

SENATE BILL 778

K3, C8

71r2645
CF HB 926

By: **Senator Pugh**

Introduced and read first time: February 14, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Job Skills Advancement Training Program**

3 FOR the purpose of establishing a Job Skills Advancement Training Program in the
4 Department of Labor, Licensing, and Regulation; establishing the purposes of
5 the Program; requiring the Department to provide grants to local workforce
6 investment boards to fund certain programs and services; requiring that the
7 Program be funded in a certain manner; requiring the Department to establish
8 and administer the Program and develop certain eligibility criteria; requiring
9 the Department to ensure that a certain percentage of funds provided under the
10 Program is utilized for certain purposes; requiring an applicant for a Program
11 grant to apply to the Department in a certain manner; requiring the
12 Department to evaluate applications, adopt certain evaluation standards,
13 establish certain financial procedures and reporting mechanisms, establish
14 certain data maintenance procedures, and assist in providing certain technical
15 assistance; authorizing the Department to adopt certain regulations; requiring
16 local workforce investment boards that receive grants under the Program to
17 meet certain requirements; requiring certain approved programs to meet
18 certain requirements; requiring the Department to submit a certain report on
19 or before certain dates; establishing the intent of the General Assembly
20 regarding funding for the Program; defining certain terms; and generally
21 relating to the Job Skills Advancement Training Program.

22 BY repealing and reenacting, with amendments,
23 Article – Labor and Employment
24 Section 11–501 to be under the new part “Part I. General Provisions”
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1999 Replacement Volume and 2006 Supplement)

2 BY adding to

3 Article – Labor and Employment

4 Section 11–511 through 11–516 to be under the new part “Part II. Job Skills
5 Advancement Training Program”

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 2006 Supplement)

8 Preamble

9 WHEREAS, Maryland’s ability to build and sustain a workforce that is
10 responsive to the demands and challenges of a knowledge-based economy is tied
11 directly to the State’s economic growth; and

12 WHEREAS, Maryland’s future rests on the strength of the State’s business
13 community, which in turn rests on the competitiveness of the State’s workforce; and

14 WHEREAS, In Maryland, this is particularly important in light of the Base
15 Realignment and Closure process, which will bring tens of thousands of high-growth
16 jobs into the State over the next decade, as well as the pipeline of skilled workers
17 needed to fill the thousands of job vacancies as the “Baby Boomer” generation retires;
18 and

19 WHEREAS, Unfortunately, Maryland can no longer rely on the federal
20 government to provide the needed resources for job skills advancement training; and

21 WHEREAS, Since federal fiscal year 2001, Maryland’s federal Workforce
22 Investment Act allocations have dropped by as much as 65% in some areas of the
23 State, and by nearly 40% overall since federal fiscal year 2003; and

24 WHEREAS, Numerous employers in Maryland are suffering shortages of skilled
25 workers, which inhibits the economic growth of the State; and

26 WHEREAS, Providing employment training assistance to low-income,
27 low-skilled workers will contribute to both economic development and prosperity in
28 the State; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article – Labor and Employment**

1 **PART I. GENERAL PROVISIONS.**

2 11-501.

3 This [subtitle] **PART** may be referred to as the “Maryland Workforce
4 Investment Act”.

5 **11-509. RESERVED.**

6 **11-510. RESERVED.**

7 **PART II. JOB SKILLS ADVANCEMENT TRAINING PROGRAM.**

8 **11-511.**

9 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
10 **INDICATED.**

11 **(B) “ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO MEETS THE**
12 **CRITERIA SET FORTH IN § 11-513 OF THIS PART.**

13 **(C) (1) “JOB SKILLS ADVANCEMENT TRAINING” MEANS THE**
14 **TRAINING APPROVED BY A LOCAL BOARD THAT RESULTS IN:**

15 **(I) ISSUANCE OF A POSTSECONDARY DEGREE;**

16 **(II) ISSUANCE OF A CERTIFICATE OF PROFICIENCY IN A**
17 **SPECIFIC WORK-RELATED SKILL; OR**

18 **(III) THE ATTAINMENT OF AN IDENTIFIABLE SKILL THAT IS**
19 **LIKELY TO LEAD TO FUTURE JOB ADVANCEMENT AND IMPROVEMENT IN AN**
20 **INDIVIDUAL’S EARNING POTENTIAL.**

