

SENATE BILL 94

K3, F2

6lr0031

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: October 9, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 26, 2016

CHAPTER _____

1 AN ACT concerning

2 **Workforce Development – Revisions**

3 FOR the purpose of repealing a certain provision of law requiring that certain displaced
4 homemakers be exempt from payment of certain tuition and be counted in a certain
5 computation of full-time equivalent enrollment; replacing obsolete references to the
6 federal Workforce Investment Act with references to the federal Workforce
7 Innovation and Opportunity Act; renaming the Maryland Workforce Investment Act
8 to be the Maryland Workforce Development Act; altering the individuals to whom
9 the workforce development program is required to provide employment, training,
10 supportive, and related services; renaming the Governor's Workforce Investment
11 Board to be the Governor's Workforce Development Board; repealing the
12 requirement that the Governor's Workforce Investment Board establish a certain
13 advisory committee; repealing the requirement that the Governor's Workforce
14 Investment Board submit a certain report to the Governor and certain committees
15 of the General Assembly; altering the period of time for which a certain strategy
16 outlined in a certain State plan is to cover; replacing obsolete references to certain
17 provisions of federal law; stating the intent of the General Assembly that certain
18 regulations and guidelines promulgated by the Department of Labor, Licensing, and
19 Regulation give adequate attention to certain training for certain individuals under
20 a certain circumstance; altering certain defined terms and certain definitions;
21 repealing a certain definition; making conforming changes; making stylistic changes;
22 requiring the publishers of the Annotated Code of Maryland, in consultation with
23 and subject to the approval of the Department of Legislative Services, to correct any

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 references throughout the Annotated Code that are rendered incorrect by this Act
2 and to describe any corrections in an editor's note following the section affected; and
3 generally relating to workforce development.

4 BY repealing and reenacting, with amendments,
5 Article – Economic Development
6 Section 3–404(e)(2)(i), 3–409(a)(3), 3–410(a)(4) and (5), 10–104(c)(3), and
7 13–1203(b)(2)(v)
8 Annotated Code of Maryland
9 (2008 Volume and 2015 Supplement)

10 BY repealing
11 Article – Education
12 Section 16–106(d)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 18–708(e)(4)(iii), 18–1808(b)(9), and 24–801(c)(8)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 19–2109(c)
23 Annotated Code of Maryland
24 (2015 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article – Human Services
27 Section 5–318(h)
28 Annotated Code of Maryland
29 (2007 Volume and 2015 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article – Labor and Employment
32 Section 8–812(b)(4), 8–1001(b)(2)(iii)1., 8–1206(b), 11–103(a)(3), and 11–304(b);
33 11–501, 11–502(a), 11–503, 11–504(a) and (b)(1) and (2)(iii) and (iv), 11–505,
34 11–506, 11–507(a) and (b), and 11–508 to be under the amended subtitle
35 “Subtitle 5. Maryland Workforce Development Act”; 11–602(a)(2) and (c)(1),
36 11–701(f), 11–702(c), 11–803(b)(12), 11–901(b)(3)(vii), 11–1002(c)(3)(i),
37 11–1003(b)(1)(ix), 11–1012(b), and 11–1015(i)(2)
38 Annotated Code of Maryland
39 (2008 Replacement Volume and 2015 Supplement)

40 BY repealing

1 Article – Labor and Employment
2 Section 11–505.1
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Labor and Employment
7 Section 11–602(a)(1)
8 Annotated Code of Maryland
9 (2008 Replacement Volume and 2015 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Tax – General
12 Section 10–702(a)(4)(i)
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 8–508
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2015 Supplement)

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

22 **Article – Economic Development**

23 3–404.

24 (e) (2) In addition to the requirements under § 2.5–109(c) of this article, the
25 report required under this subsection shall be submitted to:

26 (i) the Governor’s Workforce [Investment] **DEVELOPMENT** Board;
27 and

28 3–409.

