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Maine Department of Labor

Government Evaluation Act Report

October 2015

Submitted to the Joint Standing Committee on Labor,
Commerce, Research and Economic Development

*The Maine Department of Labor provides equal opportunity in employment and programs.
Auxiliary aids and services are available upon request to people with disabilities.*

MAINE
DEPARTMENT OF
LABOR



STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0054

Paul R. LePage
GOVERNOR

Jeanne S. Paquette
COMMISSIONER

October 30, 2015

The Honorable Senator Amy F. Volk, Senate Chair
The Honorable Representative Erin D. Herbig, House Chair
Members of the Joint Standing Committee on Labor, Commerce, Research and
Economic Development
127th Maine State Legislature
100 State House Station
Augusta, ME 04333-0100

Dear Senator Volk, Representative Herbig and Members of the Joint Standing Committee on
Labor, Commerce, Research and Economic Development:

The Maine Department of Labor is pleased to submit its Government Evaluation Act Report for
2015 to the Joint Standing Committee on Labor, Commerce, Research and Economic
Development.

Mission and Goals

The mission of the Maine Department of Labor (the "Department") is: "To promote the
economic well-being of people in the labor force and employers by attracting and retaining a
wide range of employment opportunities, by promoting independence and lifelong learning, by
fostering economic stability and by ensuring the safe and fair treatment of all people on the job."

We appreciate this opportunity to share the important and critical work the Department does on
behalf of Maine citizens and explain the funding sources with which we do this work. The
Department is committed to serving Maine workers and businesses by:

- Helping employers recruit and train a talented workforce;
- Providing workers with the skills and supports they need to be competitive in the
economy;
- Assisting individuals when jobs are lost;
- Ensuring safe and fair workplaces for people on the job; and,
- Researching and analyzing employment data to support job growth.

To accomplish these objectives, the Department is comprised of five bureaus, two Boards, and
one Commission. Our five bureaus are the Bureau of Unemployment Compensation (BUC), the
Bureau of Employment Services (BES), the Bureau of Rehabilitation Services (BRS), the Bureau
of Labor Standards (BLS), and the Center for Workforce Research and Information (CWRI).
Through these bureaus, the department administers Maine's unemployment insurance system, is

responsible for ensuring the safety of public employees, and provides training and employment services, workforce development leadership, labor and economic data, and vocational rehabilitation services throughout the state. Much of this work is done in partnership with the federal government in terms of the regulations that govern and often limit our actions and those regulations we enforce.

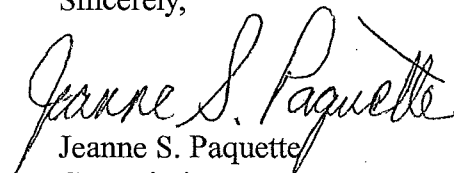
As we work to accomplish our mission, two issues have been the top priority during this Administration. First, the state must address our workforce challenge. We have a shrinking workforce and we must do all we can as an agency to maintain the largest and most talented workforce. This means connecting people who have not been working with meaningful employment and getting them back into the workforce, upskilling each worker so he or she can command ever-increasing wages and provide value to Maine employers, keeping them in our state. By 2032, our workforce will lose a net 100,000 workers. Without good-paying jobs and career paths to attract younger workers from out of state and strategies to assist Maine businesses in coping with this labor shortage, businesses will leave the state in search of more abundant and cheaper labor. Maine cannot afford to lose any more jobs.

The second priority has been to make the most of shrinking resources to do all we can to educate the public and our employers. Customer service is a major focus of this Administration. By working with employers, we can provide advice and information that helps employers comply with labor laws, keeping workers safe, paying them correctly, and thereby decreasing complaints and the need to take enforcement actions. Rather than as an adversary, the Department can be seen as a partner in connecting good employers with good employees. Good customer service does not mean, however, that we do not enforce the law. What it does mean is we try to help employers get it right the first time. Willful violations, however, are vigorously investigated and enforcement actions taken.

As you will read in this report, the federal partnership I mentioned at the outset is most apparent in our funding. The Department is 93 percent federally funded and currently receives \$9.4 million dollars in General Funds. Of that \$9.4 million, nearly two thirds is used to leverage 4:1 and 9:1 matching funds for the Bureau of Rehabilitation Services. With so few General Funds in our department, and with most of those funds being used to secure federal matching dollars for rehabilitation services for people with disabilities, our budget flexibility is limited.

Thank you for the opportunity to submit our Government Evaluation Act Report. For questions regarding the report, please call Jeanne St. Pierre, Director of Legislative and Constituent Services at (207) 621-5095.

Sincerely,


Jeanne S. Paquette
Commissioner

Maine Department of Labor

Organizational Units and Programs

Organizational Unit:**Program:**

Bureau of Employment Services

CareerCenters

Division of Policy and Evaluation

Division of Programs

Workforce Innovation Opportunity Act

Maine Apprenticeship

Rapid Response

Trade Assistance

Foreign Labor Certification/Monitor Advocate

Work Opportunity Tax Credit

Veterans Services

Ticket to Work

Reemployment Services/

Reemployment Eligibility Assessment Services

Maine Job Bank

Work Experience for ASPIRE Participants

Competitive Skills Scholarship

Bureau of Labor Standards

Wage and Hour Division

Technical Services Division

Workplace Safety and Health Division

SafetyWorks!

Bureau of Rehabilitation Services

Division of Vocational Rehabilitation

Division for the Deaf, Hard of Hearing & Late Deafened

Division for the Blind and Visually Impaired

Division of System Improvement and Quality Assurance

Bureau of Unemployment Compensation

Division of Benefits Services

Division of Employer Services

Administration and Program Performance Division

Division of Administrative Hearings

Center for Workforce Research and Information

Labor Market Information

Unemployment Insurance Commission**State Workforce Board**

Maine Department of Labor Government Evaluation Act Report

October 2015

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Bureau of Employment Services

Richard Freund, Deputy Commissioner and Acting Director

Enabling Legislation

The Bureau of Employment Services (BES) was established in 1996 (26 M.R.S.A. §1401-A) by consolidating the Bureau of Employment and Training program and the Bureau of Employment Security Job Service Division. The BES is comprised of the Administrative Office and the local CareerCenter offices.

Program Description

Established Priorities:

Since July 1996, the Bureau has been funded through State and Federal Job Training Funds and Federal Employment Security (Wagner-Peyser) Funds. On July 1, 2015, the State of Maine began operating programs in accordance with the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) replacing the Workforce Investment Act (WIA) of 1998. The Workforce Innovation and Opportunity Act is divided into five titles, each of which addresses major aspects of the workforce investment system.

Under WIOA, two of these five titles have significance for programs operated by BES and create the overall structure of the workforce investment system including State and Local Workforce Boards, one-stop CareerCenters, and youth services. Title I created the overall structure and includes the provision of services for adults, dislocated workers, and youth. Title III amended the Wagner-Peyser (Employment Services) Act to align its provisions with the new system.

WIOA requires the Governor to establish a State Workforce Investment (Development) Board to assist in the development of a state plan. Under MRSA Title 26 §2006, the Maine Legislature established the State Workforce Investment (Development) Board (SWIB). The SWIB (SWDB) is formally charged by the Governor to oversee and guide statewide WIOA activities. The organizations represented on the SWIB are organized labor, businesses, adult education, chambers of commerce, University of Maine System, Maine Community College System, Maine Department of Education, Maine Department of Economic and Community Development, local economic development agencies, community-based organizations, and the MDOL. The organizations represented reflect the majority of the membership requirements for the State Workforce Investment (Development) Board articulated in the WIOA legislation. The board's configuration is designed to enable Maine to meet the demands of our economic future by encouraging the creation of a knowledgeable, skilled, and flexible workforce that is responsive to the needs of the new economy.

The SWIB carries out its functions and provides direction-setting leadership for the system in accordance with WIOA §101(d). Through the WIOA Strategic Planning Process, SWIB develops the State's vision and goals in collaboration with its partners.

Under WIOA, the Governor, in consultation with the SWIB and chief local elected officials (County Commissioners), is responsible for designating local workforce development areas within the state and a local workforce development board for each local area. Local Workforce Investment (Development) Boards are citizen boards, appointed by the Chief Local Elected Official(s) of the local

area. Local Workforce Investment (Development) Boards, in partnership with local elected officials, are responsible for planning and overseeing the local program. The board is responsible for developing the local plan to be submitted to the Governor for approval, designating local "One-Stop" operators, designating eligible providers of training services, negotiating local performance measures, and assisting in developing an employment statistics program. In consultation with the SWIB and Chief Local Elected Officials, Governor King designated four local workforce development areas in the state in April 2000. The four local workforce development boards are:

- Local Area I: Aroostook and Washington Workforce Development Board
- Local Area II: Tri-County Workforce Development Board (Piscataquis, Penobscot, Hancock counties)
- Local Area III: Central /Western Workforce Development Board (Somerset, Kennebec, Androscoggin, Oxford and Franklin counties)
- Local Area IV: Coastal Counties Workforce, Inc. (Knox, Waldo, Lincoln, Sagadahoc, Cumberland and York counties)

The publicly funded workforce system's purpose is to increase employment, job retention, earnings, and worker skill-attainment. The BES oversees and administers programs and services aimed at building the state's workforce and connecting workers with employers and employers to workers. The purpose of the BES is to enhance economic success through workforce development. This includes working with businesses to build a competitive and skilled workforce while increasing access to quality employment opportunities for workers. This is accomplished through self-directed and consultative worker services that include job placement, career guidance, education and training, and layoff assistance. The BES also provides services to businesses, including workforce consultation, recruitment, direct referral to resources, and access to and development of employer-driven training programs. Occupational information and training is provided to educators, training program managers, and policy makers. All of these services are available through the statewide network of CareerCenters. There are currently 12 CareerCenters located throughout the state (map is included as **Attachment I**).

The CareerCenters combine numerous services under one roof, which makes it easier for job seekers and employers to obtain what they need. Services offered through the CareerCenter include:

- Job placement
- Job training
- Support services to maximize successful completion of job training
- Certification that Foreign Labor will not adversely affect the wages and working conditions of U.S. workers similarly employed
- Assists businesses with recruiting and hiring qualified workers and provide tax credit information
- Career planning information
- Formulates apprenticeship programs and standards
- Economic development assistance
- Peer support services to displaced workers

Program Performance Measures and Outcomes

Maine has consistently met or exceeded the negotiated performance standards for each program. A detailed description of the programs, established authority, target population, performance measures and performance outcomes offered through the CareerCenters is included in **Attachment II**.

The U.S. Department of Labor, Employment and Training Administration as authorized under federal statute, has established a performance accountability system designed to assess the effectiveness of state and local areas in achieving continuous improvement of Workforce Innovation and Opportunity Act activities. **Attachment III** includes a summary of the various, program-specific measures that make up the state and federal performance accountability system. **Attachment III** includes a summary of the individual negotiated performance measures for Program Years 2013 and 2014 under the Workforce Investment Act and performance measures for Program Year 2015 under the Workforce Innovation and Opportunity Act of 2014.

Organizational Structure

As a bureau within the Maine Department of Labor, BES services are funded through the State General Fund, Federal Workforce Innovation and Opportunity Act, Federal Wagner-Peyser, and Trade Act funds. Services are provided by a network of CareerCenter partners including the Maine Department of Labor, State Workforce Investment (Development) Board, Local Area Workforce Investment (Development) boards, and local service providers.

Coordinated Efforts with Other Agencies

One example of improved coordination has been the implementation of the CareerCenters throughout the state. In close consultation with the other MDOL bureaus (Bureau of Unemployment Insurance, Bureau of Rehabilitation Services, Center for Workforce Research and Information and the Bureau of Labor Standards), the State Workforce Investment Board and Local Workforce Development Boards, the BES ensures there is a high level of coordination of workforce development programs and services offered by the CareerCenters.

The level of coordination between WIOA, Wagner-Peyser, TAA, and many community-based partners such as Adult Education and Health and Human Services is unprecedented. Relative to most states, Maine is small enough in size and has, for the most part, been successful at confronting the challenges of building a truly integrated system. The primary organizations involved in CareerCenter development have developed productive professional relationships for initiating incremental change.

The degree of coordination among partners housed within and outside CareerCenter facilities is extensive. The text of this plan sets the context for expanding this collaboration to other required and non-required partners. Many partners have been engaged by the MDOL and LWDB, and as such, have accomplished much of what has been the focus of the strategic plan under WIA resulting in a solid foundation for the development of the unified plan under WIOA. Most of the services described in the Plan are provided jointly by WIOA and Wagner-Peyser staff within the CareerCenter with a purpose:

- To provide integrated intake;
- To provide core career services;
- To provide customers access to all partner programs and activities;
- To make individualized career services accessible to adults and dislocated workers; and,
- To provide training services resulting in employment to adults and dislocated workers.

WIOA specifically identifies the one-stop CareerCenters as the system to unify numerous employment and training programs into a single, customer-friendly set of services. The chart below summarizes the relationship the Required Partners have to the services provided through the CareerCenters:

Required Partners:	Authorized Under:
Adult, Dislocated Worker & Youth Programs	WIOA Title I-B
Job Corps	WIOA Title I-C
YouthBuild, Native American, Migrant & Seasonal Farmworker, and National Dislocated Worker Grant Programs	WIOA Title I-D
Labor Exchange Recruitment & Placement Programs	Wagner Peyser Act (29 U.S.C. 49 et seq.) <i>as amended by</i> WIOA Title III
Adult Education & Family Literacy Programs	Adult Education & Family Literacy Act - WIOA Title II
Vocational Rehabilitation Programs	Title I Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) <i>as amended by</i> WIOA Title IV
Senior Community Service Employment Program	Title V of Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)
Post-Secondary Career & Technical Education Programs	Carl D. Perkins Career & Technical Education Act 2006 (20 U.S.C. 2301 et seq.)
Trade Adjustment Assistance Activities	Chapter 2, Title II of Trade Act of 1974 (19 U.S.C. 2271 et seq.)
Jobs for Veteran's State Grant Programs	Chapter 41, Title 38 U.S.C.
Community Services Block Grant Employment & Training	42 U.S.C. 9901 et seq.
Housing and Urban Development Employment & Training	H.U.D.
State Unemployment Compensation Program	In accordance with applicable Federal and State Law
Employment Programs for certain Ex-Offenders	Second Chance Act of 2007 (42 U.S.C. 17532)
Temporary Assistance for Needy Families (TANF)	Part A of Title IV of Social Security Act (42 U.S.C. 601 et seq.)
Other Partners:	
Ticket to Work & Self Sufficiency Program	Sec. 1148 Social Security Act (42 U.S.C. 1320b-19)
Supplemental Nutrition Assistance Program (SNAP)	Secs 6(d)(4) and (6)(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4))
Maine Chambers of Commerce	State Workforce Development Board

Constituencies Served

With the implementation of WIOA and the establishment of a statewide network of one-stop CareerCenters, the focus on customer service is on universal or basic career service access for all persons and employers. Wagner-Peyser “labor exchange programs” have always offered universal access to persons looking for employment or employers looking for people to fill positions. In other words, anyone who walked through the front door was eligible to receive services. The CareerCenters provide comprehensive services to various constituent groups including adults, dislocated workers, youth, older workers, individuals with disabilities, low income persons and veterans.

Under the WIOA, all programs focus on basic career services or universal access. WIOA individualized career services and training services targets resources to those people with documented or assessed need.

Alternative Delivery Systems

Unlike the previous legislation that had a “one size fits all” focus, WIOA allows states and local workforce development boards to implement programs that meet the specific needs of the local area.

CareerCenters are currently located in 12 locations throughout Maine. Faced with declining state and federal resources to support “bricks and mortar,” the MDOL is exploring additional options for delivering virtual services via the Internet, including employment workshops, worker needs assessments and referral to other career resources to assist in transition to employment. Since 2008, job seekers are able to register for online job-matching and referral services, build a resumé and conduct customized job searches. Employers can post job openings, search resumé for qualified employees, and receive emails on new job seeker resumé. Collaboration with the public libraries, adult education, the University of Maine and other higher learning institutions, such as the Community College system, and businesses are evolving to maximize access points for Maine workers and employers.

Emerging Issues

Increase in job opportunities and a shortage of skilled workers: Greater emphasis must be placed on promoting sector/industry/education partnerships to recruit new career entrants and opportunities for those looking to advance their careers.

Workforce Innovation and Opportunity Act transition: Requires significant collaboration and alignment with required partners, law interpretation leading to new policy development and distribution and significant staff training and development.

Data Management System: The Bureau of Employment Services is in transition to a new modern data management system that will reflect new management and reporting requirements of the Workforce Innovation and Opportunity Act. it will also provide a new public-facing job matching and referral service. The system is part of a consortium of states so as to spread the burden of maintaining and upgrading the core technology across 16 states and decreasing the burden on states to maintain discreet systems that must all meet the same core federal requirements. This system is anticipated to go live in Maine in 2016.

Resources: Since the inception of WIA funding in 2000 and WIOA in 2014, Maine has been experiencing a slow, but steady decline in federal workforce investment resources. We can no longer afford to sustain only brick and mortar access points, requiring we expand access through virtual opportunity. The focus of the Department of Labor streamlining is to provide the best service possible to the customer and not to spend limited resources on extraordinarily high infrastructure costs while at the same time shifting resources to support a technological solution where appropriate.

The WIOA Strategic Plan for Program Years 2012–2016 emphasizes the need for more training for workers in our CareerCenters so they can access high wage jobs with growing demand. This is essential for Maine’s economic development, particularly in the industry clusters that offer particular potential for growing our economy. However, once workforce system infrastructure and core job search services are provided, there is little left. Key to our workforce delivery system’s future success will require us to leverage resources and develop strategic partnerships to ensure Maine businesses’ workforce training needs are met.

In the last program year, the CareerCenters:

JOB SEEKERS

- Served 77,197 job seekers with universal access core services.
- More than 30,662 job seekers utilizing the above services successfully entered into employment in the full year ending June 2015.
- 602 dislocated workers participated in employment and training services with 92 percent employment retention rate.
- 811 economically disadvantaged adults participated in employment and training services with 87 percent employment retention rate.
- Provided 921 adult and dislocated workers with occupational skills training.
- Assisted 121 adult and dislocated workers in obtaining a license, certification, or academic degree.

EMPLOYERS

- Provided apprenticeship services to over 94 employers.
- Developed over 124 apprenticeship programs.
- Contacted more than 16,000 employers.
- Provided over 777 employer recruitments and 72 Job Fairs.
- Increased employer Job Bank accounts by 33 percent and posted more than 9,700 employer job openings.
- Established employer workforce-training academies.

The need and cost of providing universal access to core WIOA and employment services causes training to remain grossly underfunded, even as we urge regions to do more. Wagner-Peyser, alone, is insufficient to meet this need.

The Maine Apprenticeship Program (MAP) provides an additional opportunity to help train Maine’s workforce. In cooperation and collaboration with other federal and state employment and training programs, MAP can expand its capacity as a viable work-and-learn training alternative for workers and employers.

National Emergency Grants, such as the Sector-Partnership grant, will provide additional resources to elevate opportunities for strategic partnerships, leveraging additional resources and opportunity for workers to obtain new work skills and employers to secure well trained workers.

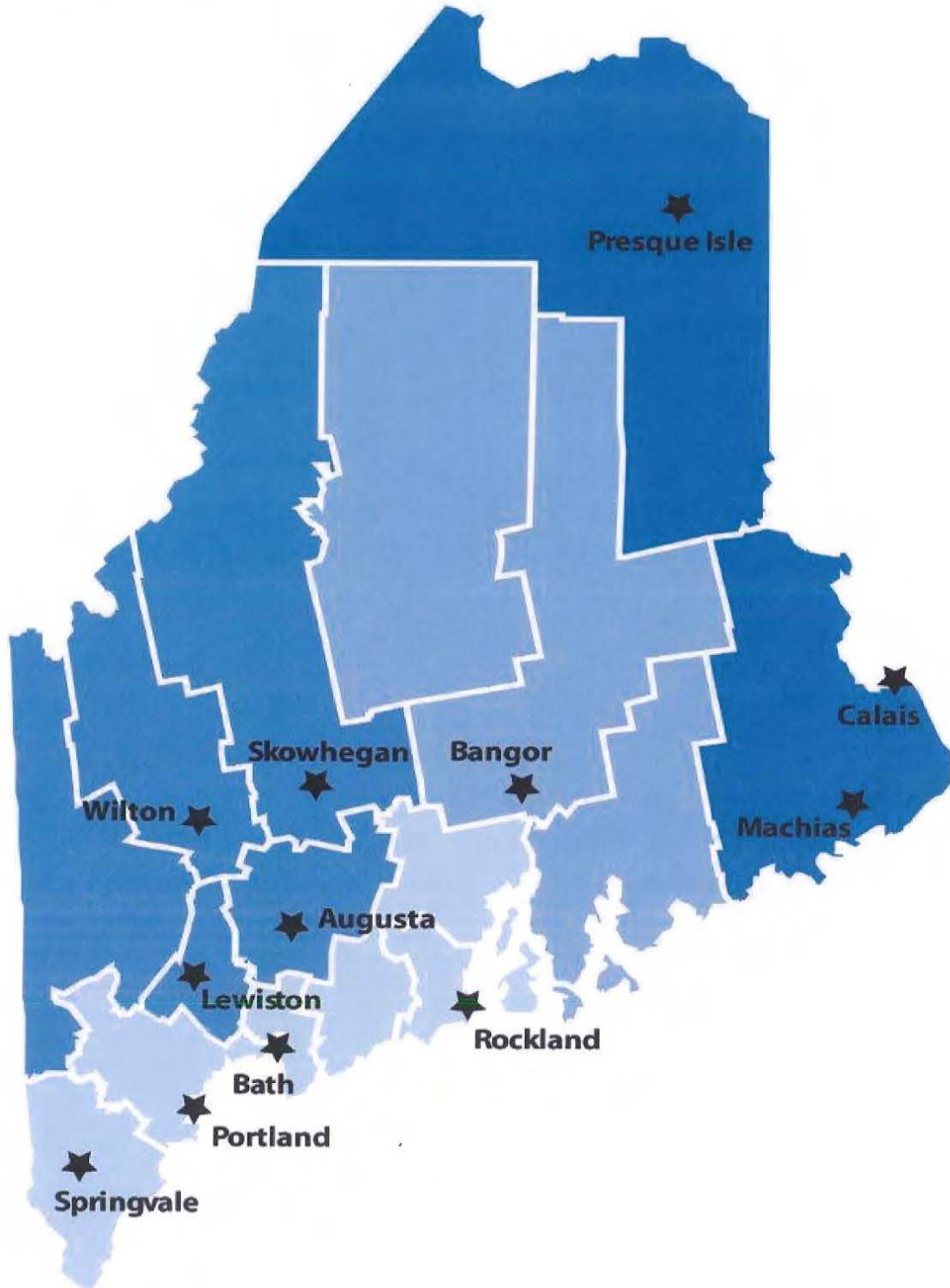
The Disability Employment Initiative (DEI) will improve access to workforce development programs and services for people with disabilities by better integrating existing services through partnerships and collaboration, further expanding businesses access to a skilled yet under-represented labor pool.

The Tri-Agency collaborative between the Department and the Maine Departments of Education and Health and Human Services, is working to maximize the resources available through Maine's One Stop CareerCenters and coordinate services to help educate, train, and place public assistance recipients in sustainable employment.

The Competitive Skills Scholarship Fund (CSSF) was adopted by the Maine State Legislature in June 2007. The Competitive Skills Scholarship Program (CSSP) provides workers with support to help bridge the gap between traditional educational programs and the needs of Maine's adult workers in a transitioning economy. The 127th Maine Legislature amended the statute to include CSSP resources for secondary school students participating in the Early College and Career and Technical Education Program (ECCTEP). This will increase employment and training opportunities for students while in high school and more importantly to assist them with training when they transition from school to work.

Attachments

Attachment I	CareerCenter Location Map
Attachment II	CareerCenter Program Descriptions
Attachment III	Performance Measure Crosswalk WIA PY 2013/2014 and 2015 WIOA Negotiated Measures



CareerCenter Program Descriptions

Attachment II

Program	Authority	Participant Eligibility
Workforce Innovation and Opportunity Act Title I	The Adult and Dislocated Worker Program, under Title I of the Workforce Innovation and Opportunity Act of 2014, is designed to provide quality employment and training services to assist eligible individuals in finding and qualifying for meaningful employment, and to help employers find the skilled workers they need to compete and succeed in business.	<p>All adults ages 18 older are eligible for career services. For individualized and training services, first priority must be given to recipients of public assistance, other low income individuals and individuals who are basic skills deficient. Veterans and eligible spouses receive priority of services. Low-income individuals are considered “economically-disadvantaged” if family income falls within 70% of the Lower Living Standard Income Level (LLSIL) guidelines.</p>

An eligible dislocated worker is an individual who:

- Has been terminated or laid off, or has received a notice of termination or layoff from employment;
- Is eligible for or has exhausted unemployment insurance;
- Has demonstrated an appropriate attachment to the workforce, but not eligible for unemployment insurance and unlikely to return to a previous industry or occupation;
- Has been terminated or laid off or received notification of termination or layoff from employment as a result of a permanent closure or substantial layoff;
- Is employed at a facility, where the employer has made the general announcement that the facility will close within a 180 days;
- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community or because of a natural disaster; or
- Is a displaced homemaker who is no longer supported by another family or military member deployed, change in duty station, service disability or death.
- is the spouse of a member of the Armed Forces on active duty with loss of employment due to duty station change.

Program	Authority	Participant Eligibility
Wagner-Peyser	In compliance with the Wagner-Peyser Act, as revised, the Bureau operates free public employment offices.	All people with a legal right to work in the United States.
Disabled Veterans Outreach Program (DVOP)	The Bureau serves eligible veterans and other eligible persons in accordance with the provisions of Title 38 USC Chapter 41, Section 4103(a) maximizing the entry of target veterans' populations experiencing the greatest incidence of unemployment in meaningful employment, and to maximize successful completion by these veterans in federally funded training programs.	Must have served more than 180 days in the United States Armed Forces and was discharged or released there from with other than a dishonorable discharge and was discharged or released from active duty because of a service connected disability, or is a veteran entitled to compensation.
Local Veterans Employment Representative (LVER)	The Bureau serves eligible veterans and other eligible persons in accordance with the provisions of Title 38 USC Chapter 41, Section 4103(b) maximizing the entry of target veterans' populations experiencing the greatest incidence of unemployment in meaningful employment, and to maximize successful completion by these veterans in federally funded training programs.	Must have served more than 180 days in the United States Armed Forces and was discharged or released there from with other than a dishonorable discharge and/or was discharged or released from active duty because of a service connected disability, or is a veteran entitled to compensation.
Labor Certification	In compliance with the Immigration and Naturalization Act, which provides that certain foreign workers may obtain a visa for entrance into the United States in order to engage in temporary or permanent employment, the state certifies that such employment will not adversely affect the wages and working conditions of United States workers similarly employed.	Employers wishing to bring in a foreign worker must meet program specific guidelines, dependent on occupation and/or duration of occupation.
Trade Adjustment Assistance (TAA)	The Bureau carries out the activities authorized by Title II, Chapter 2, Subchapter B of the Trade Act of 1974, as amended. Dislocated workers from companies certified to have been adversely affected by foreign import/trade are served by the Bureau in retraining, or upgrading their work skills and transferring to more viable industries. In addition to funds that pay for participant costs, the Bureau receives up to 15% to pay for the staff and administration of the TAA program.	Dislocated worker must be from a company certified by the US DOL as being adversely affected by foreign import/trade practices.

Program	Authority	Participant Eligibility
Work Opportunity Tax Credit (WOTC)	WOTC provides employers with federal tax savings as an incentive to hire job seekers with barriers to employment from targeted groups in compliance with the Small Business Job Protection Act of 1996. The Bureau receives funding to administer and process the necessary forms for business to qualify for the tax credits.	Employers hiring applicants from eight targeted groups may receive Federal Tax credits.
Maine Registered Apprenticeship Program	The Bureau formulates apprenticeship programs and standards in cooperation with employers and employees to prepare future workers in skilled labor occupations under standards which ensure complete training in all aspects of an occupation, supplemented by the necessary technical instruction in related subjects. The Bureau works in cooperation with the Maine State Apprenticeship and Training Council, and the US DOL Bureau of Apprenticeship and Training, in compliance with 26 M.R.S.A. Chapter 33.	Must be 16 or older, employed full time in an apprentice-able industry and registered with the Maine State Apprenticeship and Training Council
National Emergency Grants (NEG)	National Emergency Grants (NEG) are discretionary awards by the Secretary of Labor that temporarily expand service capacity at the State and local levels through time-limited funding assistance in response to significant dislocation events. Significant events are those that create a sudden need for assistance that cannot reasonably be expected to be accommodated within the ongoing operations of the formula-funded Dislocated Worker program, including the discretionary resources reserved at the State level.	Eligible Events for NEG or discretionary funding include: Regular, Trade-WIOA Dual Enrollment, Disaster, and Trade-Health Coverage Infrastructure grants, and special initiatives to advance and compliment more comprehensive and integrated services envisioned under WIOA.

Competitive Skills
Scholarship Program

MRS Title 26, Labor and Industry, Chapter 25 Subchapter 5 § 2033 Competitive Skills Scholarship Program created an employment and training program to support the educational attainment and career goals of Maine's low-skill, low-income population and provide Maine employers with a skills labor force. CSSP provides employers the opportunity to participate in development of employer driven training programs customized to meet the work force needs of an individual employer, sector or industry.

Is 18 years of age, does not have a marketable post-secondary degree, has income at 200% or less of the federal poverty level for family size, is applying for education and training for a job in a high demand high wage occupation and has the aptitude to undertake and complete the education or training as determined by the training institution.

WIA Federal Performance Measure Crosswalk

Performance Measures	Workforce Investment Act				Wagner-Peyser	Vets	Trade Adjustment Assistance
	Adult	Dislocated Worker	Youth* (19-21)	Youth* (14-18)			
1. Entered Employment Rate	X	X	R		X	X	X
2. Employment Retention Rate at 6 Months	X	X	R		X	X	X
3. Average Earnings at 6 Months	X	X	R		X	X	X
4. Employment and Education or Occupational Credential Attainment Rate	R	R	R				
5. Attainment of Basic, Work Readiness, &/or Occupational Skills Goal				R			
6. Attainment of Secondary School Diploma/Equivalent				R			
Employment or Educational Retention				R			
7. Placed in Employment or Education Rate			X	X			
8. Attained a Degree or Certificate Rate			X	X			
9. Literacy/Numeracy Gain Rate			X	X			

* No age differentiation for Youth under Common Measures

X = WIA / W-P / VETS / TAA Core & Common Measures = Reportable and Accountable

X = WIA Common Measures = Reportable and Accountable

R = WIA Core Measures = Reportable Only

WIOA Federal Performance Measure Crosswalk

Performance Measures	Workforce Innovation & Opportunity Act				Wagner-Peyser	Vets	Trade Adjustment Assistance
	Adult	Dislocated Worker	Youth (16-24)	Youth (14-21)			
1. Employment 2 nd Quarter After Exit Rate	X	X			X	X	X
2. Employment 4 th Quarter After Exit Rate	X	X			X	X	X
3. Median Earnings	X	X	X	X	X	X	X
4. Attainment of Post-Secondary Credential or Secondary School Diploma/Equivalent	X	X	X	X			
5. Measurable Skills Gain Toward Postsecondary Credential or Employment	X	X	X	X			
6. Effectiveness in Serving Employers	X	X	X	X	X		
7. Rate of Youth in Education/Training or Employment in 2 nd Quarter After Exit			X	X			
8. Rate of Youth in Education/Training or Employment in 4 th Quarter After Exit Rate			X	X			

Please note that the future performance standards for the VETS and Trade Adjustment Assistance programs have not been spelled out at this time so the current measures are displayed based on what is now known.

Maine WIA and W-P Performance Standards

WIA Common Performance Measures	Maine Negotiated Goals and Actuals Summary				
	PY 2013		PY 2014		PY 2015
	Goal	Actual	Goal	Actual	Goal
Adult					
Entered Employment Rate	83.4%	74.5%	84.0%	73.4%	84.0%
Employment Retention Rate	86.8%	87.5%	88.0%	86.7%	88.0%
Average Earnings	\$10,900	\$11,147	\$11,700	\$11,854	\$11,700
Dislocated Worker					
Entered Employment Rate	87.5%	89.6%	89.5%	80.2%	89.5%
Employment Retention Rate	90.5%	88.6%	92.8%	91.9%	92.8%
Average Earnings	\$15,147	\$14,364	\$15,027	\$13,850	\$15,027
Youth					
Placed in Employment or Education Rate	64.8%	66.2%	66.3%	61.9%	66.3%
Attained a Degree or Certificate Rate	70.0%	71.0%	73.3%	61.7%	73.3%
Literacy/Numeracy Gain Rate	30.0%	31.3%	33.0%	24.4%	30.0%
Wagner-Peyser Performance Measures	Maine Negotiated Goals and Actuals Summary				
Entered Employment Rate	57.0%	55.0%	57.0%	57.2%	57.0%
Employment Retention Rate	80.0%	82.0%	82.0%	82.0%	82.0%
Average Earnings	\$12,500	\$12,263	\$12,500	\$12,482	\$12,500

Bureau of Labor Standards

Pamela Megathlin, Director

Enabling Legislation

- 26 M.R.S.A., Chapter 1. General Provisions
- 26 M.R.S.A., Chapter 3. Bureau of Labor Standards
- 26 M.R.S.A., Chapter 4. Occupational Health and Safety
- 26 M.R.S.A., Chapter 5. Health and Safety Regulations
- 26 M.R.S.A., Chapter 6. Occupational Safety Rules and Regulations Board
- 26 M.R.S.A., Chapter 7. Employment Practices
- 26 M.R.S.A., Chapter 15. Preference to Maine Workmen and Contractors
- 26 M.R.S.A., Chapter 19. Department of Labor
- 26 M.R.S.A., Chapter 28. Minimum Safety Standards for Firefighters

Chapters 1 and 3 primarily define the overall function of the bureau. References to specific authority may be found in the remaining chapters, except Chapter 19, which contains occasional references to Bureau authority and to departmental authority that is delegated to the bureau.

Program Descriptions

The SafetyWorks! Program is part of the Workplace Safety and Health Division. This program provides up to 1,000 on-site consultations at employer worksites each year. The program also provides additional training to thousands of individuals a year through the Safety Training Institute and on-site at employer's places of business. Services are offered to the public statewide at no cost. Training and consultation has been provided by the bureau since the 1970s; however, in 1998, these services were consolidated and expanded under the banner SafetyWorks! As a result of the active promotion of SafetyWorks!, the programs are well known and requests for services have increased significantly. Training and educational programs are presented in a comfortable, newly constructed classroom in Augusta, using advanced audio-visual technologies. Programs are also offered in locations throughout the state (including CareerCenters) and are offered at the customer's location.

As technological advances increase, the program's service delivery systems have been upgraded to provide customers the best training environment possible. The emphasis is on communication with customers and high-quality service. Program users' feedback is consistently positive and is monitored by a survey sent out to each customer at the conclusion of the services provided.

Towards the end of 2011, the former training facility located in Fairfield, Maine, was relocated to the Commerce Center in Augusta. The classroom holds up to 48 students, has a Smart Board, three LCD projectors and adjacent hands-on lab area. In addition, the rooms are equipped with three Adobe Connect cameras which are capable of allowing up to 100 students to log in remotely. The room also serves as an alternate space for Maine Emergency Management Agency (MEMA) if needed during a disaster situation. The hands-on lab area includes various training props, such as a fall-protection prop, VDT, confined space, forklift, fire extinguisher, electrical, scaffolding, machine guarding, work zone and several more workplace training aides. Much of the training center was made available by OSHA one-time grant funds. Through these one-time grant funds, the federal Occupational Safety

and Health Administration (OSHA) paid for most of the training center's build-out costs, purchased the forklift simulator, ergonomic props and machine guarding props, including a two-hand trip device, light curtains and pressure sensing mat. In addition, new one-time grant funds in 2015 helped purchase "I-Clickers," which will provide customers with an interactive device giving the instructors the means to poll the audience and gauge their competency within the training environment.

In cooperation with OSHA, SafetyWorks! has established the Safety and Health Award Recognition Program (SHARP) for private-sector employers. SafetyWorks! has also initiated a Safety and Health Award for Public Sector Employers (SHAPE). Both awards are for employers who have been evaluated for their safety and health programs, injury and illness records and deemed by SafetyWorks! staff to be the "best of the best." As of October 2015, there are 68 SHARP companies and 60 SHAPE awardees in the state. This is an increase of 54 SHARPs and 52 SHAPEs since this last report. These numbers only further validate the program's success in educating employers about the value of investing in workplace safety and health and protecting workers, especially in high-hazard industries.