21 **(2) “JOB SKILLS ADVANCEMENT TRAINING” INCLUDES:**

22 **(I) APPROVED IN-HOUSE, EMPLOYER-BASED JOB SKILLS**
23 **ADVANCEMENT TRAINING PROGRAMS; AND**

1 **(II) JOB SKILLS ADVANCEMENT TRAINING PROGRAMS**
2 **DEVELOPED IN COLLABORATION WITH INSTITUTIONS OF POSTSECONDARY**
3 **EDUCATION OR OTHER TRAINING PROVIDERS.**

4 **(D) “LOCAL BOARD” MEANS A LOCAL WORKFORCE INVESTMENT BOARD**
5 **ESTABLISHED UNDER § 117 OF THE FEDERAL WORKFORCE INVESTMENT ACT,**
6 **29 U.S.C. § 2832, TO ADMINISTER SERVICES IN A WORKFORCE INVESTMENT**
7 **AREA.**

8 **(E) “PROGRAM” MEANS THE JOB SKILLS ADVANCEMENT TRAINING**
9 **PROGRAM.**

10 **(F) “WORKFORCE INVESTMENT AREA” MEANS A GEOGRAPHIC AREA**
11 **DESIGNATED BY THE GOVERNOR AS A LOCAL WORKFORCE INVESTMENT AREA**
12 **UNDER § 116 OF THE FEDERAL WORKFORCE INVESTMENT ACT, 29 U.S.C. §**
13 **2831.**

14 **(G) (1) “WRAPAROUND SERVICES” MEANS SERVICES THAT ARE**
15 **NECESSARY TO ENABLE INDIVIDUALS TO PARTICIPATE IN AN APPROVED JOB**
16 **SKILLS ADVANCEMENT TRAINING PROGRAM.**

17 **(2) “WRAPAROUND SERVICES” INCLUDES TRANSPORTATION,**
18 **HEALTH CARE, CHILD CARE, MEALS, TEMPORARY HOUSING, AND OTHER**
19 **REASONABLE EXPENSES REQUIRED FOR PARTICIPATION IN A JOB SKILLS**
20 **ADVANCEMENT TRAINING PROGRAM.**

21 **11-512.**

22 **(A) THERE IS A JOB SKILLS ADVANCEMENT TRAINING PROGRAM IN**
23 **THE DEPARTMENT.**

24 **(B) THE PURPOSES OF THE PROGRAM ARE TO:**

25 **(1) PROVIDE INDIVIDUALS WITH ENHANCED OPPORTUNITIES FOR**
26 **CAREER ADVANCEMENT AND INCREASED EARNINGS POTENTIAL; AND**

27 **(2) MEET THE NEEDS OF THE STATE’S HIGH-GROWTH AND**
28 **HIGH-DEMAND INDUSTRIES AND ENABLE THOSE EMPLOYERS TO REMAIN AND**
29 **GROW WITHIN THE STATE.**

1 **(C) TO CARRY OUT THE PURPOSES OF THE PROGRAM, THE**
2 **DEPARTMENT SHALL PROVIDE GRANTS TO LOCAL BOARDS TO FUND:**

3 **(1) JOB SKILLS ADVANCEMENT TRAINING PROGRAMS;**

4 **(2) EMPLOYER-BASED JOB SKILLS ADVANCEMENT TRAINING**
5 **PROGRAMS; AND**

6 **(3) WRAPAROUND SERVICES.**

7 **(D) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE**
8 **BUDGET WITH:**

9 **(1) MONEY INCLUDED BY THE GOVERNOR IN THE BUDGET OF THE**
10 **DEPARTMENT;**

11 **(2) MONEY FROM ANY PRIVATE SOURCE; AND**

12 **(3) ANY AVAILABLE MONEY FROM A FEDERAL, STATE, OR LOCAL**
13 **PROGRAM.**

14 **11-513.**

15 **(A) THE DEPARTMENT SHALL:**

16 **(1) ESTABLISH AND ADMINISTER THE PROGRAM; AND**

17 **(2) DEVELOP ELIGIBILITY CRITERIA FOR:**

18 **(I) INDIVIDUAL AND EMPLOYER PARTICIPATION IN THE**
19 **PROGRAM; AND**

20 **(II) AWARDING GRANTS TO LOCAL BOARDS.**

21 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE ELIGIBILITY**
22 **CRITERIA DEVELOPED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION**
23 **OF:**

1 **(1) THE PERCENTAGE OF INDIVIDUALS IN THE GEOGRAPHIC**
2 **AREA OF THE LOCAL BOARD WHO ARE RECEIVING PUBLIC ASSISTANCE OR HAVE**
3 **RECEIVED PUBLIC ASSISTANCE WITHIN THE PRECEDING 12 MONTHS;**

