

SENATE BILL 449

J1, J2, K3

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By: **Senators Guzzone and Kelley**

Introduced and read first time: January 27, 2020

Assigned to: Finance and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2020

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Direct Care Workforce Innovation Program**

3 FOR the purpose of establishing the Direct Care Workforce Innovation Program in the
4 Division of Workforce Development and Adult Learning within the Maryland
5 Department of Labor; requiring the Division to administer the Program; authorizing
6 the Division to adopt certain regulations; providing for the purpose and goal of the
7 Program; requiring the Division to issue a request for certain applications from
8 certain eligible entities for certain matching grants each year; requiring an eligible
9 entity to submit to the Division a certain project plan with the entity's application;
10 requiring the Division to evaluate the applications and award matching grants under
11 the Program in a certain manner and to prioritize awarding matching grants to
12 certain applicants; requiring an eligible entity to secure certain contributions for a
13 certain project that are at least equal in value to the amount requested from the
14 Program; prohibiting the Division from awarding a matching grant to an eligible
15 entity exceeding a certain amount each year; requiring the Division to award the
16 matching grants on a pro rata basis under certain circumstances; requiring the
17 Division to encourage each eligible entity receiving a matching grant under the
18 Program to consult with certain entities for certain purposes; authorizing certain
19 eligible entities to use matching grants to continue to carry out certain activities;
20 providing that a grant awarded under the Program is valid for at least a certain
21 period of time; requiring eligible entities to use grant funds in a certain manner;
22 requiring an entity receiving a matching grant under the Program to use the grant
23 to supplement, and not supplant, certain funds; requiring the Governor to include a
24 certain appropriation in the annual budget bill for the Program; providing that
25 certain appropriations and expenditures are subject to audit by the Office of

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.



Legislative Audits; requiring the Division, on or before a certain date each year, to submit a certain report to certain committees of the General Assembly; defining certain terms; and generally relating to the Direct Care Workforce Innovation Program.

BY adding to

Article – Labor and Employment

Section 11–1401 through 11–1407 to be under the new subtitle “Subtitle 14. Direct Care Workforce Innovation Program”

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

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

Article – Labor and Employment

SUBTITLE 14. DIRECT CARE WORKFORCE INNOVATION PROGRAM.

11–1401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “DIRECT CARE WORKER” MEANS AN INDIVIDUAL WHOSE OCCUPATION IS CLASSIFIED UNDER THE 2018 STANDARD OCCUPATIONAL CLASSIFICATIONS OF THE U.S. DEPARTMENT OF LABOR AS:

~~(1)~~ (I) A HOME HEALTH AIDE (31–1121);

~~(2)~~ (II) A PERSONAL AIDE (31–1122);

~~(3)~~ (III) A NURSING ASSISTANT (31–1131); OR

~~(4)~~ (IV) A PSYCHIATRIC AIDE (31–1133).

(2) “DIRECT CARE WORKER” INCLUDES A GERIATRIC NURSING ASSISTANT.

(C) “DIVISION” MEANS THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING.

(D) “ELIGIBLE ENTITY” MEANS A NONPROFIT ORGANIZATION, A LABOR ORGANIZATION, AN EMPLOYER OF DIRECT CARE WORKERS, OR AN ENTITY WITH SHARED LABOR–MANAGEMENT OVERSIGHT:

1 (1) WITH AN ESTABLISHED RECORD OF RECRUITING OR PROVIDING
2 TRAINING TO DIRECT CARE WORKERS; OR

3 (2) THAT ESTABLISHES A TRAINING PROGRAM IN CONSULTATION
4 WITH AN ORGANIZATION WITH AN ESTABLISHED RECORD OF PROVIDING TRAINING
5 TO DIRECT CARE WORKERS.

6 (E) “PROGRAM” MEANS THE DIRECT CARE WORKFORCE INNOVATION
7 PROGRAM.

8 11-1402.

9 (A) THERE IS A DIRECT CARE WORKFORCE INNOVATION PROGRAM IN THE
10 DIVISION.

11 (B) THE DIVISION SHALL ADMINISTER THE PROGRAM.

