

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1507

**Introduced by Committee on Labor and Employment
(Assembly Members Roger Hernández (Chair), Chu, Low,
McCarty, and Thurmond)**

March 4, 2015

An act to amend Sections 47605.1, 47612.1, 52052.3, 52302.8, 52520, 53082, 69439, 84830, and 88640 of the Education Code, to amend Sections 1091.2, 12803.6, and 95501 of the Government Code, to amend Section 4658.7 of the Labor Code, to amend Section 999.80 of the Military and Veterans Code, to amend Section 14403 of the Public Resources Code, to amend Sections 320.5, 325.6, 1177.5, 1269, 1279.5, 2051, ~~9600.7~~, 9809.5, 10200, 10204, 10205, 11024, ~~14002~~, ~~14003~~, ~~14004.5~~, ~~14005~~, ~~14013~~, ~~14020~~, ~~14200~~, ~~14206~~, ~~14208~~, ~~14211~~, ~~14221~~, ~~14230~~, ~~14231~~, ~~14500~~, 18002, and 18008 of the Unemployment Insurance Code, and to amend Section 16522.1 of the Welfare and Institutions Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as amended, Committee on Labor and Employment. California Workforce Investment Act.

Existing law, the federal Workforce Investment Act of 1998, authorizes workforce investment activities, including activities in which states may participate. Existing federal law, the Workforce Innovation and Opportunity Act, beginning July 1, 2015, repeals and supersedes that act and provides for the establishment of a state workforce development board to develop strategies to support the use of career pathways for the purpose of providing individuals with workforce

investment activities, education, and support services necessary for them to enter the workforce or retain employment. Existing law contains various programs for job training and employment investment, including work incentive programs.

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

By revising the duties of local workforce investment boards to conform to the federal Workforce Innovation and Opportunity Act, this bill would impose 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 47605.1 of the Education Code is
2 amended to read:

3 47605.1. (a) (1) Notwithstanding any other law, a charter
4 school that is granted a charter from the governing board of a
5 school district or county office of education after July 1, 2002, and
6 commences providing educational services to pupils on or after
7 July 1, 2002, shall locate in accordance with the geographic and
8 site limitations of this part.

9 (2) Notwithstanding any other law, a charter school that is
10 granted a charter by the state board after July 1, 2002, and
11 commences providing educational services to pupils on or after
12 July 1, 2002, based on the denial of a petition by the governing
13 board of a school district or county board of education, as described
14 in paragraphs (1) and (2) of subdivision (j) of Section 47605, may
15 locate only within the geographic boundaries of the chartering
16 entity that initially denied the petition for the charter.

17 (3) A charter school that receives approval of its charter from
18 a governing board of a school district, a county office of education,
19 or the state board before July 1, 2002, but does not commence
20 operations until after January 1, 2003, shall be subject to the

1 geographic limitations of the part, in accordance with subdivision
2 (e).

3 (b) Nothing in this section is intended to affect the admission
4 requirements contained in subdivision (d) of Section 47605.

5 (c) Notwithstanding any other law, a charter school may
6 establish a resource center, meeting space, or other satellite facility
7 located in a county adjacent to that in which the charter school is
8 authorized if the following conditions are met:

9 (1) The facility is used exclusively for the educational support
10 of pupils who are enrolled in nonclassroom-based independent
11 study of the charter school.

12 (2) The charter school provides its primary educational services
13 in, and a majority of the pupils it serves are residents of, the county
14 in which the school is authorized.

15 (d) Notwithstanding subdivision (a) of this section or subdivision
16 (a) of Section 47605, a charter school that is unable to locate within
17 the geographic boundaries of the chartering school district may
18 establish one site outside the boundaries of the school district, but
19 within the county within which that school district is located, if
20 the school district where the charter school proposes to operate is
21 notified in advance of the charter petition approval, the county
22 superintendent of schools is notified of the location of the charter
23 school before it commences operations, and either of the following
24 circumstances exist:

25 (1) The school has attempted to locate a single site or facility
26 to house the entire program but such a facility or site is unavailable
27 in the area in which the school chooses to locate.

28 (2) The site is needed for temporary use during a construction
29 or expansion project.

30 (e) (1) For a charter school that was granted approval of its
31 charter before July 1, 2002, and provided educational services to
32 pupils before July 1, 2002, this section shall only apply to any new
33 educational services or schoolsites established or acquired by the
34 charter school on or after July 1, 2002.

35 (2) For a charter school that was granted approval of its charter
36 before July 1, 2002, but did not provide educational services to
37 pupils before July 1, 2002, this section shall only apply upon the
38 expiration of a charter that is in existence on January 1, 2003.

39 (3) Notwithstanding other implementation timelines in this
40 section, by June 30, 2005, or upon the expiration of a charter that

1 is in existence on January 1, 2003, whichever is later, all charter
 2 schools shall be required to comply with this section for schoolsites
 3 at which education services are provided to pupils before or after
 4 July 1, 2002, regardless of whether the charter school initially
 5 received approval of its charter school petition before July 1, 2002.
 6 To achieve compliance with this section, a charter school shall be
 7 required to receive approval of a charter petition in accordance
 8 with this section and Section 47605.

9 (4) Nothing in this section is intended to affect the authority of
 10 a governmental entity to revoke a charter that is granted on or
 11 before the effective date of this section.

12 (f) A charter school that submits its petition directly to a county
 13 board of education, as authorized by Sections 47605.5 or 47605.6,
 14 may establish charter school operations only within the
 15 geographical boundaries of the county in which that county board
 16 of education has jurisdiction.

17 (g) Notwithstanding any other law, the jurisdictional limitations
 18 set forth in this section do not apply to a charter school that
 19 provides instruction exclusively in partnership with any of the
 20 following:

- 21 (1) The federal Workforce Innovation and Opportunity Act.
- 22 (2) Federally affiliated ~~Youth-Build~~ *Youthbuild* programs.
- 23 (3) Federal job corps training or instruction provided pursuant
 24 to a memorandum of understanding with the federal provider.
- 25 (4) The California Conservation Corps or local conservation
 26 corps certified by the California Conservation Corps pursuant to
 27 Sections 14507.5 or 14406 of the Public Resources Code.
- 28 (5) Instruction provided to juvenile court school pupils pursuant
 29 to subdivision (b) of Section 42238.18 or pursuant to Section 1981
 30 for individuals who are placed in a residential facility.

31 SEC. 2. Section 47612.1 of the Education Code, as added by
 32 Section 31 of Chapter 32 of the Statutes of 2014, is amended to
 33 read:

34 47612.1. (a) Except for the requirement that a pupil be a
 35 California resident, subdivision (b) of Section 47612 shall not
 36 apply to a charter school program that provides instruction
 37 exclusively in partnership with any of the following:

- 38 (1) The federal Workforce Innovation and Opportunity Act.
- 39 (2) Federally affiliated ~~Youth-Build~~ *Youthbuild* programs.

1 (3) Federal job corps training or instruction provided pursuant
2 to a memorandum of understanding with the federal provider.

3 (4) The California Conservation Corps or local conservation
4 corps certified by the California Conservation Corps pursuant to
5 Sections 14406 or 14507.5 of the Public Resources Code.

6 (b) This section shall become operative on July 1, 2015.

7 SEC. 3. Section 52052.3 of the Education Code is amended to
8 read:

9 52052.3. (a) As part of the alternative accountability system
10 for schools developed pursuant to subdivision (h) of Section 52052,
11 or any successor system, the Superintendent and the state board
12 shall allow no more than 10 dropout recovery high schools, as
13 defined in subdivision (b), to report, in lieu of other indicators, the
14 results of an individual pupil growth model that is proposed by
15 the school and certified by the Superintendent pursuant to
16 subdivision (c).

17 (b) For purposes of this section, “dropout recovery high school”
18 means a school offering instruction in any of grades 9 to 12,
19 inclusive, in which 50 percent or more of its pupils are either
20 designated as dropouts pursuant to the exit and withdrawal codes
21 developed by the department or left a school and were not
22 otherwise enrolled in a school for a period of at least 180 days and
23 the school provides instruction in partnership with any of the
24 following:

25 (1) The federal Workforce Innovation and Opportunity Act.

26 (2) Federally affiliated Youthbuild ~~programs (42 U.S.C. Sec.~~
27 ~~12899 et seq.).~~ *programs.*

28 (3) Federal job corps training or instruction provided pursuant
29 to a memorandum of understanding with the federal provider.

30 (4) The California Conservation Corps or local conservation
31 corps certified by the California Conservation Corps pursuant to
32 Section 14406 or 14507.5 of the Public Resources Code.

33 (c) A dropout recovery high school shall submit to the
34 Superintendent a certification that the high school meets the criteria
35 specified in subdivision (b) and provide a summary of data derived
36 from the California Longitudinal Pupil Achievement Data System
37 pursuant to Chapter 10 (commencing with Section 60900) of Part
38 33 to support that designation. A dropout recovery high school
39 shall also submit a proposed individual pupil growth model, and

1 the Superintendent shall review and certify that model if it meets
2 all of the following criteria:

3 (1) The model measures learning based on valid and reliable
4 nationally normed or criterion-referenced reading and mathematics
5 tests.

6 (2) The model measures skills and knowledge aligned with state
7 standards.

8 (3) The model measures the extent to which a pupil scored above
9 an expected amount of growth based on the individual pupil's
10 initial achievement score.

11 (4) The model demonstrates the extent to which a school is able
12 to accelerate learning on an annual basis.

13 (d) This section shall remain in effect only until January 1, 2017,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2017, deletes or extends that date.

16 SEC. 4. Section 52302.8 of the Education Code is amended to
17 read:

18 52302.8. (a) The Legislature hereby finds and declares that
19 vocational training resources that are provided through regional
20 occupational centers and programs are an essential component of
21 the state's secondary school system and the local system of
22 providing occupational skills training to high school pupils. For
23 this reason, the Legislature finds and declares that these resources
24 should be focused primarily on the needs of pupils enrolled in high
25 school.

26 (b) For the 2008–09 fiscal year, a regional occupational center
27 or program may claim no more than 50 percent of the state-funded
28 average daily attendance for which the center or program is eligible,
29 for services provided to students who are not enrolled in grades 9
30 to 12, inclusive.

31 (c) For the 2009–10 fiscal year, a regional occupational center
32 or program may claim no more than 30 percent of the state-funded
33 average daily attendance for which the center or program is eligible,
34 for services provided to students who are not enrolled in grades 9
35 to 12, inclusive.

36 (d) For the 2011–12 fiscal year and every fiscal year thereafter,
37 a regional occupational center or program may claim no more than
38 10 percent of the state-funded average daily attendance for which
39 the center or program is eligible, for services provided to students
40 who are not enrolled in grades 9 to 12, inclusive, and up to an

1 additional 5 percent for CalWORKs, Temporary Assistance
2 Program, or Job Corps participants and participants under the
3 federal Workforce Innovation and Opportunity Act who are
4 enrolled in Intensive Training services.

5 (e) Pupils who are CalWORKs, Temporary Assistance Program,
6 or Job Corps participants shall have priority for service within the
7 percentage limits established under subdivision (d).

8 (f) Notwithstanding subdivision (d), a regional occupational
9 center or program may claim more than 15 percent of its average
10 daily attendance for students who are not enrolled in grades 9 to
11 12, inclusive, if all of the students who are not enrolled in grades
12 9 to 12, inclusive, are CalWORKs, Temporary Assistance Program,
13 or Job Corps participants, and if the governing board of the regional
14 occupational center or program does all of the following:

15 (1) Meets with local human services directors, and
16 representatives of adult education programs, community colleges
17 colleges, and other institutions of higher education, to assess the
18 needs of CalWORKs, Temporary Assistance Program, ~~or~~, or Job
19 Corps and federal Workforce Innovation and Opportunity Act
20 participants to identify alternative ways to meet the needs of these
21 adult students.

22 (2) Enters into a transition plan, approved by the Superintendent,
23 to become in compliance with subdivision (d) in accordance with
24 benchmarks and timelines established in the transition plan.
25 Transition plans shall be established pursuant to guidelines issued
26 by the department, in consultation with the State Department of
27 Social Services, and shall be resubmitted and reviewed annually.

