

2012 -- S 2377 AS AMENDED

=====
LC01289
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ESTABLISHING BACK TO WORK
RHODE ISLAND PROGRAM ACT OF 2012

Introduced By: Senators Lynch, Perry, Tassoni, Miller, and Gallo

Date Introduced: February 14, 2012

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 BACK TO WORK RHODE ISLAND PROGRAM ACT OF 2012

5 **28-44.1-1. Short title.** – This act shall be known and may be cited as the “Back to Work
6 Rhode Island Program Act of 2012.”

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

9 (1) As of January 1, 2012, 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 training programs return to work more quickly than those who do not, and

1 that such programs have saved significant sums of employment security funds;

2 (6) The purpose of the “Back to Work Rhode Island Program” is to assist employers in
3 locating and obtaining skilled and qualified employees at little to no training cost, and to provide
4 the opportunity for job seekers to gain a “foot in the door,” gain knowledge, learn new skills, and
5 abilities, and receive the opportunity for employment.

6 **28-44.1-3. Definitions.** – For the purposes of this chapter, the following terms shall have
7 the following meanings:

8 (1) “Claimant” means a person collecting unemployment security benefits under the
9 provisions of chapters 28-42 through 28-44;

10 (2) “Department” means the Rhode Island department of labor and training;

11 (3) “Director” means the director of the Rhode Island department of labor and training;

12 (4) “Participating employer” means an employer who has voluntarily agreed to
13 participate in the “Back to Work Rhode Island Program” and meets the criteria for participation
14 established by this chapter and as determined by the director;

15 (5) “Program” means the back to work Rhode Island program established under this
16 chapter;

17 (6) “Skill enhancement and job training” means the measurable raising to a higher degree
18 an individual’s knowledge and execution of a fundamental job function;

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

23 **28-44.1-4. Back to work Rhode Island program.** – (a) The back to work Rhode Island
24 program is hereby established and shall be administered by the department of labor and training.

25 (b) The program shall be designed so as to permit a claimant to be matched with an
26 employer participating in the program and be placed in an open employment position made
27 available by the employer. Participation by both claimant and employer shall be voluntary. The
28 employer shall provide the claimant with skill enhancement and job training relevant to the open
29 employment position for up to twenty-four (24) hours per week for up to six (6) weeks. Upon
30 completion of the six (6) week period, claimants must be considered for employment by the
31 employer. During the six (6) week period, the employer shall not compensate the claimant in any
32 way other than the training that the claimant receives through participation in the program. An
33 employer may terminate participation in the program at any time.

34 (c) Notwithstanding any other law, participation in the back to work Rhode Island

1 program shall not affect the employment security benefits of a claimant; provided, however, that
2 contingent upon appropriation, said claimant may receive a reasonable stipend in an amount
3 determined by the director to cover any additional costs associated with their participation in the
4 program, including, but not limited to, transportation or childcare costs.

5 (d) The department shall notify employers of the availability of the program and shall
6 provide employers with information and materials necessary to participate upon request.

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

10 (f) The department shall develop and conduct an orientation program for participating
11 claimants and employers informing them of the rules, regulations, opportunities, and limitations
12 of the back to work Rhode Island program.

13 (g) A claimant may stay in the program if they exhaust benefits or lose program
14 eligibility prior to the end of the six (6) weeks; provided, however, once benefits are exhausted or
15 program eligibility is lost, unemployment compensation shall be discontinued.

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

20 (i) In order to participate, a claimant must be seeking work and must be able, available,
21 and accept work during the training period.

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

26 (k) The claimant and the employer must agree upon a formal training plan and schedule
27 which must be approved by the department.

28 (l) Participation in the program will be limited to the first two hundred (200) participants
29 determined to be eligible by the department.

30 (m) The back to work Rhode Island program will expire on December 31, 2013. New
31 participants will not be enrolled after November 18, 2013.

32 **28-44.1-5. Eligibility to be a participating employer. – (a) An employer wishing to**
33 **participate in the back to work Rhode Island program shall be required to meet the following**
34 **qualifications:**

1 (1) The employer must conduct business in Rhode Island; although, the business need not
2 be domestic to Rhode Island;

3 (2) The employer must have a full-time position of employment available that the
4 employer is desirous of filling;

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

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

10 (5) The employer must agree to follow up a claimant's participation in the program with a
11 performance evaluation of the claimant, regardless of whether or not the claimant is hired for
12 employment;

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

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

18 (8) For employers with employees who are subject to collective bargaining, the written
19 approval by the collective bargaining representative for each affected unit shall be required to be
20 included in the plan for any job training for a position which would otherwise be covered by a
21 collective bargaining agreement.

22 **28-44.1-6. Eligibility to be a participating claimant. – (a) An individual receiving**
23 **unemployment benefits and wishing to participate in the back to work Rhode Island program**
24 **must meet the following qualifications:**

25 (1) The individual must be eligible to receive Rhode Island unemployment compensation
26 benefits;

27 (2) The individual must continue to file weekly continued claims to receive benefits
28 unless otherwise exempted;

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

31 (4) The individual must certify that he or she understands that participation in the
32 program includes no guarantee of employment;

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

34 (6) The individual must agree to provide relevant information as requested by the

1 department; and must agree to report any missed training or changes to the training program.

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

4 **28-44.1-7. Workers' compensation.** – The department will provide workers
5 compensation coverage for participating claimants.

6 **28-44.1-8. Rules and regulations.** – The director shall promulgate such rules and
7 regulations as the director deems necessary to implement the provisions of this chapter.

8 **28-44.1-9. Funding.** – Creation of the back to work Rhode Island program is contingent
9 upon funding.

10 **28-44.1-10. Severability.** – If any of the provisions of this chapter or the application
11 thereof to any persons or circumstances are held invalid, the remainder of this chapter and the
12 application thereof to other persons or circumstances shall not be affected thereby. To that end,
13 the provisions of this chapter are declared to be severable.

14 SECTION 2. This act shall take effect on January 1, 2013.

=====
LC01289
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ESTABLISHING BACK TO WORK
RHODE ISLAND PROGRAM ACT OF 2012

- 1 This act would assist employers and potential employees by creating the back to work
- 2 Rhode Island program.
- 3 This act would take effect on January 1, 2013.

=====
LC01289
=====