29 (a) The Board consists of the following 15 members:

30 (3) the following members appointed by the Governor with the advice of
31 the Secretary and the chair of the Governor’s Workforce [Investment] **DEVELOPMENT**
32 Board:

33 (i) five representatives of business, of which three shall represent
34 employers with fewer than 100 employees;

- 1 (ii) three representatives of organized labor;
- 2 (iii) one representative from the Maryland Higher Education
3 Commission;
- 4 (iv) one representative from the State Department of Education;
- 5 (v) one representative from the Governor's Workforce [Investment]
6 **DEVELOPMENT** Board; and
- 7 (vi) two representatives of the general public.

8 3–410.

9 (a) The Board shall:

10 (4) consult regularly with the Governor's Workforce [Investment]
11 **DEVELOPMENT** Board and the Maryland Economic Development Commission concerning
12 the activities of the Program;

13 (5) submit a quarterly report on the Program to the Governor's Workforce
14 [Investment] **DEVELOPMENT** Board; and

15 10–104.

16 (c) The General Assembly intends that:

17 (3) the Corporation cooperate with workforce [investment]
18 **DEVELOPMENT** boards, private industry councils, representatives of labor, and
19 governmental units in maximizing new economic opportunities for residents of the State;

20 13–1203.

21 (b) (2) The voting members of the Board are:

22 (v) one representative of the Governor's Workforce [Investment]
23 **DEVELOPMENT** Board, appointed by the Executive Director of the Board;

24 **Article – Education**

25 16–106.

26 [(d) (1) For purposes of this subsection, “displaced homemaker” is an individual
27 who:

28 (i) Is 30 years of age or older;

- 1 (ii) Has worked for the family in the family home;
- 2 (iii) Is not gainfully employed;
- 3 (iv) Has had, or would have, difficulty finding employment;
- 4 (v) 1. Has depended on the income of a family member and has
5 lost that income as the result of separation, divorce, or the death or disability of that family
6 member; or
- 7 2. Has depended on government assistance as the parent of
8 dependent children and is no longer eligible for such assistance; and
- 9 (vi) Has an annual income that does not exceed:
- 10 1. The federal Office of Management and Budget poverty
11 income guidelines; or
- 12 2. The United States Department of Labor, Bureau of Labor
13 Statistics, 70 percent lower living standard income level.
- 14 (2) (i) Any resident of this State who is a displaced homemaker and who
15 enrolls in any class which is eligible under § 16–305 of this title for State support at the
16 community college:
- 17 1. Shall be exempt from payment of tuition; and
- 18 2. Shall be counted in computing full-time equivalent
19 enrollment under § 16–305 of this title if enrolled in any class that is eligible for State
20 support.
- 21 (ii) The exemption of tuition under this section is contingent on the
22 availability of funds under the federal Workforce Investment Act.
- 23 (3) The Department of Labor, Licensing, and Regulation shall coordinate
24 funds for this Displaced Homemakers Program according to the provisions of Title II of the
25 federal Workforce Investment Act, with the funds to be provided by service delivery areas.
- 26 (4) The Secretary of Higher Education shall:
- 27 (i) Allocate a minimum of 200 positions for the Displaced
28 Homemakers Program among the community colleges of the State that are located in
29 geographic areas that have been designated by the Governor as service delivery areas in
30 accordance with Section 101 of the federal Workforce Investment Act; and

1 (ii) Base the allocation of positions on the number of displaced
2 homemakers in the service delivery area.]

3 18-708.

4 (e) (4) The Advisory Council shall include the following members:

5 (iii) One representative from the Governor's Workforce [Investment]
6 **DEVELOPMENT** Board, appointed by the Governor;

7 18-1808.

8 (b) The Advisory Board shall include:

9 (9) The chair of the Governor's Workforce [Investment] **DEVELOPMENT**
10 Board, or the chair's designee;

11 24-801.

12 (c) The Council shall consist of the following members:

13 (8) The Chair and the Executive Director of the Governor's Workforce
14 [Investment] **DEVELOPMENT** Board;

15 **Article – Health – General**

16 19-2109.

17 (c) The Commission, in developing and implementing the outreach program
18 established under subsection (a)(14) of this section, shall consult and coordinate with the
19 Motor Vehicle Administration, workforce [investment] **DEVELOPMENT** boards, local
20 departments of social services, local health departments, Medbank Inc., the Comptroller,
21 the Maryland Health Care Commission, hospitals, community health resources, and
22 physicians to provide outreach and consumer information.

