

# SENATE BILL 278

K3, C8

3lr0149  
CF HB 227

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By: **The President (By Request – Administration) and Senators Klausmeier, Kasemeyer, Miller, Currie, DeGrange, Ferguson, Forehand, Garagiola, ~~King, Madaleno, Manno, McFadden, Middleton, Montgomery, Peters, Glassman, King, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pugh, Ramirez, Robey, and Young~~**

Introduced and read first time: January 18, 2013

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Employment Advancement Right Now (EARN) Program**

3 FOR the purpose of establishing the Maryland Employment Advancement Right Now  
4 (EARN) Program (Maryland EARN Program) in the Department of Labor,  
5 Licensing, and Regulation (Department); requiring the Department, in  
6 consultation with the Department of Business and Economic Development and  
7 the Governor's Workforce Investment Board, to establish and administer the  
8 Program to provide certain grants on a competitive basis for certain purposes;  
9 requiring applications for certain grants under the Program to include certain  
10 information; authorizing certain grants to be awarded in a certain manner;  
11 requiring the grant process to give priority to certain strategic industry  
12 partnerships; authorizing the Department to adopt certain regulations;  
13 requiring the Department to monitor certain grants; authorizing the  
14 Department to impose certain requirements on certain recipients of certain  
15 grants and to revoke certain grants under certain circumstances; providing that  
16 certain intellectual property developed as a result of grants awarded under the  
17 Program remain in the public domain under certain circumstances; requiring  
18 the Department, in consultation with the Department of Budget and  
19 Management to develop and implement a certain State employment  
20 advancement strategy; requiring the Department, in consultation with the  
21 Department of Business and Economic Development and the Department of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Information Technology to develop a certain Web site; providing for the funding  
2 of the Program; requiring the Department to submit a certain annual report;  
3 requiring the Department to convene a certain working group; requiring the  
4 Department to provide certain individuals with certain information; defining  
5 certain terms; and generally relating to the establishment of the Maryland  
6 Employment Advancement Right Now (EARN) Program.

7 BY adding to

8 Article – Labor and Employment

9 Section 11–701 through 11–710 to be under the new subtitle “Subtitle 7.  
10 Maryland Employment Advancement Right Now Program”

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2012 Supplement)

13 Preamble

14 WHEREAS, Even in the most difficult economic times, Maryland has continued  
15 to make significant investments in both the State’s K–12 and higher education  
16 systems resulting in one of the most highly educated workforces in the country; and

17 WHEREAS, Despite these advances, many working families continue to face  
18 significant challenges in obtaining skills and credentials necessary to secure stable  
19 employment and to access opportunities for advancement in employment; and

20 WHEREAS, Maryland’s employers and economic growth industries continue to  
21 lack skilled workers which inhibits the economic growth of the State; and

22 WHEREAS, Maryland’s workforce development system has many excellent and  
23 highly ranked components that are often fragmented in a manner that inhibits the  
24 potential for significant economic progress in the State; and

25 WHEREAS, Creating a coordinated system to advance the skills of the State’s  
26 workforce through a collaboration of industry, State and local governments, and  
27 nonprofits will grow Maryland’s economy; and

28 WHEREAS, Providing access to career ladders for employment advancement  
29 and reducing barriers to employment can result in long–term improvements in the  
30 economic well–being of working families and will assist in sustaining and growing  
31 Maryland’s middle class; and

32 WHEREAS, Maryland’s ability to be competitive in the world economy will only  
33 truly improve through working collaborations of public, private, and nonprofit  
34 partners that make up the State’s workforce development system; and

35 WHEREAS, Providing skills training for the rapid employment advancement of  
36 individuals while meeting the workforce needs of employers will promote both the  
37 prosperity of working families and economic development in the State; now, therefore,

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 7. MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW**  
5 **PROGRAM.**

6 **11-701.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) “CREDENTIAL” MEANS A RECOGNIZED:

10 (1) EDUCATIONAL DIPLOMA;

11 (2) CERTIFICATE OR DEGREE;

12 (3) OCCUPATIONAL LICENSE;

13 (4) APPRENTICESHIP CERTIFICATE;

14 (5) INDUSTRY RECOGNIZED CERTIFICATION; OR

15 (6) AWARD FOR SKILLS ATTAINMENT AND COMPLETION, ISSUED  
16 BY AN APPROVED TRAINING PROVIDER IN THE STATE OR THIRD-PARTY  
17 CREDENTIAL PROVIDER.

