting rules and plans
required by the Workforce Investment Act; and

12
14 **Whereas,** the Department of Labor is currently working on
rules and plans required by the Workforce Investment Act; and

16 **Whereas,** the effective date of this legislation if it is not
considered an emergency will come after the rules are adopted and
plans completed; and

18
20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
22 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
24 safety; now, therefore,

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

28 **Sec. 1. 26 MRSA §1192, sub-§6-E** is enacted to read:

30 **6-E. Prohibition against disqualification of individuals in**
32 **approved training under federal Workforce Investment Act.**
34 Notwithstanding any other provision of this chapter, the
36 acceptance of training opportunities available through the
38 federal Workforce Investment Act of 1998, 20 United States Code,
 Sections 9201 to 9276 (1998) is deemed to be acceptance of
 training with the approval of the State within the meaning of any
 other provision of federal or state law relating to unemployment
 benefits.

40 **Sec. 2. 26 MRSA c. 35** is enacted to read:

42 **CHAPTER 35**

44 **WORKFORCE INVESTMENT**

46 **§3001. Workforce investment**

48 Rules adopted by the Department of Labor to implement the
federal Workforce Investment Act of 1998, 20 United States Code,

2 Sections 9201-9276 (1998), referred to in this chapter as the
3 "federal Act," must include the following.

4 1. Priority. In allocating funds to provide services under
5 the federal Act, priority must be given to making skills training
6 available to a person who is not self-sufficient. At least 75%
7 of the funds available to the State for adults and dislocated
8 workers must be spent through individual training accounts for
9 the purchase of training and other services necessary to
10 participate in training.

11 2. Services provided. A participant must be offered the
12 full range of core and intensive services but is required to
13 participate in no more than one of each as a condition of
14 receiving training through an individual training account. If a
15 person needs more core and intensive services to begin training,
16 the person must receive counseling to determine the particular
17 additional services needed to prepare the person for training.

18 3. First come, first serve. Services provided under the
19 federal Act must be available on a first come, first serve basis
20 within the limits of funds available. If services are not
21 immediately available to a person, the person must be placed on a
22 waiting list. At the time that the person is placed on a waiting
23 list, the person must be given written notice of where the person
24 is on that list and when to expect services. A person on a
25 waiting list upon request must be provided with current
26 information at any time related to the person's position on the
27 waiting list.

28 4. Employment and training standards. The following
29 employment and training standards must be followed by the
30 Department of Labor in implementing the federal Act:

31 A. A person may not be referred to a job with funds
32 provided under the federal Act if the wages, hours or other
33 conditions of work are substantially less favorable than
34 those prevailing for similar work in the locality. For
35 purposes of this section, the term "conditions of work" has
36 the same meaning as in the unemployment insurance program,
37 section 1193, subsection 3, paragraph B, subparagraph (2),
38 as interpreted by the federal Department of Labor
39 Unemployment Insurance Program Letter No. 41-98 and
40 published at 63 Code of Federal Regulations 50589, (1998);

41 B. A person may not be referred to a job using funds
42 provided under the federal Act if the job results in the
43 individual earning wages and benefits that are not enough to
44 allow the individual to be self-sufficient, unless that
45 individual is first offered training to reach
46 self-sufficiency.

2 self-sufficiency through an individual training account.
3 That a person chooses to accept employment that does not
4 provide for self-sufficiency does not prevent the person
5 from requesting and receiving an individual training account
6 in the future; and

7 C. An employer may not receive a wage subsidy or funds to
8 provide training under the federal Act unless the wage and
9 benefits provided to an person by the employer enables the
10 person to be self-sufficient.

11 5. Access to training for self-sufficiency. If a person is
12 not able to obtain or retain stable employment that provides for
13 self-sufficiency, the person must be offered access to skills
14 training that allows the person to become self-sufficient,
15 provided that the person has the ability to successfully
16 participate in the training program as determined by the
17 educational institution or other training provider identified in
18 the individual training account.

19 6. Self-sufficiency standard. With adults the
20 self-sufficiency standard refers to a job that provides a wage
21 equal to at least the lower level Standard Income Level for the
22 Northeast Region as defined in the federal Act, Section 9201,
23 Subsection 24. With dislocated workers, the self-sufficiency
24 standard refers to a job that is of equal or higher skill level
25 than the person's regular employment and that pays wages equaling
26 at least 80% of the person's previous wage for regular employment
27 or the lower level Standard Income Level for the Northeast
28 Region, whichever is greater. With both adults and dislocated
29 workers, in order to meet the self-sufficiency standard, a job
30 must also offer health insurance coverage for the person and the
31 person's dependents with 50% or more of the cost of family
32 coverage paid by the employer.