23 **Article – Human Services**

24 5-318.

25 (h) (1) At the discretion of the Secretary and in consultation with the local
26 director, the job skills enhancement program shall be administered by the local department
27 or through the State workforce [investment] **DEVELOPMENT** area system under the
28 **FEDERAL** Workforce [Investment] **INNOVATION AND OPPORTUNITY** Act.

29 (2) The Administrator of the program under paragraph (1) of this
30 subsection shall:

- 1 (i) manage each participant's training plan;
- 2 (ii) maintain a database of appropriate training vendors; and
- 3 (iii) compile necessary fiscal reports on the job skills enhancement
- 4 program.

5 Article – Labor and Employment

6 8–812.

7 (b) An individual who is entitled to benefits under this title shall be eligible for

8 additional training benefits under this section if the Secretary determines that the

9 individual:

10 (4) is enrolled in a training program approved by the Secretary or in a job

11 training program authorized by the **FEDERAL** Workforce [Investment] **INNOVATION AND**

12 **OPPORTUNITY** Act [of 1998, as amended,] that prepares the individual for entry into a

13 demand occupation if the Secretary determines that the individual:

14 (i) enrolled in the training before the end of the benefit year

15 established with respect to the separation that made the individual eligible for the training

16 benefit;

17 (ii) is making satisfactory progress to complete the training; and

18 (iii) is not receiving similar stipends or other allowances for

19 nontraining costs.

20 8–1001.

21 (b) The Secretary may find that a cause for voluntarily leaving is good cause only

22 if:

23 (2) an individual:

24 (iii) leaves the subsequent employment to attend a training program

25 for which the individual has been chosen that:

26 1. is offered under the Maryland Workforce [Investment]

27 **DEVELOPMENT** Act; or

28 8–1206.

29 (b) For purposes of subsection (a) of this section, an affected employee is able and

30 available to work for the work sharing employer for all hours in which the employee

1 participates in training, including employer–sponsored training or worker training funded
2 under the **FEDERAL Workforce [Investment] INNOVATION AND OPPORTUNITY Act [of**
3 **1998]**, to enhance job skills if the program has been approved by the Secretary and the
4 training has been authorized by the employer.

5 11–103.

6 (a) The Division shall:

7 (3) implement the provisions of the **FEDERAL Workforce [Investment]**
8 **INNOVATION AND OPPORTUNITY Act**;

9 11–304.

10 (b) The Secretary in cooperation with the Workforce **[Investment]**
11 **DEVELOPMENT Board** shall develop voluntary guidelines for employers faced with a
12 reduction in operations. These guidelines shall include:

13 (1) the appropriate length of time for advance notification to employees
14 that an employer expects to terminate due to a reduction in operations. Whenever possible
15 and appropriate, at least 90 days notice shall be given;

16 (2) the appropriate continuation of benefits, such as health, severance, and
17 pension, that an employer should provide to employees who will be terminated due to a
18 reduction in operations; or

19 (3) the specific mechanisms that employers can utilize to ask for the
20 assistance of the State’s quick response program.

21 Subtitle 5. Maryland Workforce **[Investment] DEVELOPMENT Act**.

22 11–501.

23 This subtitle may be referred to as the “Maryland Workforce **[Investment]**
24 **DEVELOPMENT Act**”.

25 11–502.

26 (a) It is State policy to coordinate all the resources available from federal, State
27 and local governments, business, labor, and community based organizations to foster and
28 promote a balanced, equitable, and cost–effective employment and training system. To
29 effectuate this policy there shall be consultation between the Governor and the General
30 Assembly in implementing the federal Workforce **[Investment] INNOVATION AND**
31 **OPPORTUNITY Act** and this subtitle.

32 11–503.

1 (a) In this subtitle the definitions set forth in [§ 101] § 3 of the federal Act shall
2 apply; definitions set forth below shall have the meanings indicated.