18 (C) “HIGH-DEMAND OCCUPATION” MEANS AN OCCUPATION THAT:

19 (1) HAS A SIGNIFICANT PRESENCE WITHIN TARGET INDUSTRIES;

20 (2) IS IN DEMAND BY EMPLOYERS; AND

21 (3) PAYS OR LEADS TO PAYMENT OF A FAMILY SUSTAINING WAGE.

22 (D) “IDENTIFIABLE SKILL” MEANS THE ATTAINMENT OF PROFICIENCY  
23 IN A SPECIFIC WORK-RELATED SKILL THAT IS LIKELY TO LEAD TO FUTURE JOB  
24 ADVANCEMENT AND IMPROVEMENT IN AN INDIVIDUAL’S EARNING POTENTIAL.

25 (E) (1) “JOB READINESS TRAINING” MEANS TRAINING FOR THE  
26 PURPOSE OF ASSISTING AND SUPPORTING JOBSEEKERS IN OVERCOMING  
27 INDIVIDUAL BARRIERS TO EMPLOYMENT AND DEVELOPING THE SKILLS

1 NECESSARY TO MAINTAIN EMPLOYMENT AND TO QUALIFY FOR SKILLS TRAINING  
2 OPPORTUNITIES.

3 (2) "JOB READINESS TRAINING" INCLUDES:

4 (I) OCCUPATIONAL SKILLS DEVELOPMENT;

5 (II) GED PREPARATION;

6 (III) LITERACY ADVANCEMENT;

7 (IV) FINANCIAL STABILITY SERVICES, INCLUDING  
8 FINANCIAL COACHING;

9 (V) CREDIT COUNSELING;

10 (VI) TRANSPORTATION; AND

11 (VII) CHILD CARE.

12 (F) "LOCAL BOARD" MEANS A LOCAL WORKFORCE INVESTMENT BOARD  
13 ESTABLISHED TO ADMINISTER SERVICES IN A WORKFORCE INVESTMENT AREA  
14 ESTABLISHED UNDER SUBTITLE 5 OF THIS TITLE.

15 (G) "MARYLAND EARN PROGRAM" MEANS THE MARYLAND  
16 EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM CREATED UNDER THIS  
17 SUBTITLE.

18 (H) "STRATEGIC INDUSTRY PARTNERSHIP" MEANS A COLLABORATION  
19 THAT BRINGS TOGETHER A REGIONAL GROUP THAT MAY INCLUDE EMPLOYERS,  
20 NONPROFITS, INSTITUTIONS OF HIGHER EDUCATION, COMMUNITY COLLEGES,  
21 LOCAL BOARDS, LOCAL GOVERNMENTS, OR OTHER RELEVANT PARTNERS TO:

22 (1) IDENTIFY COMMON WORKFORCE NEEDS FOR HIGH-DEMAND  
23 OCCUPATIONS WITHIN A TARGET INDUSTRY; AND

24 (2) DEVELOP AND IMPLEMENT INDUSTRY STRATEGIES TO MEET  
25 THE COMMON WORKFORCE NEEDS AND SHORTAGES BASED ON REGIONAL  
26 NEEDS.