The program directors and senior bureau management have also established a volunteer Emergency Response Team to assist MEMA and local emergency management efforts with public-sector employees' safety and health issues during a time of a declared emergency. The team assisted with role play and real-world safety for the 2013 Vigilant Guard exercise. This exercise involved many simulated and staged exercise areas, such as the constructed rubble pile that simulated an ice rink collapse in Brunswick. Hundreds of individuals scaled the "rubble" to practice search-and-rescue skills. No injuries were reported during the four-day exercise. In such a manner, the program constantly seeks to partner with other state and local agencies to help educate and prevent workplace injuries.

Internally within the bureau, the SafetyWorks! Program partners with the Research and Statistics Unit to identify high-risk places of employment and provide personalized outreach to encourage employers within the identified high-risk industries to take advantage of SafetyWorks! services – again, a no-cost, non-enforcement program. Any employer can request a no-cost analysis of their workplace injury data and compare it to the occupational or industry standards to assess their standing and identify areas where improvements are needed.

The Public Sector Safety and Health Enforcement unit investigates complaints and enforces occupational health and safety laws and standards for municipal, county, and state government entities. The program protects over 81,000 public sector employees at over 2,300 public worksites, including state, county and municipal offices, schools, and quasi-governmental organizations such as water districts. By law, the program must provide protection at least equal to that provided to private-sector workers by OSHA. Effective August 5, 2015, Maine became an OSHA-approved State Plan State for Public Sector only. OSHA will now match up to 50 percent of public-sector services cost. Two public sector enforcement officers conduct between 750 and 800 targeted enforcement inspections annually. However, with the additional funding, a health specialist has now been added to the enforcement section; we, therefore, anticipate an increase in these inspection numbers.

The Public Sector Enforcement (PSE) program uses injury and illness data provided by the Bureau's Research and Statistics Unit to focus their enforcement inspections on high-priority industries and occupations. They also respond to employee complaints and to reports of serious injury or fatalities. The PSE has formalized and standardized its inspection process, citation procedures,

and penalty structures. The program has also engaged in successful cooperative enforcement efforts with universities, fire departments, and municipalities.

The Maine Board of Occupational Safety and Health (BOSH) conducts appeals hearings, adopts rules for public sector enforcement, and takes the lead on any PSE issues. An ad-hoc committee on operator driver training was assembled and training packet disseminated to the fire service. In addition, PSE has updated several compliance documents and created a four-subject training DVD (designed for the fire/EMS service) to assist public employers with BLS/OSHA regulations. The Board has also directed the Bureau to conduct “town meetings” to update the employers/employees on PSE activities and to listen to the attendees. The unit has completed meetings covering the entire state.

Research, Surveys and Publications collect and analyze data on safety and health and labor issues. There are five data series from which analyses and reports are available:

- Census of Case Characteristics (CCC) based on Workers’ Compensation First Reports
- The Survey of Occupational Injuries and Illnesses (SOII) in Maine based on the rates of injury from the OSHA recordkeeping process
- The Census of Fatal Occupational Injuries and Illnesses (CFOI) based on news and official documents on work-related deaths
- Occupational Fatality Reports (OFR)
- Data from complaints and routine inspections from the Bureau’s administrative case tracking system (known as Gen II and to be replaced in 2016 with a new computer system called “Amanda COTS”).

There are several types of data BLS collects and its divisions use to carry out their duties. BLS Research, Surveys and Publications’ unit uses occupational safety and health data collected by this program to target assistance to employers. In addition, the Wage and Hour Enforcement program uses the survey data of construction wage rates as the basis for prevailing wage inspections on state-funded construction projects. Public Sector Enforcement uses the data to target safety inspections at public-sector worksites. Research findings are used to design interventions in occupational safety and health training, consultation, outreach, and disability prevention.

Recognizing the value of making statistical information available to the broadest possible audience, the unit offers customized company injury and illness profiles, holds meetings to solicit feedback from publication users, and has updated and standardized the format of the data.

In addition, the Bureau has an internal group called SERI (Safety Enforcement Research Initiative) that researches emerging issues and develops strategies for prevention and enforcement of Maine Workplace Safety and Health activities and programs.

Last, staff provides regular training to employers on OSHA recordkeeping and has been asked by USDOL to provide technical assistance to other states’ programs.

Wage and Hour Enforcement in Maine is overseen by the Wage and Hour Division, which enforces state employment-practice laws and investigates complaints from customers pertaining to minimum wage, overtime, record keeping, rest breaks, final payment of wages upon cessation of employment, severance pay, equal pay, rights to certain leave benefits, unfair agreements, social media protections

and insolvent employers and youth labor. The division determines compliance for logging contractors under the equipment ownership regulations, determines compliance for prevailing wages on state-funded construction projects, and issues certificates authorizing the payment of sub-minimum wages to certain disabled workers in federally recognized employers. The Wage and Hour program has four inspectors and one chief inspector, whose primary duties are to conduct enforcement actions protecting the rights of Maine workers while enforcing a level playing field for all businesses. Each year, the division completes approximately 3,500 inspections and investigations of employers. The staff responds to more than 15,000 telephone enforcement inquiries a year. Through this program, workers received back wages of \$3,328,049 on an annual average in unpaid wages for the timeframe 2008 through 2014.

In addition, as a deterrent for underage labor and child labor protections, the division approves youth employment work permits for 14- and 15-year-old students and provides approvals for extended weekly hours of employment for 16- and 17-year-old students who participate in cooperative education or school-to-work programs. The youth permitting process focuses on education and training for all customers and helps ensure Maine's next generation of workers are protected while providing them the much needed skills to help advance them into employment after graduation.

The Wage and Hour Compliance Assistance Program relies on compliance data and is used to focus compliance assistance and education and outreach for the coming year. A structured system of industry focus and assignment ensures maximum compliance assistance and enforcement coverage statewide. The focus of efforts is as follows: first priority is employers with violations in the past 12 months; second priority is a selected industry or industries. Selections change annually, depending on changes in laws, rules, or processes. As staffing permits, compliance assistance and enforcement is coordinated jointly with other agencies such as the Unemployment Insurance Tax section or Workers' Compensation Board.

The program also provides training seminars throughout the year and upon request from the public. The program provides a labor law class that is offered to all customers. In the past three years, the division has increased their compliance assistance with customers, more than doubling their efforts from past years.

The Youth Worker Program provides two distinct educational services to young workers. The first focus is on employment practices and hours worked in general. The second is on workplace safety and health in order to reduce injuries among working teens and prepare young adults to work safely throughout their adult lives. This program represents a long-term objective: to change the culture of the workplace so employers and employees truly value safety and health.

The program developed a partnership with educational institutes that place youth workers into work experience programs. This partnership's goal is to increase public awareness and knowledge about the laws governing youth in the workplace. Current efforts focus on working with teachers to integrate employment practices and the safety and health curriculum into non-vocational classrooms. Future efforts will involve the industries that employ large numbers of teens. The need for this type of public education is evident from the hundreds of calls BLS receives weekly for information on wage, hour, and youth employment laws.

Outreach and Education is performed collaboratively within the bureau's three divisions and focus their efforts on:

- Identifying training and education needs relating to labor standards.
- Developing educational programs that meet the needs of all customers, both businesses and individuals, whether employed or unemployed.
- Promoting the bureau's products and services throughout the state.
- Coordinating the bureau's outreach activities with other agency bureaus, state agencies, and partners.
- Promoting focus groups, brochures, annual training calendars, social media, newsletters and blogs, news releases, exhibits at industry conferences and improved internet information on the agency's website.

While outreach services have been available through the bureau for many years, the public was not aware of the products and services the bureau could provide. Increased focus in social media has led the bureau to exceed outreach and educational goals. As one example, the SafetyWorks! Program has been highly successful in making the safety and health services known statewide, resulting in heightened awareness of the issues and significant increase in requests for services. Other states wishing to promote safety and health services are using SafetyWorks! as a model.

Coordinated Efforts with Other Agencies

The bureau strives to coordinate with other agencies to promote efficiency and production. Through many partnerships and agreements, the bureau has formed relationships with:

- Workers' Compensation Board, on workplace injury and illness data
- Department of Health and Human Services
 - Center for Disease Control and Prevention, on occupational disease data and issues, young worker safety, farm safety, Rakers' Center, employer drug-testing laboratory rules
 - Office of Minority Affairs, on migrant and immigrant worker issues
 - Office of Substance Abuse, on employer drug testing and workplace drug abuse prevention and intervention
- Department of Professional and Financial Regulation, Bureau of Insurance, regarding workers' compensation insurance
- Department of Transportation, on highway safety
- Department of Public Safety, on highway safety and incident investigations
- Department of Defense, Veterans, and Emergency Management, Maine Emergency Management Agency, on emergency response safety and health issues
- Department of Agriculture, Food and Rural Resources, on farm worker issues and pesticide use
- Department of Economic and Community Development, on employer services
- Human Rights Commission, on employment discrimination and Whistleblower Law issues
- Department of Conservation, on logging industry issues

- Department of Environmental Protection, on pollution prevention in industrial settings
- U. S. Department of Labor
 - Wage and Hour Division for Wage, on labor practices and migrant worker issues
 - Employment and Training Administration, on migrant worker issues
 - Occupational Safety and Health Administration, on workplace safety and health issues
 - Mine Safety and Health Administration, on workplace safety and health for surface mines
 - Bureau of Labor Statistics, on identifying and coding workplace injuries and illnesses in the state

Constituencies Served

The bureau's primary constituents are workers, future workers, and employers. Customers also include educators, government officials, policy makers, insurance companies, and employee and industry organizations. The bureau has increased their public presence by providing additional compliance assistance, training seminars, and compliance aides in all areas under the bureau's jurisdiction. Through the assistance of the agency's constituent liaison staff, the bureau responds to constituent inquiries. The bureau also provides formal responses to constituents that request an official opinion. The opinions are based exclusively on the facts and circumstances described in their requests and is given on the basis of the representation, express or implied, that is provided.

Alternative Delivery Systems

- SafetyWorks! is an outreach and education program, which increases awareness and use of safety and health consultation and training services. Outreach methods include radio and print advertising, trade show exhibitions, press contacts, video, newspaper columns, and brochures.
- Through the bureau's and agency's social media sites, information is disseminated to our customers to inform and educate them about requirements of new labor, safety and health standards.
- The bureau's web pages provide the public information about services and products.
- A toll-free number has been established for safety and health services.
- A hotline is available for wage and hour information, which receives more than 25,000 calls annually on various labor issues, both enforcement and non-enforcement requests.
- Tableau is used to display data on the website and enable the public to tabulate and display the data in customizable ways.
- The bureau developed and published videos online to explain OSHA recordkeeping to employers so they can train from their workplaces and at a time of their convenience.
- The use of online survey services (SurveyMonkey) to collect quality data at the source.
- The purchase and implementation of a fully-featured COTS case management system and Software-as-a-Service.

Emerging Issues

- Temporary and permanent foreign workers and their effect on labor practices
- Violence in the workplace, particularly the employer's role in prevention
- Occupational diseases, particularly underreporting and cost-shifting to private insurance
- Ergonomics and the aging workforce
- Workers with limited English proficiency
- Developing comprehensive injury and disability prevention data
- Misclassification of workers as independent contractors
- Misclassification of workers' trade under the Prevailing Wage Regulations
- Use of technology to enhance field operations
- Maintaining confidentiality in an electronic environment
- "Legalization" of marijuana and employer concerns of its effects in the workplace as a result
- The effects of federal regulation or lack of regulation and its effect on state government
- The cost of turnover when state employees leave due to competitive employment with the private sector
- Balancing the need for more compliance assistance when there is a demand for enforcement; limited resources and staffing

Bureau of Rehabilitation Services

Karen Fraser, Acting Director

Enabling Legislation

- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1411A-I
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1411-C
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1412-C
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1413-B
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1414
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1418
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1418-C
- Rehabilitation Act of 1998, 26 M.R.S.A., Sec. 1418-D
- Chapter 751, Public Laws 1997, 26 M.R.S.A. 1419, 1419-A
5 M.R.S.A., Sec. 3, Sub Section 48

Bureau of Rehabilitation Services (BRS)

The bureau administers various state and federal rehabilitation services for people with disabilities under the Federal Rehabilitation Act and its amendments. The Vocational Rehabilitation programs administered by BRS operate under the Federal Rehabilitation Act, the preamble of which expresses the following core purpose:

“To Empower Individuals with Disabilities to Maximize Employment, Economic Self Sufficiency, Independence, and Inclusion and Integration into Society.”

Program Description

The primary mission of the Bureau of Rehabilitation Services is to provide full access to employment, independence, and community integration for people with disabilities. The services provided by BRS result in Maine people with disabilities living independently, becoming employed in competitive jobs, reducing reliance upon public benefits, and contributing to the Maine economy.

To that end, persons with disabilities are served through the bureau’s four divisions, including three client service units organized according to state and federal program funding protocols, and one administrative division. These divisions are:

- Division for the Blind and Visually Impaired (DBVI)
- Division of Vocational Rehabilitation (DVR)
- Division for the Deaf, Hard of Hearing, and Late-Deafened (DoD)
- Division of Quality Assurance (DQA)

Vocational Rehabilitation Program (DVR; DoD;DBVI): The Vocational Rehabilitation (VR) program provides a full array of services designed to assist people with disabilities to obtain and maintain employment. These services include vocational guidance and counseling, assistive technology, training, education, and job placement. Specialized services are available for people who are deaf or hard of hearing and for people who are blind or visually impaired. Services must be necessary for the achievement of a vocational goal established through the rehabilitation process. This program operates through a federal/state partnership by which the state receives 80 percent of its funding from the federal government.

Eligible individuals must have a disability that results in a substantial barrier to employment, and it must be likely that the person will benefit from services in order to obtain or maintain employment.

Priority Goals and Objectives:

- Provide rehabilitation services to approximately 11,000 individuals with severe disabilities during FFY '16 (to include Supported Employment Program described in the following paragraph).
- Provide job placement assistance to approximately 1,200 people with significant disabilities during FFY '16.

Supported Employment Program (DVR; DBVI): Supported Employment provides on-the-job support services to Vocational Rehabilitation (VR) clients who need long-term support services to be successfully employed. This support may be in the form of a job coach or on-site employment specialist. Services may include intervention with supervisors and peers, job development, social skills training, transportation, and support services to parents, spouse, and children. To achieve the long-term support, the bureau partners with the Department of Health and Human Services (Substance Abuse and Adult Mental Health Services and Office of Adults with Cognitive and Physical Disabilities).

Priority Goals and Objectives:

- Provide competitive work in an integrated setting for individuals with serious disabilities for whom competitive employment has not traditionally occurred.
- Provide supported employment services to 140 people with the most significant disabilities in FFY'16.
- Successfully assist 70 people to achieve competitive supported employment in FFY '16. (These numbers are included in the performance goals of the VR Program in the previous paragraph.)

Independent Living Program: The Independent Living (IL) Services Program assists eligible individuals in overcoming the substantial barriers that prevent them from functioning independently within their homes and communities and to avoid institutionalization. The program is contracted to a private, nonprofit agency that provides such direct services as adaptive equipment and skills for homemaking, travel, communication, and employment. Eligibility requires a physical or mental disability that results in a severe limitation to function independently within their homes or in a community setting.

Priority Goals and Objectives:

- Provide outreach and advocacy with private and public agencies, eligibility determination, planning and referral to appropriate resources for consumer-directed services.
- Assist 120 people per year, all ages, with a wide range of disabilities to obtain information and appropriate services for improved independence, including provision of assistive technology, home modifications, peer support, mobility, and other training.

Independent Living – DBVI: Provides independent living services for persons age 55 or older who are blind and visually impaired to preserve and enhance their independence at home and in the community.

Priority Goals and Objectives:

- Provide adaptive skill training to older blind individuals in order to accomplish activities of daily living.
- Provide Orientation and Mobility instruction to assist individuals to travel safely around their home and community.
- Provide advocacy and support services to 400 older blind individuals each year.
- Identify, develop, and support Low Vision training and therapy resources communities throughout the State.

Blind Student Education Program – DBVI: Supports local school units in providing free appropriate public education to children who are blind or visually impaired.

Priority Goals and Objectives:

- 300 children will receive direct instruction or consultation services from a certified teacher of children who are blind. Ninety-five percent of the students will advance with their class or meet their Individualized Education Plans.

Telecommunications Equipment Program – DOD: The Telecommunications Equipment Program provides a full range of telecommunications information, products and support services for people who are deaf, hard of hearing, or have speech impairments or other disabilities requiring specialized telecommunications equipment. This program offers equipment on a 50/50 cost sharing or loaner basis. The program provides equipment as well as repair and maintenance, when required. This service is provided via a contract with the Disability Rights Maine Deaf Services.

Priority Goals and Objectives:

- Facilitate the purchase, lease, distribution, upgrading, installation, maintenance, and repair of specialized telecommunications equipment, on both a loan and cost-sharing basis.
- Provide equipment to a minimum of 350 consumers per year.

Community Services Program – DOD: Community Services helps people who are deaf or hard of hearing to access community services such as health care, public safety, education, transportation and utilities. These services include information and referral, advocacy, employment advocacy that helps people with hearing loss to maintain their jobs, and training. Of particular note is the collaborative effort between the Division of Deafness, Disability Rights Maine Deaf Services and Division for the Blind and Visually Impaired to provide training to local law enforcement regarding public safety of people who are deaf, hard of hearing, late deafened or deaf blind. This program also offers legal assistance to those who have experienced discrimination in housing, employment, or public service.

Priority Goals and Objectives:

- Currently DRM/Deaf Services has a person who works in the Bangor office to provide Advocacy and Equipment.
- Provide information and assistance to 1,000 people who are deaf or hard of hearing, or those who work with deaf and or hard of hearing individuals.
- Provide technical assistance to 20 public agencies or employers.
- Provide legal assistance to 50 people who are deaf, hard of hearing or late deafened who have experienced discrimination.
- Provide employment advocacy help for deaf and hard of hearing employees maintain their jobs.

Legal Interpreting Services Program – DOD: This program provides American Sign Language interpreters to people who are deaf and are receiving legal counsel.

Priority Goals and Objectives:

- Assists individuals who are deaf or hard of hearing have access to qualified American Sign Language interpreters while receiving legal counsel.
- Provide interpreting services to approximately 50 people a year.
- Provide legal interpreting funding of up to \$15,000 a year.

Coordinated Efforts with Other Agencies

As a Bureau within the Department of Labor, the Bureau of Rehabilitation Services combines its administrative, management and direct service efforts with the Bureau of Employment Services in the Department's CareerCenters across the state. The Bureau has also made great strides in coordinating services and programs with the Departments of Health and Human Services, Department of Education and Corrections. Additionally, the Bureau has a Memorandum of Understanding with Veterans Affairs. The Bureau also contracts for some direct consumer services from local community service providers.

On the federal level, the bureau receives its funding and mandates from the Rehabilitation Services Administration (RSA) within the U.S. Department of Education. The Bureau also coordinates services with the Social Security Administration. Key constituencies requiring coordination with other State agencies are: 1) youth in transition from school to the world of work; 2) individuals with cognitive and intellectual disabilities who need support to prepare for and maintain employment; 3) the education of children who are blind; 4) people over the age of 55 who are blind or visually impaired; and 6) individuals who are exiting the criminal justice system.

1. The Bureau actively works with the Maine Department of Education (DOE) and local school systems to identify and serve students with disabilities. Special education units and other adult service agencies are consulted in planning and service delivery for students. Bureau representatives plan and deliver professional development activities with DOE to share best practices with each other and schools. Additionally, the bureau has a Memorandum of Understanding with DOE that is updated regularly. Bureau representatives sit on a number of oversight and planning committees within DOE. DOE is represented on both DVR and DBVI's State Rehabilitation Councils.
2. The Department of Health and Human Services, through its Office of Aging and Disability Services, Office of Substance Abuse and Mental Health Services, and Office of Children and Family Services is a strong partner in the bureau's work. This collaboration takes the form of blending and braiding of funding and resources to provide services to mutually served individuals. The bureau regularly issues joint procedural guidance with DHHS and strives to align language and policies to the greatest extent possible, thus reducing duplication of services. Regular opportunities for shared professional development assist in ensuring that staff can ably serve individuals with the most significant needs.
3. The bureau's Division for the Blind and Visually Impaired works closely with the DHHS Office of Aging and Disability Services, the University of Maine's Senior Companion Program and the U.S. Department of Veteran's Affairs in efforts to improve services for those who are visually impaired and over age 55. Much of the activities are focused on training and curriculum development for professional service providers.
4. Corrections—In recognition of the employment needs of individuals with disabilities who have experienced incarceration, the bureau has established agency correctional liaisons in each of its offices. The liaisons meet quarterly with representatives of DOC to better coordinate services for individuals exiting incarceration. The Bureau has developed procedural guidance in consultation with DOC and provides joint staff development opportunities to improve services to this growing population.

Constituencies Served

The bureau's primary constituency is people with disabilities where that disability is a barrier to their employment, education, or independent living; employers are also customers and important partners in the bureau's work.

Alternative Delivery Systems

The Workforce Innovation and Opportunity Act (WIOA) of 2014 reauthorizes the federal Rehabilitation Act of 1998. The purposes of WIOA include aligning the workforce development system with education, businesses, labor market information and trends, and increasing collaboration among state and federal agencies. The Act focuses on increasing performance measures for adults and dislocated workers, as well as youth and people with disabilities, with placement and retention in employment, education and training, and business/employer relations.

This Act regulates a major portion of the state's rehabilitation services, including consumer-related services that are routinely purchased from community-based service providers. The bureau launched an initiative to improve provider relations and convened the Community Rehabilitation Provider (CRP) Project Steering Team. Based on the recommendations from this team, the bureau introduced an outcome-based payment system that rewards providers for meeting employment milestones for the clients that they serve and they assisted in revising and updating the CRP approval process and in-state standards.

The bureau is involved at all levels as the implementation of WIOA transforms existing systems into a more cohesive, effective, and collaborative entity through participation in restructuring the One-Stop CareerCenter processes, workforce boards, training, employment, and youth workforce activities.

Emerging Issues

The final rules that will define WIOA are due to be released in early 2016. The bureau is even so preparing for full implementation of the Act with limited information and trying to anticipate changes that will be required in the final regulations. With this in mind, the bureau is aware there will be a strong emphasis for state and local providers to engage differently with businesses; offer adult education and skill development; deliver state employment services through a unified State Plan; align performance metrics across state agencies; increase job driven connections between training, employment services and the workforce system; and ensure integrated employment opportunities for individuals with disabilities, especially with a focus on youth transitioning into adulthood. The bureau is anticipating the need for implementation of the changes, as described above, and is making policy, procedural and program modifications to meet this need.

Other Information Requested

A program matrix indicating funding source and eligibility criteria follows.

Bureau of Rehabilitation Services
Summary of Funding Sources and Eligibility Criteria

Division of Vocational Rehabilitation

Vocational Rehabilitation (Federal Funds/General Funds)

Individual must have a disability that results in a substantial barrier to employment and need services to obtain or maintain employment.

Order of Selection

- Priority Category 1: Individual with the most significant disability which is permanent, chronic, or cyclical and limits two or more capacities such as mobility and communication.
- Priority Category 2: Individual who has a disability whose impairment seriously limits one functional capacity.
- Priority Category 3: All others with non-significant disability.

Supported Employment (Federal Funds/General Fund)

Individual with the most severe disability for whom competitive employment has not traditionally occurred and is in need of support services in order to perform such work.

Independent Living (Federal Funds)

Individual must have a disability that results in an inability to function independently in their home or community.

Order of Selection

- Priority Category 1: Individuals who will lose their current level of independence and would be required to move to more restricted setting immediately and permanently unless they receive services.
- Priority Category 2: Individuals who with services can immediately move to a less restrictive and more independent setting.
- Priority Category 3: Individuals who with services can overcome a specific barrier or set of barriers to independent living.
- Priority Category 4: All other eligible individuals.

Division for the Blind and Visually Impaired

Vocational Rehabilitation (Federal Funds/General Fund)

Individual must be blind or visually impaired and whose disability results in a substantial barrier to employment and is in need of services to obtain or maintain employment.

Independent Living-Blind (Federal Funds/General Fund)

Individual must be 55 or older and have a severe visual impairment that prevents them from functioning independently in their home and community.

Education Program (General Fund)

Students from birth to age 22 who have a severe visual impairment that prevents them from benefiting from education within a regular classroom.

Division of Deafness

Telecommunications Equipment Program (General Fund/Dedicated Revenue)

Individual who because of their disability is unable to communicate by telephone because of a hearing loss, vision loss, mobility, or other physical or mental impairment.

Legal Interpreting Services (General Fund)

Individual who is Deaf and is receiving legal counsel, and relies on manual communication as their primary mode of communication.

Community Services Program (General Fund)

Individual who is Deaf or hard of hearing and is in need of support services in order to access community services such as health care, public safety, and education.

Bureau of Unemployment Compensation

Laura Boyett, Director

Enabling Legislation

- 26 M.R.S.A. Chapter 13 Section 1042 et seq.
- Rules Governing the Administration of the Employment Security Law
- Section 303(a) of the Social Security Act
- Social Security Act, 42 U.S.C. 503(a).
- Trade Act of 1974 (TAA/TRA) as amended including the North American Free Trade Agreement (NAFTA)
- Disaster Relief and Emergency Assistance Act of 1974 (DUA)
- Federal-State Extended Compensation Act of 1970 (Extended Benefits or EB)

Program Description

The Unemployment Compensation program was created in the 1930s in response to the hardships experienced during the Depression because of widespread unemployment. The purpose of the program is to provide an economic safety net for individuals who are out of work through no fault of their own. It provides an economic bridge from one job to another. The program also functions as an “economic stabilizer” during periods of high unemployment by funneling money back into communities to help keep businesses viable and stave off additional layoffs.

Unemployment Compensation is an insurance program. There is a set of laws that determine whether an individual qualifies for benefits and individuals must satisfy specific responsibilities each week in which a claim is filed in order to receive benefits. Unlike welfare programs, there is no assessment of the applicant’s financial needs in determining basic benefit eligibility. However, individuals must meet certain monetary earnings thresholds, which demonstrate an established connection to the workforce.

The national unemployment insurance system has state and federal laws that interact. The Social Security Act and the Federal Unemployment Tax Act provide the overarching guidelines in which state unemployment programs may operate. States may enact their own individual programs so long as State law “conforms” to federal laws. There are areas in which states have wide latitude in enacting their own programs and areas where federal law is quite restrictive.

The major priorities of the unemployment compensation program are the payment of benefits to eligible individuals, facilitating rapid reemployment, and the collection of employer-paid unemployment contributions. In addition, the program provides dispute resolution through its Division of Administrative Hearings for benefit eligibility issues. All of these areas are measured with respect to timeliness and accuracy in accordance with performance measures and standards established by the U.S. Secretary of Labor. The bureau’s state quality service plan reflects these performance measurements and incorporates goals aligned with the federal emphasis goals set under the Government Performance and Reevaluation Act (GPRA). During the recent recession, Maine continued to consistently meet all quality performance standards. However, timeliness suffered significantly under the dramatic increases in recession claim volumes. The bureau has been working diligently to regain its pre-recessionary standing in timeliness performance.

The primary performance measurements for the Unemployment Insurance Program include:

First Payment Time Lapse	We measure the percentage of claimants who receive their first unemployment benefit check within 14 days of the week ending date of their initial claim. The federal requirement for this measure is that 87 percent receive their first benefit payment within 14 days and the GPRA goal for this area is 90.1 percent. For state FY 2015, Maine achieved 86.1 percent in this measure. For the quarter ending June 30, 2015; 90.4 percent of first payments were made timely.
Nonmonetary Determination Timeliness	We measure the percentage of adjudication decisions (addressing eligibility issues) issued within 21 days of the date the issue was detected. This period includes the five-day notification period required under Maine law as well as the fact-finding interviews held with the interested parties to the claim (worker and employers). The federal standard requires 80 percent of nonmonetary determinations to be issued within 21 days. Nonmonetary timeliness experienced the great the greatest decline during the recession due to high work volumes and the loss of adjudication staff to retirement and attrition. However, staff has made significant progress in restoring timeliness in adjudication and in FY 2015, Maine issued 73.2 percent within this timeframe and exceeded the measure in the quarter ending June 2015 (88.1%). We expect to meet and exceed the federal standard in FY 2016.
Nonmonetary Separation Quality	The accuracy of adjudication decisions dealing with job separation issues (two-party issues involving both employer and claimant) is measured against strict criteria. The federal standard requires that 75 percent of a state's nonmonetary separation decisions score at least 80 to meet this goal (in actuality, the scoring is such that a decision can only score 100, 95 or fail). For FY 2015, 89.8 percent separation determinations scored higher than 80.
Nonmonetary Non-Separation Quality	The accuracy of adjudication decisions dealing with all eligibility issues <i>except</i> job separation is also measured against the same strict criteria. The federal standard requires that 75 percent of a state's nonmonetary non-separation decisions score at least 80 to meet this goal. For FY 2015, Maine achieved 92.9 percent in this measure.
Average Age of Pending Lower Appeal Authority	This measurement looks at how long it takes from the time a claimant files an appeal of a benefit determination to when he or she receives a determination by an administrative hearing officer. The time frame includes the scheduling and notification of hearing, the hearing itself, and the drafting and sending of an appeal determination. The average age of all pending appeal decisions at the first appeal level (Division of Administrative Hearings) should not exceed 30 days. For FY 2015, the average age of pending lower appeal authority appeals in Maine was 8.3 days .

Quality of Lower Appeal Authority Appeals

Appeal hearings are measured for quality of conduct and accuracy of decision on a quarterly basis. The federal target is that 80 percent of cases reviewed score at least 80. For FY 2015, **93.8 percent** met this criteria and our target for FY 2016 is to consistently score 95 percent or higher in this measure.

New Employer Status Determinations in 90 days

This standard measures the period of time it takes to research and set up new employers with the Unemployment Insurance program. The federal requirement is that 70 percent will be set up within 90 days of employer application and the GPRA target is 83 percent. For FY 2015, Maine's performance level was **85.2 percent**.

Facilitate the Reemployment of Claimants

For FY 2015, the target for Maine was that 64.7 percent of unemployment claimants would be reemployed by the end of the first quarter after the quarter in which they received their first unemployment payment. Maine has not yet been notified of the performance level achieved for FY2015 but we have consistently met or exceeded the annual goal set in previous fiscal years. The Bureaus of Unemployment Compensation and Employment Services have closely partnered in managing and delivering reemployment services through the Reemployment Eligibility Assessment program since 2005. This program has consistently proven successful in returning participating unemployment benefit recipients to work faster than those who have not participated. This program will transition to the "Reemployment Services and Eligibility Assessment Program" (RESEA) during FY 2016 and focus more closely in assisting unemployment beneficiaries who struggle in finding jobs as well as assisting unemployed former military personnel. Additionally, the bureau has a robust work search audit program designed to ensure that individuals collecting benefits understand their responsibilities for seeking work and are complying with this basic eligibility requirement. During FY 2015, the department also implemented improved technology linking those filing claims with the Maine Job Bank in order to receive regular job referrals and gain access to thousands of potential job openings.

Coordinated Efforts with Other Agencies

In addition to having collaborative working relationships with the other Department bureaus (such as the Reemployment Services and Eligibility Assessment Program referenced earlier); the Bureau of Unemployment Compensation (BUC) has existing cooperative working arrangements with a number of other state and federal agencies. With the passage of WIOA, we expect to develop additional working relationships with the core and required state WIOA partners – especially around using unemployment wage data to help assess workforce training and assistance program effects on long-term employment. Some of the formal cross-agency agreements in place include the following:

DHHS cross matches client data with unemployment benefit information and BUC's database of wages reported by employers to check the accuracy of their client eligibility and benefit awards and to locate parents who owe child support. BUC offsets a portion of unemployment benefit payments when

child support is owed and forwards these withheld funds to DHHS. Recently, our data sharing agreements with DHHS expanded so the agency could access wage records of former TANF, SNAP and ASPIRE participants as a method of measuring the potential impact of these services on an individual's long-term employment.

DHHS has been collecting new hire data from employers since the late 1990s, which is then uploaded to a national new hire database. BUC uses this data weekly as part of our system to audit benefit payments and to identify potential unemployment insurance fraud (individuals continuing to file for and collect benefits after returning to work). In addition to cross matching with the National Directory of New Hires, BUC also cross matches our active claimant database against the national wage database (WRIS) to identify wages individuals might be earning in other states while filing for benefits in Maine. Other cross matches used for program integrity purposes include a reciprocal cross-match with New Hampshire for wages and work registration comparisons, matching against the Maine Vital Statistics records to identify potential claim scams using deceased individual's names, and quarterly cross-matches against the wages we collect.

Maine Revenue Services performs an offset of state income tax refunds for BUC allowing us to recover unpaid contributions and benefit overpayments. In recent years, this recovery offset has been expanded to federal income tax refunds through a cooperative agreement with the IRS. Recovery is currently limited to benefit overpayments that resulted from non-reporting of earned wages as well as misrepresentation and fraud.

During FY 2015, BUC established a memorandum of agreement with the Maine University System and the Department's Center for Workforce Research and Information to assess the employment and wage performance of former students' post-graduation employment opportunities.

BUC also has a long-standing cooperative agreement with the Maine Workers' Compensation Board (WCB) to cross match individuals receiving worker's compensation payments as well as unemployment benefits. WCB offsets workers compensation payments by the amount of unemployment benefits received.

Constituencies Served

The Bureau of Unemployment Compensation has two primary constituency groups:

- people who have lost jobs and are applying for and/or relying on unemployment compensation for their income support and,
- employers who pay the contributions that fund the payment of benefits.

The number of people receiving benefits varies with the state of the economy. Claim numbers more than tripled during the Great Recession but have steadily declined in recent years. The demographics of people receiving benefits may also change as certain industries or occupations are affected by economic changes. For example, an industry may be very stable for years and then undergo tremendous changes brought about by offshore activity, mergers, or deregulation.

Alternative Delivery Systems

The BUC delivers unemployment claim services via the telephone through three claims centers in Maine. Additionally, individuals can file initial and continued weekly claims over the Internet and continued claims through an automated telephone application that offers scripts in English, French and Spanish. Using the web and automated telephone applications, claimants can file their unemployment claims 24 hours a day, 7 days a week. Approximately 70 percent of continued weekly claims are typically filed on Sundays. Claimants can also check their benefit balances, taxes withheld, date when benefit payments are mailed and print payment transcripts by accessing their accounts online using a confidential PIN number. Employers can also register online. Claimants can either elect to receive their benefits through direct deposit into their bank accounts or by debit card.

Emerging Issues & Opportunities

As the economy improves and the number of claims filed decline, the federal funding to administer this program also decreases. Although claim workloads have declined significantly in recent years, the cost for maintaining a stable and well-functioning technological infrastructure required to deliver services has steadily increased and now represents approximately 35% of the program's administration costs. Additionally, the existing unemployment computer production systems are extremely old and fragile (35+ years), which has made them increasingly unstable. These systems typically cost approximately \$100 million per state to replace.

Anticipating an approaching crisis in sustaining these systems and unable to replace them as an individual state, the department took action several years ago to form a tri-state consortium with Mississippi and Rhode Island to replace our aging and brittle systems with a shared system. The new system builds upon the recently modernized and proven technology of Mississippi's unemployment system. We received \$90 million in federal funding to support the consortium effort. The new system will be housed in the Cloud and ongoing maintenance costs will be shared by the three states instead of each state shouldering this excessive cost burden on its own.

The new benefit system is projected to roll out in Maine in the fall of 2016. Development work begins on the unemployment tax system in January 2016 with a target implementation date of late fall 2018. The new consortium shared-technology platform is expected to generate savings for all three states by leveraging the economies of scale realized by approximately 75 – 80% commonality in how these programs function across states. Additionally, once operational in a stable platform, additional states may join the consortium, further expanding the potential for shared cost-savings. Connecticut has already received funding to start preparing for eventual on-boarding with our consortium.

In the interim period, we are unavoidably carrying overhead for "double" systems (the existing system and the new consortium systems until the transition is completed). Therefore, the lack of adequate funding to administer this program is of major concern. BUC is already making organizational changes to prepare for the new workflow and accompanying staff realignment once the new and enhanced systems go live, but there will be fiscal challenges facing the bureau over the next several years.

Maine Unemployment Insurance Commission

Jennifer J. Duddy, Chairwoman

Enabling Legislation

- 26 M.R.S.A. Chapter 13 Section 1042 et seq.
- Rules Governing the Administration of the Employment Security Law
- Section 303(a) of the Social Security Act
- Social Security Act, 42 U.S.C. 503(a).

Program Description, Priorities, Goals and Objectives

Description: The Maine Unemployment Insurance Commission (Commission) is the higher authority appeal entity for addressing benefit eligibility and unemployment tax disputes in Maine. The Commission is separate from the Maine Department of Labor and affords parties to unemployment cases an additional appeal opportunity independent from the agency that conducted the initial evidentiary hearing and issued the original unemployment benefit determination. Benefit appeals can only be filed with the Commission after they have been heard at the lower authority appeal level, which is the Division of Administrative Hearings (DAH) within the Department's Bureau of Unemployment Compensation (BUC). Federal law does not require states to have a higher authority appeal level (as it does the lower authority appeal level) but most states have some form or recourse for parties to have a second level of appeal review prior to moving into the state's court system. Additionally, the Commission is the only appeal authority in Maine that hears unemployment tax disputes before moving into the court system. (The Department and Commission identified in the summer of 2015 that this requirement in Maine statute is out of conformity with federal requirements. The department will require legislation to transfer original jurisdiction of unemployment tax cases to the DAH, so that, consistent with federal requirements, merit employees conduct initial evidentiary hearings and parties may appeal to the Commission, before reaching the Courts.). The Commission also processes requests by claimants for waiver of overpayments. Decisions which issue from the Commission constitute final agency action; further appeal may be made to the Superior Court.

Priorities: The Commission's priority with regard to unemployment appeals and all other case types is to process cases in an efficient, timely, cost-effective manner, to ensure that all parties have been fully and fairly heard, and that decisions are legally defensible, i.e., based upon facts contained in evidence and on appropriate application of rules and laws.

Goals: The Commission has the following goals:

- 1. Maintain an Average Age of Pending Higher Authority Appeals of 40 days or less:** Timeliness is an important measure in the administration of unemployment benefits. The U.S. Secretary of Labor develops timeliness standards by which the Commission's performance is measured. The primary performance measurement established for the Higher Authority Appeals is *Average Age of Pending Appeals*. The federal requirement is that the average age of pending higher authority appeals not exceed 40 days. The Commission's goal is to consistently meet and sustain performance levels at or below the federal standard. As of March 31, 2015, when the Regional Office most recently evaluated program performance, the Commission's Average Age of Pending Higher Authority Appeals was 33.4. Although the Commission has exceeded the average of 40 days on several occasions in recent years it is more consistently reaching and exceeding this goal on a regular basis.
- 2. Lower Maine's Minutes-Per-Unit (MPU) to Achieve Increased Federal Funding:** MPU is an important measure of performance which the federal government uses to calculate funding allocations for states. Unemployment appeals in Maine are entirely funded by federal dollars. The U.S. Department of Labor (USDOL) awards the full funding allocation to the 10 states with the lowest staff-cost per appeal decision that year for each state's entire reported appeal workload. If a state's cost-per-decision is higher than the costs reported by these 10 states, the funding for that state's workload is reduced. The higher a state's cost is compared to the lowest 10, the greater the reduction. The federal government calculates MPU by using a formula, which includes total numbers of cases, time it takes to close them and dollars expended (including total cost of staff wages / salary). MPU is calculated using combined metrics from a state's higher and lower authority appeals units. Maine's low number of unemployment appeals and its high cost to process them translates into less federal funding for unemployment appeals. Maine ranks 6th highest of all states nationally for appeal costs; as a result, approximately 26 percent of our appeal workload does not receive any funding allocation. (See State Appeal Cost Ranking attached). The federal funding Maine does receive to cover staff, salary, and benefits for both DAH and the Commission covers these costs for only six months; the second six months of the year must be covered by underfunding other areas within the program. This is due in large part to Maine's expensive Commission model. Maine's total federal funding planning target for *both* higher and lower appeal levels for FY15 is \$878,775. The projected salary and benefit cost for the staff of the Commission this year is \$619,633. Approximately \$330,195 of this represents the salary and benefits for just the three Commissioner positions.

Objectives: The Commission is pursuing the following objectives to ensure consistent compliance with federal Average Age (timeliness) requirements and to lower Maine's MPU:

- A. **Developing lean processes in anticipation of the MRM Consortium.** In 2016 the Maine Department of Labor will join a federally funded Consortium comprised of Maine, Mississippi, and Rhode Island which will consist of a new information technology system for the Unemployment Insurance program. The Consortium will replace Maine's unemployment information system with a modern, cloud-based infrastructure which will streamline administration and improve efficiency. The Consortium is part of a multi-year modernization effort by the Department which will yield greater efficiency and cost savings agency-wide. The Commission must address significant inefficiencies in its current processes to be ready for the new Consortium in the summer of 2016. To this end, the Commission has entered a contract with a vendor to develop leaner process and procedures, which will be vetted to ensure consistency with the new Consortium.

- B. **Ongoing implementation of the recommendations of the Governor's Blue Ribbon Commission and the U.S. Department of Labor (USDOL) letter to the Commissioner of Labor:** The Commission has joined the BUC and the DAH in implementing changes, (such as reinstatement of "precedent committee)," which changes have streamlined processes and enhanced efficiency.

- C. **Possible Reform of the Commission Model:** The MDOL may continue to pursue statutory reform of the Commission's model, which currently consists of three, full-time commissioners. A consultant recognized as a national expert in state unemployment system finance recommended that the Commission consider a model with one, full-time chairperson and two per-diem commissioners, the employer representative and the labor representative. Such a change would preserve the three commissioner structure and result in enormous cost savings.

Coordinated Efforts with Other Agencies

The Unemployment Insurance Commission works closely with the Maine Department of Labor, Bureau of Unemployment Compensation and the Division of Administrative hearings as indicated.

Constituencies Served

The primary constituents served by the Unemployment Insurance Commission are unemployed Maine workers and Maine employers.

Emerging Issues

The issue of greatest concern facing the Commission is inadequate federal funding. By taking steps previously outlined, the Commission can do more with fewer resources, increase efficiency, and, thereby, achieve a higher return of federal dollars for the work it performs.

TABLE 4C

CALCULATION OF MPU ADJUSTMENTS
(APPEALS)

STATE	MPU	MADJ	WADJ	ADJ MPU	WORKLOAD
MONTANA	417.529	0.753715	0.750917	277.238	797
SOUTH DAKOTA	393.498	0.753715	0.751282	266.746	1,114
VERMONT	384.440	0.753715	0.751749	262.742	1,520
NEW YORK	360.535	0.753715	0.797732	245.766	41,478
NEVADA	354.786	0.753715	0.761280	248.560	9,802
MAINE	308.276	0.753715	0.756137	229.274	5,333
MICHIGAN	299.922	0.753715	0.776560	223.676	23,080
MASSACHUSETTS	296.115	0.753715	0.766769	222.840	16,310
WYOMING	290.674	0.753715	0.752573	222.029	2,236
WEST VIRGINIA	285.780	0.753715	0.755414	219.662	4,705
PUERTO RICO	279.303	0.753715	0.756340	216.797	5,509
IDAHO	275.256	0.753715	0.755281	215.141	4,589
UTAH	270.180	0.753715	0.760833	212.534	9,414
OHIO	265.222	0.753715	0.774507	209.434	21,296
VIRGIN ISLANDS	265.101	0.753715	0.750128	211.138	111
PENNSYLVANIA	262.816	0.753715	0.818380	205.352	59,420
MISSOURI	260.420	0.753715	0.773244	207.522	20,198
COLORADO	260.213	0.753715	0.768535	207.757	16,106
NEW HAMPSHIRE	259.586	0.753715	0.753983	208.479	3,461
ALABAMA	258.021	0.753715	0.768116	206.862	15,742
WISCONSIN	247.972	0.753715	0.771603	202.425	18,772
CONNECTICUT	246.995	0.753715	0.767851	202.235	15,512
KENTUCKY	243.088	0.753715	0.770960	200.417	18,214
NORTH DAKOTA	233.336	0.753715	0.752069	197.239	1,798
HAWAII	231.147	0.753715	0.753604	196.219	3,132
SOUTH CAROLINA	223.554	0.753715	0.766872	192.400	14,661
GEORGIA	222.892	0.753715	0.798499	190.852	42,144
FLORIDA	222.109	0.753715	0.845585	188.678	83,061
CALIFORNIA	220.051	0.753715	1.000000	182.067	217,243
OREGON	216.319	0.753715	0.767455	189.327	15,168
RHODE ISLAND	213.642	0.753715	0.755193	188.605	4,513
MINNESOTA	211.338	0.753715	0.770479	187.132	17,796
VIRGINIA	209.368	0.753715	0.773668	186.210	20,567
KANSAS	200.656	0.753715	0.763782	182.810	11,976
MISSISSIPPI	198.962	0.753715	0.769422	181.966	16,877
NORTH CAROLINA	198.549	0.753715	0.789249	181.361	34,106
IOWA	197.856	0.753715	0.764273	181.611	12,403
OKLAHOMA	190.271	0.753715	0.762676	178.420	11,015
DELAWARE	188.397	0.753715	0.755542	177.724	4,816
ARKANSAS	188.087	0.753715	0.767372	177.426	15,096
TEXAS	179.313	0.753715	0.851674	173.113	88,352
ALASKA	177.175	0.753715	0.751892	172.913	1,644
WASHINGTON	176.842	0.753715	0.778559	172.625	24,817
NEW JERSEY	169.655	-1.000000	-1.000000	169.655	36,085
ARIZONA	164.139	-1.000000	-1.000000	164.139	30,677
MARYLAND	161.285	-1.000000	-1.000000	161.285	29,652
TENNESSEE	159.419	-1.000000	-1.000000	159.419	20,763
LOUISIANA	138.583	-1.000000	-1.000000	138.583	19,001
NEW MEXICO	131.279	-1.000000	-1.000000	131.279	9,850
ILLINOIS	130.575	-1.000000	-1.000000	130.575	46,836
NEBRASKA	128.217	-1.000000	-1.000000	128.217	5,705
INDIANA	125.724	-1.000000	-1.000000	125.724	20,988
DIST. OF COLUMBIA	101.045	-1.000000	-1.000000	101.045	1,539

TABLE 5C

PERCENT DECREASE FROM STATE MPU
(APPEALS)

STATE	MPU	ADJ MPU	% DECREASE
MONTANA	417.529	277.238	-33.6003
SOUTH DAKOTA	393.498	266.746	-32.2116
VERMONT	384.440	262.742	-31.6559
NEW YORK	360.535	245.766	-31.8330
NEVADA	354.786	248.560	-29.9409
MAINE	308.276	229.274	-25.6270
MICHIGAN	299.922	223.676	-25.4219
MASSACHUSETTS	296.115	222.840	-24.7455
WYOMING	290.674	222.029	-23.6158
WEST VIRGINIA	285.780	219.662	-23.1360
PUERTO RICO	279.303	216.797	-22.3793
IDAHO	275.256	215.141	-21.8397
UTAH	270.180	212.534	-21.3361
OHIO	265.222	209.434	-21.0345
VIRGIN ISLANDS	265.101	211.138	-20.3556
PENNSYLVANIA	262.816	205.352	-21.8647
MISSOURI	260.420	207.522	-20.3126
COLORADO	260.213	207.757	-20.1589
NEW HAMPSHIRE	259.586	208.479	-19.6879
ALABAMA	258.021	206.862	-19.8275
WISCONSIN	247.972	202.425	-18.3678
CONNECTICUT	246.995	202.235	-18.1218
KENTUCKY	243.088	200.417	-17.5537
NORTH DAKOTA	233.336	197.239	-15.4700
HAWAII	231.147	196.219	-15.1107
SOUTH CAROLINA	223.554	192.400	-13.9358
GEORGIA	222.892	190.852	-14.3747
FLORIDA	222.109	188.678	-15.0516
CALIFORNIA	220.051	182.067	-17.2615
OREGON	216.319	189.327	-12.4779
RHODE ISLAND	213.642	188.605	-11.7191
MINNESOTA	211.338	187.132	-11.4537
VIRGINIA	209.368	186.210	-11.0609
KANSAS	200.656	182.810	-8.8938
MISSISSIPPI	198.962	181.966	-8.5423
NORTH CAROLINA	198.549	181.361	-8.6568
IOWA	197.856	181.611	-8.2105
OKLAHOMA	190.271	178.420	-6.2285
DELAWARE	188.397	177.724	-5.6652
ARKANSAS	188.087	177.426	-5.6681
TEXAS	179.313	173.113	-3.4576
ALASKA	177.175	172.913	-2.4055
WASHINGTON	176.842	172.625	-2.3846
NEW JERSEY	169.655	169.655	0.0000
ARIZONA	164.139	164.139	0.0000
MARYLAND	161.285	161.285	0.0000
TENNESSEE	159.419	159.419	0.0000
LOUISIANA	138.583	138.583	0.0000
NEW MEXICO	131.279	131.279	0.0000
ILLINOIS	130.575	130.575	0.0000
NEBRASKA	128.217	128.217	0.0000
INDIANA	125.724	125.724	0.0000
DIST. OF COLUMBIA	101.045	101.045	0.0000

Center for Workforce Research and Information

Chris Boudreau, Director

Enabling Legislation

- State:
 - 26 M.R.S.A §1042
 - 26 M.R.S.A §1401-A
- Federal:
 - Wagner-Peyser Act of 1933, as amended
 - Job Training Partnership Act, 1982, as amended
 - Workforce Investment Act of 1998

Program Description

The Center for Workforce Research and Information (CWRI) develops and disseminates state and area labor market information to employers, job seekers, and other users; provides measurements of labor market outcomes to assist local and state officials, employers, educators, trainers, and the public in making decisions that promote economic opportunity and efficient use of state labor resources; and supports the Department with management and actuarial analyses for program planning and delivery. CWRI operates the following programs in conjunction with the U.S. Bureau of Labor Statistics:

Local Area Unemployment Statistics Program.	Develops monthly and annual estimates and analysis of total employment and unemployment and identification of areas of substantial unemployment according to federal specifications. Performance criteria and timetables are established by annual federal-state cooperative agreements.
Current Employment Statistics Program	Prepares monthly microdata of industry employment, hours, and earnings for surveyed employers and develops monthly and annual estimates of these data by industry according to federal specifications. Performance criteria and timetables are established by annual cooperative agreements.
Occupational Employment Statistics Program	Prepares, for three reference periods, microdata of occupational employment and wages for surveyed employers and develops annual estimates of these data by occupation according to federal specifications. Performance criteria and timetables are established by annual cooperative agreements.
Quarterly Census of Employment and Wages Program	Prepares quarterly employment, wage, and unemployment contribution data for all employers covered under the state and federal unemployment compensation laws, and conducts annual refiling surveys for the purposes of verifying and assigning industry classifications and geographic codes to covered employers according to federal specifications. Performance criteria and timetables are established by annual cooperative agreements.

**Mass Layoff
Statistics
Program**

Program Terminated by U.S. Bureau of Labor Statistics in 2013

**USBLS WIN-202
System Support
and Installation**

Supports the installation of the BLS WIN-202 System in participating states. The BLS WIN-202 System is a software application developed by Maine to fulfill Quarterly Census of Employment and Wages Program reporting requirements according to federal specifications. Performance criteria and timetables are established by annual cooperative agreements. Performance measures consist of completing the actual products and services identified in the statement of work for the agreement

The Center operates the following major programs in conjunction with the USDOL Employment and Training Administration:

**Agricultural and
Non- agricultural
Wage Surveys**

Develops prevailing wage rates for selected occupations, e.g., wood cutting, crop harvesting, etc., according to federal specifications. Performance criteria and timetables are established by annual federal grant agreements.

**One-Stop Labor
Market
Information**

Develops long-term and short-term state industry and occupational employment projections; populates the Workforce Information Database; provides electronic access the data through its webpage; develops annual report analyzing demographic, economic, and labor market developments in Maine; works with Workforce Investment Boards to supply their needs for workforce information and labor market research; develops studies focused on how Maine workers transition from one job to another; conduct job vacancy surveys; expands access to labor market information; and prepares information for job seekers on high growth industries. Performance criteria and timetables are established by annual federal grant agreements. Performance measures consist of completing the actual products identified in the statement of work for the grant.

**Unemployment
Insurance
Research and
Reporting for the
Unemployment
Compensation
Program**

Analysis of proposed legislation and preparation of federal reports. Project Unemployment Insurance Trust Fund balance and monitor revenue and benefit payouts. Performance criteria and timetables are established by federal instructions and state statute.

Coordinated Efforts with Other Agencies

Workforce Outcomes Research

The Maine Department of Labor, Center for Workforce Research and Information developed this system with grants from the Employment and Training Administration's Workforce Data Quality Initiative and the Maine Department of Education's Statewide Longitudinal Data System. Partnerships and collaboration with the University of Maine System and the Maine Community College System were essential in developing this tool.

This site, <http://www.maine.gov/labor/cwri/wdqi/index.html> displays first-year wage and employment outcomes for University of Maine System and Maine Community College graduates from the 2009-2011 academic years. The information is intended to help a wide range of stakeholders, including students, educators, administrators, parents and policy makers, better understand the relationship between education credentials and labor market outcomes and other important labor market data.

The outcomes data includes the number and percentage of graduates employed in Maine and the wages paid to them. The data is available by school, credential and area of study, and is for quarters three through six post-graduation. Information on methodology, limitations of the data and definitions may be found in the technical notes on the website. Additional work on workforce outcomes data is being performed in cooperation with the Department's Bureau of Rehabilitation Services and Bureau of Employment Services.

Job Vacancy Survey

With support from the Department of Economic and Community Development, CWRI has completed its survey of employers for job vacancy data including asking about difficult to fill occupations <http://www.maine.gov/labor/cwri/jvs.html>. The results were published in five blog articles listed below. CWRI will be repeating the survey in September 2015 with support from an Employment Services National Emergency Grant and have added questions about skills and credentials.

February 13, 2015

[Job Vacancy Survey Provides Unique Snapshot of Employer Demand](#)

March 4, 2015

[A Look at Job Vacancies by Sector](#)

March 19, 2015

[A Look at Job Vacancies by Occupation](#)

April 27, 2015

[Regional Differences Underlie Statewide Job Vacancies](#)

September 29, 2015

[Difficult-to-Fill Vacancies - What Employers Reported in September 2014](#)

Consensus Economic Forecast

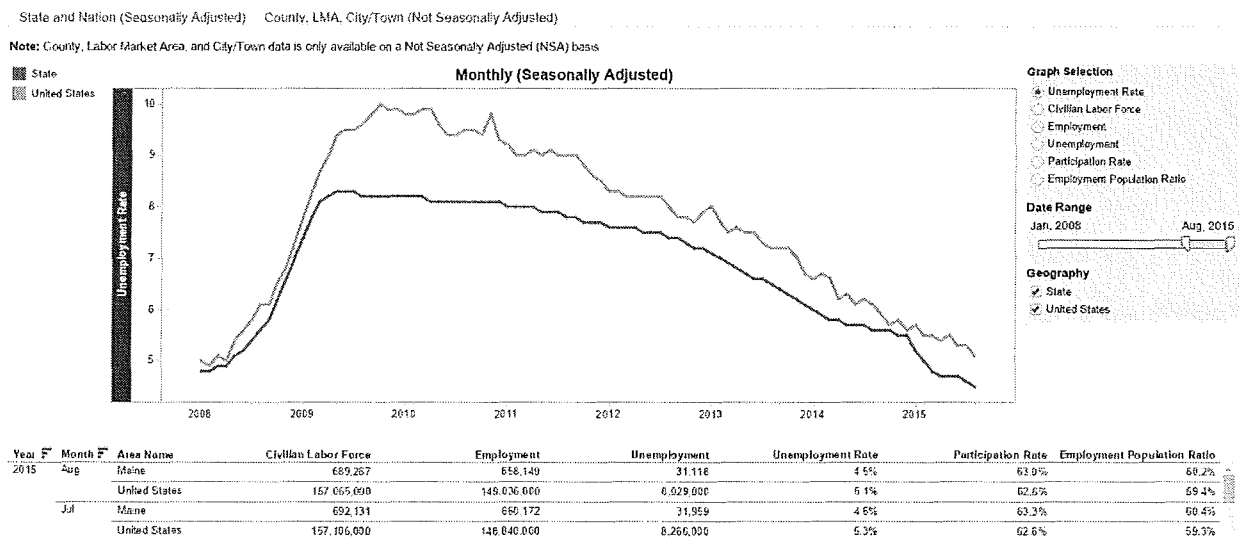
In support of Maine's Consensus Economic Forecasting Commission, CWRI in cooperation with Maine Revenue Services and the Governor's Office of Policy and Management, regularly provides employment industry and labor force forecasts. These presentations are a primary input to an overall economic forecast that also supports the State's revenue forecast.

Labor market/workforce information is used extensively by Maine policy makers, employers, job seekers, educators, trainers, labor groups, economic developers, governments, and the public. These constituencies use our data for site locations, plant expansions, business planning, wage negotiations, policy development, training and education planning, job seeking, career planning, program evaluation and operation, fund allocating and eligibility, and economic research at the local, state and national levels.

Alternative Delivery Systems

The Center has established its website as the primary delivery vehicle for data and analysis about Maine's labor market. Technology advances in data visualization have been leveraged throughout the CWRI site enabling the end user to quickly see and search the data to get immediate insight into the topic they are researching. Using point and click menus users can narrow down searches to view only the data that they want.

This chart demonstrates the flexibility of the site. The user can pick the geography, the time frame and the data type to build a chart and table of customized data right on the site.



Emerging Issues

The enactment of WIOA requires that labor market analysis and workforce information be used by State and Local Workforce Development boards to:

- Identify labor market areas based on relevant economic data
- Conduct regional planning in an informed manner
- Designate initial and subsequent workforce development areas
- Incorporate in-demand industry / occupational data and other LMI into planning and performance documents
- Establish one-stop system criteria
- Identify eligible training provider programs' alignment with in-demand industries
- Connect youth with appropriate employment
- Develop training programs that align with the labor markets
- Ensure that Job Corps and Youth Build programming is connected to in-demand industries and occupations

As the Employment and Training Administration continues to refine the rules around the implementation of WIOA, the types products from available from the CWRI will need to evolve.

State Workforce Board

Garret Oswald, Director

Enabling Legislation

- State:
 - 26 M.R.S.A. §2006

- Federal:
 - Workforce Innovation & Opportunity Act, Public Law 113-128, July 22, 2014

Program Description

The State Workforce Board, formerly known as Maine Jobs Council, was created in 1997 out of the recognition that a more strategic, coordinated approach was needed to cultivate an educated and skilled workforce.

The Board is comprised of representatives from business, labor, education, community organizations and the public. Additionally, seven subcommittees are established to address the workforce development issues related to: people with disabilities, women, apprenticeship, older workers, youth, veterans and program policy. The Departments of Labor and Education jointly administer the State Workforce Board.

The Board's strategies are to encourage and assist the people of Maine to upgrade their education and skills; encourage employers to invest in the education and training of their workers; ensure cooperation among the state public education and training institutions; and ensure that public resources are targeted to high quality outcomes.

Investment in the education and training of Maine workers is one of the most important issues affecting the quality of economic development. This investment will have a long-term impact on the quality of jobs and level of earnings that will be achieved by people living in Maine for years to come.

Coordinated Efforts with Other Agencies

The State Workforce Board provides coordination and oversight for Maine's workforce development system. It does not deliver workforce training directly.

The State Workforce Board received funds from other state agencies who are also stakeholders and partners in the state's workforce development system. This special revenue supports the work of the Board in providing coordination and oversight of workforce development programs in Maine. Agencies such as Labor, Education and Corrections all provide or administer workforce training programs, while others such as DHHS, DECD and DOT have specific interest in workforce programs as they relate to their customers.

The primary vehicle for accomplishing the goals of the Board and addressing Maine's workforce challenges, like our shrinking workforce, is the State's Unified Strategic Plan as required by Maine statute and the Workforce Innovation & Opportunity Act. The Plan will address coordination and

alignment of key workforce program activity, funding and outcomes. All of the State agencies and workforce system partners have been engaged in the development of the Plan. Additionally, the State Workforce Board, charged with assisting the Governor with the development of the Plan, is required to have a majority of Business Representatives to ensure the system is business led and demand driven. Lastly, the Board also has representation from both the Maine House of Representatives and Maine State Senate, appointed by the respective leadership, to act as a conduit for new workforce legislation to develop a skilled workforce in Maine.

The Board has members that represent the following State Agencies:

The Office of the Governor
Maine House of Representatives
Maine State Senate
Department of Labor
Department of Economic & Community Development
Department of Education
Department of Health & Human Services
Department of Corrections
Department of Transportation
University of Maine System
Maine Community College System

Constituencies Served

The Board does not deliver workforce training directly. Policies, programs and practices established by the Board are applicable statewide and impact all residents of the State of Maine.

Emerging Issues

Maine, the oldest state in the nation per capita, faces a demographic winter that will result in a shrinking workforce. This workforce challenge will restrict the state's economic growth in the future. Maine will need to develop Policies to address the shrinking workforce.

Examples of Policies to address the shrinking workforce challenge:

- Strengthening the skills of our current workforce
- Creating work and lifetime learning options for Maine's aging workers
- Expanding work opportunities for Mainers with disabilities
- Ensuring all high school graduates are ready for career and postsecondary success
- Recruit Mainers working away in other states to return to work in their home state
- Increase degree and credential attainment
- Incentivize the use of Career Pathways and Industry Partnerships for skill development

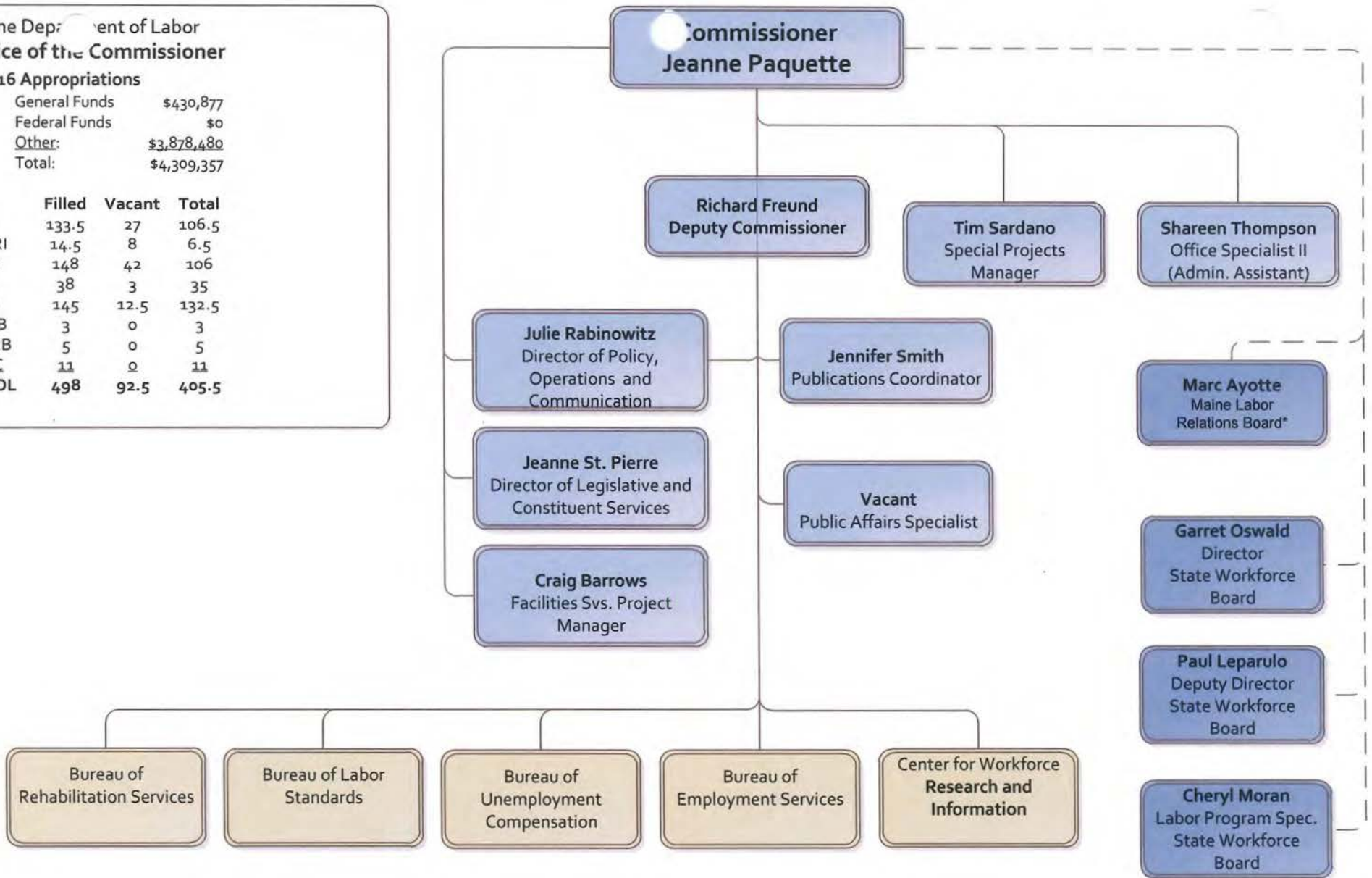
Other issues on the State level; Funding for a new multi-agency State Workforce Board

Other issues on the Federal level; The Workforce Innovation & Opportunity Act funding formula for small states, which results in inadequate administrative resources for program delivery.

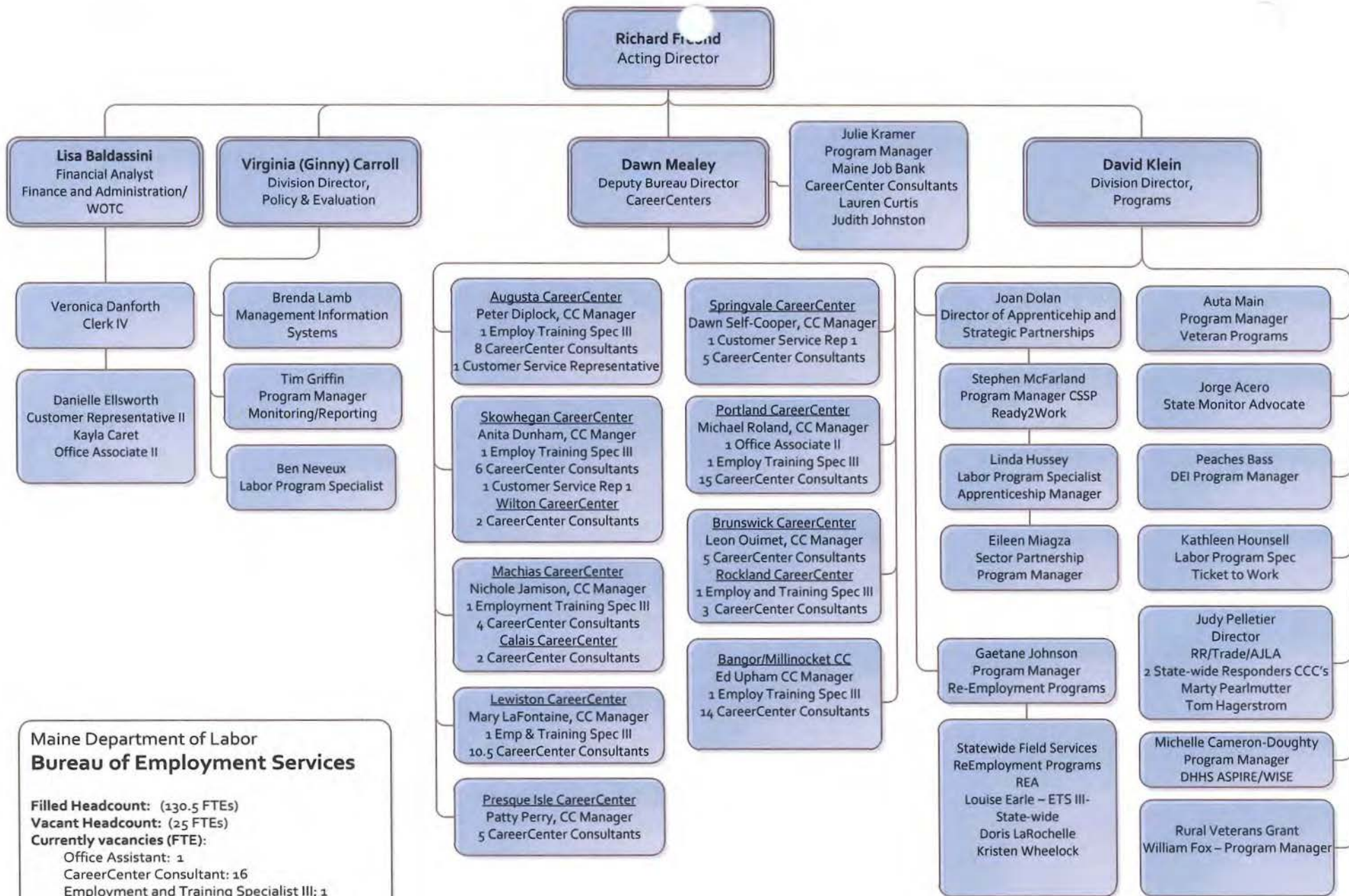
Maine Department of Labor
Office of the Commissioner
SFY16 Appropriations

General Funds	\$430,877
Federal Funds	\$0
Other:	\$3,878,480
Total:	\$4,309,357

	Filled	Vacant	Total
BES	133.5	27	106.5
CWRI	14.5	8	6.5
BUC	148	42	106
BLS	38	3	35
BRS	145	12.5	132.5
SWIB	3	0	3
MLRB	5	0	5
OOC	11	0	11
MDOL	498	92.5	405.5



*MLRB is part of MDOL budget but are their own independent organization. Functions are not out lined in this report.



**Maine Department of Labor
Bureau of Employment Services**

Filled Headcount: (130.5 FTEs)

Vacant Headcount: (25 FTEs)

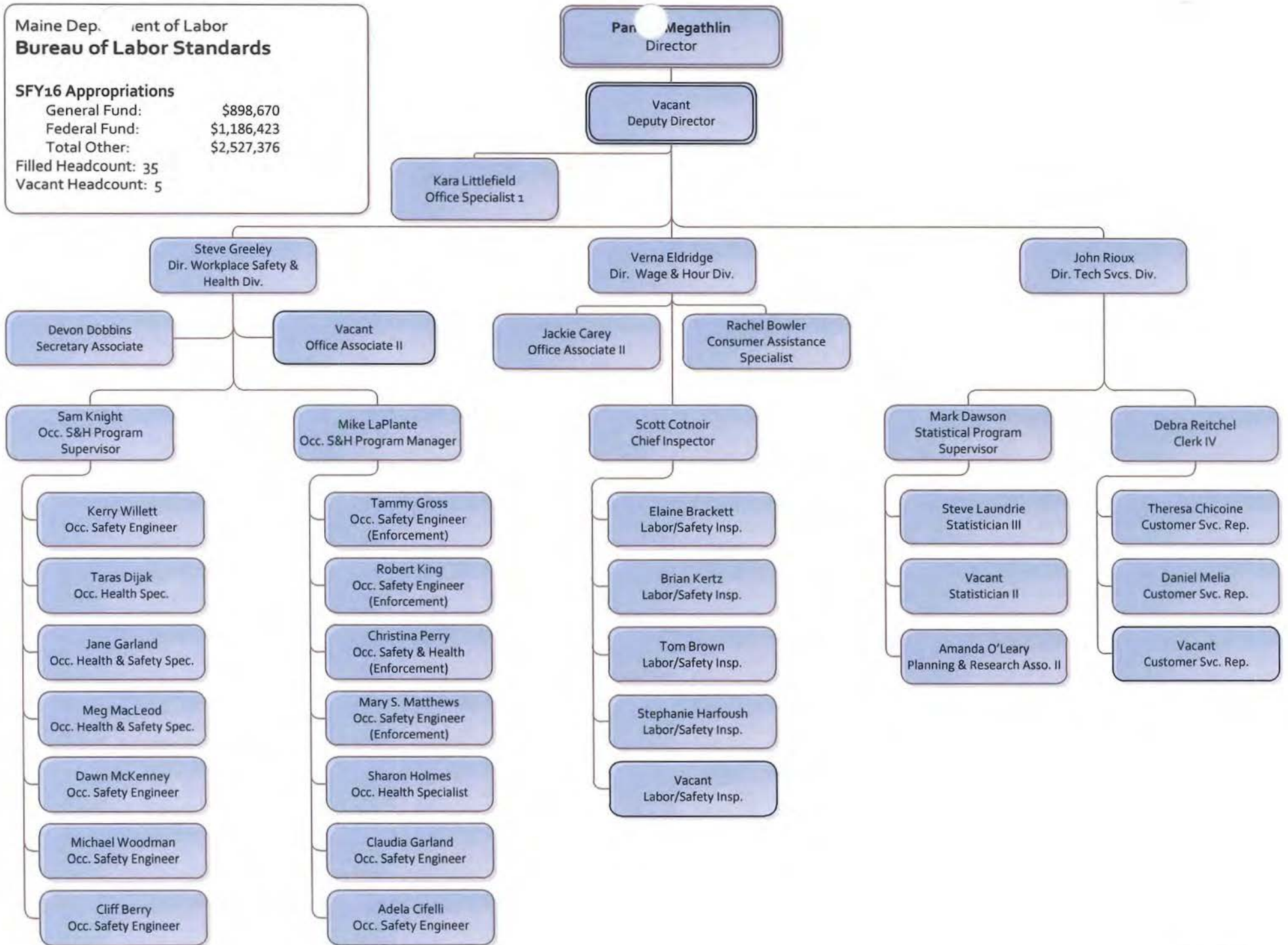
Currently vacancies (FTE):

- Office Assistant: 1
- CareerCenter Consultant: 16
- Employment and Training Specialist III; 1
- Employment and Training Specialist IV: 2
- Program Manager: 2
- Labor Program Specialist: 2
- Public Service Executive: 1

Maine Department of Labor
Bureau of Labor Standards

SFY16 Appropriations

General Fund:	\$898,670
Federal Fund:	\$1,186,423
Total Other:	\$2,527,376
Filled Headcount:	35
Vacant Headcount:	5



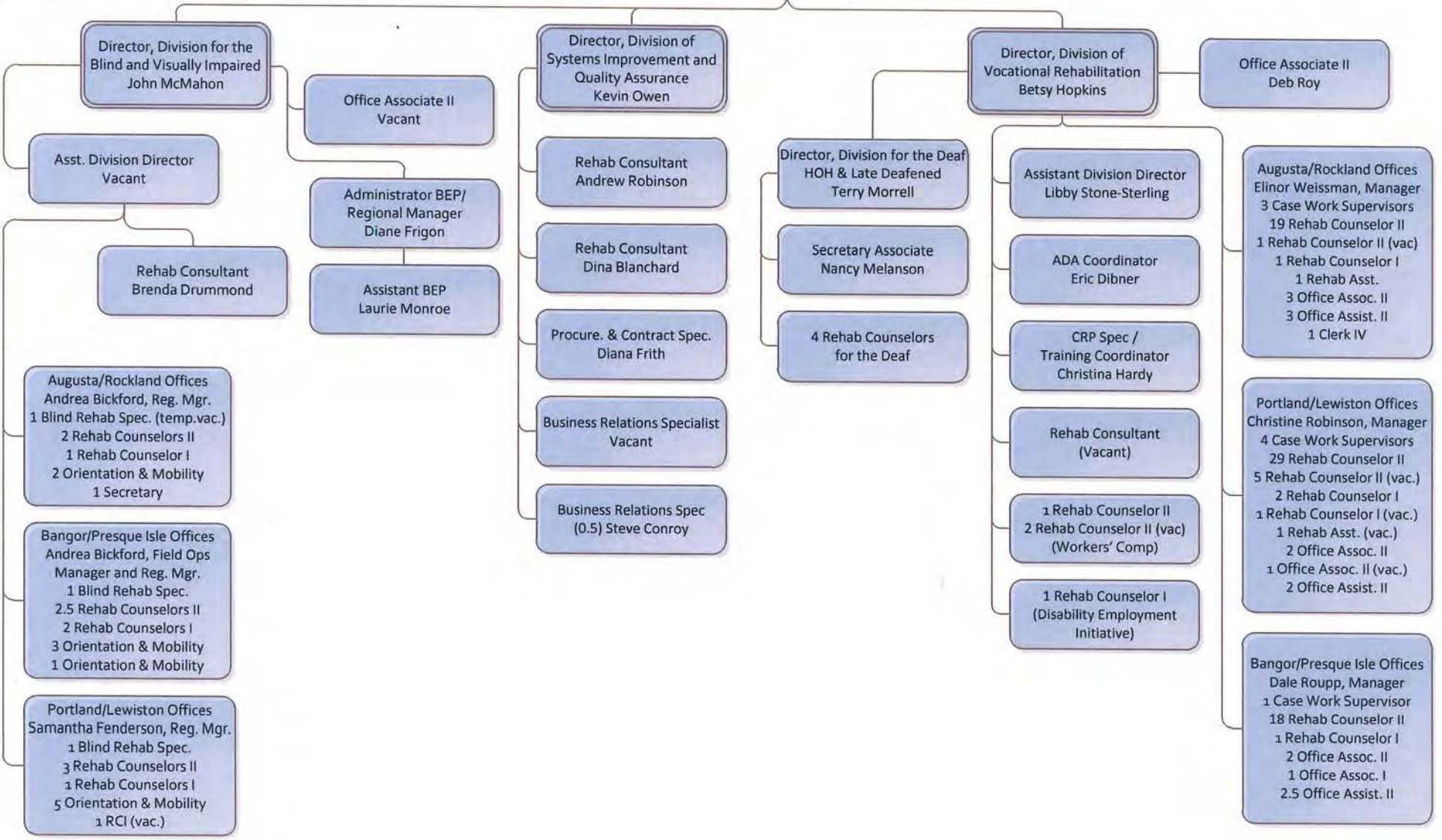
Maine Department of Labor
Bureau of Rehabilitation Services

SFY16 Appropriations

General Fund: \$7,154,124
 Federal Fund: \$21,488,322
 Total Other: \$643,237

Filled Headcount: 145
 Vacant Headcount: 12.5

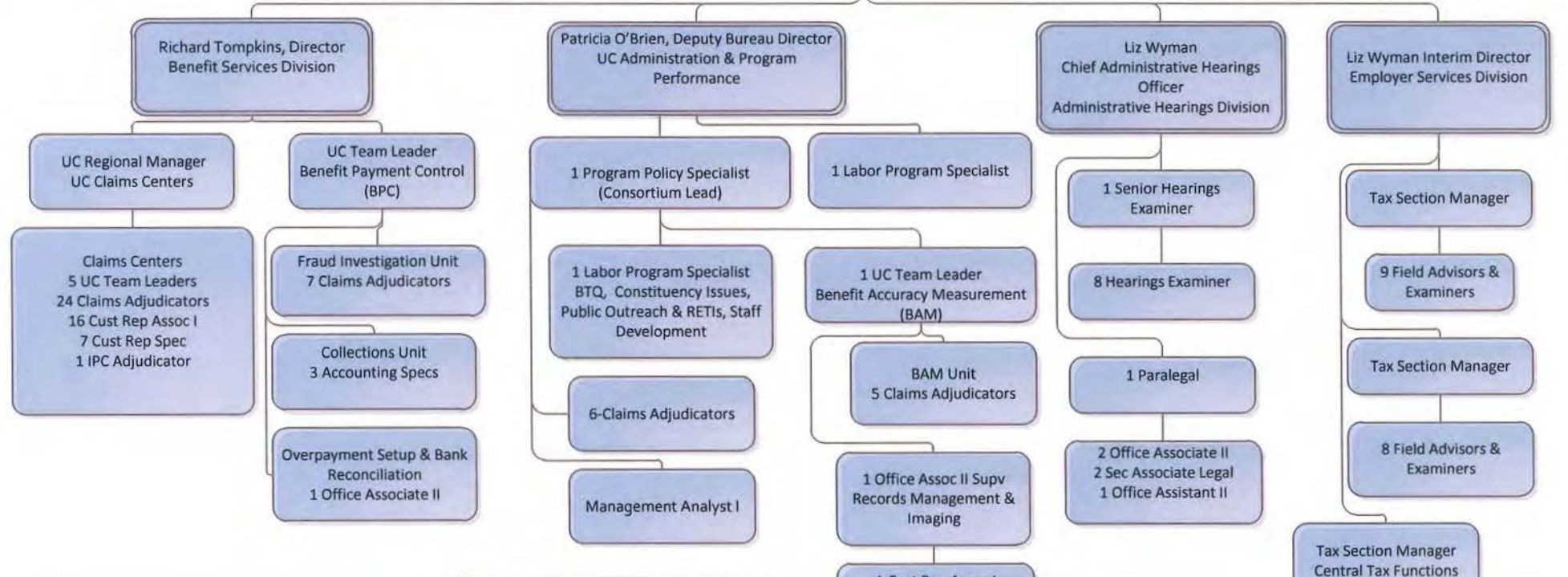
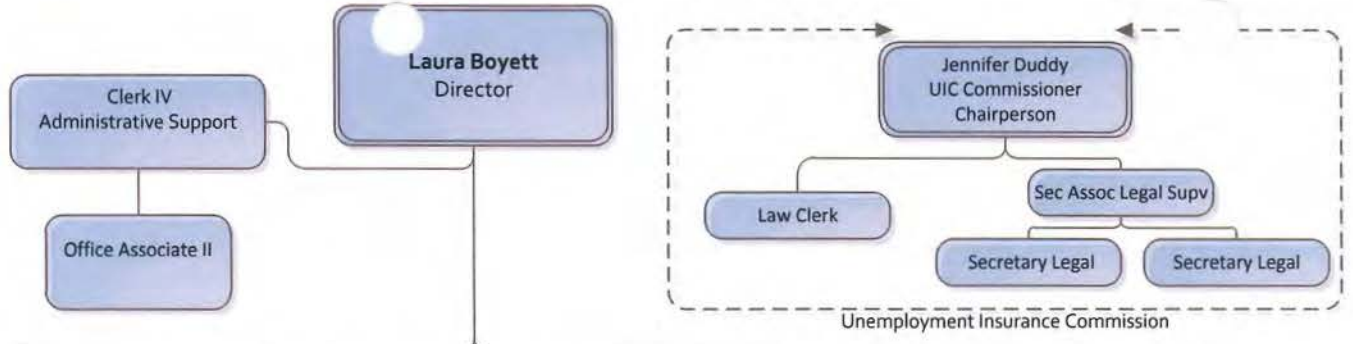
Karen Fraser
 Director



Maine Department of Labor
Bureau of Unemployment Compensation

SFY16 Appropriations

General Fund:	\$1,300,000
Federal Fund:	\$26,627,912
Total Other:	\$3,562,410
Trust Fund Balance:	\$184,350,000
Filled Headcount:	148
Vacant Headcount:	42 (See Detail Below)



- Positions in the process of being filled**
- 1 Contract/Grant Specialist
 - 3 Management Analyst I
 - 4 Management Analyst II
 - 1 Unemployment Comp Team Leader
 - 4 Field Advisor Examiner
 - 3 Labor Program Specialist
 - 1 Office Associate II
 - 1 Office Assistant II

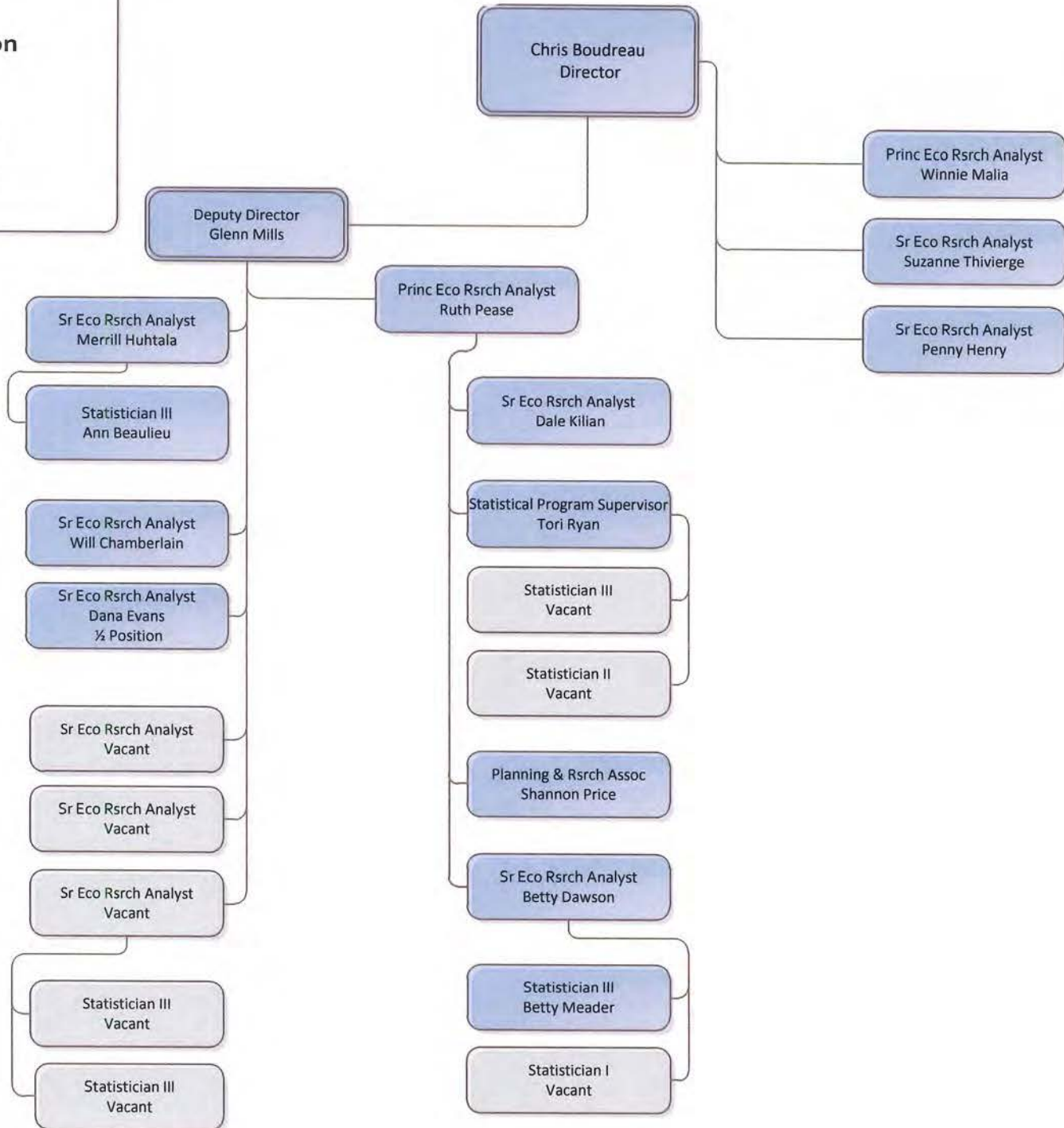
- Positions under organizational review due to the Consortium**
- 2 Hearing Examiners
 - 1 Accounting Assistant
 - 4 Claims Adjudicator
 - 1 Unemployment Comp Team Leader
 - 3 Customer Rep Assoc I
 - 4 Customer Rep Specialist
 - 1 Office Assistant II
 - 4 Office Associate II
 - 1 Secretary Associate
 - 2 ME Unemployment Ins Comm Mbr
 - 1 Div Dir Bureau of Unemployment

- Delinquency, Liens, Bankruptcy, Collections
 - 3 Accounting Spec
 - 1 Customer Rep Specialist
- ER registration, status, wage records, Acct reconciliation, CSSF Accounting
 - 1 Accounting Assoc I
 - 1 Cust Rep Assoc I
 - 4 Office Associate II
- ER registration, status, wage records, Acct reconciliation, CSSF Accounting
 - 1 Accounting Asst
 - 3 Office Assistant II

Maine Department of Labor
**Center for Workforce
 Research and Information**

SFY16 Appropriations

General Fund: \$248,069
 Federal Fund: \$2,947,011
 Total Other: \$54,379
 Filled Headcount: 14.5
 Vacant Headcount: 8



**MAINE DEPARTMENT OF LABOR
TOTAL FOR ALL BUREAUS**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	45.000	45.000	46.000	46.000	44.000	45.000	49.00	47.00
APPROPRIATIONS	\$12,520,830	\$12,406,801	\$10,379,866	\$10,644,931	\$10,097,641	\$9,961,491	\$9,311,506	\$9,419,870
EXPENDITURES	\$12,698,628	\$10,857,428	\$10,261,479	\$10,297,258	\$10,778,264	\$9,377,856	\$9,630,742	\$9,486,578
FEDERAL FUNDS								
POSITIONS	499.115	490.615	485.615	485.615	435.000	435.500	425.500	456.500
APPROPRIATIONS	\$91,397,781	\$86,943,543	\$88,060,315	\$90,917,140	\$83,669,087	\$83,930,859	\$83,901,443	\$85,958,959
EXPENDITURES	\$65,115,477	\$119,417,016	\$109,673,546	\$110,560,302	\$98,745,516	\$83,461,584	\$62,457,594	\$67,783,584
SPECIAL REVENUE								
POSITIONS	28.000	28.000	29.000	29.000	46.000	46.000	50.000	46.000
APPROPRIATIONS	\$5,451,512	\$5,508,968	\$5,475,338	\$5,535,994	\$9,073,979	\$9,490,719	\$9,654,593	\$9,818,592
EXPENDITURES	\$3,057,843	\$2,877,647	\$2,755,696	\$3,285,152	\$7,470,474	\$7,588,596	\$7,287,146	\$7,823,327
TRUST FUND								
POSITIONS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
APPROPRIATIONS	\$123,678,880	\$128,178,880	\$235,345,505	\$250,000,000	\$128,178,880	\$204,350,000	\$204,350,000	\$204,350,000
EXPENDITURES	\$122,924,572	\$223,083,453	\$237,009,198	\$204,352,770	\$182,838,290	\$173,001,852	\$157,846,356	\$139,701,204
COMPETITIVE SKILLS								
SCHOLARSHIP PROGRAM								
POSITIONS	0.00	0.00	1.000	1.000	0.00	0.00	1.00	0.00
APPROPRIATIONS	\$1,350,000	\$2,950,000	\$2,989,332	\$3,003,780	\$2,887,831	\$3,322,401	\$2,889,826	\$2,893,117
EXPENDITURES	\$197,627	\$2,293,609	\$2,318,412	\$2,123,933	\$2,170,554	\$2,447,567	\$1,708,833	\$2,264,310
ARRA								
POSITIONS								
APPROPRIATIONS								
EXPENDITURES	\$0	\$28,221,111	\$200,012,037	\$156,134,257	\$103,179,805	\$68,785,824	\$24,267,420	(\$829,819)
TOTAL ALL FUNDS								
POSITIONS	572.115	563.615	561.615	561.615	525.000	526.500	525.500	549.500
APPROPRIATIONS	\$234,399,003	\$235,988,192	\$342,250,356	\$360,101,845	\$233,907,418	\$311,055,470	\$310,107,368	\$312,440,538
EXPENDITURES	\$203,994,147	\$386,750,264	\$562,030,368	\$486,753,672	\$405,182,903	\$344,663,279	\$263,198,091	\$226,229,184

**MAINE DEPARTMENT OF LABOR
ADMINISTRATION**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.00	0.00
APPROPRIATIONS	\$227,919	\$224,573	\$211,584	\$181,028	\$317,648	\$306,575	\$302,163	\$303,398
EXPENDITURES	\$195,908	\$224,139	\$204,827	\$181,023	\$322,706	\$301,574	\$302,655	\$305,044
FEDERAL FUNDS								
POSITIONS	13.000	11.000	11.000	10.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$7,783,365	\$7,807,122	\$4,721,326	\$4,707,618	\$0	\$0	\$0	\$0
EXPENDITURES	\$4,344,412	\$2,374,477	\$1,210,944	\$1,125,056	\$0	\$0	\$0	\$0
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	11.000	11.000	11.000	11.000
APPROPRIATIONS	\$581,029	\$582,041	\$577,093	\$578,058	\$3,720,247	\$3,769,860	\$3,735,215	\$3,763,394
EXPENDITURES	\$209,345	-\$70,891	\$87,451	\$94,808	\$2,871,811	\$2,904,077	\$3,083,873	\$2,788,561
TOTAL ALL FUNDS								
POSITIONS	13.000	11.000	11.000	10.000	11.000	11.000	11.000	11.000
APPROPRIATIONS	\$8,592,313	\$8,613,736	\$5,510,003	\$5,466,704	\$4,037,895	\$4,076,435	\$4,037,378	\$4,066,792
EXPENDITURES	\$4,749,665	\$2,527,725	\$1,503,222	\$1,400,887	\$3,194,517	\$3,205,651	\$3,386,528	\$3,093,605

Appropriation moved from federal fund to Special Revenue in SFY12.

**MAINE DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SERVICES**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	2.000	2.000	3.000	3.000	2.000	2.000	4.000	2.000
APPROPRIATIONS	\$3,956,363	\$3,719,275	\$2,389,260	\$2,464,106	\$1,831,420	\$1,760,482	\$903,754	\$902,740
EXPENDITURES	\$4,014,192	\$2,544,048	\$2,207,297	\$2,513,823	\$2,310,323	\$1,445,193	\$1,036,081	\$890,594
FEDERAL FUNDS								
POSITIONS	143.000	138.000	133.000	134.000	110.500	110.500	101.500	108.500
APPROPRIATIONS	\$29,925,590	\$29,965,467	\$30,077,668	\$30,500,229	\$27,472,728	\$27,098,886	\$27,502,258	\$27,820,750
EXPENDITURES	\$22,369,427	\$25,419,854	\$28,889,463	\$23,738,568	\$21,347,369	\$18,995,865	\$16,608,725	\$19,823,324
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	10.000	11.000	14.000	10.000
APPROPRIATIONS	\$517,449	\$517,436	\$488,106	\$488,606	\$2,199,712	\$2,288,141	\$2,504,680	\$2,533,175
EXPENDITURES	\$41,081	\$18,881	\$15,352	\$692,587	\$2,177,640	\$2,122,343	\$1,773,668	\$2,525,085
ARRA								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$22,422	\$8,537,511	\$7,462,055	\$2,597,887	\$1,864,994	\$294,691	\$0
COMPETITIVE SKILLS SCHOLARSHIP PROGRAM								
POSITIONS	0	0	1.000	1.000	0.00	0.00	1.00	0.00
APPROPRIATIONS	\$1,350,000	\$2,950,000	\$2,989,332	\$3,003,780	\$2,887,831	\$3,322,401	\$2,889,826	\$2,893,117
EXPENDITURES	\$197,627	\$2,293,609	\$2,318,412	\$2,123,933	\$2,170,554	\$2,447,567	\$1,708,833	\$2,264,310
TOTAL ALL FUNDS								
POSITIONS	145.000	140.000	137.000	138.000	122.500	123.500	120.500	120.500
APPROPRIATIONS	\$35,749,402	\$37,152,178	\$35,944,366	\$36,456,721	\$34,391,691	\$34,469,910	\$33,800,518	\$34,149,782
EXPENDITURES	\$26,622,327	\$30,298,814	\$41,968,035	\$36,530,966	\$30,603,773	\$26,875,962	\$21,421,997	\$25,503,313

NOTES
Migrant and Immigrant Services program funding ended in SFY11.
ARRA allotment was created by financial order. Expenditure data provided.
Governor's Training Initiative program funding ended in SFY11.
ME Jobs Council ended in SFY08.
Allotment for Maine Center for Women, Work and Community was moved to the university system in SFY14.

**MAINE DEPARTMENT OF LABOR
ADMINISTRATION BUREAU OF LABOR STANDARDS**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	11.000	11.000	11.000	11.000	11.000	11.000	10.000	10.000
APPROPRIATIONS	\$722,822	\$818,850	\$781,604	\$763,305	\$733,800	\$657,837	\$765,501	\$780,371
EXPENDITURES	\$713,378	\$795,550	\$777,671	\$757,503	\$802,524	\$649,863	\$740,477	\$777,801
FEDERAL FUNDS								
POSITIONS	6.000	6.000	6.000	6.000	5.000	5.000	6.000	6.000
APPROPRIATIONS	\$834,581	\$848,984	\$874,045	\$892,295	\$628,215	\$717,506	\$745,896	\$1,173,670
EXPENDITURES	\$523,482	\$548,494	\$525,066	\$658,538	\$763,519	\$694,521	\$673,969	\$746,039
SPECIAL REVENUE								
POSITIONS	26.000	26.000	27.000	27.000	23.000	22.000	23.000	23.000
APPROPRIATIONS	\$3,310,910	\$3,361,887	\$3,370,471	\$3,428,621	\$2,130,531	\$2,335,428	\$2,406,656	\$2,479,452
EXPENDITURES	\$2,249,153	\$2,444,111	\$2,316,294	\$2,018,630	\$1,739,194	\$2,000,649	\$1,954,391	\$1,922,016
TOTAL ALL FUNDS								
POSITIONS	43.000	43.000	44.000	44.000	39.000	38.000	39.000	39.000
APPROPRIATIONS	\$4,868,313	\$5,029,721	\$5,026,120	\$5,084,221	\$3,492,546	\$3,710,771	\$3,918,053	\$4,433,493
EXPENDITURES	\$3,486,013	\$3,788,155	\$3,619,031	\$3,434,671	\$3,305,237	\$3,345,033	\$3,368,837	\$3,445,856

Includes 0158, 0159 and 0161 Programs

**MAINE DEPARTMENT OF LABOR
BUREAU OF REHABILITATION SERVICES**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	27.000	27.000	27.000	27.000	26.000	27.000	30.000	30.000
APPROPRIATIONS	\$7,144,214	\$7,168,511	\$6,537,133	\$6,782,368	\$6,758,377	\$6,786,966	\$6,897,146	\$6,986,729
EXPENDITURES	\$7,329,074	\$6,834,709	\$6,617,328	\$6,424,115	\$6,917,894	\$6,560,193	\$7,108,245	\$6,986,304
FEDERAL FUNDS								
POSITIONS	123.500	123.500	124.500	124.500	120.500	121.000	118.000	118.000
APPROPRIATIONS	\$20,645,755	\$20,884,224	\$20,353,904	\$20,497,816	\$19,793,620	\$19,724,276	\$20,076,142	\$20,439,306
EXPENDITURES	\$16,278,450	\$17,569,434	\$16,865,101	\$17,554,929	\$17,418,646	\$17,831,585	\$17,882,764	\$20,069,687
SPECIAL REVENUE								
POSITIONS	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000
APPROPRIATIONS	\$579,857	\$584,182	\$592,699	\$597,992	\$585,383	\$585,983	\$559,545	\$562,032
EXPENDITURES	\$398,248	\$383,258	\$236,782	\$315,656	\$377,308	\$361,774	\$297,208	\$464,283
ARRA								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$995,541	\$1,403,644	\$540,094	\$0	\$0	\$0
TOTAL ALL FUNDS								
POSITIONS	152.500	152.500	153.500	153.500	148.500	150.000	150.000	150.000
APPROPRIATIONS	\$28,369,826	\$28,636,917	\$27,483,736	\$27,878,176	\$27,137,380	\$27,097,225	\$27,532,833	\$27,988,067
EXPENDITURES	\$24,005,772	\$24,787,401	\$24,714,752	\$25,698,344	\$25,253,942	\$24,753,552	\$25,288,217	\$27,520,274

Includes 0126 and 0799 Programs

**MAINE DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SECURITY SERVICES (Unemployment Compensation)**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL FUNDS								
POSITIONS	213.615	212.115	211.115	211.115	199.000	199.000	173.000	197.000
APPROPRIATIONS	\$32,208,490	\$27,437,746	\$32,033,372	\$34,319,182	\$35,774,524	\$36,393,191	\$32,233,326	\$33,198,590
EXPENDITURES	\$21,599,706	\$73,504,757	\$62,182,972	\$67,483,211	\$59,215,982	\$45,939,613	\$24,835,299	\$25,079,187
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$362,361	\$363,516	\$365,423	\$361,171	\$349,387	\$422,588	\$305,399	\$305,383
EXPENDITURES	\$120,724	\$52,197	\$21,449	\$99,517	\$241,367	\$141,962	\$14,551	\$5,242
ARRA								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$28,198,689	\$190,478,985	\$147,268,558	\$100,041,824	\$66,920,830	\$23,972,729	-\$829,819
TRUST FUND								
POSITIONS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
APPROPRIATIONS	\$123,678,880	\$128,178,880	\$235,345,505	\$250,000,000	\$128,178,880	\$204,350,000	\$204,350,000	\$204,350,000
EXPENDITURES	\$122,924,572	\$223,083,453	\$237,009,198	\$204,352,770	\$182,838,290	\$173,001,852	\$157,846,356	\$129,701,204
TOTAL ALL FUNDS								
POSITIONS	213.615	212.115	211.115	211.115	199.000	199.000	173.000	197.000
APPROPRIATIONS	\$156,249,731	\$155,980,142	\$267,744,300	\$284,680,353	\$164,302,791	\$241,165,779	\$236,888,725	\$237,853,973
EXPENDITURES	\$144,645,002	\$324,839,096	\$489,692,604	\$419,204,056	\$342,337,463	\$286,004,257	\$206,668,935	\$153,955,814

NOTES

ARRA allotment was created by financial order. Expenditure data provided.

**MAINE DEPARTMENT OF LABOR
WORKFORCE RESEARCH**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100,000
FEDERAL FUNDS								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	24.000	24.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$3,012,011	\$2,985,163
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$2,320,490	\$1,733,992
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$54,379	\$54,379
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$116,641	\$19,867
TOTAL ALL FUNDS								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	24.000	24.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$3,066,390	\$3,039,542
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$2,437,131	\$1,853,859

NOTE

New appropriation in SFY14, prior expenditures for Workforch Research are included with the Bureau of Employment Security Services.
General Fund allotment was created by financial order. Expenditure data provided.

**MAINE DEPARTMENT OF LABOR
STATE WORKFORCE INVESTMENT BOARD**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FEDERAL FUNDS								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	3.000	3.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$331,810	\$341,480
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$136,347	\$331,355
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,620
TOTAL ALL FUNDS								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	3.000	3.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$331,810	\$341,480
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$136,347	\$343,975

NOTES
 New appropriation in SFY14, prior expenditures for SWIB are included with the Bureau of Employment Services.
 Special Revenue allotment was created by financial order. Expenditure data provided.

**MAINE DEPARTMENT OF LABOR
LABOR RELATIONS BOARD**

	SFY 08	SFY 09	SFY 10	SFY 11	SFY 12	SFY 13	SFY 14	SFY 15
GENERAL FUND								
POSITIONS	5.000	5.000	5.000	5.000	5.000	5.000	5.000	5.000
APPROPRIATIONS	\$469,512	\$475,592	\$460,285	\$454,124	\$456,396	\$449,631	\$442,942	\$446,632
EXPENDITURES	\$446,076	\$458,982	\$454,356	\$420,794	\$424,817	\$421,033	\$443,284	\$426,835
FEDERAL FUNDS								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SPECIAL REVENUE								
POSITIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APPROPRIATIONS	\$99,906	\$99,906	\$81,546	\$81,546	\$88,719	\$88,719	\$88,719	\$120,777
EXPENDITURES	\$39,292	\$50,091	\$78,368	\$63,954	\$63,154	\$57,791	\$46,814	\$85,653
TOTAL ALL FUNDS								
POSITIONS	5.000	5.000	5.000	5.000	5.000	5.000	5.000	5.000
APPROPRIATIONS	\$569,418	\$575,498	\$541,831	\$535,670	\$545,115	\$538,350	\$531,661	\$567,409
EXPENDITURES	\$485,368	\$509,073	\$532,724	\$484,748	\$487,971	\$478,824	\$490,098	\$512,488

12
DEPARTMENT OF LABOR
Regulatory Agenda 2015-2016

Rule-Making Liaison:

Jeanne St. Pierre
Director of Legislative and Constituent Services
54 State House Station
Augusta, ME 04333-0054
207-621-5096
jeanne.stpierre@maine.gov

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AGENCY UMBRELLA-UNIT NUMBER: **12-150**
AGENCY NAME: **Blind and Visually Impaired Division**

CONTACT PERSON: Karen Fraser, Acting Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-6799.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 101: Vocational Rehabilitation Services for Individuals who are Blind
STATUTORY AUTHORITY: Title 26 MRSA, Chapter 19 §1418 A-E
PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who are blind or visually impaired in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act, as well as clarifications in the appeals process.
ANTICIPATED SCHEDULE: By September 30, 2016
AFFECTED PARTIES: Blind or visually impaired persons eligible for vocational rehabilitation services.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-150**
AGENCY NAME: **Blind and Visually Impaired Division**

CONTACT PERSON: Karen Fraser, Acting Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-6799.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 105: Independent Living Services For Individuals Who Are Blind or Visually Impaired Program Rules

STATUTORY AUTHORITY: Title 26 MRSA, Chapter 19 §1414

PURPOSE: The rules govern the delivery of independent living services for persons who are blind or visually impaired to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Blind or visually impaired persons eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-152**
AGENCY NAME: **Bureau of Rehabilitation Services**

CONTACT PERSON: Betsy Hopkins, Division Director, 150 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-6745.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules

STATUTORY AUTHORITY: Title 26 MRSA, Chapter 19 §1411 A-E

PURPOSE: The rules govern the delivery of vocational rehabilitation services for persons who have a physical or mental disability in achieving an employment outcome. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act, as well as clarifications in the appeals process and post-secondary services.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Persons with disabilities eligible for vocational rehabilitation services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-152**
AGENCY NAME: **Bureau of Rehabilitation Services**

CONTACT PERSON: Betsy Hopkins, Division Director, 150 State House Station,
Augusta, ME 04333-0150. Tel: (207) 623-6745.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 7: Independent Living Services Program Policy Manual

STATUTORY AUTHORITY: Title 26 MRSA, Chapter 19 §1411

PURPOSE: The rules govern the delivery of independent living services for persons to overcome substantial barriers to functioning independently in family or community. Modifications would reflect changes required as a result of the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Persons with disabilities eligible for independent living services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-168**
AGENCY NAME: **Department of Labor - General**

CONTACT PERSON: Jeanne St. Pierre, Director, 54 State House Station, Augusta, ME 04333. Tel: (207) 621-5096.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 10: Rules Governing Job Training Partnership Act Programs (JTPA)

Grievance Procedures

STATUTORY AUTHORITY: Title 26 MRSA §2012 and §2015-A

PURPOSE: Repeal this rule, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: None

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Laura L. Boyett, Director, 47A State House Station, Augusta, ME 04333. Tel: (207) 621-5156.

CHAPTER 11: Maine Enterprise Option Program

STATUTORY AUTHORITY: Title 26 MRSA §1197

PURPOSE: To make rule revisions that may be needed to clarify procedures and requirements under the Maine Enterprise Option (MEO) program.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Any person who is participating in the MEO Program.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

NEW RULE -- CHAPTER XX: Work-Share Rules

STATUTORY AUTHORITY: 26 MRSA §1198

PURPOSE: To implement rules outlining procedures and requirements for the Maine Work-Share Program.

ANTICIPATED SCHEDULE: By December 31, 2016.

AFFECTED PARTIES: Maine employers who apply for the program and employees of those employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-170**

AGENCY NAME: **Bureau of Labor Standards**

CONTACT PERSON: Pamela Megathlin, Director, 45 State House Station, Augusta, ME 04333-0150. Tel: (207) 623-7932.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 4: Rules Governing Occupational Safety and Health Grants

STATUTORY AUTHORITY: Title 26 MRSA §62

PURPOSE: Repeal this rule, as the statutory authority has been repealed.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 7: Rules Relating to Substance Abuse Testing

STATUTORY AUTHORITY: Title 26 MRSA §§681-690

PURPOSE: The rules outline certain responsibilities for employers who choose to implement a workplace substance abuse testing program. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10: Rules Governing Employment Leave for Victims of Violence

STATUTORY AUTHORITY: Title 26 MRSA §850

PURPOSE: Defines terms in the law and clarifies the applicable work and legal situations. Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Workers affected by violence and their employers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment

STATUTORY AUTHORITY: Title 26 MRSA §§771-773 and §786

PURPOSE: Establishes a comprehensive list of occupations found to be hazardous and, therefore, unsuitable for the employment of minors. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 13: Rules Governing the Establishment and Use of Fair Minimum Wage Rates on State Construction Projects

STATUTORY AUTHORITY: Title 26 MRSA §§1304 - 1315

PURPOSE: Proposed changes intend to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers

STATUTORY AUTHORITY: Title 26 MRSA §664

PURPOSE: Public Law 2011, Ch. 681 puts Maine statute in line with federal statute in regards to payment of overtime. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 15: Rules Related to Severance Pay

STATUTORY AUTHORITY: Title 26 MRSA §625-b

PURPOSE: Establishes specific procedures and guidelines for eligibility for and payment of severance pay upon termination or relocation of a major employer. Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2016

AFFECTED PARTIES: Employers of 100 or more workers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 17: Rules Regarding Proof of Ownership By Employers Employing Foreign Laborers To Operate Logging Equipment

STATUTORY AUTHORITY: Title 26 MRSA §872

PURPOSE: Proposed changes intended to simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By December 31, 2016

AFFECTED PARTIES: Maine employers and employees.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW RULE – Chapter XX: Rules Relating to Assessment of Interest and Penalties for Non-payment under the Safety Education and Training Fund (SETF) (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §61

PURPOSE: To establish procedures to determine when, how and against whom penalties and interest will be assessed for non-payment of bills under the SETF.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: The Workers' Compensation insurance carriers and self-insureds and any employer who receives services from the SETF.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW RULE – Chapter XX: Rules Regarding Employment Practices (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §42

PURPOSE: Establishes procedures and standards for the application of the minimum wage, overtime and other employment practices.

ANTICIPATED SCHEDULE: By December 31, 2016

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW RULE – Chapter XX: Rules Governing the Confidentiality of Data & Information Collected by the Bureau (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §42

PURPOSE: Establish procedures and standards for the publication and release of information covered by the confidentiality law (26 MRSA §3).

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Bureau staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW RULE – Chapter XX: Rules Regarding Access to Leave under the Care for Families Act (*Proposed*)

STATUTORY AUTHORITY: Title 26 MRSA §636

PURPOSE: Establish procedures for the submission and investigations of complaints.

ANTICIPATED SCHEDULE: June 30, 2016

AFFECTED PARTIES: Employers offering paid leave and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-172**
AGENCY NAME: **Unemployment Insurance Commission**

CONTACT PERSON: Jennifer Duddy, Unemployment Insurance Commission, 57 State House Station, Augusta, ME 04333-0057, Phone: (207) 623-6793

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To revise or adopt definitions to help clarify statutory requirements pertaining to the administration of the Unemployment Insurance Program and or to ensure consistency between rules and statutory revisions or additions.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 2: Employer Notices, Records, Contributions and Reimbursement Payments and Reports

STATUTORY AUTHORITY: Title 26 MRSA §§ 1043 (19), 1082, 1221

PURPOSE: To revise or update the rule as needed to ensure consistency with existing statutory requirements, and to implement new standards pertaining to SUTA dumping.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 3: Unemployment Benefits, Intrastate

STATUTORY AUTHORITY: Title 26 MRSA §1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 4: Unemployment Benefits, Interstate

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 5: Rule of Practice Governing Adjudicatory Proceedings

STATUTORY AUTHORITY: Title 26 MRSA §§ 1082, 1194 and 1226

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.

CHAPTER 6: Seasonal Industry Program

STATUTORY AUTHORITY: Title 26 MRSA §1251

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 7: Advisory Rulings

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To update guidelines as needed to ensure consistent application of current statutes.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 8: Payments for Dependents

STATUTORY AUTHORITY: Title 26 MRSA §1191(6)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 9: Able and Available Requirements

STATUTORY AUTHORITY: Title 26 MRSA §§1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10: Work Search Requirements

STATUTORY AUTHORITY: Title 26 MRSA §§1082(2) and 1192(3)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Deputy Determinations

STATUTORY AUTHORITY: Title 26 MRSA §§1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12: Unemployment Compensation for Former Federal Civilian Employees (UCFE)

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 13: Unemployment Compensation for Ex-Service Members (UCX)

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 14: Educational Institutional Employees

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 15: Benefit Payments to Athletes

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 16: Benefit Payments to Illegal Aliens

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 17: Voluntary Leaving

STATUTORY AUTHORITY: Title 26 MRSA §§1082, 1192 and 1194

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 18: Discharge

STATUTORY AUTHORITY: Title 26 MRSA §1082

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 19: Other Remuneration

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To provide and/or revise definitions for other remuneration and to clarify the procedure for allocating other remuneration to particular periods, and to update guidelines as needed to ensure consistent application of current and or revised statutes.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 20: Unemployment Fraud or Misrepresentation by Claimants

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 21: Pension Payments

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To revise the rule to be consistent with legislation passed eliminating the benefit offset for Social Security and similar pension payments.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 22: Extended Benefits

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 23: Dislocated Worker Benefits

STATUTORY AUTHORITY: Title 26 MRSA §1196

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 24: Approved Training

STATUTORY AUTHORITY: Title 26 MRSA §§1082 and 1192

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By August 31, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 25: Employee Leasing Companies

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 26: Waivers

STATUTORY AUTHORITY: Title 26 MRSA §1082(2)

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Maine employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA-UNIT NUMBER: **12-179**

AGENCY NAME: **Occupational Safety and Health Board**

CONTACT PERSON: Steven Greeley, 45 State House Station, Augusta, ME 04333-0045,
Phone: (207) 623-7916.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 2: Occupational Safety and Health Standards for General Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 MRSA §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 3: Occupational Safety and Health Standards for Construction
Employment in the Public Sector

STATUTORY AUTHORITY: Title 26 MRSA §565

PURPOSE: Establishes procedures and standards to ensure safe and healthful working conditions for public employees (adopt by reference the latest Federal standards).

ANTICIPATED SCHEDULE: By September 30, 2016

AFFECTED PARTIES: Non-federal public employers and their employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA UNIT: **12-180**

AGENCY NAME: **Maine Labor Relations Board**

CONTACT PERSON: Lisa Copenhaver, Board Counsel, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330. E-mail: lisa.copenhaver@maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY: None

AGENCY UMBRELLA UNIT: **12-181**

AGENCY NAME: **Maine Standing Committee on Apprenticeship**

CONTACT PERSON: David Klein, Division Director, 55 State House Station, Augusta, ME 04333. Telephone: (207) 623-7987.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules Relating to Labor Standards for Registration of Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 MRSA §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2016

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 2: Rules Relating to Labor Standards for Equal Opportunity for Employment of Women and Minorities in Registered Apprenticeship Programs in the State of Maine
STATUTORY AUTHORITY: Title 26 MRSA §3205

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2016

AFFECTED PARTIES: Workers, job seekers, employers, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 3: Rules Relating to Labor Standards for Registration of Pre-Apprenticeship Programs

STATUTORY AUTHORITY: Title 26 MRSA §3201

PURPOSE: To revise or update existing rule language as may be needed and make revisions or additions necessary to ensure consistency with current statutory requirements.

ANTICIPATED SCHEDULE: By October 31, 2016

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY UMBRELLA UNIT: **12-186**

AGENCY NAME: **State Board of Arbitration and Conciliation**

CONTACT PERSON: Marc P. Ayotte, Executive Director, State Board of Arbitration and Conciliation, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Fax: (207) 287-4416. TTY or TDD: (207) 287-4330.

E-mail: marc.p.ayotte@maine.gov.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY: None

AGENCY UMBRELLA UNIT: **12-597**
AGENCY NAME: **Bureau of Employment Services**

CONTACT PERSON: David Klein, Division Director, 55 State House Station, Augusta, ME 04333. (207) 623-7987.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

CHAPTER 1: Rules Governing Implementation of the Trade Adjustment Assistance Program

STATUTORY AUTHORITY: Title 26 MRSA §2051

PURPOSE: To update the state TAA rules to match the recent changes to the Federal Trade Adjustment Assistance Act (TAA). The TAA program is federally funded providing wage subsidy, training, job search and relocation assistance to customers covered under approved petitions.

ANTICIPATED SCHEDULE: By August 31, 2016

AFFECTED PARTIES: TAA eligible customers and CareerCenter staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 2: Rules Governing the Competitive Skills Scholarship Program

STATUTORY AUTHORITY: Title 26 MRSA §2033

PURPOSE: To simplify and clarify existing rule language and make revisions or additions necessary to ensure consistency with current statutory requirements. The Competitive Skills Scholarship Program is intended to provide individuals with access to education, training, and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

ANTICIPATED SCHEDULE: By October 31, 2016

AFFECTED PARTIES: Workers, job seekers, employers, local workforce investment boards, non-profit agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

New Unit

AGENCY UMBRELLA UNIT: **12-XXX**

AGENCY NAME: **State Workforce Investment Board**

CONTACT PERSON: Garret J. Oswald, Director, 120 State House Station, Augusta, ME 04333. (207) 621-5087.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2015-2016 RULE-MAKING ACTIVITY:

NEW RULE – Chapter XX: Rules Regarding the Workforce Innovation and Opportunity Act (Proposed)

STATUTORY AUTHORITY: Title 26 MRSA §2006

PURPOSE: Promulgate all rules pertaining to the Workforce Innovation and Opportunity Act.

ANTICIPATED SCHEDULE: By December 31, 2016

AFFECTED PARTIES: Employers and employees

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**Policy
Statements**



Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)

Information Security Policy

I. Statement

The Information Security Policy establishes the *minimum* benchmark to protect the security of State information assets through a layered structure of overlapping control and monitoring.

II. Purpose

State information is a valuable asset that must be secure, both at rest and in transit, and protected from unauthorized use, disclosure, modification, and destruction. Appropriate controls and procedures must be instituted to ensure that its confidentiality, integrity, and availability are not compromised.

III. Applicability

This Information Security Policy applies to:

1. The Executive Branch and *Semi-autonomous State Agencies*¹, irrespective of where their information assets are hosted; and
2. Information assets from other State government branches that are hosted by OIT, or those that traverse the State's wide area network.

IV. Responsibilities

- A. The *Chief Technology Officer* executes this Policy for all information assets.
- B. The *Enterprise Security Officer* owns, interprets, and enforces this Policy.
- C. The *Agency Data Custodian*² executes this Policy for all information assets under their purview.

V. Directives

1. Non-State Access: OIT is responsible for analyzing the security risks whenever non-State entities access State information, and ensuring that such access is in full compliance with ALL existing OIT policies, practices, and procedures.

¹ See Definition[2]

² See Definition[1]

Information Security Policy

Any contract with a non-State entity involving access to State information assets must include an explicit provision binding the non-State entity to full compliance with ALL existing OIT policies, practices, and procedures.

Non-State access privilege must be just adequate enough to accomplish a narrowly-defined business mission, and no higher. The burden of justification rests entirely on the Agency Data Custodian, who is responsible for applying to the Enterprise Security Officer for said access. Said access is contingent upon explicit approval from the Enterprise Security Officer, and is subject to revocation by the Enterprise Security Officer at any time. It remains the burden of the Agency Data Custodian to apprise the Enterprise Security Officer re: any change in business requirement and/or the status of the non-State entity. Any non-State access will commence as late as practically possible and will terminate as soon as the underlying business requirement ceases to exist.

2. **Data Classification:** Agency Data Custodians must collaborate with the Enterprise Security Officer in adopting and adhering to an information classification system, the purpose of which is to ensure that all information assets are operated in a manner compliant with any and all applicable State and Federal regulations.

High Risk: Information assets for which there exist legal regulations and/or penalties for disclosure. Data covered by Federal and State legislation, such as FERPA, HIPAA, IRS 1075, or the Data Protection Act, are in this class. In general, health, payroll, personnel, and financial data belong in this class. Other data included in this class include information that, if compromised, would cause severe damage to the State. The Agency Data Custodian makes this determination.

Restricted: Data that may not cause severe damage to the State if it were to be compromised, but the Agency data custodian still desires to protect against unauthorized disclosure and/or modification. Again, the Agency Data Custodian makes this determination.

Public: Information that may be freely disseminated.

- a. Agency Data Custodians must determine the data classification and must ensure that said data is protected in a manner commensurate with its classification.
 - b. No information asset must be exposed to the Internet without the means to protect it in a manner commensurate with its classification.
 - c. Both High Risk and Restricted data must be encrypted during transmission over insecure channels.
3. **Education & Training:** Information security training must be conducted and documented annually for all Agency personnel. Such training must include security awareness, updates to security policies or procedures, and reporting of incidents and vulnerabilities.
 4. **Incident Reporting:** OIT will maintain a security incident reporting process and train its personnel, and at the request of an Agency, provide the same training to Agency

Information Security Policy

personnel. This process will allow OIT to document and monitor security incidents for commonalities, improve internal controls, and develop steps to remediate and reduce future security risks.

5. Discipline: State and Agency-specific discipline will be executed against users who violate this Policy.
6. Physical Security: Both OIT and Agencies must institute appropriate measures to prevent and detect unauthorized access or damage to facilities that contain State information assets. Facilities that house State information infrastructure assets must utilize physical access controls designed to permit access by authorized users only.
7. Infrastructure Protection: State information infrastructure assets must be protected from physical and environmental threats.
8. Power Supplies: Continuity of power must be provided to all critical State information infrastructure assets.
9. Malwares:
 - a. Awareness, prevention, detection, and neutralization controls must be utilized to protect State information assets against malwares (rogue applications that disrupt the normal functioning of computers).
 - b. Willful introduction of malwares into the State network is prohibited.
 - c. Any and all devices that connect to the State network must be protected with an approved, licensed anti-malware that it is kept updated according to the anti-malware vendor's recommendations.
 - d. All State information infrastructure assets must be hardened, and logs monitored, to protect against malwares.
10. Backup: Backups of all State information assets must be routinely created and properly stored to ensure prompt restoration, when necessary. Backups must be handled with exactly identical care and precaution as the original information asset itself.
11. Activity Logs: Logs of activities involving State information assets must be maintained and reviewed on a regular basis.
12. Storage Media Disposal: When no longer required, ALL storage media (both fixed and removable) must be permanently scrubbed or destroyed or rendered unrecoverable in accordance with applicable State, Federal, or Agency regulations.
13. Operational System Documentation: Operational system documentation for State information assets must be protected from unauthorized access.
14. Information Exchange Agreements: Specific agreements enforcing appropriate information security controls must be instituted for any information exchange among Agencies, as well as other external entities.

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15. **Electronic Commerce:** State information accessed via electronic commerce must have appropriate security controls implemented based on the classification of the underlying data.
16. **Email:** OIT must administer a central email application, and acceptable use policies for the use of said email, complying with appropriate State and Federal regulations.
17. **Access Control:** Access to State information assets must be based upon each user's access privileges. Access privileges shall be granted on the basis of specific business need (i.e. need to know). When necessary, access may also be restricted by day, date, and time, as appropriate.
18. **Access Authorization:** Access to any State information asset must be authorized by the Agency Data Custodian.
19. **Access Rights Review:** Periodic log reviews of user access and privileges must be performed by the Agency Data Custodian in order to monitor access to State information assets, as well as deviations from authorized usage.
20. **Passwords:** Access to any State information asset must be through individual and unique logins, and must require authentication. Authentication includes the use of passwords, smart cards, biometrics, challenge-response questionnaire, or such other industry-accepted best practices. Users must select, employ, and manage passwords to protect against unauthorized discovery or usage. All users of high risk or restricted data must have a strong password, the definition of which will be established and documented by OIT, taking into account such features as length, complexity, unpredictability, expiration frequency, etc. Credentials for empowered accounts (such as administrator, root, or supervisor) must be changed frequently, consistent with guidelines established by OIT. Credentials for empowered accounts must be modified any time the underlying system is installed, rebuilt, or reconfigured. Service accounts that do not allow login are not considered empowered accounts. All default passwords must be modified immediately post-installation. Passwords must never be stored or transmitted without first having been hashed or encrypted.
21. **Password Management System:** Password management systems must be deployed to provide a reliable, effective method of ensuring strong passwords, as established and documented by OIT, taking into account such features as length, complexity, unpredictability, expiration frequency, etc.
22. **Session Timeout:** Agency Data Custodians must establish a standard length of inactivity time that will trigger a session to terminate in their respective Agencies. Any session that exceeds the preset timeout will either log off the user or lock the session until fresh re-authentication.
23. **System Utilities:** System utilities will be made available only to those who have a legitimate business case for a specific utility.

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24. **Operating Software and Source Libraries:** The operating system files and application software, as well as program source libraries must be secured from unauthorized use or access.
25. **Documentation:** All information products must include sufficient documentation to satisfy any applicable audit and security policy requirements.
26. **Mobile Computing:** Agencies must comply with the Remote Access methods provided by OIT when remotely accessing the State network.
27. **Teleworking:** Where Agencies approve teleworking for their personnel, they must ensure that the security of State information assets is not compromised.
28. **Application Input/Output Validation:** Given the wide prevalence of injection vulnerabilities of applications, all applications must thoroughly validate their inputs to guard against attack vectors, and their outputs to guard against divulging backend details.
29. **Internet Connectivity:**
 - a. All systems connected to the Internet must maintain a vendor-supported version of the operating system.
 - b. All systems connected to the Internet must be current with all security patches.
 - c. All connections to the Internet must go through a properly secured access point provided by OIT to ensure that the State network is protected.

VI. Definitions

1. **Agency Data Custodian:** Agency official, who, by virtue of their position, is the fiduciary owner of specific Agency information assets. Thus, for instance, the Director of the Labor Bureau of Unemployment Compensation (or their designee) is the Agency Data Custodian for Unemployment Compensation information assets, and the Director of the Health & Human Services Office of Family Independence (or their designee) is the Agency Data Custodian for Benefits information assets.
2. **Semi-autonomous State Agency:** An agency created by an act of the Legislature that is not part of the Executive Branch. This term does not include the Legislature, the Judiciary, the Office of the Attorney General, the Office of the Secretary of State, the Office of the State Treasurer, and the Audit Department.

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VII. References

1. [Application Deployment Certification Policy](#)³
2. [Infrastructure Deployment Certification Policy](#)⁴
3. [Remote Hosting Policy](#)⁵
4. [Policy to Safeguard Information on Portable Computing and Storage Devices](#)⁶

VIII. Document Information

Initial Issue Date: May 1, 2012

Latest Revision Date: November 5, 2014 – to update enforcement.

Point of Contact: Henry Quintal, Architecture-Policy Administrator, OIT (207) 624-8836.

Approved By: James R. Smith, Chief Information Officer, OIT, (207) 624-7568.

Position Title(s) or Agency Responsible for Enforcement: Kevin St. Thomas, Enterprise Security Officer, OIT, (207) 624-9845.

Legal Citation: 5 M.R.S.A. Chapter 163 Section 1973 paragraphs (1) B and (1) D, which read in part, “The Chief Information Officer shall:” “Set policies and standards for the implementation and use of information and telecommunications technologies...” and “Identify and implement information technology best business practices and project management.”

Waiver Process: See the [Waiver Policy](#)⁷.

³ <http://www.maine.gov/oit/policies/Application-Deployment-Certification.htm>

⁴ <http://www.maine.gov/oit/policies/Infrastructure-Deployment-Certification.htm>

⁵ <http://maine.gov/oit/policies/RemoteHostingPolicy.htm>

⁶ <http://maine.gov/oit/policies/SafeguardingPolicy.htm>

⁷ <http://maine.gov/oit/policies/waiver.htm>

State of Maine E-Mail Usage and Management Policy

Effective September 13, 2004

Introduction and Statement of Purpose

Electronic mail (e-mail) refers to the electronic transfer of information typically in the form of electronic messages, memoranda, and attached documents from a sending party to one or more receiving parties via an intermediate telecommunications system. E-mail is a core tool utilized by State agencies to improve the way they conduct business by providing a quick and cost-effective means to create, transmit, and respond to messages and documents electronically. Well-designed and properly managed e-mail systems expedite business communications, reduce paperwork, and automate routine office tasks thereby increasing productivity and reducing costs. These opportunities are, however, at risk if e-mail systems are not used and managed effectively.

The purpose of this policy is to promote the use of e-mail as an efficient communication and data gathering tool, to ensure that State agencies have the information necessary to use e-mail to their best advantage in supporting agency business, to avoid non-work-related distractions of employees, to avoid subjecting the State's e-mail system to computer viruses, and to otherwise avoid interfering with or damaging the effective functioning of the State's e-mail system. By establishing and maintaining compliance with a policy for appropriate use and management of e-mail, risks and costs to agencies can be mitigated while maximizing the potential of this communication tool.

Scope

This policy applies to all State employees, as well as contract staff, who use the State's electronic mail.

General Policy

It is the policy of Maine State Government that e-mail is used for internal and external communications that serve legitimate state government functions and purposes. Any personal use must be of an incidental nature and not interfere with business activities. Personal use must not involve solicitation, must not be associated with any outside business activity or personal gain, must not be libelous or defamatory, must not violate the State of Maine Policy on Employee Harassment, must not potentially embarrass the State of Maine, its residents, its taxpayers, or its employees or be used for any unlawful purpose. Copyright restrictions and regulations shall be observed. The information communicated over agency e-mail systems is subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats and is not to be utilized for political purposes.

Each State agency is responsible for enforcing this policy and establishing management practices consistent with this policy that, among other goals:

- . support agency business;
- . reduce legal and other potential risks;
- . define managerial authority over e-mail communications;
- . describe the appropriate use of e-mail communications;
- . train employees in e-mail use and policies; and
- . provide for necessary records retention, accessibility, and protection.

Agencies with special requirements for information confidentiality (for example, confidential client records) may be required to establish additional safeguards to protect this data.

Access to E-mail Services

E-Mail services are provided to all appropriate staff and contractors within departments. To request access, contact the Bureau of Information Services or appropriate agency personnel.

Privacy and Access

Mail messages are not personal and private. Managers, supervisors, and technical staff may access an employee's e-mail in accordance with the department security policy for reasonable business purposes, including but not limited to:

for a legitimate business purpose (e.g., the need to access information when an employee is absent);

to diagnose and resolve technical problems involving system hardware, software, or communications; and/or

to investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation.

An employee, with the exceptions noted above, is prohibited from accessing another user's e-mail without his or her permission.

All e-mail messages including personal communications may be subject to discovery proceedings in legal actions.

All e-mail messages sent or received and which are not otherwise protected by law, are public documents and may be released to the public under the Freedom of Access Law.

Security

E-mail security is a joint responsibility of technical staff and e-mail users. Users must take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of their e-mail account by unauthorized individuals.

Management and Retention of E-mail Communications

A. Applicable to all e-mail messages and attachments

Since e-mail is a communications system, messages should not be retained for extended periods of time.

Users should:

remove or archive all e-mail communications in a timely fashion.

delete records of transitory or little value that are not normally retained in record keeping systems as evidence of an agency's activity.

B. Applicable to records communicated via e-mail

E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records and are subject to the records management requirements documented by the Maine State Archives. (A copy of the Maine State Archives' guide to e-mail retention is attached.) Records communicated using e-mail need to be identified, managed, protected, and retained as long as they are needed to meet operational, legal, audit, research or other requirements.

For agency specific questions surrounding record retention requirements contact Records Management at the Maine State Archives for assistance.

Examples of messages sent by e-mail that typically are records include:

policies and directives

correspondence or memoranda related to official business

work schedules and assignments

agendas and minutes of meetings

drafts of documents that are circulated for comment or approval

any document that initiates, authorizes, or completes a business transaction

final reports or recommendations

Some examples of messages that typically do not constitute records are:

personal messages and announcements

copies or extracts of documents distributed for convenience or reference

phone message notes

Roles and Responsibilities

Executive management will ensure that the policy is implemented by program unit management and unit supervisors.

Unit managers and supervisors will develop and/or publicize record keeping practices in their area of responsibility including the routing, formatting, and filing of records communicated via e-mail. They will train staff in appropriate use, including appropriate personal use of e-mail that does not result in performance issues, and be responsible for ensuring the security of physical devices and passwords.

Network administrators and internal control (and/or internal audit) staff are responsible for e-mail security, backup, and disaster recovery.

Users are responsible for adherence to this policy.

Proper Usage

All e-mail users will understand and comply with this policy, including but not limited to:

understand that personal use must be of an incidental nature only

comply with agency and unit policies, procedures, and standards

protect confidentiality

be aware that sending e-mail of a political nature (supporting candidates, soliciting contributions, etc.) is against the law and subject to criminal penalties (5 U.S.C. 1501 et seq., and 5 M.R.S.A. 7056-A 5 M.R.S.A 1976)

immediately delete any chain letters received through the State's e-mail system

consider organizational access before sending, filing, or destroying e-mail messages.

protect their passwords

receive approval of supervisor and permission from the Commissioner of the Department of Administrative and Financial Services, or her designee, before sending state wide communications <http://inet.state.me.us/dafs/e-mail%20policy%2009-17-02.htm>

respond to e-mail in a timely fashion

do not in any way use e-mail access or transmit prohibited content of a sexual nature

delete any messages that may contain offensive material and report to management

remove personal messages, transient records, and reference copies in a timely manner.

not use e-mail for outside business activity or personal gain

observe all copyright restrictions and regulations

not use e-mail for any unlawful or illegal purpose

not use e-mail to promote discrimination on the basis of race, religion, national origin, disability, sexual orientation, age, marital status, gender, or political affiliation

not create e-mails that may be defamatory or libelous

consider organizational access and retention requirements before sending, filing, or destroying e-mail messages

be courteous and follow accepted standards of etiquette

must not use the e-mail system to solicit for causes unrelated to state business

must not knowingly send or receive e-mails that contain a virus

Violations of this policy

Any violation of this policy could result in disciplinary action up to and including termination.

Policy Review and Update

The Office of Chief Information Officer will periodically review and update this policy as new technologies and organizational changes are planned and implemented. Questions concerning this policy should be directed to the Chief Information Officer.

Related Policies

Policy for Use of State E-mail System for Widespread Dissemination to State Employees

<http://inet.state.me.us/dafs/e-mail%20policy%2009-17-02.htm>

STATE OF MAINE

Department of Labor Policy No. 010

Policy Statement on Employee Information Security

Policy Statement:

The Maine Department of Labor's intention for publishing an Employee Information Security Policy is not to impose restrictions that are contrary to established culture of openness, trust and integrity. The Maine Department of Labor (MDOL) is committed to protecting the Public, our employees, partners and the MDOL itself from illegal or damaging actions by individuals, either knowingly or unknowingly.

The 21st Century environment of connected technologies offers many opportunities to malicious or unknowing people from all over the world to anonymously attack, damage and corrupt vital public information; and to disrupt our ability to communicate effectively and accomplish the mission of our organization. Effective security is a civic responsibility, and a team effort involving the participation and support of every MDOL employee and affiliate who deals with information and/or information systems. It is the responsibility of every MDOL employee and affiliate to know, understand and adhere to these policies, procedures, standards and guidelines, and to conduct their activities accordingly.

This policy statement has been adopted in order to provide guidance and protection to MDOL employees and to safeguard the information resources of the State entrusted to MDOL employees.

The Commissioner's Statement:

Commissioner Fortman has stated, "In conjunction with the State of Maine Office of the CIO, and based on the International Standards Organization's (ISO) 17799 Standards for Information Security; we have endeavored to create policies which are clear, concise and easy to understand. We have also taken into consideration the ease of use and accessibility of these documents. It is so very important that these policies do more than dictate another layer of rules and regulations that we all must follow. Our hope is that they are educational, and that they speak to the most important aspects of our existence, which are the public good, and our employees at the MDOL. I would like to thank you in advance for your support as we do our best to create a secure environment for public information, and fulfill our mission."

Additional Documents or Agreements:

Each Bureau within the Maine Department of Labor may have a need to create additional policy statements, procedures, guidelines or information specific to its operations. Any additional documents must neither contradict nor supersede this document and must be approved by the Director of Operations.

1. Acceptable use of Information Resources:

These rules are in place to protect the public, our employees and the MDOL. Inappropriate use of our Information Resources exposes the MDOL to risks including virus attacks, compromise of network systems and services, and legal issues. **State Information Resources are made available to employees to conduct official DOL business. MDOL information resources are not to be used to conduct personal business, business related to outside employment or for personal benefit. Employees are advised that there should be no expectation of privacy when using any State Information Resources. Each DOL employee is expected to comply with this policy. Violation of this policy may lead to progressive discipline, up to and including dismissal consistent with applicable collective bargaining agreement and/or *Civil Service Rules*. (D-3)**

In order to insure safety and security:

- Users must report any weaknesses in MDOL computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the appropriate management. Weaknesses include:
 - Discovery of a virus,
 - Discovery of theft of equipment,
 - Discovery of attempted access to Information Resources by unknown parties.
- In the event that an employee is sent, delivered or inadvertently accesses inappropriate or prohibited material, or the material contains confidential information that the employee does not have need-to-know access to, or authority to receive; the employee is required to immediately secure the material from view and notify their supervisor. If an employee inadvertently accesses inappropriate or prohibited materials, or the material contains confidential information that the employee does not have need-to-know access to or authority to receive, his or her supervisor or management must be advised of the circumstances surrounding the inadvertent access and must file an Incident Report with their supervisor within 48 hours. This will ensure that the employee is held harmless for inadvertently accessing the inappropriate or prohibited materials. (D-1)
- Users must not attempt to access any data or programs contained on MDOL systems for which they do not have authorization or explicit consent.
- Users must not divulge Dialup or Dial-back modem phone numbers to anyone.

- Users must not share their MDOL account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e., Smartcard), or similar information or devices used for identification and authorization purposes.
- Users must not make unauthorized copies of copyrighted software.
 - Users must not install or use nonstandard software, shareware or freeware software.
- Screensavers may be changed to suit personal taste provided they do not add software or conflict with the Department's mission or other portions of this policy. (C-15)
- No streaming video or audio applications are allowed if not directly needed in the performance of assigned duties. These would include, but are not limited to, weather or satellite maps, stock market updates, news headlines, any service that continually updates your PC, TV channels on the Internet, music videos, movie or entertainment broadcasts, radio music or news broadcasts, live interview or noncritical audio/video seminars.

(C-12)

- No third-party games may be loaded, downloaded or used on any DOL equipment. Those games that may come as part of standard software, i.e., operating systems, etc., must be removed by qualified technical employees prior to distribution to Department employees. (C-14)
- Users must not attempt to circumvent OIP approved anti-virus software or make any changes to accepted configuration of anti-virus software.
- If an employee uses a personal computer that is not provided by the Department, for State business purposes, the PC must have installed and operating the current version of the State-approved anti-virus product. The personal computer must not be used to access, download or store confidential information. (C-8)
- Users must not purposely engage in activity that may: harass, threaten or abuse others; degrade the performance of Information Resources; deprive an authorized MDOL user access to a MDOL resource; obtain extra resources beyond those allocated; circumvent MDOL computer security measures.
- Users must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of a system.
- Users must not use MDOL Information Resources to conduct personal business of any kind, business related to outside employment, or for personal benefit. (C-4)

- Users must not intentionally access, create, record, store, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, sexual orientation, political beliefs, gender, and/or materials that are sexually explicit or pornographic in nature, whether or not the material was intended to demean, denigrate or harass any employee or group of employees. (C-1)
- If supervisory or management employees become aware that inappropriate or prohibited materials are being accessed, downloaded, or otherwise transmitted to or by an employee in his or her organization, he or she must act immediately to stop such activity. Supervisors and managers should contact the Office of Human Resources for guidance and consultation. (D-2)
- Access to the Internet from an MDOL owned, home based, computer must adhere to all the same policies that apply to use from within MDOL facilities. Employees must not allow family members or other nonemployees to access MDOL computer systems.
- Users must not otherwise engage in acts against the aims and purposes of MDOL as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
- At no time shall any employee, other than a qualified OIP technician, open, insert, remove or alter any hardware or software comprising State Information Resources. All configuration changes to State Information Resources will be done only by qualified OIP technicians. (C-11)
- The use of State Information Resources to create, record, store, transmit, distribute, modify or download music is prohibited.
- DOL management and the Department of Administrative & Financial Services, Bureau of Information Services may monitor voice, e-mail, and Internet traffic to improve service levels, enforce this policy, and prevent unauthorized access to State systems. In the event that the monitor accesses voice, e-mails, and Internet traffic that contains confidential information, that monitor will need to maintain the strictest of confidentiality in accordance with the Department's Confidentiality Policy.

2. Internet Use:

In addition to being an excellent resource for information, and a revolutionary way to communicate with the world; the Internet is a rapidly changing and volatile place which can accurately be referred to as "The Wild." This policy is intended to provide guidance and protection, while still making available this useful business tool to MDOL employees.

The following rules apply when using the Internet:

- Software for browsing the Internet is provided to authorized users for business and research use only except where otherwise noted in the incidental use policy.
- All software used to access the Internet must be part of the MDOL standard software suite or approved by BIS. This software must incorporate all vendor-provided security patches.
- Users must not download or install any software from the Internet.
- All sites accessed must comply with MDOL acceptable use policy standards.
- All user activity on the Internet is subject to logging and review.
- Content on all MDOL Web sites must comply with MDOL Policies.
- No offensive or harassing material may be made available via MDOL Web sites.
- Nonbusiness related purchases or sales made over the internet are prohibited. Business related purchases are subject to MDOL procurement rules.
 - No personal commercial advertising may be made available via MDOL Web sites.
- DOL Internet access may not be used for personal gain or non-MDOL personal solicitations.
- No MDOL data will be made available via MDOL Web sites without ensuring that the material is available to only authorized individuals or groups.
 - All sensitive MDOL material transmitted over external network must be encrypted.

3. Email Use:

Email use has become the standard method of communication, used in 75% of all business communications. Email is inherently insecure, and messages can easily be intercepted and read or changed. Additionally, Email is the number one doorway to viruses and worms that infect and destroy valuable information. These policies are intended to offer rules of usage that will protect our information.

- *The following activities are prohibited by policy:*
 - Sending email that is intimidating or harassing.
 - Using email for conducting personal business.

- Using email for purposes of political lobbying or campaigning.
 - Violating copyright laws by inappropriately distributing protected works.
 - Posing as anyone other than oneself when sending or receiving email, except when authorized to send messages for another when serving in an administrative support role. (C-7)
 - The use of unauthorized e-mail software.
- *The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:*
 - Sending or forwarding chain letters.
 - Sending unsolicited messages to large groups except as required to conduct agency business.
 - Sending excessively large messages.
 - Sending or forwarding email that is likely to contain computer viruses.
 - The State's E-mail is not to be used to forward or otherwise broadcast virus warnings or other computer system related announcements. The Office of Information Processing is the only unit authorized to disseminate this information to Department employees. If you feel you have received information that should be broadcast to some or all of the Department employees, contact the Office of Information Processing. (C-9)
- All user activity on MDOL Information Resources assets is subject to logging and review.
- Electronic mail users must not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of MDOL or any unit of the MDOL unless appropriately authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer will be included unless it is clear from the context that the author is not representing the MDOL. An example of a simple disclaimer is: "the opinions expressed are my own, and not necessarily those of the Maine Department of Labor or the State of Maine ."
- Individuals must not send, forward or receive confidential or sensitive MDOL information through non-MDOL email accounts. Examples of non-MDOL email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, and email provided by other Internet Service Providers (ISP).
- Individuals must not send, forward, receive or store confidential or sensitive MDOL information utilizing non-MDOL accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers and cellular telephones
- The State's E-mail is not to be used to forward or otherwise broadcast "chain letters," mass communications that are not work related, or solicitations for causes unrelated to the State's business, no matter how worthy the cause may be

perceived. [NOTE: In the Capitol area, Capitol Security must give written permission for solicitations.] The Maine State Employees Combined Charitable Appeal is the only solicitation with on-going, or "blanket" approval. Other charitable solicitations may be allowed only on prior written approval of the Commissioner, and Capitol Security where applicable. (C-2)

- E-mail messages and Internet sites accessed are not private but are property of the Department. The Department may print and review e-mail messages and Internet sites accessed by an employee's system. (C-3)

- **Incidental Use of Information Resources:**

As a convenience to the MDOL user community, incidental use of Information Resources is permitted. Occasional use of State Information Resources during an employees 15-minute break would be considered incidental. Only brief and occasional use is considered to be incidental.

The following restrictions on incidental use apply:

- Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, and so on, is restricted to MDOL approved users; it does not extend to family members or other acquaintances.
- Incidental use must not result in direct costs to MDOL.
- Incidental use must not interfere with the normal performance of an employee's work duties.
- Incidental use of MDOL Information Resources must not involve solicitation in any form, must not be associated with any outside business or employment activity, and must not potentially embarrass or offend the State of Maine, its residents, its taxpayers, or its employees.
- Storage of personal email messages, voice messages, files and documents within MDOL's Information Resources must be nominal.
- All messages, files and documents – including personal messages, files and documents – located on MDOL Information Resources are owned by MDOL, may be subject to open records requests, and may be accessed in accordance with this policy.

- **Passwords:**

All of the work we are doing at MDOL to secure the public's information will be ineffective if the most important aspect of information security, the daily users of our Information Resources,

have weak passwords. Though we recognize that it is inconvenient at first, having strong passwords is the most important part of your participation. We would like to think of passwords as a “shared secret” between you and MDOL Information Resources.

The following applies to password use:

- All passwords, including initial passwords, must be constructed and implemented according to MDOL accepted and approved standards. See Guidelines.
- User account passwords must not be divulged to anyone at any time or for any reason. MDOL OIP and any third party contractors will not ask for user account passwords.
- If passwords are forgotten, disclosed or if the security of a password is in doubt, the password must be changed immediately by contacting the OIP helpdesk.
- Administrators must not circumvent the Password Policy for the sake of ease of use.
- Whenever possible, Users must not circumvent password entry with auto logon, application remembering, embedded scripts or hard-coded passwords in client software. Exceptions may be made for specific applications (like automated backup) with the approval of the MDOL ISO. In order for an exception to be approved there must be a procedure to change the passwords.
- Computing devices must not be left unattended without enabling a password-protected screensaver, locking the workstation or completely logging off of the device.
- In the event passwords are found or discovered on documents of any kind, the following steps must be taken:
 - Take possession of the passwords and protect them,
 - Report the discovery to the OIP Help Desk,
 - Transfer the passwords to an authorized person as directed by the OIP Help Desk.