3 (b) “Dislocated worker” means an individual who:

4 (1) [is unlikely to return to a previous industry or occupation and:]

5 (i) has been terminated or laid off or has received a notice of
6 termination or layoff from employment;

7 (ii) 1. is eligible for or has exhausted entitlement to
8 unemployment compensation; or

9 [(iii)] 2. has been employed for a duration sufficient to
10 demonstrate, to the appropriate entity at a one-stop center referred to in [§ 134(c)] §
11 121(E) of the federal Act, attachment to the workforce, but is not eligible for unemployment
12 compensation due to insufficient earnings or having performed services for an employer
13 that were not covered under State unemployment compensation law; AND

14 (III) IS UNLIKELY TO RETURN TO A PREVIOUS INDUSTRY OR
15 OCCUPATION;

16 (2) has been terminated or laid off, or has received a notice of termination
17 or layoff, from employment as a result of any permanent closure of, or any substantial layoff
18 at, a plant, facility, or enterprise;

19 (3) is employed at a facility at which the employer has made a general
20 announcement that the facility will close within 180 days;

21 (4) for purposes of eligibility to receive services other than training services
22 described in [§ 134(d)(4)] § 134(C)(3) of the federal Act, [intensive] CAREER services
23 described in [§ 134(d)(4)] § 134(C)(2)(A)(XII) of the federal Act, or supportive services, is
24 employed at a facility at which the employer has made a general announcement that the
25 facility will close;

26 (5) was self-employed (including employment as a farmer, a rancher, or a
27 fisherman) but is unemployed as a result of general economic conditions in the community
28 in which the individual resides or because of natural disasters; [or]

29 (6) [is a displaced homemaker] IS THE SPOUSE OF A MEMBER OF THE
30 ARMED FORCES ON ACTIVE DUTY, AS DEFINED IN 10 U.S.C. § 101(D)(1), AND WHO
31 HAS EXPERIENCED A LOSS OF EMPLOYMENT AS A DIRECT RESULT OF RELOCATION
32 TO ACCOMMODATE A PERMANENT CHANGE IN DUTY STATION OF THE MEMBER; OR

1 **(7) IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES ON ACTIVE**
2 **DUTY, AS DEFINED IN 10 U.S.C. § 101(D)(1), AND WHO HAS BEEN PROVIDING UNPAID**
3 **SERVICES TO A FAMILY MEMBER IN THE HOME AND IS UNEMPLOYED OR**
4 **UNDEREMPLOYED AND EXPERIENCING DIFFICULTY IN OBTAINING OR UPGRADING**
5 **EMPLOYMENT.**

6 (c) “Federal Act” means the federal Workforce [Investment] **INNOVATION AND**
7 **OPPORTUNITY Act.**

8 (d) “Governor’s plan” means the State plan as provided in [§ 112] **§ 102** of the
9 federal Act.

10 (e) “Individual with a disability” means any individual [who has a physical or
11 mental disability which for the individual constitutes or results in a substantial handicap
12 to employment] **WITH A DISABILITY, AS DEFINED IN § 3 OF THE AMERICANS WITH**
13 **DISABILITIES ACT.**

14 (f) “Local plan” means [the comprehensive 5–year local plan required for each
15 local workforce investment area as provided in § 118] **A PLAN SUBMITTED BY A LOCAL**
16 **WORKFORCE AREA UNDER § 108 OF THE FEDERAL ACT, SUBJECT TO § 106(C)(3)(B)**
17 of the federal Act and any final plan or modification as provided in the federal Act.

18 (g) “Low–income individual” means an individual who:

19 (1) receives, or is a member of a family which receives, cash welfare
20 payments under a federal, State, or local income–based public assistance program;

21 (2) received an income, or is a member of a family that received a total
22 family income for the 6–month period prior to application for the program involved
23 (exclusive of unemployment compensation, child support payments, payments described in
24 paragraph (1) of this subsection, and old age and survivors insurance benefits received
25 under Section 202 of the Social Security Act (42 U.S.C. § 402)) that, in relation to family
26 size, does not exceed the higher of:

27 (i) the poverty level for an equivalent period; or

28 (ii) 70 percent of the lower living standard income level for an
29 equivalent period;

30 (3) is a member of a household that receives food stamps or has been
31 determined within the 6–month period prior to application for the program involved to be
32 eligible to receive food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. § 2011 et
33 seq.);

34 (4) is a foster child on behalf of whom State or local government payments
35 are made;