27 (I) "TARGET INDUSTRY" MEANS A GROUP OF EMPLOYERS CLOSELY  
28 LINKED BY A COMMON PRODUCT OR SERVICE, WORKFORCE SKILLS, SIMILAR  
29 TECHNOLOGIES, SUPPLY CHAINS, OR OTHER ECONOMIC TIES.

1 **11-702.**

2 (A) **THERE IS A MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW**  
3 **(EARN) PROGRAM IN THE DEPARTMENT.**

4 (B) **THE PURPOSE OF THE MARYLAND EARN PROGRAM IS TO CREATE**  
5 **INDUSTRY-LED PARTNERSHIPS TO ADVANCE THE SKILLS OF THE STATE'S**  
6 **WORKFORCE, GROW THE STATE'S ECONOMY, AND INCREASE SUSTAINABLE**  
7 **EMPLOYMENT FOR WORKING FAMILIES.**

8 (C) **THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**  
9 **BUSINESS AND ECONOMIC DEVELOPMENT AND THE GOVERNOR'S WORKFORCE**  
10 **INVESTMENT BOARD, SHALL ESTABLISH AND ADMINISTER THE MARYLAND**  
11 **EARN PROGRAM TO PROVIDE GRANTS ON A COMPETITIVE BASIS FOR:**

12 (1) **AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP FOR**  
13 **DEVELOPMENT OF A PLAN CONSISTENT WITH THE PURPOSE OF THE MARYLAND**  
14 **EARN PROGRAM;**

15 (2) **WORKFORCE TRAINING PROGRAMS AND OTHER QUALIFIED**  
16 **PROGRAMS THAT PROVIDE INDUSTRY VALUED SKILLS TRAINING TO**  
17 **INDIVIDUALS THAT RESULT IN A CREDENTIAL OR IDENTIFIABLE SKILL**  
18 **CONSISTENT WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN;**  
19 **AND**

20 (3) **JOB READINESS TRAINING AND SKILLS TRAINING THAT**  
21 **RESULTS IN A CREDENTIAL OR AN IDENTIFIABLE SKILL.**

22 **11-703.**

23 (A) **AN APPLICATION FOR A STRATEGIC INDUSTRY PARTNERSHIP**  
24 **GRANT UNDER § 11-702(C) OF THIS SUBTITLE SHALL:**

25 (1) **INCLUDE:**

26 (I) **EVIDENCE OF SHORTAGES IN SKILLED EMPLOYMENT**  
27 **WITHIN THE TARGET INDUSTRY OVER A SUSTAINED PERIOD OF TIME;**

28 (II) **A DESCRIPTION OF SPECIFIC HIGH-DEMAND**  
29 **OCCUPATIONS OR SETS OF OCCUPATIONS WITHIN THE TARGET INDUSTRY; AND**

30 (III) **THE SPECIFICS OF TRAINING PROGRAMS THAT WOULD**  
31 **RESULT IN INDIVIDUALS OBTAINING CREDENTIALS OR IDENTIFIABLE SKILLS TO**

1 FACILITATE THEIR EMPLOYMENT OR ADVANCEMENT IN THE TARGETED  
2 INDUSTRY; AND

3 (2) IDENTIFY MEMBERS PARTICIPATING IN THE STRATEGIC  
4 INDUSTRY PARTNERSHIP AND INCLUDE IDENTIFICATION OF THE TARGET  
5 INDUSTRY AND THE PARTICIPATING LOCAL BOARD.

6 (B) GRANTS MAY BE AWARDED FOR SKILLS TRAINING CONSISTENT  
7 WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN DEVELOPED  
8 UNDER § 11-702(C) OF THIS SUBTITLE TO:

9 (1) INDUSTRIES WITH IDENTIFIED POSITIONS AND A  
10 DEMONSTRATED NEED FOR INCUMBENT WORKER TRAINING THAT CAN BE  
11 ACCESSED BY EMPLOYEES AT THEIR PLACE OF EMPLOYMENT OR OTHER  
12 LOCATION;

