

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

S.P. 655 - L.D. 1874

**An Act To Rename the Maine Jobs Council as the State Workforce
Investment Board and Make Changes to Its Structure**

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

Sec. 1. 26 MRSA §2004-A, sub-§1, as enacted by PL 2003, c. 114, §9, is amended to read:

1. Review plans. Review plans, policies and standards proposed by a local board, the ~~Maine Jobs Council~~ State Workforce Investment Board, the Governor or any other agency under the Workforce Investment Act before final approval by the responsible entity;

Sec. 2. 26 MRSA §2004-A, sub-§3, as enacted by PL 2003, c. 114, §9, is amended to read:

3. Receive reports. Receive reports prepared by the ~~Maine Jobs Council~~ State Workforce Investment Board, a local board, the Governor or any agency in connection with implementation of the Workforce Investment Act, including the report required by section 3101.

Sec. 3. 26 MRSA §2006, as amended by PL 2011, c. 491, §10, is further amended to read:

§2006. Establishment of State Workforce Investment Board

1. Responsibilities. The ~~Maine Jobs Council~~ State Workforce Investment Board, referred to in this section as "the board," is established to ensure that the State's workforce development system helps Maine people and businesses compete successfully in the global economy. Specific responsibilities include but are not limited to:

- A. Performing all of the duties and responsibilities of the state board as defined in the Workforce Investment Act, 29 United States Code, Section 2801, including, but not limited to, the duties and responsibilities set forth in subsection 5-D;
- B. Recommending to the Governor a state workforce development plan designed to maximize utilization and effectiveness of state workforce development services;

- C. Monitoring agency and system-wide strategic goals based on the statewide workforce development policy and strategic plan and evaluating progress toward meeting those goals;
- D. Providing recommendations to the Governor and the Legislature that would improve system effectiveness and reduce system fragmentation;
- E. Creating greater coordination between economic development and human resource development and education programs;
- F. Ensuring a balance between rural and urban workforce development;
- G. Providing policy oversight and recommendations to ensure the effectiveness of vocational programs for people with disabilities in order to support efforts that reduce barriers to employment;
- H. Providing policy oversight and recommendations to ensure that self-employment, microenterprise and small business are part of the overall workforce development strategy;
- I. Providing policy recommendations to ensure the effectiveness of work-related programs and services for youth, including youth with disabilities; and
- J. Providing policy recommendations to ensure the effectiveness of work-related programs and services for "at-risk" youth.

2. Membership. The ~~council~~ board consists of members appointed by the Governor.

B. Appointments must be consistent with the representation requirements of the Workforce Investment Act, including representatives from business and industry, organized labor, state agencies responsible for human resource programs and educational and community-based institutions.

The Governor shall ensure that the ~~council~~ board and ~~its technical support group~~ the Program Policy Committee under subsection 7 have sufficient expertise to effectively carry out the duties and functions of the ~~council~~ board.

3. Terms of members. One third of the initial appointees shall serve for a one-year term, 1/3 of the initial appointees shall serve for a 2-year term and 1/3 shall serve for a 3-year term. All subsequent appointees shall serve 3-year terms.

4. Chair and vice-chair. The Governor shall appoint a chair and vice-chair from the membership of the ~~council~~ board to serve for a one-year term. The Governor may reappoint members to serve as chair or vice-chair.

~~**5-A. Apprenticeship.** In addition to its other duties, the council, through its Standing Committee on Apprenticeship, shall perform the duties of the former State Apprenticeship and Training Council.~~

~~A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings:~~

~~(1) "Apprentice" means a person at least 16 years of age who is employed under an apprenticeship agreement to work at and learn a specific occupation and is registered with the council.~~

~~(2) "Apprentice agreement" means a written agreement that is entered into by an apprentice or organization of employees with an employer or an association of employers and provides for the apprentice's participation in a definite sequence of job training and for such related and supplemental instruction as may be determined necessary for the apprentice to qualify as a journeyman in a particular occupation.~~