1 (5) in cases permitted by regulations promulgated by the Secretary, is an
2 adult individual with a disability whose own income meets the requirements of a program
3 described in paragraph (1) or (2) of this subsection, but who is a member of a family whose
4 income does not meet such requirements; or

5 (6) qualifies as a homeless individual, as defined in subsections (a) and (c)
6 of § 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. § 11302)]

7 **(1) RECEIVES, HAS RECEIVED IN THE PAST 6 MONTHS, OR IS A**
8 **MEMBER OF A FAMILY THAT IS RECEIVING OR HAS RECEIVED IN THE PAST 6**
9 **MONTHS, ASSISTANCE THROUGH:**

10 **(I) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**
11 **ESTABLISHED UNDER THE FEDERAL FOOD AND NUTRITION ACT;**

12 **(II) THE PROGRAM OF BLOCK GRANTS TO STATES FOR**
13 **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM UNDER PART A OF TITLE**
14 **IV OF THE FEDERAL SOCIAL SECURITY ACT;**

15 **(III) THE SUPPLEMENTAL SECURITY INCOME PROGRAM**
16 **ESTABLISHED UNDER TITLE XVI OF THE FEDERAL SOCIAL SECURITY ACT; OR**

17 **(IV) STATE OR LOCAL INCOME-BASED PUBLIC ASSISTANCE;**

18 **(2) IS IN A FAMILY WITH TOTAL FAMILY INCOME THAT DOES NOT**
19 **EXCEED OR IS AN INDIVIDUAL WITH A DISABILITY WHOSE OWN INCOME DOES NOT**
20 **EXCEED THE HIGHER OF:**

21 **(I) THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET**
22 **POVERTY INCOME GUIDELINES; OR**

23 **(II) THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF**
24 **LABOR STATISTICS, 70% LOWER LIVING STANDARD INCOME LEVEL;**

25 **(3) IS A HOMELESS INDIVIDUAL, AS DEFINED IN § 41403(6) OF THE**
26 **FEDERAL VIOLENCE AGAINST WOMEN ACT;**

27 **(4) IS A HOMELESS CHILD OR YOUTH, AS DEFINED IN § 725(2) OF THE**
28 **FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;**

29 **(5) RECEIVES OR IS ELIGIBLE TO RECEIVE A FREE OR REDUCED PRICE**
30 **LUNCH UNDER THE FEDERAL RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH**
31 **ACT; OR**

1 **(6) IS A FOSTER CHILD ON BEHALF OF WHOM STATE OR LOCAL**
2 **GOVERNMENT PAYMENTS ARE MADE.**

3 (h) “Participant” means an individual who has been determined eligible to
4 participate in and who is receiving services (except follow-up services authorized under
5 this title) under a program authorized under this title.

6 (i) “Performance standards” means the basic measures of performance for
7 training programs to be prescribed by the Secretary and such variations of the standards
8 as the Governor may prescribe.

9 (j) “Secretary” means the United States Secretary of Labor.

10 (k) “State Workforce [Investment] **DEVELOPMENT** Board” means the Governor’s
11 Workforce [Investment] **DEVELOPMENT** Board, as provided in [§ 111] **§ 101** of the federal
12 Act.

13 (l) “Supportive services” means services such as transportation, child care,
14 dependent care, housing, and needs-related payments that are necessary to enable an
15 individual to participate in activities authorized under the federal Act[, consistent with the
16 federal Act].

17 (m) “Training [organization] **PROVIDER**” means an entity that provides training
18 and employment services to individuals described in § 11-504(b) of this subtitle.

19 (n) “Workforce [investment] **DEVELOPMENT** area” means a geographic area
20 designated by the Governor in accordance with [§ 116] **§ 106** of the federal Act.

21 11-504.

22 (a) A workforce [investment training] **DEVELOPMENT** program is established to
23 implement the federal Act.

