

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1270

Introduced by Assembly Member ~~Eduardo Garcia~~ *Eduardo Garcia*

February 27, 2015

An act to amend Sections 9600.5, 9600.7, 14000, 14002, 14003, 14004.5, 14005, 14010, 14012, 14013, 14017, 14020, 14200, 14201, 14207, 14209, 14211, 14220, 14222, 14223, 14230, 14230.5, 14231, 14232, 14235, 14500, and 14510 *of*, to amend the headings of Article 1 (commencing with Section 14010) and Article 2 (commencing with Section 14020) of Chapter 3 of, to amend the heading of Article 1 (commencing with Section 14200) of Chapter 4 of Division 7 of, to amend the heading of Division 7 (commencing with Section 14000) of, to repeal Sections 14022, 14203, 14204, 14206.1, and 14210 *of*, and to repeal and add Sections 14202, 14206, 14208, and 14221 of, the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 1270, as amended, ~~Eduardo Garcia~~ *Eduardo Garcia*. California Workforce Innovation and Opportunity Act.

The federal Workforce Innovation and Opportunity Act of 2014 provides for workforce investment activities, including activities in which states may participate. These provisions were previously contained in the federal Workforce Investment Act of 1998. The California Workforce Investment Act contains various programs for job training and employment investment, including work incentive programs, as specified.

This bill would update statutory references to the Workforce Investment Act of 1998 to instead refer to the Workforce Innovation and Opportunity Act of 2014 and make related conforming changes.

Existing law provides that the California Workforce Investment Board is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system. Existing law further provides that the board must assist the Governor in targeting resources to specified high-wage industry sectors and providing guidance to ensure that services reflect the needs of those sectors.

This bill would revise legislative findings with regard to the act, revise the definitions of terms used within the act, and rename the California Workforce Investment Board the California Workforce Development Board. With regard to the board, the bill would require the board to assist the Governor in the development of a State Plan and would provide that the State Plan serve as a comprehensive framework and coordinated plan for the aligned investment of all federal and state workforce training and employment service funding streams and programs. The bill would revise the membership of the board and task the board with, among other things, developing and continuously improving the statewide workforce investment system.

The federal Workforce Investment Act of 1998 requires the local chief elected officials in a local workforce development area to form, pursuant to specified guidelines, a local workforce investment board to, among other things, plan and oversee the workforce investment system and develop a comprehensive 5-year local plan. Existing law requires the Governor to establish, through the California Workforce Investment Board, standards for certification of high-performance local workforce investment boards, in accordance with specified criteria. Existing law requires a youth council be established within each local board and specified the duties of the council. Existing law also requires local workforce investment boards to spend a certain percentage of available federal funds for in a manner consistent with federal law, as prescribed.

This bill would rename the local boards as local workforce development boards, would revise the timeline for certifications of high-performance local workforce development boards, revise the guidelines used to appoint members of the local boards, and revise the duties of the local board consistent with the federal Workforce Innovation and Opportunity Act of 2014. The bill would, with regard

to the provision of services to youth, instead authorize a local board to establish a standing committee on the provision of youth services, as provided. This bill would require the local boards to develop a comprehensive 4-year local plan, revise the content of the local plan, and revise the manner by which the board shares that plan with the public. This bill would impose new requirements on local boards in conformance with federal law, thereby imposing a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 9600.5 of the Unemployment Insurance
2 Code is amended to read:

3 9600.5. (a) Notwithstanding Section 10231.5 of the
4 Government Code, the director of the Employment Development
5 Department shall report annually to the Governor, the Legislature,
6 and the California Workforce Development Board, no later than
7 November 30, regarding the training expenditures made by local
8 workforce development boards in the prior fiscal year. The
9 department shall specify what expenditures qualify as training
10 expenditures using the definition of training provided for in Section
11 3174(c)(3)(D) of Title 29 of the United States Code. The annual
12 report shall specify the total amount of federal funding provided
13 to the state and to each of the local workforce investment areas
14 for the adult and dislocated persons programs and the amount
15 within each program expended for training services.

16 (b) A report to be submitted pursuant to subdivision (a) shall
17 be submitted in compliance with Section 9795 of the Government
18 Code.

19 SEC. 2. Section 9600.7 of the Unemployment Insurance Code
20 is amended to read:

21 9600.7. (a) The department shall have the authority to
22 administer the requirements of the federal Workforce Innovation

1 and Opportunity Act including, but not limited to, establishing
2 accounting, monitoring, auditing, and reporting procedures and
3 criteria in order to ensure state compliance with the objectives and
4 requirements of the federal Workforce Innovation and Opportunity
5 Act.

6 (b) The department shall adopt, amend, or repeal any rules and
7 regulations as necessary to implement Division 7 (commencing
8 with Section 14000).

9 SEC. 3. The heading of Division 7 (commencing with Section
10 14000) of the Unemployment Insurance Code is amended to read:

11
12 DIVISION 7. CALIFORNIA WORKFORCE INNOVATION
13 AND OPPORTUNITY ACT
14

15 SEC. 4. Section 14000 of the Unemployment Insurance Code
16 is amended to read:

17 14000. (a) The Legislature finds and declares that, in order
18 for California to remain prosperous and globally competitive, it
19 needs to have a well-educated and highly skilled workforce.

20 (b) The Legislature finds and declares that the following
21 principles shall guide the state's workforce investment system:

22 (1) Workforce investment programs and services shall be
23 responsive to the needs of employers, workers, and students by
24 accomplishing the following:

25 (A) Preparing California's students and workers with the skills
26 necessary to successfully compete in the global economy.

27 (B) Producing greater numbers of individuals who obtain
28 industry-recognized certificates and career-oriented degrees in
29 competitive and emerging industry sectors and filling critical labor
30 market skills gaps.

31 (C) Adapting to rapidly changing local and regional labor
32 markets as specific workforce skill requirements change over time.

33 (D) Preparing workers for good-paying jobs that foster economic
34 security and upward mobility.

35 (E) Aligning employment programs, resources and planning
36 efforts regionally around industry sectors that drive regional
37 employment to connect services and training directly to jobs.

38 (2) State and local workforce development boards are
39 encouraged to collaborate with other public and private institutions,
40 including businesses, unions, nonprofit organizations, kindergarten

1 and grades 1 to 12, inclusive, career technical education programs,
2 adult career technical education and basic skills programs,
3 apprenticeships, community college career technical education
4 and basic skills programs, entrepreneurship training programs,
5 where appropriate, the California Community Colleges Economic
6 and Workforce Development Program, the Employment Training
7 Panel, and county-based social and employment services, to better
8 align resources across workforce, training, education, and social
9 service delivery systems and build a well-articulated workforce
10 investment system by accomplishing the following:

11 (A) Adopting local and regional training and education strategies
12 that build on the strengths and fill the gaps in the education and
13 workforce development pipeline in order to address the needs of
14 job seekers, workers, and employers within regional labor markets
15 by supporting sector strategies.

16 (B) Leveraging resources across education and workforce
17 training delivery systems to build career pathways and fill critical
18 skills gaps.

19 (3) Workforce investment programs and services shall be data
20 driven and evidence based when setting priorities, investing
21 resources, and adopting practices.

22 (4) Workforce investment programs and services shall develop
23 strong partnerships with the private sector, ensuring industry
24 involvement in needs assessment, planning, and program
25 evaluation.

26 (A) Workforce investment programs and services shall
27 encourage industry involvement by developing strong partnerships
28 with an industry's employers and the unions that represent the
29 industry's workers.

30 (B) Workforce investment programs and services may consider
31 the needs of employers and businesses of all sizes, including large,
32 medium, small, and microenterprises, when setting priorities,
33 investing resources, and adopting practices.

34 (5) Workforce investment programs and services shall be
35 outcome oriented and accountable, measuring results for program
36 participants, including, but not limited to, outcomes related to
37 program completion, employment, and earnings.

38 (6) Programs and services shall be accessible to employers, the
39 self-employed, workers, and students who may benefit from their
40 operation, including individuals with employment barriers, such

1 as persons with economic, physical, or other barriers to
2 employment.

3 SEC. 5. Section 14002 of the Unemployment Insurance Code
4 is amended to read:

5 14002. (a) The Legislature finds and declares that screening
6 designed to detect unidentified disabilities, including learning
7 disabilities, improves workforce preparation and enhances the use
8 of employment and training resources.

9 (b) Section 134(c)(2) of the federal Workforce Innovation and
10 Opportunity Act (29 U.S.C. Sec. 3174(c)(2)) allows for the use of
11 funds for initial assessment of skill levels, aptitudes, abilities and
12 support services, including, when appropriate, comprehensive and
13 specialized assessments of skill levels and service needs, including,
14 but not limited to, diagnostic testing and the use of other assessment
15 tools and in-depth interviewing and evaluation to identify
16 employment barriers and appropriate employment goals.

17 (c) The Legislature encourages one-stop career centers to
18 maximize the use of Workforce Innovation and Opportunity Act
19 resources and other federal and state workforce development
20 resources for screening designed to detect unidentified disabilities,
21 and if indicated, appropriate diagnostic assessment.

22 SEC. 6. Section 14003 of the Unemployment Insurance Code
23 is amended to read:

24 14003. (a) Grants or contracts awarded under the federal
25 Workforce Innovation and Opportunity Act, codified in Chapter
26 32 (commencing with Section 3101) of Title 29 of the United
27 States Code, or any other state or federally funded workforce
28 development program, may not be awarded to organizations that
29 are owned or operated as pervasively sectarian organizations.

30 (b) Grants or contracts awarded under the federal Workforce
31 Innovation and Opportunity Act, codified in Chapter 32
32 (commencing with Section 3101) of Title 29 of the United States
33 Code, or any other state or federally funded workforce development
34 program, shall comply with Section 4 of Article I and Section 5
35 of Article XVI of the California Constitution, state and federal
36 civil rights laws, and the First Amendment to the United States
37 Constitution in regard to pervasively sectarian organizations. These
38 legal constraints include prohibitions on the discrimination against
39 beneficiaries and staff based on protected categories and on the
40 promoting of religious doctrine to advance sectarian beliefs.

1 SEC. 7. Section 14004.5 of the Unemployment Insurance Code
2 is amended to read:

3 14004.5. The Consolidated Work Program Fund is hereby
4 created in the State Treasury, for the receipt of all moneys
5 deposited pursuant to the federal Workforce Innovation and
6 Opportunity Act. The Employment Development Department shall
7 be the entity responsible for administering this section. Moneys
8 in the fund shall be made available, upon appropriation by the
9 Legislature, to the department, for expenditure consistent with the
10 purposes of the federal Workforce Innovation and Opportunity
11 Act and the State Plan required by the federal Workforce
12 Innovation and Opportunity Act.

