

Chapter 2

(House Bill 227)

AN ACT concerning

Maryland Employment Advancement Right Now (EARN) Program

FOR the purpose of establishing the Maryland Employment Advancement Right Now (EARN) Program (Maryland EARN Program) in the Department of Labor, Licensing, and Regulation (Department); requiring the Department, in consultation with the Department of Business and Economic Development and the Governor's Workforce Investment Board, to establish and administer the Program to provide certain grants on a competitive basis for certain purposes; requiring applications for certain grants under the Program to include certain information; authorizing certain grants to be awarded in a certain manner; requiring the grant process to give priority to certain strategic industry partnerships; authorizing the Department to adopt certain regulations; requiring the Department to monitor certain grants; authorizing the Department to impose certain requirements on certain recipients of certain grants and to revoke certain grants under certain circumstances; providing that certain intellectual property developed as a result of grants awarded under the Program remain in the public domain under certain circumstances; requiring the Department, in consultation with the Department of Budget and Management to develop and implement a certain State employment advancement strategy; requiring the Department, in consultation with the Department of Business and Economic Development and the Department of Information Technology to develop a certain Web site; providing for the funding of the Program; requiring the Department to submit a certain annual report; requiring the Department to convene a certain working group; requiring the Department to provide certain individuals with certain information; defining certain terms; and generally relating to the establishment of the Maryland Employment Advancement Right Now (EARN) Program.

BY adding to

Article – Labor and Employment

Section 11–701 through 11–710 to be under the new subtitle “Subtitle 7.
Maryland Employment Advancement Right Now Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

Preamble

WHEREAS, Even in the most difficult economic times, Maryland has continued to make significant investments in both the State's K–12 and higher education systems resulting in one of the most highly educated workforces in the country; and

WHEREAS, Despite these advances, many working families continue to face significant challenges in obtaining skills and credentials necessary to secure stable employment and to access opportunities for advancement in employment; and

WHEREAS, Maryland's employers and economic growth industries continue to lack skilled workers which inhibits the economic growth of the State; and

WHEREAS, Maryland's workforce development system has many excellent and highly ranked components that are often fragmented in a manner that inhibits the potential for significant economic progress in the State; and

WHEREAS, Creating a coordinated system to advance the skills of the State's workforce through a collaboration of industry, State and local governments, and nonprofits will grow Maryland's economy; and

WHEREAS, Providing access to career ladders for employment advancement and reducing barriers to employment can result in long-term improvements in the economic well-being of working families and will assist in sustaining and growing Maryland's middle class; and

WHEREAS, Maryland's ability to be competitive in the world economy will only truly improve through working collaborations of public, private, and nonprofit partners that make up the State's workforce development system; and

WHEREAS, Providing skills training for the rapid employment advancement of individuals while meeting the workforce needs of employers will promote both the prosperity of working families and economic development in the State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

SUBTITLE 7. MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM.

11–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CREDENTIAL” MEANS A RECOGNIZED:

- (1) EDUCATIONAL DIPLOMA;
- (2) CERTIFICATE OR DEGREE;
- (3) OCCUPATIONAL LICENSE;
- (4) APPRENTICESHIP CERTIFICATE;
- (5) INDUSTRY RECOGNIZED CERTIFICATION; OR

(6) AWARD FOR SKILLS ATTAINMENT AND COMPLETION, ISSUED BY AN APPROVED TRAINING PROVIDER IN THE STATE OR THIRD-PARTY CREDENTIAL PROVIDER.

(C) “HIGH-DEMAND OCCUPATION” MEANS AN OCCUPATION THAT:

- (1) HAS A SIGNIFICANT PRESENCE WITHIN TARGET INDUSTRIES;
- (2) IS IN DEMAND BY EMPLOYERS; AND
- (3) PAYS OR LEADS TO PAYMENT OF A FAMILY SUSTAINING WAGE.

(D) “IDENTIFIABLE SKILL” MEANS THE ATTAINMENT OF PROFICIENCY IN A SPECIFIC WORK-RELATED SKILL THAT IS LIKELY TO LEAD TO FUTURE JOB ADVANCEMENT AND IMPROVEMENT IN AN INDIVIDUAL’S EARNING POTENTIAL.

