

## CHAPTER 33

## MAINE WORKFORCE INVESTMENT SYSTEM

**§2171. Maine Job Training System****(REPEALED)**

## SECTION HISTORY

PL 1989, c. 408, §3 (NEW). PL 1993, c. 385, §25 (AMD). PL 1993, c. 410, §§O2,3 (AMD). RR 1995, c. 1, §25 (COR). PL 1995, c. 665, §§DD7,8 (AMD). PL 1995, c. 665, §DD12 (AFF). PL 2003, c. 114, §18 (RP).

**§2171-A. Maine Workforce Investment System**

This chapter applies to actions taken under the Maine Workforce Investment System. For the purposes of this chapter, the "Maine Workforce Investment System" means all state and federal education and training programs administered by the Department of Labor and operated by a network of local boards and service delivery providers, including: [PL 2003, c. 114, §19 (NEW).]

**1. Workforce Innovation and Opportunity Act.** The state program under the federal Workforce Innovation and Opportunity Act, Public Law 113-128; and [PL 2017, c. 110, §23 (AMD).]

**2. Maine Conservation Corps.** The Maine Conservation Corps under Title 12, chapter 220, subchapter 6-A. [PL 2007, c. 695, Pt. A, §32 (AMD).]

## SECTION HISTORY

PL 2003, c. 114, §19 (NEW). PL 2007, c. 695, Pt. A, §32 (AMD). PL 2017, c. 110, §23 (AMD).

**§2172. On-the-job training contracts; apprenticeships**

**1. Application.** This section applies to all on-the-job training contracts entered into by any agency or organization, public or private, that provides a wage subsidy for a trainee with public funds, including all contracts written under the Maine Workforce Investment System. [PL 2003, c. 114, §20 (AMD).]

**2. Standards for on-the-job training contracts.** All on-the-job training contracts must meet the following requirements of this subsection.

A. The occupation for which the contract is written is one which traditionally requires specific occupational training as a prerequisite. [PL 1989, c. 408, §3 (NEW).]

B. The firm or establishment with which the contract is made is not involved in a strike, lockout or other labor dispute. [PL 1989, c. 408, §3 (NEW).]

C. The trainee working under the contract shall receive the same wages and benefits and be subject to the same working conditions as other employees working an equivalent length of time and performing a substantially equivalent job at the work site. [PL 1989, c. 408, §3 (NEW).]

D. Except when the employer has good cause related to the trainee's work performance, the employer shall, upon completion of the on-the-job training contract, offer the trainee continued employment with at least equivalent wages, benefits and working conditions, as existed under the contract. [PL 1989, c. 408, §3 (NEW).]

E. The employer with whom the contract is made has not, in the past, violated paragraph D. [PL 1989, c. 408, §3 (NEW).]  
[PL 1989, c. 408, §3 (NEW).]

**3. Nondisplacement; noninfringement; existing collective bargaining agreements.** An on-the-job training contract may be executed only if:

A. No currently employed worker would be displaced by the trainee, including partial displacement such as reduction in the hours of work, wages or employment benefits; [PL 1989, c. 408, §3 (NEW).]

B. The training position would not impair existing contracts for the services or collective bargaining agreements, except when the written concurrence of the labor organization concerned has been obtained; [PL 1989, c. 408, §3 (NEW).]

C. No other individual is on layoff from the same or any substantially equivalent job for which the trainee would be trained; [PL 1989, c. 408, §3 (NEW).]

D. The employer has not terminated the employment of any regular employee or otherwise reduced the work force of the employer with the intention of filling the vacancy so created by contracting to hire the trainee; and [PL 1989, c. 408, §3 (NEW).]

E. The job for which the individual would be trained is not being created in a promotional line that will infringe in any way on the promotional opportunities of currently employed individuals. [PL 1989, c. 408, §3 (NEW).]  
[PL 1989, c. 408, §3 (NEW).]

**4. Apprenticeable occupations.**

[PL 2011, c. 491, §11 (RP).]

SECTION HISTORY

PL 1989, c. 408, §3 (NEW). PL 2003, c. 114, §§20,21 (AMD). PL 2011, c. 491, §11 (AMD).

**§2172-A. Apprenticeships**

**1. Notification to training applicants.** The Department of Labor shall explain to each person seeking to enroll in a Maine Workforce Investment System program the general nature of registered apprenticeship programs, that a registered apprenticeship program is one of the job training options available under the Maine Workforce Investment System and ascertain that person's interest in such a program.

[PL 2003, c. 114, §22 (AMD).]

**2. Referral.** When an individual's employability development plan has been developed, the Maine Workforce Investment System service provider shall:

A. Determine whether the individual's employment goal includes an apprenticeable occupation as defined in section 3201, subsection 2; and [PL 2011, c. 491, §12 (AMD).]

B. [PL 2011, c. 491, §12 (RP).]

C. [PL 2011, c. 491, §12 (RP).]

D. Provide the trainee with information on educational and training opportunities that may be of assistance for indenturing in the registered apprenticeship program. [PL 2011, c. 491, §12 (AMD).]

[PL 2011, c. 491, §12 (AMD).]

SECTION HISTORY

PL 1993, c. 630, §A1 (NEW). PL 2003, c. 114, §§22,23 (AMD). PL 2011, c. 491, §12 (AMD).

**§2173. Labor education**

Each person enrolled in a program under the Maine Workforce Investment System must be provided an informational pamphlet on labor law that explains the person's rights and responsibilities and lists the appropriate agency to contact for additional information. The informational pamphlet must be developed and disseminated to all Maine Workforce Investment System service providers. [PL 2003, c. 114, §24 (AMD).]

**1. Content of pamphlet.** The pamphlet shall cover such laws as:

A. The National Labor Relations Act, Public Law 1935, No. 198, 49 Stat 449; [PL 1989, c. 408, §3 (NEW).]

B. The Occupational Safety and Health Act of 1970, Public Law 91-596; [PL 1989, c. 408, §3 (NEW).]

C. The Fair Labor Standards Act, Public Law 1938, No. 718, 52 Stat 1060; [RR 2017, c. 2, §10 (COR).]

D. The Workers' Compensation Act; [PL 1989, c. 408, §3 (NEW).]

E. Unemployment insurance laws; and [PL 1989, c. 408, §3 (NEW).]

F. State and federal laws relating to employment discrimination, including sexual harassment. [PL 1989, c. 408, §3 (NEW).]  
[RR 2017, c. 2, §10 (COR).]

**2. Review with providers.** To enhance the trainees' knowledge of labor law, the Maine Workforce Investment System service providers shall, when offering prevocational services to program participants, review the content of the informational pamphlet with the program participants, unless the participants have already received this review.  
[PL 2003, c. 114, §25 (AMD).]

**3. Staff training.** The direct service staff of the Maine Workforce Investment System service providers must receive training to expand their knowledge of the labor laws contained in the informational pamphlet.  
[PL 2003, c. 114, §25 (AMD).]

**SECTION HISTORY**

PL 1989, c. 408, §3 (NEW). PL 2003, c. 114, §§24,25 (AMD). RR 2017, c. 2, §10 (COR).

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