24 (b) (1) This program shall provide employment, training, supportive and
25 related services [for unemployed individuals who are low income, for dislocated workers,
26 and for those who are not low income, but who qualify under the federal Act as having
27 barriers to employment, including, but not limited to, displaced homemakers, school
28 dropouts, teenage parents, individuals with disabilities, older workers, veterans, and other
29 participants as defined by the federal Act] **TO ELIGIBLE JOB SEEKERS, AS DEFINED IN**
30 **THE FEDERAL ACT, INCLUDING INDIVIDUALS WITH BARRIERS TO EMPLOYMENT,**
31 **SUCH AS THOSE WHO ARE LOW INCOME OR LOW-SKILLED, TO ALLOW INDIVIDUALS**
32 **TO SUCCEED IN THE LABOR MARKET AND TO MATCH EMPLOYERS WITH THE SKILLED**
33 **WORKERS NEEDED TO COMPETE IN THE GLOBAL ECONOMY.**

1 (2) (iii) A training organization shall reimburse the Department of
2 Transportation for the cost of transit passes provided to the training [organization]
3 **PROVIDER** under this paragraph.

4 (iv) To be eligible to receive transit passes under this paragraph, a
5 training [organization] **PROVIDER** shall include in its contract with the local workforce
6 [investment] **DEVELOPMENT** board or local workforce [investment] **DEVELOPMENT**
7 agency a provision requiring reimbursement of the training [organization] **PROVIDER** for
8 its costs under subparagraph (iii) of this paragraph.

9 11–505.

10 (a) The Governor’s Workforce [Investment] **DEVELOPMENT** Board is established
11 and shall have the membership as provided in [§ 111] **§ 101** of the federal Act [and U.S.
12 Department of Labor regulations].

13 (b) (1) Subject to subsection (a) of this section, the members of the Governor’s
14 Workforce [Investment] **DEVELOPMENT** Board shall be appointed by the Governor for
15 staggered terms set by the Governor by executive order.

16 (2) To the extent practicable, the composition of the Governor’s Workforce
17 [Investment] **DEVELOPMENT** Board shall reflect the race, gender, and geographic
18 diversity of the population of the State.

19 (c) The Governor’s Workforce [Investment] **DEVELOPMENT** Board shall be
20 funded consistent with [§§ 111 and 128] **§§ 101 AND 128** of the federal Act and shall have
21 personnel and appropriations as are provided in the State budget.

22 (d) The Governor’s Workforce [Investment] **DEVELOPMENT** Board shall perform
23 the duties and functions identified in [§ 111] **§ 101** of the federal Act and other functions
24 designated by the Governor as necessary to improve the quality of the State’s workforce.

25 (e) The Governor’s Workforce [Investment] **DEVELOPMENT** Board may adopt
26 any rule or regulations necessary to carry out its powers and duties.

27 (f) As soon after January 1 of each year as reasonably possible, the Governor’s
28 Workforce [Investment] **DEVELOPMENT** Board shall submit an annual report to the
29 Governor and, subject to § 2–1246 of the State Government Article, to the General
30 Assembly.

31 (g) (1) Except as provided in paragraph (2) of this subsection and subject to
32 paragraph (3) of this subsection, a member shall be considered to have resigned if the
33 member did not attend at least two–thirds of the Board meetings held during any
34 consecutive 12–month period while the member was serving on the Board.

1 (2) The Governor may waive a member's resignation and allow the member
2 to continue serving if the member has been unable to attend meetings for reasons
3 satisfactory to the Governor and the reasons are made public.

4 (3) In accordance with § 8-501 of the State Government Article, the chair
5 shall provide notice to the Governor and the Governor shall appoint a successor.

6 [11-505.1.

7 (a) (1) The Governor's Workforce Investment Board shall establish an
8 advisory committee to:

9 (i) identify the workforce needs and the education and training
10 requirements of employment fields with available or growing opportunities;

11 (ii) identify the workforce and education and training needs of
12 regions of the State that have high levels of unemployment;

13 (iii) examine the use of individual educational training accounts by
14 other states that assist state residents in paying for education and training programs;

15 (iv) make recommendations regarding an individual educational
16 training account pilot program; and

17 (v) recommend a pathways for academic career and employment
18 program to provide grants to community colleges for the development of projects in
19 coordination with:

20 1. institutions of postsecondary education located in the
21 State;

22 2. the Department of Labor, Licensing, and Regulation;

23 3. the Department of Economic Competitiveness and
24 Commerce; and

25 4. the Governor's Workforce Investment Board.