13 (2) INDUSTRIES WITH AN IDENTIFIED WORKFORCE SHORTAGE  
14 THAT WILL BE SEEKING TO HIRE INDIVIDUALS TO TRAIN TO MEET A SPECIFIC  
15 SKILL NEED;

16 (3) A MEMBER OF A STRATEGIC INDUSTRY PARTNERSHIP THAT  
17 CAN PROVIDE JOB READINESS TRAINING TO QUALIFIED INDIVIDUALS DIRECTLY  
18 OR THROUGH ACCOUNTS HELD AT LOCAL BOARDS ON BEHALF OF THE  
19 INDIVIDUAL; AND

20 (4) EDUCATIONAL PROVIDERS THAT OFFER TRAINING  
21 CONSISTENT WITH THE GOALS OF THE PLAN.

22 (C) THE COMPETITIVE GRANT PROCESS SHALL GIVE PRIORITY TO  
23 STRATEGIC INDUSTRY PARTNERSHIPS THAT MAXIMIZE THE POTENTIAL OF THE  
24 COLLABORATION THROUGH DIRECT FINANCIAL OR IN-KIND CONTRIBUTIONS BY  
25 MEMBERS OF THE TARGET INDUSTRY.

26 11-704.

27 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE  
28 PROVISIONS OF THIS SUBTITLE.

29 11-705.

30 (A) THE DEPARTMENT SHALL MONITOR ALL GRANTS PROVIDED UNDER  
31 THE MARYLAND EARN PROGRAM.

1           **(B) THE DEPARTMENT MAY REQUIRE THAT ALL RECIPIENTS OF**  
2 **STRATEGIC INDUSTRY PARTNERSHIP GRANTS:**

3                   **(1) DEMONSTRATE AN ABILITY TO COLLABORATE SUCCESSFULLY;**  
4 **AND**

5                   **(2) INCLUDE ADDITIONAL PROVISIONS IN A GRANT PROPOSAL TO**  
6 **ENSURE ACCOUNTABILITY.**

7           **(C) THE DEPARTMENT MAY REVOKE GRANT FUNDING FROM A**  
8 **STRATEGIC INDUSTRY PARTNERSHIP, WORKFORCE TRAINING PROGRAM, OR**  
9 **PARTNERSHIP MEMBER IF GOALS CONSISTENT WITH A GRANT AGREEMENT**  
10 **APPROVED BY THE DEPARTMENT ARE NOT MET.**

11           **(D) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH RELEVANT**  
12 **JUDICIAL OPINIONS AND STATUTORY LAW, ANY INTELLECTUAL PROPERTY**  
13 **DEVELOPED AS A RESULT OF A GRANT AWARDED UNDER THE MARYLAND EARN**  
14 **PROGRAM SHALL REMAIN IN THE PUBLIC DOMAIN.**

15 **11-706.**

16           **(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**  
17 **BUDGET AND MANAGEMENT, SHALL DEVELOP AND IMPLEMENT A STATE**  
18 **EMPLOYMENT ADVANCEMENT STRATEGY.**

19           **(B) THE STATE EMPLOYMENT ADVANCEMENT STRATEGY SHALL**  
20 **IDENTIFY:**

21                   **(1) POSITIONS IN STATE GOVERNMENT IN NEED OF SKILLED**  
22 **EMPLOYEES; AND**

23                   **(2) MECHANISMS TO PROVIDE INCUMBENT STATE EMPLOYEES**  
24 **WITH ACCESS TO SKILLS TRAINING PROGRAMS THAT RESULT IN:**

25                           **(I) EMPLOYMENT ADVANCEMENT RESULTING IN TITLE**  
26 **PROMOTION OR WAGE PROMOTION; OR**

27                           **(II) THE POTENTIAL FOR FUTURE EMPLOYMENT**  
28 **ADVANCEMENT AS THE RESULT OF OBTAINING A CREDENTIAL OR IDENTIFIABLE**  
29 **SKILL.**

30 **11-707.**

1 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
 2 BUSINESS AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF  
 3 INFORMATION TECHNOLOGY, SHALL DEVELOP A UNIFORM AND EASILY  
 4 ACCESSIBLE STATEWIDE "TRAIN MARYLAND" WEB SITE PROMOTING  
 5 AVAILABLE TRAINING PROGRAMS IN THE STATE, INCLUDING THOSE AVAILABLE  
 6 UNDER THE MARYLAND EARN PROGRAM.