28 (g) Notwithstanding subdivisions (b), (c), and (d), a regional
29 occupational center or program that claims more than 40 percent
30 of its students are not enrolled in grades 9 to 12, inclusive, on
31 January 1, 2007, shall submit a letter to the Superintendent by July
32 1 of each year until it complies with this subdivision, outlining the
33 goals of the regional occupational center or program to reduce the
34 number of adult students in order to comply with subdivision (d)
35 on or before July 1, 2013.

36 (h) Regional occupational centers and programs operated in a
37 rural county of the sixth, seventh, or eighth class may exceed the
38 number of adults by an additional 10 percent of the limits
39 established in subdivisions (b), (c), and (d).

1 (i) (1) For purposes of this calculation, adult average daily
2 attendance attributable to continuously enrolled grade 12 pupils
3 who have not passed the high school exit examination pursuant to
4 Section 60851 is excluded from the calculation under this section.
5 Amounts that may become available from reductions resulting
6 from the enactment of this section shall be redirected to other
7 regional occupational centers or programs to serve additional
8 secondary pupils.

9 (2) Adult average daily attendance funding for a regional
10 occupational center or program that has entered into a corrective
11 action plan pursuant to subdivision (k) shall not be redirected to
12 other regional occupational centers or programs to serve additional
13 secondary pupils for up to three years while the regional
14 occupational center or program is in corrective action.

15 (j) The governing boards of a community college district and a
16 regional occupational center or program may enter into contractual
17 agreements under which the center or program provides services
18 to adult students of the community college district affected by this
19 section if both of the following are satisfied:

20 (1) The agreements conform to state regulations and audit
21 requirements jointly developed by the Chancellor of the Office of
22 the California Community Colleges and the State Department of
23 Education, in consultation with, and subject to approval by, the
24 Department of Finance.

25 (2) A course offered for adults pursuant to an agreement entered
26 into pursuant to this subdivision is limited to the same cost per
27 student to the state as if the course were offered at the regional
28 occupational center or program. This subdivision does not authorize
29 the apportionment of funds for community colleges for adult
30 students in excess of the revenue limit for regional occupational
31 centers or programs if a course is deemed eligible for college credit.

32 (k) A regional occupational center or program that fails to meet
33 a timeline established under subdivision (c), (d), or (g) shall meet
34 with the community college, adult education program, or other
35 adult service to identify alternative means of meeting the needs of
36 adult students and shall enter into a corrective action plan
37 administered by the department. The corrective action plan shall
38 be established pursuant to guidelines issued by the department and
39 shall be submitted to the department annually for review.

1 SEC. 5. Section 52520 of the Education Code is amended to
2 read:

3 52520. (a) Every vocational or occupational training program
4 for adults offered by any high school district or unified school
5 district shall be reviewed every two years by the governing board
6 to assure that each program does all of the following:

- 7 (1) Meets a documented labor market demand.
- 8 (2) Does not represent unnecessary duplication of other
9 manpower training programs in the area.
- 10 (3) Is of demonstrated effectiveness as measured by the
11 employment and completion success of its students.

12 (b) Any program that does not meet the requirements of
13 subdivision (a) and the standards promulgated by the governing
14 board shall be terminated within one year.

15 (c) The review process required by this section shall include
16 the review and comments by the local workforce Investment board
17 established pursuant to the federal Workforce Innovation and
18 Opportunity Act, and pursuant to Division 8 (commencing with
19 Section 15000) of the Unemployment Insurance Code, which
20 review and comments shall occur prior to any decision by the
21 appropriate governing body.

22 SEC. 6. Section 53082 of the Education Code is amended to
23 read:

24 53082. (a) (1) For purposes of this chapter, “local partnership”
25 means a defined system designed to deliver the school-to-career
26 programs funded pursuant to this chapter. A local partnership may
27 include, but is not limited to, a collaborative effort between
28 educators, employers, local government entities, and the public.

29 (2) For purposes of this chapter, “local partnership geographic
30 area” means the geographic area that an established local
31 partnership is designed to serve.

32 (b) To be eligible for a grant pursuant to this chapter, a local
33 entity shall, in the grant application, submit a detailed plan
34 demonstrating the following:

- 35 (1) All pupils shall be eligible and have access to the activities
36 developed in the geographic region. “All pupils” means every
37 pupil, including, but not limited to, pupils who are college bound,
38 at high risk, disabled pupils, special education pupils, male and
39 female pupils pursuing nontraditional careers, gifted pupils, pupils

1 with limited English proficiency, and economically disadvantaged
2 pupils.

3 (2) The ability to leverage funds and contributions from public
4 and private entities, including, but not limited to, the Improving
5 America’s Schools Act of 1994 (20 U.S.C. Sec. 6301), Carl Perkins
6 Vocational and Technical Education Act of 1998 (20 U.S.C. Sec.
7 2301), and the federal Workforce Innovation and Opportunity Act.

8 (3) The ability to build on and integrate other beneficial
9 workforce development and educational programs currently
10 operating in the state, including, but not limited to, tech prep
11 programs as provided through the Carl D. Perkins Vocational and
12 Applied Technology Education Amendments of 1998 (~~P.L.~~ *Public*
13 *Law* 105-332), Partnership Academies established pursuant to
14 Article 5 (commencing with Section 54690) of Chapter 9 of Part
15 29, Regional Occupational Centers and programs established
16 pursuant to Article 1 (commencing with Section 52300) of Chapter
17 9, Project WorkAbility conducted pursuant to Article 3
18 (commencing with Section 56470) of Chapter 4.7 of Part 30, youth
19 apprenticeship programs, and adult education programs.

20 (4) The ability to provide school-based learning, work-based
21 learning, and service-based learning at an appropriate level for
22 that local partnership geographic area.

23 (5) A significant level of participation and contributions from
24 business and organized labor, including, but not limited to, internal
25 school-to-career coordinator salaries, pupil wages in paid
26 work-based learning, supplies, and equipment necessary for
27 relevant school-to-career activities.

28 (6) The ability to be as inclusive as possible and engage all
29 interested, appropriate, and relevant parties in the activities of the
30 local partnership. The local partnership shall demonstrate
31 participation from representatives of local educational agencies,
32 representatives of local postsecondary educational institutions,
33 representatives of local vocational education schools, local
34 educators, parent organizations, employers, employer
35 organizations, and organized labor. The Interagency Partnership
36 for School-to-Career Programs may, as it deems necessary, require
37 additional participation from other parties, including, but not
38 limited to, community-based organizations, national trade
39 associations, industrial extension centers, rehabilitation agencies
40 and organizations, proprietary institutions of higher education,

1 local government agencies, parent organizations, teacher
2 organizations, private industry councils, and federally recognized
3 Native American tribes and Native American organizations.

4 (7) An instructional program advising pupils of an employee’s
5 and employer’s rights and obligations in the workplace.

6 (8) Accountability measurements shall demonstrate increased
7 academic performance, postsecondary enrollment, decreased
8 dropout rates, transition to appropriate employment, apprenticeship,
9 or any other job training school when applicable, and measurements
10 of pupil, parent, and employer satisfaction.

11 SEC. 7. Section 69439 of the Education Code is amended to
12 read:

13 69439. (a) For the purposes of this section, the following terms
14 have the following meanings:

15 (1) “Career pathway” has the same meaning as set forth in
16 Section 88620.

17 (2) “Economic security” has the same meaning as set forth in
18 Section 14005 of the Unemployment Insurance Code.

19 (3) “Industry cluster” has the same meaning as set forth in
20 Section 88620.

21 (4) “Long-term unemployed” means, with respect to an award
22 applicant, a person who has been unemployed for more than 26
23 weeks at the time of submission to the commission of his or her
24 application.

25 (5) “Occupational or technical training” means that phase of
26 education coming after the completion of a secondary school
27 program and leading toward recognized occupational goals
28 approved by the commission.

29 (b) A Cal Grant C award shall be utilized only for occupational
30 or technical training in a course of not less than four months. There
31 shall be the same number of Cal Grant C awards each year as were
32 made in the 2000–01 fiscal year. The maximum award amount
33 and the total amount of funding shall be determined each year in
34 the annual Budget Act.

35 (c) The commission may use criteria it deems appropriate in
36 selecting students to receive grants for occupational or technical
37 training and shall give special consideration to the social and
38 economic situations of the students applying for these grants, giving
39 additional weight to disadvantaged applicants, applicants who face
40 economic hardship, and applicants who face particular barriers to

1 employment. Criteria to be considered for these purposes shall
2 include, but are not limited to, all of the following:

3 (1) Family income and household size.

4 (2) Student’s or the students’ parent’s household status,
5 including whether the student is a single parent or child of a single
6 parent.

7 (3) The employment status of the applicant and whether the
8 applicant is unemployed, giving greater weight to the long-term
9 unemployed.

10 (d) The Cal Grant C award recipients shall be eligible for
11 renewal of their grants until they have completed their occupational
12 or technical training in conformance with terms prescribed by the
13 commission. A determination by the commission for a subsequent
14 award year that the program under which a Cal Grant C award was
15 initially awarded is no longer deemed to receive priority shall not
16 affect an award recipient’s renewal. In no case shall the grants
17 exceed two calendar years.

18 (e) Cal Grant C awards may be used for institutional fees,
19 charges, and other costs, including tuition, plus training-related
20 costs, such as special clothing, local transportation, required tools,
21 equipment, supplies, books, and living expenses. In determining
22 the individual award amounts, the commission shall take into
23 account the financial means available to the student to fund his or
24 her course of study and costs of attendance as well as other state
25 and federal programs available to the applicant.

26 (f) (1) To ensure alignment with the state’s dynamic economic
27 needs, the commission, in consultation with appropriate state and
28 federal agencies, including the Economic and Workforce
29 Development Division of the Office of the Chancellor of the
30 California Community Colleges and the California Workforce
31 Investment Board, shall identify areas of occupational and technical
32 training for which students may utilize Cal Grant C awards. The
33 commission, to the extent feasible, shall also consult with
34 representatives of the state’s leading competitive and emerging
35 industry clusters, workforce professionals, and career technical
36 educators, to determine which occupational training programs and
37 industry clusters should be prioritized.

38 (2) (A) Except as provided in subparagraph (B), the areas of
39 occupational and technical training developed pursuant to

1 paragraph (1) shall be regularly reviewed and updated at least
2 every five years, beginning in 2012.

3 (B) By January 1, 2016, the commission shall update the priority
4 areas of occupational and technical training.

5 (3) (A) The commission shall give priority in granting Cal
6 Grant C awards to students pursuing occupational or technical
7 training in areas that meet two of the following criteria pertaining
8 to job quality:

9 (i) High employer need or demand for the specific skills offered
10 in the program.

11 (ii) High employment growth in the occupational field or
12 industry cluster for which the student is being trained.

13 (iii) High employment salary and wage projections for workers
14 employed in the occupations for which they are being trained.

15 (iv) The occupation or training program is part of a
16 well-articulated career pathway to a job providing economic
17 security.

18 (B) To receive priority pursuant to subparagraph (A), at least
19 one of the criteria met shall be specified in clause (iii) or (iv) of
20 that subparagraph.

21 (g) The commission shall determine areas of occupational or
22 technical training that meet the criteria described in paragraph (3)
23 of subdivision (f) in consultation with the Employment
24 Development Department, the Economic and Workforce
25 Development Division of the Office of the Chancellor of the
26 California Community Colleges, and the California Workforce
27 Investment Board using projections available through the Labor
28 Market Information Data Library. The commission may supplement
29 the analyses of the Employment Development Department's Labor
30 Market Information Data Library with the labor market analyses
31 developed by the Economic and Workforce Development Division
32 of the Office of the Chancellor of the California Community
33 Colleges and the California Workforce Investment Board, as well
34 as the projections of occupational shortages and skills gap
35 developed by industry leaders. The commission shall publish, and
36 retain, on its Internet Web site a current list of the areas of
37 occupational or technical training that meet the criteria described
38 in paragraph (3) of subdivision (f), and update this list as necessary.

39 (h) Using the best available data, the commission shall examine
40 the graduation rates and job placement data, or salary data, of

1 eligible programs. Commencing with the 2014–15 academic year,
2 the commission shall give priority to Cal Grant C award applicants
3 seeking to enroll in programs that rate high in graduation rates and
4 job placement data, or salary data.