13 SEC. 8. Section 14005 of the Unemployment Insurance Code
14 is amended to read:

15 14005. For purposes of this division:

16 (a) "Board" means the California Workforce Development
17 Board.

18 (b) "Agency" means the Labor and Workforce Development
19 Agency.

20 (c) "Career pathways," "career ladders," or "career lattices" are
21 an identified series of positions, work experiences, or educational
22 benchmarks or credentials with multiple access points that offer
23 occupational and financial advancement within a specified career
24 field or related fields over time. "Career pathways," "career
25 ladders," and "career lattices" offer combined programs of rigorous
26 and high-quality education, training, and other services that do all
27 of the following:

28 (1) Align with the skill needs of industries in the economy of
29 the state or regional economy involved.

30 (2) Prepare an individual to be successful in any of a full range
31 of secondary or postsecondary education options, including
32 apprenticeships registered under the National Apprenticeship Act
33 of 1937 (~~29 U.S.C.A.~~ *U.S.C. Sec. 50 et seq.*), except as in ~~section~~
34 *Section 3226* of Title 29 of the United States Code.

35 (3) Include counseling to support an individual in achieving the
36 individual's education and career goals.

37 (4) Include, as appropriate, education offered concurrently with
38 and in the same context as workforce preparation activities and
39 training for a specific occupation or occupational cluster.

1 (5) Organize education, training, and other services to meet the
2 particular needs of an individual in a manner that accelerates the
3 educational and career advancement of the individual to the extent
4 practicable.

5 (6) Enable an individual to attain a secondary school diploma
6 or its recognized equivalent, and at least one recognized
7 postsecondary credential.

8 (7) Help an individual enter or advance within a specific
9 occupation or occupational cluster.

10 (d) “Cluster-based sector strategies” means methods of focusing
11 workforce and economic development on those sectors that have
12 demonstrated a capacity for economic growth and job creation in
13 a particular geographic area.

14 (e) “Data driven” means a process of making decisions about
15 investments and policies based on systematic analysis of data,
16 which may include data pertaining to labor markets.

17 (f) “Economic security” means, with respect to a worker, earning
18 a wage sufficient to support a family adequately, and, over time,
19 to save for emergency expenses and adequate retirement income,
20 based on factors such as household size, the cost of living in the
21 worker’s community, and other factors that may vary by region.

22 (g) “Evidence-based” means making use of policy research as
23 a basis for determining best policy practices. Evidence-based
24 policymakers adopt policies that research has shown to produce
25 positive outcomes, in a variety of settings, for a variety of
26 populations over time. Successful, evidence-based programs deliver
27 quantifiable and sustainable results. Evidence-based practices
28 differ from approaches that are based on tradition, belief,
29 convention, or anecdotal evidence.

30 (h) “High-priority occupations” mean occupations that have a
31 significant presence in a targeted industry sector or industry cluster,
32 are in demand, or projected to be in demand, by employers, and
33 pay or lead to payment of a wage that provides economic security.

34 (i) (1) “In-demand industry sector or occupation” means either
35 of the following:

36 (A) An industry sector that has a substantial current or potential
37 impact, including through jobs that lead to economic
38 self-sufficiency and opportunities for advancement, on the state,
39 regional, or local economy, as appropriate, and that contributes to

1 the growth or stability of other supporting businesses, or the growth
2 of other industry sectors.

3 (B) An occupation that currently has or is projected to have a
4 number of positions, including positions that lead to economic
5 self-sufficiency and opportunities for advancement, in an industry
6 sector so as to have a significant impact on the ~~State~~ *state*, regional,
7 or local economy, as appropriate.

8 (2) The determination of whether an industry sector or
9 occupation is “in-demand” under this subdivision shall be made
10 by the board or local board, or through the regional planning
11 process in which local boards participate under the Workforce
12 Innovation and Opportunity Act, as appropriate, using state and
13 regional business and labor market projections, including the use
14 of labor market information.

15 (j) “Individual with employment barriers” means an individual
16 with any characteristic that substantially limits an individual’s
17 ability to obtain employment, including indicators of poor work
18 history, lack of work experience, or access to employment in
19 nontraditional occupations, long-term unemployment, lack of
20 educational or occupational skills attainment, dislocation from
21 high-wage and high-benefit employment, low levels of literacy or
22 English proficiency, disability status, or welfare dependency,
23 including members of all of the following groups:

24 (1) Displaced homemakers.

25 (2) Low-income individuals.

26 (3) Indians, Alaska Natives, and Native Hawaiians, as those
27 terms are defined in Section 3221 of Title 29 of the United States
28 Code.

29 (4) Individuals with disabilities, including youths who are
30 individuals with disabilities.

31 (5) Older individuals.

32 (6) Ex-offenders.

33 (7) Homeless individuals, as defined in Section 14043e-2(6) of
34 Title 42 of the United States Code, or homeless children and
35 youths, as defined in Section 11434a(2) of Title 42 of the United
36 States Code.

37 (8) Youth who are in, or have aged out of, the foster care system.

38 (9) Individuals who are English language learners, individuals
39 who have low levels of literacy, and individuals facing substantial
40 cultural barriers.

1 (10) Eligible migrant and seasonal farmworkers, as defined in
2 Section 3322(i) of Title 29 of the United States Code.

3 (11) Individuals within two years of exhausting lifetime
4 eligibility under Part A of Title IV of the Social Security Act (42
5 U.S.C.A. *U.S.C. Sec.* 601 et. seq.).

6 (12) Single parents, including single, pregnant women.

7 (13) Long-term unemployed individuals.

8 (14) Any other groups as the Governor determines to have
9 barriers to employment.

10 (k) “Industry cluster” means a geographic concentration or
11 emerging concentration of interdependent industries with direct
12 service, supplier, and research relationships, or independent
13 industries that share common resources in a given regional
14 economy or labor market. An industry cluster is a group of
15 employers closely linked by common product or services,
16 workforce needs, similar technologies, and supply chains in a given
17 regional economy or labor market.

18 (l) “Industry or sector partnership” means a workforce
19 collaborative, convened or acting in partnership with the board or
20 a local board, that does the following:

21 (1) Organizes key stakeholders in an industry cluster into a
22 working group that focuses on the shared goals and human
23 resources needs of the industry cluster and that includes, at the
24 appropriate stage of development of the partnership:

25 (A) Representatives of multiple businesses or other employers
26 in the industry cluster, including small and medium-sized
27 employers when practicable.

28 (B) One or more representatives of a recognized state labor
29 organization or central labor council, or another labor
30 representative, as appropriate.

31 (C) One or more representatives of an institution of higher
32 education with, or another provider of, education or training
33 programs that support the industry cluster.

34 (2) The workforce collaborative may include representatives of
35 any of the following:

36 (A) State or local government.

37 (B) State or local economic development agencies.

38 (C) State boards or local boards, as appropriate.

39 (D) A state workforce agency or other entity providing
40 employment services.

- 1 (E) Other state or local agencies.
2 (F) Business or trade associations.
3 (G) Economic development organizations.
4 (H) Nonprofit organizations, community-based organizations,
5 or intermediaries.
6 (I) Philanthropic associations.
7 (J) ~~Industry-associations~~ *associations*.
8 (K) Other organizations, as determined to be necessary by the
9 members comprising the industry sector or partnership.
10 (m) “Industry sector” means those firms that produce similar
11 products or provide similar services using somewhat similar
12 business processes, and are closely linked by workforce needs,
13 within a regional labor market.
14 (n) “Local labor federation” means a central labor council that
15 is an organization of local unions affiliated with the California
16 Labor Federation or a local building and construction trades council
17 affiliated with the State Building and Construction Trades Council.
18 (o) “Sector strategies” means methods of prioritizing
19 investments in competitive and emerging industry sectors and
20 industry clusters on the basis of labor market and other economic
21 data indicating strategic growth potential, especially with regard
22 to jobs and income, and exhibit the following characteristics:
23 (1) Focus workforce investment in education and workforce
24 training programs that are likely to lead to jobs providing economic
25 security or to an entry-level job with a well-articulated career
26 pathway into a job providing economic security.
27 (2) Effectively boost labor productivity or reduce business
28 barriers to growth and expansion stemming from workforce supply
29 problems, including skills gaps and occupational shortages by
30 directing resources and making investments to plug skills gaps
31 and provide education and training programs for high-priority
32 occupations.
33 (3) May be implemented using articulated career pathways or
34 lattices and a system of stackable credentials.
35 (4) May target underserved communities, disconnected youths,
36 incumbent workers, and recently separated military veterans.
37 (5) Frequently are implemented using industry or sector
38 partnerships.
39 (6) Typically are implemented at the regional level where sector
40 firms, those employers described in subdivisions (j) and (l), often

1 share a common labor market and supply chains. However, sector
2 strategies may also be implemented at the state or local level
3 depending on sector needs and labor market conditions.

4 (p) “Workforce Innovation and Opportunity Act of 2014” means
5 the federal act enacted as Public Law 113-128.

6 SEC. 9. The heading of Article 1 (commencing with Section
7 14010) of Chapter 3 of Division 7 of the Unemployment Insurance
8 Code is amended to read:

9
10 Article 1. California Workforce Development Board

11
12 SEC. 10. Section 14010 of the Unemployment Insurance Code
13 is amended to read:

14 14010. The California Workforce Development Board is the
15 body responsible for assisting the Governor in the development,
16 oversight, and continuous improvement of California’s workforce
17 investment system and the alignment of the education and
18 workforce investment systems to the needs of the 21st century
19 economy and workforce.

20 SEC. 11. Section 14012 of the Unemployment Insurance Code
21 is amended to read:

22 14012. The board shall be appointed by the Governor to assist
23 in the development of the State Plan and to carry out other
24 functions, as described in Section 14103. The board shall be
25 comprised of the Governor and representatives from the following
26 categories:

27 (a) Two members of each house of the Legislature, appointed
28 by the appropriate presiding officer of each house.

29 (b) A majority of board members shall be representatives of
30 business who:

31 (1) Are owners of businesses, chief executives or operating
32 officers of businesses, and other business executives or employers
33 with optimum policymaking or hiring authority, who, in addition,
34 may be members of a local board described in Section
35 3122(b)(2)(A)(i) of Title 29 of the United States Code.

36 (2) Represent businesses, including small businesses, or
37 organizations representing businesses that include high-quality,
38 work-relevant training and development in in-demand industry
39 sectors or occupations in the state.

1 (3) Are appointed from a group of individuals nominated by
2 state business organizations and business trade associations.

