

SENATE BILL 178

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2002 Regular Session
2lr1520
CF 2lr1163

By: **Senators Bromwell, Exum, and Roesser**
Introduced and read first time: January 17, 2002
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Welfare Innovation Act of 2002**

3 FOR the purpose of requiring local departments of social services to execute certain
4 hiring agreements with certain entities doing business with certain counties for
5 the purpose of hiring Family Investment Program (FIP) recipients; requiring a
6 governing body of a county to designate certain procurement contracts as
7 eligible contracts that in conjunction with the award of such contracts a hiring
8 agreement is to be executed; requiring the Department to develop a certain
9 model form; requiring the Department and local departments of social services
10 to submit an annual report; requiring the Secretary of Human Resources to
11 establish a mentoring program for current FIP recipients; providing for the use
12 of certain funds in a certain account; repealing certain reporting requirements
13 for employers who hire new employees; and generally relating to the Family
14 Investment Program.

15 BY adding to
16 Article 24 - Political Subdivisions - Miscellaneous Provisions
17 Section 18-101 to be under the new title "Title 18. Family Investment Program
18 Contracts and Hiring Agreements"
19 Annotated Code of Maryland
20 (2001 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article 88A - Department of Human Resources
23 Section 56
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Labor and Employment
28 Section 8-626.1
29 Annotated Code of Maryland
30 (1999 Replacement Volume and 2001 Supplement)

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

3 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

4 TITLE 18. FAMILY INVESTMENT PROGRAM CONTRACTS AND HIRING AGREEMENTS.

5 18-101.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

9 (3) "ELIGIBLE CONTRACT" MEANS A PROCUREMENT CONTRACT
10 DESIGNATED BY THE GOVERNING BODY OF A COUNTY AS APPROPRIATE FOR THE
11 EXECUTION OF A HIRING AGREEMENT.

12 (4) "FIP" MEANS THE FAMILY INVESTMENT PROGRAM ESTABLISHED
13 UNDER ARTICLE 88A OF THE CODE.

14 (5) "HIRING AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY A
15 LOCAL DEPARTMENT AND AN ENTITY DOING BUSINESS WITH A COUNTY UNDER
16 WHICH THE LOCAL DEPARTMENT AND THE ENTITY AGREE TO WORK
17 COOPERATIVELY IN ENDEAVORING TO IDENTIFY AND HIRE FIP RECIPIENTS TO FILL
18 JOB OPENINGS OF THE ENTITY.

19 (6) "LOCAL DEPARTMENT" MEANS A LOCAL DEPARTMENT OF SOCIAL
20 SERVICES IN A COUNTY OR IN BALTIMORE CITY CREATED OR CONTINUED UNDER
21 THE PROVISIONS OF ARTICLE 88A, § 13 OF THE CODE.

22 (B) ON OR BEFORE OCTOBER 1, 2002, THE GOVERNING BODY OF A COUNTY, IN
23 CONSULTATION WITH THE DEPARTMENT, SHALL DESIGNATE THE TYPES OF
24 PROCUREMENT CONTRACTS THAT ARE ELIGIBLE CONTRACTS.

25 (C) (1) ON OR BEFORE DECEMBER 1, 2002, THE DEPARTMENT SHALL
26 DEVELOP A MODEL HIRING AGREEMENT FORM THAT SHALL BE COMPLETED BY A
27 LOCAL DEPARTMENT AND AN ENTITY IN CONJUNCTION WITH THE AWARD OF AN
28 ELIGIBLE CONTRACT.

29 (2) THE MODEL HIRING AGREEMENT FORM SHALL INCLUDE THE
30 FOLLOWING PROVISIONS:

31 (I) THAT THE ENTITY WILL:

32 1. INFORM THE LOCAL DEPARTMENT OF ALL OF THE
33 ENTITY'S JOB OPENINGS;

34 2. DECLARE THE LOCAL DEPARTMENT ITS "FIRST SOURCE"
35 IN IDENTIFYING AND HIRING CANDIDATES TO FILL THOSE JOB OPENINGS;

1 3. WORK COOPERATIVELY WITH THE LOCAL DEPARTMENT
2 TO DEVELOP ANY NECESSARY TRAINING PROGRAMS THAT WILL ENABLE FIP
3 RECIPIENTS IN QUALIFYING FOR AND SECURING THE POSITIONS;

4 4. GIVE FIRST PREFERENCE AND FIRST CONSIDERATION TO
5 THE EXTENT PERMITTED BY LAW AND ANY EXISTING LABOR AGREEMENTS TO
6 CANDIDATES REFERRED TO THE ENTITY BY THE LOCAL DEPARTMENT;

7 5. AGREE TO GIVE CANDIDATES REFERRED TO THE ENTITY
8 BY THE LOCAL DEPARTMENT PRIORITY IN THE FILLING OF A JOB OPENING IF THE
9 CANDIDATE MEETS THE QUALIFICATIONS OF THE POSITION;

10 6. PROVIDE THE LOCAL DEPARTMENT WITH INFORMATION
11 ON THE DISPOSITION OF ALL REFERRALS MADE BY THE LOCAL DEPARTMENT
12 INCLUDING AN EXPLANATION OF WHY ANY SUCH CANDIDATE WAS NOT HIRED OR
13 CONSIDERED QUALIFIED;

