Assembly Bill No. 3

Passed the Assembly September 10, 2009

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Chief Clerk of the Assembly

Passed the Senate September 9, 2009

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Secretary of the Senate

This bill was received by the Governor this _____ day of _______________, 2009, at _____ o'clock ___M.

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Private Secretary of the Governor

CHAPTER ________

An act to amend Sections 14202, 14203, 14204, 14205, 14221, and 14230 of, and to add Section 14013.5 to, the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, V. Manuel Perez. Workforce development: Renewable Energy Workforce Readiness Initiative: local workforce investment boards.

(1) Existing law, the California Workforce Investment Act, establishes the California Workforce Investment Board (CWIB), which is the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system, and prescribes the functions and duties of the board with regard to the implementation and administration of workforce training and development programs. Existing law establishes the Green Collar Jobs Council (GCJC) as a special committee in the CWIB, comprised of specified members, to assist in providing workforce development and job training relating to green collar jobs.

This bill would require the CWIB, by July 1, 2010, in consultation with the Green Collar Jobs Council (GCJC), to establish a Renewable Energy Workforce Readiness Initiative to ensure green collar career placement and advancement opportunities within California's renewable energy generation, manufacturing, construction, installation, maintenance, and operation sectors that is targeted towards specified populations. The bill would require that the initiative provide guidance to local workforce investment boards on how to establish comprehensive green collar job assessment, training, and placement programs that reflect the local and regional economies, as prescribed. The bill would require the CWIB, in developing the initiative, to assist the local workforce investment boards in collecting and analyzing specified labor market data, in order to assess accurate local or regional industry cluster workforce development and training needs. The CWIB would be required to submit to the Legislature, by January 1, 2012, a report on the implementation of the initiative.

The bill would require that the board only implement the initiative established pursuant to provisions of the bill if the Director of Finance determines that there are sufficient funds made available to the state for expenditure for the initiative pursuant to the American Recovery and Reinvestment Act of 2009, the federal Workforce Investment Act of 1998, or other federal law, or from other non-General Fund sources, and would require that the initiative terminate at such time that the director determines that there are no longer sufficient funds available for the initiative.

(2) Existing law requires the local chief elected officials in a local workforce development to form, pursuant to specified guidelines established by the Governor and the board, a local workforce investment board, and prescribes the duties of the board with regard to the development and implementation of local workforce investment plans, as specified.

This bill would revise the membership of the local workforce investment board and revise local workforce investment plan requirements.

Because the bill imposes new duties on local government workforce investment boards, it would impose a state-mandated local program.

(3) This bill would incorporate additional changes in Section 14230 of the Unemployment Insurance Code made by SB 410 that would become operative if both bills are enacted and this bill becomes effective after SB 410.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California is fortunate to have some of the finest solar, wind, and geothermal resources in the world, giving California the

opportunity to lead the United States in the development of renewable energy technologies and the creation of green collar jobs.

(2) A 2006 analysis performed by the Renewable Energy Policy Project looked at the employment gains throughout the United States and found that, of all the 50 states, California has the greatest potential to generate new renewable energy manufacturing activity.

(3) The Governor issued Executive Order S-14-08, which increased the state's renewable portfolio standard to 33 percent by 2020, and positioned California's economy, technology centers, financial institutions, businesses, workers, and consumers to benefit from the state's renewable energy efforts.

(4) California's investment in the production of renewable energy and associated infrastructure could be targeted to strengthen sectors and regions of the state economy suffering from high unemployment rates and poverty.

(5) Educational institutions, in collaboration with labor and community-based organizations, play a significant role in the progress of renewable energy curriculum and career job placement within emerging renewable energy industries.

(6) California's Imperial and Riverside Counties are recognized as having some of the highest potential for renewable energy development in California and also some of the highest unemployment rates in the state.

(7) Educational institutions in the Imperial, Riverside, and San Bernardino Counties, such as Imperial Valley College, College of the Desert, Palo Verde Community College, University of California at Riverside, and California State San Bernardino are seeking to establish collaborations with local labor and renewable energy organizations but lack infrastructure, technical assistance, and resources.

(8) The federal Workforce Investment Act of 1998 (WIA) (29 U.S.C. Sec. 2801 et seq.) makes funding available to states that offer training and workforce development services through state and local workforce investment boards, based on a set formula that includes specified economic and demographic data in order to provide appropriate programming in local workforce areas.