(E) (1) “JOB READINESS TRAINING” MEANS TRAINING FOR THE PURPOSE OF ASSISTING AND SUPPORTING JOBSEEKERS IN OVERCOMING INDIVIDUAL BARRIERS TO EMPLOYMENT AND DEVELOPING THE SKILLS NECESSARY TO MAINTAIN EMPLOYMENT AND TO QUALIFY FOR SKILLS TRAINING OPPORTUNITIES.

(2) “JOB READINESS TRAINING” INCLUDES:

- (I) OCCUPATIONAL SKILLS DEVELOPMENT;
- (II) GED PREPARATION;
- (III) LITERACY ADVANCEMENT;
- (IV) FINANCIAL STABILITY SERVICES, INCLUDING FINANCIAL COACHING;

- (V) CREDIT COUNSELING;
- (VI) TRANSPORTATION; AND
- (VII) CHILD CARE.

(F) “LOCAL BOARD” MEANS A LOCAL WORKFORCE INVESTMENT BOARD ESTABLISHED TO ADMINISTER SERVICES IN A WORKFORCE INVESTMENT AREA ESTABLISHED UNDER SUBTITLE 5 OF THIS TITLE.

(G) “MARYLAND EARN PROGRAM” MEANS THE MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM CREATED UNDER THIS SUBTITLE.

(H) “STRATEGIC INDUSTRY PARTNERSHIP” MEANS A COLLABORATION THAT BRINGS TOGETHER A REGIONAL GROUP THAT MAY INCLUDE EMPLOYERS, NONPROFITS, INSTITUTIONS OF HIGHER EDUCATION, COMMUNITY COLLEGES, LOCAL BOARDS, LOCAL GOVERNMENTS, OR OTHER RELEVANT PARTNERS TO:

(1) IDENTIFY COMMON WORKFORCE NEEDS FOR HIGH-DEMAND OCCUPATIONS WITHIN A TARGET INDUSTRY; AND

(2) DEVELOP AND IMPLEMENT INDUSTRY STRATEGIES TO MEET THE COMMON WORKFORCE NEEDS AND SHORTAGES BASED ON REGIONAL NEEDS.

(I) “TARGET INDUSTRY” MEANS A GROUP OF EMPLOYERS CLOSELY LINKED BY A COMMON PRODUCT OR SERVICE, WORKFORCE SKILLS, SIMILAR TECHNOLOGIES, SUPPLY CHAINS, OR OTHER ECONOMIC TIES.

11-702.

(A) THERE IS A MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW (EARN) PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE MARYLAND EARN PROGRAM IS TO CREATE INDUSTRY-LED PARTNERSHIPS TO ADVANCE THE SKILLS OF THE STATE’S WORKFORCE, GROW THE STATE’S ECONOMY, AND INCREASE SUSTAINABLE EMPLOYMENT FOR WORKING FAMILIES.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT AND THE GOVERNOR’S WORKFORCE

INVESTMENT BOARD, SHALL ESTABLISH AND ADMINISTER THE MARYLAND EARN PROGRAM TO PROVIDE GRANTS ON A COMPETITIVE BASIS FOR:

(1) AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP FOR DEVELOPMENT OF A PLAN CONSISTENT WITH THE PURPOSE OF THE MARYLAND EARN PROGRAM;

(2) WORKFORCE TRAINING PROGRAMS AND OTHER QUALIFIED PROGRAMS THAT PROVIDE INDUSTRY VALUED SKILLS TRAINING TO INDIVIDUALS THAT RESULT IN A CREDENTIAL OR IDENTIFIABLE SKILL CONSISTENT WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN; AND

(3) JOB READINESS TRAINING AND SKILLS TRAINING THAT RESULTS IN A CREDENTIAL OR AN IDENTIFIABLE SKILL.

11-703.