5 (i) (1) The commission shall consult with the Employment
6 Development Department, the Office of the Chancellor of the
7 California Community Colleges, the California Workforce
8 Investment Board, and the local workforce investment boards to
9 develop a plan to publicize the existence of the grant award
10 program to California’s long-term unemployed to be used by those
11 consulting agencies when they come in contact with members of
12 the population who are likely to be experiencing long-term
13 unemployment. The outreach plan shall use existing administrative
14 and service delivery processes making use of existing points of
15 contact with the long-term unemployed. The local workforce
16 investment boards are required to participate only to the extent
17 that the outreach efforts are a part of their existing responsibilities
18 under the federal Workforce Innovation and Opportunity Act.

19 (2) The commission shall consult with the Workforce Services
20 Branch of the Employment Development Department, the Office
21 of the Chancellor of the California Community Colleges, the
22 California Workforce Investment Board, and the local workforce
23 investment boards to develop a plan to make students receiving
24 awards aware of job search and placement services available
25 through the Employment Development Department and the local
26 workforce investment boards. Outreach shall use existing
27 administrative and service delivery processes making use of
28 existing points of contact with the students. The local workforce
29 investment boards are required to participate only to the extent
30 that the outreach efforts are a part of their existing responsibilities
31 under the federal Workforce Innovation and Opportunity Act.

32 (j) (1) Notwithstanding Section 10231.5 of the Government
33 Code, the Legislative Analyst’s Office shall submit a report to the
34 Legislature on the outcomes of the Cal Grant C program on or
35 before April 1, 2015, and on or before April 1 of each
36 odd-numbered year thereafter. This report shall include, but not
37 necessarily be limited to, information on all of the following:

38 (A) The age, gender, and segment of attendance for recipients
39 in two prior award years.

1 (B) The occupational and technical training program categories
2 prioritized.

3 (C) The number and percentage of students who received
4 selection priority as defined in paragraph (3) of subdivision (f).

5 (D) The extent to which recipients in these award years were
6 successfully placed in jobs that meet local, regional, or state
7 workforce needs.

8 (2) For the report due on or before April 1, 2015, the Legislative
9 Analyst's Office shall include data for two additional prior award
10 years and shall compare the mix of occupational and technical
11 training programs and institutions in which Cal Grant C award
12 recipients enrolled before and after implementation of subdivision
13 (f).

14 (3) A report to be submitted pursuant to this subdivision shall
15 be submitted in compliance with Section 9795 of the Government
16 Code.

17 SEC. 8. Section 84830 of the Education Code is amended to
18 read:

19 84830. (a) The Chancellor of the California Community
20 Colleges and the State Department of Education shall, pursuant to
21 funding made available in the annual Budget Act, jointly provide
22 two-year planning and implementation grants to regional consortia
23 of community college districts and school districts for the purpose
24 of developing regional plans to better serve the educational needs
25 of adults.

26 (1) Eligibility shall be limited to consortia consisting of at least
27 one community college district and at least one school district
28 within the boundaries of the community college district, either of
29 which may serve as the consortium's fiscal agent, as determined
30 by the applicant consortium.

31 (2) If a community college district chooses not to participate in
32 a consortium, a neighboring community college district may form
33 a consortium with school districts within the boundaries of the
34 nonparticipating community college district.

35 (3) Consortia may include other entities providing adult
36 education courses, including, but not necessarily limited to,
37 correctional facilities, other local public entities, and
38 community-based organizations.

- 1 (b) Grant funds provided pursuant to this section shall be used
2 by each regional consortium to create and implement a plan to
3 better provide adults in its region with all of the following:
- 4 (1) Elementary and secondary basic skills, including classes
5 required for a high school diploma or high school equivalency
6 certificate.
 - 7 (2) Classes and courses for immigrants eligible for educational
8 services in citizenship and English as a second language, and
9 workforce preparation classes in basic skills.
 - 10 (3) Education programs for adults with disabilities.
 - 11 (4) Short-term career technical education programs with high
12 employment potential.
 - 13 (5) Programs for apprentices.
- 14 (c) (1) The classes and courses described in paragraphs (1) and
15 (2) of subdivision (b) shall distribute basic information on
16 American government and civics that includes, but is not limited
17 to, instruction on all of the following:
- 18 (A) Federal, state, and local government.
 - 19 (B) The three branches of government.
 - 20 (C) The importance of civic engagement.
 - 21 (D) Registering to vote.
- 22 (2) It is the intent of the Legislature that, consistent with the
23 requirements of Sections 51225.3 and 52555, students enrolled in
24 classes and courses described in paragraphs (1) and (2) of
25 subdivision (b) in which instruction in American government and
26 civics is appropriate shall receive instruction in American
27 government and civics.
- 28 (d) Each regional consortium's plan shall include, at a minimum:
- 29 (1) An evaluation of current levels and types of adult education
30 programs within its region, including education for adults in
31 correctional facilities; credit, noncredit, and enhanced noncredit
32 adult education coursework; and programs funded through Title
33 II of the federal Workforce Innovation and Opportunity Act, known
34 as the Adult Education and Family Literacy Act.
 - 35 (2) An evaluation of current needs for adult education programs
36 within its region.
 - 37 (3) Plans for parties that make up the consortium to integrate
38 their existing programs and create seamless transitions into
39 postsecondary education or the workforce.

1 (4) Plans to address the gaps identified pursuant to paragraphs
2 (1) and (2).

3 (5) Plans to employ approaches proven to accelerate a student's
4 progress toward his or her academic or career goals, such as
5 contextualized basic skills and career technical education, and
6 other joint programming strategies between adult education and
7 career technical education.

8 (6) Plans to collaborate in the provision of ongoing professional
9 development opportunities for faculty and other staff to help them
10 achieve greater program integration and improve student outcomes.

11 (7) Plans to leverage existing regional structures, including, but
12 not necessarily limited to, local workforce investment areas.

13 (e) The Chancellor of the California Community Colleges and
14 the State Department of Education may identify additional elements
15 that consortia must include in a plan.

16 (f) (1) On or before March 1, 2014, the Chancellor of the
17 California Community Colleges and the State Department of
18 Education shall submit a joint report to the Legislature and the
19 Governor. This report shall include, but not necessarily be limited
20 to, both of the following:

21 (A) The status of developing regional consortia across the state,
22 including identification of unserved geographic areas or emerging
23 gaps in regional program delivery.

24 (B) The status and allocation of grant awards made to regional
25 consortia.

26 (2) The report shall be submitted to the Legislature as provided
27 in Section 9795 of the Government Code.

28 (g) (1) On or before March 1, 2015, the Chancellor of the
29 California Community Colleges and the State Department of
30 Education shall submit a joint report to the Legislature and the
31 Governor. This report shall include, but is not limited to, both of
32 the following:

33 (A) The plans developed by regional consortia across the state.

34 (B) Recommendations for additional improvements in the
35 delivery system serving adult learners.

36 (2) The report shall be submitted to the Legislature as provided
37 in Section 9795 of the Government Code.

38 (h) It is the intent of the Legislature to work toward developing
39 common policies related to adult education affecting adult schools

1 at local educational agencies and community colleges, including
2 policies on fees and funding levels.

3 (i) It is the intent of the Legislature to provide additional funding
4 in the 2015–16 fiscal year to regional consortia to expand and
5 improve the provision of adult education.

6 SEC. 9. Section 88640 of the Education Code is amended to
7 read:

8 88640. (a) (1) Programs and activities of the Job Development
9 Incentive Training Program shall include a strong partnership with
10 state and local economic development entities, workforce
11 development agencies, community-based organizations, and the
12 private sector. It is the intent of the Legislature that this program
13 provide training on a no-cost or low-cost basis to participating
14 employers who create employment opportunities at an acceptable
15 wage level for the attainment of self-sufficiency by both of the
16 following groups:

17 (A) Recipients of aid under Chapter 2 (commencing with Section
18 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

19 (B) Clients determined to be eligible because they are employed
20 at a wage too low to attain self-sufficiency.

21 (2) Guidelines for the determination of eligibility under this
22 subdivision shall be developed by the chancellor's office in
23 consultation with the appropriate agencies responsible for
24 collecting appropriate data. A structured career ladder methodology
25 may be implemented in this program area.

26 (3) Funds received from other eligible programs, including, but
27 not necessarily limited to, programs under the federal Workforce
28 Innovation and Opportunity Act and other applicable programs
29 selected by the chancellor, or a combination of programs, may be
30 used to provide funds to match job development incentive training
31 funds.

32 (b) It is the intent of the Legislature that the expenditure of funds
33 under this section should lead measurably to the upgrading of
34 highly skilled and technical workers, upgrade opportunities for
35 those who are employed at a wage too low to attain self-sufficiency,
36 and the creation of jobs for new entrants into the workforce.

37 SEC. 10. Section 1091.2 of the Government Code is amended
38 to read:

39 1091.2. Section 1090 shall not apply to any contract or grant
40 made by local workforce investment boards created pursuant to

1 the federal Workforce Innovation and Opportunity Act except
2 where both of the following conditions are met:

3 (a) The contract or grant directly relates to services to be
4 provided by any member of a local workforce investment board
5 or the entity the member represents or financially benefits the
6 member or the entity he or she represents.

7 (b) The member fails to recuse himself or herself from making,
8 participating in making, or in any way attempting to use his or her
9 official position to influence a decision on the grant or grants.

10 SEC. 11. Section 12803.6 of the Government Code is amended
11 to read:

12 12803.6. (a) The Governor shall authorize the Secretary of the
13 Labor and Workforce Development Agency, in collaboration with
14 the secretary of the California Health and Human Services Agency,
15 to make available the expertise of state employees and programs
16 to support the employment-related needs of individuals with
17 disabilities. Using existing resources, the agencies shall develop
18 a sustainable, comprehensive strategy to do all of the following:

19 (1) Bring individuals with disabilities into gainful employment
20 at a rate that is as close as possible to that of the general population.

21 (2) Support the goals of equality of opportunity, full
22 participation, independent living, and economic self-sufficiency
23 for these individuals.

24 (3) Ensure that state government is a model employer of
25 individuals with disabilities.

26 (4) Support state coordination with, and participation in, benefits
27 planning training and information dissemination projects supported
28 by private foundations and federal grants.

29 (b) The Labor and Workforce Development Agency shall
30 monitor and enforce implementation of Section 188 of the federal
31 Workforce Innovation and Opportunity Act.

32 SEC. 12. Section 95501 of the Government Code is amended
33 to read:

34 95501. This title shall become operative upon an appropriation
35 of funds by the Legislature, or the allocation of existing
36 discretionary funds by the Governor pursuant to Section 128(a) of
37 the federal Workforce Innovation and Opportunity Act, for the
38 specific stated purpose of establishing the California Savings and
39 Asset Project. This title shall be implemented to the extent that

1 funding is appropriated in the annual Budget Act or any future act
2 by the Legislature, or allocated by the Governor.

3 SEC. 13. Section 4658.7 of the Labor Code is amended to read:

4 4658.7. (a) This section shall apply to injuries occurring on
5 or after January 1, 2013.

6 (b) If the injury causes permanent partial disability, the injured
7 employee shall be entitled to a supplemental job displacement
8 benefit as provided in this section unless the employer makes an
9 offer of regular, modified, or alternative work, as defined in Section
10 4658.1, that meets both of the following criteria:

11 (1) The offer is made no later than 60 days after receipt by the
12 claims administrator of the first report received from either the
13 primary treating physician, an agreed medical evaluator, or a
14 qualified medical evaluator, in the form created by the
15 administrative director pursuant to subdivision (h), finding that
16 the disability from all conditions for which compensation is
17 claimed has become permanent and stationary and that the injury
18 has caused permanent partial disability.

19 (A) If the employer or claims administrator has provided the
20 physician with a job description of the employee's regular work,
21 proposed modified work, or proposed alternative work, the
22 physician shall evaluate and describe in the form whether the work
23 capacities and activity restrictions are compatible with the physical
24 requirements set forth in that job description.

25 (B) The claims administrator shall forward the form to the
26 employer for the purpose of fully informing the employer of work
27 capacities and activity restrictions resulting from the injury that
28 are relevant to potential regular, modified, or alternative work.

29 (2) The offer is for regular work, modified work, or alternative
30 work lasting at least 12 months.

31 (c) The supplemental job displacement benefit shall be offered
32 to the employee within 20 days after the expiration of the time for
33 making an offer of regular, modified, or alternative work pursuant
34 to paragraph (1) of subdivision (b).

35 (d) The supplemental job displacement benefit shall be in the
36 form of a voucher redeemable as provided in this section up to an
37 aggregate of six thousand dollars (\$6,000).