~~(3) "Committee" means the council's Standing Committee on Apprenticeship.~~

~~(4) "Journeyman upgrading" means continued related instruction advocated for by a sponsor, including joint apprenticeship and training committees or employers, for an individual who has fulfilled a bona fide apprenticeship as determined by the committee. Enrollment criteria are established by the committee.~~

~~(5) "Sponsor" means an employer or a potential employer.~~

~~B. The committee is composed of 12 voting members appointed by the Governor and made up as follows: 4 members must be representatives of employees and be bona fide members of a recognized major labor organization; 4 members must be representatives of employers and be bona fide employers or authorized representatives of bona fide employers; and 4 members must be representatives of the public, selected from neither industrial employers nor employees, nor may they be directly concerned with any particular industrial employer or employee. At least 2 members who are representatives of the public must represent the interests of women, minorities and recipients of aid to families with dependent children who are in registered apprenticeships. Each member holds office until a successor is appointed and qualified, and any vacancy must be filled by appointment for the unexpired portion of the term. The chair of the committee must be a member of the committee and is named by the members of the committee. The Commissioner of Labor or a designee, the Commissioner of Economic and Community Development or a designee, the Commissioner of Education or a designee, the chair of the council or a member designee and the President of the Maine Community College System or a designee are nonvoting ex officio members of the committee.~~

~~C. The committee shall:~~

~~(1) Establish standards, through joint action of employers and employees, assist in the development of registered apprenticeship programs in conformity with this subsection and generally encourage and promote the establishment of registered apprenticeship programs;~~

~~(2) Register or terminate, or cancel the registration of, apprenticeship programs and apprenticeship agreements, including journeyman upgrading;~~

~~(3) Authorize and issue certificates of completion of apprenticeship to apprentices who have been certified by a joint apprenticeship committee or employer as having satisfactorily completed their training;~~

~~(4) Keep a record of registered programs and apprentice agreements, including the number of women and minority apprentices by occupation and the number of occupations that are nontraditional for women;~~

~~(5) Adopt rules necessary to carry out the intent and purpose of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II A;~~

~~(6) Make an annual report by March 1st of each year to the Governor, the joint standing committee of the Legislature having jurisdiction over labor matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must include, for each business assisted under this subsection, the name and location of each business, the number of apprentices, the return on investment and, when applicable, the number of new jobs created;~~

~~(7) Ensure availability and oversee coordination of related and supplemental instruction for apprentices; and~~

~~(8) Develop a biennial plan in consultation with the Department of Labor and develop an evaluation tool and process that facilitates a review of the apprenticeship program outcomes based on the committee's biennial goals and objectives. As a result of this process, the committee may initiate programs that promote apprenticeship and work force development.~~

~~D. Committee meetings are held quarterly and as often as is necessary in the opinion of a majority of the committee. The chair shall designate the time and place of the meetings and the staff shall notify all committee members at least one week in advance of each meeting. A majority of the membership of the committee constitutes a quorum, as long as each of the groups in paragraph B has at least one representative present.~~

~~E. Standards for apprentice agreements must contain the following:~~

~~(1) A statement of the occupation to be taught and the required hours for completion of apprenticeship;~~

~~(2) A statement of the major work processes in the occupation to be taught and the approximate amount of time to be spent at each process;~~

~~(3) A statement of educational subjects to be studied and mastered, including on-the-job training work experience. An agreement must state the number of hours required to complete an apprenticeship and indicate the approximate number of hours spent in each process and each training component;~~

~~(4) A statement that the apprentices may not be less than 16 years of age;~~

~~(5) A statement of the progressively increasing scale of wages to be paid the apprentice;~~

~~(6) A period of probation during which the committee shall terminate the apprentice agreement upon the written request of any party to the apprentice~~

~~agreement. After the probationary period, the committee may terminate the registration of an apprentice upon agreement of the parties;~~

