

# SENATE BILL 278

K3, C8

3lr0149  
CF 3lr0150

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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, Ramirez, Robey, and Young**

Introduced and read first time: January 18, 2013

Assigned to: Finance

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## A BILL ENTITLED

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; requiring the  
16 Department, in consultation with the Department of Budget and Management  
17 to develop and implement a certain State employment advancement strategy;  
18 requiring the Department, in consultation with the Department of Business and  
19 Economic Development and the Department of Information Technology to  
20 develop a certain Web site; providing for the funding of the Program; requiring  
21 the Department to submit a certain annual report; requiring the Department to  
22 convene a certain working group; requiring the Department to provide certain  
23 individuals with certain information; defining certain terms; and generally  
24 relating to the establishment of the Maryland Employment Advancement Right  
25 Now (EARN) Program.

26 BY adding to

27 **Article – Labor and Employment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–701 through 11–710 to be under the new subtitle “Subtitle 7.  
2 Maryland Employment Advancement Right Now Program”  
3 Annotated Code of Maryland  
4 (2008 Replacement Volume and 2012 Supplement)

5 Preamble

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

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

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

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

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

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

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

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

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

32 **Article – Labor and Employment**

33 **SUBTITLE 7. MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW**  
34 **PROGRAM.**

1 **11-701.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) “CREDENTIAL” MEANS A RECOGNIZED:

5 (1) EDUCATIONAL DIPLOMA;

6 (2) CERTIFICATE OR DEGREE;

7 (3) OCCUPATIONAL LICENSE;

8 (4) APPRENTICESHIP CERTIFICATE;

9 (5) INDUSTRY RECOGNIZED CERTIFICATION; OR

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

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

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

15 (2) IS IN DEMAND BY EMPLOYERS; AND

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

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

20 (E) (1) “JOB READINESS TRAINING” MEANS TRAINING FOR THE  
21 PURPOSE OF ASSISTING AND SUPPORTING JOBSEEKERS IN OVERCOMING  
22 INDIVIDUAL BARRIERS TO EMPLOYMENT AND DEVELOPING THE SKILLS  
23 NECESSARY TO MAINTAIN EMPLOYMENT AND TO QUALIFY FOR SKILLS TRAINING  
24 OPPORTUNITIES.

25 (2) “JOB READINESS TRAINING” INCLUDES:

26 (I) OCCUPATIONAL SKILLS DEVELOPMENT;

- 1                   **(II) GED PREPARATION;**
- 2                   **(III) LITERACY ADVANCEMENT;**
- 3                   **(IV) FINANCIAL STABILITY SERVICES, INCLUDING**  
4 **FINANCIAL COACHING;**
- 5                   **(V) CREDIT COUNSELING;**
- 6                   **(VI) TRANSPORTATION; AND**
- 7                   **(VII) CHILD CARE.**

8           **(F) “LOCAL BOARD” MEANS A LOCAL WORKFORCE INVESTMENT BOARD**  
9 **ESTABLISHED TO ADMINISTER SERVICES IN A WORKFORCE INVESTMENT AREA**  
10 **ESTABLISHED UNDER SUBTITLE 5 OF THIS TITLE.**

11           **(G) “MARYLAND EARN PROGRAM” MEANS THE MARYLAND**  
12 **EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM CREATED UNDER THIS**  
13 **SUBTITLE.**

14           **(H) “STRATEGIC INDUSTRY PARTNERSHIP” MEANS A COLLABORATION**  
15 **THAT BRINGS TOGETHER A REGIONAL GROUP THAT MAY INCLUDE EMPLOYERS,**  
16 **NONPROFITS, INSTITUTIONS OF HIGHER EDUCATION, COMMUNITY COLLEGES,**  
17 **LOCAL BOARDS, LOCAL GOVERNMENTS, OR OTHER RELEVANT PARTNERS TO:**

18                   **(1) IDENTIFY COMMON WORKFORCE NEEDS FOR HIGH-DEMAND**  
19 **OCCUPATIONS WITHIN A TARGET INDUSTRY; AND**

20                   **(2) DEVELOP AND IMPLEMENT INDUSTRY STRATEGIES TO MEET**  
21 **THE COMMON WORKFORCE NEEDS AND SHORTAGES BASED ON REGIONAL**  
22 **NEEDS.**

23           **(I) “TARGET INDUSTRY” MEANS A GROUP OF EMPLOYERS CLOSELY**  
24 **LINKED BY A COMMON PRODUCT OR SERVICE, WORKFORCE SKILLS, SIMILAR**  
25 **TECHNOLOGIES, SUPPLY CHAINS, OR OTHER ECONOMIC TIES.**