38 (e) The voucher may be applied to any of the following expenses
39 at the choice of the injured employee:

- 1 (1) Payment for education-related retraining or skill
2 enhancement, or both, at a California public school or with a
3 provider that is certified and on the state's Eligible Training
4 Provider List (EPTL), as authorized by the federal Workforce
5 Innovation and Opportunity Act, including payment of tuition,
6 fees, books, and other expenses required by the school for
7 retraining or skill enhancement.
- 8 (2) Payment for occupational licensing or professional
9 certification fees, related examination fees, and examination
10 preparation course fees.
- 11 (3) Payment for the services of licensed placement agencies,
12 vocational or return-to-work counseling, and résumé preparation,
13 all up to a combined limit of 10 percent of the amount of the
14 voucher.
- 15 (4) Purchase of tools required by a training or educational
16 program in which the employee is enrolled.
- 17 (5) Purchase of computer equipment, up to one thousand dollars
18 (\$1,000).
- 19 (6) Up to five hundred dollars (\$500) as a miscellaneous expense
20 reimbursement or advance, payable upon request and without need
21 for itemized documentation or accounting. The employee shall not
22 be entitled to any other voucher payment for transportation, travel
23 expenses, telephone or Internet access, clothing or uniforms, or
24 incidental expenses.
- 25 (f) The voucher shall expire two years after the date the voucher
26 is furnished to the employee, or five years after the date of injury,
27 whichever is later. The employee shall not be entitled to payment
28 or reimbursement of any expenses that have not been incurred and
29 submitted with appropriate documentation to the employer prior
30 to the expiration date.
- 31 (g) Settlement or commutation of a claim for the supplemental
32 job displacement benefit shall not be permitted under Chapter 2
33 (commencing with Section 5000) or Chapter 3 (commencing with
34 Section 5100) of Part 3.
- 35 (h) The administrative director shall adopt regulations for the
36 administration of this section, including, but not limited to, both
37 of the following:
- 38 (1) The time, manner, and content of notices of rights under this
39 section.

1 (2) The form of a mandatory attachment to a medical report to
2 be forwarded to the employer pursuant to paragraph (1) of
3 subdivision (b) for the purpose of fully informing the employer of
4 work capacities and of activity restrictions resulting from the injury
5 that are relevant to potential regular work, modified work, or
6 alternative work.

7 (i) An employer shall not be liable for compensation for injuries
8 incurred by the employee while utilizing the voucher.

9 SEC. 14. Section 999.80 of the Military and Veterans Code is
10 amended to read:

11 999.80. Any entity, or other entity with which it subcontracts,
12 that receives funding from the federal Workforce Innovation and
13 Opportunity Act, as identified in Item 7100-001-0869, schedule
14 (4) 61.60 - WIA Removing Barriers for Special Needs Populations,
15 identified for use for veterans, of Section 2.00 of the Budget Act
16 of 2009 (Chapter 1 of the Statutes of the 2009 Third Extraordinary
17 Session), and future budget acts, shall meet the following criteria:

18 (a) Demonstrate the knowledge, experience, and capacity to
19 provide desired services to veterans.

20 (b) Demonstrate that the majority of the entity’s WIA resources
21 are dedicated to serving the needs of veterans and their families.

22 SEC. 15. Section 14403 of the Public Resources Code is
23 amended to read:

24 14403. (a) The corps shall cooperate with, and seek the
25 cooperation of, state and local workforce investment boards and
26 youth councils, designated pursuant to the federal Workforce
27 Innovation and Opportunity Act to secure employment and training
28 services for corpsmembers.

29 (b) These employment and training services may include job
30 search assistance, skills training, transitional employment, or any
31 other services provided under the federal Workforce Innovation
32 and Opportunity Act that would lead to employment for the
33 corpsmember.

34 (c) Employment and training services may be provided to
35 corpsmembers as a component of their work with the corps or
36 upon their termination from the corps.

37 SEC. 16. Section 320.5 of the Unemployment Insurance Code
38 is amended to read:

39 320.5. The director may by authorized regulations prescribe
40 the information required to be reported to the department by

1 employing units under this division and employers subject to
2 withholding tax under Division 6 (commencing with Section
3 13000) in order to make reports required by the Secretary of Labor,
4 to provide information necessary to administer this code, to
5 estimate unemployment rates or to make other estimates required
6 for the purpose of dispensing or withholding money payments
7 under the Welfare Reform Act of 1971, the Employment Security
8 Amendments of 1970, the Emergency Unemployment
9 Compensation Act of 1971, or the federal Workforce Innovation
10 and Opportunity Act, and to make any other reports or estimates
11 that may be required by any other state or federal law. The
12 authorized regulations of the director may include requirements
13 for the reporting of employment, unemployment, hours, wages,
14 earnings, the location and nature of the industrial, business, or
15 other activity of each establishment for the conduct of business,
16 performance of services, or industrial operations, and such other
17 requirements as are necessary to comply with this section.

18 SEC. 17. Section 325.6 of the Unemployment Insurance Code
19 is amended to read:

20 325.6. (a) It is the intent of the Legislature that state supported
21 Veterans Employment Training services meet the same
22 performance standards as those required by the federal Workforce
23 Innovation and Opportunity Act for services provided to veterans.

24 (b) Following any fiscal year in which state funds support the
25 Veterans Employment Training services program, the Employment
26 Development Department shall provide an annual report to the
27 Legislature, on or before November 1, regarding the following
28 performance measures:

29 (1) The number of veterans receiving individualized, case
30 managed services.

31 (2) The number of veterans who receive individualized, case
32 managed services entering employment.

33 (3) The retention rate for veterans who enter employment.

34 (4) The average earnings for veterans entering employment.

35 SEC. 18. Section 1177.5 of the Unemployment Insurance Code
36 is amended to read:

37 1177.5. (a) If the director determines that an overpayment has
38 been made to the department by an employing unit or the School
39 Employees Fund because of a reason specified in this subdivision,
40 and the amount of the overpayment has been reimbursed to the

1 state by the federal government pursuant to the federal Workforce
 2 Investment Act of 1998, or the Workforce Innovation and
 3 Opportunity Act, then the director shall credit the employing unit
 4 or the School Employees Fund with the amount of that
 5 overpayment, provided that the director determines that the
 6 overpayment was made because of one of the following:

7 (1) An employing unit paid unemployment insurance
 8 contributions after December 31, 1974, based on wages paid to
 9 individuals participating in a public service employment program
 10 under the federal Workforce Innovation and Opportunity Act.

11 (2) An employing unit paid amounts after December 31, 1975,
 12 pursuant to Section 803 of this part, for benefits awarded based
 13 on wages paid to individuals participating in a public service
 14 employment program under the federal Workforce Innovation and
 15 Opportunity Act.

16 (3) Payments were made by the School Employees Fund after
 17 December 31, 1975, to the Unemployment Fund pursuant to
 18 Section 821 of this part for benefits awarded based on wages paid
 19 to individuals participating in a public service employment program
 20 under the federal Workforce Innovation and Opportunity Act.

21 (b) No overpayment described in subdivision (a) shall be
 22 refunded to an employing unit or to the School Employees Fund.

23 SEC. 19. Section 1269 of the Unemployment Insurance Code
 24 is amended to read:

25 1269. A determination of automatic eligibility for benefits
 26 under this article shall be issued to an unemployed individual if
 27 the director finds that any of the following applies:

28 (a) The training is authorized by the federal Workforce
 29 Innovation and Opportunity Act or by the Employment Training
 30 Panel established pursuant to Chapter 3.5 (commencing with
 31 Section 10200) of Part 1 of Division 3.

32 (b) The training is authorized by the federal Trade Act of 1974
 33 (19 U.S.C. Sec. 2101 et seq.), as amended by the federal Trade
 34 Act of 2002 (Public Law 107-210), and as those acts may be
 35 amended by the federal Trade and Globalization Adjustment
 36 Assistance Act of 2009, enacted under the federal American
 37 Recovery and Reinvestment Act of 2009 (Public Law 111-5),
 38 pursuant to a certified petition.

39 (c) The individual is a participant in the California Work
 40 Opportunity and Responsibility to Kids (CalWORKs) program

1 pursuant to Article 3.2 (commencing with Section 11320) of
2 Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions
3 Code, and has entered into a contract with the county welfare
4 department to participate in an education or training program.

5 (d) (1) The individual is a participant in training with a provider
6 that is certified and on the state's Eligible Training Provider List
7 (ETPL), as authorized by the federal Workforce Innovation and
8 Opportunity Act, or is a permanent or probationary public school
9 teacher who is a participant in a credential preparation program
10 or training program approved or accredited by the Commission
11 on Teacher Credentialing for additional certification in math,
12 science, or special education, for kindergarten and grades 1 to 12,
13 inclusive, and was laid off. The credential preparation program or
14 training program shall only be approved if a permanent or
15 probationary public school teacher enrolls in the training within
16 three years of being laid off from the public school employer.

17 (2) The changes made to this subdivision by the act adding this
18 paragraph shall become operative on January 1, 2014.

19 (e) The individual is a journey level union member and the
20 training or retraining course of instruction is industry-related
21 training necessary due to changes in technology, or industry
22 demands, or is necessary to retain employment or to become more
23 competitive in obtaining employment.

24 SEC. 20. Section 1279.5 of the Unemployment Insurance Code,
25 as added by Section 2 of Chapter 141 of the Statutes of 2013, is
26 amended to read:

27 1279.5. (a) As used in this section:

28 (1) "Affected unit" means a specified plant, department, shift,
29 or other definable unit that includes two or more workers and not
30 less than 10 percent of the employer's regular permanent work
31 force involved in the affected unit or units in each week, or in at
32 least one week of a two-consecutive-week period, to which an
33 approved work sharing plan applies.

34 (2) "Health and retirement benefits" means employer-provided
35 health benefits and retirement benefits under a defined benefit
36 pension plan, as defined in Section 414(j) of the Internal Revenue
37 Code, or contributions under a defined contribution plan, as defined
38 in Section 414(i) of the Internal Revenue Code, that are incidents
39 of employment in addition to the cash remuneration earned.

1 (3) “Work sharing compensation” means the unemployment
2 compensation benefits payable to employees in an affected unit
3 under an approved work sharing plan, as distinguished from the
4 unemployment compensation benefits otherwise payable under
5 this part.

6 (4) “Work sharing plan” means a plan submitted by an employer,
7 for approval by the director, under which the employer requests
8 the payment of work sharing compensation to employees in an
9 affected unit of the employer in lieu of layoffs.

10 (5) “Work sharing program” means the program described by
11 this section.

12 (6) “Usual weekly hours of work” means the usual hours of
13 work for full- or part-time employees in the affected unit when
14 that unit is operating on its regular basis, not to exceed 40 hours
15 and not including hours of overtime work.

16 (7) “Unemployment compensation” means the unemployment
17 compensation benefits payable under this part other than work
18 sharing compensation and includes amounts payable pursuant to
19 an agreement under federal law providing for compensation,
20 assistance, or allowances with respect to unemployment.

21 (b) Notwithstanding Section 1252 or 1252.2 or any other
22 provision of this part, for the purposes of this section an employee
23 is “unemployed” in any week if the employee works less than his
24 or her usual weekly hours of work for the employee’s regular
25 employer, as the result of the regular employer’s participation in
26 a work sharing plan that meets the requirements of this section
27 and has been approved by the director, pursuant to which the
28 employer, in lieu of layoff, reduces employment and stabilizes the
29 workforce.

30 (c) An employer wishing to participate in the work sharing
31 program, on and after July 1, 2014, shall submit a signed written
32 work sharing plan to the director for approval. The director shall
33 develop an application form to request approval of a work sharing
34 plan and an approval process that meets the requirements of this
35 section. The application shall include, but is not limited to, the
36 following:

37 (1) The affected unit covered by the plan, including the number
38 of full- or part-time employees in the unit, the percentage of
39 employees in the affected unit covered by the plan, identification
40 of each individual employee in the affected unit by name, social

1 security number, and the employer's unemployment tax account
2 number and any other information required by the director to
3 identify plan participants.

4 (2) A description of how employees in the affected unit will be
5 notified of the employer's participation in the work sharing plan
6 if the application is approved, including how the employer will
7 notify those employees in a collective bargaining unit as well as
8 any employees in the affected unit who are not in a collective
9 bargaining unit. If the employer does not intend to provide advance
10 notice to employees in the affected unit, the employer shall explain
11 in a statement in the application why it is not feasible to provide
12 that notice.