12 (C) THE DIVISION MAY ADOPT REGULATIONS TO IMPLEMENT THIS
13 SUBTITLE.

14 11-1403.

15 (A) THE PURPOSE OF THE PROGRAM IS TO PROVIDE MATCHING GRANTS TO
16 ELIGIBLE ENTITIES TO CREATE AND EXPAND ON SUCCESSFUL RECRUITMENT AND
17 RETENTION STRATEGIES THAT ADDRESS THE RANGE OF POTENTIAL BARRIERS TO
18 INCREASING THE NUMBER OF DIRECT CARE WORKERS.

19 (B) THE GOAL OF THE PROGRAM IS TO ENSURE THE AVAILABILITY OF
20 TRAINED DIRECT CARE WORKERS ACROSS THE STATE.

21 11-1404.

22 (A) EACH YEAR, THE DIVISION SHALL ISSUE A REQUEST FOR APPLICATIONS
23 FROM ELIGIBLE ENTITIES FOR MATCHING GRANTS OFFERED UNDER THE PROGRAM.

24 (B) TO RECEIVE A MATCHING GRANT UNDER THE PROGRAM, AN ELIGIBLE
25 ENTITY SHALL SUBMIT TO THE DIVISION WITH THE ENTITY’S APPLICATION A
26 PROJECT PLAN FOR EACH PROJECT TO BE DEVELOPED AND CARRIED OUT, OR FOR
27 ACTIVITIES TO BE CONTINUED, WITH THE GRANT.

28 (C) A PROJECT PLAN SUBMITTED BY AN ELIGIBLE ENTITY UNDER
29 SUBSECTION (B) OF THIS SECTION SHALL INCLUDE A DESCRIPTION OF:

(1) CURRENT OR PROJECTED JOB OPENINGS FOR, OR RELEVANT LABOR MARKET INFORMATION RELATED TO, DIRECT CARE WORKERS IN THE REGION TO BE SERVED BY THE PROJECT, AND THE GEOGRAPHIC SCOPE OF THE WORKFORCE TO BE SERVED BY THE PROJECT;

(2) SPECIFIC EFFORTS AND STRATEGIES THAT THE PROJECT WILL UNDERTAKE TO REDUCE BARRIERS TO THE RECRUITMENT, RETENTION, OR ADVANCEMENT OF DIRECT CARE WORKERS;

(3) IF APPLICABLE, ANY OTHER INNOVATIVE MODELS OR PROCESSES THE ELIGIBLE ENTITY WILL IMPLEMENT TO SUPPORT THE RETENTION OF DIRECT CARE WORKERS;

(4) THE SUPPORTIVE SERVICES AND BENEFITS TO BE PROVIDED TO DIRECT CARE WORKERS TO SUPPORT THE RETENTION OF DIRECT CARE WORKERS;

(5) HOW THE ELIGIBLE ENTITY WILL MAKE USE OF CAREER PLANNING TO SUPPORT THE IDENTIFICATION OF ADVANCEMENT OPPORTUNITIES AND CAREER PATHWAYS FOR DIRECT CARE WORKERS IN THE REGION TO BE SERVED BY THE PROJECT;

(6) HOW THE ELIGIBLE ENTITY WILL COLLECT AND SUBMIT TO THE DIVISION WORKFORCE DATA AND OUTCOMES OF THE PROJECT;

(7) AN ASSURANCE THAT ANY BENEFIT OR SERVICE PROVIDED UNDER THE PROJECT WILL BE PROVIDED AT NO COST TO DIRECT CARE WORKERS OR INDIVIDUALS ASSISTED BY DIRECT CARE WORKERS;

(8) HOW THE ELIGIBLE ENTITY WILL CONSULT WITH DIRECT CARE WORKERS, REPRESENTATIVES OF DIRECT CARE WORKERS, INDIVIDUALS ASSISTED BY DIRECT CARE WORKERS, AND THE FAMILIES OF INDIVIDUALS ASSISTED BY DIRECT CARE WORKERS THROUGHOUT THE PROJECT; ~~AND~~

(9) THE METHODS THE ELIGIBLE ENTITY WILL USE TO INFORM PARTICIPANTS IN THE PROJECT ABOUT THEIR RIGHTS AS DIRECT CARE WORKERS; AND

(10) OUTREACH EFFORTS TO INDIVIDUALS FOR PARTICIPATION IN THE PROJECT, INCLUDING TARGETED OUTREACH EFFORTS TO:

(i) INDIVIDUALS WHO ARE RECIPIENTS OF, OR ELIGIBLE FOR, ASSISTANCE UNDER A STATE PROGRAM FUNDED UNDER PART A OF TITLE IV OF THE SOCIAL SECURITY ACT; AND

(II) INDIVIDUALS WHO HAVE BARRIERS TO EMPLOYMENT.

