STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1047 By: Shortey of the Senate

and

Echols of the House

COMMITTEE SUBSTITUTE

[employment - unemployment benefits - Oklahoma Work Program - training and evaluation - maximum term of training - incentives - for-profit and nonprofit employers - codification - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-205.1, is amended to read as follows:

Section 2-205.1 The unemployed individual must be able to perform work duties in keeping with his or her education, training and experience. ~~He~~ The unemployed individual must also be available to seek and accept work at any time and may not be engaged in any activity that would normally restrict his or her seeking or

accepting employment in keeping with his or her education, training and experience.

The fact that an individual is enrolled in school or the training program set forth in Section 3 of this act shall not, in and of itself, render an individual ineligible for unemployment benefits. Such individual who is involuntarily unemployed and otherwise eligible for benefits and who offers to quit school, adjust class hours or change shifts or voluntarily participates in the training program set forth in Section 3 of this act in order to secure employment shall be entitled to benefits.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-205.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Work Program".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-205.3 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The purpose of the Oklahoma Work Program is to provide unemployed individuals who are currently receiving unemployment benefits, or whose benefit period has expired by operation of law, the opportunity to train temporarily with an Oklahoma employer to increase and improve their job skills and experience and to provide

an opportunity for employment with the temporary training employer or another employer in this state at the conclusion of the training.

B. Employers volunteering to participate in the Oklahoma Work Program shall be required to register with the Department of Labor and the Oklahoma Employment Security Commission and shall possess a current federal tax identification number and an Oklahoma tax identification number, and must provide proof of Oklahoma workers' compensation compliance. All temporary training positions authorized pursuant to the Oklahoma Work Program shall be required to be currently registered and advertised as open positions available for immediate employment to a qualified candidate.

C. Pursuant to Section 2-205.1 of Title 40 of the Oklahoma Statutes, a person qualified and accepted to train in the Oklahoma Work Program shall be entitled to receive continuing unemployment benefits while participating in the training program, if otherwise eligible. The individual candidate once accepted to participate in the program shall not be paid an hourly wage or salary by the temporary training employer, unless a job assignment is offered and accepted by the candidate thereby terminating his or her unemployment benefits. There shall be no fees or charges assessed to the training employer or candidate, unless fraud or violation is found by the Department of Labor or the Oklahoma Employment Security Commission. The training employer shall provide both training and an appraisement and evaluation of the participating candidate upon

completion or other separation or termination from the program. Any separation or termination from the training employer shall not be grounds for any additional unemployment benefit for the candidate. The training period shall be for a maximum of twenty-four (24) hours per week for up to eight (8) consecutive weeks. At the completion, separation or termination of the training period, the temporary employer shall provide a written evaluation to the Department of Labor and the Oklahoma Employment Security Commission on forms promulgated for such purpose by the Department of Labor. The evaluation shall assess the candidate job match in terms of his or her current skill level, training adaptability and success, and the likelihood that the candidate may be employed in the job field trained or another job field. There shall be no obligation to hire any trainee candidate, but the job vacancy must continue to be listed as a current job vacancy with the Oklahoma Employment Security Commission and Department of Labor during the training period, unless the candidate is hired. The training employer shall not be eligible to train more than two candidates for any single vacancy position.

D. As an incentive to the accepted candidate, the Department of Labor may provide a stipend not exceeding Two Hundred Forty Dollars ($240.00) for successful completion of the training period. Such stipend shall be in addition to unemployment benefits being received. In addition, the Department of Labor shall provide

workers' compensation coverage to the participating job candidate while in training at no cost to the candidate or temporary training employer. The participating training employer shall be relieved from payment of employment taxes for the training candidate during the maximum term of training and may be entitled to other incentives if available.

E. All temporary training employers and job candidates shall be screened before a training job match is approved. The Oklahoma Employment Security Commission or the Department of Labor may screen backgrounds, job conditions, skill level qualifications, training capability of the participating employer, vacancies and job opportunities in the field, pay, health of the candidate, and other related matters deemed appropriate to the job training match, at no cost to the candidate or training employer. All provisions for screening procedures and related costs shall be established by rule adopted by the Oklahoma Employment Security Commission and shall apply to all state agencies that participate in such process in any manner for purposes of the Oklahoma Work Program.

F. There shall be a priority to accept temporary training employers who operate new, small, or expanding businesses. Common unskilled manual labor positions shall not be eligible to participate.

G. The opportunities to participate in the Oklahoma Work Program shall be available to private for-profit and nonprofit

businesses and organizations, and shall not apply to state governmental agencies or any political subdivision of this state.

H. Any participating training employer who shall commit fraud or be found to have taken advantage of any candidate due to his or her free labor during the training period, or found to have violated or misused the program by any means shall be required to reimburse the Department of Labor and the Oklahoma Employment Security Commission for all costs and expenses related to the candidate being accepted into the Oklahoma Work Program upon such finding and determination of costs and expenses by the Department of Labor or the Oklahoma Employment Security Commission.

I. Any stipend or payment for workers' compensation coverage authorized by the Oklahoma Work Program shall be subject to appropriated funds or funds made available by grants, gifts, or other sources.

J. Both the Department of Labor and the Oklahoma Employment Security Commission shall promulgate compatible rules to implement and enforce their respective duties established in the Oklahoma Work Program.

SECTION 4. This act shall become effective November 1, 2014.

54-2-10880 JM 04/10/14