(9) The California Workforce Investment Board (CWIB) has established a special committee known as the Green Collar Jobs Council (GCJC) pursuant to Section 15002 of the Unemployment

Insurance Code. The GCJC is comprised of appropriate representatives from the existing CWIB membership, and other appropriate members who serve as consultants to the GCJC in the development and implementation of California's green economic industry.

(10) The 2009–10 estimated WIA allocation to local workforce investment boards is approximately $363 million, while California will receive about $63 million in discretionary funding.

(11) California is expected to receive approximately $787 million in funds appropriated under the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5) for use for purposes related to assisting unemployed workers and struggling families. California is also expected to receive $480 million in supplemental WIA funding to be used for (A) youth formula grants; (B) dislocated worker programs; and (C) adult services grants. Of the $480 million in WIA funding targeted for California, the CWIB is expected to receive approximately $70 million to carry out supplemental programs related to the ARRA-funded programs.

(12) California's ARRA funding for adult services is expected to total approximately $80,117,954. These funds are intended to be used to provide grants to states for adult employment and training activities, including supportive services and needs-related payments to support the employment and training needs of priority populations, including recipients of public assistance and other low-income individuals.

(b) It is the intent of the Legislature to establish the "California Renewable Energy Workforce Readiness Initiative" in order for the California Workforce Investment Board (CWIB) to prepare California's youth, military veterans, and adult workers for the economy of the future.

SEC. 2. Section 14013.5 is added to the Unemployment Insurance Code, to read:

14013.5. (a) In furtherance of the requirements of this division, no later than July 1, 2010, the board, in consultation with the Green Collar Jobs Council (GCJC) and other appropriate state agencies, shall establish a Renewable Energy Workforce Readiness Initiative to ensure green collar career placement and advancement opportunities within California's renewable energy generation manufacturing, construction, installation, maintenance, and operation sectors. The initiative shall provide guidance to the local workforce investment boards on how to establish comprehensive green collar job assessment, training, and placement programs that reflect the local and regional economies. The purpose of the guidance is to assist local communities to develop strategies to best utilize moneys provided under the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5), the federal Workforce Investment Act of 1998 (WIA) (29 U.S.C. Sec. 2801 et seq.), federal grants, and other federal laws in designing and implementing green collar job development programs that are reflective of local and regional economies and that lead to stable career opportunities.

(b) Any workforce investment strategies developed by the initiative shall address how to effectively provide outreach, assessment, training, and placement to prospective worker populations, including those that have historically faced barriers to employment. Those populations include, but are not limited to, all of the following:

(1) Low-income and disadvantaged populations.

(2) At-risk youth.

(3) Individuals with criminal convictions or juvenile adjudications.

(4) Displaced and incumbent workers in transition.

(5) Veterans of past or present military service.

(6) Persons with disabilities.

(c) The initiative also shall provide guidance on how to engage target populations and evaluate potential applicants' ability to implement and operate renewable energy worker training program in California. The initiative shall address how local workforce investment boards can effectively collaborate and shall include the participation of all of the following entities:

(1) Nonprofit organizations.

(2) Local governments.

(3) State-approved apprenticeship programs.

(4) Community colleges.

(5) Postsecondary educational institutions.

(6) Local workforce training partnerships and collaboratives.

(7) Regional occupational programs (ROP).

(d) The initiative shall further address how local workforce investment boards can prioritize programs that serve prospective workers who have historically faced barriers to employment, including, but not limited to, programs that do all of the following:

(1) Serve individuals in families with incomes less than 250 percent of the federal poverty level.

(2) Include collaboration with community-based nonprofit organizations, labor organizations, state-approved apprenticeship programs, and educational institutions with expertise in serving low-income adults or youth.

(3) Link adult remedial education with occupational skills training.

(4) Ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations.

(5) Involve employers and labor organizations, recognized by the National Labor Relations Board (NLRB), in the determination of relevant skills and competencies, ensuring that the certificates or credentials that result from the training are recognized by employers and labor organizations.

(6) Leverage additional public and private resources to fund readiness programs, including cash or in-kind matches from participating employers, nonprofits, or labor organizations recognized by the NLRB.

(e) The board shall collect and analyze labor market data, track workforce trends, document academic and occupational competencies, identify future skill needs, promote and support local workforce training initiatives, and provide technical assistance and capacity building to energy partnerships and apprenticeship training programs that are approved by the Division of Apprenticeship Standards, in the Department of Industrial Relations, related to renewable energy and workforce development in California.

