



# HOUSE BILL No. 4131

January 17, 1995, Introduced by Rep. Martinez and referred to the Committee on Higher Education.

A bill to amend sections 1 and 10 of Act No. 288 of the Public Acts of 1986, entitled

"An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies,"

being sections 390.1371 and 390.1380 of the Michigan Compiled Laws; and to add section 5a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 10 of Act No. 288 of the Public  
2 Acts of 1986, being sections 390.1371 and 390.1380 of the  
3 Michigan Compiled Laws, are amended and section 5a is added to  
4 read as follows:

5 Sec. 1. As used in this act:

6 (a) "Authority" means the Michigan higher education  
7 assistance authority created by Act No. 77 of the Public Acts of

1 1960, being sections 390.951 to 390.961 of the Michigan Compiled  
2 Laws.

3 (b) "MWS" means the Michigan work-study program established  
4 in section 2.

5 (c) "PUBLIC SERVICE EMPLOYER" MEANS A PRIVATE NONPROFIT  
6 AGENCY THAT IS EXEMPT FROM FEDERAL TAXATION UNDER  
7 SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE AND THAT PROVIDES  
8 SERVICES DIRECTLY TO THE COMMUNITY OR MEMBERS OF THE COMMUNITY.

9 (d) "PUBLIC SERVICE EMPLOYMENT" MEANS EMPLOYMENT WITH A  
10 PUBLIC SERVICE EMPLOYER IN WORK THAT IS PERFORMED FOR THE COMMU-  
11 NITY WELFARE AND THAT MAY INCLUDE, BUT IS NOT LIMITED TO, WORK IN  
12 1 OR MORE OF THE FOLLOWING ACTIVITIES:

13 (i) RECYCLING OR ENVIRONMENTAL PRESERVATION OR PROTECTION.

14 (ii) A FOOD BANK, HOMELESS SHELTER, OR OTHER POVERTY  
15 PROGRAM.

16 (iii) MENTAL HEALTH, SENIOR CITIZEN, HANDICAPPER, OR OTHER  
17 HUMAN SERVICES.

18 (iv) AN ARTS EDUCATION OR PERFORMANCE PROGRAM.

19 SEC. 5A. (1) A PUBLIC SERVICE EMPLOYER IS ELIGIBLE TO  
20 EMPLOY STUDENTS THROUGH THE MWS PROGRAM IF THE EMPLOYER MEETS ALL  
21 OF THE FOLLOWING REQUIREMENTS:

22 (A) ENTERS INTO A SIGNED AGREEMENT WITH AN ELIGIBLE POSTSEC-  
23 ONDARY SCHOOL TO PROVIDE PUBLIC SERVICE EMPLOYMENT FOR STUDENTS  
24 RECOMMENDED BY THE SCHOOL.

25 (B) EMPLOYS MWS STUDENTS ONLY FOR PUBLIC SERVICE  
26 EMPLOYMENT.

1 (C) DOES NOT USE MWS STUDENTS TO DISPLACE EMPLOYED WORKERS.

2 (D) DOES NOT EMPLOY MWS STUDENTS TO CONSTRUCT, OPERATE, OR  
3 MAINTAIN A FACILITY USED OR TO BE USED SOLELY FOR SECTARIAN  
4 INSTRUCTION OR AS A PLACE FOR RELIGIOUS WORSHIP; OR FOR ACTIVITY  
5 ESPOUSING OR PROMOTING ANY POLITICAL POSITION OR CANDIDATE.

6 (E) DOES NOT PAY MWS STUDENTS A WAGE THAT IS LESS THAN THE  
7 FULL FEDERAL MINIMUM WAGE.

8 (2) A PUBLIC SERVICE EMPLOYER THAT EMPLOYS MWS STUDENTS IS  
9 NOT REQUIRED TO PROVIDE ANY PART OF AN MWS STUDENT'S WAGES.

10 Sec. 10. (1) SUBJECT TO SUBSECTION (2), MWS program funds  
11 shall be ~~made~~ ALLOCATED to EACH eligible postsecondary  
12 ~~schools~~ SCHOOL for a fiscal year in an amount not less than  
13 \$5,000.00 and an amount proportionate to the school's receipt of  
14 Pell grant funds under section 411 OF SUBPART 1 OF PART A of  
15 title IV of the higher education act of 1965, PUBLIC LAW 89-329,  
16 20 U.S.C. 1070a, for the most recent year statistics are  
17 available, ADJUSTED BY THE POSITIVE OR NEGATIVE PERCENTAGE DIF-  
18 FERENCE BETWEEN THE AVERAGE AMOUNT OF MWS PROGRAM FUNDS ALLOCATED  
19 TO THE SCHOOL FOR THE 3 MOST RECENT YEARS FOR WHICH STATISTICS  
20 ARE AVAILABLE AND THE AVERAGE AMOUNT OF MWS PROGRAM FUNDS DIS-  
21 BURSED BY THE SCHOOL FOR THOSE 3 YEARS.

22 (2) IF THE AUTHORITY DETERMINES THAT AN ELIGIBLE POSTSECOND-  
23 ARY SCHOOL'S NEED FOR MWS PROGRAM FUNDS IS GREATER THAN INDICATED  
24 BY THE CALCULATION MADE UNDER SUBSECTION (1), THE AUTHORITY MAY  
25 ALLOCATE AN ADDITIONAL AMOUNT TO THE SCHOOL. AN ADDITIONAL ALLO-  
26 CATION UNDER THIS SECTION SHALL BE MADE NOT LATER THAN MARCH 31

1 FROM THE ALLOCATION ADJUSTMENT FUND CREATED PURSUANT TO  
2 SUBSECTION (3).

3 (3) THE AUTHORITY SHALL ESTABLISH AN ALLOCATION ADJUSTMENT  
4 FUND AND SHALL DEPOSIT IN THE FUND NOT MORE THAN 5% OF THE TOTAL  
5 MWS APPROPRIATION FOR THE FISCAL YEAR. THE AUTHORITY SHALL USE  
6 THE FUND ONLY TO MAKE THE ADDITIONAL ALLOCATIONS AUTHORIZED UNDER  
7 SUBSECTION (2).