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ARTICLE 15 SUBSTITUTE A

RELATING TO HUMAN RESOURCE INVESTMENT COUNCIL

SECTION 1. Chapter 42-102 of the General Laws entitled "Rhode Island Human Resource Investment Council" is hereby amended by adding thereto the following section:

42-102-11. State Work Immersion Program. -- (a)(1) The council shall develop a state work immersion program and a non-trade apprenticeship program. For the purposes of this section work immersion shall mean a temporary, paid work experience that provides a meaningful learning opportunity and increases the employability of the participant. The programs shall be designed in order to provide post-secondary school students and unemployed adults with a meaningful work experience, and to assist businesses by training individuals for potential employment.

(2) Funding for the work immersion program will be allocated from the job development fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds will match investments made by businesses in providing meaningful work immersion positions and non-trade apprenticeships.

(b) For each participant in the work immersion program, the program shall reimburse eligible businesses up to fifty percent (50%) of the cost of not more than two hundred (200) hours of work experience and during a period of ten (10) weeks. If an eligible business hires a program participant at the completion of such a program, the state may provide reimbursement for a total of seventy-five percent (75%) of the cost of the work immersion position.

(c) The council shall create a non-trade apprenticeship program and annually award funding on a competitive basis to at least one new initiative proposed and operated by the Governor's Workforce Board Industry Partnerships. This program shall meet the standards of apprenticeship programs defined pursuant to section 28-45-9 of the general laws. The council shall present the program to the State Apprenticeship Council, established pursuant to chapter 28-45 of the general laws, for review and consideration.

(d) An eligible participant in programs established in subsections (b) and (c) must be at least eighteen (18) years of age and must be a Rhode Island resident. Provided, however, any non-Rhode Island resident, who is enrolled in a college or university located in Rhode Island, is eligible to participate while enrolled at the college or university.

1 (e) In order to fully implement the provisions of this section, the council is authorized to
2 promulgate rules and regulations. In developing rules and regulations, the council shall consult
3 with the Governor's Workforce Board. The rules and regulations shall define eligible businesses
4 that can participate in the programs created by this section.

5 SECTION 2. Chapter 28-44 of the General Laws entitled "Employment Security –
6 Benefits" is hereby amended by adding thereto the following section:

7 **28-44-71. Back to Work Rhode Island Program.** -- (a) Legislative findings and
8 purpose. – The general assembly hereby finds as follows:

9 (1) As of January 1, 2013, Rhode Island's unemployment rate is the highest in the New
10 England region and above the national average;

11 (2) Despite this high unemployment, businesses report difficulties and frustration in
12 locating employment candidates with the requisite knowledge, skills, and abilities they need;

13 (3) In an uncertain economy, employers are hesitant to invest in training if there is a risk
14 the investment will not result in a qualified and skilled employee;

15 (4) Despite the need for skilled employees, job seekers face difficulties in getting their
16 "foot in the door" to demonstrate their value to potential employers;

17 (5) Statistics indicate that unemployment compensation claimants who participated in
18 employer-partnered, structured training programs return to work more quickly than those who do
19 not, and that such programs have saved significant sums of employment security funds;

20 (6) The purpose of the "Back to Work Rhode Island Program" is to provide claimants
21 with planned, structured, and career-relevant job training to gain new skills and abilities and help
22 increase their prospects for employment, and assist employers in locating and obtaining skilled
23 and well qualified job candidates for open employment positions.

24 (b) Definitions. – For the purposes of this section, the following terms shall have the
25 following meanings:

26 (1) "Claimant" means a person collecting unemployment security benefits under the
27 provisions of chapters 28-42 through 28-44 of this title;

28 (2) "Department" means the Rhode Island department of labor and training;

29 (3) "Director" means the director of the Rhode Island department of labor and training;

30 (4) "Participating employer" means an employer who has voluntarily agreed to participate
31 in the "Back to Work Rhode Island Program" and meets the criteria for participation established
32 by this section and as determined by the director;

33 (5) "Program" means the "Back to Work Rhode Island Program" established under this
34 section;

1 (6) "Skill enhancement and job training" means a planned, structured learning
2 environment for the primary benefit of the trainee and from which the participating employer
3 derives no immediate advantage and which is designed to provide the skills and knowledge
4 necessary to meet the employer's specifications for an occupation or trade.

5 (7) "Unemployment benefits" means the money payable to a claimant for his or her wage
6 losses due to unemployment, payable pursuant to chapters 42 through 44 of this title, and includes
7 any amounts payable pursuant to an agreement under federal law providing for compensation,
8 assistance, or allowances with respect to unemployment.

9 (c) Program established. – (1) The "Back to Work Rhode Island Program" is hereby
10 established and shall be administered by the department of labor and training.