~~(7) A statement that, when differences arising out of the apprentice agreement can not be adjudged locally or in accordance with the occupation's established procedures, the services of the committee may be used for consultation regarding the settlement of the differences;~~

~~(8) A statement that if an employer is unable to fulfill its obligation under the apprentice agreement, the employer may transfer the obligation to another employer;~~

~~(9) A statement that there may be no discrimination based on sex, race, creed or color in employing apprentices; and~~

~~(10) Additional standards as may be prescribed in accordance with this subsection.~~

~~F. The committee may establish local, regional and state joint apprenticeship committees in any occupation or group of occupations, in cities, regions of the State or occupation areas whenever the apprentice training needs of the occupation or group of occupations justify the establishment. These local, regional or state joint apprenticeship committees are composed of an equal number of employer and employee representatives, selected by the respective local or state employer and employee organizations in the occupation or group of occupations, and any advisory members representing local boards or other agencies as may be advisable. Each local, regional or state joint apprenticeship committee must include an even number of voting members with expertise in issues related to women, minorities or recipients of aid to families with dependent children who are in apprenticeships, 1/2 to be chosen by the employer representatives and 1/2 to be chosen by the employee representatives. In an occupation or group of occupations in which there is no bona fide employer or employee organization, a joint apprenticeship committee may be composed of persons known to represent the interests of employers and of employees, or a state joint apprenticeship committee may be approved as the joint apprenticeship committee in that occupation or group of occupations. Subject to the review of the committee and in accordance with standards established by the committee, the joint apprenticeship committees may devise standards for apprenticeship agreements and give necessary aid to their respective occupations and localities. The activities of the joint apprenticeship committees must comply with all applicable affirmative action rules adopted by the committee.~~

~~G. This subsection, or any apprentice agreement approved under this subsection, does not invalidate an apprenticeship provision in a collective bargaining agreement between employers and employees that sets up higher apprenticeship standards. None of the terms or provisions of this subsection applies to any person, firm, corporation or craft unless the person, firm, corporation or craft voluntarily elects to be subject to the terms and provisions of this subsection.~~

~~H. In carrying out its duties on a state level, the committee shall employ personnel in the Department of Labor, Bureau of Employment Services.~~

~~(1) The Bureau of Employment Services must have a director of apprenticeship and training who supervises the execution of agreements and the maintenance of standards.~~

~~(2) The Bureau of Employment Services shall keep a record of apprentice agreements and programs and ensure that all aspects of related and supplemental instruction are delivered and coordinated in a timely manner.~~

~~(3) Apprenticeship field staff may be retained by agreements between the Bureau of Employment Services and its service provider network. Field staff are responsible for promoting apprenticeships to employers, writing apprenticeship programs and carrying out delegated council duties.~~

~~(4) The committee's budget request must be incorporated into the overall budget of the Department of Labor.~~

~~(5) The Commissioner of Labor is ultimately responsible for selecting and supervising all personnel employed by the committee, providing adequate staff support to the committee and disbursing funds according to committee policy.~~

~~I. The Maine Community College System remains the primary vendor for apprenticeship related instruction according to a biennial articulation agreement with the Department of Labor.~~

~~(1) The committee shall cooperate with the Department of Education, local school authorities, such as adult education and career and technical education centers, and other groups in organizing and establishing related or supplemental instruction for apprentices employed under approved agreements.~~

~~(2) An educational institution or apprenticeship sponsor may provide related and supplemental instruction according to the policies established by the committee. Educational providers shall identify a contact person for the committee staff. As funds permit, the Department of Labor shall underwrite 50% of tuition costs for apprentices in good standing at public educational institutions and provide tuition assistance to sponsor groups in accordance with committee policies. To ensure that adequate funds are available for tuition, the committee shall provide the Commissioner of Labor with its biennial plan, including projected apprenticeship enrollments and a subsequent budget request.~~