(A) AN APPLICATION FOR A STRATEGIC INDUSTRY PARTNERSHIP GRANT UNDER § 11-702(C) OF THIS SUBTITLE SHALL:

(1) INCLUDE:

(I) EVIDENCE OF SHORTAGES IN SKILLED EMPLOYMENT WITHIN THE TARGET INDUSTRY OVER A SUSTAINED PERIOD OF TIME;

(II) A DESCRIPTION OF SPECIFIC HIGH-DEMAND OCCUPATIONS OR SETS OF OCCUPATIONS WITHIN THE TARGET INDUSTRY; AND

(III) THE SPECIFICS OF TRAINING PROGRAMS THAT WOULD RESULT IN INDIVIDUALS OBTAINING CREDENTIALS OR IDENTIFIABLE SKILLS TO FACILITATE THEIR EMPLOYMENT OR ADVANCEMENT IN THE TARGETED INDUSTRY; AND

(2) IDENTIFY MEMBERS PARTICIPATING IN THE STRATEGIC INDUSTRY PARTNERSHIP AND INCLUDE IDENTIFICATION OF THE TARGET INDUSTRY AND THE PARTICIPATING LOCAL BOARD.

(B) GRANTS MAY BE AWARDED FOR SKILLS TRAINING CONSISTENT WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN DEVELOPED UNDER § 11-702(C) OF THIS SUBTITLE TO:

(1) INDUSTRIES WITH IDENTIFIED POSITIONS AND A DEMONSTRATED NEED FOR INCUMBENT WORKER TRAINING THAT CAN BE

ACCESSED BY EMPLOYEES AT THEIR PLACE OF EMPLOYMENT OR OTHER LOCATION;

(2) INDUSTRIES WITH AN IDENTIFIED WORKFORCE SHORTAGE THAT WILL BE SEEKING TO HIRE INDIVIDUALS TO TRAIN TO MEET A SPECIFIC SKILL NEED;

(3) A MEMBER OF A STRATEGIC INDUSTRY PARTNERSHIP THAT CAN PROVIDE JOB READINESS TRAINING TO QUALIFIED INDIVIDUALS DIRECTLY OR THROUGH ACCOUNTS HELD AT LOCAL BOARDS ON BEHALF OF THE INDIVIDUAL; AND

(4) EDUCATIONAL PROVIDERS THAT OFFER TRAINING CONSISTENT WITH THE GOALS OF THE PLAN.

(C) THE COMPETITIVE GRANT PROCESS SHALL GIVE PRIORITY TO STRATEGIC INDUSTRY PARTNERSHIPS THAT MAXIMIZE THE POTENTIAL OF THE COLLABORATION THROUGH DIRECT FINANCIAL OR IN-KIND CONTRIBUTIONS BY MEMBERS OF THE TARGET INDUSTRY.

11-704.

THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

11-705.

(A) THE DEPARTMENT SHALL MONITOR ALL GRANTS PROVIDED UNDER THE MARYLAND EARN PROGRAM.

(B) THE DEPARTMENT MAY REQUIRE THAT ALL RECIPIENTS OF STRATEGIC INDUSTRY PARTNERSHIP GRANTS:

(1) DEMONSTRATE AN ABILITY TO COLLABORATE SUCCESSFULLY;
AND

(2) INCLUDE ADDITIONAL PROVISIONS IN A GRANT PROPOSAL TO ENSURE ACCOUNTABILITY.

(C) THE DEPARTMENT MAY REVOKE GRANT FUNDING FROM A STRATEGIC INDUSTRY PARTNERSHIP, WORKFORCE TRAINING PROGRAM, OR PARTNERSHIP MEMBER IF GOALS CONSISTENT WITH A GRANT AGREEMENT APPROVED BY THE DEPARTMENT ARE NOT MET.

(D) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH RELEVANT JUDICIAL OPINIONS AND STATUTORY LAW, ANY INTELLECTUAL PROPERTY DEVELOPED AS A RESULT OF A GRANT AWARDED UNDER THE MARYLAND EARN PROGRAM SHALL REMAIN IN THE PUBLIC DOMAIN.