26 **11-702.**

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

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

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

9                   **(1) AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP FOR**  
10 **DEVELOPMENT OF A PLAN CONSISTENT WITH THE PURPOSE OF THE MARYLAND**  
11 **EARN PROGRAM;**

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

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

19 **11-703.**

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

22                   **(1) INCLUDE:**

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

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

27                           **(III) THE SPECIFICS OF TRAINING PROGRAMS THAT WOULD**  
28 **RESULT IN INDIVIDUALS OBTAINING CREDENTIALS OR IDENTIFIABLE SKILLS TO**  
29 **FACILITATE THEIR EMPLOYMENT OR ADVANCEMENT IN THE TARGETED**  
30 **INDUSTRY; AND**

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

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

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

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

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

18           **(4) EDUCATIONAL PROVIDERS THAT OFFER TRAINING**  
19 **CONSISTENT WITH THE GOALS OF THE PLAN.**

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

24 **11-704.**

25           **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE**  
26 **PROVISIONS OF THIS SUBTITLE.**

27 **11-705.**

28           **(A) THE DEPARTMENT SHALL MONITOR ALL GRANTS PROVIDED UNDER**  
29 **THE MARYLAND EARN PROGRAM.**

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

1           (1) DEMONSTRATE AN ABILITY TO COLLABORATE SUCCESSFULLY;  
2 AND

3           (2) INCLUDE ADDITIONAL PROVISIONS IN A GRANT PROPOSAL TO  
4 ENSURE ACCOUNTABILITY.

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

9 11-706.

10           (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
11 BUDGET AND MANAGEMENT, SHALL DEVELOP AND IMPLEMENT A STATE  
12 EMPLOYMENT ADVANCEMENT STRATEGY.

13           (B) THE STATE EMPLOYMENT ADVANCEMENT STRATEGY SHALL  
14 IDENTIFY:

15           (1) POSITIONS IN STATE GOVERNMENT IN NEED OF SKILLED  
16 EMPLOYEES; AND

17           (2) MECHANISMS TO PROVIDE INCUMBENT STATE EMPLOYEES  
18 WITH ACCESS TO SKILLS TRAINING PROGRAMS THAT RESULT IN:

19           (I) EMPLOYMENT ADVANCEMENT RESULTING IN TITLE  
20 PROMOTION OR WAGE PROMOTION; OR

21           (II) THE POTENTIAL FOR FUTURE EMPLOYMENT  
22 ADVANCEMENT AS THE RESULT OF OBTAINING A CREDENTIAL OR IDENTIFIABLE  
23 SKILL.

24 11-707.

25           THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
26 BUSINESS AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF  
27 INFORMATION TECHNOLOGY, SHALL DEVELOP A UNIFORM AND EASILY  
28 ACCESSIBLE STATEWIDE "TRAIN MARYLAND" WEB SITE PROMOTING  
29 AVAILABLE TRAINING PROGRAMS IN THE STATE, INCLUDING THOSE AVAILABLE  
30 UNDER THE MARYLAND EARN PROGRAM.

31 11-708.

1           **FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, THE**  
2 **MARYLAND EARN PROGRAM SHALL BE FUNDED AS PROVIDED FOR IN THE**  
3 **STATE BUDGET.**

4 **11-709.**

5           **(A) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT**  
6 **SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF**  
7 **THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE**  
8 **AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE MARYLAND EARN**  
9 **PROGRAM.**

10           **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**  
11 **SHALL INCLUDE:**

12                   **(1) INFORMATION ON MEASURES BEING USED TO TRACK THE**  
13 **SUCCESS AND ACCOUNTABILITY OF THE MARYLAND EARN PROGRAM,**  
14 **INCLUDING USE OF THE STATESTAT ACCOUNTABILITY PROCESS UNDER §**  
15 **3-1003(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

16                   **(2) A DESCRIPTION OF EACH STRATEGIC INDUSTRY**  
17 **PARTNERSHIP RECEIVING GRANT FUNDING AND THE STATUS OF THE**  
18 **PARTNERSHIP; AND**

19                   **(3) THE NUMBER OF INDIVIDUALS:**

20                           **(I) PARTICIPATING IN EACH COMPONENT OF THE**  
21 **MARYLAND EARN PROGRAM; AND**

22                           **(II) PARTICIPATING IN THE MARYLAND EARN PROGRAM**  
23 **WHO, AS A RESULT OF THE PROGRAM, HAVE OBTAINED:**

24                                   1.   **A CREDENTIAL OR AN IDENTIFIABLE SKILL;**

25                                   2.   **A NEW EMPLOYMENT POSITION;**

26                                   3.   **A TITLE PROMOTION; OR**

27                                   4.   **A WAGE PROMOTION.**

28 **11-710.**



1           **THIS SUBTITLE MAY BE CITED AS THE “MARYLAND EARN PROGRAM”.**

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

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

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