13 (3) A requirement that the employer identify, in the application,
14 the usual weekly hours of work for employees in the affected unit
15 and the specific percentage by which their hours will be reduced
16 during all weeks covered by the plan. The percentage of reduction
17 of usual weekly hours of work for which a work sharing plan may
18 be approved shall not be less than 10 percent or more than 60
19 percent. If the plan includes any week for which the employer
20 regularly does not provide work, including, but not limited to,
21 incidences due to a holiday or plant closing, then that week shall
22 be identified in the application.

23 (4) (A) Except as provided in subparagraph (B), certification
24 by the employer, if the employer provides health and retirement
25 benefits to any employee whose usual weekly hours of work are
26 to be reduced under the plan, that the benefits will continue to be
27 provided, to the extent permitted by federal law, to employees
28 participating in the work sharing plan under the same terms and
29 conditions as though the usual weekly hours of work of these
30 employees had not been reduced or to the same extent as other
31 employees not participating in the work sharing plan. For defined
32 benefit retirement plans, to the extent permitted by federal law,
33 the hours that are reduced under the work sharing plan shall be
34 credited for purposes of participation, vesting, and accrual of
35 benefits as though the usual weekly hours of work had not been
36 reduced. The dollar amount of employer contributions to a defined
37 contribution plan that are based on a percentage of compensation
38 may be less due to the reduction in the employee's compensation.

39 (B) If a reduction in health and retirement benefits is scheduled
40 to occur during the duration of the plan and those reductions will

1 be applied equally to employees who are not participating in the
2 work sharing program, then the application shall so certify, and
3 those benefits may be reduced for those employees who are
4 participating in the work sharing plan.

5 (5) Certification by the employer that the aggregate reduction
6 in work hours is in lieu of temporary or permanent layoffs, or both.
7 The application shall include an estimate of the number of workers
8 who would have been laid off in the absence of the work sharing
9 plan.

10 (6) Agreement by the employer to do all of the following:

11 (A) Furnish reports to the director relating to the proper conduct
12 of the plan.

13 (B) Allow the director or his or her authorized representatives
14 access to all records necessary to approve or disapprove the plan
15 application.

16 (C) After approval of a plan, monitor and evaluate the plan.

17 (D) Follow any other directives the director deems necessary
18 for the department to implement the plan and that are consistent
19 with the requirements for plan applications.

20 (7) Certification by the employer that participation in the work
21 sharing plan and its implementation is consistent with the
22 employer's obligations under applicable federal and state laws.

23 (8) The effective date and duration of the plan, which shall not
24 be later than the end of the 12th full calendar month after the
25 effective date.

26 (9) Any other provision added to the application by the director
27 that the United States Secretary of Labor determines to be
28 appropriate for purposes of a work sharing plan.

29 (d) The director shall approve or disapprove a work sharing
30 plan in writing by the close of business no later than 10 working
31 days from the date the completed plan is received and communicate
32 the decision to the employer. A decision disapproving the plan
33 shall clearly identify the reasons for the disapproval. Within 20
34 days, the employer may submit a request for review of the
35 disapproved work sharing plan to the director's work sharing
36 administrator, whom the director shall designate for this purpose.
37 After review, the work sharing administrator's decision of approval
38 or disapproval shall be final. If disapproved, the employer may
39 submit a different work sharing plan for approval.

1 (e) The director shall work with the employer to determine the
2 effective date of a work sharing plan, which shall be specified in
3 the notice of approval to the employer. The plan shall expire on
4 the date specified in the notice of approval, which shall be either
5 the date at the end of the 12th full calendar month after its effective
6 date or an earlier date mutually agreed upon by the employer and
7 the director. However, if a work sharing plan is revoked by the
8 director under subdivision (f) of this section, the plan shall
9 terminate on the date specified in the director's written order of
10 revocation. An employer may terminate a work sharing plan at
11 any time upon written notice to the director. An employer may
12 submit an application to renew the work sharing plan not more
13 than 10 days after a previously approved work sharing plan expires.

14 (f) The director may revoke approval of a work sharing plan
15 for good cause at any time. The revocation order shall be in writing
16 and shall specify the reasons for the revocation and the date the
17 revocation is effective. The director may periodically review the
18 operation of an employer's work sharing plan to ensure that good
19 cause does not exist for revocation of the approval of the plan. For
20 purposes of these provisions, good cause includes, but is not limited
21 to, failure to comply with the assurances given in the plan,
22 unreasonable revision of productivity standards for the affected
23 unit, conduct or occurrences tending to defeat the intent and
24 effective operation of the work sharing plan, and violation of any
25 criteria on which approval of the plan was based.

26 (g) An employer may request a modification of an approved
27 plan by filing a written request to the director. The request shall
28 identify the specific provisions proposed to be modified and
29 provide an explanation of why the proposed modification is
30 appropriate for the work sharing plan. The director shall approve
31 or disapprove the proposed modification in writing by the close
32 of business no later than 10 working days from the date the
33 proposed modification is received and communicate the decision
34 to the employer. The director, in his or her discretion, may approve
35 a request for modification of the plan based on conditions that
36 have changed since the plan was approved, provided that the
37 modification is consistent with and supports the purposes for which
38 the plan was initially approved. A modification does not extend
39 the expiration date of the original plan, and the director shall
40 promptly notify the employer whether the plan modification has

1 been approved and, if approved, the effective date of the
2 modification, which shall not be earlier than the effective date of
3 the original work sharing plan. An employer is not required to
4 request approval of a plan modification from the director if the
5 change is not substantial, but the employer shall promptly report,
6 in writing, every change to the plan to the director. The director
7 may terminate an employer's plan if the employer fails to meet
8 this reporting requirement. If the director determines that the
9 reported change is substantial, the director shall require the
10 employer to request a modification to the plan.

11 (h) (1) An employee is eligible to receive work sharing
12 compensation with respect to any week only if the employee is
13 monetarily eligible for unemployment compensation, not otherwise
14 disqualified for unemployment compensation, and both of the
15 following are true:

16 (A) During the week, the employee is employed as a member
17 of an affected unit under an approved work sharing plan, which
18 was approved prior to that week, and the plan is in effect with
19 respect to the week for which work sharing compensation is
20 claimed.

21 (B) Notwithstanding any other provisions relating to availability
22 for work and actively seeking work, the employee is available for
23 the employee's usual hours of work with the work sharing
24 employer, which may include, for purposes of this section,
25 participating in training to enhance job skills that is approved by
26 the director, such as employer-sponsored training or training funded
27 under the federal Workforce Innovation and Opportunity Act.

28 (2) Notwithstanding any other provision of law, an employee
29 covered by a work sharing plan is deemed unemployed in any
30 week during the duration of that plan if the employee's
31 remuneration as an employee in an affected unit is reduced based
32 on a reduction of the employee's usual weekly hours of work under
33 an approved work sharing plan.

34 (i) For the purposes of this section, an employee shall not be
35 disqualified under subdivision (c) of Section 1253 for any week
36 if both of the following conditions exist:

37 (1) The employee has not been absent from work without the
38 approval of the regular employer.

1 (2) The employee accepted all work the regular employer made
2 available to the individual during hours scheduled off due to the
3 work sharing plan.

4 (j) The work sharing weekly compensation amount shall be the
5 product of the regular weekly unemployment compensation amount
6 for a week of total unemployment multiplied by the percentage of
7 reduction in the individual's usual weekly hours of work.

8 (k) (1) Provisions applicable to unemployment compensation
9 shall apply to employees in a work sharing plan to the extent that
10 they are not inconsistent with work sharing program provisions.
11 An employee who files an initial claim for work sharing
12 compensation shall receive a monetary determination. An employee
13 may be eligible for work sharing compensation or unemployment
14 compensation, as appropriate, except that an employee shall not
15 be eligible for combined benefits in any benefit year in an amount
16 more than the maximum entitlement established for regular
17 unemployment compensation, nor shall an employee be paid work
18 sharing benefits for more than 52 weeks under a work sharing
19 plan.

20 (2) An employee who is not provided any work during a week
21 by the work sharing employer, or any other employer, and who is
22 otherwise eligible for unemployment compensation, shall be
23 eligible for the amount of regular unemployment compensation to
24 which he or she would otherwise be eligible.

25 (3) An employee who is not provided any work by the work
26 sharing employer during a week, but who works for another
27 employer and is otherwise eligible, may be paid unemployment
28 compensation for that week subject to the disqualifying income
29 and other provisions applicable to claims for regular unemployment
30 compensation.

31 (4) The work sharing compensation paid to an employee shall
32 be deducted from the maximum entitlement amount of regular
33 unemployment compensation established for that employee's
34 benefit year.

35 (5) An employee who has received all of the work sharing
36 compensation or combined unemployment compensation and work
37 sharing compensation available in a benefit year shall be considered
38 an exhaustee for purposes of extended benefits and, if otherwise
39 eligible under those provisions, shall be eligible to receive extended
40 benefits.

1 (6) No employee who receives any benefits under this section
2 during any benefit year shall receive any benefits pursuant to
3 Section 1252 or 1252.2 as a partially unemployed individual with
4 respect to any week during a benefit year while in employment
5 status with the regular employer who initiated the work sharing
6 plan under this section.

7 (7) Sections 1253.5 and 1279 shall not apply to any individual
8 eligible for any payment under this section.

9 (l) Any amount payable under this section shall be reduced by
10 the amount of any and all compensation payable for personal
11 services, whether performed as an employee or an independent
12 contractor or as a juror or as a witness, except compensation
13 payable by the regular employer under a work sharing plan. For
14 the purposes of this subdivision, “regular employer” may include,
15 pursuant to an approved plan, a labor organization that periodically
16 employs individuals in accordance with a collective bargaining
17 agreement.

18 (m) Work sharing compensation shall be charged to employers’
19 experience rating accounts in the same manner as unemployment
20 compensation is charged under this part. Employers liable for
21 payments in lieu of contributions shall have work sharing
22 compensation attributed to service in their employ in the same
23 manner as unemployment compensation is attributed.

24 (n) The benefit payment under this section, if not a multiple of
25 one dollar (\$1), shall be increased to the next higher multiple of
26 one dollar (\$1).

27 (o) Except as otherwise provided by or inconsistent with this
28 section, all provisions of this division and authorized regulations
29 apply to benefits under this section. Authorized regulations may,
30 to the extent permitted by federal law, make those distinctions and
31 requirements as may be necessary in the procedures and provisions
32 applicable to unemployed individuals to carry out the purposes of
33 this section, including, but not limited to, regulations defining
34 normal hours, days, workweeks, and wages.

35 (p) Employees shall not be eligible to receive any benefits under
36 this section unless their employer agrees, in writing, and their
37 bargaining agent pursuant to any applicable collective bargaining
38 agreement agrees, in writing, to voluntarily participate in the work
39 sharing program created by this section.

1 (q) Notwithstanding Section 1327, the department shall not be
2 required to notify an employer of additional claims that result from
3 an approved plan submitted by the employer under which benefits
4 are not paid in each week.

5 (r) This section shall become operative on July 1, 2014. This
6 section shall apply to work sharing plans that become effective on
7 or after July 1, 2014.

8 SEC. 21. Section 2051 of the Unemployment Insurance Code
9 is amended to read:

10 2051. The State of California accepts the provisions of the
11 Wagner-Peyser Act, approved June 6, 1933, as amended by the
12 federal Workforce Innovation and Opportunity Act passed by the
13 Congress of the United States, and entitled “An act to provide for
14 the establishment of a national employment system and for
15 cooperation with the states in the promotion of the system, and for
16 other purposes,” in conformity with Section 4 thereof, and will
17 observe and comply with the requirements of that act.

18 The department is the agency of this state for the purposes of
19 that act.

20 ~~SEC. 22. Section 9600.7 of the Unemployment Insurance Code~~
21 ~~is amended to read:~~

22 ~~9600.7. (a) The department shall have the authority to~~
23 ~~administer the requirements of the federal Workforce Innovation~~
24 ~~and Opportunity Act including, but not limited to, establishing~~
25 ~~accounting, monitoring, auditing, and reporting procedures and~~
26 ~~criteria in order to ensure state compliance with the objectives and~~
27 ~~requirements of the federal Workforce Innovation and Opportunity~~
28 ~~Act.~~

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

32 ~~SEC. 23.~~

33 SEC. 22. Section 9809.5 of the Unemployment Insurance Code
34 is amended to read:

35 9809.5. Each grant recipient shall report to the director on other
36 participant outcomes as required by the Governor under Section
37 122(h) of the federal Workforce Innovation and Opportunity Act.