11-706.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL DEVELOP AND IMPLEMENT A STATE EMPLOYMENT ADVANCEMENT STRATEGY.

(B) THE STATE EMPLOYMENT ADVANCEMENT STRATEGY SHALL IDENTIFY:

(1) POSITIONS IN STATE GOVERNMENT IN NEED OF SKILLED EMPLOYEES; AND

(2) MECHANISMS TO PROVIDE INCUMBENT STATE EMPLOYEES WITH ACCESS TO SKILLS TRAINING PROGRAMS THAT RESULT IN:

(I) EMPLOYMENT ADVANCEMENT RESULTING IN TITLE PROMOTION OR WAGE PROMOTION; OR

(II) THE POTENTIAL FOR FUTURE EMPLOYMENT ADVANCEMENT AS THE RESULT OF OBTAINING A CREDENTIAL OR IDENTIFIABLE SKILL.

11-707.

THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF INFORMATION TECHNOLOGY, SHALL DEVELOP A UNIFORM AND EASILY ACCESSIBLE STATEWIDE "TRAIN MARYLAND" WEB SITE PROMOTING AVAILABLE TRAINING PROGRAMS IN THE STATE, INCLUDING THOSE AVAILABLE UNDER THE MARYLAND EARN PROGRAM.

11-708.

FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, THE MARYLAND EARN PROGRAM SHALL BE FUNDED AS PROVIDED FOR IN THE STATE BUDGET.

11-709.

(A) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE MARYLAND EARN PROGRAM.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) AN IDENTIFICATION OF TRAINING NEEDS STATEWIDE, INCLUDING INDUSTRIES IN URGENT NEED OF QUALIFIED WORKERS;

(2) INFORMATION ON MEASURES BEING USED TO TRACK THE SUCCESS AND ACCOUNTABILITY OF THE MARYLAND EARN PROGRAM, INCLUDING USE OF THE STATESTAT ACCOUNTABILITY PROCESS UNDER § 3-1003(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

~~(2)~~ (3) (I) A DESCRIPTION OF EACH STRATEGIC INDUSTRY PARTNERSHIP RECEIVING GRANT FUNDING AND THE STATUS OF THE PARTNERSHIP; AND

(II) THE JURISDICTION OF THE STATE IN WHICH EACH STRATEGIC INDUSTRY PARTNERSHIP IS LOCATED;

~~(3)~~ (4) THE NUMBER OF INDIVIDUALS:

(I) PARTICIPATING BY SEX, RACE, NATIONAL ORIGIN, INCOME, COUNTY OF RESIDENCE, AND EDUCATIONAL ATTAINMENT, PARTICIPATING IN EACH COMPONENT OF THE MARYLAND EARN PROGRAM; AND

(II) PARTICIPATING IN THE MARYLAND EARN PROGRAM WHO, AS A RESULT OF THE PROGRAM, HAVE OBTAINED:

1. A CREDENTIAL OR AN IDENTIFIABLE SKILL;
2. A NEW EMPLOYMENT POSITION;
3. A TITLE PROMOTION; OR
4. A WAGE ~~PROMOTION~~ PROMOTION; AND

(5) AN ASSESSMENT OF WHETHER AND TO WHAT EXTENT THE APPROVED STRATEGIC INDUSTRY PARTNERSHIPS UTILIZED EXISTING DATA CONCERNING:

(I) TRAINING NEEDS IN THE STATE IDENTIFIED IN PREVIOUS STUDIES; AND

(II) APPLICABLE SKILLS NEEDS IDENTIFIED IN EXISTING WORKFORCE STUDIES, PLANS, OR RESEARCH.

11-710.

THIS SUBTITLE MAY BE CITED AS THE “MARYLAND EARN PROGRAM”.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall convene a working group of stakeholders including interested employers, nonprofits, workforce training entities, higher education institutions, community colleges, and local workforce investment boards to advise on the initial development and implementation of the Maryland EARN Program established under this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall provide to individuals receiving or applying for unemployment benefits information on the Maryland EARN Program, including information on how to obtain job readiness and skills training in the State.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

Approved by the Governor, April 9, 2013.