~~(3) The committee shall assist the Department of Education, the State's community colleges, local school authorities, such as adult education and career and technical education centers, and other groups in developing training courses to establish preapprenticeship training programs if the community colleges, local schools and other groups wish to do so. Successful completion of preapprenticeship training programs enables a participant to meet the qualifying standards of the apprenticeship for which the participant has expressed serious interest. All preapprenticeship training programs are subject to approval by the committee.~~

~~J. The committee shall cooperate with the Department of Labor and the Department of Economic and Community Development in matters relating to work force and economic development.~~

~~K. The committee shall cooperate and consult with the Department of Corrections to develop policies concerning issues of job safety for prisoners involved in prison industries programs, work release programs and job displacement created by those programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34 A, section 1403, subsection 9.~~

~~L. The committee shall cooperate, consult and coordinate with groups that help people on welfare find jobs. The committee shall also cooperate with other relevant groups to identify obstacles that may prevent women and recipients of aid to families with dependent children from participating in registered apprenticeships, and the necessary measures to be taken to overcome them.~~

~~M. Committee field staff are responsible for identifying and contacting potential sponsors with whom apprenticeship programs may be developed. Staff may receive business referrals from a variety of sources, including, but not limited to, local work force development centers, business visitation programs, local chambers of commerce, the Department of Economic and Community Development and the Department of Labor's Employer Assistance Division. Staff and committee members may regularly conduct presentations to employer groups, schools and other interested parties and develop brochures, public service announcements and promotional videotapes for the purpose of promoting apprenticeship.~~

~~N. Committee staff may provide apprenticeship sponsors with technical assistance that encourages high quality job creation, reorganizes a workplace to help it remain competitive, upgrades worker skills by providing essential work competencies, occupational task analysis and instructor training and encourages affirmative action and recruitment of special populations.~~

~~O. All apprentice and training programs established under this subsection must conform to 29 Code of Federal Regulations, Parts 29 and 30, and any subsequent applicable provisions. The Federal Bureau of Apprenticeship and Training is available as a resource to the committee.~~

5-B. Employment of people with disabilities. In addition to its other duties, the ~~council~~ board, through its Standing Committee on Employment of People with Disabilities, created pursuant to subsection 7, paragraph A, subparagraph (3) referred to in this subsection as ~~the~~ "the standing committee," shall perform the duties of the former Governor's Committee on Employment of People with Disabilities.

A. The standing committee shall:

(1) Advise, consult and assist the executive and legislative branches of State Government on activities of State Government that affect the employment of disabled individuals. The standing committee is solely advisory in nature. The standing committee may advise regarding state and federal plans and proposed budgetary, legislative or policy actions affecting disabled individuals;

(2) Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;

(3) Conduct educational programs considered necessary to promote public understanding of the employment-related needs and abilities of disabled citizens of this State;

(4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;

(5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and

(6) Work with state and local government officials, organizations representing persons with disabilities and the business community to inform the public of the benefits of making facilities and services accessible to and usable by individuals with disabilities; ~~monitor the enforcement of state and federal laws regarding accessibility; and advise and assist building owners by disseminating information about accessibility and by making technical assistance available when appropriate.~~

B. The standing committee shall administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this subsection, any funds appropriated for expenditure by the standing committee or any grants or gifts that may become available and are accepted and received by the standing committee.

C. The standing committee shall submit an annual report directly to the Governor and the Legislature not later than September 1st of each year concerning its work, recommendations and interest of the previous fiscal year and future plans. The standing committee shall make any interim reports it considers advisable.

D. The standing committee shall keep minutes of all meetings, including a list of people in attendance.

E. The standing committee may employ, subject to the Civil Service Law, the staff necessary to carry out its objectives. The standing committee may employ consultants and contract for projects it determines necessary. To the extent feasible and reasonable, the standing committee must be given the staff, facilities, equipment, supplies, information and other assistance required to carry out its activities.

F. The standing committee may make necessary rules, ~~not inconsistent~~ consistent with this subsection, for promoting its purposes.

G. The standing committee may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this subsection, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies.