11-1405.

(A) IN EVALUATING THE APPLICATIONS SUBMITTED IN ACCORDANCE WITH § 11-1404 OF THIS SUBTITLE AND SELECTING ELIGIBLE ENTITIES TO RECEIVE A MATCHING GRANT UNDER THE PROGRAM, THE DIVISION SHALL:

(1) SEEK EQUITABLE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY, INCLUDING RURAL AND URBAN AREAS;

(2) ENSURE THAT SELECTED ELIGIBLE ENTITIES WILL SERVE AREAS WHERE DIRECT CARE, OR A RELATED OCCUPATION, IS AN IN-DEMAND INDUSTRY SECTOR OR OCCUPATION; AND

(3) GIVE PRIORITY TO ELIGIBLE ENTITIES PROPOSING TO PREDOMINATELY SERVE THE INDIVIDUALS DESCRIBED UNDER ~~§ 11-1404(C)(9)(I) AND (H)~~ § 11-1404(C)(10)(I) AND (II) OF THIS SUBTITLE.

(B) AN ELIGIBLE ENTITY SHALL SECURE CONTRIBUTIONS FOR THE PROJECT IN AN AMOUNT OF MONEY OR OTHER CONSIDERATION AT LEAST EQUAL IN VALUE TO THE AMOUNT OF MONEY REQUESTED FROM THE PROGRAM.

(C) (1) THE DIVISION MAY NOT AWARD A MATCHING GRANT TO AN ELIGIBLE ENTITY THAT EXCEEDS \$50,000 EACH YEAR.

(2) IF THE DIVISION RECEIVES APPLICATIONS FOR MATCHING GRANTS TOTALING MORE THAN THE AMOUNT OF FUNDS APPROPRIATED FOR THE PROGRAM FOR A FISCAL YEAR, THE DIVISION SHALL AWARD THE GRANTS ON A PRO RATA BASIS.

(D) THE DIVISION SHALL ENCOURAGE EACH ELIGIBLE ENTITY RECEIVING A MATCHING GRANT UNDER THE PROGRAM, IN DEVELOPING AND CARRYING OUT A PROJECT, TO CONSULT WITH:

(1) INSTITUTIONS OF HIGHER EDUCATION;

(2) THE MARYLAND DEPARTMENT OF HEALTH;

(3) ONE-STOP CAREER CENTERS; AND

(4) ORGANIZATIONS WITH EXPERTISE IN THE NEEDS OF WOMEN, RACIAL MINORITIES, IMMIGRANTS, AND THE IMPOVERISHED.

(E) AN ELIGIBLE ENTITY THAT CARRIES OUT ACTIVITIES FOR PURPOSES OF RECRUITING, RETAINING, OR PROVIDING ADVANCEMENT OPPORTUNITIES TO DIRECT CARE WORKERS BEFORE RECEIPT OF A MATCHING GRANT UNDER THE PROGRAM MAY USE THE GRANT TO CONTINUE CARRYING OUT THOSE ACTIVITIES.

(F) A MATCHING GRANT AWARDED UNDER THE PROGRAM SHALL BE VALID FOR AT LEAST 3 YEARS.

(G) AN ELIGIBLE ENTITY RECEIVING A MATCHING GRANT UNDER THE PROGRAM SHALL USE THE FUNDS TO CARRY OUT AT LEAST ONE PROJECT OR TO CONTINUE AN ACTIVITY COMMENCED BEFORE RECEIPT OF THE GRANT THAT:

(1) DEVELOPS AND IMPLEMENTS A STRATEGY FOR THE RECRUITMENT, RETENTION, OR ADVANCEMENT OF DIRECT CARE WORKERS THAT INCLUDES AN ACTIVITY DESCRIBED IN THE ELIGIBLE ENTITY'S APPLICATION; AND

(2) PROVIDES COMPENSATION TO EACH DIRECT CARE WORKER FOR ANY TRAINING RECEIVED UNDER THE PROJECT OR ACTIVITY.

