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By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**

Introduced and read first time: February 9, 2001

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Job Training Services**

3 FOR the purpose of changing the title of the Maryland Job Training Partnership Act  
4 to Maryland Workforce Investment Act; repealing certain provisions concerning  
5 the Governor's plan concerning job training and placement programs for  
6 employment; making technical changes to reflect changes made to federal law;  
7 repealing certain provisions concerning classroom training; altering certain  
8 definitions; defining certain terms; providing for the accurate codification of the  
9 provisions of this Act; making certain technical and stylistic changes; providing  
10 for a delayed effective date; and generally relating to job training services in  
11 Maryland.

12 BY repealing and reenacting, with amendments,  
13 Article - Labor and Employment  
14 Section 11-501 through 11-505, 11-507, and 11-508 to be under the amended  
15 subtitle "Subtitle 5. Maryland Workforce Investment Act"  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2000 Supplement)

18 BY adding to  
19 Article - Labor and Employment  
20 Section 11-506  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2000 Supplement)

23 BY repealing  
24 Article - Labor and Employment  
25 Section 11-506 and 11-509  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume and 2000 Supplement)

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

3 **Article - Labor and Employment**

4 Subtitle 5. Maryland [Job Training Partnership] WORKFORCE INVESTMENT Act.

5 11-501.

6 This subtitle may be referred to as the "Maryland [Job Training Partnership]  
7 WORKFORCE INVESTMENT Act."

8 11-502.

9 (a) It is State policy to coordinate all the resources available from federal,  
10 State and local governments, business, labor, and community based organizations to  
11 foster and promote a balanced, equitable, and cost-effective employment and training  
12 system. To effectuate this policy there shall be consultation between the Governor and  
13 the General Assembly in implementing the federal [Job Training Partnership]  
14 WORKFORCE INVESTMENT Act and this subtitle.

15 (b) It is the State's goal to assist its citizens in obtaining gainful employment  
16 and in reducing dependence on public assistance and unemployment insurance  
17 programs by:

18 (1) preparing unskilled youth and adults who are economically  
19 disadvantaged for entry into the work force;

20 (2) retraining those who have lost jobs [and] OR who must upgrade or  
21 replace their work skills OR BOTH; and

22 (3) providing training and related services to increase the employability  
23 of those who encounter barriers to employment.

24 (c) It is also the State's goal to develop a well trained productive work force  
25 which meets the needs of a changing economy by:

26 (1) developing and ensuring maximum utilization of timely statewide  
27 labor market information;

28 (2) linking employment and training services with economic  
29 development efforts;

30 (3) providing enhanced employment and training capabilities specially  
31 designed to meet the needs of business and industry, including industries that utilize  
32 advanced technology applications; and

33 (4) encouraging and initiating innovative employment and training  
34 strategies.

1 11-503.

2 (a) In this subtitle the definitions set forth in [§ 4] § 101 of the federal Act  
3 shall apply; definitions set forth below shall have the meanings indicated.

4 (b) "Dislocated worker" means an individual [worker or an individual who is  
5 part of a substantial group of eligible individuals] who:

6 [(1) has been terminated or laid off or has received a notice of termination  
7 or lay-off from employment, is eligible for, receiving unemployment, or has exhausted  
8 the individual's entitlement to unemployment compensation, and is unlikely to return  
9 to the individual's previous industry or occupation;

10 (2) has been terminated, or has received a notice of termination of  
11 employment, as a result of any permanent closure of a plant or facility; or

12 (3) is long-term unemployed and has limited opportunities for  
13 employment or reemployment in the same or a similar occupation in the area in  
14 which the individual resides, including any older individual who may have  
15 substantial barriers to employment by reason of age.]