(f) In developing the initiative, the board shall assist the local workforce investment boards in collecting and analyzing labor market data from existing reports and available data, in order to assess accurate local or regional industry cluster workforce development and training needs.

(g) No later than January 1, 2012, the board shall report to the Legislature on the implementation of this section. The report shall include an assessment of how effective the guidance required to be provided pursuant to subdivision (a) was in assisting local workforce investment boards in establishing renewable energy workforce training programs that lead to permanent jobs. The board shall only implement the initiative established pursuant to this section if the Director of Finance determines that there are sufficient funds made available to the state for expenditure for the initiative pursuant to the ARRA, the WIA, or other federal law, or from other non-General Fund Sources, and the initiative shall terminate at such time that the director determines that there are no longer sufficient funds available for the initiative.

SEC. 3. Section 14202 of the Unemployment Insurance Code is amended to read:

14202. Membership of the local board shall be appointed by the local chief elected official using criteria established by the Governor and the board, and shall include:

(a) (1) Representatives of business in the local area appointed from among individuals nominated by local business organizations and business trade associations and that reflect employment opportunities of the local area.

(2) Business representatives shall be owners of businesses, chief executives, or operating officers of businesses or other business executives, including human resources executives, or employers with optimum policymaking or hiring authority. Wherever applicable, and as board member vacancies occur, business representatives may include women and minorities employing persons in the local area, or be representatives of businesses in sectors that provide for conservation, energy efficiency, or water efficiency; pollution mitigation; or renewable energy generation, manufacturing, construction, installation, maintenance, and operation shall be nominated and included in the local board.

(b) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, public and private postsecondary educational institutions, including representatives of community colleges, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities.

(c) Representatives of labor organizations nominated by local labor federations, including a representative of a state-approved apprenticeship program. At least 15 percent of local board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the local board members shall be representatives of labor organizations.

(d) Representatives of local community-based organizations, including organizations representing individuals with disabilities and veterans; organizations that serve populations with barriers to employment, such as the economically disadvantaged, youth, which may include youth in foster care, persons with prior criminal convictions or juvenile adjudication, indigent persons, farmworkers, and immigrants; and, wherever applicable, representatives of environmental advocacy or environmental justice advocacy organizations.

(e) Representatives of economic development agencies, including private sector economic development entities.

(f) Representatives of each of the one-stop partners. A single entity, including those identified in subdivisions (b) and (c), can represent multiple one-stop partners pursuant to Section 14231.

(g) Members of the local board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within those organizations, agencies, or entities.

SEC. 4. Section 14203 of the Unemployment Insurance Code is amended to read:

14203. Membership of local boards may include other individuals or representatives of entities as the local elected official in the local area may determine to be appropriate. A single member of the local board may represent multiple constituencies on the local board.

SEC. 5. Section 14204 of the Unemployment Insurance Code is amended to read:

14204. A majority of the members of the local board shall be representatives of businesses in the local area, and may include representatives of business-funded job training programs such as state-approved joint apprenticeship training councils and other formal labor-management training partnerships.

SEC. 6. Section 14205 of the Unemployment Insurance Code is amended to read:

14205. The local board shall elect a chairperson for the local board from among the business representatives, as described in Section 14204.

SEC. 7. Section 14221 of the Unemployment Insurance Code is amended to read:

14221. The local plan shall include all of the following:

(a) A local labor market assessment that contains an identification of local and regional workforce investment needs of key industry sectors, businesses, jobseekers, and incumbent workers in the local area, the current and projected employment opportunities, and the job skills necessary to obtain that employment.

(b) A description of the local one-stop delivery system, including all of the following:

(1) A description of how the local board will achieve system integration that will improve services to employers, incumbent workers, and jobseekers, and a description of local funding sources.

(2) A copy of each memorandum of understanding between the local board and each of the one-stop partners concerning the operation of the one-stop delivery system in the local area.

(c) A description of the local levels of performance negotiated with the Governor and chief local elected official to be used to measure the performance of the local area and the performance of the local fiscal agent, eligible providers, and the one-stop delivery system in the local area. Performance standards shall not create disincentives for serving clients for whom it is more difficult to provide service.

(d) A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area, including state-approved apprenticeship programs.

(e) A description of how the local board will provide services to the business community, including, but not limited to, recruitment and staffing services, training, and development, information and resources, and outplacement and business retention services.

(f) A description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate.

(g) A description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of those activities.