7 11-708.

8 FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, THE  
 9 MARYLAND EARN PROGRAM SHALL BE FUNDED AS PROVIDED FOR IN THE  
 10 STATE BUDGET.

11 11-709.

12 (A) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT  
 13 SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF  
 14 THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE  
 15 AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE MARYLAND EARN  
 16 PROGRAM.

17 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
 18 SHALL INCLUDE:

19 (1) AN IDENTIFICATION OF TRAINING NEEDS STATEWIDE,  
 20 INCLUDING INDUSTRIES IN URGENT NEED OF QUALIFIED WORKERS;

21 (2) INFORMATION ON MEASURES BEING USED TO TRACK THE  
 22 SUCCESS AND ACCOUNTABILITY OF THE MARYLAND EARN PROGRAM,  
 23 INCLUDING USE OF THE STATESTAT ACCOUNTABILITY PROCESS UNDER §  
 24 3-1003(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

25 ~~(2)~~ (3) (I) A DESCRIPTION OF EACH STRATEGIC INDUSTRY  
 26 PARTNERSHIP RECEIVING GRANT FUNDING AND THE STATUS OF THE  
 27 PARTNERSHIP; AND

28 (II) THE JURISDICTION OF THE STATE IN WHICH EACH  
 29 STRATEGIC INDUSTRY PARTNERSHIP IS LOCATED;

30 ~~(3)~~ (4) THE NUMBER OF INDIVIDUALS:

31 (I) PARTICIPATING BY SEX, RACE, NATIONAL ORIGIN,  
 32 INCOME, COUNTY OF RESIDENCE, AND EDUCATIONAL ATTAINMENT,



1 PARTICIPATING IN EACH COMPONENT OF THE MARYLAND EARN PROGRAM;  
2 AND

3 (II) PARTICIPATING IN THE MARYLAND EARN PROGRAM  
4 WHO, AS A RESULT OF THE PROGRAM, HAVE OBTAINED:

- 5 1. A CREDENTIAL OR AN IDENTIFIABLE SKILL;
- 6 2. A NEW EMPLOYMENT POSITION;
- 7 3. A TITLE PROMOTION; OR
- 8 4. A WAGE ~~PROMOTION~~ PROMOTION; AND

9 (5) AN ASSESSMENT OF WHETHER AND TO WHAT EXTENT THE  
10 APPROVED STRATEGIC INDUSTRY PARTNERSHIPS UTILIZED EXISTING DATA  
11 CONCERNING:

12 (I) TRAINING NEEDS IN THE STATE IDENTIFIED IN  
13 PREVIOUS STUDIES; AND

14 (II) APPLICABLE SKILLS NEEDS IDENTIFIED IN EXISTING  
15 WORKFORCE STUDIES, PLANS, OR RESEARCH.

16 11-710.

17 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND EARN PROGRAM".

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
19 Labor, Licensing, and Regulation shall convene a working group of stakeholders  
20 including interested employers, nonprofits, workforce training entities, higher  
21 education institutions, community colleges, and local workforce investment boards to  
22 advise on the initial development and implementation of the Maryland EARN  
23 Program established under this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of  
25 Labor, Licensing, and Regulation shall provide to individuals receiving or applying for  
26 unemployment benefits information on the Maryland EARN Program, including  
27 information on how to obtain job readiness and skills training in the State.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 June 1, 2013.