11 (2) The program shall be designed so as to permit a claimant to be matched with an
12 employer participating in the program and be placed in department-approved skill enhancement
13 and job training made available by the employer. Participation by both claimant and employer
14 shall be voluntary. The employer shall provide the claimant with skill enhancement and job
15 training relevant to an open employment position for up to twenty-four (24) hours per week for
16 up to six (6) weeks. Upon completion of the six (6) week period, claimants must be considered
17 for employment by the employer. During the six (6) week period, the employer shall not
18 compensate the claimant in any way other than the training that the claimant receives through
19 participation in the program. Both the employer and the claimant may terminate participation in
20 the program at any time.

21 (3) Notwithstanding any other provision of this title to the contrary, no otherwise eligible
22 individual shall be denied unemployment benefits because of his or her participation in the "Back
23 to Work Rhode Island Program"; provided, however, that contingent upon appropriation, said
24 claimant may receive a reasonable stipend in an amount determined by the director to cover any
25 additional costs associated with their participation in the program, including, but not limited to,
26 transportation or childcare costs.

27 (4) The department shall notify employers of the availability of the program and shall
28 provide employers with information and materials necessary to participate upon request.

29 (5) The department shall continuously monitor the program to ensure that participating
30 employers enter the program in good faith with the genuine expectation of hiring for the open
31 position and with the intent and ability to provide relevant skill enhancement and job training.

32 (6) The department shall develop and conduct an orientation program for participating
33 claimants and employers informing them of the rules, regulations, opportunities, and limitations
34 of the "Back to Work Rhode Island Program".

1 (7) A claimant may stay in the program if they exhaust benefits or lose program
2 eligibility prior to the end of the six (6) week period;

3 (8) Participation in the program by a claimant shall be limited to six (6) weeks in any
4 benefit year. A claimant shall be encouraged to end a training relationship that is not beneficial
5 and shall be encouraged to preserve the remainder of his or her six (6) weeks of training for
6 another training opportunity.

7 (9) In order to participate, a claimant must be seeking work and must be able to work,
8 available to work, and accept work during the training period.

9 (10) Interested claimants shall be encouraged, but not required, to find employment
10 opportunities that align with their current job skills, knowledge and experience. Employers shall
11 be encouraged to work with the department to locate claimants with current job skills, knowledge,
12 and experience that align with the requirements of an open employment opportunity;

13 (11) The claimant and the employer must agree upon a formal training plan and schedule
14 which must be approved by the department and may include on-site training, education, and the
15 application of skills or experiences;

16 (12) Participation in the program may be limited based on program capacity as
17 determined by the department.

18 (13) The "Back to Work Rhode Island Program" will begin on October 1, 2013 and will
19 expire on December 31, 2014. New participants will not be enrolled after November 18, 2014.

20 (d) Eligibility to be a participating employer. – (1) An employer wishing to participate in
21 the "Back to Work Rhode Island Program" shall be required to meet the following qualifications,
22 in addition to any further criteria established by the director:

23 (i) The employer must conduct business in Rhode Island; although, the business need not
24 be domestic to Rhode Island;

25 (ii) The employer must have a full-time position of employment available that the
26 employer is desirous of filling;

27 (iii) The employer must be willing and able to provide a participating claimant with skills
28 enhancement and job training focused toward the position that is available;

29 (iv) The employer must certify that he, she, they, or it will not pay any wages or provide
30 any payment in kind to the claimant during the course of the claimant's participation in the
31 program;

32 (v) The employer must certify that he, she, they, or it will, at completion of the training
33 period, consider the claimant for employment in the full time position for which the claimant was
34 trained;

1 (vi) The employer must agree to follow up a claimant's participation in the program with
2 a performance evaluation of the claimant, regardless of whether or not the claimant is hired for
3 employment;

4 (vii) The employer must agree to provide information as requested by the department and
5 verify that employment of a participating claimant will not displace nor have any impact on a
6 promotion due an existing employee;

7 (viii) The employer must certify that the employment and training opportunity is not due
8 to a lockout, strike, or other labor dispute; and

9 (ix) For employers with employees who are subject to collective bargaining, the written
10 approval by the collective bargaining representative for each affected unit shall be required to be
11 included in the plan for any job training for a position which would otherwise be covered by a
12 collective bargaining agreement.