(h) A description of the process used by the local board, consistent with Section 14223, to provide an opportunity for public comment, including comment by representatives of businesses, labor organizations, and community-based organizations, and input into the development of the local plan, prior to submission of the plan.

(i) An identification of the entity, as prescribed in the Workforce Investment Act of 1998, responsible for the disbursal of funds under the Workforce Investment Act of 1998.

(j) A description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under the Workforce Investment Act of 1998.

SEC. 8. Section 14230 of the Unemployment Insurance Code is amended to read:

14230. (a) It is the intent of the Legislature that:

(1) California deliver comprehensive workforce services to jobseekers, students, and employers through a system of one-stop career centers.

(2) Services and resources target high-wage industry sectors with career advancement opportunities.

(3) Universal access to core services be available to adult residents regardless of income, education, employment barriers, or other eligibility requirements. Core services shall include, but not be limited to:

(A) Outreach, intake, and orientation to services available through the one-stop delivery system.

(B) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.

(C) Job search and placement assistance.

(D) Career counseling, where appropriate.

(E) Provision of labor market information.

(F) Provision of program performance and cost information on eligible providers of training services and local area performance measures.

(G) Provision of information on supportive services in the local area.

(H) Provision of information on the filing of claims for unemployment compensation benefits and unemployment compensation disability benefits.

(I) Assistance in establishing eligibility for welfare-to-work activities pursuant to Section 11325.8 of the Welfare and Institutions Code, and financial aid assistance.

(4) State and federally funded workforce education, training, and employment programs be integrated in the one-stop delivery system to achieve universal access to the core services described in paragraph (3).

(5) Intensive services be available to individuals who have completed at least one core service, have been unable to obtain employment, and who have been determined, by the one-stop operator, as being in need of more intensive services, or who are employed but in need of intensive services to obtain or retain employment to achieve self-sufficiency. Intensive services may include comprehensive and specialized assessments of skill levels and service needs, including learning disability screening, the development of individual employment plans, counseling, career planning, and short-term prevocational services to prepare an individual for training and employment.

(6) Training services be made available to individuals who have met the requirements for intensive services, have been unable to obtain or retain employment through these services, and who, after an interview, evaluation, or assessment, are determined to be in need of training, and have selected a program of services directly linked to occupations in demand in the local or regional area. Training services may include:

(A) Occupational skill training including training for nontraditional employment.

(B) On-the-job training.

(C) Programs that combine workplace training with related instruction.

(D) Training programs operated by the private sector.

(E) Skill upgrading and retraining.

(F) Entrepreneurial training.

(G) Job readiness training.

(H) Adult education and literacy activities, including vocational English as a second language, provided in combination with subparagraphs (A) to (G), inclusive.

(I) Customized training conducted by an employer or a group of employers or a labor-management training partnership with a commitment to employ an individual upon completion of the training.

(J) Entrance into a state-approved apprenticeship program shall be considered placement into a job.

(7) As prescribed in the Workforce Investment Act of 1998, when funds are limited, priority for intensive services and training services be given to adult recipients of public assistance and other low-income adults, such as CalWORKs participants.

(b) Each local workforce investment board shall establish at least one full service one-stop career center in the local workforce investment area. Each full service one-stop career center shall have all entities specified in Section 14231 as partners and shall provide jobseekers with integrated employment, education, training, and job search services. Additionally, employers will be provided with access to comprehensive career and labor market information, job placement, economic development information, performance and program information on service providers, and other such services as the businesses in the community may require.

(c) Local boards may also establish affiliated and specialized centers, as defined in the Workforce Investment Act of 1998, which shall act as portals into the larger local one-stop system, but are not required to have all of the partners specified for full service one-stop centers.

(d) Each local board shall develop a policy for identifying individuals who, because of their skills or experience, should be referred immediately to training services. This policy, along with the methods for referral of individuals between the one-stop operators and the one-stop partners for appropriate services and activities, shall be contained in the memorandum of understanding between the local board and the one-stop partners.

(e) In light of California's diverse population, each one-stop career center should have the capacity to provide the appropriate services to the full range of languages and cultures represented in the community served by the one-stop career center.

SEC. 8.5. Section 14230 of the Unemployment Insurance Code is amended to read:

14230. (a) It is the intent of the Legislature that:

(1) California deliver comprehensive workforce services to jobseekers, students, and employers through a system of one-stop career centers.

(2) Services and resources target high-wage industry sectors with career advancement opportunities.