3 (c) (1) ~~At least~~ *Not less than* 20 percent of board members shall
4 be representatives of the workforce within the state, ~~and shall~~
5 ~~include:~~ *including representatives of labor organizations nominated*
6 *by state labor federations, who shall not be less than 15 percent*
7 *of the board membership and who shall include at least one*
8 *representative that is a member of a labor organization or a*
9 *training director, from a joint labor-management apprenticeship*
10 *program, or if no such joint program exists in the state, such a*
11 *representative of an apprenticeship program in the state.*

12 ~~(A) Representatives of labor organizations, who have been~~
13 ~~nominated by state labor federations, amounting to not less than~~
14 ~~15 percent of state board membership.~~

15 ~~(B) A representative, who shall be a member of a labor~~
16 ~~organization or a training director, from a joint labor-management~~
17 ~~apprenticeship program, or if no such joint program exists in the~~
18 ~~state, such a representative of an apprenticeship program in the~~
19 ~~state.~~

20 (2) Representatives appointed pursuant to this subdivision may
21 include:

22 (A) Representatives of community-based organizations that
23 have demonstrated experience and expertise in addressing the
24 employment, training, or education needs of individuals with
25 barriers to employment, including organizations that serve veterans
26 or that provide or support competitive, integrated employment for
27 individuals with disabilities.

28 (B) Representatives of organizations that have demonstrated
29 experience and expertise in addressing the employment, training,
30 or education needs of eligible youth, including representatives of
31 organizations that serve out-of-school youth.

32 (d) The balance of board members:

33 (1) Shall include representatives of government that are lead
34 state officials with primary responsibility for the core programs
35 and shall include chief elected officials, collectively representing
36 cities, counties, and cities and counties where appropriate.

37 (2) May include other representatives and officials as the
38 Governor may designate, like any of the following:

39 (A) State agency officials from agencies that are one-stop
40 partners, not specified in paragraph (1), including additional

1 one-stop partners whose programs are covered by the State Plan,
2 if any.

3 (B) State agency officials responsible for economic development
4 or juvenile justice programs in the state.

5 (C) Individuals who represent an Indian tribe or tribal
6 organization, as those terms are defined in Section 3221(b) of Title
7 29 of the United States Code.

8 (D) State agency officials responsible for education programs
9 in the state, including chief executive officers of community
10 colleges and other institutions of higher education.

11 *(e) Other requirements of board membership shall include:*

12 *(1) The Governor shall select a chairperson for the board from*
13 *among the representatives described in subdivision (b).*

14 *(2) The members of the board shall represent diverse geographic*
15 *areas of the state, including urban, rural, and suburban areas.*

16 SEC. 12. Section 14013 of the Unemployment Insurance Code
17 is amended to read:

18 14013. The board shall assist the Governor in the following:

19 (a) Promoting the development of a well-educated and highly
20 skilled 21st century workforce.

21 (b) Developing, implementing, and modifying the State Plan.
22 The State Plan shall serve as the comprehensive framework and
23 coordinated plan for the aligned investment of all federal and state
24 workforce training and employment services funding streams and
25 programs. To the extent feasible and when appropriate, the state
26 plan should reinforce and work with adult education and career
27 technical education efforts that are responsive to labor market
28 trends.

29 (c) The review of statewide policies, of statewide programs,
30 and of recommendations on actions that should be taken by the
31 state to align workforce, education, training, and employment
32 funding programs in the state in a manner that supports a
33 comprehensive and streamlined workforce development system
34 in the state, including the review and provision of comments on
35 the State Plan, if any, for programs and activities of one-stop
36 partners that are not core programs.

37 (d) Developing and continuously improving the statewide
38 workforce investment system, including:

1 (1) The identification of barriers and means for removing
2 barriers to better coordinate, align, and avoid duplication among
3 the programs and activities carried out through the system.

4 (2) The development of strategies to support the use of career
5 pathways for the purpose of providing individuals, including
6 low-skilled adults, youth, and individuals with barriers to
7 employment, including individuals with disabilities, with workforce
8 investment activities, education, and supportive services to enter
9 or retain employment. To the extent permissible under state and
10 federal laws, these policies and strategies should support linkages
11 between kindergarten and grades 1 to 12, inclusive, and community
12 college educational systems in order to help secure educational
13 and career advancement. These policies and strategies may be
14 implemented using a sector strategies framework and should
15 ultimately lead to placement in a job providing economic security
16 or job placement in an entry-level job that has a well-articulated
17 career pathway or career ladder to a job providing economic
18 security.

19 (3) The development of strategies for providing effective
20 outreach to and improved access for individuals and employers
21 who could benefit from services provided through the workforce
22 development system.

23 (4) The development and expansion of strategies for meeting
24 the needs of employers, workers, and jobseekers, particularly
25 through industry or sector partnerships related to in-demand
26 industry sectors and occupations, including policies targeting
27 resources to competitive and emerging industry sectors and industry
28 clusters that provide economic security and are either high-growth
29 sectors or critical to California's economy, or both. These industry
30 sectors and clusters shall have significant economic impacts on
31 the state and its regional and workforce development needs and
32 have documented career opportunities.

33 (5) Recommending adult and dislocated worker training policies
34 and investments that offer a variety of career opportunities while
35 upgrading the skills of California's workforce. These may include
36 training policies and investments pertaining to any of the following:

37 (A) Occupational skills training, including training for
38 nontraditional employment.

39 (B) On-the-job training.

1 (C) Incumbent worker training in accordance with Section
2 3174(d)(4) of Title 29 of the United States Code.

3 (D) Programs that combine workplace training with related
4 instruction, which may include cooperative education programs.

5 (E) Training programs operated by the private sector.

6 (F) Skill upgrading and retraining.

7 (G) Entrepreneurial training.

8 (H) Transitional jobs in accordance with Section 3174 (d)(5)
9 of Title 29 of the United States Code.

10 (I) Job readiness training provided in combination with any of
11 the services described in subparagraphs (A) to (H), inclusive.

12 (J) Adult education and literacy activities provided in
13 combination with any of the services described subparagraphs (A)
14 to (G), inclusive.

15 (K) Customized training conducted with a commitment by an
16 employer or group of employers to employ an individual upon
17 successful completion of the training.

18 (e) The identification of regions, including planning regions,
19 for the purposes of Section 3121(a) of Title 29 of the United States
20 Code, and the designation of local areas under Section 3121 of
21 Title 29 of the United States Code, after consultation with local
22 boards and chief elected officials.

23 (f) The development and continuous improvement of the
24 one-stop delivery system in local areas, including providing
25 assistance to local boards, one-stop operators, one-stop partners,
26 and providers with planning and delivering services, including
27 training services and supportive services, to support effective
28 delivery of services to workers, job seekers, and employers.

29 (g) Recommending strategies to the Governor for strategic
30 training investments of the Governor's 15-percent discretionary
31 funds.

32 (h) Developing strategies to support staff training and awareness
33 across programs supported under the workforce development
34 system.

35 (i) The development and updating of comprehensive state
36 performance accountability measures, including state adjusted
37 levels of performance, to assess the effectiveness of the core
38 programs in the state as required under Section 3141(b) of Title
39 29 of the United States Code. As part of this process the board
40 shall do all of the following:

1 (1) Develop a workforce metrics dashboard, to be updated
2 annually, that measures the state's human capital investments in
3 workforce development to better understand the collective impact
4 of these investments on the labor market. The workforce metrics
5 dashboard shall be produced using existing available data and
6 resources that are currently collected and accessible to state
7 agencies. The board shall convene workforce program partners to
8 develop a standardized set of inputs and outputs for the workforce
9 metrics dashboard. The workforce metrics dashboard shall do all
10 of the following:

11 (A) Provide a status report on credential attainment, training
12 completion, degree attainment, and participant earnings from
13 workforce education and training programs. The board shall publish
14 and distribute the final report.

15 (B) Provide demographic breakdowns, including, to the extent
16 possible, race, ethnicity, age, gender, veteran status, wage and
17 credential or degree outcomes, and information on workforce
18 outcomes in different industry sectors.

19 (C) Measure, at a minimum and to the extent feasible with
20 existing resources, the performance of the following workforce
21 programs: community college career technical education, the
22 Employment Training Panel, Title I and Title II of the federal
23 Workforce Investment Act of 1998, Trade Adjustment Assistance,
24 and state apprenticeship programs.

25 (D) Measure participant earnings in California, and to the extent
26 feasible, in other states. The Employment Development Department
27 shall assist the board by calculating aggregated participant earnings
28 using unemployment insurance wage records, without violating
29 any applicable confidentiality requirements.

30 (2) The State Department of Education is hereby authorized to
31 collect the social security numbers of adults participating in adult
32 education programs so that accurate participation in those programs
33 can be represented in the report card. However, an individual shall
34 not be denied program participation if he or she refuses to provide
35 a social security number. The State Department of Education shall
36 keep this information confidential and shall only use this
37 information for tracking purposes, in compliance with all applicable
38 state and federal law.

39 (3) (A) Participating workforce programs, as specified in clause
40 subparagraph (C) of paragraph (1), shall provide participant data

1 in a standardized format to the Employment Development
2 Department.

3 (B) The Employment Development Department shall aggregate
4 data provided by participating workforce programs and shall report
5 the data, organized by demographics, earnings, and industry of
6 employment, to the board to assist the board in producing the
7 annual workforce metrics dashboard.

8 (j) The identification and dissemination of information on best
9 practices, including best practices for all of the following:

10 (1) The effective operation of one-stop centers, relating to the
11 use of business outreach, partnerships, and service delivery
12 strategies, including strategies for serving individuals with barriers
13 to employment.

14 (2) The development of effective local boards, which may
15 include information on factors that contribute to enabling local
16 boards to exceed negotiated local levels of performance, sustain
17 fiscal integrity, and achieve other measures of effectiveness.

18 (3) Effective training programs that respond to real-time labor
19 market analysis, that effectively use direct assessment and prior
20 learning assessment to measure an ~~individual's~~ *individual's* prior
21 knowledge, skills, competencies, and experiences, and that evaluate
22 such skills, and competencies for adaptability, to support efficient
23 placement into employment or career pathways.

24 (k) The development and review of statewide policies affecting
25 the coordinated provision of services through the ~~state's~~ *state's*
26 one-stop delivery system described in Section 3151(e) of Title 29
27 of the United States Code, including the development of all of the
28 following:

29 (1) Objective criteria and procedures for use by local boards in
30 assessing the effectiveness and continuous improvement of
31 one-stop centers described in Section 3151(e) of Title 29 of the
32 United States Code.

33 (2) Guidance for the allocation of one-stop center infrastructure
34 funds under Section 3151(h) of Title 29 of the United States Code.

35 (3) Policies relating to the appropriate roles and contributions
36 of entities carrying out one-stop partner programs within the
37 one-stop delivery system, including approaches to facilitating
38 equitable and efficient cost allocation in such system.