33 7. Support services. If an adult or dislocated worker is
34 participating in training pursuant to an individual employment
35 plan under the federal Act, that person must receive assistance
36 in locating support services, including dependent care and
37 transportation, necessary for the person to participate in the
38 training program. If support services necessary to participate
39 in training are not available from another source, the services
40 must be provided to the person with funds from the federal Act.

41 8. Needs-related payment. Any adult or dislocated worker
42 who qualifies for a needs-related payment under the federal Act
43 must be provided with that assistance when the person would not
44 be able to successfully participate in training pursuant to an
45 individual employment plan without this support. The payment
46 level for a dislocated worker may not be less than that provided

2 in the federal Act. The payment for an adult may not be less
3 than that amount necessary to enable the person to participate
4 successfully in the person's approved training plan.

5 9. Rules. In adopting rules to implement the federal Act,
6 the Department of Labor shall include rules establishing
7 standards for support services and needs-related payments.

8
9 10. Individual training accounts. Once a person is
10 determined eligible for training, a list of eligible training
11 providers together with the performance and cost information
12 developed through the provider certification process must be made
13 available to the person. In order to maximize individual choice,
14 the person must be given the opportunity to make a selection in
15 writing from among the certified providers and to request the
16 amount of assistance, including support services and
17 needs-related payments, that the person will need in order to
18 participate in the selected training. The person's case manager
19 shall respond to the person's selection in writing indicating
20 what services will be provided. If any of the requested services
21 are denied, the case manager shall indicate why those services
22 were denied in writing and provide notice to the person of the
23 right to have the decision reviewed by an independent 3rd party.
24 Once a training plan is approved, the person must receive an
25 individual training account of sufficient value to cover the
26 services in the plan.

27
28 A person is allowed to request an amendment to the person's
29 employment plan upon which the individual training account is
30 based at any time. The same standards for evaluating an original
31 request for training and services under the federal Act govern
32 the request for an amendment.

33
34 A person's request for a particular training program may be
35 denied only if the person is not qualified to participate in the
36 training as determined by the educational institution or other
37 training provider selected by the person or if the training is
38 not likely to result in employment.

39
40 11. Access to community-based providers providing
41 high-quality training to certain populations. In addition to
42 other training programs certified by local boards created under
43 the federal Act, the local boards shall enter into contracts with
44 local community-based providers who have a demonstrated
45 effectiveness in dealing with particular groups of individuals,
46 including at least those community-based providers providing
47 services to displaced homemakers and women seeking nontraditional
48 employment opportunities.

2 12. Approved training. Any training provided under the
4 federal Act is approved training for purposes of the unemployment
 insurance program in accordance with section 1192, subsection 6.

6 13. Report required. The Department of Labor shall report
8 the following information to the joint standing committee of the
 Legislature having jurisdiction over labor matters on an annual
 basis:

10 A. The number of individuals placed in employment through
12 the federal Act's services, broken down by those individuals
 receiving core, intensive and training services and the
 average wage at placement for each group;

14 B. The wages for a person placed in employment under the
16 federal Act at the person's most recent regular job prior to
18 placement under the federal Act and at the person's job
 placement under the federal Act;

20 C. For individuals placed in employment, the number of
22 individuals placed in employment where the employer offered
 health insurance and paid at least 50% of the cost of family
24 coverage and where paid sick leave, retirement benefits and
 paid vacation were offered;

26 D. The number of individuals receiving individual training
28 accounts and data on the number of individuals participating
 with each participating provider; and

30 E. The number of individuals placed in employment under the
32 federal Act who remain employed at the end of 6 months.

34 14. Labor education provided. Each person provided
36 services under the federal Act must be provided with an
 informational pamphlet on labor law that explains a person's
38 rights and responsibilities and lists the appropriate agency to
 contact for additional information.

40 15. Rules. The department shall adopt routine technical
42 rules pursuant to Title 5, chapter 375, subchapter II-A to
 implement the federal Act.

44 Emergency clause. In view of the emergency cited in the
46 preamble, this Act takes effect when approved.

SUMMARY

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4 This bill establishes standards and policies for the
Department of Labor in the implementation of the federal
Workforce Investment Act.

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