16 (1) IS UNLIKELY TO RETURN TO A PREVIOUS INDUSTRY OR OCCUPATION  
17 AND:

18 (I) HAS BEEN TERMINATED OR LAID OFF OR HAS RECEIVED A  
19 NOTICE OF TERMINATION OR LAYOFF FROM EMPLOYMENT;

20 (II) IS ELIGIBLE FOR OR HAS EXHAUSTED ENTITLEMENT TO  
21 UNEMPLOYMENT COMPENSATION; OR

22 (III) HAS BEEN EMPLOYED FOR A DURATION SUFFICIENT TO  
23 DEMONSTRATE, TO THE APPROPRIATE ENTITY AT A ONE-STOP CENTER REFERRED  
24 TO IN § 134(C) OF THE FEDERAL ACT, ATTACHMENT TO THE WORKFORCE, BUT IS NOT  
25 ELIGIBLE FOR UNEMPLOYMENT COMPENSATION DUE TO INSUFFICIENT EARNINGS  
26 OR HAVING PERFORMED SERVICES FOR AN EMPLOYER THAT WERE NOT COVERED  
27 UNDER STATE UNEMPLOYMENT COMPENSATION LAW;

28 (2) HAS BEEN TERMINATED OR LAID OFF, OR HAS RECEIVED A NOTICE  
29 OF TERMINATION OR LAYOFF, FROM EMPLOYMENT AS A RESULT OF ANY  
30 PERMANENT CLOSURE OF, OR ANY SUBSTANTIAL LAYOFF AT, A PLANT, FACILITY, OR  
31 ENTERPRISE;

32 (3) IS EMPLOYED AT A FACILITY AT WHICH THE EMPLOYER HAS MADE A  
33 GENERAL ANNOUNCEMENT THAT THE FACILITY WILL CLOSE WITHIN 180 DAYS;

34 (4) FOR PURPOSES OF ELIGIBILITY TO RECEIVE SERVICES OTHER THAN  
35 TRAINING SERVICES DESCRIBED IN § 134(D)(4) OF THE FEDERAL ACT, INTENSIVE  
36 SERVICES DESCRIBED IN § 134(D)(4) OF THE FEDERAL ACT, OR SUPPORTIVE  
37 SERVICES, IS EMPLOYED AT A FACILITY AT WHICH THE EMPLOYER HAS MADE A  
38 GENERAL ANNOUNCEMENT THAT THE FACILITY WILL CLOSE;

1 (5) WAS SELF-EMPLOYED (INCLUDING EMPLOYMENT AS A FARMER, A  
2 RANCHER, OR A FISHERMAN) BUT IS UNEMPLOYED AS A RESULT OF GENERAL  
3 ECONOMIC CONDITIONS IN THE COMMUNITY IN WHICH THE INDIVIDUAL RESIDES  
4 OR BECAUSE OF NATURAL DISASTERS; OR

5 (6) IS A DISPLACED HOMEMAKER.

6 (c) ["Economically disadvantaged] "LOW-INCOME individual" means an  
7 individual who:

8 (1) receives, or is a member of a family which receives, cash welfare  
9 payments under a federal, State, or local [welfare] INCOME-BASED PUBLIC  
10 ASSISTANCE program;

11 (2) [has] RECEIVED AN INCOME, or is a member of a family [which  
12 has,] THAT received a total family income for the 6-month period prior to application  
13 for the program involved (exclusive of unemployment compensation, child support  
14 payments, [and welfare] payments DESCRIBED IN PARAGRAPH (1) OF THIS  
15 SUBSECTION, AND OLD AGE AND SURVIVORS INSURANCE BENEFITS RECEIVED  
16 UNDER SECTION 202 OF THE SOCIAL SECURITY ACT (42 U.S.C 402)) [which] THAT, in  
17 relation to family size, [was not in excess of] DOES NOT EXCEED the higher of:

18 (I) the poverty level [determined in accordance with criteria  
19 established by the United States Office of Management and Budget, or] FOR AN  
20 EQUIVALENT PERIOD; OR

21 (II) 70 percent of the lower living standard income level FOR AN  
22 EQUIVALENT PERIOD;

23 (3) [is receiving] IS A MEMBER OF A HOUSEHOLD THAT RECEIVES FOOD  
24 STAMPS OR HAS BEEN DETERMINED WITHIN THE 6-MONTH PERIOD PRIOR TO  
25 APPLICATION FOR THE PROGRAM INVOLVED TO BE ELIGIBLE TO RECEIVE food  
26 stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 ET SEQ.);

27 (4) is a foster child on behalf of whom State or local government  
28 payments are made; [or]

29 (5) in cases permitted by regulations [of] PROMULGATED BY the  
30 Secretary, is an [adult handicapped] individual WITH A DISABILITY whose own  
31 income meets the requirements of A PROGRAM DESCRIBED IN paragraph (1) or (2) of  
32 this subsection, but who is a member of a family whose income does not meet such  
33 requirements; OR

34 (6) QUALIFIES AS A HOMELESS INDIVIDUAL, AS DEFINED IN  
35 SUBSECTIONS (A) AND (C) OF § 103 OF THE STEWART B. MCKINNEY HOMELESS  
36 ASSISTANCE ACT (42 U.S.C. 11302).

37 (d) "Federal Act" means the federal [Job Training Partnership] WORKFORCE  
38 INVESTMENT Act.

1 (e) "Governor's plan" means the [Governor's coordination and special services  
2 plan] STATE PLAN as provided in [ § 121] § 112 of the federal Act.

3 (f) ["Handicapped individual"] "INDIVIDUAL WITH A DISABILITY" means any  
4 individual who has a physical or mental disability which for the individual constitutes  
5 or results in a substantial handicap to employment.

6 (g) ["Job training"] "LOCAL PLAN" means the [training] COMPREHENSIVE  
7 5-YEAR LOCAL plan required for each [service delivery] LOCAL WORKFORCE  
8 INVESTMENT area as provided in [ §§ 103 and 104] § 118 of the federal Act and any  
9 final plan or modification as provided in [ § 105 of] the federal Act.

10 (H) "PARTICIPANT" MEANS AN INDIVIDUAL WHO HAS BEEN DETERMINED  
11 ELIGIBLE TO PARTICIPATE IN AND WHO IS RECEIVING SERVICES (EXCEPT  
12 FOLLOW-UP SERVICES AUTHORIZED UNDER THIS TITLE) UNDER A PROGRAM  
13 AUTHORIZED UNDER THIS TITLE.

14 [(h)] (I) "Performance standards" means the basic measures of performance  
15 for training programs to be prescribed by the Secretary and such variations of the  
16 standards as the Governor may prescribe [as provided in § 106 of the federal Act].

17 [(i)] (J) "Secretary" means the United States Secretary of Labor.

18 [(j)] (K) ["Service delivery"] "WORKFORCE INVESTMENT area" means a  
19 geographic area designated by the Governor in accordance with [ § 101] § 116 of the  
20 federal Act.

21 [(k)] (L) ["State council"] "STATE WORKFORCE INVESTMENT BOARD" means  
22 the [State Human Resource Investment Council] GOVERNOR'S WORKFORCE  
23 INVESTMENT BOARD, as provided in [ § 701] § 111 of the federal [Act, which shall be  
24 called the Work Force Investment Board] ACT.

25 [(l)] (M) [(1)] "Supportive services" means services [which are necessary to  
26 enable an individual eligible for training under the federal Act, but who cannot afford  
27 to pay for such services, to participate in a training program funded under the federal  
28 Act.

29 (2) "Supportive services" may include transportation, health care, special  
30 services and materials for the handicapped, child care, meals, temporary shelter,  
31 financial counseling, and other reasonable expenses required for participation in the  
32 training program and may be provided in-kind or through cash assistance] SUCH AS  
33 TRANSPORTATION, CHILD CARE, DEPENDENT CARE, HOUSING, AND NEEDS-RELATED  
34 PAYMENTS THAT ARE NECESSARY TO ENABLE AN INDIVIDUAL TO PARTICIPATE IN  
35 ACTIVITIES AUTHORIZED UNDER THE FEDERAL ACT, CONSISTENT WITH THE  
36 FEDERAL ACT.

37 11-504.

38 (a) A [job training partnership] WORKFORCE INVESTMENT TRAINING  
39 program is established to implement the federal Act.

