

1 ENGROSSED SENATE
2 BILL NO. 1047

By: Shortey of the Senate

and

Echols of the House

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

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

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

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

20 The fact that an individual is enrolled in school or the
21 training program set forth in Section 2 of this act shall not, in
22 and of itself, render an individual ineligible for unemployment
23 benefits. Such individual who is involuntarily unemployed and
24 otherwise eligible for benefits and who offers to quit school,

1 adjust class hours or change shifts or voluntarily participates in
2 the training program set forth in Section 2 of this act in order to
3 secure employment shall be entitled to benefits.

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

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

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

12 A. The purpose of the Oklahoma Work Program is to provide
13 unemployed individuals who are currently receiving unemployment
14 benefits, or whose benefit period has expired by operation of law,
15 the opportunity to train temporarily with an Oklahoma employer to
16 increase and improve their job skills and experience and to provide
17 an opportunity for employment with the temporary training employer
18 or another employer in this state at the conclusion of the training.

19 B. Employers volunteering to participate in the Oklahoma Work
20 Program shall be required to register with the Department of Labor
21 and the Oklahoma Employment Security Commission and shall possess a
22 current federal tax identification number and an Oklahoma tax
23 identification number, and must provide proof of Oklahoma workers'
24 compensation compliance. All temporary training positions

1 authorized pursuant to the Oklahoma Work Program shall be required
2 to be currently registered and advertised as open positions
3 available for immediate employment to a qualified candidate.

4 C. Pursuant to Section 2-205.1 of Title 40 of the Oklahoma
5 Statutes, a person qualified and accepted to train in the Oklahoma
6 Work Program shall be entitled to receive continuing unemployment
7 benefits while participating in the training program, if otherwise
8 eligible. The individual candidate once accepted to participate in
9 the program shall not be paid an hourly wage or salary by the
10 temporary training employer, unless a job assignment is offered and
11 accepted by the candidate thereby terminating his or her
12 unemployment benefits. There shall be no fees or charges assessed
13 to the training employer or candidate, unless fraud or violation is
14 found by the Department of Labor or the Oklahoma Employment Security
15 Commission. The training employer shall provide both training and
16 an appraisalment and evaluation of the participating candidate upon
17 completion or other separation or termination from the program.
18 Any separation or termination from the training employer shall not
19 be grounds for any additional unemployment benefit for the
20 candidate. The training period shall be for a maximum of twenty-
21 four (24) hours per week for up to eight (8) consecutive weeks. At
22 the completion, separation or termination of the training period,
23 the temporary employer shall provide a written evaluation to the
24 Department of Labor and the Oklahoma Employment Security Commission

1 on forms promulgated for such purpose by the Department of Labor.
2 The evaluation shall assess the candidate job match in terms of his
3 or her current skill level, training adaptability and success, and
4 the likelihood that the candidate may be employed in the job field
5 trained or another job field. There shall be no obligation to hire
6 any trainee candidate, but the job vacancy must continue to be
7 listed as a current job vacancy with the Oklahoma Employment and
8 Security Commission and Department of Labor during the training
9 period, unless the candidate is hired. The training employer shall
10 not be eligible to train more than two (2) candidates for any single
11 vacancy position.

12 D. As an incentive to the accepted candidate, the Department of
13 Labor may provide a stipend not exceeding Two Hundred Forty Dollars
14 (\$240.00) for successful completion of the training period. Such
15 stipend shall be in addition to unemployment benefits being
16 received. In addition, the Department of Labor shall provide
17 workers compensation coverage to the participating job candidate
18 while in training at no cost to the candidate or temporary training
19 employer. The participating training employer shall be relieved
20 from payment of employment taxes for the training candidate during
21 the maximum term of training and may be entitled to other incentives
22 if available.

23 E. All temporary training employers and job candidates shall be
24 screened before a training job match is approved. The Oklahoma

1 Employment Security Commission or the Department of Labor may screen
2 backgrounds, job conditions, skill level qualifications, training
3 capability of the participating employer, vacancies and job
4 opportunities in the field, pay, health of the candidate, and other
5 related matters deemed appropriate to the job training match, at no
6 cost to the candidate or training employer. All provisions for
7 screening procedures and related costs shall be established by rule
8 adopted by the Oklahoma Employment Security Commission and shall
9 apply to all state agencies that participate in such process in any
10 manner for purposes of the Oklahoma Work Program.

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

15 G. The opportunities to participate in the Oklahoma Work
16 Program shall be available to private for-profit and nonprofit
17 businesses and organizations, and shall not apply to state
18 governmental agencies or any political subdivision of this state.

19 H. Any participating training employer who shall commit fraud
20 or be found to have taken advantage of any candidate due to his or
21 her free labor during the training period, or found to have violated
22 or misused the program by any means shall be required to reimburse
23 the Department of Labor and the Oklahoma Employment Security
24 Commission for all costs and expenses related to the candidate being

1 | accepted into the Oklahoma Work Program upon such finding and
2 | determination of costs and expenses by the Department of Labor or
3 | the Oklahoma Employment Security Commission.

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

8 | J. Both the Department of Labor and the Oklahoma Employment
9 | Security Commission shall promulgate compatible rules to implement
10 | and enforce their respective duties established in the Oklahoma
11 | Works Program.

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

13 | Passed the Senate the 11th day of March, 2014.

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Presiding Officer of the Senate

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17 | Passed the House of Representatives the ____ day of _____,

18 | 2014.

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Presiding Officer of the House
of Representatives

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