14 7. PROVIDE THE LOCAL DEPARTMENT WITH INFORMATION
15 REGARDING THE PROGRESS AND EMPLOYMENT STATUS OF THOSE CANDIDATES
16 REFERRED BY THE LOCAL DEPARTMENT THAT THE ENTITY HIRED; AND

17 8. DESIGNATE A SPECIFIC INDIVIDUAL THAT THE LOCAL
18 DEPARTMENT MAY CONTACT IN REGARD TO THE PROVISIONS OF THE HIRING
19 AGREEMENT; AND

20 (II) THAT THE LOCAL DEPARTMENT WILL ASSIGN AN ACCOUNT
21 REPRESENTATIVE TO THE ENTITY WHO WILL:

22 1. RECEIVE AND PROCESS ALL OF THE ENTITY'S JOB
23 NOTIFICATIONS;

24 2. REFER ONLY SCREENED AND QUALIFIED CANDIDATES TO
25 THE ENTITY;

26 3. ASSIST IN THE DEVELOPMENT OF ANY MUTUALLY
27 AGREED UPON TRAINING PROGRAMS, INTERNSHIP PROGRAMS, OR BOTH THAT WILL
28 BETTER PREPARE FIP RECIPIENTS FOR EMPLOYMENT WITH THE ENTITY;

29 4. ARRANGE FOLLOW-UP AND POST-HIRE TRANSITIONAL OR
30 SUPPORTIVE SERVICES, SUCH AS CHILD CARE AND TRANSPORTATION, AS
31 NECESSARY AND APPROPRIATE; AND

32 5. REVIEW AND EVALUATE THE EFFECTIVENESS OF THE
33 HIRING AGREEMENT WITH THE ENTITY AND MAKE MODIFICATIONS IN THE
34 AGREEMENT AS NECESSARY AND APPROPRIATE.

35 (D) EACH YEAR, THE DEPARTMENT AND ANY LOCAL DEPARTMENTS THAT
36 HAVE ENTERED INTO HIRING AGREEMENTS SHALL SUBMIT A REPORT TO THE JOINT
37 COMMITTEE ON WELFARE REFORM OF THE GENERAL ASSEMBLY AND, SUBJECT TO §
38 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

1 (g) The Secretary may arrange to provide pay or other types of incentives to
2 employees who volunteer to mentor CURRENT AND former FIP recipients.

3 (h) The Secretary's powers under this section shall be given liberal
4 construction.

5 **Article - Labor and Employment**

6 8-626.1.

7 (a) In this section, "date of employment" means the date on which an
8 employee commences working for an employing unit.

9 (b) Except as provided in subsection (c) of this section, within 20 days of an
10 employee's beginning employment, the employee's employing unit shall submit to the
11 Secretary:

- 12 (1) the Social Security number of the employee;
- 13 (2) the name of the employee;
- 14 (3) the address of the employee;
- 15 (4) the date of employment;
- 16 (5) the employing unit's name and address;
- 17 (6) [the employee's starting wage;
- 18 (7) whether the employee has health insurance provided by the
19 employing unit;
- 20 (8)] the federal employer identification number of the employing unit;
21 and
- 22 [(9)] (7) the State unemployment insurance account number of the
23 employing unit.

24 (c) (1) The employing unit shall report the required information by:

- 25 (i) mail;
- 26 (ii) magnetically or electronically; or
- 27 (iii) other means as determined by the Secretary.

28 (2) If an employing unit chooses to transmit data magnetically or
29 electronically at a rate of twice per month, then the report must be submitted not less
30 than 12 days or more than 16 days apart.

1 (3) (i) An employing unit that has employees in two or more states
2 and that transmits reports magnetically or electronically may designate one state in
3 which to transmit the report.

4 (ii) An employing unit that chooses to transmit the data to another
5 state shall provide the Secretary with the name of the state receiving the report.

6 (d) (1) Any employing unit that fails to report as required:

7 (i) shall be given a written warning for the first violation; and

8 (ii) shall be subject to a civil penalty of \$20 for each month in which
9 a subsequent violation occurs, or \$500 if the failure is the result of a conspiracy
10 between the employer and the employee to not supply the required report or to supply
11 a false or incomplete report, unless the Secretary waives the penalty for cause.

12 (2) All violations occurring in a single month to the same employing unit
13 shall be considered a single violation.

14 (e) An assessment under this section is final unless, within 15 days after the
15 mailing of the assessment, an employing unit applies to the Secretary for a hearing.
16 The Secretary may forward the application to the Office of Administrative Hearings
17 for adjudication.

18 (f) The Department of Human Resources shall reimburse the Secretary for all
19 costs incurred to carry out this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Dedicated Purpose
21 Account for the Family Investment Program established under Chapter 593, § 7, of
22 the Acts of the General Assembly of 1997, and Chapter 637, § 7, of the Acts of the
23 General Assembly of 1998, may be used for the following purposes:

24 (a) Providing assistance to needy families so that children may be cared
25 for in their own homes or in the homes of relatives;

26 (b) Ending the dependence of needy parents on government benefits by
27 promoting job preparation, work, and marriage;

28 (c) Preventing and reducing the incidence of out-of-wedlock
29 pregnancies;

30 (d) Encouraging the formation and maintenance of two-parent families;
31 and

32 (e) Reducing child poverty.

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