~~**5-C. Occupational information.** In addition to its other duties, the council shall perform the duties of the former Maine Occupational Information Coordinating Committee.~~

~~A. The council shall:~~

~~(1) Support the development, maintenance and operation of the Comprehensive Career, Occupational and Economic Data-based System, established in section 1451, and foster communication and coordination of education, employment and training programs through the use of the system;~~

~~(2) Develop and implement an overall system for coordinating and delivering occupational and economic supply and demand information, using standardized techniques as feasible, to employment, training, career and technical education and vocational rehabilitation agencies; economic development agencies; private industry; and individuals;~~

~~(3) Facilitate the use of occupational and economic information in planning and allocating employment, training, career and technical education and vocational rehabilitation programs;~~

~~(4) Facilitate the use of career and occupational information in both school and nonschool settings through promotion and support of career education programs and activities;~~

~~(5) Provide the Governor with the comprehensive occupational and economic information required to improve the coordination of employment, training, career and technical education and vocational rehabilitation programs to meet commonly defined needs; and~~

~~(6) Recommend to the Governor legislative and executive initiatives designed to increase the utility of the Comprehensive Career, Occupational and Economic Data-based System as the system relates to a more effective coordination of employment, training, career and technical education and vocational rehabilitation programs, especially as these programs support economic development initiatives as the system relates to industrial recruitment and expansion efforts, and as the system relates to the delivery of career information to those involved in the career decision-making process.~~

~~B. The Executive Director of the Bureau of Employment Services may appoint, subject to the Civil Service Law, personnel authorized by the council and necessary to carry out the duties in this subsection.~~

~~C. The council may accept gifts, grants or other money from any source and may enter into contracts, charge fees and make grants for services consistent with this subsection.~~

5-D. Workforce investment. In addition to its other duties, the ~~council~~ board shall perform the duties of the state board under the Workforce Investment Act, referred to in this subsection as "the Act."

A. The ~~council~~ board shall assist the Governor in:

(1) Developing and continuously improving a statewide system of activities funded under the Act or carried out through a one-stop delivery system described in Section 134(c) of the Act including review of local plans and development of linkages to ensure coordination and nonduplication among the programs and activities with required and optional partners described in Section 121(b) of the Act;

- (2) Designating local areas as required in Section 116 of the Act;
- (3) Developing allocation formulas for the distribution to local areas of funds for youth activities and adult employment and training activities as allowed under Sections 133(b)(3)(B) and 128(b)(3)(B) of the Act;
- (4) Developing and continuously improving comprehensive state performance measures including state-adjusted levels of performance to assess the effectiveness of the workforce investment activities of the State as required under Section 136(b) of the Act;
- (5) Developing an application for an incentive grant under Section 503 of the Act;
- (6) Preparing an annual report to the United States Secretary of Labor as described in Section 136(d) of the Act;
- (7) ~~Commenting on~~ Evaluating measures taken pursuant to Section 113(b)(14) of the federal Carl D. Perkins Vocational and Applied Technology Education Act, 20 United States Code, Section 2323(b)(14); and
- (8) Developing the statewide statistics system described in Section 15(e) of the federal Wagner-Peyser Act, 29 United States Code, Section 491-2(e).

B. The ~~council~~ board has the necessary authority to carry out the purposes of this section.

C. The commissioner may appoint employees necessary to carry out the ~~council's~~ board's responsibility under this subsection.

D. The commissioner may adopt routine technical rules, in accordance with Title 5, chapter 375, subchapter 2-A necessary to carry out the ~~council's~~ board's responsibility under this subsection.

6. Powers. The ~~council shall have~~ board has the necessary authority to carry out the purposes of this section.

7. Committee structure. The ~~council~~ board has the following committee structure.

A. The council shall create ~~3~~ 6 standing committees ~~of up to 12 members. Each standing committee may include up to 8 noncouncil members appointed by the council chair and drawn from the same constituency groups as the council's membership.~~ The standing committees shall make recommendations to the full ~~council~~ board. The ~~3~~ 6 standing committees are as follows:

- (2) School-to-work;
- (3) Employment of people with disabilities; ~~and~~
- (4) Women's employment issues;
- (5) Older workers;
- (6) Veterans employment; and
- (7) The Program Policy Committee.

