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LC00450

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -
RETURN TO WORK ACT

Introduced By: Senators Tassoni, Lombardo, Bates, and DeVall

Date Introduced: January 27, 2011

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 44.1

4 THE RHODE ISLAND RETURN TO WORK ACT

5 **28-44.1. Short title.** -- This act shall be known as and may be cited as the "Rhode Island
6 Return to Work Act of 2011."

7 **28-44.1-2. Legislative findings and purpose.** -- The general assembly hereby finds as
8 follows:

9 (1) In this difficult economy, employers are hesitant to invest in people or programs,
10 while job seekers need to get their "foot in the door" to demonstrate their value to potential
11 employers.

12 (2) Statistics show that unemployment compensation claimants who participated in
13 employer-partnered training programs return to work more quickly than those who do not, and
14 that such programs have saved significant sums of employment security benefits.

15 (3) The purpose of the Rhode Island "Return to Work Program" is to assist employers
16 and job seekers alike.

17 (4) The return to work program shall provide an opportunity for a worker trainee to get a
18 "foot in the door" and learn new skills and obtain an opportunity for an employer to train the

1 trainee without the accompanying costs.

2 **28-44.1-3. Definitions.** -- As used in this chapter, the following words and phrases shall
3 have the following meanings, unless the context clearly indicates otherwise:

4 (1) "Department" means the department of labor and training.

5 (2) "Director" means the head of the department of labor and training or his or her
6 authorized representative.

7 (3) "Return to work program" or "the program" means the plan established pursuant to
8 section 28-44.1-4 of this chapter.

9 (4) "Training employer" means an employer who has voluntarily agreed to participate in
10 the Rhode Island return to work program and meets the criteria for participation established by
11 this chapter and as determined by the director.

12 (5) "Training internship" means an internship through the return to work program
13 offered by an employer whereby an individual works for and receives training from a private
14 employer for a period of not more than six (6) consecutive weeks, and for a weekly amount of up
15 to and including twenty-four (24) hours per week.

16 (6) "Trainee" or "worker trainee" means any individual employed on a temporary, part-
17 time basis by any employer in a return to work training program established pursuant to this
18 chapter.

19 (7) "Unemployment benefits" means the money payable to an individual as compensation
20 for his or her wage losses due to unemployment, payable pursuant to chapter 28-44
21 ("Employment Security -- Benefits"), and includes any amounts payable pursuant to an
22 agreement under any federal law providing for compensation, assistance, or allowances with
23 respect to unemployment.

24 **28-44.1-4. Return to work program established.** -- (a) There is hereby established a
25 program to be known as the "Rhode Island Return to Work Program." The program shall be
26 operated by and administered through the department of labor and training as a voluntary
27 program to provide a structured, supervised training opportunity to Rhode Island residents
28 receiving unemployment benefits, allowing such residents to obtain job training while continuing
29 to collect unemployment compensation.

30 (1) No payment in kind may be paid by or on behalf of nor accepted by a worker trainee
31 other than the training that the worker trainee receives through the training internship.
32 Commissions and/or tips represent wages and may not be paid or accepted as a result of the
33 internship. A claimant will continue to receive the full amount of unemployment compensation
34 benefits that the claimant would be entitled to, regardless of the claimant's participation in a

1 return to work program training internship.

2 (b) Only Rhode Island residents who are otherwise eligible to collect unemployment
3 benefits pursuant to the provisions of Chapter 28-44 (“Employment Security - Benefits”) shall be
4 eligible to participate in a training internship under the return to work program. Participation by
5 both the trainee and the training employer shall be voluntary. A person eligible to participate
6 shall apply to the director of the department of labor and training for participation on forms to be
7 prepared by the director.

8 (c) A trainee shall be eligible to participate in a training internship up to six (6)
9 consecutive weeks, and a maximum of twenty-four (24) hours per week. Claimants must continue
10 to file weekly continued claims to receive benefits and conduct a work search during non-training
11 time unless otherwise exempted.

12 (d) The training provided by the training employer in the internship must be authorized
13 through the department of labor and training prior to the beginning of the training. The training
14 program may be for up to six (6) weeks, and a maximum of twenty-four (24) hours per week per
15 benefit year. Upon timely submission of their continued claim form, and meeting all other
16 unemployment compensation eligibility requirements, trainees will receive their weekly
17 unemployment compensation benefits. All trainees shall be covered under a state provided
18 Workers Compensation program.