13 (e) Eligibility to be a participating claimant. – (1) An individual receiving unemployment
14 benefits and wishing to participate in the "Back to Work Rhode Island Program" must meet the
15 following qualifications:

16 (i) The individual must be eligible to receive Rhode Island unemployment compensation
17 benefits;

18 (ii) The individual must continue to file weekly continued claims to receive benefits
19 unless otherwise exempted;

20 (iii) The individual must continue to look for work and employment opportunities during
21 their participation in the program, unless otherwise exempt;

22 (iv) The individual must certify that he or she understands that participation in the
23 program includes no guarantee of employment;

24 (v) The individual must attend a mandatory orientation to be offered by the department;

25 (vi) The individual must agree to provide relevant information as requested by the
26 department and to cooperate with requests from the department for the evaluation of aspects of
27 the "Back to Work Rhode Island" program;

28 (2) Claimants with a definite recall date within six (6) weeks and those who do not
29 register for employment services are not eligible for the program.

30 (f) Workers' compensation. – (1) The department will provide workers compensation
31 coverage for participating claimants.

32 (2) A claimant's participation in the program does not create an employment relationship
33 with the department for the purposes of Chapter 28-29.

34 (3) For the purposes of computing an approved claimant's wage compensation and

1 benefit amount under Chapter 28-29, the average weekly wage shall be the claimant's maximum
2 weekly unemployment compensation benefit rate for the benefit year in effect at the time of
3 injury.

4 (g) Rules and regulations. – The director shall promulgate such rules and regulations as
5 the director deems necessary to implement the provisions of this section.

6 (h) Program Performance monitoring. – The department shall develop and implement a
7 performance monitoring system which does the following:

8 (1) Collects critical information on the "Back to Work Rhode Island Program" on an
9 annual basis or more frequently as determined by the director, including:

10 (i) Increases in claimant skills.

11 (ii) Skill training being provided by businesses.

12 (iii) Placement of claimants after training.

13 (iv) Challenges foreseen by businesses.

14 (v) Business training best practices.

15 (vi) Amount of weeks claimants received unemployment compensation benefits after
16 completion of the training period.

17 (2) Defines the benefits of the program and its training to businesses, claimants and the
18 Employment Security Fund.

19 (i) Funding. – Creation of the "Back to Work Rhode Island Program" is contingent upon
20 funding.

21 SECTION 3. Section 40-5.2-20 of the General Laws in Chapter 40-1 5.2 entitled "The
22 Rhode Island Works Program" is hereby amended to read as follows:

23 **40-5.2-20. Child care assistance. --** Families or assistance units eligible for childcare
24 assistance.

25 (a) The department shall provide appropriate child care to every participant who is
26 eligible for cash assistance and who requires child care in order to meet the work requirements in
27 accordance with this chapter.

28 (b) Low-Income child care. - The department shall provide child care to all other working
29 families with incomes at or below one hundred eighty percent (180%) of the federal poverty
30 level, if and to the extent such other families require child care in order to work at paid
31 employment as defined in the department's rules and regulations. Beginning October 1, 2013, and
32 until January 1, 2015, the department shall also provide child care to families with income below
33 one hundred eighty percent (180%) of the federal poverty level if and to the extent such families
34 require child care to participate on a short term basis, as defined in the department's rules and

1 [regulations, in training, apprenticeship, internship, on-the-job training, work experience, work](#)
2 [immersion, or other job readiness/job attachment program sponsored or funded by the human](#)
3 [resource investment council \(governor's workforce board\) or state agencies that are part of the](#)
4 [coordinated program system pursuant to sections 42-102-9 and 42-102-11.](#)

5 (c) No family/assistance unit shall be eligible for child care assistance under this chapter
6 if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid
7 resources are defined as any interest(s) in property in the form of cash or other financial
8 instruments or accounts which are readily convertible to cash or cash equivalents. These include,
9 but are not limited to, cash, bank, credit union, or other financial institution savings, checking and
10 money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual
11 funds, and other similar financial instruments or accounts. These do not include educational
12 savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held
13 jointly with another adult, not including a spouse. The department is authorized to promulgate
14 rules and regulations to determine the ownership and source of the funds in the joint account.

15 (d) As a condition of eligibility for child care assistance under this chapter, the parent or
16 caretaker relative of the family must consent to and must cooperate with the department in
17 establishing paternity, and in establishing and/or enforcing child support and medical support
18 orders for all children in the family in accordance with title 15 of the general laws, as amended,
19 unless the parent or caretaker relative is found to have good cause for refusing to comply with the
20 requirements of this subsection.

21 (e) For purposes of this section "appropriate child care" means child care, including
22 infant, [toddler](#), pre-school, nursery school, school-age, which is provided by a person or
23 organization qualified, approved, and authorized to provide such care by the department of
24 children, youth, and families, or by the department of elementary and secondary education, or
25 such other lawful providers as determined by the department of human services, in cooperation
26 with the department of children, youth and families and the department of elementary and
27 secondary education.