(H) (1) AN ELIGIBLE ENTITY RECEIVING A MATCHING GRANT UNDER THE PROGRAM MAY USE NOT MORE THAN 10% OF THE FUNDS OF THE GRANT FOR COSTS ASSOCIATED WITH THE ADMINISTRATION OF A PROJECT UNDER THE PROGRAM.

(2) AN ELIGIBLE ENTITY RECEIVING A MATCHING GRANT UNDER THE PROGRAM SHALL USE AT LEAST 5% OF THE FUNDS OF THE GRANT TO PROVIDE DIRECT FINANCIAL ASSISTANCE, SUCH AS SUPPORTIVE SERVICES, TO DIRECT CARE WORKERS TO SUPPORT THE FINANCIAL NEEDS OF THE DIRECT CARE WORKERS TO ENTER, REMAIN ENROLLED IN, AND COMPLETE THE PROJECT ASSISTED BY THE GRANT.

(3) AN ELIGIBLE ENTITY RECEIVING A MATCHING GRANT UNDER THE PROGRAM SHALL USE THE GRANT TO SUPPLEMENT, AND NOT SUPPLANT, THE AMOUNT OF FUNDS THAT, IN THE ABSENCE OF THE GRANT, WOULD BE AVAILABLE TO ADDRESS THE RECRUITMENT, RETENTION, OR ADVANCEMENT OF DIRECT CARE WORKERS IN THE REGION SERVED BY THE ELIGIBLE ENTITY.

11-1406.

(A) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$250,000 FOR THE PROGRAM.

(B) APPROPRIATIONS AND EXPENDITURES MADE FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM, INCLUDING THE USE OF ANY FUNDS RECEIVED BY A

PERSON UNDER ANY COMPONENT OF THE PROGRAM, ARE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

11-1407.

ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2021, THE DIVISION SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER OF INDIVIDUALS SERVED BY EACH PROJECT OR ACTIVITY ASSISTED BY A MATCHING GRANT UNDER THE PROGRAM, INCLUDING:

(I) THE NUMBER OF INDIVIDUALS RECRUITED TO BE EMPLOYED AS DIRECT CARE WORKERS; AND

(II) THE NUMBER OF INDIVIDUALS WHO ATTAINED EMPLOYMENT AS DIRECT CARE WORKERS;

(2) THE NUMBER OF INDIVIDUALS OR FAMILIES ASSISTED BY DIRECT CARE WORKERS UNDER THE PROGRAM;

(3) SERVICES, BENEFITS, OR SUPPORT PROVIDED TO ASSIST IN THE RECRUITMENT, RETENTION, OR ADVANCEMENT OF DIRECT CARE WORKERS, THE NUMBER OF INDIVIDUALS WHO ACCESSED THE SERVICES, BENEFITS, OR SUPPORT, AND THE IMPACT OF THE SERVICES, BENEFITS, AND SUPPORT;

(4) HOW EACH PROJECT ASSESSED THE SATISFACTION OF THE DIRECT CARE WORKERS ASSISTED BY THE PROJECT, INDIVIDUALS RECEIVING SERVICES DELIVERED BY THE DIRECT CARE WORKERS, AND EMPLOYERS OF THE DIRECT CARE WORKERS;

(5) THE PERFORMANCE OF EACH ELIGIBLE ENTITY RECEIVING A GRANT UNDER THE PROGRAM WITH RESPECT TO THE INDICATORS OF PERFORMANCE ON UNSUBSIDIZED EMPLOYMENT, MEDIAN EARNINGS, CREDENTIAL ATTAINMENT, MEASURABLE SKILL GAINS, AND EMPLOYER SATISFACTION; AND

(6) ANY OTHER INFORMATION WITH RESPECT TO OUTCOMES OF THE PROJECTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.