(3) Universal access to core services be available to adult residents regardless of income, education, employment barriers,

or other eligibility requirements. Core services shall include, but not be limited to:

(A) Outreach, intake, and orientation to services available through the one-stop delivery system.

(B) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs.

(C) Job search and placement assistance.

(D) Career counseling, where appropriate.

(E) Provision of labor market information.

(F) Provision of program performance and cost information on eligible providers of training services and local area performance measures.

(G) Provision of information on supportive services in the local area.

(H) Provision of information on the filing of claims for unemployment compensation benefits and unemployment compensation disability benefits.

(I) Assistance in establishing eligibility for welfare-to-work activities pursuant to Section 11325.8 of the Welfare and Institutions Code, and financial aid assistance.

(4) State and federally funded workforce education, training, and employment programs be integrated in the one-stop delivery system to achieve universal access to the core services described in paragraph (3).

(5) (A) Intensive services be available to individuals who have completed at least one core service, have been unable to obtain employment, and who have been determined, by the one-stop operator, as being in need of more intensive services, or who are employed but in need of intensive services to obtain or retain employment to achieve self-sufficiency.

(B) Intensive services may include comprehensive and specialized assessments of skill levels and service needs, including learning disability screening, the development of individual employment plans, counseling, career planning, and short-term prevocational services to prepare an individual for training and employment.

(C) Other intensive services such as out-of-area job search assistance, literacy activities related to workforce readiness, relocation assistance, internships, and work experience programs may be made available to individuals who have met the requirements for intensive services based on an assessment or individual employment plan.

(D) For the purposes of this paragraph, “work experience” means a planned, structured, learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience workplace may be in the private for-profit sector, the nonprofit sector, or the public sector. Labor standards shall apply in any work experience where an employee-employer relationship, as defined by the Fair Labor Standards Act (29 U.S.C. Sec. 201, et seq.) exists.

(6) Training services be made available to individuals who have met the requirements for intensive services, have been unable to obtain or retain employment through these services, and who, after an interview, evaluation, or assessment, are determined to be in need of training, and have selected a program of services directly linked to occupations in demand in the local or regional area. Training services may include:

(A) Occupational skill training including training for nontraditional employment.

(B) On-the-job training.

(C) Programs that combine workplace training with related instruction.

(D) Training programs operated by the private sector.

(E) Skill upgrading and retraining.

(F) Entrepreneurial training.

(G) Job readiness training.

(H) Adult education and literacy activities, including vocational English as a second language, provided in combination with subparagraphs (A) to (G), inclusive.

(I) Preapprenticeship and registered apprenticeship training. For the purposes of this section, entrance into a registered apprenticeship program shall be considered placement into a job.

(J) Customized training conducted by an employer or a group of employers or a labor-management training partnership with a commitment to employ an individual upon completion of the training.

(K) Entrance into a state-approved apprenticeship program shall be considered placement into a job.

(7) As prescribed in the Workforce Investment Act of 1998, when funds are limited, priority for intensive services and training

services be given to adult recipients of public assistance and other low-income adults, such as CalWORKs participants.

(b) Each local workforce investment board shall establish at least one full service one-stop career center in the local workforce investment area. Each full service one-stop career center shall have all entities specified in Section 14231 as partners and shall provide jobseekers with integrated employment, education, training, and job search services. Additionally, employers will be provided with access to comprehensive career and labor market information, job placement, economic development information, performance and program information on service providers, and other such services as the businesses in the community may require.

(c) Local boards may also establish affiliated and specialized centers, as defined in the Workforce Investment Act of 1998, which shall act as portals into the larger local one-stop system, but are not required to have all of the partners specified for full service one-stop centers.

(d) Each local board shall develop a policy for identifying individuals who, because of their skills or experience, should be referred immediately to training services. This policy, along with the methods for referral of individuals between the one-stop operators and the one-stop partners for appropriate services and activities, shall be contained in the memorandum of understanding between the local board and the one-stop partners.

(e) In light of California's diverse population, each one-stop career center should have the capacity to provide the appropriate services to the full range of languages and cultures represented in the community served by the one-stop career center.

SEC. 9. Section 8.5 of this bill incorporates amendments to Section 14230 of the Unemployment Insurance Code proposed by both this bill and SB 410. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Section 14230 of the Unemployment Insurance Code, and (3) this bill is enacted after SB 410, in which case Section 8 of this bill shall not become operative.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved ______________________________, 2009

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Governor