

2012 -- S 2951

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - GREEN JOBS FOR DEMAND SIDE
MANAGEMENT PROGRAM

Introduced By: Senators Miller, Goodwin, Ruggiero, Sosnowski, and DeVall

Date Introduced: May 10, 2012

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative Finding. The general assembly hereby finds and declares that
2 promoting widespread dissemination of demand side management programs and technologies
3 represents a clear and cost-effective strategy for communities in this state to curtail the emission
4 of greenhouse gases and harmful air contaminants, reduce dependence on fossil fuels, lower
5 housing costs, support community development and create green jobs to sustain and enhance our
6 economy. These jobs will provide meaningful employment opportunities for displaced workers,
7 the long-term unemployed and new workforce entrants. Wages and advancement of skilled,
8 certified workers in this sector historically sustain meaningful economic development, and the
9 economic impact of these jobs can be ensured by the establishment of job, hiring and certification
10 standards in state-sponsored programming. Installation of energy efficiency improvements to
11 reduce the loss or waste of energy will allow consumers to pay for these improvements through
12 energy savings over a reasonable period of time. However, lack of affordable and accessible
13 financing for many owners of residential properties, small businesses and nonprofit organizations
14 has hindered progress in fully realizing the promise of these technologies. Therefore, it is the
15 intent of the General Assembly to enact a Green Jobs for Demand Side Management program
16 with the ultimate goal of improving the energy efficiency of residential units throughout the state,
17 creating new green jobs, and training workers to fill these jobs with a particular focus on
18 employing residents facing barriers to employment.

1 SECTION 2. Chapter 39-1 of the General Laws entitled "Public Utilities Commission" is
2 hereby amended by adding thereto the following section:

3 **39-1-27.13. Approval of demand side management programs.** – (a) The commission
4 shall establish requirements for gas or electric distribution company authorized under section 39-
5 2-1.2 to include charges to fund demand side management programs to enter into contracts with
6 constituency-based organizations, workforce development organizations, labor organizations, and
7 other training-related organizations, designated by the office of energy resources pursuant to
8 chapter 42-140.4 for the purpose of conducting demand side management programs so authorized
9 and providing employment and training services.

10 (b) The commission shall further establish requirements that any contracting firm
11 providing retrofit services under a demand side management program operated by a gas or
12 electric distribution company shall:

13 (1) Be accredited by a national accreditation agency approved by the commission; or

14 (i) Demonstrate a minimum level of experience in providing energy audits and/or retrofits
15 as firms accredited by a national accreditation agency approved by the council; and

16 (ii) Guarantee that all workers on retrofit crews are fully certified as installers pursuant to
17 standards established by the United States department of energy, and firms shall guarantee the
18 provision of OSHA 10 and lead safe renovator certification to all workers on program audits and
19 retrofits within thirty (30) days of selection; and

20 (iii) Possess appropriate business and contracting licensing, insurance, and meet
21 minimum bonding requirements established by the commission; and

22 (iv) Comply with all health and safety laws, regulations and procedures required by state
23 and federal laws, and shall not be found in violation of such laws during their participation in the
24 program. Firms that, during the last five (5) years, have been cited by state or federal authorities
25 as having violated any of those laws, regulations and procedures or who have paid fines to
26 resolve claims of alleged violations are not eligible to participate; and

27 (v) Pay all workers a minimum of not less than twice the minimum wage as stated in
28 section 28-12-3, including the value of any benefits. Firms shall provide and pay for minimally
29 credible health insurance coverage for all of their construction employees and their dependents.
30 Firms must pay all wages due in a timely fashion in accordance with applicable law. Firms that,
31 at any time during the last three (3) years have failed to do so or who are found by a court or cited
32 by the attorney general of the state of Rhode Island or by agencies of the United States
33 government for failing to do so, may not participate; and

34 (vi) Guarantee that they will assign only employees to project sites under the program;

1 and

2 (vii) Participate in department of labor certified labor-management programs as available.

3 (c) To the extent that such preference is not disallowed by applicable federal or state
4 laws, firms shall commit to hiring sixty percent (60%) of new hires who engage in ten (10) or
5 more hours of program work in a calendar year from targeted populations including graduates of
6 training programs which meet terms established under chapter 42-140.4 that coordinate with
7 constituency-based organizations contracted to perform demand side management programs, low-
8 income people, long-term unemployed individuals, and populations historically underrepresented
9 in energy efficiency contracting work including minorities, formerly incarcerated individuals and
10 women. To qualify as hires, at least eighty percent (80%) of such workers shall be retained for at
11 least six (6) months, and such workers shall perform no less than twenty-five percent (25%) of
12 work hours; and

13 (d) Enforcement of industry certification provisions shall be the responsibility of the
14 Rhode Island department of labor and training. The penalty for non-compliance shall be removal
15 from the demand side management program. No contracting firm shall receive payment for work
16 performed except as a contractor in good standing; and

17 (e) Enforcement of labor and business conduct provisions, and penalties for violation of
18 such provisions, shall be the responsibility of the state department of labor and training in
19 consultation with the Rhode Island energy efficiency and resource management council; and

20 (f) The interests of the state will be best served if demand side management programs
21 proceed in an orderly manner without labor-related disruption, a participating firm must either be:

22 (1) Signatory to an agreement with a labor organization which contains, at a minimum, a
23 provision prohibiting the labor organization and its members from engaging in any picketing,
24 work stoppage, boycott, or other economic interference at or in connection with the firm's
25 demand side management work, or;

26 (2) Agree to sign such an agreement upon request by any labor organization that seeks to
27 represent employees performing this work.