4 **(2) THE LEVEL OF EXISTING WORKFORCE INVESTMENT BOARD**
5 **TRAINING PARTNERSHIPS WITH EMPLOYERS; AND**

6 **(3) THE ABILITY OF THE LOCAL BOARD TO MEET THE**
7 **REQUIREMENTS OF § 11-514 OF THIS SUBTITLE.**

8 **(C) THE DEPARTMENT SHALL ENSURE THAT AT LEAST 25% OF THE**
9 **TOTAL FUNDS PROVIDED UNDER THE PROGRAM ARE USED FOR JOB SKILLS**
10 **ADVANCEMENT TRAINING OF LOW-INCOME WORKERS.**

11 **11-514.**

12 **(A) TO APPLY FOR A GRANT UNDER THE PROGRAM, A LOCAL BOARD OR**
13 **A GROUP OF TWO OR MORE LOCAL BOARDS SHALL SUBMIT AN APPLICATION TO**
14 **THE DEPARTMENT.**

15 **(B) THE APPLICATION SHALL:**

16 **(1) IDENTIFY:**

17 **(I) THE WORK-RELATED SKILLS AND OCCUPATIONS THAT**
18 **ARE IN SHORT SUPPLY IN THE GEOGRAPHIC REGION SERVED BY THE LOCAL**
19 **BOARD; AND**

20 **(II) THE JOB SKILLS ADVANCEMENT TRAINING AND**
21 **WRAPAROUND SERVICES THAT THE LOCAL BOARD INTENDS TO FUND THROUGH**
22 **THE PROGRAM; AND**

23 **(2) PROVIDE ANY OTHER INFORMATION REQUESTED BY THE**
24 **DEPARTMENT.**

25 **(C) THE DEPARTMENT SHALL:**

1 **(1) EVALUATE APPLICATIONS SUBMITTED BY LOCAL BOARDS TO**
2 **DETERMINE WHETHER THE ELIGIBILITY CRITERIA DEVELOPED UNDER THIS**
3 **PART ARE MET;**

4 **(2) ADOPT OBJECTIVE PERFORMANCE EVALUATION STANDARDS**
5 **THAT MEASURE THE EFFECTIVENESS OF THE PROGRAM, INCLUDING:**

6 **(I) AN EVALUATION OF THE DIFFERENCE IN THE TYPE OF**
7 **JOB AND INCREASES IN WAGES AND BENEFITS OF AN INDIVIDUAL WITHIN 6**
8 **MONTHS AFTER COMPLETION OF THE JOB SKILLS ADVANCEMENT TRAINING;**
9 **AND**

10 **(II) THE MONITORING OF JOB ADVANCEMENT, WAGES, AND**
11 **BENEFIT LEVELS OF AN INDIVIDUAL WHO HAS COMPLETED JOB SKILLS**
12 **ADVANCEMENT TRAINING FOR A PERIOD OF 2 YEARS AFTER THE TRAINING IS**
13 **COMPLETED;**

14 **(3) ESTABLISH FINANCIAL PROCEDURES AND REPORTING**
15 **MECHANISMS TO ENSURE THAT JOB SKILLS ADVANCEMENT FUNDS ARE USED**
16 **APPROPRIATELY;**

17 **(4) ESTABLISH DATA COLLECTION, TRACKING, AND REPORTING**
18 **PROCEDURES; AND**

19 **(5) ASSIST IN PROVIDING TECHNICAL ASSISTANCE TO THE LOCAL**
20 **BOARDS.**

21 **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
22 **PART.**

23 **11-515.**

24 **(A) A LOCAL BOARD THAT RECEIVES A GRANT UNDER THE PROGRAM**
25 **SHALL:**

26 **(1) DEVELOP AN ASSESSMENT PROCESS TO IDENTIFY ELIGIBLE**
27 **INDIVIDUALS WITH EXISTING SKILLS AT A LEVEL SUFFICIENT TO BENEFIT FROM**
28 **JOB SKILLS ADVANCEMENT TRAINING PROGRAMS;**

1 (2) ENSURE THAT AN INDIVIDUAL APPLIES FOR ALL AVAILABLE
2 EDUCATION AND TRAINING SCHOLARSHIPS, GRANTS, OR PROGRAMS BEFORE
3 USING JOB SKILLS ADVANCEMENT TRAINING FUNDS;