38 ~~SEC. 24.~~

39 SEC. 23. Section 10200 of the Unemployment Insurance Code
40 is amended to read:

1 10200. The Legislature finds and declares the following:

2 (a) California’s economy is being challenged by competition
3 from other states and overseas. In order to meet this challenge,
4 California’s employers, workers, labor organizations, and
5 government need to invest in a skilled and productive workforce,
6 and in developing the skills of frontline workers. For purposes of
7 this section, “frontline worker” means a worker who directly
8 produces or delivers goods or services.

9 The purpose of this chapter is to establish a strategically designed
10 employment training program to promote a healthy labor market
11 in a growing, competitive economy that shall fund only projects
12 that meet the following criteria:

13 (1) Foster creation of high-wage, high-skilled jobs, or foster
14 retention of high-wage, high-skilled jobs in manufacturing and
15 other industries that are threatened by out-of-state and global
16 competition, including, but not limited to, those industries in which
17 targeted training resources for California’s small and medium-sized
18 business suppliers will increase the state’s competitiveness to
19 secure federal, private sector, and other nonstate funds. In addition,
20 provide for retraining contracts in companies that make a monetary
21 or in-kind contribution to the funded training enhancements.

22 (2) Encourage industry-based investment in human resources
23 development that promotes the competitiveness of California
24 industry through productivity and product quality enhancements.

25 (3) Result in secure jobs for those who successfully complete
26 training. All training shall be customized to the specific
27 requirements of one or more employers or a discrete industry and
28 shall include general skills that trainees can use in the future.

29 (4) Supplement, rather than displace, funds available through
30 existing programs conducted by employers and government-funded
31 training programs, such as the federal Workforce Innovation and
32 Opportunity Act, the Carl D. Perkins Vocational Education Act
33 (Public Law 98-524), CalWORKs (Chapter 2 (commencing with
34 Section 11200) of Part 3 of Division 9 of the Welfare and
35 Institutions Code), and the McKinney-Vento Homeless Assistance
36 Act (42 U.S.C. Sec. 11301 et seq.), the California Community
37 Colleges Economic Development Program, or apportionment funds
38 allocated to the community colleges, regional occupational centers
39 and programs, or other local educational agencies. In addition, it
40 is further the intention of the Legislature that programs developed

1 pursuant to this chapter shall not replace, parallel, supplant,
2 compete with, or duplicate in any way already existing approved
3 apprenticeship programs.

4 (b) The Employment Training Panel, in funding projects that
5 meet the requirements of subdivision (a), shall give funding priority
6 to those projects that best meet the following goals:

7 (1) Result in the growth of the California economy by
8 stimulating exports from the state and the production of goods and
9 services that would otherwise be imported from outside the state.

10 (2) Train new employees of firms locating or expanding in the
11 state that provide high-skilled, high-wage jobs and are committed
12 to an ongoing investment in the training of frontline workers.

13 (3) Develop workers with skills that prepare them for the
14 challenges of a high performance workplace of the future.

15 (4) Train workers who have been displaced, have received
16 notification of impending layoff, or are subject to displacement,
17 because of a plant closure, workforce reduction, changes in
18 technology, or significantly increasing levels of international and
19 out-of-state competition.

20 (5) Are jointly developed by business management and worker
21 representatives.

22 (6) Develop career ladders for workers.

23 (7) Promote the retention and expansion of the state's
24 manufacturing workforce.

25 (c) The program established through this chapter is to be
26 coordinated with all existing employment training programs and
27 economic development programs, including, but not limited to,
28 programs such as the federal Workforce Innovation and
29 Opportunity Act, the California Community Colleges, the regional
30 occupational programs, vocational education programs, joint
31 labor-management training programs, and related programs under
32 the Employment Development Department and the Governor's
33 Office of Business and Economic Development, and the Business,
34 Consumer Services, and Housing Agency.

35 ~~SEC. 25.~~

36 *SEC. 24.* Section 10204 of the Unemployment Insurance Code
37 is amended to read:

38 10204. The panel shall coordinate its programs with local and
39 state workforce investment boards and other partners of the federal
40 Workforce Innovation and Opportunity Act. This coordination

1 shall include, but not be limited to, the adoption of a plan, including
2 regular sharing of data, for the coordination of training authorized
3 pursuant to this chapter with programs administered under Division
4 8 (commencing with Section 15000).

5 ~~SEC. 26.~~

6 *SEC. 25.* Section 10205 of the Unemployment Insurance Code
7 is amended to read:

8 10205. The panel shall do all of the following:

9 (a) Establish a three-year plan that shall be updated annually,
10 based on the demand of employers for trained workers, changes
11 in the state’s economy and labor markets, and continuous reviews
12 of the effectiveness of panel training contracts. The updated plan
13 shall be submitted to the Governor and the Legislature not later
14 than January 1 of each year. In carrying out this section, the panel
15 shall review information in the following areas:

16 (1) Labor market information, including the state-local labor
17 market information program in the Employment Development
18 Department and other relevant regional or statewide initiatives and
19 collaboratives.

20 (2) Evaluations of the effectiveness of training as measured by
21 increased security of employment for workers and benefits to the
22 California economy.

23 (3) The demand for training by industry, type of training, and
24 size of employer.

25 (4) Changes in skills necessary to perform jobs, including
26 changes in basic literacy skills.

27 (5) Changes in the demographics of the labor force and the
28 population entering the labor market.

29 (6) Proposed expenditures by other agencies of federal
30 Workforce Innovation and Opportunity Act funds and other state
31 and federal training and vocational education funds on eligible
32 participants.

33 (b) Maintain a system to continuously monitor economic and
34 other data required under this plan. If this data changes significantly
35 during the life of the plan, the plan shall be amended by the panel.
36 Each plan shall include all of the following:

37 (1) The panel’s objectives with respect to the criteria and
38 priorities specified in Section 10200 and the distribution of funds
39 between new-hire training and retraining.

1 (2) The identification of specific industries, production and
2 quality control techniques, and regions of the state where
3 employment training funds would most benefit the state's economy
4 and plans to encourage training in these areas, including specific
5 standards and a system for expedited review of proposals that meet
6 the standards.

7 (3) A system for expedited review of proposals that are
8 substantially similar with respect to employer needs, training
9 curriculum, duration of training, and costs of training, in order to
10 encourage the development of proposals that meet the needs
11 identified in paragraph (2).

12 (4) The panel's goals, operational objectives, and strategies to
13 meet the needs of small businesses, including, but not limited to,
14 those small businesses with 100 or fewer employees. These
15 strategies proposed by the panel may include, but not be limited
16 to, pilot demonstration projects designed to identify potential
17 barriers that small businesses may experience in accessing panel
18 programs and workforce training resources, including barriers that
19 may exist within small businesses.

20 (5) The research objectives of the panel that contribute to the
21 effectiveness of this chapter in benefiting the economy of the state
22 as a whole.

23 (6) A priority list of skills or occupations that are in such short
24 supply that employers are choosing to not locate or expand their
25 businesses in the state or are importing labor in response to these
26 skills shortages.

27 (7) A review of the panel's efforts to coordinate with the
28 California Workforce Investment Board and local boards to achieve
29 an effective and coordinated approach in the delivery of the state's
30 workforce resources.

31 (A) The panel will consider specific strategies to achieve this
32 goal that include the development of initiatives to engage local
33 workforce investment boards in enhancing the utilization of panel
34 training resources by companies in priority sectors, special
35 populations, and in geographically underserved areas of the state.

36 (B) Various approaches to foster greater program integration
37 between workforce investment boards and the panel will also be
38 considered, which may include marketing agreements, expanded
39 technical assistance, modification of program regulations and
40 policy, and expanded use of multiple employer contracts.

1 (c) Solicit proposals and write contracts on the basis of proposals
2 made directly to it. Contracts for the purpose of providing
3 employment training may be written with any of the following:

4 (1) An employer or group of employers.

5 (2) A training agency.

6 (3) A local workforce investment board with the approval of
7 the appropriate local elected officials in the local workforce
8 investment area.

9 (4) A grant recipient or administrative entity selected pursuant
10 to the federal Workforce Innovation and Opportunity Act, with
11 the approval of the local workforce investment board and the
12 appropriate local elected officials.

13 These contracts shall be in the form of fixed-fee performance
14 contracts. Notwithstanding any provision of law to the contrary,
15 contracts entered into pursuant to this chapter shall not be subject
16 to competitive bidding procedures. Contracts for training may be
17 written for a period not to exceed 24 months for the purpose of
18 administration by the panel and the contracting employer or any
19 group of employers acting jointly or any training agency for the
20 purpose of providing employment training.

21 (d) Fund training projects that best meet the priorities identified
22 annually. In doing so, the panel shall seek to facilitate the
23 employment of the maximum number of eligible participants.

24 (e) Establish minimum standards for the consideration of
25 proposals, which shall include, but not be limited to, evidence of
26 labor market demand, the number of jobs available, the skill
27 requirements for the identified jobs, the projected cost per person
28 trained, hired, and retained in employment, the wages paid
29 successful trainees upon placement, and the curriculum for the
30 training. No proposal shall be considered or approved that proposes
31 training for employment covered by a collective bargaining
32 agreement unless the signatory labor organization agrees in writing.

33 (f) Ensure the provision of adequate fiscal and accounting
34 controls for, monitoring and auditing of, and other appropriate
35 technical and administrative assistance to, projects funded by this
36 chapter.

37 (g) Provide for evaluation of projects funded by this chapter.
38 The evaluations shall assess the effectiveness of training previously
39 funded by the panel to improve job security and stability for
40 workers, and benefit participating employers and the state's

1 economy, and shall compare the wages of trainees in the 12-month
2 period prior to training as well as the 12-month period subsequent
3 to completion of training, as reflected in the department's
4 unemployment insurance tax records. Individual project evaluations
5 shall contain a summary description of the project, the number of
6 persons entering training, the number of persons completing
7 training, the number of persons employed at the end of the project,
8 the number of persons still employed three months after the end
9 of the project, the wages paid, the total costs of the project, and
10 the total reimbursement received from the Employment Training
11 Fund.

12 (h) Report annually to the Legislature, by November 30, on
13 projects operating during the previous state fiscal year. These
14 annual reports shall provide separate summaries of all of the
15 following:

16 (1) Projects completed during the year, including their individual
17 and aggregate performance and cost.

18 (2) Projects not completed during the year, briefly describing
19 each project and identifying approved contract amounts by contract
20 and for this category as a whole, and identifying any projects in
21 which funds are expected to be disencumbered.

22 (3) Projects terminated prior to completion and the reasons for
23 the termination.

24 (4) A description of the amount, type, and effectiveness of
25 literacy training funded by the panel.

26 (5) Results of complete project evaluations.

27 (6) A description of pilot projects, and the strategies that were
28 identified through these projects, to increase access by small
29 businesses to panel training contracts.

30 (7) A listing of training projects that were funded in high
31 unemployment areas and a detailed description of the policies and
32 procedures that were used to designate geographic regions and
33 municipalities as high unemployment areas.

34 In addition, based upon its experience in administering job
35 training projects, the panel shall include in these reports policy
36 recommendations concerning the impact of job training and the
37 panel's program on economic development, labor-management
38 relations, employment security, and other related issues.

1 (i) Conduct ongoing reviews of panel policies with the goal of
2 developing an improved process for developing, funding, and
3 implementing panel contracts as described in this chapter.

4 (j) Expedite the processing of contracts for firms considering
5 locating or expanding businesses in the state, in accordance with
6 the priorities for employment training programs set forth in
7 subdivision (b) of Section 10200.

8 (k) Coordinate and consult regularly with business groups and
9 labor organizations, the California Workforce Investment Board,
10 the State Department of Education, the office of the Chancellor of
11 the California Community Colleges, and the Employment
12 Development Department.

13 (l) Adopt by regulation procedures for the conduct of panel
14 business, including the scheduling and conduct of meetings, the
15 review of proposals, the disclosure of contacts between panel
16 members and parties at interest concerning particular proposals,
17 contracts or cases before the panel or its staff, the awarding of
18 contracts, the administration of contracts, and the payment of
19 amounts due to contractors. All decisions by the panel shall be
20 made by resolution of the panel and any adverse decision shall
21 include a statement of the reason for the decision.