28 (f) Families with incomes below one hundred percent (100%) of the applicable federal
29 poverty level guidelines shall be provided with free childcare. Families with incomes greater than
30 one hundred percent (100%) and less than one hundred eighty (180%) of the applicable federal
31 poverty guideline shall be required to pay for some portion of the childcare they receive,
32 according to a sliding fee scale adopted by the department in the department's rules.

33 (g) In determining the type of childcare to be provided to a family, the department shall
34 take into account the cost of available childcare options, the suitability of the type of care

1 available for the child, and the parent's preference as to the type of child care.

2 (h) For purposes of this section "income" for families receiving cash assistance under
3 section 40-5.2-11 means gross earned income and unearned income, subject to the income
4 exclusions in subdivisions 40-5.2-10(g)(2) and 40-5.2-10(g)(3) and income for other families
5 shall mean gross earned and unearned income as determined by departmental regulations.

6 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
7 the expenditures for childcare in accordance with the provisions of 1 section 35-17-1.

8 (j) In determining eligibility for child care assistance for children of members of reserve
9 components called to active duty during a time of conflict, the department shall freeze the family
10 composition and the family income of the reserve component member as it was in the month prior
11 to the month of leaving for active duty. This shall continue until the individual is officially
12 discharged from active duty.

13 SECTION 4. Title 28 of the General Laws entitled "LABOR AND LABOR
14 RELATIONS" is hereby amended by adding thereto the following chapter:

15 CHAPTER 55

16 THE RHODE ISLAND JOBS MATCH ENHANCEMENT PROGRAM

17 **28-55-1. Short title.** -- This chapter shall be known and may be cited as "The Rhode
18 Island Jobs Match Enhancement Program."

19 **28-55-2. Legislative findings.** -- The general assembly finds and declares that:

20 (1) Rhode Island's statewide career pathways systems must be driven by local business
21 and industry needs;

22 (2) Despite high unemployment, businesses report difficulties and frustration in locating
23 employment candidates with the requisite knowledge, skills, and abilities they need;

24 (3) Locating, training and preparing candidates to fill job openings is an expense that few
25 companies can afford;

26 (4) The state needs a focused interagency collaboration to provide easy access for
27 businesses to find competent employees and job seekers to obtain necessary resources, training
28 and skills development; and

29 (5) The state needs to build upon the efforts of the department of labor and training to
30 facilitate employers' access to high quality, skilled job seekers and reduce the number of
31 unemployed individuals in Rhode Island.

32 **28-55-3. The Rhode Island enhanced job match system.** -- On or before July 2, 2014,
33 the department of labor and training shall implement the jobs match enhancement program using
34 the current department of labor and training web based workforce and job system as a basis, with

1 significant enhancements, as follows:

2 (1) It shall be easy for employers to participate in, update and receive responses from job
3 seekers, addressing potential barriers to participation;

4 (2) It shall be understandable, accessible and productive for job seekers, including
5 measures to ensure literacy-based accessibility;

6 (3) It shall allow for the prompt identification of workers who are partially, but not fully
7 matched for job openings, resulting in timely skill gap remediation plans;

8 (4) It shall have the ability to address identified skill gaps through the provision of
9 training and/or education;

10 (5) It shall notify the department of labor and training of the nature of the skill gaps
11 which exist between job openings and job seekers, and shall have the ability to aggregate skill
12 gap reports for the department;

13 (6) It shall be promoted and advertised to maximize business and employment use; and

14 (7) In an effort to ensure that employers' hiring needs are being met, employers shall be
15 encouraged to engage with the system and provide information pertaining to job openings and
16 desired skill sets for potential new hires.

17 **28-55-4. Reporting. --** On or before October 1, 2013, the department of labor and
18 training shall report to the president of the senate and the speaker of the house of representatives
19 on the progress toward implementing the jobs match enhancement program, along with an
20 estimate of any additional costs related to the purchase of the enhancements listed in section 28-
21 55-3.

22 **28-55-5. Funding. --** The implementation of enhancements to the department of labor
23 and training's web based workforce and job system shall be contingent upon available public and/
24 or private financing.

25 SECTION 5. Reporting Requirements.

26 In determining the effectiveness of the workforce training initiatives contained in sections
27 1 through 4 of this article, the governor's workforce board shall report on the progress of these
28 programs in the biennial employment and training plan for the state as required under section 42-
29 102-9.

30 SECTION 6. If any of the provisions of this act or the application thereof to any persons
31 or circumstances are held invalid, the remainder of this act and the application thereof to other
32 persons or circumstances shall not be affected thereby. To that end, the provisions of this act are
33 declared to be severable.

34 SECTION 7. This article shall take effect upon passage.