B. The ~~council board~~ may also create additional committees to address specific problems and issues. ~~These committees may consist of up to 12 members and may include up to 8 noncouncil members appointed by the council chair and drawn from the same constituency groups as the council's membership.~~ These committees shall make recommendations to the full ~~council board~~.

C. The Governor shall appoint members to ~~a technical support group~~ the Program Policy Committee, referred to in this paragraph as "the committee," to assist the ~~council board~~ in the performance of its duties and responsibilities. The Governor shall appoint persons to serve on the ~~technical support group~~ committee for 3-year terms. The services provided by the State's various workforce organizations must be fairly represented in the ~~technical support group~~ committee with consideration given to a balance between rural and urban interests. Organizations with representation on the ~~technical support group~~ committee may include, but are not limited to: organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act.

- ~~(1) The local areas;~~
- ~~(2) Adult education;~~
- ~~(3) School to work;~~
- ~~(4) Providers that specialize in women's workforce issues;~~
- ~~(5) Rehabilitation providers;~~
- ~~(6) Welfare to work;~~
- ~~(7) The University of Maine System;~~
- ~~(8) The Maine Community College System;~~
- ~~(9) Career and technical education; and~~
- ~~(10) The Department of Economic and Community Development, the Department of Education, the Department of Health and Human Services, the Department of Labor and the State Planning Office.~~

8. Meetings. The ~~council board~~ shall meet at such times and such places as it considers necessary. The meetings must be publicly announced and open to the general public. A majority of members of the ~~council board~~ constitutes a quorum for the transaction of business.

9. Administration. The Department of Education and the Department of Labor shall jointly administer the ~~council board~~. The Department of Labor is the fiscal agent for the ~~council board~~. Pursuant to the Commissioner of Labor's authority under section 1401-B and to the Commissioner of Education's authority under Title 20-A, section 253, subsection 2, the Commissioner of Labor and the Commissioner of Education may designate employees they consider necessary to carry out the State's responsibility under this section.

The Commissioner of Education and the Commissioner of Labor are authorized to adopt joint rules as may be necessary to carry out the State's responsibility under this section.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

The ~~council~~ board shall establish bylaws for its governance. These bylaws are subject to the Governor's approval.

10. Compensation. Members of the ~~council~~ board receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their duties on the ~~council~~ board, which are allowed by state law, are administered by the Department of Labor from federal or state appropriations.

Sec. 4. 26 MRSA §2033, sub-§4, ¶A, as amended by PL 2007, c. 506, §2, is further amended to read:

A. The education or training provided through the program must be for employment in industries with significant demand for skilled labor that have been:

- (1) Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;
- (2) Recommended by the ~~Maine Jobs Council~~ State Workforce Investment Board; and
- (3) Approved by the Governor or the Governor's designee.

Sec. 5. 35-A MRSA §10104, sub-§9, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

9. Coordination with other entities. Consistent with the requirements of this chapter and other applicable laws, the board shall coordinate with the activities and programs of state agencies and authorities that relate to the purposes of this chapter in order to align such activities and programs with the plans and programs of the trust. For purposes of this subsection, activities and programs of state agencies and authorities that relate to the purposes of this chapter include but are not limited to energy efficiency programs relating to state facilities administered by the Department of ~~Financial and Administrative~~ Administrative and Financial Services, Bureau of General Services, the adoption, amendment and maintenance of the Maine Uniform Building and Energy Code by the Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A within the Department of Public Safety, energy efficiency or green energy workforce development activities of the Department of Labor or the ~~Maine Jobs Council~~ State Workforce Investment Board and energy efficiency and weatherization programs administered by the Maine State Housing Authority.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor