



OFFICE OF THE PRESIDENT
323 State Street, Augusta, ME 04330-7131
(207) 629-4000 | Fax (207) 629-4048 | mccs.me.edu

EXECUTIVE COMMITTEE MEETING

Via Conference Call
Tuesday, March 24, 2020
7:30 a.m.

Executive Committee Members Participating:

Jean Ginn Marvin, Chair
William Cassidy, Vice Chair
Patricia Duran, Trustee
David MacMahon, Trustee

Absent: Beth Lorigan, Trustee

Others Participating: David Daigler, President
Bonnie Brown, Clerk
Amy Homans, General Counsel

Chair Ginn Marvin determined that a quorum of the members of the Executive Committee was present and the meeting was called to order at 7:30 a.m.

President Daigler provided a brief update on the system's response to COVID-19. MCCS filed a Request for Emergency Suspension on March 22, 2020 with the Chief Legal Counsel, Office of the Governor, to request suspension of enforcement of the following statutory provisions that govern the Maine Quality Centers and the Put ME to Work Program in order to enable MCCS to be as responsive as possible to the state's workforce needs arising from the effects of the current state of emergency (*Attached Request for Emergency Suspension*). The new standards follow:

20-A MRSA §12762(2) – To offer COVID-19 related education and training opportunities to unemployed and underemployed people, with first priority to Maine people.

20-A MRSA §12727(2) – The community colleges will work with the Bureau of Employment Services, state job training providers, human service offices and other referring agencies, to the extent practicable, with regard to COVID-19 related training programs.

20-A MRSA §12727(3) – Applicants must meet only the program requirements, and not the college’s admission standards as well, in order to be eligible for COVID-19 related training programs.

20-A MRSA §1272(6) – If an employee finds that the trainee fails to meet any of the certificate competencies, retraining will be provided if there is an opportunity for retraining.

Put ME to Work

20-A MRSA §12730(2) – The centers will work with private businesses, trade associations, municipalities, quasi-governmental agencies, and nonprofit organizations to determine the demand in those sectors for jobs and the skills needed to address the COVID-19 emergency.

20-A MRSA §12730(2)(A) – A business, group of businesses or an industry partnership shall not be required to support the program’s start-up costs in order to participate in a job training program that is related to the COVID-19 emergency.

20-A MRSA §12730(2)(B) – COVID-19 related job training programs must provide education or training for employment in a trade or industry with a significant demand for skilled labor, whether statewide or regionally.

20-A MRSA §12730(2)(D) – Businesses participating in a COVID-19 related job training program must pay a successful trainee at least the minimum hourly wage rate established in state law and are not required to provide successful incumbent worker trainees with an increase in hourly wage to meet or exceed the median wage for that occupation in the State as identified by the CWRI.

20-A MRSA §12730(4)(A)-(F) – The centers’ operational policies and procedures adopted by the Board of Trustees an currently in effect shall be used as guidance in selecting awardees for the program but shall not be binding.

The Governor has issued an Executive Order to Maine Community College Systems which waives certain requirements of the Maine Quality Centers (Sec. 12727) and the Put ME to Work (Sec. 12730) laws, during the COVID-19 period. In order to comply with the order, a request was made to the trustees to approve an amendment to the Board of Trustee Statement of Operational Principles, amended and approved by the board on June 26, 2013, which provides the operational policies and procedures for day-to-day operations for the Maine Quality Center and Put ME to Work programs.

The Executive Committee took the following actions.

Resolution to Approve Amendment to Statement of Operational Principles

A motion was made, and seconded, to approve the following:

Resolved: That the Maine Quality Centers (MQC) Statement of Operational Principles (SOP), as revised and adopted by the Board of Trustees on June 26, 2013, is hereby suspended in regard to MQC job training programs to address COVID-19 related training and workforce needs. The suspension shall remain in effect for the later of a) the duration of the Governor’s COVID-19

emergency Executive Order or b) until all training programs commenced during the Executive Order have been completed.

The motion was unanimously approved.

Resolution to Authorize Maine Quality Center Funding

A motion was made, and seconded to approve the following:

Resolved: That the System President is authorized to use Maine Quality Center funding in an expeditious and prudent manner to support the State's training and workforce needs related to the state-wide COVID-19 emergency.

The motion was unanimously approved.

No further action was required by the Trustees and the meeting was adjourned at 7:55 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David J. Daigler', written over a circular scribble.

David J. Daigler
President & Secretary
Maine Community College System

To: Derek P. Langhauser, Chief Legal Counsel, Office of the Governor
From: Amy M. Homans, General Counsel, Maine Community College System
Date: March 22, 2020
Subject: Maine Community College System Request for Suspension of Enforcement of Certain Statutes Regarding the Maine Quality Centers and the Put ME to Work Program

The Maine Community College System (MCCS) respectfully requests suspension of enforcement of the following statutory provisions that govern the Maine Quality Centers and the Put ME to Work Program. The general rationale underlying these requests is to enable MCCS to be as responsive as possible to the state's workforce needs arising from the effects of the current state of emergency, and more specifically for the reasons stated herein.

20-A MRSA §12726(2)

Request: With regard to training programs related to the COVID-19 emergency, suspend enforcement of the requirement that education and training opportunities are available only to “unemployed Maine people” and “underemployed Maine people.”

