

1 HB412
2 135814-2
3 By Representative Scott
4 RFD: Commerce and Small Business
5 First Read: 23-FEB-12

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8 SYNOPSIS: This bill would create the "Back to Work
9 Alabama Program" to provide workplace training to
10 certain eligible unemployment beneficiaries.

11 This bill would allow an eligible
12 participant to receive workplace training from an
13 eligible employer for a maximum of 24 hours per
14 week for up to 6 weeks.

15 This bill would amend the existing
16 unemployment compensation law to ensure that
17 persons receiving benefits shall continue to
18 receive those benefits while participating in the
19 program.

20 This bill would provide appropriation from
21 the Unemployment Compensation Trust Fund.

22
23 A BILL

24 TO BE ENTITLED

25 AN ACT

1 To create the Back to Work Alabama Program; to
2 provide workplace training to certain eligible unemployment
3 beneficiaries; to amend Section 25-4-77, Code of Alabama 1975;
4 to provide up to an additional 26 weeks of unemployment
5 compensation to persons participating in the program who have
6 exhausted their eligibility; and to provide funding for the
7 program.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall be known and may be cited
10 as the "Back to Work Alabama Program Act."

11 Section 2. As used in this act, the following words
12 shall have the following meanings:

13 (1) DEPARTMENT. The Alabama Department of Industrial
14 Relations.

15 (2) ELIGIBLE EMPLOYER. An employer who:

16 a. Intends to immediately hire for a position in its
17 company.

18 b. Is deemed compatible with the program as
19 evidenced by its ability to provide training that meets each
20 of the conditions enumerated in subsection b. of Section 4.

21 c. Is located in the State of Alabama.

22 (3) ELIGIBLE PARTICIPANT. An individual who:

23 a. Is currently unemployed and receiving
24 unemployment benefits pursuant to the Alabama unemployment
25 compensation law, or any state or federal extension of those
26 benefits.

1 b. Has at least six weeks of state unemployment
2 benefits remaining under current qualification, or has at
3 least six weeks of state or federal extensions of unemployment
4 benefits remaining under current qualification.

5 c. Currently resides in the state.

6 (4) PROGRAM. The Back to Work Alabama Program.

7 Section 3. There is created in the Department of
8 Industrial Relations the Back to Work Alabama Program to
9 provide workplace training to eligible participants. The
10 department, within 90 days of the effective date of this act,
11 shall establish the program to allow eligible participants who
12 are receiving unemployment benefits, pursuant to the Alabama
13 unemployment compensation law, to receive workplace training
14 from an eligible employer.

15 Section 4. (a) The program shall require that an
16 eligible participant:

17 (1) May receive workplace training from an eligible
18 employer for a maximum of 24 hours per week for up to six
19 weeks.

20 (2) May, based upon needs, receive up to one hundred
21 dollars (\$100) per week to help defray training related costs,
22 including, but not limited to, transportation, clothing, and
23 child care.

24 (b) Participation in the program shall be voluntary
25 for all eligible participants and eligible employers.

26 (c) In implementing the program, the department
27 shall treat every eligible participant as a bona fide trainee,

1 as required by the Fair Labor Standards Act of 1938, 29 U.S.C.
2 §201 et seq., and certify that the following conditions are
3 met to ensure that an eligible participant is engaged in
4 training:

5 (1) The training, even though it includes actual
6 operation of the facilities of the employer, is similar to
7 what would be given in a vocational school or academic
8 educational instruction.

9 (2) The training is for the benefit of the trainee.

10 (3) The trainee does not displace regular employees
11 and works under their close observation.

12 (4) The eligible employer providing the training
13 derives no immediate advantage from the activities of the
14 trainee, and on occasion, the employer's operations may
15 actually be impeded.

16 (5) The trainee is not necessarily entitled to a job
17 at the conclusion of the training period.

18 (6) The employer and the trainee understand that the
19 trainee is not entitled to wages for the time spent in
20 training.

21 (d) The program shall be consistent with, and
22 eligible participants shall be afforded the protections
23 provided by, all applicable state and federal
24 anti-discrimination statutes.

25 Section 5. For purposes of creating the program the
26 department shall:

1 a. Solicit input from the Georgia Department of
2 Labor regarding the design and implementation of the program
3 with particular reference to the Georgia Work Program.

4 b. Consult and abide by the program guidance and
5 parameters, as necessary, issued by the Employment and
6 Training Administration of the United States Department of
7 Labor.

8 Section 6. The Commissioner of the Department of
9 Industrial Relations shall adopt rules necessary to implement
10 the provisions of this act.

11 Section 7. Section 25-4-77 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§25-4-77.

14 "(a) An unemployed individual shall be eligible to
15 receive benefits with respect to any week in a benefit year
16 which begins on or after January 1, 1989, only if the director
17 finds that:

18 "(1) He or she has made a claim for benefits with
19 respect to such week in accordance with such regulations as
20 the director may prescribe.

21 "(2) He or she has registered for work at, and
22 thereafter continued to report at, a state employment office
23 in accordance with such regulations as the director may
24 prescribe; except, that the director may by regulation waive
25 or alter either or both of the requirements of this
26 subdivision ~~(2)~~ as to individuals attached to regular jobs and
27 as to such other types of cases or situations with respect to

1 which he or she finds that compliance with such requirements
2 would be oppressive, or would be inconsistent with purposes of
3 this chapter.