39 (l) The development of strategies for technological
40 improvements to facilitate access to, and improve the quality of,

1 services and activities provided through the one-stop delivery
2 system, including such improvements to all of the following:

3 (1) Enhance digital literacy skills, as defined in Section 9101
4 of Title 20 of the United States Code, referred to in this division
5 as “digital literacy skills.”

6 (2) Accelerate the acquisition of skills and recognized
7 postsecondary credentials by participants.

8 (3) Strengthen the professional development of providers and
9 workforce professionals.

10 (4) Ensure the technology is accessible to individuals with
11 disabilities and individuals residing in remote areas.

12 (m) The development of strategies for aligning technology and
13 data systems across one-stop partner programs to enhance service
14 delivery and improve efficiencies in reporting on performance
15 accountability measures, including the design and implementation
16 of common intake, data collection, case management information,
17 and performance accountability measurement and reporting
18 processes and the incorporation of local input into such design and
19 implementation, to improve coordination of services across
20 one-stop partner programs.

21 (n) The development of allocation formulas for the distribution
22 of funds for employment and training activities for adults, and
23 youth workforce investment activities, to local areas as permitted
24 under Sections 3163(b)(3) and 3173(b)(3) of Title 29 of the United
25 States Code.

26 (o) The preparation of the annual reports described in paragraphs
27 (1) and (2) of Section 3141(d) of Title 29 of the United States
28 Code.

29 (p) The development of the statewide workforce and labor
30 market information system described in Section 491–2(e) of Title
31 29 of the United States Code.

32 (q) The development of such other policies as may promote
33 statewide objectives for, and enhance the performance of, the
34 workforce development system in the state.

35 SEC. 13. Section 14017 of the Unemployment Insurance Code
36 is amended to read:

37 14017. (a) In efforts to expand job training and employment
38 for allied health professions, the California Workforce
39 Development Board, in consultation with the Division of
40 Apprenticeship Standards, shall do the following:

1 (1) Identify opportunities for “earn and learn” job training
2 opportunities that meet the industry’s workforce demands and that
3 are in high-wage, high-demand jobs.

4 (2) Identify and develop specific requirements and qualifications
5 for entry into “earn and learn” job training models.

6 (3) Establish standards for “earn and learn” job training
7 programs that are outcome oriented and accountable. The standards
8 shall measure the results from program participation, including a
9 measurement of how many complete the program with an
10 industry-recognized credential that certifies that the individual is
11 ready to enter the specific allied health profession for which he or
12 she has been trained.

13 (4) Develop means to identify, assess, and prepare a pool of
14 qualified candidates seeking to enter “earn and learn” job training
15 models.

16 (b) (1) The board, on or before December 1, 2015, shall prepare
17 and submit to the appropriate policy committees of the Legislature
18 a report on the findings and recommendations of the board.

19 (2) The requirement for submitting a report imposed pursuant
20 to this subdivision is inoperative on January 1, 2019, pursuant to
21 Section 10231.5 of the Government Code.

22 SEC. 14. The heading of Article 2 (commencing with Section
23 14020) of Chapter 3 of Division 7 of the Unemployment Insurance
24 Code is amended to read:

25
26 Article 2. State Planning and Sectors
27

28 SEC. 15. Section 14020 of the Unemployment Insurance Code
29 is amended to read:

30 14020. (a) The California Workforce Development Board, in
31 collaboration with state and local partners, including the Chancellor
32 of the California Community Colleges, the State Department of
33 Education, other appropriate state agencies, and local workforce
34 development boards, shall develop the State Plan to serve as a
35 framework for the development of public policy, employment
36 services, fiscal investment, and operation of all state labor
37 exchange, workforce education, and training programs to address
38 the state’s economic, demographic, and workforce needs. The
39 strategic workforce plan shall be prepared in a manner consistent

1 with the requirements of the federal Workforce Innovation and
2 Opportunity Act of 2014.

3 (b) Consistent with the federal Workforce Innovation and
4 Opportunity Act, the State Plan shall provide a framework for state
5 workforce policies and support sector strategies.

6 (c) The California Workforce Development Board shall work
7 collaboratively with state and local partners to identify ways to
8 eliminate systemwide barriers and better align and leverage federal,
9 state, and local Workforce Innovation and Opportunity Act funding
10 streams, and other funding streams, and policies to develop,
11 support, and sustain regional alliances of employers and workforce
12 and education professionals who are working to improve the
13 educational pipeline, establish well-articulated career pathways,
14 provide industry-recognized credentials, certificates, and
15 recognized postsecondary credentials, and address the career
16 advancement needs of current and future workers in competitive
17 and emergent industry sectors and clusters. The California
18 Workforce Development Board and its partners shall work
19 collaboratively to maximize state and local investments and pursue
20 other resources to address the skills-gap needs identified pursuant
21 to paragraph (3) of subdivision (d).

22 (d) In order to support the requirement of the plans in
23 subdivision (a), the California Workforce Development Board
24 shall do the following:

25 (1) Identify industry sectors and industry clusters that have a
26 competitive economic advantage and demonstrated economic
27 importance to the state and its regional economies. In developing
28 this analysis, the California Workforce Development Board shall
29 consider the expertise of local workforce development boards in
30 the state's respective regional economies and shall encourage the
31 local workforce development boards to identify industry sectors
32 and industry clusters that have a competitive economic advantage
33 and demonstrated economic importance in their respective local
34 workforce development areas.

35 (2) Identify new dynamic emergent industry sectors and industry
36 clusters with substantial potential to generate new jobs and income
37 growth for the state and its regional economies. In developing this
38 analysis, the California Workforce Development Board shall
39 consider the expertise of local workforce development boards in
40 the state's respective regional economies and shall encourage the

1 local workforce development boards to identify new dynamic
2 emergent industry sectors and industry clusters with substantial
3 potential to generate new jobs and income growth in their
4 respective local workforce development areas.

5 (3) Provide a skills-gap analysis enumerating occupational and
6 skills shortages in the industry sectors and industry clusters
7 identified as having strategic importance to the state's economy
8 and its regional economies. In developing this analysis, the
9 California Workforce Development Board shall consider the
10 expertise of local workforce development boards in the state's
11 respective regional economies and shall encourage the local
12 workforce development boards to conduct skills-gap analysis for
13 their respective local workforce development areas. Skills-gap
14 analysis for the state and its regional economies shall use labor
15 market data to specify a list of high-priority, in-demand occupations
16 for the state and its regional economies. This list shall be used to
17 inform investment decisions and eligible training provider policies.

18 (4) Establish, with input from local workforce development
19 boards and other stakeholders, initial and subsequent eligibility
20 criteria for the federal Workforce Innovation and Opportunity Act
21 of 2014 eligible training provider list that effectively directs
22 training resources into training programs leading to employment
23 in high-demand, high-priority, and occupations that provide
24 economic security, particularly those facing a shortage of skilled
25 workers. The subsequent eligibility criteria, to the extent feasible,
26 shall use performance and outcome measures to determine whether
27 a provider is qualified to remain on the list. At a minimum, initial
28 and subsequent eligibility criteria shall consider the following:

29 (A) The relevance of the training program to the workforce
30 needs of the state's strategic industry sectors and industry clusters.

31 (B) The need to plug skills gaps and skills shortages in the
32 economy, including skills gaps and skills shortages at the state and
33 regional level.

34 (C) The need to plug skills gaps and skills shortages in local
35 workforce development areas.

36 (D) The likelihood that the training program will lead to job
37 placement in a job providing economic security or job placement
38 in an entry-level job that has a well-articulated career pathway or
39 career ladder to a job providing economic security.

1 (E) The need for basic skills in combination with programs that
2 provide occupational skills training for individuals with barriers
3 to employment and those who would otherwise be unable to enter
4 occupational skills training.

5 (F) To the extent feasible, utilize criteria that measure training
6 and education provider performance, including, but not limited to,
7 the following:

8 (i) Measures of skills or competency attainment.

9 (ii) Measures relevant to program completion, including
10 measures of course, certificate, degree, licensure, and program of
11 study rate of completion.

12 (iii) For those entering the labor market, measures of
13 employment placement and retention.

14 (iv) For those continuing in training or education, measures of
15 educational or training progression.

16 (v) For those who have entered the labor market, measures of
17 income, including wage measures.

18 (G) The division of labor for making initial and subsequent
19 eligibility determinations under this division shall be modeled on
20 the division of labor envisioned in the federal Workforce
21 Innovation and Opportunity Act of 2014.

22 (H) If the state receives a waiver from the federal subsequent
23 eligibility provisions specified in the federal Workforce Innovation
24 and Opportunity Act of 2014, the state workforce development
25 board shall establish its own subsequent eligibility criteria that
26 take into account all of the criteria specified in subparagraphs (A)
27 to (G), inclusive.

28 SEC. 16. Section 14022 of the Unemployment Insurance Code
29 is repealed.

30 SEC. 17. The heading of Article 1 (commencing with Section
31 14200) of Chapter 4 of Division 7 of the Unemployment Insurance
32 Code is amended to read:

33
34 Article 1. Local Workforce Development Board
35

36 SEC. 18. Section 14200 of the Unemployment Insurance Code
37 is amended to read:

38 14200. (a) The local chief elected officials in a local workforce
39 development area shall form, pursuant to guidelines established

1 by the Governor and the board, a local workforce development
2 board to plan and oversee the workforce investment system.

3 (b) The Governor shall periodically certify one local board for
4 each local area in the state, following the requirements of the
5 federal Workforce Innovation and Opportunity Act of 2014.

6 (c) The Governor shall establish, through the California
7 Workforce Development Board, standards for certification of
8 high-performance local workforce development boards. The
9 California Workforce Development Board shall, in consultation
10 with representatives from local workforce development boards,
11 initiate a stakeholder process to determine the appropriate
12 measurable metrics and standards for high-performance
13 certification. These standards shall be implemented on or before
14 January 1, 2013, and the first certification of high-performance
15 boards shall occur on or before July 1, 2013. Certification and
16 recertification of each high-performance local workforce
17 development board shall occur thereafter midway through the
18 implementation of the local and regional plans required by the
19 Workforce Innovation and Opportunity Act. In order to meet the
20 standards for certification, a high-performance local workforce
21 development board shall do all of the following:

22 (1) Consistently meet or exceed negotiated performance goals
23 for all of the measures in each of the three federal Workforce
24 Innovation and Opportunity Act of 2014 customer groups, which
25 consist of adults, dislocated workers, and youth.

26 (2) Consistently meet the statutory requirements of this division.

27 (3) Develop and implement local policies and a local strategic
28 plan that meets all of the following requirements:

29 (A) Meets all local and regional planning requirements specified
30 under the federal Workforce Innovation and Development Act of
31 2014.