4 (3) COORDINATE WITH ALL APPLICABLE PUBLIC AND PRIVATE
5 PROGRAMS THAT PROVIDE WRAPAROUND SERVICES TO ELIGIBLE INDIVIDUALS
6 AND ASSIST ELIGIBLE INDIVIDUALS IN APPLYING FOR THESE PROGRAMS
7 BEFORE USING PROGRAM FUNDS;

8 (4) DEVELOP AND IMPLEMENT AN OUTREACH PROGRAM TO
9 ENSURE ELIGIBLE INDIVIDUALS AND EMPLOYERS OF ELIGIBLE INDIVIDUALS
10 ARE AWARE OF THE OPPORTUNITIES PROVIDED UNDER THE PROGRAM;

11 (5) ASSIST ELIGIBLE INDIVIDUALS WHO HAVE COMPLETED
12 EMPLOYMENT ADVANCEMENT TRAINING IN OBTAINING EMPLOYMENT WITH
13 INCREASED WAGES AND BENEFITS;

14 (6) COLLECT DATA AND REPORT TO THE DEPARTMENT EACH
15 YEAR ON THE:

16 (I) NUMBER OF ELIGIBLE INDIVIDUALS WHO HAVE
17 SUCCESSFULLY COMPLETED JOB SKILLS ADVANCEMENT TRAINING;

18 (II) NUMBER OF ELIGIBLE INDIVIDUALS WHO OBTAIN
19 ADVANCED EMPLOYMENT ON COMPLETION OF JOB SKILLS ADVANCEMENT
20 TRAINING; AND

21 (III) NUMBER OF EMPLOYERS AND ELIGIBLE INDIVIDUALS
22 PARTICIPATING IN JOB SKILLS ADVANCEMENT TRAINING PROGRAMS; AND

23 (7) COMPLY WITH THE PROGRAM EVALUATION REQUIREMENTS
24 ESTABLISHED BY THE DEPARTMENT.

25 (B) (1) IN ADDITION TO THE JOB SKILLS ADVANCEMENT TRAINING
26 AND WRAPAROUND SERVICES PROVIDED DIRECTLY TO ELIGIBLE INDIVIDUALS,
27 A LOCAL BOARD THAT RECEIVES A PROGRAM GRANT SHALL WORK IN
28 COOPERATION WITH LOCAL EMPLOYERS TO IDENTIFY AND DEVELOP APPROVED
29 EMPLOYER-BASED TRAINING PROGRAMS CONSISTENT WITH THE
30 REQUIREMENTS OF THIS SUBSECTION.

1 **(2) APPROVED EMPLOYER-BASED TRAINING PROGRAMS:**

2 **(I) SHALL BE FUNDED WITH A MINIMUM CONTRIBUTION BY**
3 **THE EMPLOYER OF AT LEAST 50% IN MATCHING FUNDS;**

4 **(II) MAY RANGE FROM SHORT-TERM TRAINING IN SPECIFIC**
5 **SKILLS TO POSTSECONDARY EDUCATION CLASSES OVER A LONGER PERIOD OF**
6 **TIME;**

7 **(III) MAY NOT BE APPLIED TO TRAINING THAT WILL RESULT**
8 **IN THE ELIGIBLE INDIVIDUAL REMAINING IN OR MOVING TO A JOB WITH AN**
9 **EMPLOYER THAT IS AT MINIMUM WAGE SALARY LEVEL AND THAT DOES NOT**
10 **OFFER HEALTH CARE OR OTHER BENEFITS;**

11 **(IV) MAY BE PROVIDED IN CONJUNCTION WITH OTHER**
12 **EMPLOYERS TO ADDRESS COMMON WORKFORCE NEEDS; AND**

13 **(V) SHALL INCLUDE AGREED-ON PROCESSES TO FOLLOW**
14 **UP WITH EMPLOYERS AND EVALUATE THE SUCCESS OF THE TRAINING AND**
15 **DETERMINE IF THE TRAINING MEETS THE GOALS OF THE EMPLOYMENT**
16 **ADVANCEMENT TRAINING PROGRAM.**

17 **11-516.**

18 **ON OR BEFORE JANUARY 1, 2008, AND EACH YEAR THEREAFTER, THE**
19 **DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN**
20 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
21 **GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THIS PART.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That, for fiscal year 2008,
23 funding for the Job Skills Advancement Training Program shall be as provided in the
24 State budget. It is the intent of the General Assembly that beginning in fiscal year
25 2009, at least \$200,000 shall be included each year in the State budget for the Job
26 Skills Advancement Training Program.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2007.