6. Portable computing:

Laptop computers, PDA's, and other portable computing devices are a great convenience and becoming more and more a part of doing business. They also come with many risks including

ease of theft, operation in unsecured environments, and easily intercepted wireless communications.

In order to protect our valuable information; it is important that users of portable computing devices follow these rules of use:

- Only MDOL approved portable computing devices may be used to access MDOL Information Resources.
- Portable computing devices must be password protected.
- MDOL data should not be stored on portable computing devices. However, in the event that there is no alternative to local storage, all sensitive MDOL data must be encrypted using approved encryption techniques.
- MDOL data must not be transmitted via wireless to or from a portable computing device unless approved wireless transmission protocols along with approved encryption techniques are utilized.
- All computer systems accessing MDOL resources from any external location must conform to BIS Standards for configuration and connectivity.

7. Distribution:

Current employees shall, following the appropriate posting, receive a copy of this policy. New employees shall receive a copy of this policy upon hire.

Each employee shall sign a statement, confirming that his/her copy of this policy has been received and read. Said statement (Attachment A.) shall be filed in employee's personnel folder.

8. Standard Definitions:

Ownership of Information:

All documents generated as a result of any MDOL business activity stored anywhere on or off MDOL premises and Electronic files created, sent, received, or stored on Information Resources owned, leased administered, or otherwise under the custody and control of MDOL are the property of MDOL.

Privacy:

Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of MDOL are not private and may be accessed by MDOL OIP employees at any time without knowledge of the Information Resources user or owner.

Information Resources:

Any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, distributed processing systems, telecommunication resources including cell phones and voice mail systems, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Public Records:

Public records include e-mail messages and attachments, information obtained from the Internet, and other electronic transmittals that have been created, received, or stored on State of Maine automation equipment (Title 1, M.R.S.A., §401–410). NOTE: The law contains several statutory exceptions.

Public Disclosure:

All public records are subject to administrative review, inspection by the public, and discovery requests as part of legal proceedings in accordance with (Title 1, M.R.S.A. §402). Incidental personal use records may be subject to disclosure if stored on Department IT equipment.

Incidental Use:

The use of MDOL Information Resources for personal use must be infrequent and using only a small amounts of an employee's personal time either inside or outside the regular work day. Occasional use of MDOL Information Resources during an employee's 15- minute break would be considered incidental. Only brief and occasional use is considered to be incidental. Solicitations of any kind are not permitted.

Portable Computing Device:

Any easily portable device that is capable of receiving and/or transmitting data to and from IR. These include, but are not limited to, notebook computers, handheld computers, PDAs, pagers, and cell phones.

Electronic mail (email):

Any message, image, form, attachment, data, or other communication sent, received, or stored within an electronic mail system.

Internet:

A global system inter-connecting computers and computer networks. The computers and networks are owned separately by a host of organizations, government agencies, companies, and colleges. The Internet is the present "information super highway."

Intranet:

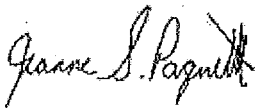
A private network for communications and sharing of information that, like the Internet, is based on TCP/IP, but is accessible only to authorized users within an organization. An organization's intranet is usually protected from external access by a firewall.

World Wide Web:

A system of Internet hosts that supports documents formatted in HTML (HyperText Markup Language) that contain links to other documents (hyperlinks) and to audio, video, and graphic images. Users can access the Web with special applications called browsers, such as Netscape, Navigator, and Microsoft Internet Explorer.

Information Security Officer:

Responsible to the Director of Operations for administering the information security functions within the agency. The ISO is the agency's internal and external point of contact for all information security matters.



Jeanne S. Paquette, Commissioner

Issued 9/3

Attachment A.

I certify that I have read and fully understand the Maine Department of Labor's Information Security Policy, Policy No. 010. I further understand that any violation of this policy is subject to disciplinary action up to and including termination for employees and temporaries; a termination of employment relations in the case of contractors or consultants; or dismissal for interns and volunteers. Additionally, individuals are subject to civil and criminal prosecution.

EMPLOYEES NAME: _____

Employee Signature Date

Supervisor's Signature Date

STATE OF MAINE

Department of Labor Policy No. 010 - **Addendum**

Policy Statement on Employee Information Security

The Maine Department of Labor enacted Policy No., Policy Statement on Employee Information Security, in March of 2004. Policy No. 010 is a sound document implementing state requirements to protect citizens, business, and employees. It represents an ideal, and is the target we are aiming for. Although Policy No. 010 will meet long-term security needs, some components cannot be implemented with some of our current technology.

We implemented in good faith the state's security policy and we used an implementation that would enable us to do that. We recognize we have areas that we need further technology to achieve final implementation, such as passwords and encryption.

The policy stands as issued, with the understanding that we cannot presently enforce the password and encryption issues. Employees will be notified upon completion of the information software upgrade.



Jeanne Paquette, Commissioner Date

STATE OF MAINE
Department of Labor
Policy No. 011 (revised 10/2013)

Policy Statement on Confidentiality

As employees of the Maine Department of Labor, we are vested by the people of the State of Maine with a trust and responsibility that requires the highest ethical standards. Employees of this Department must continually maintain the respect and confidence of the public. The following standards must be observed at all times. Failure to adhere to these standards may result in discipline up to and including discharge.

1. Except as necessary in the normal course of business, employees shall not divulge employer, claimant, customer, or co-worker information obtained in the performance of their official duties to any person within the Department, or outside of the Department, unless authorized to do so by a Department manager.
2. Employees shall not obtain information through department telephones, computer terminals, departmental documents, or other official means for any purpose other than official Department business. Any information obtained through authorized access to Federal, State, or Department documents cannot be duplicated, altered, used or disclosed without proper authorization from a Department manager.
3. Except as necessary in the normal course of business, employees shall not remove documents, property or equipment from the workplace under any circumstances, unless authorized to do so by a Department manager.
4. In the event that an employee is initially involved in a claim, case or other departmental business that involves relatives or friends, they are responsible for notifying their immediate supervisor of the conflict of interest, and need to recuse themselves from the handling of that departmental business. Relatives would include spouse, child, parent, grandparent, sister, brother, aunt, uncle, niece, nephew, first cousin, in-law and step-relative related to the employee by blood, marriage or adoption.
5. Employees shall not disclose computer security codes, voice mail codes, safe combinations, or entry combinations/passwords to the public, friends, relatives or co-workers.
6. Employees shall not trace, attempt to duplicate, or otherwise forge a claimant's, employers, customers, vendors, or co-worker's signature on any document.
7. All data accessed, viewed or provided by the Department is the property of the Department. Requests for copies, extracted data, etc., can only be authorized by the department that originally supplied it. All authorizations granting copy, extracting, or other permission must be in writing prior to release of the information.
8. Any employee who suspects that the integrity or confidentiality of any information entrusted to them or the Department has been compromised is responsible for immediately notifying the Department manager.
9. **National Directory of New Hire (NDNH) Data**
 - o In regards to NDNH data, this includes new hire, employer information, and unemployment insurance data;

- I agree that I will obtain, use or disclose such data only in the connection with the performance of my official duties solely for authorized purposes, including but not limited to administration of the Maine Department of Labor, Bureau of Unemployment Compensation, Benefit Payment Control (BPC), Benefit Accuracy Measurement (BAM) programs as well as the Reemployment Assistance Program.
 - I agree to maintain the confidentiality of the NDNH information in accordance with the provisions of the Internal Revenue Code (26 USC s.6103).
10. I understand that failure to safeguard confidential data may result in the imposition of penalties, including fines, costs of prosecution, dismissal from office, discharge from employment, and imprisonment. (42 USC s.563(1); 26 USC ss.7213, 7213A, 7431, 5 USC s.552a(i)).
- I agree that my obligation to safeguard the confidentiality of NDNH data shall survive the termination of my employment with the Maine Department of Labor, Bureau of Unemployment Compensation.



Jeanne S. Paquette, Commissioner

Issued 01/14

Employee's Name _____

Work Location _____

I certify that I have read and fully understand the standards set forth in the Department of Labor Policy Statement on Confidentiality, Policy No. 011. I further understand that violation of these standards may result in discipline up to and including discharge.

Employee Signature

Date

Following is the policy the Bureau of Employment Services has in the Financial Manual under Records. This includes the component on security of Personally Identifiable Information under the Workforce Investment Opportunity Act, which is in addition to state policy.

RECORDS

This section provides guidance for subrecipients on proper maintenance of financial and program records. These records must be accessible to authorized Federal, State, and local area staff (where the local area is the awarding agency) and must be verifiable for monitoring, reporting, audit and evaluation.

RECORD RETENTION / ACCESS TO RECORDS

Local Areas are required to keep all financial records intact and accessible, including supporting source documents, statistical records, and other records pertaining to the grant. The records retention and custodial requirements extend not only to the records of the Local Area, but also to those of its subgrantees.

The retention period for all records or support documents shall 3 years from the date of submission of the final expenditure report, with certain exceptions, please refer to 2 CFR 200.333 for additional requirements.

SECURING PERSONALLY IDENTIFIABLE INFORMATION (PII)

Grant recipients, subrecipients, and their subrecipients are required to take aggressive measures to mitigate the risks associated with the collection, storage, and dissemination of **Personally Identifiable Information (PII)**. PII is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked to a specific individual.

Sensitive Information is any unclassified information, whose loss, misuse, or unauthorized access to or modification of could adversely affect the interest or the conduct of Federal programs, or the privacy to which individuals are entitled under The Privacy Act. There are two types of PII - Protected PII and Non-Sensitive PII.

The differences are as follows:

1. Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples: SSNs, Credit Card numbers, home telephone numbers, ages, birthdates, marital status, spouse names, biometric identifiers, medical history, financial information, computer passwords.
2. Non-sensitive PII is information that if disclosed by itself could not reasonably be expected to result in personal harm. It is stand-alone information that is not linked or closely associated with any protected PII. Examples: Business addresses and telephone numbers, general education credentials, gender or race. However, depending upon the circumstances, a combination of such items could potentially be categorized as protected or sensitive PII.

*(Note: As the terms “grantee”, “subgrantee”, “recipient”, and “subrecipient” tend to be relative terms, for the sake of clarity, this section will use the terms **awarding agency** to describe the entity issuing an agreement for the purchase of services and “**subrecipient**” to describe the agency receiving funds to provide those services).*

Applicability

For WIOA programs, the technical requirements applicable to States and local governmental entities are found in 29 CFR 97.42. The requirements applicable to other nonprofits are found in 29 CFR 95.53.

In both cases, provisions apply to both awarding agencies and subrecipients. The requirements apply to financial records, supporting documents, statistical records, and all other records pertinent to a grant.

Although these regulations are Federal and written specifically for WIOA programs, the State is adopting them for all programs / services contracted through the Bureau of Employment Services.

Length of Retention Period

All records must be retained for three (3) years following the date on which the expenditures report containing the final expenditures charged to a grant is submitted by the State to *its* awarding agency.

Example: Local Area 2 closes out its PY11 WIOA formula contract with BES on October 20, 2012. The State (BES), however, does not close out the PY11 WIOA formula grant with the USDOL until April 14, 2013. The three year clock begins ticking for all PY11 WIOA formula subsubrecipients on April 14, 2013. In all cases the onus to discover the start date of the three-year records retention period lies with the subrecipient. As a matter of procedure it would be advisable to consult the awarding agency or the State (BES) before destroying any records related to the contract. The three year records retention period may be affected by any audit or litigation problems. Records must be maintained, then for a full three years after the closeout date or until any audit or litigation issues are resolved, whichever comes later. Audit or litigation issues do not reset the retention clock to zero.

Other Rules

- Nonexpendable Property Records must be retained for three years after final disposition of the property
 - Property records consist of purchase documents, inventory records, and disposition documents. Disallowed costs can result from inadequate documentation and record retention. 29 CFE 95.53
- Complaint Records and actions related to resolving complaints must be maintained for not less than three (3) years from the date of resolving the complaint.
 - All records shall be retained beyond the prescribed period if any litigation, investigation, or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until litigation, audit or claim has been resolved. 29 CFR 95.53 (b)
- Records must be retained beyond the prescribed period in the event of delays or failure to obtain or resolve a required and appropriate audit. Failure to obtain an audit extends the

record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all the findings have been resolved to the satisfaction of the awarding agency.

- Indirect-Cost Records, such as computations or proposals, cost allocation plans, and supporting documentation and records, must be retained for three years from the date the Indirect Cost Rate package is submitted to the cognizant agency for negotiation. If not submitted for negotiation, the records must be maintained for the three year period specified for grant records.
- Subrecipients, the LWDBs must ensure all subrecipients will be required to include record retention procedures in their contractual agreement and must ensure compliance through monitoring. In the event of the termination of the relationship with a subrecipient, the LWDB shall be responsible for the maintenance and retention of the subrecipient records for those unable to retain them.

Custody of Records

Federal law requires that Personally Identifiable Information and other sensitive information be protected. Grantees must take the steps necessary to ensure the privacy of all PII obtained from or about participants and other individuals and to protect such information from disclosure. Grantees must ensure that records are stored in an area that is physically safe from access by unauthorized persons at all times and that data will be processed using grantee issued equipment, managed information technology services, and designated approved locations. Records must not be left open and/or unattended. Stored records must be kept in locked cabinets when not in use. Any breach or suspected breach of PII must be reported immediately to the MDOL who are in turn required to report to the Regional Grant Officer.

The awarding agency may request transfer of records to its custody when it determines that the records possess long-term value. When the records are transferred to or maintained by the awarding agency, the retention requirement does not apply to the entity that relinquished its records. Transfer of records must follow procedures that protect personally identifiable information (PII) as outlined below.

Record Storage

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. As Stated above records in storage must be protected, unable to be accessed by unauthorized persons and stored in locked cabinets or storage buildings that can only be accessed by authorized persons. The burden of production and authentication of the records shall be on the custodian of the records.

Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The BES does not take a position on the use of electronic media for the storage of records, but this should not be construed to mean that they cannot be used. Due to rapid advances in technology, the better approach is to specify the criteria that must be met for whatever medium, including electronic media or other storage mediums, is used for record storage. When choosing media for record retention, the custodian must ensure security safeguards and protections sufficient for the records to be accepted by a court as evidence. As in any case where a record is maintained, the burden of producing and authenticating it is on the custodian of the record, and failure to authenticate the record will deny the custodian the right to use it for any evidentiary purpose. Thus, if a grantee maintains its participant eligibility records on computer files and is unable to show that the records were secure or were tamperproof, the records cannot be used to prove that participants were eligible for services they receive.

Access to Records

The U.S. DOL, the Bureau of Employment Services (i.e., the State), the awarding agency, or any of their authorized representatives, have the timely and reasonable right to access to pertinent books, documents, papers or other records of subrecipients to make audits, examinations, excerpts and transcripts. The rights of access are not limited to the required retention period but last as long as the records are retained. *(The Director of the Office of Civil Rights has the same rights of access described above per the requirements of 29 CFR Part 37.)*

Subrecipients have the right and responsibility to define conditions for providing access to records, i.e., time and place. The Freedom of Information Act and Privacy Act (5 U.S.C. 552) do not apply to ETA-funded records in the possession of subrecipients. The provisions of these Acts apply to subrecipient records only if they have been transferred to the U.S. Secretary of Labor. Fees may be charged only to recover the costs of processing information requests.

Transfer of Records

1. Records that are being transferred that contain Personally Identifiable Information (PII) must be transferred in a way that ensures that: PII is not transmitted to unauthorized users, all PII and other sensitive data transmitted via e-mail or stored on CDs, DVDs, thumb drives, etc. is encrypted using Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Technology (NIST) validated cryptographic module. For more info on FIPS140-2 and standards and cryptographic modules visit: <http://csrc.nist.gov/publications/fips/fips140-2/fips1402.pdf>
2. Records containing PII that are being transported in vehicles must remain in the custody of an authorized person throughout the transfer and until the records are deposited at the archive or end-storage site. It is recommended that documentation of the transfer of records and sign-off sheets be maintained at the sending site and the receiving site showing the records reached their destination without breach.
3. Access to any records containing PII must be restricted only to those employees of the grant who need it in their official scope of work and who have been advised of the confidential nature of the information contained in the records and have signed a confidentiality agreement providing assurance that the employee understands the consequences of protection of PII contained within the records.

Discovery Recovery

Occasionally, records are destroyed by fires, vandalism, or natural disasters such as floods, storms and earthquakes. Subrecipients with record retention responsibility must have a satisfactory plan of record recovery if critical records are lost. An example is off-site storage of computerized / microfilmed records.

Destruction of Records:

Records must be retained for the required periods of time to satisfy the record retention requirements outlined above. Thereafter, the grantee must destroy all records in a manner that will ensure the data contained in the records is protected, using appropriate methods for destroying sensitive PII in paper files by shredding using a protected shredding service, or burning using a burn bag, degaussing of magnetic tape files, and final deletion of electronic data.

Additional Considerations

In implementing record retention policies, subrecipients must consider Federal, State (BES) and the awarding agency's policies and requirements. Local requirements cannot be less restrictive than the Federal/State policies.

12-152
(Chapter 1)

Maine

**Department of Labor
Division of Vocational Rehabilitation**

RULES

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SECTION 1. PURPOSE AND GENERAL REQUIREMENTS

The Maine Division of Vocational Rehabilitation (DVR) program assists eligible individuals with physical or mental disabilities to prepare for and achieve an employment outcome. "Employment outcome" means entering or retaining full-time employment, or, if appropriate, part-time competitive employment in the integrated labor market, supported-employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Note: Integrated, with respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other personnel.

The DVR process is based upon an individualized plan (IPE) for employment which is oriented to the achievement of a vocational goal. Services provided to individuals with disabilities must be necessary to overcome the vocational impediment and must be provided as cost effectively as possible, and will be of sufficient quality to meet individual needs.

The Division of Vocational Rehabilitation (DVR) program is operated in compliance with the federal Rehabilitation Act of 1973, as amended. The legal authorities for the policies contained in the Division of Vocational Rehabilitation Policy Manual are Title 29 U.S.C. §720 *et seq.*; Title 34 CFR Part 361, issued on January 17, 2001 in the Federal Register, Title 34 CFR Part 361, issued on January 22, 2001 in the Federal Register, Rehabilitation Act Amendments of 1998, P.L. 105-220 enacted August 7, 1998; and Title 26 M.R.S.A. §1411.

1. Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability. There is no residency requirement, durational or other, which would exclude from services an otherwise eligible individual who is living in the state.
2. Throughout the eligible individual's rehabilitation program, every opportunity will be provided to the individual to make informed choices regarding the rehabilitation process. Documentation of opportunities for making informed choices will be kept in the individual's case record.
3. Maine DVR will establish and maintain a case record for each applicant, and recipient of vocational rehabilitation services, which includes data necessary to comply with Maine DVR and federal Rehabilitation Services Administration requirements.
4. In the purchase of goods or services for persons with disabilities, counselors shall comply with applicable regulations of the Maine Department of Labor and the Department of Administration and Finance.
 - A. Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations, but must be confirmed promptly in writing and forwarded to the provider.
 - B. Goods and services will be provided subject to the statewide availability of funds. Goods and services will be explored by the individual, with assistance

from the DVR counselor, and the individual will be involved in the choice of who will provide goods and services. DVR reserves the right to use community rehabilitation providers who meet state or national accreditation standards.

5. Maine DVR shall process new referrals in an equitable manner and will make an attempt to contact the individual within seven calendar days.
6. When appropriate, counselors shall provide the referral necessary to support individuals with disabilities in securing needed services from other agencies and organizations.
7. Each applicant or eligible individual being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a re-determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed, and of the availability of the Client Assistance Program.

SECTION 2. CONFIDENTIALITY

All client/applicant information acquired by Maine DVR shall remain the property of Maine DVR and shall only be used and released for purposes directly connected with the administration of the Division of Vocational Rehabilitation program. Use and release of personal information acquired by Maine DVR shall conform with applicable state and federal regulations.

1. For purposes of this policy, informed written consent shall:
 - A. be in language that the individual or his/her representative understands;
 - B. be signed by the individual or his/her representative and dated;
 - C. be specific in designating Maine DVR as the agency or person authorized to disclose information;
 - D. be specific as to the nature of the information which may be released;
 - E. specifically designate the parties to whom the information may be released; and
 - F. be specific as to the purpose(s) for which the released information may be used.

2. Release to Individual with Disabilities or His/Her Representative

Upon informed written consent by the individual with disabilities or his/her representative, all information in the case record shall be made available in a timely manner, except:

- A. medical, psychological or other information that Maine DVR believes may be harmful to the individual. This information may not be released directly to the individual, but shall be provided through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative; and
- B. information obtained from outside Maine DVR may be released only under the conditions established by the outside agency, organization or provider.

3. Release to Other Programs

Upon informed written consent of the individual with disabilities or his/her representative, Maine DVR may release to another agency or organization information that may be released to the individual with disabilities and only to the extent that the other agency demonstrates that the information is necessary for its program.

- A. Maine DVR must release personal information, with or without consent of the individual, if required by State and Federal law, if in response to investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State laws or regulations), and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

- B. Maine DVR may release personal information without informed written consent of the individual in order to protect the individual or others when the individual poses a threat to his/her safety or the safety of others except for HIV test results which may not be released without informed written consent of the individual.

4. Release for Audit, Evaluation or Research

At the discretion of the DVR Director, personal information may be released to an organization, agency, or individual engaged in audit, evaluation or research only for purposes directly connected with the administration of the Division of Vocational Rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency or individual assures that:

- A. the information will be used only for the purposes for which it is being provided;
- B. the information will be released only to individuals officially connected with the audit, evaluation or research;
- C. the information will not be released to the involved individual;
- D. the information will be managed in a manner to safeguard confidentiality; and
- E. the final product will not reveal any personal identifying information without the informed written consent of the involved individual, and his/her representative.

5. Release of Records for Testimony

An employee shall not testify in court or in an administrative hearing; nor release records without the consent of the individual with disabilities unless ordered to do so by a judge, magistrate, or other authorized judicial officer.

SECTION 3. MAINE DVR APPEALS PROCESS

An applicant for, or recipient of, vocational rehabilitation services who is dissatisfied with any determination made by a rehabilitation counselor concerning the furnishing or denial of services may request (or, if appropriate, may request through the individual's representative) a timely review of the determination. Maine DVR shall make reasonable accommodations to the individual's disability in the conduct of the appeals process. Written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program, will be provided to individuals at application, when assigned an Order of Selection Category, when an IPE is developed, and whenever VR services are reduced, suspended, or terminated. Mediation and/or Due Process Hearings are provided at no cost to the individual, but costs related to legal representation is not provided by Maine DVR.

1. Informal Review

Whenever possible, Maine DVR will attempt to resolve conflicts informally, prior to Mediation or a Due Process Hearing. An individual may request a meeting with the counselor, the appropriate supervisor, and/or a Client Assistance Program representative, if desired, to explore options for resolving any conflicts. An individual may request Mediation or a Due Process Hearing immediately, without having to go through the informal process.

2. Continuation of Services Pending Completion of the Hearing

Pending a final determination of an appeal hearing, the DVR may not suspend, reduce, or terminate services being provided under an Individualized Plan of Employment (IPE), unless the services were obtained through misrepresentation, fraud or collusion of the individual, or unless the individual, or individual's authorized representative, requests suspension, reduction, or termination of services.

3. Time Frames

The time frames listed under Section 4. Mediation and 5. Due Process Hearing may be waived if both parties agree to an extension of time in order to conduct the Mediation or Hearing, and render a decision.

4. Mediation

- A. Mediation is a voluntary process conducted by a qualified and impartial mediator. At any point during the mediation process, either party, or the mediator, may elect to terminate the mediation.
- B. An individual must request Mediation within thirty (30) calendar days of the agency notice regarding the provision or denial of services that is in question. The request shall be in writing, and the request shall describe the complaint. The request should be sent to the Director of DVR who will immediately forward it to a qualified mediator.
- C. The mediator will commence a mediation meeting within fifteen (15) calendar days of receipt of the request, and shall be held in a location that is convenient to the parties in the dispute.

- D. Mediation will be conducted in accordance with the Court Alternative Dispute Resolution Service's (CADRES) standards on ethics and neutrality.
 - E. An agreement reached in the mediation process shall be set forth in a written mediation agreement, and shall be signed by both parties.
 - F. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding in accordance with CADRES confidentiality standards.
 - G. The individual may be represented at the mediation, including but not limited to, representation by the Client Assistance Program.
 - H. The Mediation process may not be used to deny or delay the individual's right to pursue resolution of the dispute through a due process hearing within the specified time period.
5. Due Process Hearing
- A. Due Process Hearing is a procedure whereby an individual who is dissatisfied with any determinations concerning the provision or denial of DVR services may seek a re-determination of agency action before an impartial hearing officer.
 - B. The individual must request a Due Process Hearing within thirty (30) calendar days of the agency notice regarding the provision or denial of service, if Mediation was not requested.
 - C. If no request for Due Process Hearing is made within thirty (30) calendar days, the agency decision is considered final.
 - D. The request for Due Process Hearing shall be in writing, and shall describe the complaint. Maine DVR will accommodate an individual's disability and offer assistance, if appropriate, in this process. The request should be sent to the Director of DVR who will immediately forward the request to a qualified hearing officer.
 - E. A pre-hearing conference will be held to clarify issues and explore options for resolving grievances.
 - F. The Due Process Hearing shall be conducted within sixty (60) calendar days of receipt of the request for Due Process Hearing.
 - G. A Due Process Hearing shall be conducted by an impartial hearing officer assigned on a random basis, from the pool of qualified persons identified jointly by the Director of Maine DVR and the State Rehabilitation Council.

- H. Maine DVR may not deny or dismiss a request for Due Process Hearing unless the individual or his/her representative:
 - (1) withdraws the request in writing; or
 - (2) is adjudged by the Due Process Hearing Officer to be in default for failure to appear at the hearing without good cause.
- I. The Due Process Hearing shall be conducted and will include an opportunity for the individual or the individual's representative to present witnesses and relevant evidence. A decision shall be issued in accordance with Maine's Administrative Procedure Act, 5 M.R.S.A. Chapter 375, subchapter IV.
- J. The Due Process Hearing Officer will issue a full written report of the findings and grounds for the decision within thirty (30) days of the completion of the hearing.
- K. The Hearing Officer's decision is final unless either party brings a civil action.

6. Civil Action

Any party who disagrees with the final decision of the Due Process Hearing has the right to file a petition in Superior Court under Rule 80C of the Maine Rules of Civil Procedure.

SECTION 4. APPLICATION AND ELIGIBILITY

1. Application for DVR Services

An applicant is anyone who signs a dated application or dated document requesting services. Any individual who applies for services shall undergo an assessment for determining eligibility, with the individual notified in writing of the results. Applicants will receive written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program.

2. Eligibility Criteria

An individual is eligible for DVR services if the individual:

- A. has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to employment Note: Substantial impediment to employment means that a physical or mental impairment that hinders an individual from preparing for, engaging in, or retaining employment consistent with the individual's abilities and capabilities and,
- B. requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Required VR services must be necessary to overcome disability related barriers. Lack of resources by itself does not constitute a disability related barrier.

3. Presumption of Benefit

It shall be presumed the individual can benefit in terms of an employment outcome from vocational rehabilitation services, unless the DVR counselor can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services due to the severity of the disability of the individual.

4. Timeframe for Making an Eligibility Determination

Eligibility for DVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services has been received, unless the applicant is notified in writing of the following:

- A. that exceptional and unforeseen circumstances beyond control of the counselor preclude the counselor from completing the determination within the prescribed timeframe, and the applicant agrees that a specific extension of time is warranted; or
- B. that trial work experiences are necessary to determine if the individual is capable of benefiting, in terms of an employment outcome, from vocational rehabilitation services.

5. Trial Work Experiences

Before making a determination that an individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services, the VR counselor shall explore the individual's abilities, capabilities, and capacity to perform in realistic work situations, through a written plan of trial work experiences with appropriate supports provided, except under limited circumstances when an individual can not take advantage of such experiences. Trial work experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual, or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services due to the severity of the disability of the individual.

6. Presumption of Eligibility for SSI Recipients and SSDI Beneficiaries

Individuals who are SSI recipients or SSDI beneficiaries, based on a disability, shall be:

- A. considered to be an individual with a significant disability;
- B. presumed to be eligible for vocational rehabilitation services, provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, unless the VR counselor can demonstrate, by clear and convincing evidence, that the individual is incapable of benefiting due to the severity of the disability of the individual. A dated application or a dated document requesting services is sufficient evidence of the individual's intent to achieve an employment outcome and no additional tests or procedures shall be used to assess this intent.
- C. If an applicant for vocational rehabilitation services states that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and therefore is presumed eligible for vocational rehabilitation services), but is unable to provide evidence, such as an award letter, to support that assertion, the VR counselor must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the VR counselor to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services.

7. Use of Existing Information

To the maximum extent appropriate, the eligibility determination shall be based on existing and current information, including information available from other programs and providers, particularly information from schools and Social Security Administration, and information provided by the individual and the family.

8. Ineligibility

In all cases where the counselor determines that an applicant for, or recipient of, vocational rehabilitation services does not meet the requirements for eligibility, the case record must include a certification of ineligibility, dated and signed by the counselor, which documents the reasons for the ineligibility determination. Ineligibility decisions concerning the severity of a disability must be based on clear and convincing evidence, and require the counselor to explore the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences. (See Section 10)

SECTION 5. ORDER OF SELECTION

1. If services cannot be provided to all eligible individuals who apply, the Director of DVR will implement an Order of Selection as set forth in this section. After determining eligibility, counselors must assign a priority category and follow the Order of Selection set forth below for the provision of services. Individuals who's IPE has been developed and signed prior to the date of implementation of the Order of Selection will continue to receive cost services. Maine DVR will notify all eligible individuals of the priority categories in the Order of Selection. Eligible individuals in priority categories not currently being served will be notified in writing of their assignment to a particular category and their right to appeal their category assignment.
2. The priority category shall be assigned, based on their level of significance of disability; "Level of significance of disability" means one the following: Priority Category # 1, "most significantly disabled"; Priority Category # 2, "significantly disabled"; or Priority Category # 3, "disabled" as set forth below.
3. Individuals with disabilities shall be served first based on significance of disability and second by date of application in the following priority order:
 - A. Priority Category # 1, "Most significantly disabled" means an eligible individual who meets the following criteria:
 - (1) who has a serious limitation in terms of an employment outcome in four or more functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, cognition and learning (self- direction), or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in order for the individual to work or be a fully functioning member of the community; and
 - (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services, meaning two or more core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; and
 - (3) whose vocational rehabilitation can be expected to require an extended period of time.
 - B. Priority Category # 2, "Significantly disabled" means an eligible individual who meets the following criteria:
 - (1) who has a serious limitation in terms of an employment outcome in at least two or three functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, cognition and learning (self- direction), or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in order for the individual to work or be a fully functioning member of the community; and

- (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services, meaning two or more core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; and
- (3) whose vocational rehabilitation can be expected to require an extended period of time; and
- (4) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, acquired traumatic brain injury, heart disease, hemiplegia, hemophilia, HIV infection, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

C. Priority Category # 3, "Disabled" means an eligible individual who has;

- (1) a serious limitation in terms of an employment outcome in 1 or more functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, cognition and learning (self-direction), or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in order for the individual to work or be a fully functioning member of the community; and:
- (2) whose vocational rehabilitation may or may not require multiple core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; or
- (3) whose vocational rehabilitation may or may not require an extended period of time.

4. Individuals Not Meeting the Order of Selection Criteria

Eligible individuals who do not meet the Order of Selection category currently being served will have access to services through information and referral. Individuals will be provided vocational rehabilitation counseling and guidance to assist such individuals in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to other programs, including other components of the statewide workforce investment system.

SECTION 6. COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS

For individuals who have been determined eligible for DVR services or for trial work experiences, a comprehensive assessment of rehabilitation needs shall be conducted to determine the goals, objectives, nature and scope of vocational services to be included in the Individualized Plan for Employment. To the extent that additional data is necessary, the comprehensive assessment will include an assessment of the unique strengths, resources, priorities, interests, and needs, including the need for supported-employment services, in the most integrated setting possible, consistent with the informed choice of the individual. The comprehensive assessment will be limited to information that is necessary to identify the rehabilitation needs of the individual and to develop an Individualized Plan for Employment.

1. The comprehensive assessment will use, as a primary source of information, to the maximum extent possible and appropriate, and in accordance with confidentiality requirements, the following:
 - A. existing information;
 - B. information provided by the individual and, where appropriate, by the family of the individual.
2. The comprehensive assessment may include, to the degree needed to make a determination of vocational needs and develop an IPE, an assessment of the following:
 - A. personality;
 - B. career interest;
 - C. interpersonal skills;
 - D. intelligence and related functional capacities;
 - E. educational achievements;
 - F. work experience;
 - G. vocational aptitudes;
 - H. personal and social adjustment;
 - I. employment opportunities available to the individual;
 - J. medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
 - K. an appraisal of the patterns of work behavior and services needed to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavioral patterns necessary for successful job performance,

including situational assessments to assess and develop the capacities of the individual to perform adequately in the work environment;

- L. the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice through provision of rehabilitation technology services.

SECTION 7. INDIVIDUALIZED PLAN FOR EMPLOYMENT**1. An Individualized Plan for Employment (IPE)**

The IPE shall be agreed upon, and signed by the individual with a disability, and, as appropriate, a parent, family member, guardian, advocate or authorized representative and the DVR Counselor within a counseling and guidance relationship. The IPE shall be designed to achieve an employment outcome of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice of the individual. The case record must support the selection of the vocational goal. Counselors shall provide a copy of the IPE, and any amendments, to the eligible individual. VR goods and services may only be provided in accordance with the IPE. The IPE is not a legal contract between Maine DVR and the eligible individual. Individuals will receive written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program during IPE development, and whenever VR services are denied, reduced, suspended or terminated.

2. Standards for Development and Review of the IPE

The IPE will be developed within six (6) months after the eligibility determination, unless there are extenuating circumstances based upon client need. If there is a waiting list, the IPE will be developed within (6) months from the date the individual comes off the waiting list. The IPE will be reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual, or as appropriate, the individual's representative to assess the individual's progress in achieving the identified employment outcome.

3. Options for Developing an Individualized Plan for Employment

The eligible individual, or the individual's representative, will be provided information on the individual's options for developing an Individualized Plan for Employment. Maine DVR will not pay for an agency, or a representative, to develop an IPE. The options for developing all or part of the Individualized Plan for Employment include the following:

- A. with assistance from a DVR vocational rehabilitation counselor, to the extent determined to be appropriate by the individual;
- B. with technical assistance from the DVR Program, or other representatives selected by the individual; or
- C. the individual alone without assistance.

4. Required Components of an Individualized Plan for Employment

Regardless of the approach selected by an individual to develop an IPE, the IPE shall include the following:

- A. specific vocational goal, which must be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and must be in an integrated setting;
- B. a description of the specific vocational rehabilitation services that are:

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- (1) needed to achieve the vocational goal, including, as appropriate, the provision of assistive technology services, and personal assistance services, including training in the management of such services; and
 - (2) provided in the most integrated setting that is appropriate for the service involved, and is consistent with the informed choice of the eligible individual;
- C. timelines for the achievement of the employment outcome, and for the initiation of the services;
- D. A description of the entity chosen by the individual, or as appropriate, the individual's representative that will provide the vocational rehabilitation services, and the methods used to procure such services;
- E. description of the criteria to evaluate the progress towards achievement of the employment outcome;
- F. The terms and conditions of the IPE, including, as appropriate, information describing:
- (1) the responsibilities of DVR;
 - (2) the responsibilities that the eligible individual will assume in relation to the vocational goal;
 - (3) the responsibility of the individual with regard to applying for and securing comparable benefits.
- G. For individual's for whom an employment outcome in a supported-employment setting has been determined to be appropriate, information identifying:
- (1) the extended services needed by the eligible individual after closure;
 - (2) the source of extended services, or to the extent that the source of extended services cannot be identified at the time of the development of the IPE, a description of the basis for concluding that there is a reasonable expectation that such source will become available
- H. As determined to be necessary, a statement of projected need for post employment services;
- I. An assurance that the eligible individual has been informed of his/her rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of the rehabilitation determination, as described in Section 3, Maine DVR Appeals Process; and assurance that the eligible individual has been provided a detailed explanation of the availability of the resources within a Client Assistance Program.