1 (b) This program shall provide employment, training, supportive and related  
2 services for unemployed individuals who are [economically disadvantaged] LOW  
3 INCOME, for dislocated workers, and for those who are not [economically  
4 disadvantaged] LOW INCOME, but who qualify under [§ 203(a)(2) of] the federal Act  
5 as having barriers to employment, including, but not limited to, displaced  
6 homemakers, school dropouts, teenage parents, [handicapped] INDIVIDUALS WITH  
7 DISABILITIES, older workers, [and veterans] VETERANS, AND OTHER PARTICIPANTS  
8 AS DEFINED BY THE FEDERAL ACT.

9 (c) The County Commissioners of Carroll County may appropriate funds  
10 necessary to enter into contracts with private or public enterprises for the training or  
11 retraining of workers of those enterprises.

12 11-505.

13 (a) The [State council] GOVERNOR'S WORKFORCE INVESTMENT BOARD is  
14 established and shall have the membership as provided in [ § 702] § 111 of the federal  
15 Act.

16 (b) The [State council] GOVERNOR'S WORKFORCE INVESTMENT BOARD may  
17 not have more than 40 members appointed by the Governor for staggered terms set by  
18 the Governor by executive order.

19 (c) The [State council] GOVERNOR'S WORKFORCE INVESTMENT BOARD shall  
20 be funded [as provided in § 703] CONSISTENT WITH §§ 111 AND 128 of the federal Act  
21 and shall have personnel and appropriations as are provided in the State budget.

22 (d) The [State council] GOVERNOR'S WORKFORCE INVESTMENT BOARD shall  
23 perform the duties [of a single State human resource investment council as provided  
24 in Article VII of the federal Act with respect to:

25 (1) the programs described in:

26 (i) the federal Act;

27 (ii) the Carl D. Perkins Vocational and Applied Technology  
28 Education Act;

29 (iii) the National and Community Service Act of 1990;

30 (iv) the Adult Education Act;

31 (v) the Wagner-Peyser Act; and

32 (vi) Part F of Title IV of the Social Security Act;

33 (2) the employment program established under § 6(d)(4) of the Food  
34 Stamp Act of 1977; and

35 (3) each human resource program designated by the Governor by  
36 executive order] AND FUNCTIONS IDENTIFIED IN § 111 OF THE FEDERAL ACT AND

1 OTHER FUNCTIONS DESIGNATED BY THE GOVERNOR AS NECESSARY TO IMPROVE  
2 THE QUALITY OF THE STATE'S WORKFORCE.

3 (e) The [State council] GOVERNOR'S WORKFORCE INVESTMENT BOARD may  
4 adopt any rule or regulations necessary to carry out its powers and duties.

5 (f) As soon after January 1 of each year as reasonably possible, the [State  
6 Board] GOVERNOR'S WORKFORCE INVESTMENT BOARD shall submit an annual  
7 report to the Governor and, subject to § 2-1246 of the State Government Article, to  
8 the General Assembly.

9 [11-506.

10 The Governor's plan shall include but not be limited to:

11 (1) an annual statement of goals and objectives for job training and  
12 placement programs within the State in order to provide planning guidance in the  
13 preparation of service delivery area job training plans and to satisfy the requirements  
14 of § 7(a) of the federal Act of June 6, 1933 (Wagner-Peyser Act);

15 (2) a plan describing the use of all resources provided to the State and its  
16 service delivery areas and evaluating the experience over the preceding plan period;

17 (3) criteria for coordinating activities under the federal Act, including  
18 Title III, with programs and services provided by State and local education and  
19 training agencies, the Department of Labor, Licensing, and Regulation, public  
20 assistance agencies, rehabilitation agencies, postsecondary institutions, the State  
21 Occupational Information Coordinating Committee, economic development agencies,  
22 the private sector, and such other agencies as the Governor determines to have a  
23 direct interest in employment and training and human resource utilization within the  
24 State (such criteria may not affect local discretion concerning the selection of eligible  
25 participants or service providers in accordance with the provisions of §§ 107 and 203  
26 of the federal Act);

