

LR 1703 An Act To Provide Incentives to Unemployed Workers To Become Part of the Caregiver Workforce

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

Section 1. 22 MRSA §7306-A is enacted to read:

**§7306-A. Program established.** The department shall establish a pilot program in cooperation with the Department of Labor to strengthen efforts to recruit and retain direct care workers in the home care industry through increasing the economic stability of home care employment and providing opportunity for the professional advancement of its workforce. The program is available to both direct care workers currently employed in the home care industry and those seeking such employment. The purpose of this program is to promote economic opportunity and growth by providing incentives to address the gap between the number of available jobs requiring skills and experience needed by employers in the home care industry, and the smaller number of individuals willing and able to accept those jobs; improved economic stability for home care workers, and increased access to home care services and the quality of care for home care consumers.

1. **Definitions.** As used in this section, unless the context clearly requires otherwise, the following words shall have the following meanings.
  - A. Department. "Department" means the Maine Department of Health and Human Services.
  - B. Departments. "Departments" means the Maine Department of Health and Human Services and the Maine Department of Labor.
  - C. Participant. "Participant" means an individual eligible and enrolled to participate in this program.
  - D. Program. "Program" means the program established in this section.
2. **Program development and implementation.** The departments shall convene a working group representing agencies, organizations and other individuals or entities with relevant expertise in workforce issues impacting the home care industry, economic challenges facing home care workers, and public benefit systems. The working group shall assist in the design of this pilot and identify individuals or facilities that may participate. Individual participants may include persons currently employed as home care workers, those seeking employment in the industry, or those dislocated from other industries with transferable skills and interests. All participants must be the primary wage earner in their family. The program must include a combination of participants seeking work, those working full time, and those working part time, but seeking full time work in the industry.

In order to evaluate the effectiveness of this pilot program in accordance with subsection 8 of this section, the departments shall also identify a control group of equal number with the same or similar characteristics of those participating in the program to whom the departments shall compare experience.

**3. Individualized career plan; navigator assistance.**

- A. When an individual is approved for participation in the program, the participant will be assigned a navigator at their local Career Center to develop individualized career plan. The plan must reflect, to the maximum extent feasible, the preferences of the participant. The plan must include any economic stability assistance available under this section, or from any other source, and education, employment and training services needed for successful participation in the program for which the participant is eligible and elects to receive. To the greatest extent possible participants will only be required to interact with one navigator to access services under this section.

At the participant's election, the plan must also include a career pathway schedule, including future plans for any employment, education and training services and supports needed for participation in those activities, reflecting the participant's mid and long-term employment goals. This plan may be modified when necessary to assist the participant in participating successfully in the program.

- B. Prior to the establishment of a plan, a participant must be given:

- (1) A description of the program, including a list of services and supports available through the program, so that the participant may identify a suitable employment goal and the services needed to reach that goal;
- (2) The opportunity to learn about and examine relevant labor market information related to identified industries and the participant's employment preference;
- (3) If the participant's employment goal is an occupation for which an apprenticeship may be available, information about Department of Labor apprenticeship program under chapter 33 of Title 26; and
- (4) Information about and assistance in applying for any other services not provided by the program other services that will assist the participant in succeeding in the plan and prevent any unnecessary expenditure of resources by the program, including federal financial aid provided under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28; the state and federal earned income tax credit and other tax credits for which the participant may be eligible; health care resources; unemployment compensation; dislocated worker benefits; trade adjustment assistance; and other services available from other departments of State Government including the Department of Health and Human Services.

**4. Economic stability services.** Participants in the program shall be offered a package of assistance to increase their ability to obtain and retain employment. Navigators must assist participants in accessing any assistance necessary for successful participation in their plan.

A. These services may include:

(1) Notwithstanding Section §3762, sub-§3, paragraph B, sub-paragraphs (7C) and (7-D), or any other provision of law to the contrary, for a participant employed as a direct care worker in the home care industry, living with one or more dependent children under 18 years of age, the department shall provide a TANF cash assistance benefit calculated in accordance with the department's TANF program rules, except that one hundred percent of all home care wages will be disregarded for the first 3 months of employment, and seventy-five percent of those wages will be disregarded thereafter provided that the family income is at or below 200% of the federal poverty level.

All participants qualifying for a TANF benefit under this sub-paragraph shall also be eligible to receive assistance available under the Additional Support for People in Retraining and Employment Program in accordance with Chapter 1054-A of this title;

(2) Notwithstanding Section §3762, sub-§8, paragraph F or any other provision of law to the contrary, for a participant employed as a direct care worker in the home care industry who is living with one or more dependent children under 18 years of age, the department shall provide a food benefit equal to \$150 per month per family provided that the participant's family income is at or below 200% of the federal poverty level.

(3) Notwithstanding any provision of law to the contrary, at the end of state fiscal year 2021-2 and for the remainder of this pilot program, the department shall use any unexpended balance in the All Other lines contained in Part A in the Office for Family Independence budget, to the extent such funds are available, to provide assistance for any participant not already eligible to receive assistance under sub-paragraph (1) or (2). Such assistance shall represent the type and amount of assistance available under sub-paragraphs (1) and (2) to the greatest extent possible.

(4) The department shall establish a priority for child care services available under the Child Care and Development Block Grant provided that such services are needed to successfully participate in their plan and are not otherwise available.

