# **12-168**

**Maine Department of Labor**

Joint Rule with the

Maine Department of Economic and Community Development

**Chapter 3: Governor's Training Initiative**

August 22, 1996

Governor's Training Initiative

Statement of Intent

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**Governor's Training Initiative**

**Statement of Intent**

12-168 Department of Labor

Chapter 3 - Governor's Training Initiative Program

Summary: This Statement of Intent describes the design and method of implementation of the Governor's Training Initiative (GTI) Program. The GTI Program is administered pursuant to Chapter 26 MRSA, Section 2031. The Statement of Intent was prepared jointly by the Department of Economic and Community Development and the Department of Labor.

Section 1: Definitions

For purposes of the Governor's Training Initiative, the following definitions apply:

1. Applicant: An applicant is an employer, a group of employers, or an employer in partnership with any one or more of the eligible entities cited in Subsection 8 of 26 MRSA, Section 2031.

2. Employer: An employer is a private sector entity that produces goods or services and is creating, upgrading or retaining jobs that require work force training.

3. Partnership: A partnership must include an employer and may only be in combination with any one or more of the eligible entities cited in Subsection 8 of 26 MRSA Section 2031. Such entities include, but are not limited to, employers, regional and local economic development agencies or partnerships, community-based organizations, job training service providers, registered apprenticeship service providers, local adult education providers and post-secondary institutions.

4. Participant: A participant is an individual residing in Maine and in receipt of GTI services defined in Section 1, Subsection 6 A-H for the purpose of Maine employment.

A) Training participant: A training participant is an individual residing in Maine and in receipt of GTI services defined in Section 1, Subsection 6 C-H for the purpose of Maine employment.

5. Training: Training refers to those activities which develop/enhance an individual's knowledge, skills and abilities in occupationally-specific areas, and may include workplace literacy, safety, high performance skills, technical, on-the-job, or computer assisted instruction, higher education and other non-traditional learning initiatives.

6. Services Available: Services available under this section must result in the training of at least one employee other than, or in addition to, the employer. For purposes of Subsection 6 of 26 MRSA,Section 2031, the following job creation, job upgrading and job retention services are available as defined:

A) Recruitment: Customized targeting of individuals residing in Maine for jobs related to business expansion or new firm location in Maine, performed by public/private non-profit providers.

B) Screening and Assessment: Determination of the preparedness or appropriateness of individuals for job creation or job retention projects as defined below.

1) Evaluation of interests, occupational aptitudes and literacy of job or training applicants.

2) Evaluation of literacy skills of current workers to determine occupationally-linked instruction needs.

3) Identification of preparation needed by current workers for advanced occupational training and/or changes and upgrades in the work routine.

C) Workplace Literacy: Provision of basic skills such as reading, writing, mathematics and computer literacy targeted to job requirements and/or advanced occupational training.

D) Workplace Safety: Provision of occupation-specific health, safety and ergonomics training for new or current workers and linked to job creation and/or job retention strategies.

E) Technical Training: Provision of occupational skills training for new or current workers to maximize performance, productivity, use of technology and global competitiveness.

F) On-the-Job Training: Provision of supervised instruction in the performance of necessary job functions with negotiated reimbursement for training.

G) Higher Education: Provision of occupation specific education for new or current workers through an institute of higher education.

H) Essential Work Competencies: Provision of training to support creation/retention of a high performance workplace, including but not limited to: critical and analytical thinking skills, problem-solving strategies, self-management, team participation, leadership and customer service.

I) Job Task Analysis: Provision of occupational or organizational needs assessment to determine the technical, academic and essential work competencies required for successful job performance.

J) Coordination of employer consortia to access specialized training: The development of consortia to meet industry-specific and employer-specific needs for specialized training through economies of scale.

K) Technical Assistance on workforce capacity issues: Development and coordination of customized workforce development packages and proposals by the Department of Labor and/or Department of Economic and Community Development for firms intending to expand or locate in Maine, upgrade worker skills or reorganize the workplace to remain globally competitive.

L) Technical Assistance on worker training plans.

M) Small business training and technical assistance: Technical assistance on workforce development issues and other essential aspects of managing a business for firms employing fewer than 25 individuals.

Section 2: Selection Criteria

The following criteria must be demonstrated to the interdepartmental review team at the time of application:

1. Training for new hires shall not be approved for any occupation in a labor market where there is already a sufficient supply of workers trained and available to meet an employer's needs and skill levels for workers in that occupation as determined by the Department of Labor's Division of Labor Market Information Services. The applicant shall agree to provide to the Department of Labor the employer's existing and proposed occupational staffing descriptions, employment levels, and other related information to enable the evaluation of labor supply for the labor market.

2. An employer shall provide a statement of commitment to long-term operation in this State.

3. An employer seeking training funds under this program shall pay trainees a wage that is at least equal to 85% of the average wage for that occupation in that labor market. Wage levels will be determined by the Department of Labor's Division of Labor Market Information Services.