26 (2) The advisory committee shall include representatives from:

27 (i) the Governor's Workforce Investment Board;

28 (ii) institutions of postsecondary education located in the State,
29 including community colleges and private career schools;

30 (iii) the Department of Labor, Licensing, and Regulation;

1 (iv) the Department of Economic Competitiveness and Commerce;

2 (v) businesses and industries located in the State, including at least
3 one representative from the biotechnology industry; and

4 (vi) labor organizations located in the State.

5 (3) The Governor's Workforce Investment Board shall provide staff for the
6 advisory committee.

7 (b) On or before June 1 of each year, the Governor's Workforce Investment Board
8 shall submit a report on its findings and recommendations to the Governor and, in
9 accordance with § 2-1246 of the State Government Article, to the Senate Education,
10 Health, and Environmental Affairs Committee and the House Committee on Ways and
11 Means on the implementation of this subtitle.]

12 11-506.

13 In accordance with [§ 112] § 102 of the federal Act, the Governor shall submit to the
14 Secretary a State plan that includes the workforce initiatives of State agencies and outlines
15 a [5-year] 4-YEAR strategy for the statewide workforce [investment] DEVELOPMENT
16 system of the State. The Governor's plan shall include, but not be limited to, those items
17 set forth in [§ 112] § 102 of the federal Act.

18 11-507.

19 (a) After receiving recommendations from the Governor's Workforce
20 [Investment] DEVELOPMENT Board regarding youth and adult discretionary allocations,
21 as provided for in [§§ 128(a) and (b)(1) and (3) and 133(a) and (b)(1) and (3)] §§ 128 AND
22 133 of the federal Act, the Governor shall allocate federal funds in accordance with §§ 128
23 and 133 of the federal Act, the State plan, and State budget procedures.

24 (b) After receiving recommendations from the Governor's Workforce
25 [Investment] DEVELOPMENT Board regarding the utilization of federal funds for
26 reservations for State activities under [§ 133(a) and for dislocated workers under §
27 133(b)(2)(B)] §§ 128 AND 133(A) of the federal Act, the Governor, except for funds reserved
28 for State purposes, shall distribute the remainder to the workforce investment areas in
29 accordance with [§ 133] §§ 128 AND 133 of the federal Act, the State plan, and State budget
30 procedures.

31 11-508.

32 To the extent that State funds become available and subject to the procedures in §
33 11-505(d) of this subtitle, after receiving recommendations from the Governor's Workforce
34 [Investment] DEVELOPMENT Board regarding the utilization of State funds to
35 supplement federal funds for employment and training services, supportive services, and

1 for related services such as training allowances and stipends, the Governor may allocate
2 an amount for such purposes in accordance with State budget procedures.

3 11-602.

4 (a) (1) In this section the following words have the meanings indicated.

5 (2) "Local area" means the local workforce [investment] **DEVELOPMENT**
6 areas established in this State under the federal Workforce [Investment] **INNOVATION**
7 **AND OPPORTUNITY** Act [of 1998].

8 (c) The Director shall:

9 (1) make grants in furtherance of the Program objectives to fiscal agents
10 for local areas in accordance with the allocation formulas established under the federal
11 Workforce [Investment] **INNOVATION AND OPPORTUNITY** Act;

12 11-701.

13 (f) "Local board" means a local workforce [investment] **DEVELOPMENT** board
14 established to administer services in a workforce [investment] **DEVELOPMENT** area
15 established under Subtitle 5 of this title.

16 11-702.

17 (c) The Department, in consultation with the Department of Economic
18 Competitiveness and Commerce and the Governor's Workforce [Investment]
19 **DEVELOPMENT** Board, shall establish and administer the Maryland EARN Program to
20 provide grants on a competitive basis for:

21 (1) an approved strategic industry partnership for development of a plan
22 consistent with the purpose of the Maryland EARN Program;

23 (2) workforce training programs and other qualified programs that provide
24 industry valued skills training to individuals that result in a credential or identifiable skill
25 consistent with an approved strategic industry partnership plan; and

26 (3) job readiness training and skills training that results in a credential or
27 an identifiable skill.

28 11-803.

29 (b) The Transition Council shall consist of the following members:

30 (12) the Chair of the Governor's Workforce [Investment] **DEVELOPMENT**
31 Board; and

1 11-901.