- (5) The department of Labor shall ensure that participants in the program are co-enrolled in the Workforce Innovation and Opportunity Act program to the extent appropriate. Participants so enrolled must be provided with support services including transportation, education and training costs, uniforms and equipment and any other support service necessary to successfully participate in their plan.
  - (6) Notwithstanding any provision of law to the contrary, the department shall work with MaineHousing and any other appropriate entity to identify opportunities for subsidized housing that may be available for program participants. This must include any unused vouchers available from the federal Housing Choice Voucher Program and any federal rental assistance funds that are, or may become available, to the state to participants enrolled in the program, including prioritizing these resources for participants.
  - (7) The departments shall maximize all resources available under the Supplemental Nutrition Assistance Program Employment and Training program to provide employment, education, training, and support services to participants enrolled in the program.
  - (8) Notwithstanding any provision of law to the contrary, the department of Labor shall develop a process in the unemployment insurance program requiring employers of direct care workers providing home care services to identify employees involuntarily employed for partial hours and submit a claim for partial unemployment benefits for those workers, along with all wage and other information needed to process the claim. No benefits will be paid under this paragraph until the employee authorizes the claim in response to a communication from the Department. Once authorized, the claim will be processed in accordance with the requirements of Title 26, Chapter 13. This process shall also apply in the case of an employee not already receiving a partial unemployment benefit, and whose hours are reduced in a particular week as a result of the cancellation of scheduled consumer appointments.
- 5. Career ladders.** The program shall provide the opportunity for participants to advance in their careers to higher levels of salary, skill, responsibility and authority whether or not through their existing employer. When a career pathway is incorporated into the participant's plan in must chart a clear approach connecting progressive levels of basic skills and postsecondary education, training, and supportive services in specific sectors or cross-sector occupations to optimize the progress and success of the participant in securing marketable credentials.

Participants whose plan includes a career ladder provision must be provided information about opportunities for higher education, skills training, and necessary support services available through the Parents as Scholars, Higher Opportunity for Pathways to Employment, and the Competitive Skills Scholarship Program. Participants

must be given priority for enrollment in these programs, and receive assistance from their navigator in enrolling if they so choose.

6. **Apprenticeship.** The Department of Labor shall work with participants and employers to develop an apprenticeship program for direct care workers in the home care industry that provides the opportunity for workers to learn on the job, develop new skills, including specialized skills, to advance in their careers through a structured training and on the job learning program leading to an industry recognized credential, and to facilitate the recruitment and retention of workers with needed skills for employers.

Participating employers must provide opportunity for flexible approaches to relevant training that combine classroom training and on-the job learning as appropriate. Employers must also commit to a schedule of incremental wage increases that recognizes skill development throughout the apprenticeship period. This program must be coordinated with career ladder schedules described at sub-section 4 if applicable.

7. **Employment incentives.** The department shall develop a tiered reimbursement system for providers using existing resources through authority available under Medicaid pay for performance programs. The purpose of this sub-section is to incentivize home and community-based care providers to create more supportive workplaces that promote the stability and retention of their workforce. These payments will be designed to improve access to patient-focused high centered care by strengthening staff recruitment and reducing turnover.

This tiered reimbursement system must be designed to reward employers who have a program in place to do at least two of the following:

- A. Pay for employees premium and cost sharing under the Affordable Care Act when that employee or dependents are not eligible for MaineCare, or do not have comparable coverage through another plan;
- B. Provide paid leave to workers eligible for unpaid leave under 26 MRSA, Chapter 7, sub-chapter 6-A or for an appropriate amount of time needed to make child care arrangement in order to return to work;
- C. Through bona fide and meaningful employment policies, creates job quality for employees that includes consistent, accessible, and supportive supervision, clear presentation of job requirements, responsibilities, workflows, and reporting structures; access to personal protective equipment and other supplies to ensure worker and client safety; connection to peer mentors; and connection to community-based organizations to address employment-related barriers; or
- D. Provide employees with access to on-going quality training, and fair compensation, defined as a living wage paid as a base wage; employer sponsored benefits plans; access to full-time hours; consistent scheduling and notice of scheduling changes; and access to merit, longevity, and other base pay increases.

**8. Evaluation; Report.** The departments shall use an independent nonpartisan reviewer to provide a comprehensive evaluation of the program, using both quantitative and qualitative data and including an analysis of the return on investment of the program and any evidence of improvement in the care of home care consumers. The evaluation must consider, at a minimum, the program's effect in increasing the economic stability of home care workers, providing opportunity for their professional advancement, reducing the gap between the number of available jobs and the number of qualified workers available to fill those jobs, and increasing employment retention among participants. In assessing the impact of the employment incentives required by subsection 7, it must also estimate, to the extent feasible, the applicability of that impact on the recruitment and retention of direct care workers employed in other settings, including residential and institutional facilities.

The departments shall jointly submit a report to the joint standing committees of the Legislature having jurisdiction over labor matters and human services matter by February 1st of each year following the year of enactment of this section, on the status of the program and the evaluation data collected and analyzed within that period. A final report shall be provided following the expiration of the program.

**9. Rules.** The departments shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**10. Pilot Program Period.** The program shall begin enrolling participants no later than January 15, 2022 and shall continue through December 30, 2027.

**Commented [CH1]:** Please see if you think that this gets at the discussion we had about determining the replicability of the reimbursement incentives in other settings.