27 (4) a description of the projected use of resources, including oversight  
28 and support activities, priorities and criteria for State incentive grants, and  
29 performance goals for State supported programs;

30 (5) identification of adjustments made in the performance standards and  
31 the factors that are used in making the adjustments;

32 (6) provisions for the design, development, and operation of a statewide  
33 uniform labor market information system to facilitate the timely availability of  
34 employment and training information throughout the State;

35 (7) provisions for the design and use of a statewide management  
36 information system that produces, at a minimum on a quarterly basis, financial  
37 reports, participant characteristics, and program performance statistics; and

1 (8) provisions to maximize the utilization of existing State, local, and  
2 private institutions and organizations which have demonstrated effectiveness in the  
3 provision of employment and training programs (which include but are not limited to  
4 public schools, including career and technology education centers, community  
5 colleges, State approved proprietary schools, State colleges and universities, the  
6 University System of Maryland, and business and industry).]

7 11-506.

8 IN ACCORDANCE WITH § 112 OF THE FEDERAL ACT, THE GOVERNOR SHALL  
9 SUBMIT TO THE SECRETARY A STATE PLAN THAT INCLUDES THE WORKFORCE  
10 INITIATIVES OF STATE AGENCIES AND OUTLINES A 5-YEAR STRATEGY FOR THE  
11 STATEWIDE WORKFORCE INVESTMENT SYSTEM OF THE STATE. THE GOVERNOR'S  
12 PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE ITEMS SET FORTH IN § 112 OF  
13 THE FEDERAL ACT.

14 11-507.

15 (a) After receiving recommendations from the [State council] GOVERNOR'S  
16 WORKFORCE INVESTMENT BOARD REGARDING YOUTH AND ADULT DISCRETIONARY  
17 ALLOCATIONS, AS PROVIDED FOR IN §§ 128(A) AND (B)(1) AND (3) AND 133(A) AND (B)(1)  
18 AND (3) OF THE FEDERAL ACT, the Governor shall allocate federal funds [reserved to  
19 the State under Title II of the federal Act] in accordance with §§ 128 AND 133 OF THE  
20 FEDERAL ACT, THE STATE PLAN, AND State budget procedures.

21 (b) After receiving recommendations from the [State council] GOVERNOR'S  
22 WORKFORCE INVESTMENT BOARD regarding the utilization of federal funds [under  
23 Title III] FOR RESERVATIONS FOR STATE ACTIVITIES UNDER § 133 (A) AND FOR  
24 DISLOCATED WORKERS UNDER § 133(B)(2)(B) of the federal Act, the Governor, except  
25 for funds reserved for State purposes, shall distribute the remainder to the [service  
26 delivery] WORKFORCE INVESTMENT areas in accordance with [the State plan  
27 required under § 308] § 133 of the federal [Act] ACT, THE STATE PLAN, AND STATE  
28 BUDGET PROCEDURES. [For fiscal year 1984, the Governor shall, after receiving  
29 recommendations from the State council, distribute that remainder to service  
30 delivery areas in the form of grants in order to facilitate the rapid start-up or  
31 continuation of programs for dislocated workers. The State council shall make its  
32 recommendations for fiscal year 1984 no later than September 1, 1983].

33 (c) The Governor may provide State funds in the budget to qualify for funds  
34 under the federal Act, and FOR OTHER PURPOSES TO PROMOTE THE WORKFORCE  
35 DEVELOPMENT SYSTEM to implement § 11-508 of this subtitle.

36 (d) Funds provided under the federal Act shall only be used for activities  
37 which are in addition to those which would otherwise be available in the area in the  
38 absence of such funds.

39 (e) Nothing in this section is intended to limit the ability of the State to USE  
40 PRIVATE RESOURCES AND TO contract with private or public entities to provide  
41 employment and training services or supportive services.



1 11-508.

2 To the extent that State funds become available and subject to the procedures in  
3 § 11-505(d) OF THIS SUBTITLE, after receiving recommendations from the [State  
4 council] GOVERNOR'S WORKFORCE INVESTMENT BOARD regarding the utilization of  
5 State funds to supplement federal funds for employment and training services,  
6 supportive services, and for related services such as training allowances and stipends,  
7 the Governor may allocate an amount for such purposes in accordance with State  
8 budget procedures.