4 "(3) He or she is physically and mentally able to
5 perform work of a character which he or she is qualified to
6 perform by past experience or training, and he or she is
7 available for ~~such~~ full-time or part-time work either at a
8 locality at which he or she earned wages for insured work
9 during his or her base period or at a locality where it may
10 reasonably be expected that such work may be available.

11 Notwithstanding any of the provisions of this subdivision, no
12 otherwise eligible individual shall be denied benefits for any
13 week because he or she is:

14 "a. Enrolled in a course of training with the
15 approval of the director. Such approval shall be conditioned
16 upon the following:

17 "1. The individual's skills are obsolete or such
18 that there are minimal opportunities for employment;

19 "2. Training is for an occupation for which there is
20 a substantial and recurring demand;

21 "3. Training is not a course of education for credit
22 toward a degree;

23 "4. The individual possesses aptitudes or skills
24 which can be supplemented by retraining within a reasonable
25 time; or

26 "5. The individual produces satisfactory evidence of
27 continued attendance and satisfactory progress;

1 "b. In training approved by the director under
2 Section 236 (a) (1) of the Trade Act of 1974, nor shall such
3 individual be denied benefits (any other provision of this
4 chapter requiring denial notwithstanding) by reason of leaving
5 work to enter such training; provided,

6 "1. The work left is not suitable employment as
7 defined in paragraph c. of this subdivision (3), or

8 "2. Because of the application to any such week in
9 training of provisions in this chapter (or any applicable
10 federal unemployment compensation law) relating to
11 availability for work, active search for work or refusal to
12 accept work.

13 "c. For purposes of paragraph b. of this subdivision
14 ~~(3)~~, and only therefor, the term "suitable employment" means
15 with respect to an individual, work of a substantially equal
16 or higher skill level than the individual's past adversely
17 affected employment (as defined for purposes of the Trade Act
18 of 1974), and wages for such work at not less than 80 percent
19 of the individual's average weekly wage as determined for the
20 purposes of the Trade Act of 1974.

21 "d. Further, weekly unemployment compensation
22 benefits shall continue for individuals who have exhausted all
23 rights to benefits but were enrolled at the time of exhausting
24 regular benefits and continue to make satisfactory progress in
25 the Back to Work Alabama Program. The benefits shall be
26 payable for up to an additional 26 weeks and be equivalent to
27 the previously calculated weekly unemployment compensation

1 benefits for the most recent benefit year and there shall be
2 no charge to the employer's experience rating account.

3 "(4) He or she has been totally or partially
4 unemployed in such week.

5 "(5) He or she has made a reasonable and active
6 effort to secure work which he is qualified to perform by past
7 experience and training, unless such failure is because the
8 individual is before any court of the United States or any
9 state pursuant to a lawfully issued summons to appear for jury
10 duty. For the purposes of this subdivision ~~(5)~~, the
11 entitlement to regular or extended benefits of any individual
12 who is determined not to be actively engaged in seeking work
13 during any week for the aforesaid reason, shall be determined
14 pursuant to the provisions of subdivision (3) of this
15 subsection ~~(a)~~ without regard to the disqualification
16 provisions otherwise applicable under paragraph b. of
17 subdivision (i) (1) of Section 25-4-75 and subdivision (i) (2)
18 of Section 25-4-75. Further, for the purposes of this
19 subdivision ~~(5)~~, the term "jury duty" means the performance of
20 service as a juror, during all periods of time an individual
21 is engaged in such service, in any court of a state or the
22 United States pursuant to the law of the state or the United
23 States and the rules of the court in which the individual is
24 engaged in the performance of such service.

25 "(6) He or she has during his or her base period
26 been paid wages for insured work equal to or exceeding one and
27 one-half times the total of the wages for insured work paid to

1 him or her in that quarter of such base period in which such
2 total wages were the highest and in addition, qualifies for
3 benefits under the provisions of Section 25-4-72; provided,
4 however, that no otherwise eligible individual who shall have
5 received benefits in a preceding benefit year shall be
6 eligible to receive benefits in a succeeding benefit year
7 unless and until such otherwise eligible individual,
8 subsequent to the beginning date of the preceding benefit
9 year, shall have worked in insured employment for which work
10 he earned wages equal to at least eight times the weekly
11 benefit amount established for such individual in the
12 preceding benefit year.

13 "(7) He or she has pursuant to Section 4 of Public
14 Law 103-152 been selected and referred to reemployment
15 services and participates in reemployment services, such as
16 job search assistance services, if the individual has been
17 determined to be likely to exhaust regular benefits and need
18 reemployment services pursuant to a profiling system
19 established by the director unless it is determined by the
20 director that:

21 a. Such claimant has completed such services; or

22 "b. There is justifiable cause for such claimant's
23 failure to participate in such service.

24 "(b) With respect to any week which begins prior to
25 January 1, 1989, an unemployed individual shall be eligible to
26 receive benefits as provided in this section prior to that
27 date.

1 "(c) The provisions of subdivision (5) of subsection
2 (a) shall be applied only to any week which begins on or after
3 March 22, 1984."

4 Section 8. There is appropriated from the
5 Unemployment Compensation Trust Fund to the Department of
6 Industrial Relations the sum of ten million dollars
7 (\$10,000,000). Of the amount appropriated herein, a sum not to
8 exceed two percent of the appropriation shall be allocated to
9 the department for costs associated with the administration of
10 the program, and the remainder shall be allocated among
11 eligible participants as payments for their training related
12 costs pursuant to this act.

13 Section 9. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.