SECTION 8. COMPARABLE SERVICES AND BENEFITS AND THE PARTICIPATION BY INDIVIDUALS WITH DISABILITIES IN THE COST OF DVR SERVICES

1. If an eligible individual wishes to financially participate in a service consistent with the IPE, it will be documented in the IPE.
2. If comparable services and benefits are available to the eligible individual, they must be utilized to meet, in whole or part, the cost of vocational rehabilitation services. If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IPE, DVR shall provide vocational rehabilitation services until those comparable services and benefits become available. The utilization of comparable services and benefits do not apply in the following situations:
 - A. if the determination of the availability would delay the provision of vocational rehabilitation to any eligible individual who is at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional;
 - B. if an immediate job placement would be lost due to a delay in the provision of comparable benefits.
3. The following categories of service are excepted from a determination of the availability of comparable services and benefits:
 - A. assessment for determining eligibility, priority for services, and vocational rehabilitation needs;
 - B. vocational rehabilitation counseling, guidance, and referral services;
 - C. vocational and other training services that are not provided in a post-secondary institution;
 - D. awards and scholarships based on merit;
 - E. rehabilitation technology services;
 - F. placement services;
 - G. post-employment services that would be included under (a) – (f) above.

SECTION 9. VOCATIONAL REHABILITATION SERVICES

Maine DVR will provide, as appropriate to the vocational rehabilitation needs of each eligible individual, and consistent with each individual's informed choice, any goods or services determined necessary for the individual to achieve an employment outcome and are documented in an IPE or are necessary as part of the comprehensive assessment of rehabilitation needs. Services that are of sufficient quality will be provided, as cost effectively as possible. Core services are defined as all services included in 9.1 to 9.14, but are not limited to:

1. An assessment for determining eligibility, priority for services, and for determining vocational rehabilitation needs;
2. Vocational rehabilitation counseling and guidance and job related services, including job search and placement assistance, job coaching, job retention services, follow-up services, and follow-along services.
3. Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies, and to advise those individuals about the Client Assistance Program,
4. Physical and mental restoration services necessary to correct, or to substantially modify, a physical or mental condition of an individual that is stable or slowly progressive. In the purchase of medical goods or services, Maine DVR uses the prevailing Maine Medicaid Assistance fee schedule, except for certain diagnostic services.
5. Home modification services, which may include those adaptive devices and structural changes necessary for the eligible to function independently, in order to achieve a vocational goal. Funds for home modifications may not be applied to the purchase or construction of a new residence. The DVR expenditure limit is \$10,000 for homes owned by an individual and/or family, or \$5000 for a rental property. Exceptions to the financial limit for home modifications are allowable if individual client needs cannot be addressed within the specified financial limit.
6. Post-Secondary, Vocational and Occupational Training Services;
 - A. Degree-Granting programs: Post-secondary training is that training offered by accredited institutions which qualify for federal financial student aid; and, is provided only when necessary to achieve an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.
 - (1) Financial Considerations
 - (a) Maine DVR's contribution will be based upon the degree granting institution's Financial Aid Office (FAO) needs analysis, and the Vocational Rehabilitation Counselor's examination of actual costs and disability related expenses. DVR's contribution toward post-secondary training may not be provided unless maximum efforts have been made to secure assistance in whole, or in part, from the Federal Financial Student Aid Program and other sources. DVR's current Cooperative Agreement with the

Maine Association of Student Financial Aid Administrators governs the coordination of financial assistance between educational institutions and DVR. Note: In order to receive Federal Financial Aid, an individual must not owe a refund on grants previously received or be in default on student loans. An individual must make a reasonable effort to resolve grant awards and student loans in default prior to obligation of DVR funds. When an individual owes a refund on a previous grant award or has a student loan in default, has limited or no financial resources, has made a reasonable repayment effort, and still fails to reach an agreement with the lender/grantor, it may be reasonable to conclude that maximum effort has been made to secure grant assistance.

- (b) Students are encouraged to make their own choice of educational institutions that have both the academic programs and disability related supports needed to help them reach the vocational goal in their IPE, whether they are public or private or in-state or out of state institutions. DVR will provide funding in a cost effective manner ensuring sufficient quality to meet the student's needs. However, the maximum Maine DVR contribution will not exceed the current rate for tuition, fees, on-campus room and board, and related expenses at the Community College Program minus Pell Grant and expected student and family contribution for the first two (2) years or equivalent credit hours; except when the individual's disability related needs and/or vocational goal can be met only by a more costly available post-secondary vocational training opportunity. For students pursuing a Bachelors degree the remaining course work will be funded up to the University of Maine current rate for tuition, fees, on-campus room and board, and related expenses minus Pell Grant and expected student and family contribution.
- (c) Maine DVR's contribution may not exceed the maximum DVR determined contribution of actual costs plus disability related expenses. Disability related expenses are defined as specific assistive technology, or other disability related goods and services that are required to accommodate the individual with disabilities while in attendance at, living on campus, and/or commuting to the post secondary institution. The responsibility for reasonable accommodations for DVR clients attending postsecondary training is specified in the current Memorandum of Understanding with the University of Maine System and the Maine Community College System.
- (d) DVR's contribution can not replace the Parent/Student contribution.
- (e) When appropriate, Maine DVR shall encourage individuals with disabilities to participate in the cost of attendance through the use of college work study and/or student loans. However,

individual DVR clients will not be required to accept student loan and/or college work study. If the student accepts a student loan, VR will not replace or offset the loan through contributions towards the cost of post secondary training.

- (2) Academic Requirements
 - (a) Students must demonstrate academic progress (successfully completing a course load of at least six (6) credit hours per semester), maintain eligibility for Financial Aid, and continue to make progress toward meeting the employment outcome goal written in the IPE. Note: If an individual encounters unforeseen or disability related circumstances that interfere with meeting the minimum course load requirements, DVR may continue sponsorship of the student who takes one course during that semester, however, VR will not support a reduced course load beyond 2 consecutive semesters.
 - (b) If the individual is placed on academic probation, he/she has one grading period in which to attain good standing. Maine DVR sponsorship will terminate after that grading period unless the client achieves good standing.
- (3) DVR will provide post-secondary education services beyond the baccalaureate level only when:
 - (a) The individual requires advanced training to enter employment within the agreed upon profession in the IPE which is consistent with the individuals strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice, and;
 - (b) The individual is unable to function in an appropriate career position while simultaneously completing an advance degree due to limitations related to their disabilities, and;
 - (c) Funding levels for tuition and other direct school cost will be limited to levels equal to the University of Maine Graduate rates.

B. Certification and Occupational Training

This is skill and occupational-specific training offered by a qualified training program.

- (1) DVR reserves the right to use programs that meet state or national certification requirements.
- (2) The skills training must provide documentation of competency at the completion of the program.
- (3) Certification and Occupational Training is provided only when necessary to achieve an employment outcome in an integrated setting consistent

with the individual's strengths, resources, priorities, concerns, abilities, capabilities, informed choice, and written in the IPE.

- (4) All DVR sponsored participants must apply for Federal Financial Student Aid whenever it is available
- (5) Requirements specified in 9.6.1 for disability related expenses, choice of institutions, part-time students and academic progress also apply in this section.

C. On-the-job training: This is training completed at the place of employment where the individual with a disability is trained to complete the specific functions of the job during a predefined time period. Specific costs are negotiated with the employer and may include job specific classroom training, wage reimbursement for a specific period of time, equipment and/or job related material purchase and other negotiated expenses directly related to the job.

On-the-job training requires a written agreement among the client, counselor, and employer, which states the hourly wage, responsibility for Workers' Compensation coverage, and any other conditions of employment. When an eligible individual is receiving on-the-job training, the conditions of training, certification and wage payment must comply with applicable State and Federal wage and hour laws.

- 7. Interpreter services and note-taking services for individuals who are deaf, including tactile interpreting for individuals who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for individuals who are blind; telecommunications, sensory and other technological aids and devices.
- 8. Occupational licenses, tools, equipment, initial stocks and supplies necessary in order to enter an occupation. Maine DVR will not purchase land or buildings for individuals with disabilities. Maine DVR retains the right to reclaim occupational tools and equipment purchased by the agency in instances when the individual's IPE is not completed, the vocational goal is changed resulting in purchased tools and equipment not being needed and/or the case is closed "Not Rehabilitated"
- 9. Self Employment: DVR will assist the person, as needed, in the development of a business plan and in the process of securing loans and other financial resources for the development of a business of which the individual will operate and own at least 51%. Hence, non-profit ventures are not considered self-employment and can not be supported by this policy. Persons with a self-employment objective are expected to pursue resources to finance the start-up of their business. The DVR expenditure limit is \$7,500 for self-sufficient business that will generate income for the individual at a sufficient level that the individual needs no supplemental income from any public source, such as SSI, SSDI, TANF, etc, and \$2,500 for self-employment with income projected at a lesser level that will allow the continuance of public benefits. DVR will not expend funds to support hobbies, which are defined as activities carried on with no intent to make a profit. Exceptions to the financial limit for self-employment are allowable if an individual client's disability related needs cannot be addressed within the specified financial limit.

- A. Every VR client that intends to pursue self-employment is required to attend self-employment orientation, and complete a comprehensive business plan, utilizing technical assistance as needed and as defined in guidance.
 - B. The VR Counselor will base support of the plan based on the careful review of considerations of the VR approved business consultant's appraisal of viability and recommendations, which is a requirement for all self-sufficiency plans.
 - C. Costs incurred in training of the client or in the development and review of the business plan should not be included in the maximum expenditure limit. Before VR funds are expended on implementing the business plan, individuals will be expected to contribute to their self-employment venture in the form of cash, loans, grants, materials, or in-kind labor. The DVR Counselor and/or business consultant will assist individuals in exploring and applying for these additional resources.
 - D. For plans that are expected to provide self-sufficiency, consumers must have a good record of credit, or exhibit a pattern of managing existing debt.
 - E. Maine DVR retains the right to reclaim occupational tools and equipment purchased by the agency in instances when the individual's IPE is not completed, the vocational goal is changed resulting in purchased tools and equipment not being needed and/or the case is closed "Not Rehabilitated"
10. Time-limited ongoing support services for persons with a vocational objective of supported-employment. For clients with the most significant disabilities who require job site training and a variety of ongoing support services, supported-employment services may be provided.
- A. Supported-employment is defined as follows:
 - (1) Competitive work in an integrated work setting, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for individuals with the most significant disabilities for whom competitive employment:
 - (a) has not traditionally occurred, or;
 - (b) has been interrupted or intermittent as a result of significant disability; and;
 - (c) because of the nature and severity of their disability, needs intensive supported-employment services or extended services in order to be gainfully employed' or;
 - (d) transitional employment for individuals with chronic mental illness.
 - B. The maximum time period for DVR time-limited services is eighteen (18) months, unless the IPE indicates that more than eighteen (18) months of services

are necessary in order for the individual to achieve job stability prior to transition to extended services

11. **Post-Employment Services:** An eligible individual who was determined rehabilitated may receive services necessary to assist that individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Post-employment services require an amendment to the IPE. Post-employment services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and thus, are limited in scope of two or less services and duration of six months or less. If more comprehensive services are required, and/or there is a new disabling condition and/or it has been longer than three-years since the case was closed successfully, then a new application for DVR services should be completed.
 - A. Support services will be provided only to support core services.
 - B. Services with the goal of advancement should be provided only if the disabling condition is a barrier to advancement. *Services must be necessary to overcome disability related barriers to employment.*
12. Rehabilitation technology services may be provided to meet the needs, and address the barriers confronted by individuals with disabilities necessary to achieve an employment outcome in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.

Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility, vocational rehabilitation needs, trial work experiences, services provided under an IPE, annual reviews of ineligibility decisions, annual reviews of extended employment in rehabilitation facilities, and post-employment services. Rehabilitation technology services include vehicle modifications, telecommunications, sensory, and other technological aids and devices.

The recommended expenditure limit for vehicle modifications is \$12,000. Exceptions to the financial limit for vehicle modifications are allowable if individual client needs cannot be addressed within the specified financial limit.

13. Transition services are a coordinated set of activities to achieve an employment outcome. These services promote the movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported-employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and include, as appropriate, instruction, community experience, the development of employment and other post-school adult objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

DVR will assist in transition planning and in the development of student's individualized education plan. For students eligible for services with an agreed upon vocational goal, DVR is expected to develop an Individualized Plan for Employment before the student

leaves the school setting. In providing transition services, DVR will facilitate the use of community-based services to the extent they are available and appropriate. Services will be provided in the most cost effective manner.

14. Other goods and services determined necessary for the individual to achieve an employment outcome.
15. Support Services

Note: Support Services are only to be provided so the client can derive benefit from other core VR Services that are included the IPE or comprehensive assessment of rehabilitation needs.

- A. Maintenance for additional expenses, such as food, shelter, and clothing that are in excess of usual expenses of the individual and that are necessitated by the individual's participation in a rehabilitation program. Before providing these services with VR funds, the VRC will determine the most cost effective option available and that all other resources have been utilized.
- B. Transportation:
 - (1) Transportation including travel, and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service and achieve an employment outcome in the most cost effective means possible.
 - (2) Transportation services (that address ongoing transportation needs) will be provided in an Individualized Employment Plan only where there is an indication that there is an ability to sustain transportation after closure.
 - (3) Method of Reimbursement: Cost associated with transportation will be reimbursed based on actual costs necessary to participate in the VR planned services. When using personal automobiles this may include gas, and tolls, parking and other costs such as insurance and registration, which are mutually agreed upon and preauthorized by the VRC. Where transportation is financed by the VR, the agency will only pay at a rate and frequency as mutually agreed upon and preauthorized.
 - (4) Repair: VRC is authorized to consult with a certified mechanic for an overview and advise on the value of the car and the cost/benefit of repairing a vehicle. VR will not pay for repairs that exceed the value of the vehicle.
 - (5) Purchase of Vehicle: Maine DVR will not assist in the purchase of a vehicle unless it is the most cost effective option available and all other resources have been utilized. Any vehicle purchased with VR assistance will have a current State of Maine inspection sticker.
- C. Services to an applicant's/client's family members when those services are necessary to the vocational rehabilitation of the eligible individual;

- D. Personal assistance services necessary to achieve an employment outcome provided while an individual with a disability is receiving DVR services.

SECTION 10. CLOSURE

The counselor shall close an individual's case record at any time in the DVR process when it is determined that the individual is no longer eligible, is unavailable for diagnostic or planned services, chooses not to participate, or is rehabilitated.

1. Ineligibility

- A. The person has no disability or substantial impediment to employment, or the individual does not require DVR services to achieve an employment outcome, or is unwilling to consider employment in an integrated setting.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;
- (2) Written notification of closure decision;
 - (a) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;
 - (b) IPE amendment, if appropriate;
 - (c) Certification of ineligibility in case record that documents the reasons for closure and is dated and signed by the counselor;
 - (d) Referral to other agencies and community rehabilitation programs, as appropriate.

- B. There is clear and convincing evidence after trial work experiences or after a period of service provision under an IPE that the individual with a disability is incapable of benefiting from DVR services in terms of achieving an employment outcome in an integrated setting for which an individual is compensated at or above minimum wage.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;
- (2) Written notification of closure decision;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;

- (4) IPE amendment, if appropriate;
- (5) Review of the ineligibility determination within twelve (12) months. A review is not required in situations where the individual refuses it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive;
- (6) Certification of ineligibility in the case record that documents the reasons for closure and is dated and signed by the counselor.
- (7) Referral to other agencies and community rehabilitation programs, as appropriate.

2. Closure for Reasons other than Ineligibility

A. Individual is Unavailable

The counselor may close a case when an individual is unavailable during an extended period of time for an assessment for determining eligibility and vocational rehabilitation needs, or to participate in planned vocational rehabilitation services, and the counselor has made repeated efforts to contact the individual and to encourage the individual's participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

B. Individual Refuses to Cooperate or Participate

The counselor may close an applicant or eligible client when there is sufficient evidence to conclude that the individual refuses to cooperate or to participate in an assessment for determining eligibility and rehabilitation needs or planned services that can be demonstrated to be critical to success after reasonable efforts have been made to encourage cooperation or participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of

- (4) the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (5) IPE amendment, when appropriate.

C. Individual needs supported-employment and extended support services are not available:

The counselor may close an applicant or eligible client who needs extended supports to become competitively employed, when it becomes apparent that extended supports will not be available. All options such as agency funding from Department of Behavioral and Developmental Services, The Bureau of Rehabilitation Services' Basic or Brain Injury Extended Support Programs, natural supports, etc., must be first explored.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

D. Periodic Review of Unsuccessful Closures from Extended Employment with Community Rehabilitation Providers and Closures at Less Than Minimum Wage

For all clients closed unsuccessfully in a non integrated extended employment setting or those closed in an integrated setting in which the individual is compensated at less than minimum wage, Maine DVR must conduct an annual review and reevaluation of the status of each individual for two (2) years after closure (and thereafter, if requested by the individual or, if appropriate, the individual's representative) to determine the interests, priorities, and needs of the individual with respect to competitive employment or training in competitive employment. This review must include:

- (1) input from the individual or, if appropriate, the individual's representative, to determine the interests, priorities, and needs of the individual for employment or training for competitive employment in an integrated setting in the labor market;
- (2) make maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to benefit from training in, or to be placed in employment in an integrated setting; and

- (3) provide services designed to promote movement from extended employment to integrated employment, including supported-employment, independent living, and community participation.

3. Closure of Clients Determined to be Rehabilitated

A. In order to determine a client rehabilitated, the case record must document the following:

- (1) the provision of services under the individual's IPE contributed to the achievement of the employment outcome that is described in the individual's IPE;
- (2) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as agreed upon in the individual's IPE;
- (3) the employment outcome is in an integrated setting for which the individual is compensated at or above minimum wage, consistent with the individual's informed choice as agreed upon in the individual's IPE;
- (4) the individual has maintained the employment outcome for at least 90 days; necessary to ensure the stability of the employment outcome and the individual no longer needs vocational rehabilitation services.
- (5) the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job;
- (6) the individual is informed, through appropriate modes of communication, including written notification, of the availability of post-employment services
- (7) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;

B. Closure of Clients in Supported-employment

Clients in supported-employment are determined rehabilitated when the following conditions are met:

- (1) the individual has substantially met the goals and objectives of his/her IPE;
- (2) extended support services are immediately available to preclude any interruption in the provision of the ongoing support needed to maintain employment;

- (3) the individual has maintained employment for at least ninety (90) days after the transition to extended services and earns at least minimum wage in an integrated setting; and
 - (4) for clients closed working in a temporary transitional employment placement (TEP), the extended support services must include continuous job placements until job permanency is achieved.
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EFFECTIVE DATE:

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July 5, 2004 - filing 2004-246

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12 DEPARTMENT OF LABOR

150 DIVISION FOR THE BLIND AND VISUALLY IMPAIRED

**Chapter 101: RULES GOVERNING VOCATIONAL REHABILITATION SERVICES
FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED**

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SECTION 1: PURPOSE AND GENERAL REQUIREMENTS OF THE DIVISION FOR THE BLIND AND VISUALLY IMPAIRED VOCATIONAL REHABILITATION PROGRAM (hereinafter referred to as "DBVI" or the "Division")

All printed information produced by the Division for the Blind and Visually Impaired will be available, upon request, in accessible formats based on the client's documented visual impairment.

The Maine DBVI Vocational Rehabilitation ("VR") program assists eligible individuals who have a visual impairment (and in addition may include physical and/or mental impairment) prepare for and achieve an employment outcome. "Employment outcome" means entering or retaining full-time employment; part-time competitive employment in the integrated labor market (including supported employment); the practice of a profession; self-employment; homemaking; business ownership; farm or family work (including work for which payment is in-kind rather than in cash); home-based employment; or other gainful work. The VR process is based upon an Individualized Plan for Employment (IPE) which is oriented to the achievement of a suitable vocational goal consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Services provided to individuals with visual impairment must be necessary to overcome the vocational impediment and must be provided as cost effectively as possible, and shall be of sufficient quality to meet individual needs. The DBVI VR program is operated in compliance with the federal Rehabilitation Act of 1973, as amended.

1. Eligibility is determined without regard to sex, race, creed, age, color, or national origin. There are no residency requirements, durational or other, which would exclude from services an otherwise eligible individual who is living in the state.
2. Throughout the eligible individual's rehabilitation program, every opportunity will be provided to the individual to make informed choices regarding the rehabilitation process. Documentation of opportunities for making informed choices will be kept in the individual's case record.
3. The VR program shall establish and maintain a case record for each applicant for, and recipient of, vocational rehabilitation services, which include data necessary to comply with VR program and federal Rehabilitation Services Administration requirements.
4. In the purchase of goods or services for persons with visual impairment, counselors shall comply with applicable regulations of the Maine Department of Labor and the Department of Administration and Finance.
 - A. Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral

authorizations are permitted in emergency situations but must be confirmed promptly in writing and forwarded to the provider.

- B. Goods and services will be provided subject to the statewide availability of funds. Goods and services will be explored by the individual with assistance from the DBVI VR counselor and the individual will be involved in the choice of who will provide goods and services. DBVI reserves the right to use community rehabilitation providers who meet state or national accreditation standards.
5. Maine DBVI shall process new referrals in an equitable manner and will attempt to contact the individual within five (5) working days.
6. When appropriate, VR counselors shall provide the referral necessary to support individuals with visual impairment in securing needed services from other agencies and organizations.
7. Each applicant or eligible individual, being provided vocational rehabilitation services, shall be informed of the procedure for requesting a review and a re-determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and of the availability of the Client Assistance Program.

SECTION 2: CONFIDENTIALITY

1. Informed Written Consent

All client/applicant information acquired by the VR program shall remain the property of DBVI and shall only be used and released for purposes directly connected with the administration of the VR program. Use and release of personal information acquired by DBVI VR shall conform with applicable state and federal regulations.

For purposes of this policy, informed written consent shall:

- A. be in language that the individual or his/her representative understands;
- B. be signed and dated by the individual or his/her representative;
- C. be specific in designating DBVI as the agency or person authorized to disclose information;
- D. be specific as to the nature of the information which may be released;

- E. specifically designate the parties to whom the information may be released; and
- F. be specific as to the purpose(s) for which the released information may be used.

2. **Release to Individual with Visual Impairment or His/Her Representative**

Upon informed written consent by the individual or his/her representative, all information in the case record shall be made available in a timely manner, except:

- A. Medical, psychological or other information that DBVI believes may be harmful to the individual. This information may not be released directly to the individual, but shall be provided through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative; and
- B. Information obtained from outside DBVI may be released only under the conditions established by the outside agency, organization or provider.

3. **Release to Other Programs**

Upon informed written consent of the individual with visual impairment or his/her representative, DBVI may release to another agency or organization information that may be released to the individual but only to the extent that the other agency demonstrates that the information is necessary for its program.

- A. DBVI must release personal information, with or without consent of the individual, if required by state or federal law; in response to investigations connected with law enforcement, fraud, or abuse (except where expressly prohibited by federal or state laws or regulations); or in response to an order issued by a judge, magistrate, or other authorized judicial officer.
- B. DBVI may release personal information without informed written consent of the individual in order to protect the individual or others when the individual poses a threat to his/her safety or the safety of others except for HIV test results, which may not be released without informed written consent of the individual with visual impairment.

4. **Release for Audit, Evaluation or Research**

At the discretion of the Division Director, personal information may be released to an organization, agency, or individual engaged in audit, evaluation or research

only for purposes directly connected with the administration of the DBVI VR program, or for purposes which would significantly improve the quality of life for individuals with visual impairment, and only if the organization, agency or individual assures that:

- A. The information will be used only for the purposes for which it is being provided;
 - B. The information will be released only to individuals officially connected with the audit, evaluation or research;
 - C. The information will not be released to the involved individual;
 - D. The information will be managed in a manner to safeguard confidentiality; and
 - E. The final product will not reveal any personal identifying information without the informed written consent of the involved individual, or his/ her representative.
5. **Subpoena for Release of Records or For Testimony**

An employee shall not testify in court or in an administrative hearing, nor release records without the consent of the individual with visual impairment, unless served with an appropriate subpoena and ordered to do so by a judge or hearing officer.

SECTION 3: DBVI - VR APPEALS PROCESS

An applicant for or recipient of vocational rehabilitation services who is dissatisfied with any determination concerning the denial of services may request (or, if appropriate, may request through the individual's representative) a timely review of the determination. DBVI shall make reasonable accommodation to the individual's visual impairment in the conduct of the appeals process. Written notification of appeal rights will be provided to the individual at the time of application, when assigned an order of selection category, when an IPE is developed, and whenever DBVI VR services are reduced, suspended, or terminated. Notification will include the name and address of the person with whom an appeal may be filed and information regarding the Client Assistance Program.

Mediation and/or Due Process Hearings are provided at no cost to the individual; however, costs related to legal representation are not covered by DBVI.

1. **Informal Review**

Whenever possible, DBVI will attempt to resolve conflicts informally prior to Mediation or a Due Process Hearing. An individual may request a meeting with the VR counselor, the appropriate supervisor, and/or a Client Assistance Program representative, if desired, to explore options for resolving any conflicts. An individual may request Mediation or a Due Process Hearing immediately without having to participate in the informal process.

2. **Continuation of Services Pending Appeal**

Pending a final determination following an appeal hearing, the Division may not suspend, reduce, or terminate services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the individual, or the individual's authorized representative requests suspension, reduction or termination of services.

3. **Time Frames**

The formal appeal must take place within (60) sixty days from when the formal request is made to the Director. The time frames listed under Section 4. Mediation and 5. Due Process Hearing may be waived if both parties agree to an extension of time in order to conduct the Mediation or hearing, and render a decision.

4. **Mediation**

- A. Mediation is a voluntary process conducted by a qualified and impartial mediator. At any point during the Mediation process, either party, or the mediator, may elect to terminate the Mediation. Mediation is provided at no cost to the individual, but costs related to legal representation are not covered by DBVI.
- B. An individual must request Mediation within thirty (30) calendar days of the agency notice regarding the provision or denial of services that are in question. The request shall be in writing and shall describe the basis for the grievance. The request should be sent to the Director of DBVI who will immediately forward it to a qualified mediator.
- C. Upon receipt of the request, the mediator will commence a Mediation meeting within fifteen (15) calendar days. The Mediation shall be held at a location that is convenient to the parties to the dispute.
- D. Any agreement reached in the Mediation process shall be set forth in a written Mediation agreement and shall be signed by both parties. Copies of the signed agreement must be sent to both parties.

- E. Discussions that occur during the Mediation process shall be confidential and may not be used as evidence in any subsequent Due Process Hearing.
- F. The individual may be represented at the Mediation, including, but not limited to, representation by the Client Assistance Program.
- G. The Mediation process may not be used to deny or delay the individual's right to pursue resolution of the dispute through a Due Process Hearing within the specified time period.

5. **Due Process Hearing**

- A. A Due Process Hearing is a proceeding whereby an individual who is dissatisfied with any determination concerning the provision or denial of VR services may seek a review of agency action before a hearing officer.
- B. The individual must request Due Process Hearing within thirty (30) calendar days of the agency notice regarding the provision or denial of service
- C. If no request for a Due Process Hearing is made within thirty (30) calendar days, the agency decision becomes final.
- D. The request for Due Process Hearing shall be in writing and shall describe the basis for the grievance. DBVI will accommodate an individual's visual impairment and offer assistance, if appropriate, in this process. The request must be sent to the Director of DBVI who will immediately forward the request to a qualified hearing officer.
- E. The due process hearing shall be conducted within sixty (60) calendar days of receipt of the request for a Due Process Hearing.
- F. A Due Process Hearing shall be conducted by an impartial hearing officer assigned on a random basis from the pool of qualified persons identified jointly by the Director of DBVI and the State Rehabilitation Council of DBVI.
- G. The DBVI VR program may not deny or dismiss a request for Due Process Hearing unless the individual or his/her representative:
 - (1) withdraws the request in writing; or
 - (2) is adjudged by the hearing officer to be in default for failure to appear at the hearing without good cause.
- H. The Due Process Hearing shall be conducted and will include an opportunity for the individual or the individual's representative to present

witnesses and relevant evidence. A decision will be issued in accordance with The Maine Administrative Procedure Act.

- I. The Due Process Hearing officer shall issue a written decision containing findings and grounds for the decision within thirty (30) days of the completion of the hearing.
- J. The hearing officer's decision becomes final unless one of the parties requests a Civil Action.

6. Civil Action

Any party who disagrees with the decision resulting from the Due Process Hearing has the right to file a petition in Superior Court under Rule 80C of the Maine Rules of Civil Procedure.

SECTION 4: APPLICATION AND ELIGIBILITY

1. Application for DBVI VR Services

An applicant is anyone who signs a dated application or dated document requesting services. Any individual who applies for services shall undergo an assessment for determining eligibility, with the individual being notified in writing of the results. Applicants shall receive written notification of appeals rights along with the determination, including the name and address of the person with whom an appeal may be filed and availability of the Client Assistance Program.

2. Eligibility Criteria

An individual is eligible for DBVI VR if the individual:

- A. has a significant visual impairment, which for the individual constitutes or results in a substantial impediment to employment; and
- B. requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

3. Presumption of Benefit

It shall be presumed that the individual can benefit in terms of an employment outcome from vocational rehabilitation services, unless the DBVI VR counselor can demonstrate by clear and convincing evidence that such individual is

incapable of benefiting from vocational rehabilitation services due to the severity of the visual impairment of the individual.

4. **Timeframe for Making an Eligibility Determination**

Eligibility for DBVI VR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services has been received unless the applicant is notified in writing of the following:

- A. That exceptional and unforeseen circumstances beyond the control of the VR counselor preclude the counselor from completing the determination within the prescribed timeframe and the applicant agrees that a specific extension of time is warranted.
- B. That trial work experiences are necessary to determine if the individual is capable of benefiting from vocational rehabilitation services in terms of an employment outcome.

5. **Trial Work Experiences**

Before making a determination that an individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services, the DBVI VR counselor shall explore the individual's abilities, capabilities, and capacity to perform in realistic work situations, through a written plan of trial work experiences with appropriate supports provided, except under limited circumstances when an individual cannot take advantage of such experiences. Trial work experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services due to the severity of the visual impairment of the individual.

6. **Presumption of Eligibility**

Individuals who are SSI recipients or SSDI beneficiaries based on a visual impairment shall be:

- A. Considered to be an individual with a significant visual impairment;
- B. Presumed to be eligible for vocational rehabilitation services provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual unless the VR counselor can demonstrate by clear and convincing evidence that the individual is incapable of benefiting due to the severity of the visual impairment of the individual. The individual's completion of the application process is sufficient evidence

of the individual's intent to achieve an employment outcome, and no additional tests or procedures shall be used to assess this intent.

- C. If an applicant for vocational rehabilitation services states that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and therefore is presumed eligible for vocational rehabilitation services), but is unable to provide evidence, such as an award letter, to support that assertion, the VR counselor must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the VR counselor to determine the applicant's eligibility for vocational rehabilitation services within sixty (60) days of the individual submitting an application for services.

7. Use of Existing Information

To the maximum extent appropriate, the eligibility determination shall be based on existing and current information, including information available from other programs and providers, particularly information from schools and the Social Security Administration, and information provided by the individual and the family.

8. Ineligibility

In all cases where the VR counselor determines that an applicant for or recipient of vocational rehabilitation services does not meet the requirements for eligibility, the case record must include a certification of ineligibility, dated and signed by the counselor, which documents the reasons for the ineligibility determination. In cases where ineligibility is based on the individual being too severely disabled, the decision must be based on clear and convincing evidence and require the counselor to explore the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences. (See Section 10).

SECTION 5: COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS

For individuals who have been determined eligible for DBVI VR services, a Comprehensive Assessment of Rehabilitation Needs (CARN) shall be conducted to determine the goals, objectives, nature and scope of vocational services to be included in the IPE. To the extent that additional data is necessary, the CARN may include trial work experiences and assessment of the unique strengths, resources, priorities, interests, and needs, including the need for supported employment services, in the most integrated setting possible, consistent with the informed choice of the individual. The Comprehensive Assessment of Rehabilitation Need will be limited to information that is necessary to identify the rehabilitation needs of the individual and to develop an IPE.

1. **Sources of Information**

The CARN will use, as a primary source of information, to the maximum extent possible and appropriate, and in accordance with confidentiality requirements, the following:

- A. existing information;
- B. information provided by the individual and, where appropriate, by the family of the individual.

2. **Elements of a CARN**

The CARN may include, to the degree needed to make a determination of vocational needs and develop an IPE, an assessment of the following:

- A. personality;
- B. career interest;
- C. interpersonal skills;
- D. intelligence and related functional capacities;
- E. educational achievements;
- F. work experience;
- G. vocational aptitudes;
- H. personal and social adjustment;
- I. employment opportunities available to the individual;
- J. medical, psychiatric, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
- K. an appraisal of the patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavioral patterns necessary for successful job performance, including trial work assessments to assess and develop the capacities of the individual to perform adequately in the work environment;
- L. the individual's capacity to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with

the individual's informed choice through provision of rehabilitation technology services; and

- M. an appraisal of the person's blindness-specific skills related to competent and independent functioning.

SECTION 6: ORDER OF SELECTION

If services cannot be provided to all eligible individuals who apply, Order of Selection procedures must be implemented. After determining eligibility, counselors must assign a priority category and follow the Order of Selection for provision of services. Individuals whose IPE has been developed and signed prior to the date of implementation of the Order of Selection will continue to receive cost services. DBVI will notify all eligible individuals of the priority categories in the Order of Selection. DBVI will also inform the individual of his/her right to appeal any decision. Such appeal must be in writing. Eligible individuals in priority categories not currently being served will be notified in writing of their assignment to a particular category and their right to appeal their category assignment.

1. Criteria for Assignment of Priority Category

Individuals with disabilities shall be served by date of application in the following priority order:

- A. An individual with the most significant visual impairment is an individual:
 - (1) whose visual impairment is of a permanent, chronic or cyclical nature; and
 - (2) who has a significant visual impairment (and in addition may include physical and/or mental impairment) that seriously limits two or more functional capacities (mobility, communication, self care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome; and
 - (3) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.
- B. An individual with a significant visual impairment is an individual:
 - (1) whose visual impairment is of a permanent, chronic, or cyclical nature, and
 - (2) who has significant visual impairment that limits one functional capacity (mobility, communication, self-care, self-direction,

interpersonal skills, work tolerance, or work skills) in terms of employment outcome; and

- (3) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

2. **Individuals Not Meeting the Order of Selection Criteria**

Eligible individuals who do not meet the Order of Selection category currently being served will have access to services through information and referral. Individuals will be provided vocational rehabilitation counseling and guidance to assist such individuals in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to other programs, including other components of the statewide workforce investment system.

SECTION 7: INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

1. **Elements of an IPE**

An Individualized Plan for Employment (IPE) shall be agreed upon and signed by the individual with a visual impairment and, as appropriate, a parent, family member, guardian, advocate or authorized representative and the DBVI VR counselor within a counseling and guidance relationship. The IPE shall be designed to achieve an employment outcome for the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capacities, career interests and informed choice of the individual. The case record must support the selection of the vocational goal. DBVI VR counselors shall provide a copy of the IPE and any amendments to the eligible individual. DBVI VR goods and services may only be provided in accordance with the IPE. The IPE is not a legal contract between the DBVI VR program and the eligible individual. Individuals shall receive written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program during IPE development and whenever DBVI VR services are reduced, suspended, or terminated.

2. **Standards for Development and Review of the IPE**

The IPE will be developed within six (6) months after the eligibility determination, unless there are extenuating circumstances based upon client need. If there is a waiting list, the IPE will be developed within six (6) months from the date the individual comes off the waiting list. The IPE will be reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual, or if appropriate, the individual's representative, to assess the individual's progress in achieving the identified employment outcome.

3. **Options for Developing an IPE**

The eligible individual, and the individual's representative, will be provided information on the individual's options for developing the IPE. DBVI will not pay for an agency or a representative to develop an IPE. The options for developing all or part of the IPE include the following:

- A. With assistance from a DBVI VR counselor, to the extent determined to be appropriate by the individual;
- B. With technical assistance from the DBVI VR Program or other representatives selected by the individual; or
- C. The individual alone without assistance.

4. **Required Components of an IPE**

Regardless of the approach selected by an eligible individual to develop an IPE, the IPE shall include the following:

- A. A specific vocational goal, which must be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and must be in an integrated setting.
- B. A description of the specific vocational rehabilitation services that are:
 - (1) needed to achieve the vocational goal, including, as appropriate, the provision of assistive technology services and personal assistance services, including training in the management of such services; and
 - (2) provided in the most integrated setting that is appropriate for the service involved and consistent with the informed choice of the eligible individual; and
 - (3) timeliness for the achievement of the employment outcome and for the initiation of the services.
- C. A description of the entity chosen by the individual, or as appropriate, the individual's representative that will provide the vocational rehabilitation services, and the methods used to procure such services.
- D. A description of the criteria to be used to evaluate the progress toward achievement of the employment outcome.