32 (B) Is consistent with the California Workforce Development
33 Board State Plan.

34 (C) Describes the actions that the board shall take to implement
35 local policies in furtherance of its goals.

36 (D) Serves as a written account of intended future courses of
37 action aimed at achieving the specific goals of the local and state
38 board within a specific timeframe.

39 (E) Explains what needs to be done, by whom, and when each
40 action is required to occur in order to meet those goals.

1 (4) Demonstrate that the local planning process involves key
2 stakeholders, including the major employers and industry groups
3 in the relevant regional economy and organized labor.

4 (5) Demonstrate that the local planning process takes into
5 account the entire workforce training pipeline for the relevant
6 regional economy, including partners in K-12 education, career
7 technical education, the community college system, other
8 postsecondary institutions, and other local workforce development
9 areas operating in relevant regional economy.

10 (6) Demonstrate that the local planning process and plan are
11 data driven, and that policy decisions at the local level are evidence
12 based. Each high-performance local workforce development board
13 shall use labor market data to develop and implement the local
14 plan, taking care to steer resources into programs and services that
15 are relevant to the needs of each workforce development area's
16 relevant regional labor market and high-wage industry sectors.
17 Local workforce development areas shall demonstrate an
18 evidence-based approach to policymaking by establishing
19 performance benchmarks and targets to measure progress toward
20 local goals and objectives.

21 (7) Demonstrate investment in workforce initiatives, and,
22 specifically, training programs that promote skills development
23 and career ladders relevant to the needs of each workforce
24 investment area's regional labor market and high-wage industry
25 sectors.

26 (8) Establish a youth strategy aligned with the needs of each
27 workforce investment area's regional labor market and high-wage
28 industry sectors.

29 (9) Establish a business service plan that integrates local
30 business involvement with workforce initiatives. This plan at a
31 minimum shall include all of the following:

32 (A) Efforts to partner with businesses to identify the workforce
33 training and educational barriers to attract jobs in the relevant
34 regional economy, existing skill gaps reducing the competitiveness
35 of local businesses in the relevant regional economies, and potential
36 emerging industries that would likely contribute to job growth in
37 the relevant regional economy if investments were made for
38 training and educational programs.

39 (B) An electronic system for both businesses and job seekers
40 to communicate about job opportunities.

1 (C) A subcommittee of the local workforce development board
2 that further develops and makes recommendations for the business
3 service plan for each local workforce development board in an
4 effort to increase employer involvement in the activities of the
5 local workforce development board. The subcommittee members
6 should be comprised of business representatives on the local
7 workforce development board who represent both the leading
8 industries and employers in the relevant regional economy and
9 potential emerging sectors that have significant potential to
10 contribute to job growth in the relevant regional economy if
11 investments were made for training and educational programs.

12 (d) The Governor and the Legislature, as part of the annual
13 budget process, in consultation with the California Workforce
14 Development Board, shall annually reserve a portion of the
15 15-percent discretionary fund made available pursuant to the
16 federal Workforce Innovation and Opportunity Act of 2014 for
17 the purpose of providing performance incentives to
18 high-performance local workforce development boards. The
19 remaining discretionary funds shall continue to be available for
20 other discretionary purposes as provided for in the federal
21 Workforce Innovation and Opportunity Act of 2014.

22 (e) Only a workforce development board that is certified as a
23 high-performance local workforce development board by the
24 California Workforce Development Board shall be eligible to
25 receive any incentive money reserved for high-performance local
26 workforce development boards, as described in subdivision (d).
27 A board that is not certified as a high-performance local workforce
28 development board shall not receive any portion of the money
29 reserved for high-performance local workforce development
30 boards, as described in subdivision (d).

31 (f) The California Workforce Development Board shall establish
32 a policy for the allocation of incentive moneys to high-performance
33 local workforce development boards.

34 (g) To the extent permitted by the Workforce Innovation and
35 Opportunity Act of 2014, the California Workforce Development
36 Board may consider the utilization of incentive grants, or direct
37 assistance, or both, to local workforce development boards for the
38 purposes of this section.

39 (h) There shall not be a requirement to set aside federal
40 Workforce Innovation and Opportunity Act of 2014 funds for the

1 purposes of subdivisions (d), (e), (f), or (g) in years when the
2 federal government significantly reduces the share of federal
3 Workforce Innovation and Opportunity Act of 2014 funds
4 appropriated to the state for statewide discretionary purposes below
5 the federal statutory amount of 15 percent.

6 SEC. 19. Section 14201 of the Unemployment Insurance Code
7 is amended to read:

8 14201. Local workforce development boards shall be
9 established in each local workforce development area of the state
10 to assist the local chief elected official in planning, oversight, and
11 evaluation of local workforce investment. The local board shall
12 promote effective outcomes consistent with statewide goals,
13 objectives, and negotiated local performance standards.

14 SEC. 20. Section 14202 of the Unemployment Insurance Code
15 is repealed.

16 SEC. 21. Section 14202 is added to the Unemployment
17 Insurance Code, to read:

18 14202. The Governor, in partnership with the board, shall
19 establish criteria for use by chief elected officials in the local areas
20 for appointment of members of the local boards. Such criteria shall
21 require that, at a minimum, all of the following:

22 (a) A majority of the members of each local board shall be
23 representatives of business in the local area, who:

24 (1) Are owners of businesses, chief executives or operating
25 officers of businesses, or other business executives or employers
26 with optimum policymaking or hiring authority.

27 (2) Represent businesses, including small businesses, or
28 organizations representing businesses described in this subdivision,
29 that provide employment opportunities that, at a minimum, include
30 high-quality, work-relevant training and development in in-demand
31 industry sectors or occupations in the local area.

32 (3) Are appointed from among individuals nominated by local
33 business organizations and business trade associations.

34 (b) Not less than 20 percent of the members of each local board
35 shall be representatives of the workforce within the local area,
36 who:

37 (1) Shall include representatives of labor organizations, for a
38 local area in which employees are represented by labor
39 organizations, who have been nominated by local labor federations
40 and these representatives shall amount to not less than 15 percent

1 of local board membership. For a local area in which no employees
2 are represented by such organizations other representatives of
3 employees shall be appointed to the board but any local board that
4 appoints representatives of employees that are not nominated by
5 local labor federations shall demonstrate that no employees are
6 represented by such organizations in the local area. *membership,*
7 *and be subject to the following:*

8 (A) *For a local area in which no employees are represented by*
9 *such organizations, other representatives of employees shall be*
10 *appointed to the board but any local board that appoints*
11 *representatives of employees that are not nominated by local labor*
12 *federations shall demonstrate that no employees are represented*
13 *by such organizations in the local area.*

14 (2)

15 (B) Shall include a representative, who shall be a member of a
16 labor organization or a training director, from a joint
17 labor-management apprenticeship program, or if no such joint
18 program exists in the area, such a representative of a state-approved
19 apprenticeship program in the area, if such a program exists.

20 (3)

21 (2) May include representatives of community-based
22 organizations that have demonstrated experience and expertise in
23 addressing the employment needs of individuals with barriers to
24 employment, including organizations that serve veterans or that
25 provide or support competitive integrated employment for
26 individuals with disabilities.

27 (4)

28 (3) May include representatives of organizations that have
29 demonstrated experience and expertise in addressing the
30 employment, training, or education needs of eligible youth,
31 including representatives of organizations that serve out-of-school
32 youth.

33 (c) Each local board shall include representatives of entities
34 administering education and training activities in the local area,
35 who:

36 (1) Shall include a representative of eligible providers
37 administering adult education and literacy activities under Title II
38 of the Workforce Innovation and Opportunity Act.

1 (2) Shall include a representative of institutions of higher
2 education providing workforce investment activities, including
3 community colleges.

4 (3) May include representatives of local educational agencies,
5 and of community-based organizations with demonstrated
6 experience and expertise in addressing the education or training
7 needs of individuals with barriers to employment.

8 (d) Each local board shall include representatives of
9 governmental and economic and community development entities
10 serving the local area, who:

11 (1) Shall include a representative of economic and community
12 development entities.

13 (2) Shall include an appropriate representative from the state
14 employment service office under the Wagner-Peyser Act (29 U.S.C.
15 *Sec.* 49 et seq.) serving the local area.

16 (3) Shall include an appropriate representative of the programs
17 carried out under Title I of the Rehabilitation Act of 1973 (29
18 U.S.C. *Sec.* 720 et seq.), other than Section 112 or Part C of that
19 Title (29 U.S.C. *Sec.* 732, 741), serving the local area.

20 ~~(4) Shall include an appropriate representative of the programs~~
21 ~~carried out under Title I of the Rehabilitation Act of 1973 (29~~
22 ~~U.S.C. 720 et seq.), other than Section 112 or Part C of that Title~~
23 ~~(29 U.S.C. 732, 741), serving the local area.~~

24 ~~(5)~~

25 (4) May include representatives of philanthropic organizations
26 serving the local area.

27 (e) Each local board may include such other individuals or
28 representatives of entities as the chief elected official in the local
29 area may determine to be appropriate.

30 SEC. 22. Section 14203 of the Unemployment Insurance Code
31 is repealed.

32 SEC. 23. Section 14204 of the Unemployment Insurance Code
33 is repealed.

34 SEC. 24. Section 14206 of the Unemployment Insurance Code
35 is repealed.

36 SEC. 25. Section 14206 is added to the Unemployment
37 Insurance Code, to read:

38 14206. Consistent with the requirements of the Workforce
39 Innovation and Opportunity Act, the local board shall do all of the
40 following:

(a) In partnership with the chief elected official for the local area involved, develop and submit a local plan to the Governor that meets the requirements of the Workforce Innovation and Opportunity Act. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in the Workforce and Innovation and Opportunity Act.

(b) In order to assist in the development and implementation of the local plan, the local board shall do all of the following:

(1) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities, including education and training, in the region described in Section 3123(b)(1)(D) of Title 29 of the United States Code, and regularly update such information.

(2) Assist the Governor in developing the statewide workforce and labor market information system described in Section 15(e) of the Wagner-Peyser Act (29 U.S.C. *Sec.* 491–2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region.

(3) Conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

(c) Convene local workforce development system stakeholders to assist in the development of the local plan under Section 3123 of Title 29 of the United States Code and in identifying nonfederal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subdivision.

(d) Lead efforts to engage with a diverse range of employers and with entities in the region involved to do all of the following:

(1) Promote business representation, particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region, on the local board.

(2) Develop effective linkages, including the use of intermediaries, with employers in the region to support employer

1 utilization of the local workforce development system and to
2 support local workforce investment activities.

3 (3) Ensure that workforce investment activities meet the needs
4 of employers and support economic growth in the region, by
5 enhancing communication, coordination, and collaboration among
6 employers, economic development entities, and service providers.

