

SENATE BILL NO. 457

Introduced: 02/16/83

Referred to Committee on State Administration: 02/16/83

Hearing: 2/17/83

Report: 02/18/83, Do Not Pass. Report Adopted.

On Motion, 2/18/83, That The Bill Be Reconsidered. Motion
Failed.

Bill Killed.

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Amended BILL NO. 457
Fuller

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "THE MONTANA JOBS PROGRAM ACT OF 1983; CREATING A GRANT PROGRAM FOR SUBSIDIZED PUBLIC SERVICE EMPLOYMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as the "Montana Jobs Program Act of 1983".

Section 2. Purpose. It is the purpose of [this act] to stimulate employment in the state of Montana by providing subsidized employment to unemployed Montanans in jobs benefiting the state and its communities.

Section 3. Definitions. As used in [this act], unless the context clearly requires otherwise, the following definitions apply:

- (1) "Department" means the department of labor and industry provided for in 2-15-1701.
- (2) "Economically disadvantaged" means a person or family:
 - (a) that is eligible for or receiving public assistance; or
 - (b) whose income does not exceed the poverty level.
- (3) "Poverty level" means the annual income level at

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or below which a family is considered to live in poverty, as annually determined by the United States office of management and budget.

(4) "Public assistance" means federal, state, or local government cash payments for which eligibility is determined by a need or income test.

Section 4. Program grants -- eligible applicants. A local government, school district, unit of higher education, state or federal agency, or private nonprofit organization may apply to the department for a public service employment program grant. The department shall review all such proposed programs and, pursuant to [sections 5, 7, and 10], shall make such grants to the most qualified applicants.

Section 5. Acceptable program activities. A public service employment program:

- (1) must provide employment to an eligible person for a maximum of 1 year;
- (2) must provide full- or part-time employment comprised of work normally engaged in by government or other nonprofit organizations, including but not limited to work in such fields as:
 - (a) child care;
 - (b) health care;
 - (c) education;
 - (d) crime prevention and control;

- 1 (e) prisoner rehabilitation;
 2 (f) transportation;
 3 (g) recreation;
 4 (h) environmental quality;
 5 (i) maintenance of parks, streets, and other public
 6 facilities;
 7 (j) solid waste removal;
 8 (k) pollution control;
 9 (l) housing and neighborhood improvement;
 10 (m) rural development;
 11 (n) veterans outreach; and
 12 (o) other fields of human betterment and community
 13 improvement; and
 14 (3) may not include the construction of highways,
 15 roads, streets, bridges, or buildings.

16 Section 6. Use of funds. (1) Public service employment
 17 funding received by the department for purposes of [this
 18 act] must be allocated as follows:

- 19 (a) 90% or more to participants' salaries, wages, and
 20 benefits; and
 21 (b) 10% or less to program administration, training,
 22 and support services.
 23 (2) Upon sufficient showing by the applicant, the
 24 department may grant an additional 5% of the base funding
 25 for necessary supplies, materials, and equipment.

1 Section 7. Distribution of funds. (1) The department,
 2 in considering an application for a public service
 3 employment program grant, must consider, among other things:

- 4 (a) the unemployment rate of the county in which the
 5 program will be administered compared to the unemployment
 6 rates of all other counties;
 7 (b) the ratio of the number of unemployed persons
 8 within the county compared to the number of unemployed
 9 persons in all other counties; and
 10 (c) the availability of public service employment
 11 program funds.

12 (2) The most recent annual average unemployment rate
 13 for a respective county, as published by the department,
 14 must be the reference for such considerations.

15 Section 8. Participant eligibility. A person applying
 16 for participation in a public service employment program
 17 must be unemployed at the time of application and must meet
 18 at least one of the following conditions:

- 19 (1) be economically disadvantaged and have exhausted
 20 his unemployment insurance benefits;
 21 (2) have been unemployed for at least 15 weeks of the
 22 previous 20-week period; or
 23 (3) be a member of and residing with a family
 24 receiving public assistance.

25 Section 9. Compensation of public service employees.

1 A person hired under a public service employment program
2 must be paid not less than the state minimum wage but not
3 more than \$10,000 a year.

4 Section 10. Program administration -- rulemaking
5 authority -- union input. (1) Subject to subsection (3), the
6 department shall select from the applicants, those whose
7 programs are considered to be most in the public interest.
8 The department shall make the selections pursuant to
9 [sections 4 and 5] and such other selection criteria as may
10 be established by department rule.

11 (2) The department, in administering the public
12 service employment grant program, shall:

13 (a) prevent fraud and abuse; and

14 (b) adopt such rules as may be necessary to administer
15 the provisions of [this act].

16 (3) The department may consult with any union in
17 adopting additional selection criteria pursuant to
18 subsection (1). If a collective bargaining agreement is in
19 effect which may affect or be affected by a public service
20 employment program, the parties to such agreement must
21 concur with the applicant and the department in the program
22 under consideration before program approval may be granted
23 by the department.

24 Section 11. Maintenance of effort. (1) To ensure
25 maintenance of effort under all programs under [this act],

1 each successful applicant shall ensure that his program:

2 (a) results in an increase in employment opportunities
3 over those which would otherwise be available;

4 (b) does not result in the total or partial
5 displacement of currently employed workers, including
6 reduction in hours of nonovertime work or reduction in wages
7 or employment benefits;

8 (c) does not impair existing contracts for services or
9 result in the substitution of public service employment
10 funds for other funds in connection with work that would
11 otherwise be performed, including services normally provided
12 by temporary, part-time, or seasonal workers or through
13 contracting such services; and

14 (d) results in the creation of jobs that are in
15 addition to those that would be funded in the absence of
16 available funds under [this act].

17 (2) Available funds under [this act] shall supplement
18 and not supplant the level of funds that would otherwise be
19 made available from nonpublic service employment sources for
20 the planning and administration of programs.

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