19 (e) A trainee may stay in the program if they exhaust benefits or lose program eligibility
20 prior to the end of the six (6) weeks; provided, however, once benefits are exhausted or program
21 eligibility is lost, unemployment compensation shall be discontinued.

22 (f) Participation in the return to work program by a trainee shall be limited to six (6)
23 weeks in any benefit year. A trainee shall be encouraged to end a training relationship that is not
24 beneficial and are encouraged to preserve the remainder of his or her six (6) weeks of training for
25 another return to work opportunity.

26 (g) A return to work trainee must be able and available to seek and accept work during
27 this period in order to participate.

28 (h) Potential trainees shall be encouraged to find companies or positions that they may
29 want to explore, whether it is utilizing transferable skills or seeking the opportunity to gain new
30 skills. Employers shall be encouraged to work with the department in the local office to match
31 open positions and trainees.

32 (1) Once a training opportunity is found, both the potential trainee and the training
33 employer shall complete a training application. The application shall be designed to open
34 communications between the employer and the trainee about what training is desired and what

1 training is being offered.

2 (2) The potential trainee and the training employer shall return the completed forms to the
3 department for training authorization. The department shall review the application. The potential
4 trainee and the employer shall receive a decision letter either approving or rejecting the
5 application. If the application is approved, the department shall provide the training opportunity
6 and the dates. The trainee shall attend an orientation video at the local office of the department
7 prior to the beginning of any training internship.

8 (3) The claimant and the employer must agree upon a formal training schedule, which
9 includes on-site training, supervision, and application of skills or experiences.

10 **28-44.1-5. Eligibility to be a training employer.** -- (a) The director shall seek out and
11 encourage Rhode Island businesses to participate in the Rhode Island return to work program.
12 An employer wishing to participate in the program shall be required to meet the following
13 qualifications:

14 (1) The training employer must be a Rhode Island employer with a place of business in
15 Rhode Island; provided, the employer need not be domestic to Rhode Island;

16 (2) The training employer must have a full time position of employment available that the
17 employer is desirous of filling;

18 (3) The training employer must be willing to provide a true training opportunity that
19 benefits the trainee;

20 (4) The training employer must certify that he, she, they, or it will not pay any wages or
21 provide any payment in kind to the worker trainee during the course of the worker trainee's
22 participation in the program;

23 (5) The training employer must agree to provide information requested by the department
24 and must agree that a training employee shall not displace nor have any impact on a promotion
25 due an existing employee;

26 (6) The training employer must certify that the training opportunity is not due to lockout
27 or strike; and

28 (7) For employers with employees who are subject to collective bargaining, the written
29 approval by the collective bargaining representative for each affected unit shall be required to be
30 included in the plan for any internship which would otherwise be a position covered by a
31 collective bargaining agreement.

32 **28-44.1-6. Eligibility to be a training employer.** -- (a) The director shall seek to make
33 mutually beneficial placements of persons and claimants receiving unemployment benefits with
34 appropriate training employers. A person receiving unemployment benefits and wishing to

1 participate in the return to work program as a worker trainee shall be required to meet the
2 following qualifications:

3 (1) The worker trainee must be eligible to receive Rhode Island unemployment
4 compensation benefits;

5 (2) The worker trainee must desire new strengths, skills, or experiences;

6 (3) The worker trainee must continue to look for work, unless otherwise exempt;

7 (4) The worker trainee must certify that he or she understands there is no guarantee of a
8 job;

9 (5) The worker trainee must attend a mandatory orientation with the department of labor
10 and training;

11 (6) The worker trainee must agree to provide information requested by the department,
12 and must agree to report any missed training or changes to training program

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

15 **28-44.1-7. Workers compensation. --** The department of labor and training will provide
16 workers compensation coverage.

17 **28-44.1-8. Rules and regulations. --** The director shall promulgate such rules and
18 regulations as the director deems necessary to implement the provisions of this chapter.

19 **28-44.1-9. Severability. --** If any of the provisions of this chapter or the application
20 thereof to any persons or circumstances are held invalid, the remainder of this chapter and the
21 application thereof to other persons or circumstances shall not be affected thereby. To that end,
22 the provisions of this chapter are declared to be joint and severable.

23 SECTION 2. This act shall take effect January 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY -
RETURN TO WORK ACT

1 This act would establish a return to work program, to be administered by the department
2 of labor and training, to assist unemployed Rhode Islanders in obtaining new job skills and in
3 securing new employment.

4 This act would take effect January 1, 2012.

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