7 (4) Develop and implement proven or promising strategies for
8 meeting the employment and skill needs of workers and employers,
9 like the establishment of industry and sector partnerships, that
10 provide the skilled workforce needed by employers in the region,
11 and that expand employment and career advancement opportunities
12 for workforce development system participants in in-demand
13 industry sectors or occupations.

14 (e) With representatives of secondary and postsecondary
15 education programs, lead efforts in the local area to develop and
16 implement career pathways within the local area by aligning the
17 employment, training, education, and supportive services that are
18 needed by adults and youth, particularly individuals with barriers
19 to employment.

20 (f) Lead efforts in the local area to accomplish both of the
21 following:

22 (1) Identify and promote proven and promising strategies and
23 initiatives for meeting the needs of employers, and workers and
24 jobseekers, including individuals with barriers to employment, in
25 the local workforce development system, including providing
26 physical and programmatic accessibility, in accordance with
27 Section 3248 of Title 29 of the United States Code, if applicable,
28 and applicable provisions of the Americans with Disabilities Act
29 of 1990 (42 U.S.C. *Sec.* 12101 et seq.), to the one-stop delivery
30 system.

31 (2) Identify and disseminate information on proven and
32 promising practices carried out in other local areas for meeting
33 these needs.

34 (g) Develop strategies for using technology to maximize the
35 accessibility and effectiveness of the local workforce development
36 system for employers, and workers and jobseekers, by doing all
37 of the following:

38 (1) Facilitating connections among the intake and case
39 management information systems of the one-stop partner programs

1 to support a comprehensive workforce development system in the
2 local area.

3 (2) Facilitating access to services provided through the one-stop
4 delivery system involved, including facilitating the access in remote
5 areas.

6 (3) Identifying strategies for better meeting the needs of
7 individuals with barriers to employment, including strategies that
8 augment traditional service delivery, and increase access to services
9 and programs of the one-stop delivery system, such as improving
10 digital literacy skills.

11 (4) Leveraging resources and capacity within the local workforce
12 development system, including resources and capacity for services
13 for individuals with barriers to employment.

14 (h) In partnership with the chief elected official for the local
15 area, shall conduct oversight for local youth workforce investment
16 activities as required under the federal Workforce Innovation and
17 Opportunity Act, ensure the appropriate use and management of
18 the funds as required under the Workforce Innovation and
19 Opportunity Act, and, for workforce development activities, ensure
20 the appropriate use, management, and investment of funds to
21 maximize performance outcomes as required under the federal
22 Workforce Innovation and Opportunity Act.

23 (i) Negotiate and reach agreement on local performance
24 accountability measures, as described in Section 3141(c) of Title
25 29 of the United States Code, with the chief elected official and
26 the Governor.

27 (j) Select and provide access to system operators, service
28 providers, trainers, and educators, in a manner consistent with the
29 requirements of the Workforce Innovation and Opportunity Act
30 and applicable state laws, including all of the following:

31 (1) Consistent with Section 3151(d) of Title 29 of the United
32 States Code, and with the agreement of the chief elected official
33 for the local area, designate or certify one-stop operators as
34 described in Section 3151(d)(2)(A) of Title 29 of the United States
35 Code and terminate for cause the eligibility of these operators.

36 (2) Consistent with Section 3153 of Title 29 of the United States
37 Code, identify eligible providers of youth workforce investment
38 activities in the local area by awarding grants or contracts on a
39 competitive basis, except as provided in Section 3153(b) of Title
40 29 of the United States Code, based on the recommendations of

1 the youth standing committee, if such a committee is established
2 for the local area and terminate for cause the eligibility of these
3 providers.

4 (3) Consistent with Section 3152 of Title 29 of the United States
5 Code and paragraph (4) of subdivision (d) of Section 14020,
6 identify eligible providers of training services in the local area.

7 (4) If the one-stop operator does not provide career services
8 described in Section 3174(c)(2) of Title 29 of the United States
9 Code in a local area, identify eligible providers of those career
10 services in the local area by awarding contracts.

11 (5) Consistent with Section 3152 of Title 29 of the United States
12 Code and paragraphs (2) and (3) of Section 3174(c) of Title 29 of
13 the United States Code, work with the state to ensure there are
14 sufficient numbers and types of providers of career services and
15 training services, including eligible providers with expertise in
16 assisting individuals with disabilities and eligible providers with
17 expertise in assisting adults in need of adult education and literacy
18 activities, serving the local area and providing the services involved
19 in a manner that maximizes consumer choice, as well as providing
20 opportunities that lead to competitive integrated employment for
21 individuals with disabilities.

22 (k) Consistent with the requirements of the Workforce
23 Innovation and Opportunity Act, coordinate activities with
24 education and training providers in the local area, including
25 providers of workforce development activities, providers of adult
26 education and literacy activities under Title II of the Workforce
27 Innovation and Opportunity Act, providers of career and technical
28 education, as defined in Section 2302 of Title 20 of the United
29 States Code, and local agencies administering plans under Title I
30 of the Rehabilitation Act of 1973 (29 U.S.C. *Sec.* 720 et seq.),
31 other than Section 112 or Part C of that Title (29 U.S.C. *Sec.* 732,
32 741).

33 SEC. 26. Section 14206.1 of the Unemployment Insurance
34 Code is repealed.

35 SEC. 27. Section 14207 of the Unemployment Insurance Code
36 is amended to read:

37 14207. The local board, in order to carry out its functions:

38 (a) Shall prepare a budget for the purpose of carrying out the
39 duties of the local board as specified under this section, subject to
40 the approval of the local chief elected official.

1 (b) Shall direct the activities of the local board's executive
2 director.

3 (c) May employ additional staff to carry out the activities as
4 described in the local board's plan.

5 (d) May solicit and accept contributions and grant funds from
6 other sources.

7 (e) Shall not provide training services unless the Governor grants
8 a written waiver in accordance with the process outlined in the
9 Workforce Innovation and Opportunity Act.

10 (f) May provide career services described in Section 3174(c)(2)
11 of Title 29 of the United States Code through a one-stop delivery
12 system or be designated or certified as a one-stop operator only
13 with the agreement of the chief elected official in the local area
14 and the Governor.

15 SEC. 28. Section 14208 of the Unemployment Insurance Code
16 is repealed.

17 SEC. 29. Section 14208 is added to the Unemployment
18 Insurance Code, to read:

19 14208. A local workforce development board may establish
20 as a standing committee to provide information and to assist with
21 planning, operational, and other issues relating to the provision of
22 services to youth, which shall include community-based
23 organizations with a demonstrated record of success in serving
24 eligible youth. Members of this committee shall be appointed in
25 conformity with the requirements of the federal Workforce
26 Innovation and Opportunity Act.

27 SEC. 30. Section 14209 of the Unemployment Insurance Code
28 is amended to read:

29 14209. It is the intent of the Legislature that ~~when~~ *if* appointing
30 members to any standing committee on the provision of youth
31 services, the local workforce investment board and the local chief
32 elected official shall endeavor to appoint:

33 (a) Representatives of youth who are enrolled in school, and
34 out of school youth.

35 (b) Representatives from the private sector.

36 (c) Representatives of local educational agencies serving youth.

37 (d) Representatives of private nonprofit agencies serving youth.

38 (e) Representatives of apprenticeship training programs serving
39 youth.

1 SEC. 31. Section 14210 of the Unemployment Insurance Code
2 is repealed.

3 SEC. 32. Section 14211 of the Unemployment Insurance Code
4 is amended to read:

5 14211. (a) (1) Beginning program year 2012, an amount equal
6 to at least 25 percent of funds available under Title I of the federal
7 Workforce Innovation and Opportunity Act of 2014 (Public Law
8 113-128) provided to local workforce investment boards for adults
9 and dislocated workers shall be spent on workforce training
10 programs. This minimum may be met either by spending 25 percent
11 of those base formula funds on training or by combining a portion
12 of those base formula funds with leveraged funds as specified in
13 subdivision (b).

14 (2) Beginning program year 2016, an amount equal to at least
15 30 percent of funds available under Title I of the federal Workforce
16 Innovation and Opportunity Act of 2014 (Public Law 113-128)
17 provided to local workforce development boards for adults and
18 dislocated workers shall be spent on workforce training programs.
19 This minimum may be met either by spending 30 percent of those
20 base formula funds on training or by combining a portion of those
21 base formula funds with leveraged funds as specified in subdivision
22 (b).

23 (3) Expenditures that shall count toward the minimum
24 percentage of funds shall include only training services as defined
25 in Section 3174(c)(3)(D) of Title 29 of the United States Code and
26 the corresponding sections of the Code of Federal Regulations,
27 including all of the following:

28 (A) Occupational skills training, including training for
29 nontraditional employment.

30 (B) On-the-job training.

31 (C) Programs that combine workplace training with related
32 instruction, which may include cooperative education programs.

33 (D) Training programs operated by the private sector.

34 (E) Skill upgrading and retraining.

35 (F) Entrepreneurial training.

36 (G) Incumbent worker training in accordance with Section
37 3174(d)(4) of Title 29 of the United States Code.

38 (H) Transitional jobs in accordance with Section 3174(d)(5) of
39 Title 29 of the United States Code.

1 (I) Job readiness training provided in combination with any of
2 the services described in subparagraphs (A) to (H), ~~inclusive~~.
3 *inclusive*.

4 (J) Adult education and literacy activities provided in
5 combination with services described in any of subparagraphs (A)
6 to (G), inclusive.

7 (K) Customized training conducted with a commitment by an
8 employer or group of employers to employ an individual upon
9 successful completion of the training.

10 (b) (1) Local workforce development boards may receive a
11 credit of up to 10 percent of their adult and dislocated worker
12 formula fund base allocations for public education and training
13 funds and private resources from industry and from joint
14 labor-management trusts that are leveraged by a local workforce
15 development board for training services described in paragraph
16 (3) of subdivision (a). This credit may be applied toward the
17 minimum training requirements in paragraphs (1) and (2) of
18 subdivision (a).

19 (A) Leveraged funds that may be applied toward the credit
20 allowed by this subdivision shall only include the following:

21 (i) Federal Pell Grants established under Title IV of the federal
22 Higher Education Act of 1965 (20 U.S.C. Sec. 1070 et seq.).

23 (ii) Programs authorized by the federal Workforce Innovation
24 and Opportunity Act of 2014 (Public Law 113-128).

25 (iii) Trade adjustment assistance.

26 (iv) Department of Labor National Emergency Grants.

27 (v) Match funds from employers, industry, and industry
28 associations.

29 (vi) Match funds from joint labor-management trusts.

30 (vii) Employment training panel grants.