New Standard: To offer COVID-19 related education and training opportunities to unemployed and underemployed *people*, with first priority to Maine people.

Rationale: To allow for an expanded pool of trainees who intend to live and work in Maine while still providing first priority to people currently living in Maine. Suspension of the current requirement will also enable people who desire to return home to Maine to live and work an opportunity for expedited training and employment.

20-A MRSA §12727(2)

Request: With regard to training programs related to the COVID-19 emergency, suspend enforcement of the requirement that recruitment and screening for programs developed through the centers must be conducted by the community colleges *in conjunction with the Bureau of Employment Services, state job training providers, human service offices and other referring agencies.*

New Standard: The community colleges will work with the Bureau of Employment Services, state job training providers, human service offices and other referring agencies, *to the extent practicable, with regard to COVID-19 related training programs.*

Rationale: To enable the colleges to deliver training programs as quickly as possible by reducing the number of entities *required* to be involved in the recruitment and screening process. The colleges will continue to work with the other referenced entities to the extent practicable under applicable time and labor constraints.

20-A MRSA §12727(3)

Request: With regard to training programs related to the COVID-19 emergency, suspend the requirement that applicants must meet community college admission standards to be considered eligible for a training program.

New Standard: Applicants must meet only the *program requirements*, and not the college's admission standards as well, in order to be eligible for COVID-19 related training programs.

Rationale: To enable a larger pool of trainees to meet critical work force needs while still ensuring that applicants meet program requirements.

20-A MRSA §12727(6)

Request: With regard to training programs related to the COVID-19 emergency, suspend the requirement that a trainee *must* be provided with retraining if the employer finds that the trainee fails to meet any of the competencies listed on the certificate.

New Standard: If an employer finds that the trainee fails to meet any of the certificate competencies, retraining will be provided *if there is an opportunity for retraining*.

Rationale: Some programs may not be offered more than once and it will not be cost effective to re- run a training program for a single trainee. If re-training is available, it will be provided at no cost, consistent with the current statutory provision.

Put ME to Work

20-A MRSA §12730(2)

Request: With regard to training programs related to the COVID-19 emergency, suspend the limitation that the centers work only with private businesses and trade associations to determine the demand for jobs and the skills needed for those jobs.

New Standard: The centers will work with private businesses, trade associations, *municipalities, quasi-governmental agencies, and nonprofit organizations* to determine the demand in those sectors for jobs and the skills needed to address the COVID-19 emergency.

Rationale: Expanding the range of employers with whom the centers may work to determine needed jobs and skills will provide the centers with greater input from a broader range of employers and better enable the centers to provide needed training programs to address the emergency.

20-A MRSA §12730(2)(A)

Request: With regard to training programs related to the COVID-19 emergency, suspend the requirement that a business or group of businesses or an industry partnership must support at least 50% of the training program start-up costs.

New Standard: A business, group of businesses or an industry partnership shall not be required to support the program's start-up costs in order to participate in a job training program that is related to the COVID-19 emergency.

Rationale: Businesses with the ability to address COVID-19- related needs that have an immediate demand for new employees may be foreclosed from participation in a training program if required to contribute to the program's costs. Removing this requirement will allow the center to expand the pool of potential employers able to participate in a program.

20-A MRSA §12730(2)(B)

Request: With regard to training programs related to the COVID-19 emergency, suspend the requirement that the job training program must provide education or training for employment in a trade or industry with a significant demand for skilled labor either statewide or in a region that has been identified by the Center for Workforce Research and Information within the Department of Labor as providing employment for high compensation jobs or in an industry in which technology or work practices have significantly changed to require training to assist new workers to acquire needed skills or incumbent workers to remain current and competitive.

New Standard: COVID-19-related job training programs must provide education or training for employment in a trade or industry with a significant demand for skilled labor, whether statewide or regionally.

Rationale: If this requirement is suspended, the centers will be able to timely deliver programs to a broad range of employers with an immediate demand for employees to assist with COVID-19 related workforce needs.

20-A MRSA §12730(2)(D)

Request: With regard to training programs related to the COVID-19 emergency, suspend the requirement that a business must agree to hire a person who successfully completes a job training program at a post-training wage that is at least \$2.50 above the minimum hourly wage rate established in state law and to provide successful incumbent worker trainees with an increase in hourly wage to meet or exceed the median wage for that occupation in the State as identified by the CWRI within the DOL.

New Standard: Businesses participating in a COVID-19 related job training program must pay a successful trainee at least the minimum hourly wage rate established in state law and are not

required to provide successful incumbent worker trainees with an increase in hourly wage to meet or exceed the median wage for that occupation in the State as identified by the CWRI.

Rationale: Eliminating this requirement will enable more businesses to participate in training programs, and thereby provide greater employment opportunities, particularly during a period of heightened economic uncertainty.

20-A MRSA §12730(4)(A)-(F)

Request: With regard to training programs related to the COVID-19 emergency, suspend the criteria set forth in (A)-(F) that the Board of Trustees *shall* consider in selecting awardees for the program.

New Standard: The centers' operational policies and procedures adopted by the Board of Trustees and currently in effect shall be used as guidance in selecting awardees for the program but shall not be binding.

Rationale: Existing policies and procedures are not designed to address the unique needs of employers during the COVID-19 emergency and their application would hinder the ability to deliver programs to meet emergency needs.