2 (b) (3) The following officials shall serve ex officio:

3 (vii) the Chair of the Governor's Workforce [Investment]
4 **DEVELOPMENT** Board, or the Chair's designee;

5 11-1002.

6 (c) The purpose of the Corporation is to:

7 (3) obtain resources for the statewide workforce programs developed under
8 this subtitle from private and public sources including:

9 (i) local workforce [investment] **DEVELOPMENT** boards;

10 11-1003.

11 (b) The board consists of the following members:

12 (1) as ex officio members:

13 (ix) the Chair of the Governor's Workforce [Investment]
14 **DEVELOPMENT** Board; and

15 11-1012.

16 (b) Each county, municipal corporation, and local workforce [investment]
17 **DEVELOPMENT** board in the State may work with the Corporation on matters relating to
18 the political subdivision or entity.

19 11-1015.

20 (i) Expenditures from the Fund:

21 (2) shall be made in consultation with the Governor's Workforce
22 [Investment] **DEVELOPMENT** Board.

23 **Article – Tax – General**

24 10-702.

25 (a) (4) "Economically disadvantaged individual" means an individual who is
26 certified by provisions that the Department of Labor, Licensing, and Regulation adopts as
27 an individual who, before becoming employed by a business entity in an enterprise zone:

1 (i) was both unemployed for at least 30 consecutive days and
2 qualified to participate in training activities for the economically disadvantaged under the
3 federal Workforce [Investment] **INNOVATION AND OPPORTUNITY** Act or its successor; or

4 **Article – Transportation**

5 8–508.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) “Board” means the Governor’s Workforce [Investment]
8 **DEVELOPMENT** Board.

9 (3) “Highway or capital transit construction” means actual construction,
10 preliminary engineering, planning and research, or any other work or activity to implement
11 federal laws for the administration of federal aid for highways or capital transit projects.

12 (4) “Workforce [investment] **DEVELOPMENT** area” has the meaning
13 stated in § 11–503(n) of the Labor and Employment Article.

14 (b) The Department shall use the maximum feasible amount of federal funds
15 available to the State under 23 U.S.C. § 140(b) to develop, conduct, and administer highway
16 or capital transit construction training and supportive services, including skill
17 improvement programs.

18 (c) The Department shall administer the training programs under subsection (b)
19 of this section in collaboration with the Board to ensure that highway or capital transit
20 construction training and supportive services are provided to the greatest extent feasible
21 to individuals in each relevant workforce [investment] **DEVELOPMENT** area.

22 (d) (1) By February 1 of each year, the Department and Board shall submit to
23 the Senate Budget and Taxation Committee, Senate Finance Committee, House
24 Appropriations Committee, and House Committee on Ways and Means, in accordance with
25 § 2–1246 of the State Government Article, a report on the Department’s and Board’s
26 compliance with subsections (b) and (c) of this section with respect to each of the 2 previous
27 calendar years.

28 (2) The report shall:

29 (i) Describe the highway or capital transit construction training,
30 supportive services, and skill improvement programs the Department and Board have
31 conducted and administered in each workforce [investment] **DEVELOPMENT** area,
32 including a description of:

1 1. Any entities, institutions, or organizations used by the
2 Department and Board to provide the training and services; and

3 2. The individuals and organizations that have received
4 training and services;

5 (ii) Analyze the results of the training programs in each workforce
6 [investment] DEVELOPMENT area;

7 (iii) State the amount of federal funds available to the State under 23
8 U.S.C. § 140(b); and

9 (iv) Identify the amount spent in each workforce [investment]
10 DEVELOPMENT area to conduct and administer the programs.

11 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that regulations and guidelines promulgated by the Department of Labor,
13 Licensing, and Regulation give adequate attention to training individuals in the State
14 agencies involved with the transition from the federal Workforce Investment Act to the
15 federal Workforce Innovation and Opportunity Act.

16 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the publishers of the
17 Annotated Code of Maryland, in consultation with and subject to the approval of the
18 Department of Legislative Services, shall correct any references throughout the Annotated
19 Code that are rendered incorrect by this Act, with no further action required by the General
20 Assembly. The publishers shall adequately describe any such correction in an editor’s note
21 following the section affected.

22 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.