28 SECTION 3. Title 42 of the General Laws entitled "State Affairs and Government" is
29 hereby amended by adding thereto the following chapter:

30 CHAPTER 42-140.4

31 GREEN JOBS FOR DEMAND SIDE MANAGEMENT PROGRAMS

32 **42-140.4-1. Definitions.** – For the purposes of this chapter, the following terms shall
33 have the following meanings:

34 (1) "Constituency-based organization" means an organization incorporated for the

1 purpose of representing or providing services or other assistance to economically or socially
2 disadvantaged persons within a specified community, and which is at least thirty percent (30%)
3 financially supported by individual members of the community in which it operates, or whose
4 actions are directed by a documented stakeholder process that is controlled in the majority by
5 members of the community in which it operates.

6 (2) “Distribution utility” means any gas or electric distribution company authorized under
7 section 39-2-1.2 to include charges to fund demand side management programs.

8 (3) “Demand side management programs” means any program including, but not limited
9 to, programs for cost-effective energy efficiency, energy conservation, combined heat and power
10 systems, and weatherization services, established by a gas or electric distribution company and
11 approved by the public utilities commission.

12 (4) “Office of energy resources” and/or “office” means the office of energy resources
13 established pursuant to chapter 42-140.

14 **42-140.4-2. Definitions. – Establishment of program.** (1) Within six (6) months of the
15 effective date of this chapter, the office of energy resources is hereby authorized and directed to
16 establish and administer the green jobs for demand side management program. The office shall
17 implement the program in consultation with the permanent joint committee on environment and
18 energy established pursuant to chapter 22-7.3, the Rhode Island energy efficiency and resources
19 management council established pursuant to chapter 42-140.1, the public utilities commission
20 established pursuant to chapter 39-1, the division of public utilities and carriers established
21 pursuant to chapter 39-1, the Rhode Island economic development corporation established
22 pursuant to chapter 42-64, the Rhode Island department of labor and training established pursuant
23 to chapter 42-16.1, and the department of environmental management established pursuant to
24 chapter 42-17.1.

25 (2) The green jobs for demand side management program shall identify constituency-
26 based organizations, workforce development organizations, labor organizations, and other
27 training-related organizations authorized to provide demand side management including, but not
28 limited to, programs for cost-effective energy efficiency, energy conservation, combined heat and
29 power systems, and weatherization services, established by a gas or electric distribution as
30 authorized under section 39-2-1.2. Such a program shall provide for:

31 (i) Training of individuals to participate in outreach and marketing activities, and perform
32 and provide appropriate demand side management programs, provided that such training shall
33 include, but not be limited to:

34 (A) Incremental occupational training to unemployed workers with good work histories;

1 (B) Work-readiness and entry-level technical training to individuals with weak work
2 histories;

3 (C) Apprenticeship qualifying, apprenticeship and labor-management certification
4 training;

5 (D) Training that is designed to lead to certification in energy auditing and energy
6 performance contracting; and

7 (E) Skills upgrading for incumbent workers, including workers performing
8 weatherization activities under the federal weatherization assistance program.

9 (ii) Provision of job placement services to such individuals. To the extent permitted by
10 statute, regulation or federal grant, a preference shall be given for training and placement of
11 women, minorities, low-income individuals and populations with barriers to employment in order
12 to focus training services on populations targeted for employment under this title.

13 (iii) Education and outreach programs for utility customers and homeowners apprising
14 them of the availability of demand side management programs as well as available funding
15 streams, incentives, and financing mechanisms.

16 (3) For quality assurance purposes, organizations authorized to provide training services
17 pursuant to subdivision (2) shall meet minimum qualifications, certifications and accreditations as
18 determined by the commission, in consultation with the department of labor and training.

19 (4) Organizations providing training services under subdivision (2) shall demonstrate a
20 prior record of maintaining the above qualifications, certifications and accreditations. Training
21 organizations that are disqualified or suspended from such qualification, certifications and
22 accreditations shall be ineligible from future participation in the program.

23 (5) The office, in cooperation with the department of labor and training, shall facilitate
24 coordination between constituency-based organizations, workforce development organizations,
25 labor organizations and auditing and energy performance services contractors to provide job
26 opportunities for individuals participating in training programs and receiving placement services
27 pursuant to subdivision (2).

28 (6) The office, in cooperation with the department of labor and training shall:

29 (i) Encourage local workforce investment boards created pursuant to the federal
30 workforce investment act of 1998 (public laws 105-220) to make available training and job
31 placement services authorized pursuant to this paragraph within each local workforce investment
32 area;

33 (ii) Access training services available through the department of labor and training; and

34 (iii) Apply for available federal funding for appropriate training services pursuant to the

1 [provisions of any applicable federal law.](#)

2 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - GREEN JOBS FOR DEMAND SIDE
MANAGEMENT PROGRAM

- 1 This act establishes the Green Jobs for Demand Side Management Program.
- 2 This act would take effect upon passage.

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