4. An employer shall contribute at least 50% of the premium cost of employee health insurance except for small businesses with fewer than 25 employees and in operation less than three years at the time of application.

Section 3: Selection Preference.

In addition to meeting the criteria set forth in Section 2 above, preference must be given to an applicant that substantiates one or more of the following at the time of application:

1. Formation of a local project partnership;

2. Employer willingness to leverage matching funds;

3. Investment in the lifelong learning and skills development of citizens of this state;

4. An increase in the local education and training capacity to support more than one employer that is caused by a proposed project;

5. Provision of high wage or high skill employment, employee benefits and job security;

6. Employer intention to expand or locate in economically depressed areas of this State;

7. Employer willingness to hire new labor force entrants, economically disadvantaged individuals, persons with disabilities or dislocated workers; or

8. Employer willingness to provide a registered apprenticeship for current employees or new hires.

Section 4: Selection Process

1. An application will be reviewed to determine if it meets the following requirements:

A) Applicant as cited in subsection 8 of 26 MRSA, Section 2031; and

B) Selection criteria, as cited in subsection 4 of 26 MRSA, Section 2031 and further defined in Section 2 of this rule.

An application failing to meet either requirement will not be considered.

2. An application meeting the requirements will be evaluated according to a selection process that will consist of a preliminary assessment, selection preferences and program standards.

3. Employers selected for the program will enter into a contractual agreement with the State of Maine that at a minimum includes, but is not limited to: moneys committed to the project; services to be performed; specific role of service provider(s) and employer; and performance expectations. Failure to meet the terms and conditions articulated may result in termination of the contract and subsequent deobligation of project funds.

4. Notification. Selection will be based on a selection process consisting of a preliminary assessment, selection preferences and program standards as cited in Section 4, Subsection 2.

A) Approvals

An applicant approved for funding will be notified in writing by the interdepartmental review team within five working days of the decision. The approval letter will include the contract which must be signed and returned to the Department of Labor within 45 calendar days. A letter from the employer indicating intent to go forward with the project must be received by the Department of Labor within 30 calendar days. A contract not signed and returned within 45 calendar days may be denied, and the applicant will be required to re-apply to be re-considered.

B) Denials

A notification explaining denial based upon the selection process will be issued in writing to the applicant by the interdepartmental review team within five working days of the decision.

Section 5: Non-Displacement

No new hires under this program shall result in the displacement from the firm of any currently employed worker or position (including partial displacement such as reduction in hours of nonovertime work, wages, or employment benefits), or result in the impairment of existing contracts for services or collective bargaining agreements. In addition, no new employment or assignment of a participant or the filling of a position shall take place when:

1. Any other individual is on layoff from the same or any equivalent position, or

2. The employer has laid off any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under the program.

Section 6: Supportive Services

Supportive services shall be provided when necessary to participate in training provided that the training participant would be eligible for such service under another public training program if funds were available to provide those services to the training participant. All participants shall be given written notice of the availability of these services, shall have the opportunity to make written application for them upon request, and shall receive a written notice as to the disposition of that application. Upon application, a participant will be provided with a form to be used for documenting his/her program eligibility through another public program and the unavailability of these services due to fiscal constraints under such program. Available services include:

1) Training materials or books necessary for participation in the training;

2) Payment for dependent care costs, provided these costs do not exceed the prevailing rate for such care; and

3) Travel payments according to the policies consistent with Job Training System service providers.

Funds for supportive services necessary to participate in training are limited to the duration of the training period, except that costs for services in (2) & (3) above are limited to 90 days for trainees who are receiving wages through the employer or GTI subsidized wages.

Section 7: Participant Appeal Procedure

1. All determinations under this section shall be made promptly and in writing. A participant who is aggrieved by any decision or action made under this section may appeal as provided in this subsection.

2. Each person who requests or receives training or supportive services under this section shall be given written notice describing the right and procedure of appeal provided by this section. This notice shall:

A) Be uniform throughout the State;

B) Be written in language that is clear and understandable and must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th grade level; and

C) Include a statement that:

1) Any decision regarding the type of training or the type, amount or duration of supportive services offered may be appealed;

2) Hearings provided under paragraph C will be conducted by an impartial hearing officer whose decision may be appealed to the court; and

3) The person may be eligible to receive free legal assistance in pursuing an appeal. This statement must also provide a list of organizations that provide legal assistance to persons of low income.

3. Any person who requests or receives training or supportive services under this section may obtain a review of any decision made by the agency related to those services. When an individual requests a review, the agency shall promptly investigate and attempt to resolve the complaint informally. If the problem is not resolved to the complainant's satisfaction through this informal process, a hearing to review the agency's decision shall be scheduled before an impartial hearing officer at the Department of Labor's Division of Administrative Hearings as provided in paragraph C.

4. A hearing provided under this subsection must be held pursuant to the Maine Administrative Procedure Act.

STATUTORY AUTHORITY: 5 MRSA §13058 sub-§3

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