- E. The terms and conditions of the IPE, including, as appropriate, information describing:
 - (1) the responsibilities of DBVI;
 - (2) the responsibilities that the eligible individual will assume in relation to the vocational goal; and
 - (3) the responsibility of the individual with regard to applying for and securing comparable benefits.

- F. For individuals for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying:
 - (1) the extended services needed by the eligible individual after closure;
 - (2) the source of extended services or, to the extent that the source of extended services cannot be identified at the time of the development of the IPE, a description of the basis for concluding that there is a reasonable expectation that such source will become available.

- G. If determined to be necessary, a statement of projected need for post-employment services.

- H. An assurance that the eligible individual with disabilities has been informed of his/her rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of the rehabilitation determination, as described in this chapter; and assurance that the eligible individual with disabilities has been provided a detailed explanation of the availability of the resources within the Client Assistance Program.

SECTION 8: COMPARABLE SERVICES AND BENEFITS AND PARTICIPATION BY INDIVIDUALS WITH VISUAL IMPAIRMENT IN THE COST OF VR SERVICES

1. If an eligible individual wishes to financially participate in a service consistent with the IPE, it shall be documented in the IPE.

2. If comparable services and benefits are available to the eligible individual, they must be utilized to meet, in whole or part, the cost of vocational rehabilitation services. If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IPE, DBVI shall provide vocational rehabilitation

services until those comparable services and benefits become available. The utilization of comparable services and benefits do not apply in the following situations:

- A. if the determination of the availability would delay the provision of vocational rehabilitation to any eligible individual with visual impairment who is at extreme medical risk, based upon medical evidence provided by an appropriate qualified medical professional; or
 - B. if an immediate job placement would be lost due to a delay in the provision of comparable benefits.
3. The following categories of service are exempt from a determination of the availability of comparable services and benefits:
- A. assessment for determining eligibility, priority for services, and vocational rehabilitation needs;
 - B. vocational rehabilitation counseling, guidance, and referral services;
 - C. awards and scholarships based on merit;
 - D. rehabilitation technology services;
 - E. placement services;
 - F. post-employment services that would be included under (A) - (E) above.

SECTION 9: VOCATIONAL REHABILITATION SERVICES

DBVI VR will provide, as appropriate to the vocational rehabilitation needs of each eligible individual and consistent with each individual's informed choice, any goods or services determined necessary for the individual to achieve an employment outcome. Services that are of sufficient quality will be provided as cost effectively as possible to meet the individual's needs. Services include, but are not limited to:

1. An assessment for determining eligibility, priority for services and for determining vocational rehabilitation needs.
2. Vocational rehabilitation counseling, guidance, and job-related services, including job search and placement assistance, job coaching, job retention services, follow-up services and follow-along services.

3. Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the Client Assistance Program.
4. Physical and mental restoration services necessary to correct or to substantially modify a physical or mental condition of an individual that is stable or slowly progressive.
5. **Post-Secondary, Vocational and Occupational Training Services**
 - A. **Degree-granting programs;** Post-secondary training is that training offered by accredited institutions which qualify for federal financial student aid and is provided only when necessary to achieve an employment outcome consistent with an individual's strengths, resources, priorities, concerns, abilities, capacities and informed choice, and must be documented in the IPE.
 - (1) Financial Consideration
 - (a) DBVI contribution toward post-secondary training shall not be provided unless maximum efforts have been made to secure assistance in whole, or in part from the Federal Financial Aid Program and other sources. [Note: In order to receive Federal Financial Aid, an individual must not owe a refund on grants previously received or be in default on student loans. An individual must make a reasonable effort to resolve grant awards and student loans in default prior to obligation of DBVI funds. When an individual owes a refund on a previous grant award or has a student loan in default, has limited or no financial resources, has made a reasonable repayment effort, and still fails to reach an agreement with lender/grantor, it may be reasonable to conclude that maximum effort has been made to secure grant assistance.]
 - (b) DBVI contribution will be based upon the degree granting institution's Financial Aid Office (FAO) needs analysis, and the Vocational Rehabilitation Counselor's examination of actual costs and visual impairment related expenses and will not exceed the current rate for tuition, fees and on-campus room and board at the University of Maine. (See exceptions in Section 9.5.A.(1)(a). The current rate will be determined by completing an FAO application from a University of Maine or Maine Community College Financial Aid Office.
 - (c) DBVI funding may not exceed the maximum determined "contribution plus visual impairment related expenses".

Visual impairment related expenses are defined as specific assistive technology or other visual impairment related services that are required to accommodate the individual with visual impairment while in attendance at, living on campus, and/or commuting to the post-secondary institution.

- (d) DBVI's funding cannot replace the Parent/Student contribution.

When appropriate, DBVI shall encourage individuals with visual impairment to participate in the cost of attendance through the use of college work-study and/or a student loan. However, individual clients will not be required to accept student loans and/or work-study.

- (e) Students are encouraged to make their own choice of educational institutions that have both the academic programs and visual impairment related supports needed to help them reach the vocational goal in their IPE, whether they are public or private, in-state or out-of-state institutions. However, the maximum DBVI contribution is limited to an amount defined in Section 9.5.A.(1)(b); except

- (i) when the individual's vocational goal can be met **ONLY** by a more costly post-secondary training opportunity;
- (ii) when no existing in-state program will meet the unique needs of the individual and when the employment outcome goal is unlikely to be met without participation in this post-secondary program;
- (iii) when specialized instructional methods or other reasonable accommodations cannot be met by a qualified public in-state institution.

B. Academic Requirements

- (1) Students must demonstrate academic progress (with a course load of at least six (6) credit hours per semester), maintain eligibility for financial aid, and continue to make progress toward meeting the employment outcome written in the IPE. [Note: If an individual encounters unforeseen or visual impairment related circumstances that interfere with meeting the minimum course load requirements, DBVI may continue sponsorship of the student who takes one course during that semester, however, VR will not support a reduced course load beyond two (2) consecutive semesters.]

- (2) If the individual is placed on academic probation, he/she has one grading period in which to attain good standing. DBVI sponsorship will terminate after that grading period unless the client achieves good standing.
- (3) DBVI will provide post-secondary education services beyond the baccalaureate level only when:
 - (a) The individual requires advanced training to enter employment within the agreed upon profession in the IPE which is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;
 - (b) The individual is unable to function in an appropriate career position while simultaneously completing an advanced degree due to limitations related to his/her disabilities; and
 - (c) Funding levels for tuition and other direct school cost will be limited to levels equal to the University of Maine Graduate rates. (see Section 9.5.A.).

C. **Certification and Occupational Training:** This is skill and occupational specific training that will lead to an employment outcome.

- (1) DBVI reserves the right to use programs that meet state or national certification.
- (2) The skills training must provide documentation of competency at the completion of the program.
- (3) Certification and occupational training are provided only when necessary to achieve an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice as written in the IPE.
- (4) The student must apply for Federal Financial Student Aid and scholarships whenever available.
- (5) Requirements specified in Section 9.5.A. for visual impairment related expenses, choice of institutions, part-time students and academic progress also apply to this section.

- D. **On-the-job training:** When an eligible individual is receiving on-the-job training, the conditions of training, certification and wage payment must comply with applicable State and Federal wage and hour laws. On-the-job training requires a written agreement among the client, VR counselor, and employer which states the hourly wage, responsibility for Workers' Compensation coverage, and any other conditions of employment.
6. Interpreter services and note-taking services for individuals who are deaf, including tactile interpreting for individuals who are deaf-blind; reader services; note-taking services, vision rehabilitation therapy, and orientation and mobility services for individuals who are blind; telecommunications, sensory and other technological aids and devices.
 7. Occupational licenses, tools, equipment, initial stocks and supplies necessary in order to enter an occupation. DBVI will not purchase land or buildings for individuals with visual impairment.
 8. **Self-employment:** DBVI will assist the individual, as needed, in the development of a business plan and in the process of securing loans and other financial resources for the development of a business of which the individual will operate and own at least 51%. Hence, non-profit ventures are not considered self-employed and cannot be supported under this policy. Persons with a self-employment objective are expected to pursue resources to finance the start-up of their business. The DBVI expenditure limit is \$7,500 for self-sufficient business that will generate income for the individual at a sufficient level so that the individual needs no supplemental income from any public source, such as SSI, SSDI, or TANF, and \$2,500 for self-employment with income projected at a lesser level that will allow the continuance of public benefits. DBVI will not expend funds to support hobbies, which are defined as activities carried on with no intent to make a profit. Exceptions to the financial limit from self-employment are allowable if an individual client's visual impairment related needs cannot be addressed within the specified financial limit.
 - A. Every VR client who intends to pursue self-employment is required to attend self-employment orientation and complete a comprehensive business plan, utilizing technical assistance as needed and as defined in guidance.
 - B. Every VR Counselor will base support of the plan on the careful review of considerations of the VR approved business consultant's appraisal of viability and recommendations, which is a requirement for all self-sufficiency plans.
 - C. Cost incurred in training of the client or in the development and review of the business plan shall not be included in the maximum expenditure limit. Before VR funds are expended on implementing the business plan, individuals will be expected to contribute to their self-employment venture

in the form of cash, loans, grants, materials, or in-kind labor. The DBVI VR counselor and/or business consultant shall assist individuals in exploring and applying for these additional resources.

- D. For plans that are expected to provide self-sufficiency, consumers must have a good record of credit or exhibit a pattern of managing existing debt.
- E. DBVI retains the right to reclaim occupational tools and equipment purchased by the agency in instances when the individual's IPE is not completed, the vocational goal is changed, resulting in purchased tools and equipment not being needed, or the case is closed as "Not Rehabilitated".

9. **Time-limited ongoing support services.** For clients with the most significant disabilities who require jobsite training and support, time-limited ongoing support services may be provided.

The maximum time period for DBVI time-limited ongoing support services is eighteen (18) months, unless the IPE indicates that more than eighteen (18) months of services are necessary in order for the individual to achieve job stability prior to transition to an extended support program.

10. **Post-Employment Services:** An individual who is determined rehabilitated may receive services necessary to assist that individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests and informed choice. Post-employment services require an amendment to the IPE. Post-employment services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and thus, are limited in scope of two or less services and duration of no more than a year. If more comprehensive services are required, and/or there is a new disabling condition and/or it has been longer than three-years since the case was closed successfully, then a new application for DBVI services should be considered.
11. Rehabilitation technology services may be provided to meet the needs and address the barriers confronted by individuals with visual impairment in order to achieve an employment outcome in areas which include education, rehabilitation, employment, transportation and independent living. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility, vocational rehabilitation needs, trial work experiences, services provided under an IPE, annual reviews of ineligibility decisions, annual reviews of extended employment in rehabilitation facilities, and post-employment services.
12. Transition services are a coordinated set of activities necessary to achieve an employment outcome. DBVI will assist in transition planning and in the development of the student's Individual Education Plan (IEP). For students

eligible for services with an agreed-upon vocational goal, DBVI is expected to develop an IPE before the student leaves the school setting. Services shall be provided in the most cost-effective manner.

13. Supportive Services May Include

- A. Maintenance for additional expenses, such as food, shelter, and clothing that are in excess of usual expenses of the individual and that are necessitated by the individual's participation in a rehabilitation program;
- B. Transportation, including travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service and achieve an employment outcome by the most cost-effective means possible.
- C. Services to an applicant's/client's family members when those services are necessary to the vocational rehabilitation of the eligible individuals.
- D. Personal assistance services necessary to achieve an employment outcome provided while an individual with a visual impairment is receiving IPE services.

14. Other goods and services determined necessary for the individual to achieve an employment outcome.

SECTION 10: CLOSURE

The counselor shall close an individual's case record at any time in the DBVI VR process when it is determined that the individual is no longer eligible, is unavailable for diagnostic or planned services, chooses not to participate, or is rehabilitated.

1. Ineligibility

- A. The person has no visual impairment or substantial impediment to employment, or the individual does not require DBVI VR services to achieve an employment outcome, or is unwilling to consider employment in an integrated setting.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;

- (2) Written notification of closure decision;
 - (a) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;
 - (b) IPE amendment, if appropriate;
 - (c) Certification of ineligibility in case record that documents the reasons for closure and is dated and signed by the counselor;
 - (d) Referral to other agencies and community rehabilitation programs, as appropriate.
- B. There is clear and convincing evidence after trial work experiences that the individual with a visual impairment is incapable of benefiting from DBVI VR services in terms of achieving an employment outcome in an integrated setting for which an individual is compensated at or above minimum wage.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;
- (2) Written notification of closure decision;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;
- (4) IPE amendment, if appropriate;
- (5) Review of the ineligibility determination within twelve (12) months. A review is not required in situations where the individual refuses it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive;
- (6) Certification of ineligibility in the case record that documents the reasons for closure and is dated and signed by the counselor.
- (7) Referral to other agencies and community rehabilitation programs, as appropriate.

2. **Closure for Reasons other than Ineligibility**

A. **Individual is Unavailable**

The counselor may close a case when an individual is unavailable during an extended period of time for an assessment for determining eligibility and vocational rehabilitation needs, or to participate in planned vocational rehabilitation services, and the counselor has made repeated efforts to contact the individual and to encourage the individual's participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

B. **Individual Refuses to Cooperate or Participate**

The counselor may close an applicant or eligible client when there is sufficient evidence to conclude that the individual refuses to cooperate or to participate in an assessment for determining eligibility and rehabilitation needs or planned services that can be demonstrated to be critical to success after reasonable efforts have been made to encourage cooperation or participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of
- (4) the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (5) IPE amendment, when appropriate.

C. Individual needs supported-employment and extended support services are not available

The counselor may close an applicant or eligible client who needs extended supports to become competitively employed, when it becomes apparent that extended supports will not be available. All options such as agency funding from Department of Behavioral and Developmental Services, The Bureau of Rehabilitation Services' Basic or Brain Injury Extended Support Programs, natural supports, etc., must be first explored.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

3. Closure of Clients Determined to be Rehabilitated

A. In order to determine a client rehabilitated, the case record must document the following:

- (1) the provision of services under the individual's IPE contributed to the achievement of the employment outcome that is described in the individual's IPE;
- (2) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as agreed upon in the individual's IPE;
- (3) the employment outcome is in an integrated setting for which the individual is compensated at or above minimum wage , consistent with the individual's informed choice as agreed upon in the individual's IPE;
- (4) the individual has maintained the employment outcome for at least 90 days; necessary to ensure the stability of the employment outcome and the individual no longer needs vocational rehabilitation services.

- (5) the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job;
- (6) the individual is informed, through appropriate modes of communication, including written notification, of the availability of post-employment services
- (7) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;

4. Closure of Clients in Supported Employment

Clients in supported-employment are determined rehabilitated when the following conditions are met:

- (1) the individual has substantially met the goals and objectives of his/her IPE;
- (2) extended support services are immediately available to preclude any interruption in the provision of the ongoing support needed to maintain employment;
- (3) the individual has maintained employment for at least ninety (90) days after the transition to extended services and earns at least minimum wage in an integrated setting; and
- (4) for clients closed working in a temporary transitional employment placement (TEP), the extended support services must include continuous job placements until job permanency is achieved.

5. Periodic Review of Unsuccessful Closures from Extended Employment with Community Rehabilitation Providers and Closures at Less than Minimum Wage

For all clients closed unsuccessfully in a non integrated extended employment setting or those closed in an integrated setting in which the individual is compensated at less than minimum wage, Maine DBVI must conduct an annual review and reevaluation of the status of each individual for two (2) years after closure (and thereafter, if requested by the individual or, if appropriate, the individual's representative) to determine the interests, priorities, and needs of the individual with respect to competitive employment or training in competitive employment. This review must include:

- (1) input from the individual or, if appropriate, the individual's representative, to determine the interests, priorities, and needs of

the individual for employment or training for competitive employment in an integrated setting in the labor market;

- (2) make maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to benefit from training in, or to be placed in employment in an integrated setting; and
 - (3) provide services designed to promote movement from extended employment to integrated employment, including supported-employment, independent living, and community participation.
-

EFFECTIVE DATE:

September 19, 1994 - Chapter 101, "Vocational Rehabilitation Services for Individuals who are Blind"

EFFECTIVE DATE (ELECTRONIC CONVERSION)

May 19, 1996

MOVED FROM DEPARTMENT OF EDUCATION:

July 1, 1996

NON-SUBSTANTIVE CORRECTIONS: August 19, 1997 - changed references from Education to Labor

REPEALED AND REPLACED:

June 10, 2006 – filing 2006-237, "Rules Governing Vocational Rehabilitation Services for Individuals Who Are Blind or Visually Impaired"

AMENDED:

October 27, 2007 – filing 2007-449

January 15, 2013 – filing 2013-004

MAINE DEPARTMENT OF LABOR
Bureau of Unemployment Compensation

July 16, 2015

Administrative Letter #UC-3664
AMENDED

To: All BUC Staff *PLC*
From: Laura L. Boyett, Bureau Director, Unemployment Compensation
Subject: **AMENDED FEDERAL TAX INFORMATION POLICY**

This Administrative Letter outlines basic procedures and requirements governing the access of Federal Tax Information (FTI). Federal Tax Information is defined as Federal Tax Information received directly from the Internal Revenue Service. Federal Tax Information received from any other source (i.e. the taxpayer) is not considered FTI data for the purposes of this memorandum. This memorandum is not intended to replace or supersede tax disclosure laws as contained in the Internal Revenue Code, Publication 1075, 36 M.R.S.A.

WHO HAS ACCESS TO FEDERAL TAX INFORMATION

A limited number of BUC staff members have access to FTI, which includes 1099 data for QETP, SS-8 data, and tax intercept information from the Treasury Offset Program (TOP). A list of these employees is in the custody of the BUC staff member who has custody of the keys to the secured room. Access to screens that contain TOP information is limited on a need to know basis by roles restriction to only staff that need access to FTI data to perform their daily work.

PRINTING, FAXING, E-MAILING AND PHOTOCOPYING OF FEDERAL TAX INFORMATION

Faxing or e-mailing of FTI are expressly **prohibited**.

Any printed or photocopied FTI must be stored in a secured area or approved container. The only authorized and secured area within the BUC for storing FTI data and materials is the locked FTI room. The bureau has designated certain individuals to have control over keys to the FTI room. The protocols specific to the FTI room are outlined in a separate policy and is pertinent to staff with direct access to the FTI room. Any file containing FTI must be clearly labeled as containing FTI.

PENALTY FOR UNLAWFUL ACCESS OR DISCLOSURE

Unauthorized access occurs when an entity or individual receives or has access to FTI without authority, as defined in IRC 6103. An unauthorized access is willful when it is done voluntarily and intentionally with full knowledge that it is wrong.

- An unauthorized disclosure occurs when an entity or individual with authorization to receive FTI discloses FTI to another entity or individual who does not have authority, as defined in IRC 6103, and a need-to-know.
- Unauthorized disclosure or access is subject to criminal penalties. A taxpayer may also seek civil damages. The penalty for disclosure can be a fine of up to \$5,000 or up to five (5) years in jail, or both, plus the costs of prosecution. The penalty for willful unauthorized access or inspection applies to both paper documents and electronic information. Violators can be subject to a fine of up to \$1,000 and/or sentenced up to one year in jail.

REQUESTING FTI

All individuals requesting FTI must be able to show their need and ultimate use of the FTI they have requested. Most BUC needs for FTI can be satisfied with information contained within the data warehouses. Built-in system audit capability ensures that all viewing of information contained within the data warehouses is traceable and tracked to the requesting individual.

REPORTING IMPROPER INSPECTIONS OR DISCLOSURES OF FTI

Any potential disclosure or improper inspection of FTI data must be reported to the IRS and the Treasury Inspector General for Tax Administration (TIGA) immediately. Any employee who observes or becomes aware of a possible improper inspection or disclosure of FTI, including breaches and security incidents, must immediately notify Kevin Concaugh, BUC's IRS liaison, or in his absence; a bureau senior manager (division director, deputy bureau director or the bureau director), who will contact both the IRS and the Treasury Inspector General for Tax Administration (TIGTA). The appropriate internal investigation will be conducted as necessary by the Office of Human Resources.

cc: Unemployment Insurance Commission
OIT Management

- Rick Hayward
- Greg McNeal
- Dave Poulin
- James Petrie
- Rene LeBlanc
- Paul Sandlin
- Dawnna Pease
- Sharon Horne
- Victor Chakravarty

Department of Labor Reports Due to the Labor, Commerce, Research and Economic Development Committee

Citation-Statute, Law	Description	Due Date	From	To	Frequency
One-Time Reports Due to the Committee					
PL 2013, c. 368, sec. KKKKK-3	<u>InternHelpME.com Website</u> . Report on the number of private and public colleges and universities using the InternHelpME.com website in the prior 2 years, the number of students who have developed their profiles and posted resumes on the website, the number of employers who have used the website and who are interested in providing internship opportunities and the number of internships posted to the website.	1/2/2015	Commissioner of Labor, President, Maine State Chamber of Commerce	LCRED	One-time
PL 2011, c. 643, sec. 13	<u>Independent Contractor Criteria</u> . Report on the review of the implementation of the independent contractor criteria.	2/1/2013 6/2/2014 2/1/2015	Department of Labor	LCRED	Three Times
PL 2011, c. 565, sec. 2	<u>Agricultural Labor Laws</u> . Report on the status of labor relations regarding agricultural employees at egg processing facilities. *May submit legislation 128 1R	1/15/2017	Department of Labor	LCRED	One-time
PL 2013, c. 553, sec. 2	<u>Panel of Mediators</u> : Report on the effect of the increase in compensation to members of the panel, specifically with regard to the impact on recruitment and retention of mediators and the effect on the public sector collective bargaining process as a whole.	12/15/2017	Maine Labor Relations Board	LCRED	One-time
PL 2015, c. 257, sec. 2	<u>Competitive Skills Scholarship Program</u> : Report assessing the status of the inclusion of public secondary school students enrolled in a career and technical education program at a career and technical education center or a career and technical education region in the Competitive Skills Scholarship Program and the effect of this inclusion on the Competitive Skills Scholarship Fund and including any recommended legislation. *May submit legislation 129 1R	1/1/2019	Department of Labor	LCRED	One-time

Department of Labor Reports Due to the Labor, Commerce, Research and Economic Development Committee

Citation-Statute, Law	Description	Due Date	From	To	Frequency
Annual Reports Due to the Committee					
26 § 2025	<u>Workforce investment/non-traditional occupation:</u> Report on nontraditional occupation training including statistics by site or contract on participation; success rate in training and placement, including data on the sex and age of participant and their job title and description, wage at time of placement, and examples of assessment tools developed.	2/1	Department of Labor	LCRED	Annual
26 § 2033, sub-§10	<u>Competitive Skills Scholarship Fund:</u> Report on the status of the fund and on the evaluation data collected and analyzed.	2/1	Department of Labor	LCRED	Annual
39-A §358-A	<u>Worker's compensation:</u> Report on the status and implementation of the workers' compensation system.	2/15	Workers' Compensation Board, Superintendent of Insurance and the Director of the Bureau of Labor Standards	LCRED and IFS	Annual
26 § 690	<u>Employment practices/substance abuse testing:</u> Report includes a list of employers, persons tested for substance abuse, whether employers permit random or arbitrary testing, statistical data relating to the reports received from employers indicating the number of substance abuse tests administered during the previous year and a description of the general scope and practice of workplace substance abuse testing in the State.	3/1	Department of Labor	LCRED	Annual
26 § 3209, sub-§4, par. J (P.L. 2011, c. 491)	<u>Apprenticeship Program:</u> Annual report with the name and location of each sponsor, the number of apprentices registered into and completing the apprenticeship, and the return on investment.	3/1	Maine Apprenticeship Council	LCRED, EDU and Governor	Annual

Department of Labor Reports Due to the Labor, Commerce, Research and Economic Development Committee

Citation-Statute, Law	Description	Due Date	From	To	Frequency
26 §1197, sub-§10	<u>Unemployment compensation:</u> Report on self-employment assistance program including data on the number of individuals participating in the program, business survival data, the number of businesses developed under the program, the cost of operating the program, compliance with the program requirements, data related to business income, the number of employees and wages paid, and the incidence and duration of unemployment after business start-up.	3/1	Commissioner of Labor	LCRED	Annual
26 § 2031, sub-§9	<u>Business assistance:</u> Report on the businesses helped under the Governor's Jobs Initiative Program. Details to include the name and location of the business, number of individuals trained or retrained, the dollar amount expended and if applicable the number of new jobs created.	3/1 as needed	DECD, Department of Labor	LCRED, AFA	As needed
26 §628	<u>Employment practices/wages:</u> Report on progress made in the State of Maine in relation to the equal pay law.	On Equal Pay Day (the first Tuesday in April)	Department of Labor	LCRED	Annual
26 §3101	<u>Workforce investment:</u> Report on activities pursuant to the federal Workforce Investment Act, including funds received, general program, direct training and support services, expenditures and number of participants, and institutions providing education and performance information.	9/1	Department of Labor	LCRED	Annual
PL 2013, c. 335, sec. B-1	<u>Employment First Maine Coalition.</u> Proposed legislation to improve integrated community-based employment and customized employment of persons with disabilities. Legislation may include recommendations regarding extending the coalition's authorization beyond the specified date.	By the first Wednesday in December	Employment First Maine Coalition	Legislature	Annual
26 §3303, sub-§4	<u>Industry Clusters.</u> Report that includes information and statistics on the targeted industry clusters, including labor market information highlighting the targeted industry clusters. Report must include an occupational analysis to employment and wages within the targeted industry clusters.	Not specified	Industry Partnership Assistance Collaborative	LCRED	Annual

Department of Labor Reports Due to the Labor, Commerce, Research and Economic Development Committee

Citation-Statute, Law	Description	Due Date	From	To	Frequency
26 §2025	<u>MSRS/Nontraditional occupations</u> : Report on Department of Labor's programs to increase participation in nontraditional occupations.	Not specified	Department of Labor	LCRED	Monthly
5 §8060, sub-§5	<u>Legislative Review of Agency Regulatory Agendas</u> . Each agency regulatory agenda is reviewed by the appropriate joint standing committee of the Legislature at a meeting called for the purpose. The committee may review more than one agenda at a meeting.	Annual	State Agencies	LCRED	Annual
Reports from Department of Labor to Other Committees/Entities					
PL 2013, c. 502, sec. O-3	<u>Competitive Skills Scholarship Fund</u> : Report on the caseload being supported by the fund. If the average caseload of the 3-month period ending 12/31/2014 is below 400, AFA may report out legislation that adjusts the amount of funding that may be used for administrative costs of the fund. *May submit legislation 127 1R (AFA only)	1/30/15	Department of Labor	AFA	One-time
5 § 13070-J, sub-§4, par. B	<u>Workforce investment</u> : Report on the amount of public funds spent on workforce development and training programs directly benefiting businesses in the State.	10/1	Commissioner of Labor	Legislature	Annual
26 §931, ¶1	<u>Mediation and arbitration</u> : Annual report on the activities of the State Board of Arbitration and Conciliation.	7/1	Executive Director of the Maine Labor Relations Board	Governor	Annual
26 §931, ¶1	<u>Mediation and arbitration</u> . Annual report on the activities of the State Board of Arbitration and Conciliation.	7/1	Executive Director of the Maine Labor Relations Board	Governor	Annual
26 §2006, sub-§5B, par. C Amended by PL 2013, c. 467, sec. 6	<u>Employment of Persons with disabilities</u> : Report on committee work, recommendations and interest of the previous fiscal year and future plans.	9/1	Commission on Disability and Employment	Governor and Legislature	Annual
5 § 13070-J, sub-§4, par. B	<u>Business assistance</u> : Report on the amount of public funds spent on workforce development and training programs directly benefiting businesses in the State.	10/1	DOL Commissioner	Legislature	Annual
26 §2006, sub-§5D, par. A	<u>Workforce investment</u> : Maine Jobs Council annual report of activities required under the federal Workforce Investment Act.	Not Specified	Maine Jobs Council	United States Secretary of Labor	Annual

Maine Department of Labor Government Evaluation Act Report

Additional Information

Item N: *A list of reports, applications and other similar paperwork required to be filed with the agency by the public. (Please refer to attachments within this section)*

Item Q: *Identification of provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.*

The following includes areas of compliance within state and federal law, but may not be limited to:

Minimum Wages

26 MRSA, CH 7, subchapter 3 §§663 and 664

Foreign Laborers; Logging

26 MRSA, CH 7, subchapter 9 §872

Bureau of Unemployment Compensation

26 MRSA, CH 13 §1226

State Workforce Investment Board

26 MRSA, CH 25 §2006

Workforce Innovation and Opportunity Act

26 MRSA, CH 33 §§2171, 3101, 3304, 3308

ITEM N. REPORTS, APPLICATIONS & OTHER SIMILAR PAPERWORK REQUIRED TO BE FILED WITH THE AGENCY BY THE PUBLIC

BUREAU OF UNEMPLOYMENT COMPENSATION

Report or Application	Statutory Authority	Date Adopted or Last Amended	Frequency of Filing	# Received Annually for Last 2 Years	Actions Taken or Contemplated to Reduce Filing Requirements & Paperwork
Employer Required:					
Work records to be made available for inspection or submitted to agency for effective administration of Title 26, Chapter 13	26 MSRS 13, §1082(7)	Adopted 1979, last amended in 2003	Made available for inspection or submission as requested by agency as need arises, not a regular or consistent schedule but rather case specific need	Indeterminate on an ad hoc basis with the exception of employer audits. We audit 1% to 2% of employers annually (400 to 800 a year). No change anticipated.	Typically paper or review of electronic files depending on how employer maintains records
Payroll reports	26 MSRS 13 §1082(13), §1224 & Chapter 2 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	§1082(13) last amended in 1995 and §1224 last amended in 1979	Quarterly	Approx 160,000/yr (320,000 for 2 yrs) Anticipate this number to remain essentially the same over the next 2 years	Over 90% of quarterly reports are now filed electronically by employers – this percentage has been steadily increasing over the past 5 years
NonProfit electing direct reimbursement filing status must file written notice of election (individual or group)	26 MSRS 13 §1221(10)(A) 26 MSRS 13 §1221(15)	1997 1981	Infrequent – as needed basis	Insignificant (maybe zero to a couple a year)	Written paper request at this time – modernizing & replacing existing tax system by late 2018 which may allow electronic submission of notice
Work-sharing Plan (layoff aversion program) submitted as required part of a Workshare program application	26 MSRS 13 §1198(2)	2011	Infrequent – as needed basis	8 to 12 a year. Expect volume to remain consistent but increase significantly during periods of economic decline	Paper application & report now – as system is modernized, it is the agency's plan to allow online reporting in the future
Employee Leasing company filing of contribution & wage reports for its client companies	26 MSRS 13 §1221-A(3) & Chapter 25 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	1991	Quarterly	Included in the 160,000 (320,000 over 2 years) quarterly filings	Employee Leasing Company filings are all filed electronically
Written application to terminate coverage	26 MSRS 13 §1222(2)(A)	1979	Infrequent – as needed basis when a business closes	Indeterminate	Currently paper request – possible online option in the future

Reporting requirements for businesses designated as seasonal	26 MSRS 13 §1251(2) & Chapter 6 of the Rules Governing the Administration of the Employment Security Law 12- 172 CMR	1977	Annually for seasonal designated employers	Typically around 460 annually – very little fluctuation in in this number	Currently possible online option in the future
Claimant Required:					
Filing claims for unemployment benefits, registering for work & actively seek & report work search activities. Applications filed initially when individual separates from work, once claim is established – claims are filed each week for which benefits are sought, work search reports are maintained by claimant and submitted when selected by agency for work search audit	26 MSRS 13 §1192(1) 26 MSRS 13 §1194(1) & Chapter 10 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	1975 1983 Last amended 2014	Frequent	Initial claims: 2013 – 78,926 2014 - 69,543 2015 as of 10/31 – 44,909 Weekly claims: 2013 – 682,960 2014 – 599,564 2015 as of 10/31 – 412,772 *initial & weekly claims are expected to continue declining over the next 2 years if economic conditions continue to recover and improve 12,500 to 13,000 work search audits conducted annually (200 to 250/wk) – up to 26,000 over 2 years – expected to remain the same over the next 2 years	Initial claims are filed primarily by telephone or online. We occasionally receive a paper claim but it is the exception versus the rule. Weekly continued claims are filed by telephone either through a representative or by using an automated teleclaim system (latter available 24/7) – Or – filed online. Use of these methods is about equal. Work search logs are paper currently but will be reported online or through mobile applications in the new unemployment production system being implemented in late 2016.
Disputed claim reports (adjudicatory & appeal proceedings) – required where there is a question of benefit eligibility and in cases where a party to the claim (employer or claimant) disagree with a benefit determination and file an appeal	26 MSRS 13 §1194(6) & Chapter 3 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	1977 (statute) Rules are outdated & do not reflect enhanced electronic means of filing	Frequent	Fact-findings: 2013 – 60,889 2014 – 55,847 2015 as of 10/31 – 42,582 Appeals (1 st & 2 nd levels combined): 2013 – 3,346 2014 – 2,105 2015 as of 10/31 – 1,496 Anticipate that these numbers will decline somewhat over next	Adjudicatory fact findings are conducted by telephone & information reports sent in by fax or paper. An electronic filing system – SIDES & E-Response implemented 2 yrs ago allows employers to submit separation information online. Appeal requests are filed online or by telephone & evidentiary reports sent in by the parties by mail. Electronic submission will be possible in new benefit system

Application for Maine Enterprise Option program (self-employment assistance)	26 MSRS 13 §1197(4) & Chapter 11 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	Eff 1994	Program currently in hiatus due to lack of funding to deliver services	2 years 0 applications for the last two years, do not expect this to change over the next 2 years	to be rolled in late 2016. Applications were paper. If MEO is reinstated in the future, anticipate use of online application in new benefit system
Documentation of legally being able to work in U.S. by non-U.S. citizens (alien worker verification process)	26 MSRS 13 §1192(11) & Chapter 16 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	1991	Only impacts non-U.S. claimants	2013 – 1,166 2014 – 1,000 2015 as of 10/31 – 714 Anticipate that these could decline slightly over next 2 years as claim volumes decline	Documentation submitted by paper – mail or fax Reporting & verification of legal work status handled electronically through the SAV program with the INS
Request to waive benefit overpayment debt through the Unemployment Insurance Commission	26 MSRS 13 §1051(5) & Chapter 26 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	1997	Individual requests on an as needed basis	Overpayment Waiver Requests 2013 - 611 2014 - 487 2015 as of 10/31 - 269	Currently, paper application and provision of financial information to the UI Commission No changes in process anticipated at this time

BUREAU OF EMPLOYMENT SERVICES

Report or Application	Statutory Authority	Date Adopted or Last Amended	Frequency of Filing	# Received Annually for Last 2 Years	Actions Taken or Contemplated to Reduce Filing Requirements & Paperwork
Application for participation in, & appeal process under, the Competitive Skills Scholarship Fund Program	26 MSRS 25 §2033(7)	Eff 2007	Individual requests on an as needed basis	CSSP Applications: 2013 – 0 2014 – 889 2015 as of 10/31 – 1080 CSSP Appeals: 2013 – 0 2014 – 25 2015 as of 10/31 - 27	Paper application and appeal request at current time

CENTER FOR WORKFORCE RESEARCH AND INFORMATION

Report or Application	Statutory Authority	Date Adopted or Last Amended	Frequency of Filing	# Received Annually for Last 2 Years	Actions Taken or Contemplated to Reduce Filing Requirements & Paperwork
Multiple Worksite Report Collects employment and wages for employers with multiple locations as a supplement to the initial tax.	26 MSRS 13 §1082(13), §1224 & Chapter 2 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	§1082(13) last amended in 1995 §1224 last amended in 1979	Quarterly	MWR 2013 – 4,729 2014 – 4,748 2015 – 3,621	Web and Email collection being implemented centrally at US Bureau of Labor Statistics
BLS 3023 Form – Industry Verification form Collects and verifies industry and geographic information to ensure that economic data is properly classified	26 MSRS 13 §1082(13), §1224 & Chapter 2 of the Rules Governing the Administration of the Employment Security Law 12-172 CMR	§1082(13) last amended in 1995 §1224 last amended in 1979	Annual on a 3-year cycle	VM Multiple Location 2013 - 303 2014 – 317 2015 - 334 VS Single Location 2013 – 9,309 2014 – 7,780 2015 – 3,838 CA – Initial coding 2013 – 2631 2014 – 3491 2015 – 3932	Web and Email collection being implemented centrally at US Bureau of Labor Statistics