22 (m) Adopt regulations and procedures providing reasonable
23 confidentiality for the proprietary information of employers seeking
24 training funds from the panel if the public disclosure of that
25 information would result in an unfair competitive disadvantage to
26 the employer supplying the information. The panel may not
27 withhold information from the public regarding its operations,
28 procedures, and decisions that would otherwise be subject to
29 disclosure under the California Public Records Act (Chapter 3.5
30 (commencing with Section 6250) of Division 7 of Title 1 of the
31 Government Code).

32 (n) Review and comment on the budget and performance of any
33 program, project, or activity funded by the panel utilizing funds
34 collected pursuant to Section 976.6.

35 ~~SEC. 27.~~

36 *SEC. 26.* Section 11024 of the Unemployment Insurance Code
37 is amended to read:

38 11024. (a) The program model for implementation of the
39 Caregiver Training Initiative shall consist of a solicitation and
40 competitive selection process to identify proposals from regional

1 collaborative programs that offer the best solutions to removing
2 barriers for attracting and retaining qualified health care providers,
3 such as certified nurse assistants, certified nurses, registered nurses,
4 licensed vocational nurses, and other types of nursing and direct
5 care staff.

6 (b) Proposals for funding under the initiative submitted by
7 regional collaborative programs shall address all of the following
8 topics:

9 (1) Marketing and outreach strategies that will attract eligible
10 participants to begin careers in the health care provider industry
11 and promote public awareness, especially among employers, to
12 the opportunity to hire trained health care providers.

13 (2) Collaboration and agreements with state and local agency
14 partners to help identify, refer, and provide services to eligible
15 participants.

16 (3) Development and use of innovative training strategies,
17 coupled with industry cooperation, to provide matching career
18 paths that will enable participants to advance in the health care
19 industry, including in nursing occupations such as certified nurse
20 assistants, certified nurses, registered nurses, and licensed
21 vocational nurses.

22 (4) Strategies for providing incentives to health care employers
23 to hire program participants, such as taking advantage of existing
24 tax credits, and incentives for participants to remain in and graduate
25 from the program, such as postemployment training and support
26 components.

27 (5) Leveraging additional resources to support activities that
28 are not allowable with local welfare-to-work (Article 3.2
29 (commencing with Section 11320) of Chapter 1 of Part 3 of
30 Division 9 of the Welfare and Institutions Code) funds and federal
31 Workforce Innovation and Opportunity Act funds and that will
32 provide flexibility in serving participants.

33 (c) The regional collaborative programs that compete for
34 contracts under the initiative may include partnerships of any
35 combination of local governmental entities, private nonprofit
36 entities, and employer or employee groups. In order to ensure
37 oversight for funds used in these contracts, fiscal agents
38 representing these collaborative programs shall demonstrate all of
39 the following:

40 (1) The capacity to retain fiduciary responsibility for funds.

1 (2) That the fiscal agent was chosen by agreement of
2 collaborating partners.

3 (3) Previous experience using public funds for similar projects.

4 (4) The ability to properly account for and administer funds.

5 ~~SEC. 28. Section 14002 of the Unemployment Insurance Code~~
6 ~~is amended to read:~~

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

11 ~~(b) Section 134(c)(2)(iii) of the federal Workforce Innovation~~
12 ~~and Opportunity Act allows for the use of funds for initial~~
13 ~~assessment of skill levels, aptitudes, abilities and support services,~~
14 ~~and Section 134(c)(2)(xii) of that act allows for comprehensive~~
15 ~~and specialized assessments of skill levels and service needs,~~
16 ~~including, but not limited to, diagnostic testing and the use of other~~
17 ~~assessment tools and in-depth interviewing and evaluation to~~
18 ~~identify employment barriers and appropriate employment goals.~~

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

24 ~~SEC. 29. Section 14003 of the Unemployment Insurance Code~~
25 ~~is amended to read:~~

26 ~~14003. (a) Grants or contracts awarded under the federal~~
27 ~~Workforce Innovation and Opportunity Act, or any other state or~~
28 ~~federally funded workforce development program, may not be~~
29 ~~awarded to organizations that are owned or operated as pervasively~~
30 ~~sectarian organizations.~~

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

1 ~~SEC. 30. Section 14004.5 of the Unemployment Insurance~~
2 ~~Code 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.~~

12 ~~SEC. 31. Section 14005 of the Unemployment Insurance Code~~
13 ~~is amended to read:~~

14 ~~14005. For purposes of this division:~~

15 ~~(a) “Board” means the California Workforce Investment Board.~~

16 ~~(b) “Agency” means the Labor and Workforce Development~~
17 ~~Agency.~~

18 ~~(c) “Career pathways,” “career ladders,” or “career lattices”~~
19 ~~mean an identified series of positions, work experiences, or~~
20 ~~educational benchmarks or credentials with multiple access points~~
21 ~~that offer occupational and financial advancement within a~~
22 ~~specified career field or related fields over time.~~

23 ~~(d) “Cluster-based sector strategies” means methods of focusing~~
24 ~~workforce and economic development on those sectors that have~~
25 ~~demonstrated a capacity for economic growth and job creation in~~
26 ~~a particular geographic area.~~

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

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

35 ~~(g) “Evidence-based” means making use of policy research as~~
36 ~~a basis for determining best policy practices. Evidence-based~~
37 ~~politymakers adopt policies that research has shown to produce~~
38 ~~positive outcomes, in a variety of settings, for a variety of~~
39 ~~populations over time. Successful, evidence-based programs deliver~~
40 ~~quantifiable and sustainable results. Evidence-based practices~~

1 differ from approaches that are based on tradition, belief,
2 convention, or anecdotal evidence.

3 (h) “High-priority occupations” mean occupations that have a
4 significant presence in a targeted industry sector or industry cluster,
5 are in demand by employers, and pay or lead to payment of a wage
6 that provides economic security.

7 (i) “Individual with employment barriers” means an individual
8 with any characteristic that substantially limits an individual’s
9 ability to obtain employment, including indicators of poor work
10 history, lack of work experience, or access to employment in
11 nontraditional occupations, long-term unemployment, lack of
12 educational or occupational skills attainment, dislocation from
13 high-wage and high-benefit employment, low levels of literacy or
14 English proficiency, disability status, or welfare dependency.

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

23 (k) (1) “Industry or sector partnership” means a workforce
24 collaborative that organizes key stakeholders in a targeted industry
25 cluster into a working group that focuses on the workforce needs
26 of the targeted industry cluster. An industry or sector partnership
27 organizes the stakeholders connected with a specific local or
28 regional industry—multiple firms, labor groups, education and
29 training providers, and workforce and education systems—to
30 develop workforce development strategies within the industry.
31 Successful sector partnerships leverage partner resources to address
32 both short-term and long-term human capital needs of a particular
33 sector, including by analyzing current labor markets and identifying
34 barriers to employment within the industry, developing cross-firm
35 skill standards, curricula, and training programs, and developing
36 occupational career ladders to ensure workers of all skill levels
37 can advance within the industry.

38 (2) Industry or sector partnerships include, at the appropriate
39 stage of development of the partnership, all of the following:

- 1 ~~(A) Representatives of multiple firms or employers in the~~
2 ~~targeted industry cluster, including small-sized and medium-sized~~
3 ~~employers when practicable.~~
- 4 ~~(B) One or more representatives of state labor organizations,~~
5 ~~central labor coalitions, or other labor organizations, except in~~
6 ~~instances where no labor representations exists.~~
- 7 ~~(C) One or more representatives of local workforce investment~~
8 ~~boards.~~
- 9 ~~(D) One or more representatives of kindergarten and grades 1~~
10 ~~to 12, inclusive, and postsecondary educational institutions or other~~
11 ~~training providers, including, but not limited to, career technical~~
12 ~~educators.~~
- 13 ~~(E) One or more representatives of state workforce agencies or~~
14 ~~other entities providing employment services.~~
- 15 ~~(3) An industry or sector partnership may also include~~
16 ~~representatives from the following:~~
 - 17 ~~(A) State or local government.~~
 - 18 ~~(B) State or local economic development agencies.~~
 - 19 ~~(C) Other state or local agencies.~~
 - 20 ~~(D) Chambers of commerce.~~
 - 21 ~~(E) Nonprofit organizations.~~
 - 22 ~~(F) Philanthropic organizations.~~
 - 23 ~~(G) Economic development organizations.~~
 - 24 ~~(H) Industry associations.~~
 - 25 ~~(I) Other organizations, as determined necessary by the members~~
26 ~~comprising the industry or sector partnership.~~
 - 27 ~~(I) “Industry sector” means those firms that produce similar~~
28 ~~products or provide similar services using somewhat similar~~
29 ~~business processes, and are closely linked by workforce needs,~~
30 ~~within a regional labor market.~~
 - 31 ~~(m) “Local labor federation” means a central labor council that~~
32 ~~is an organization of local unions affiliated with the California~~
33 ~~Labor Federation or a local building and construction trades council~~
34 ~~affiliated with the State Building and Construction Trades Council.~~
 - 35 ~~(n) “Sector strategies” means methods of prioritizing~~
36 ~~investments in competitive and emerging industry sectors and~~
37 ~~industry clusters on the basis of labor market and other economic~~
38 ~~data indicating strategic growth potential, especially with regard~~
39 ~~to jobs and income, and exhibit the following characteristics:~~

- 1 ~~(1) Focus workforce investment in education and workforce~~
2 ~~training programs that are likely to lead to jobs providing economic~~
3 ~~security or to an entry-level job with a well-articulated career~~
4 ~~pathway into a job providing economic security.~~
- 5 ~~(2) Effectively boost labor productivity or reduce business~~
6 ~~barriers to growth and expansion stemming from workforce supply~~
7 ~~problems, including skills gaps and occupational shortages by~~
8 ~~directing resources and making investments to plug skills gaps~~
9 ~~and provide education and training programs for high-priority~~
10 ~~occupations.~~
- 11 ~~(3) May be implemented using articulated career pathways or~~
12 ~~lattices and a system of stackable credentials.~~
- 13 ~~(4) May target underserved communities, disconnected youths,~~
14 ~~incumbent workers, and recently separated military veterans.~~
- 15 ~~(5) Frequently are implemented using industry or sector~~
16 ~~partnerships.~~
- 17 ~~(6) Typically are implemented at the regional level where sector~~
18 ~~firms, those employers described in subdivisions (j) and (l), often~~
19 ~~share a common labor market and supply chains. However, sector~~
20 ~~strategies may also be implemented at the state or local level~~
21 ~~depending on sector needs and labor market conditions.~~
- 22 ~~(o) “Workforce Innovation and Opportunity Act” means the~~
23 ~~federal act enacted as Public Law 113-128.~~
- 24 ~~SEC. 32. Section 14013 of the Unemployment Insurance Code~~
25 ~~is amended to read:~~
- 26 ~~14013. The board shall assist the Governor in the following:~~
- 27 ~~(a) Promoting the development of a well-educated and highly~~
28 ~~skilled 21st century workforce.~~
- 29 ~~(b) Developing the State Workforce Investment Plan.~~
- 30 ~~(c) Developing guidelines for the continuous improvement and~~
31 ~~operation of the workforce investment system, including:~~
- 32 ~~(1) Developing policies to guide the one-stop system.~~
- 33 ~~(2) Providing technical assistance for the continuous~~
34 ~~improvement of the one-stop system.~~
- 35 ~~(3) Recommending state investments in the one-stop system.~~
- 36 ~~(4) Targeting resources to competitive and emerging industry~~
37 ~~sectors and industry clusters that provide economic security and~~
38 ~~are either high-growth sectors or critical to California’s economy,~~
39 ~~or both. These industry sectors and clusters shall have significant~~

1 economic impacts on the state and its regional and workforce
2 development needs and have documented career opportunities.

3 (5) To the extent permissible under state and federal laws,
4 recommending youth policies and strategies that support linkages
5 between kindergarten and grades 1 to 12, inclusive, and community
6 college educational systems and youth training opportunities in
7 order to help youth secure educational and career advancement.
8 These policies and strategies may be implemented using a sector
9 strategies framework and should ultimately lead to placement in
10 a job providing economic security or job placement in an
11 entry-level job that has a well-articulated career pathway or career
12 ladder to a job providing economic security.

