



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1238

H.P. 929

House of Representatives, March 22, 2011

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

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative BICKFORD of Auburn.  
Cosponsored by Senator THOMAS of Somerset and  
Representatives: BERRY of Bowdoinham, COTTA of China, CRAFTS of Lisbon, DION of  
Portland, GIFFORD of Lincoln, KNIGHT of Livermore Falls, WEAVER of York,  
WILLETTE of Mapleton.

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

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

3 **CHAPTER 13-A**

4 **MAINE BACK TO WORK ACT**

5 **§1271. Short title**

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

7 **§1272. Definitions**

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

10 **1. Bureau.** "Bureau" means the Department of Labor, Bureau of Unemployment  
11 Compensation.

12 **2. Eligible employer.** "Eligible employer" means an employer that:

13 A. Intends to immediately hire for a position in the employer's company;

14 B. Is considered compatible with the program as evidenced by the employer's ability  
15 to provide training that meets each of the conditions enumerated in section 1274,  
16 subsection 4, paragraph A; and

17 C. Is located or conducts its business in the State.

18 **3. Eligible participant.** "Eligible participant" means an individual who:

19 A. Is currently unemployed and receiving unemployment insurance benefits pursuant  
20 to chapter 13, subchapter 1 or any state or federal extension of those benefits;

21 B. Has at least 6 weeks of state unemployment insurance benefits remaining or has at  
22 least 6 weeks of state or federal extensions of unemployment insurance benefits  
23 remaining; and

24 C. Currently resides in the State.

25 **4. Program.** "Program" means the Maine Back to Work Program.

26 **§1273. Program created**

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

31 **§1274. Program requirements**

32 The requirements of the program are established in this section.

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

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

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

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

14           A. The training is similar to what would be given in a vocational school or academic  
15 educational instruction, except that it may include the actual operation of the facilities  
16 of the eligible employer;

17           B. The training is for the benefit of the trainee;

18           C. The trainee may not displace regular employees and works under close  
19 observation;

20           D. The eligible employer providing the training derives no immediate advantage  
21 from the activities of the trainee;

22           E. The trainee is not guaranteed a job at the conclusion of the training period; and

23           F. The eligible employer and the trainee understand that the trainee is not entitled to  
24 wages for the time spent in training.

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

28           §1275. Rules

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

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

33           1. Solicit input from the Georgia Department of Labor regarding the design and  
34 implementation of Georgia's back to work program; and

35           2. Consult and abide by the program guidance and parameters, as necessary, set forth  
36 in the federal Training and Employment Guidance Letter No. 12-09, dated January 29,  
37 2010, or any subsequent program guidance relevant to the program and issued by the  
38 United States Department of Labor, Employment and Training Administration.

1 **SUMMARY**

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

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

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

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