

**§1403. Labor standards for persons required to work as condition of receiving public assistance and affected employees**

**1. Nondisplacement of existing employees; nonavailability for layoff replacement; noninfringement on promotional opportunities or collective bargaining agreements; labor disputes.** A participant who is required to work as a condition of receiving public assistance may not be employed in or assigned to:

A. A position that was previously filled by a regular employee when that employee is on layoff from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce; [PL 1997, c. 443, §1 (NEW).]

B. An established position that is vacant; [PL 1997, c. 443, §1 (NEW).]

C. A worksite where there is a labor dispute, including a strike or lockout; or [PL 1997, c. 443, §1 (NEW).]

D. A worksite in a manner that violates an existing contract or collective bargaining agreement or infringes on the promotional opportunities for any employees. [PL 1997, c. 443, §1 (NEW).]

[PL 2007, c. 539, Pt. N, §56 (AMD).]

**2. Grievance procedures.** The commissioner, with assistance from the department, shall adopt rules to ensure that:

A. Persons required to work as a condition of receiving public assistance have access to a grievance procedure for the purpose of resolving complaints of alleged violations of subsection 1; and [PL 1997, c. 443, §1 (NEW).]

B. Regular employees at a worksite where a person required to work as a condition of receiving public assistance works have access to a grievance procedure for the purpose of resolving complaints of alleged violations of subsection 1. [PL 1997, c. 443, §1 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 443, §1 (NEW).]

**3. Penalty.** Employers who do not comply with the requirements of this section may not participate in any work program for individuals required to work as a condition of receiving public assistance.

[PL 1997, c. 443, §1 (NEW).]

**SECTION HISTORY**

PL 1997, c. 443, §1 (NEW). PL 2007, c. 539, Pt. N, §56 (AMD).

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