9 [11-509.

10 (a) In this section, "classroom training" means training conducted in a  
11 classroom or in an institutional setting with funds provided under the federal Act  
12 including institutional training with private sector employers but not including  
13 on-the-job training as defined in the federal Act.

14 (b) To the extent that State funds are made available under § 11-508 of this  
15 subtitle, the Secretary of Labor, Licensing, and Regulation may provide payments as  
16 training allowances to provide for support services such as transportation and child  
17 care to individuals who require such services in order to participate in classroom  
18 training programs.

19 (c) (1) A payment to an individual under this section shall be based on the  
20 actual costs of the service needs, or an approximation of these costs under a flat rate  
21 system. The payment system shall be established by the Secretary for all State  
22 programs and by the Private Industry Council and administrating agency for a local  
23 program in a service delivery area.

24 (2) Any flat rate payment system shall provide 2 tiers of allowance  
25 payments. One tier shall address recipients in need of services other than child care.  
26 A higher rate shall be provided for those in need of child care. The flat rates may be  
27 computed on a per diem or a weekly basis.

28 (3) A training allowance to an individual under this section may not  
29 exceed \$100 a week.

30 (4) Allowance payments may be provided to participants that are  
31 enrolled in either the federal Act Title II-A program, or the federal Act Title III  
32 program based solely on their need for support services.

33 (d) In order to be eligible for a training allowance under this section, an  
34 individual must:

35 (1) meet the eligibility requirements set forth in the federal Act for  
36 participation in a Title II-A or a Title III program;

37 (2) be enrolled in and actively attending a classroom training program;  
38 and

1 (3) not be receiving unemployment compensation, but may be receiving  
2 cash or other financial assistance under the Family Investment Program or the  
3 transitional emergency, medical, and housing assistance program, or similar federal  
4 or State cash payments.

5 (e) (1) Funds shall be allocated to each service delivery area by multiplying  
6 the total amount of authorized funds by a ratio derived by dividing the funds  
7 allocated to each service delivery area under Title II-A and III of the federal Act by  
8 the sum of the funds allocated to all service delivery areas under Title II-A of the  
9 federal Act plus the total amount of funds allocated to the Department of Labor,  
10 Licensing, and Regulation and all service delivery areas under Title III of the federal  
11 Act.

12 (2) Funds shall be allocated to the Department of Labor, Licensing, and  
13 Regulation by multiplying the total amount of authorized funds by a ratio derived by  
14 dividing the funds allocated to the Department under Title III of the federal Act by  
15 the sum of the funds allocated to all service delivery areas under Title II-A of the  
16 federal Act plus the total amount of funds allocated to the Department and all service  
17 delivery areas under Title III of the federal Act.

18 (3) Funds used for monitoring, auditing, and disbursement of training  
19 allowances shall not exceed 5 percent of the funds authorized under this section.

20 (f) The Secretary of Labor, Licensing, and Regulation shall submit to the  
21 State council for review and comment the Department's plan for the financial  
22 assistance program established by this section to supplement available federal funds  
23 under the Job Training Partnership Act.

24 (g) The Secretary of Labor, Licensing, and Regulation may adopt rules and  
25 regulations to administer this section.

26 (h) The Secretary of Labor, Licensing, and Regulation shall report to the  
27 Governor and, subject to § 2-1246 of the State Government Article, to the General  
28 Assembly on the number of individuals served and the levels and total amount of  
29 payments under this section.]

30 SECTION 2. AND BE IT FURTHER ENACTED, That:

31 (a) The publishers of the Annotated Code of Maryland, subject to the approval  
32 of the Department of Legislative Services, shall propose the correction of any agency  
33 names and titles throughout the Code that are rendered incorrect by this Act; and

34 (b) Subject to the approval of the Director of Legislative Services, the  
35 publishers of the Annotated Code of Maryland shall correct any cross-references that  
36 are rendered incorrect by this Act.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 July 1, 2002.