31 (B) Credit for leveraged funds shall only be given if the local
32 workforce development board keeps records of all training
33 expenditures it chooses to apply to the credit. Training expenditures
34 may only be applied to the credit if the relevant training costs can
35 be independently verified by the Employment Development
36 Department and training participants must be coenrolled in the
37 federal Workforce Innovation and Opportunity Act of 2014
38 performance monitoring system.

39 (2) The use of leveraged funds to partially meet the training
40 requirements specified in paragraphs (1) and (2) of subdivision

1 (a) is the prerogative of a local workforce development board.
2 Costs arising from the recordkeeping required to demonstrate
3 compliance with the leveraging requirements of this subdivision
4 are the responsibility of the local board.

5 (c) Beginning program year 2012, the Employment Development
6 Department shall calculate for each local workforce development
7 board, within six months after the end of the second program year
8 of the two-year period of availability for expenditure of federal
9 Workforce Innovation and Opportunity Act of 2014 funds, whether
10 the local workforce development board met the requirements of
11 subdivision (a). The Employment Development Department shall
12 provide to each local workforce development board its individual
13 calculations with respect to the expenditure requirements of
14 subdivision (a).

15 (d) A local workforce development area that does not meet the
16 requirements of subdivision (a) shall submit a corrective action
17 plan to the Employment Development Department that provides
18 reasons for not meeting the requirements and describes actions
19 taken to address the identified expenditure deficiencies. A local
20 workforce development area shall provide a corrective action plan
21 to the Employment Development Department pursuant to this
22 section within 90 days of receiving the calculations described in
23 subdivision (c).

24 (e) For the purpose of this section, “program year” has the same
25 meaning as provided in Section 667.100 of Title 20 of the Code
26 of Federal Regulations.

27 SEC. 33. Section 14220 of the Unemployment Insurance Code
28 is amended to read:

29 14220. Each local board shall develop and submit to the
30 Governor a comprehensive four-year local plan in partnership with
31 the appropriate chief local elected official. The local plan shall be
32 consistent with the State Plan. If the local area is part of a planning
33 region, the local board shall comply with Section 3121(c) of Title
34 29 of the United States Code in the preparation and submission of
35 a regional plan. At the end of the first two-year period of the
36 four-year local plan, each local board shall review the local plan
37 and the local board, in partnership with the chief elected official,
38 shall prepare and submit modifications to the local plan to reflect
39 changes in labor market and economic conditions or in other factors
40 affecting the implementation of the local plan.

1 SEC. 34. Section 14221 of the Unemployment Insurance Code
2 is repealed.

3 SEC. 35. Section 14221 is added to the Unemployment
4 Insurance Code, to read:

5 14221. The local plan shall include all of the following:

6 (a) A description of the strategic planning elements consisting
7 of each of the following:

8 (1) An analysis of the regional economic conditions, including,
9 existing and emerging in-demand industry sectors and occupations
10 and the employment needs of employers in those industry sectors
11 and occupations.

12 (2) An analysis of the knowledge and skills needed to meet the
13 employment needs of the employers in the region, including
14 employment needs in in-demand industry sectors and occupations.

15 (3) An analysis of the workforce in the region, including current
16 labor force employment and unemployment data, and information
17 on labor market trends, and the educational and skill levels of the
18 workforce in the region, including individuals with barriers to
19 employment.

20 (4) An analysis of the workforce development activities,
21 including education and training, in the region, including an
22 analysis of the strengths and weaknesses of such services, and the
23 capacity to provide such services, to address the identified
24 education and skill needs of the workforce and the employment
25 needs of employers in the region.

26 (5) A description of the local board's strategic vision and goals
27 for preparing an educated and skilled workforce, including youth
28 and individuals with barriers to employment, including goals
29 relating to the performance accountability measures based on
30 primary indicators of performance described in Section
31 3141(b)(2)(A) of Title 29 of the United States Code in order to
32 support regional economic growth and economic self-sufficiency.

33 (6) Taking into account analyses described in paragraphs (1) to
34 (4), inclusive, a strategy to work with the entities that carry out
35 the core programs to align resources available to the local area, to
36 achieve the strategic vision and goals described in paragraph (5).

37 (b) A description of the workforce development system in the
38 local area that identifies the programs that are included in that
39 system and how the local board will work with the entities carrying
40 out core programs and other workforce development programs to

1 support alignment to provide services, including programs of study
2 authorized under the Carl D. Perkins Career and Technical
3 Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the
4 strategy identified in the State Plan under Section 3112(b)(1)(E)
5 of the Title 29 of the United States Code.

6 (c) A description of how the local board, working with the
7 entities carrying out core programs, will expand access to
8 employment, training, education, and supportive services for
9 eligible individuals, particularly eligible individuals with barriers
10 to employment, including how the local board will facilitate the
11 development of career pathways and co-enrollment, as appropriate,
12 in core programs, and improve access to activities leading to a
13 recognized postsecondary credential, including a credential that
14 is an industry-recognized certificate or certification, portable, and
15 stackable.

16 (d) A description of the strategies and services that will be used
17 in the local area in order to facilitate engagement of employers,
18 including small employers and employers in in-demand industry
19 sectors and occupations, in workforce development programs,
20 support a local workforce development system that meets the needs
21 of businesses in the local area, better coordinate workforce
22 development programs and economic development, and strengthen
23 linkages between the one-stop delivery system and unemployment
24 insurance programs. This may include the implementation of
25 initiatives such as incumbent worker training programs, on-the-job
26 training programs, customized training programs, industry and
27 sector strategies, career pathways initiatives, utilization of effective
28 business intermediaries, and other business services and strategies,
29 designed to meet the needs of employers in the corresponding
30 region in support of the strategy described in paragraph (5) of
31 subdivision (a).

32 (e) A description of how the local board will coordinate
33 workforce investment activities carried out in the local area with
34 economic development activities carried out in the region in which
35 the local area is located, or planning region, and promote
36 entrepreneurial skills training and microenterprise services.

37 (f) A description of the one-stop delivery system in the local
38 area, including all of the following:

39 (1) A description of how the local board will ensure the
40 continuous improvement of eligible providers of services through

1 the system and ensure that such providers meet the employment
2 needs of local employers, and workers and jobseekers.

3 (2) A description of how the local board will facilitate access
4 to services provided through the one-stop delivery system,
5 including in remote areas, through the use of technology and
6 through other means.

7 (3) A description of how entities within the one-stop delivery
8 system, including one-stop operators and the one-stop partners,
9 will comply with Section 3248 of Title 29 of the United States
10 Code, if applicable, and applicable provisions of the Americans
11 with Disabilities Act of 1990 (42 U.S.C. *Sec.* 12101 et seq.)
12 regarding the physical and programmatic accessibility of facilities,
13 programs and services, technology, and materials for individuals
14 with disabilities, including providing staff training and support for
15 addressing the needs of individuals with disabilities.

16 (4) A description of the roles and resource contributions of the
17 one-stop partners.

18 (g) A description and assessment of the type and availability of
19 adult and dislocated worker employment and training activities in
20 the local area.

21 (h) A description of how the local board will coordinate
22 workforce investment activities carried out in the local area with
23 statewide rapid response activities, as described in Section
24 3174(a)(2)(A) of this Title 29 of the United States Code.

25 (i) A description and assessment of the type and availability of
26 youth workforce investment activities in the local area, including
27 activities for youth who are individuals with disabilities, which
28 description and assessment shall include an identification of
29 successful models of such youth workforce investment activities.

30 (j) A description of how the local board will coordinate
31 education and workforce investment activities carried out in the
32 local area with relevant secondary and postsecondary education
33 programs and activities to coordinate strategies, enhance services,
34 and avoid duplication of services.

35 (k) A description of how the local board will coordinate
36 workforce investment activities carried out under this article in
37 the local area with the provision of transportation, including public
38 transportation, and other appropriate supportive services in the
39 local area.

1 (l) A description of plans and strategies for, and assurances
2 concerning, maximizing coordination of services provided by the
3 state employment service under the Wagner-Peyser Act (29 U.S.C.
4 *Sec. 49 et seq.*) and services provided in the local area through the
5 one-stop delivery system, to improve service delivery and avoid
6 duplication of services.

7 (m) A description of how the local board will coordinate
8 workforce investment activities carried out in the local area with
9 the provision of adult education and literacy activities in the local
10 area, including a description of how the local board will carry out,
11 consistent with subparagraphs (A) and (B)(i) of Section
12 3122(d)(11) of Title 29 of the United States Code and Section
13 3322 of Title 29 of the United States Code, the review of local
14 applications.

15 (n) A description of the replicated cooperative agreements, as
16 defined in Section 3122(d)(11) of Title 29 of the United States
17 Code between the local board or other local entities described in
18 ~~section~~ Section 101(a)(11)(B) of the Rehabilitation Act of 1973
19 (29 U.S.C. *Sec. 721(a)(11)(B)*) and the local office of a designated
20 state agency or designated state unit administering programs carried
21 out under Title I of that act, other than Section 112 or Part C of
22 that Title (29 U.S.C. ~~732~~, *Secs. 732 and 741*) and subject to Section
23 3151(f) of Title 29 of the United States Code, in accordance with
24 Section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C.
25 *Sec. 721(a)(11)*) with respect to efforts that will enhance the
26 provision of services to individuals with disabilities and to other
27 individuals, such as cross training of staff, technical assistance,
28 use and sharing of information, cooperative efforts with employers,
29 and other efforts at cooperation, collaboration, and coordination.

30 (o) An identification of the entity responsible for the disbursal
31 of grant funds described in Section 3122(d)(12)(B)(i)(III) of Title
32 29 of the United States Code, as determined by the chief elected
33 official or the Governor under Section 3122(d)(12)(B)(i) of Title
34 29 of the United States Code.

35 (p) A description of the competitive process to be used to award
36 the subgrants and contracts in the local area for activities carried
37 out pursuant to this act.

38 (q) A description of the local levels of performance negotiated
39 with the Governor and chief elected official pursuant to Section
40 3141(c) of Title 29 of the United States Code, to be used to measure

1 the performance of the local area and to be used by the local board
2 for measuring the performance of the local fiscal agent, where
3 appropriate, eligible providers, and the one-stop delivery system,
4 in the local area.

5 (r) A description of the actions the local board will take toward
6 becoming or remaining a high-performing board, consistent with
7 the factors developed by the board pursuant to Section 3111(d)(6)
8 of Title 29 of the United States Code. This federal requirement is
9 separate and apart from state standards pertaining to the
10 certification of high-performance local workforce development
11 boards.

12 (s) A description of how training services will be provided in
13 accordance with Section 3174(c)(3)(G) of Title 29 of the United
14 States Code, including, if contracts for the training services will
15 be used, how the use of such contracts will be coordinated with
16 the use of individual training accounts and how the local board
17 will ensure informed customer choice in the selection of training
18 programs regardless of how the training services are to be provided.

