

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish the Maine Back to Work Program**

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

**Sec. 1. 26 MRSA c. 13-A** is enacted to read:

### **CHAPTER 13-A**

### **MAINE BACK TO WORK ACT**

#### **§ 1271. Short title**

This chapter may be known and cited as "the Maine Back to Work Act."

#### **§ 1272. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Bureau.** "Bureau" means the Department of Labor, Bureau of Unemployment Compensation.
- 2. Eligible employer.** "Eligible employer" means an employer that:
  - A.** Intends to immediately hire for a position in the employer's company;
  - B.** Is considered compatible with the program as evidenced by the employer's ability to provide training that meets each of the conditions enumerated in section 1274, subsection 4, paragraph A; and
  - C.** Is located or conducts its business in the State.
- 3. Eligible participant.** "Eligible participant" means an individual who:
  - A.** Is currently unemployed and receiving unemployment insurance benefits pursuant to chapter 13, subchapter 1 or any state or federal extension of those benefits;
  - B.** Has at least 6 weeks of state unemployment insurance benefits remaining or has at least 6 weeks of state or federal extensions of unemployment insurance benefits remaining; and
  - C.** Currently resides in the State.
- 4. Program.** "Program" means the Maine Back to Work Program.

#### **§ 1273. Program created**

There is created within the bureau the Maine Back to Work Program to provide workplace training to eligible participants. The Department of Labor, within 90 days of the effective date of this chapter, shall establish the program within the bureau to allow eligible participants to receive workplace training from eligible employers.

### **§ 1274. Program requirements**

The requirements of the program are established in this section.

**1. Workplace training hours.** An eligible participant may receive workplace training from an eligible employer for a maximum of 24 hours per week for up to 6 weeks.

**2. Workplace training remuneration.** An eligible participant, based upon the eligible participant's needs, may receive up to \$100 per week to help defray training-related costs, including, but not limited to, transportation, clothing and child care.

**3. Voluntary participation.** Participation in the program is voluntary for all eligible participants and eligible employers.

**4. Implementation and conditions of program.** In implementing the program, the bureau shall treat every eligible participant as a bona fide trainee, as required by the Fair Labor Standards Act of 1938, 29 United States Code, Section 201 et seq., and certify that the following conditions are met to ensure that an eligible participant is engaged in workplace training:

- A. The training is similar to what would be given in a vocational school or academic educational instruction, except that it may include the actual operation of the facilities of the eligible employer;
- B. The training is for the benefit of the trainee;
- C. The trainee may not displace regular employees and works under close observation;
- D. The eligible employer providing the training derives no immediate advantage from the activities of the trainee;
- E. The trainee is not guaranteed a job at the conclusion of the training period; and
- F. The eligible employer and the trainee understand that the trainee is not entitled to wages for the time spent in training.

**5. Protections of program.** The program must be consistent with, and eligible participants must be afforded the protections provided by, all applicable state and federal antidiscrimination statutes.

### **§ 1275. Rules**

The Commissioner of Labor, pursuant to Title 5, chapter 375, subchapter 2-A, shall adopt routine technical rules to implement the provisions of this chapter.

**Sec. 2. Consultation and conformity.** For purposes of creating the Maine Back to Work Program, the Department of Labor shall:

1. Solicit input from the Georgia Department of Labor regarding the design and implementation of Georgia's back to work program; and
2. Consult and abide by the program guidance and parameters, as necessary, set forth in the federal Training and Employment Guidance Letter No. 12-09, dated January 29, 2010, or any subsequent program guidance relevant to the program and issued by the United States Department of Labor, Employment and Training Administration.

## SUMMARY

This bill creates the Maine Back to Work Program to provide workplace training to certain eligible unemployment insurance beneficiaries. The bill establishes the program within the Department of Labor, Bureau of Unemployment Compensation to allow an eligible participant who is receiving unemployment insurance benefits pursuant to the Employment Security Law to receive workplace training from an eligible employer.

The department is directed to solicit input from the Georgia Department of Labor regarding the design and implementation of the program. The bill also directs the department to consult and abide by the program guidance and parameters, as necessary, set forth in the federal Training and Employment Guidance Letter No. 12-09, dated January 29, 2010, or any subsequent program guidance relevant to the program, issued by the United States Department of Labor, Employment and Training Administration.

The bill stipulates that the program must be consistent with, and eligible participants afforded the protections provided by, all applicable antidiscrimination statutes.

The bill makes it clear that persons receiving unemployment benefits continue to receive those benefits while participating in the program.