19 (t) A description of the process used by the local board,
20 consistent with subsection (d), to provide an opportunity for public
21 comment, including comment by representatives of businesses and
22 comment by representatives of labor organizations, and input into
23 the development of the local plan, prior to submission of the plan.

24 (u) A description of how one-stop centers are implementing and
25 transitioning to an integrated, technology-enabled intake and case
26 management information system for programs carried out under
27 this act and programs carried out by one-stop partners.

28 (v) Any other information as the Governor may require.

29 SEC. 36. Section 14222 of the Unemployment Insurance Code
30 is amended to read:

31 14222. To the extent permitted under the federal Workforce
32 Innovation and Opportunity Act, the local board may submit a
33 local unified plan that includes or integrates the local workforce
34 investment and other local workforce plans such as:

35 (a) An instructional and job training plan required by Section
36 10200 of the Education Code.

37 (b) A plan for community college curriculum development or
38 redesign required pursuant to Section 79202 of the Education Code.

39 (c) A county plan for CalWORKs required by Section 10531
40 of the Welfare and Institutions Code.

1 (d) A local welfare-to-work plan required by Section 5063, to
2 the extent permitted under federal law.

3 SEC. 37. Section 14223 of the Unemployment Insurance Code
4 is amended to read:

5 14223. Prior to the date upon which the local board submits a
6 local plan, the local board shall make available copies of a proposed
7 local plan to the public through electronic and other means, like
8 public hearings and local news media, allow members of the public,
9 including representatives of business, representatives of labor
10 organizations, and representatives of education to submit comments
11 on the proposed local plan to the local board not later than the end
12 of the 30-day period beginning on the date on which the proposed
13 local plan is made available and submit the plan to the Governor
14 along with any comments that were in disagreement with the plan.

15 SEC. 38. Section 14230 of the Unemployment Insurance Code
16 is amended to read:

17 14230. (a) It is the intent of the Legislature that:

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

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

23 (3) Universal access to career services shall be available to adult
24 residents regardless of income, education, employment barriers,
25 or other eligibility requirements. Career services shall include, but
26 not be limited to:

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

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

31 (C) Job search and placement assistance.

32 (D) Career counseling, where appropriate.

33 (E) Provision of labor market information.

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

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

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

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

7 (J) Comprehensive and specialized assessments of skill levels
8 and service needs, including learning disability screening.

9 (K) Development of individual employment plans.

10 (L) Counseling.

11 (M) Career planning.

12 (N) Short-term prevocational services to prepare an individual
13 for training or employment.

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

18 (5) Training services shall be made available to individuals who
19 have met the requirements for ~~intensive~~ *career* services, have been
20 unable to obtain or retain employment through career services, are
21 in need of training services to obtain or retain employment that
22 leads to economic self-sufficiency or wages comparable to, or
23 higher than, wages from previous employment, have the skills and
24 qualifications to successfully participate in the training, and have
25 selected a program of services directly linked to occupations in
26 demand in the local or regional area. Training services may include:

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

29 (B) On-the-job training.

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

32 (D) Training programs operated by the private sector.

33 (E) Skill upgrading and retraining.

34 (F) Entrepreneurial training.

35 (G) Incumbent worker training, in accordance with Section
36 134(d)(4) of the Workforce Innovation and Opportunity Act.

37 (H) Transitional jobs, in accordance with Section 134(d)(5) of
38 the Workforce Innovation and Opportunity Act.

39 (I) Job readiness training, provided in combination with any
40 service under subparagraphs (A) to (H), inclusive.

1 (J) Adult education and literacy activities, including vocational
2 English as a second language, provided in combination with
3 subparagraphs (A) through (G), inclusive.

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

8 (6) As prescribed in the Workforce Innovation and Opportunity
9 Act, adult recipients of public assistance, other low-income adults,
10 and individuals who are basic skills deficient shall be given priority
11 for training services and career services described in Section
12 134(d)(2)(A)(xii) of the Workforce Innovation and Opportunity
13 Act.

14 (b) Each local workforce development board shall establish at
15 least one full service one-stop career center in the local workforce
16 development area. Each full service one-stop career center shall
17 have all entities required to be partners in Section 3151 of Title
18 29 of the United States Code as partners and shall provide
19 jobseekers with integrated employment, education, training, and
20 job search services. Additionally, employers will be provided with
21 access to comprehensive career and labor market information, job
22 placement, economic development information, performance and
23 program information on service providers, and other such services
24 as the businesses in the community may require.

25 (c) Local boards may also establish affiliated and specialized
26 centers, as defined in the Workforce Innovation and Opportunity
27 Act of 2014, which shall act as portals into the larger local one-stop
28 system, but are not required to have all of the partners specified
29 for full service one-stop centers.

30 (d) Each local board shall develop a policy for identifying
31 individuals who, because of their skills or experience, should be
32 referred immediately to training services. To the extent permitted
33 under the Workforce Innovation and Opportunity Act of 2014, this
34 policy, along with the methods for referral of individuals between
35 the one-stop operators and the one-stop partners for appropriate
36 services and activities, shall be contained in the memorandum of
37 understanding between the local board and the one-stop partners.

38 (e) The California Workforce Development Board and each
39 local board shall ensure that programs and services funded by the
40 Workforce Innovation and Opportunity Act of 2014 and directed

1 to apprenticeable occupations, including preapprenticeship training,
2 are conducted, to the maximum extent feasible, in coordination
3 with one or more apprenticeship programs approved by the
4 Division of Apprenticeship Standards for the occupation and
5 geographic area. The California Workforce Development Board
6 and each local board shall also develop a policy of fostering
7 collaboration between community colleges and approved
8 apprenticeship programs in the geographic area to provide
9 preapprenticeship training, apprenticeship training, and continuing
10 education in apprenticeable occupations through the approved
11 apprenticeship programs.

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

16 SEC. 39. Section 14230.5 of the Unemployment Insurance
17 Code is amended to read:

18 14230.5. For purposes of this division and any laws governing
19 workforce development programs, and to the extent permitted
20 under Chapter 32 of Title 29 of the United States Code and any
21 related regulations, entrance into a registered apprenticeship
22 program shall be considered placement into a job.

23 SEC. 40. Section 14231 of the Unemployment Insurance Code
24 is amended to read:

25 14231. (a) The local providers of the following programs or
26 activities shall be required partners in the local one-stop system:

27 (1) Programs authorized under Title I of the Workforce
28 Innovation and Opportunity Act.

29 (2) Programs authorized under the Wagner-Peyser Act (29
30 U.S.C. Sec. 49 et seq.).

31 (3) Adult education and literacy activities authorized under Title
32 II of the Workforce Innovation and Opportunity Act.

33 (4) Programs authorized under Title I of the Rehabilitation Act
34 of 1973 (29 U.S.C. Sec. 720 et seq.) other than Section 112 or Part
35 C of the act (29 U.S.C. *Sec. 732; and 741*).

36 (5) Activities authorized under Title V of the Older Americans
37 Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

38 (6) Career and technical education programs at the
39 postsecondary level authorized under the Carl D. Perkins Career
40 and Technical Education Act of 2006 (20 U.S.C. Sec. 2301 et seq.).

1 (7) Activities authorized under Chapter 2 of Title II of the Trade
2 Act of 1974 (19 U.S.C. Sec. 2271 et seq.).

3 (8) Activities authorized under Chapter 41 (commencing with
4 Section 4100) of Title 38 of the United States Code.

5 (9) Employment and training activities carried out under the
6 Community Services Block Grant Act (42 U.S.C. Sec. 9901 et
7 seq.).

8 (10) Employment and training activities carried out by the
9 Department of Housing and Urban Development.

10 (11) Programs authorized by this code, in accordance with
11 applicable federal law.

12 (12) Programs authorized under ~~section~~ *Section* 212 of the
13 Second Chance Act of 2007 (42 U.S.C. *Sec.* 17532).

14 (13) Programs authorized under ~~part~~ *Part A* of ~~title~~ *Title IV* of
15 the Social Security Act (42 U.S.C. *Sec.* 601 et seq.)

16 (b) Community-based organizations that provide ~~intensive~~
17 *career* services as described in subparagraphs (J) to (N), inclusive,
18 of paragraph (1) of subdivision (a) of Section 14230, shall be
19 encouraged to be one-stop partners.

20 SEC. 41. Section 14232 of the Unemployment Insurance Code
21 is amended to read:

22 14232. In conformity with the requirements of Section 3151
23 of Title 29 of the United States Code, and all applicable state and
24 federal laws and regulations, the local board, with the agreement
25 of the chief local elected official for the local area, shall develop
26 and enter into a memorandum of understanding with the local
27 one-stop partners, designate, certify, and terminate one-stop
28 operators, and conduct oversight over the local one-stop delivery
29 system.

30 SEC. 42. Section 14235 of the Unemployment Insurance Code
31 is amended to read:

32 14235. To the full extent permitted by federal law, required
33 by federal law, or both, the Employment Development Department
34 shall utilize its Wagner-Peyser funded activities and programs to
35 support local one-stop career centers.

36 SEC. 43. Section 14500 of the Unemployment Insurance Code
37 is amended to read:

38 14500. Notwithstanding any other provision of law, when a
39 person using his or her Workforce Innovation and Opportunity
40 Act individual training account enrolls in an adult education

1 program, a noncredit curricula program at a community college,
2 or a regional occupational center or program, for which state funds
3 are allocated, all of the following shall apply:

4 (a) The entities administering the program may use Workforce
5 Innovation and Opportunity Act individual training account funds
6 only to increase the number of hours of services provided above
7 their adult block entitlement pursuant to Section 52616 of the
8 Education Code and funding limit for regional occupational center
9 programs for the purpose of enhancing services already supported
10 with state funds. Any state funds provided to these entities above
11 their adult block entitlements and funding limit for regional
12 occupational center programs shall be subject to an appropriation
13 in the annual Budget Act.

14 (b) Any state funds allocated to the entity administering the
15 program shall not be offset with the Workforce Innovation and
16 Opportunity Act individual training account funds.

17 (c) The entity administering the program shall use the Workforce
18 Innovation and Opportunity Act individual training account funds
19 received for the program.

20 SEC. 44. Section 14510 of the Unemployment Insurance Code
21 is amended to read:

22 14510. To the extent permitted by federal law, school districts
23 and county offices of education are eligible to apply to local
24 workforce development boards to provide basic skills training and
25 skills necessary for attaining a secondary school diploma.

26 SEC. 45. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 this act implements a federal law or regulation and results only in
29 costs mandated by the federal government, within the meaning of
30 Section 17556 of the Government Code.