13 (6) To the extent permissible under state and federal law,
14 recommending adult and dislocated worker training policies and
15 investments that offer a variety of career opportunities while
16 upgrading the skills of California's workforce. These may include
17 training policies and investments pertaining to any of the following:

18 (A) Occupational skills training, including training for
19 nontraditional employment.

20 (B) On-the-job training.

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

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

24 (E) Skill upgrading and retraining.

25 (F) Entrepreneurial training.

26 (G) Job readiness training.

27 (H) Adult education and literacy activities provided in
28 combination with any of the services described in this paragraph.

29 (I) Customized training conducted with a commitment by an
30 employer or group of employers to employ an individual upon
31 successful completion of the training.

32 (d) Developing and continuously improving the statewide
33 workforce investment system as delivered via the one-stop delivery
34 system and via other programs and services supported by funding
35 from the federal Workforce Innovation and Opportunity Act,
36 including:

37 (1) Developing linkages in order to ensure coordination and
38 nonduplication among workforce programs and activities.

39 (2) Reviewing local workforce investment plans.

1 ~~(3) Leveraging state and federal funds to ensure that resources~~
2 ~~are invested in activities that meet the needs of the state's~~
3 ~~competitive and emerging industry sectors and advance the~~
4 ~~education and employment needs of students and workers so they~~
5 ~~can keep pace with the education and skill needs of the state, its~~
6 ~~regional economies, and leading industry sectors.~~

7 ~~(e) Commenting, at least once annually, on the measures taken~~
8 ~~pursuant to the Carl D. Perkins Vocational and Applied Technology~~
9 ~~Education Act Amendments of 1990 (Public Law 101-392; 20~~
10 ~~U.S.C. Sec. 2301 et seq.).~~

11 ~~(f) Designating local workforce investment areas within the~~
12 ~~state based on information derived from all of the following:~~

13 ~~(1) Consultations with the Governor.~~

14 ~~(2) Consultations with the chief local elected officials.~~

15 ~~(3) Consideration of comments received through the public~~
16 ~~comment process, as described in Section 102(b)(2)(E)(iii)(II) of~~
17 ~~the federal Workforce Innovation and Opportunity Act.~~

18 ~~(g) Developing and modifying allocation formulas, as necessary,~~
19 ~~for the distribution of funds for adult employment and training~~
20 ~~activities, for youth activities to local workforce investment areas,~~
21 ~~and dislocated worker employment and training activities, as~~
22 ~~permitted by federal law.~~

23 ~~(h) Coordinating the development and continuous improvement~~
24 ~~of comprehensive state performance measures, including state~~
25 ~~adjusted levels of performance, to assess the effectiveness of the~~
26 ~~workforce investment activities in the state.~~

27 ~~(i) Preparing the annual report to the United States Secretary of~~
28 ~~Labor.~~

29 ~~(j) Recommending policy for the development of the statewide~~
30 ~~employment statistics system, including workforce and economic~~
31 ~~data, as described in Section 491-2 of Title 29 of the United States~~
32 ~~Code, and using, to the fullest extent possible, the Employment~~
33 ~~Development Department's existing labor market information~~
34 ~~systems.~~

35 ~~(k) Recommending strategies to the Governor for strategic~~
36 ~~training investments of the Governor's 15-percent discretionary~~
37 ~~funds.~~

38 ~~(l) Developing and recommending waivers, in conjunction with~~
39 ~~local workforce investment boards, to the Governor as provided~~
40 ~~for in the federal Workforce Innovation and Opportunity Act.~~

1 ~~(m) Recommending policy to the Governor for the use of the~~
2 ~~25-percent rapid response funds, as authorized under the federal~~
3 ~~Workforce Innovation and Opportunity Act.~~

4 ~~(n) Developing an application to the United States Department~~
5 ~~of Labor for an incentive grant under Section 9273 of Title 20 of~~
6 ~~the United States Code.~~

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

17 ~~(A) Provide a status report on credential attainment, training~~
18 ~~completion, degree attainment, and participant earnings from~~
19 ~~workforce education and training programs. The board shall publish~~
20 ~~and distribute the final report.~~

21 ~~(B) Provide demographic breakdowns, including, to the extent~~
22 ~~possible, race, ethnicity, age, gender, veteran status, wage and~~
23 ~~credential or degree outcomes, and information on workforce~~
24 ~~outcomes in different industry sectors.~~

25 ~~(C) Measure, at a minimum and to the extent feasible with~~
26 ~~existing resources, the performance of the following workforce~~
27 ~~programs: community college career technical education, the~~
28 ~~Employment Training Panel, Title I and Title II of the federal~~
29 ~~Workforce Innovation and Opportunity Act, Trade Adjustment~~
30 ~~Assistance, and state apprenticeship programs.~~

31 ~~(D) Measure participant earnings in California, and to the extent~~
32 ~~feasible, in other states. The Employment Development Department~~
33 ~~shall assist the board by calculating aggregated participant earnings~~
34 ~~using unemployment insurance wage records, without violating~~
35 ~~any applicable confidentiality requirements.~~

36 ~~(2) The State Department of Education is hereby authorized to~~
37 ~~collect the social security numbers of adults participating in adult~~
38 ~~education programs so that accurate participation in those programs~~
39 ~~can be represented in the report card. However, an individual shall~~
40 ~~not be denied program participation if he or she refuses to provide~~

1 a social security number. The State Department of Education shall
2 keep this information confidential and shall only use this
3 information for tracking purposes, in compliance with all applicable
4 state and federal law.

5 (3) (A) Participating workforce programs, as specified in clause
6 subparagraph (C) of paragraph (1), shall provide participant data
7 in a standardized format to the Employment Development
8 Department.

9 (B) The Employment Development Department shall aggregate
10 data provided by participating workforce programs and shall report
11 the data, organized by demographics, earnings, and industry of
12 employment, to the board to assist the board in producing the
13 annual workforce metrics dashboard.

14 SEC. 33. Section 14020 of the Unemployment Insurance Code
15 is amended to read:

16 14020. (a) The California Workforce Investment Board, in
17 collaboration with state and local partners, including the Chancellor
18 of the California Community Colleges, the State Department of
19 Education, other appropriate state agencies, and local workforce
20 investment boards, shall develop a strategic workforce plan to
21 serve as a framework for the development of public policy, fiscal
22 investment, and operation of all state labor exchange, workforce
23 education, and training programs to address the state's economic,
24 demographic, and workforce needs. The strategic workforce plan
25 shall also serve as the framework for the single state plan required
26 by the federal Workforce Innovation and Opportunity Act. The
27 plan shall be updated at least every five years.

28 (b) The state shall develop a California Industry Sector Initiative
29 that will serve as the cornerstone of the state plan and provide a
30 framework for state workforce investments and support for sector
31 strategies.

32 (c) The California Workforce Investment Board shall work
33 collaboratively with state and local partners to identify ways to
34 eliminate systemwide barriers and better align and leverage federal,
35 state, and local Workforce Innovation and Opportunity Act funding
36 streams and policies to develop, support, and sustain regional
37 alliances of employers and workforce and education professionals
38 who are working to improve the educational pipeline, establish
39 well-articulated career pathways, provide industry-recognized
40 credentials and certificates, and address the career advancement

1 needs of current and future workers in competitive and emergent
2 industry sectors and clusters. The California Workforce Investment
3 Board and its partners shall work collaboratively to maximize state
4 and local investments and pursue other resources to address the
5 skills-gap needs identified pursuant to paragraph (3) of subdivision
6 (d).

7 (d) In order to support the requirement of the plans in
8 subdivision (a), the California Workforce Investment Board shall
9 do the following:

10 (1) Annually identify industry sectors and industry clusters that
11 have a competitive economic advantage and demonstrated
12 economic importance to the state and its regional economies. In
13 developing this analysis, the California Workforce Investment
14 Board shall consider the expertise of local workforce investment
15 boards in the state's respective regional economies and shall
16 encourage the local workforce investment boards to identify
17 industry sectors and industry clusters that have a competitive
18 economic advantage and demonstrated economic importance in
19 their respective local workforce investment areas.

20 (2) Annually identify new dynamic emergent industry sectors
21 and industry clusters with substantial potential to generate new
22 jobs and income growth for the state and its regional economies.
23 In developing this analysis, the California Workforce Investment
24 Board shall consider the expertise of local workforce investment
25 boards in the state's respective regional economies and shall
26 encourage the local workforce investment boards to identify new
27 dynamic emergent industry sectors and industry clusters with
28 substantial potential to generate new jobs and income growth in
29 their respective local workforce investment areas.

30 (3) Provide an annual skills-gap analysis enumerating
31 occupational and skills shortages in the industry sectors and
32 industry clusters identified as having strategic importance to the
33 state's economy and its regional economies. In developing this
34 analysis, the California Workforce Investment Board shall consider
35 the expertise of local workforce investment boards in the state's
36 respective regional economies and shall encourage the local
37 workforce investment boards to conduct skills-gap analysis for
38 their respective local workforce investment areas. Skills-gap
39 analysis for the state and its regional economies shall use labor
40 market data to specify a list of high-priority, in-demand occupations

1 for the state and its regional economies. This list shall be used to
2 inform investment decisions and eligible training provider policies.
3 (4) Establish, with input from local workforce investment boards
4 and other stakeholders, initial and subsequent eligibility criteria
5 for the federal Workforce Innovation and Opportunity Act eligible
6 training provider list that effectively directs training resources into
7 training programs leading to employment in high-demand,
8 high-priority, and occupations that provide economic security,
9 particularly those facing a shortage of skilled workers. The
10 subsequent eligibility criteria, to the extent feasible, shall use
11 performance and outcome measures to determine whether a
12 provider is qualified to remain on the list. At a minimum, initial
13 and subsequent eligibility criteria shall consider the following:
14 (A) The relevance of the training program to the workforce
15 needs of the state's strategic industry sectors and industry clusters.
16 (B) The need to plug skills gaps and skills shortages in the
17 economy, including skills gaps and skills shortages at the state and
18 regional level.
19 (C) The need to plug skills gaps and skills shortages in local
20 workforce investment areas.
21 (D) The likelihood that the training program will lead to job
22 placement in a job providing economic security or job placement
23 in an entry-level job that has a well-articulated career pathway or
24 career ladder to a job providing economic security.
25 (E) The need for basic skills and bridge training programs that
26 provide access to occupational skills training for individuals with
27 barriers to employment and those who would otherwise be unable
28 to enter occupational skills training.
29 (F) To the extent feasible, utilize criteria that measure training
30 and education provider performance, including, but not limited to,
31 the following:
32 (i) Measures of skills or competency attainment.
33 (ii) Measures relevant to program completion, including
34 measures of course, certificate, degree, licensure, and program of
35 study rate of completion.
36 (iii) For those entering the labor market, measures of
37 employment placement and retention.
38 (iv) For those continuing in training or education, measures of
39 educational or training progression.

1 ~~(v) For those who have entered the labor market, measures of~~
2 ~~income, including wage measures.~~

3 ~~(G) The division of labor for making initial and subsequent~~
4 ~~eligibility determinations under this division shall be modeled on~~
5 ~~the division of labor envisioned in the federal Workforce~~
6 ~~Innovation and Opportunity Act in that the state board shall~~
7 ~~establish, with input from local workforce investment boards and~~
8 ~~other stakeholders, the initial and subsequent eligibility procedures~~
9 ~~and criteria utilized by local workforce investment boards to assess~~
10 ~~training provider performance. The local boards shall have the~~
11 ~~authority to place and retain training providers on the list, and shall~~
12 ~~provide relevant performance data pertaining to the training~~
13 ~~provider criteria established pursuant to this division to a state~~
14 ~~agency designated by the Governor. The relevant state agency~~
15 ~~shall also have the authority to remove training providers for~~
16 ~~nonperformance, provided they do not meet the performance~~
17 ~~criteria established pursuant to this division.~~

18 ~~(H) If the state receives a waiver from the federal subsequent~~
19 ~~eligibility provisions specified in the federal Workforce Innovation~~
20 ~~and Opportunity Act, the state workforce investment board shall~~
21 ~~establish its own subsequent eligibility criteria that take into~~
22 ~~account all of the criteria specified in subparagraphs (A) to (G),~~
23 ~~inclusive.~~

24 ~~SEC. 34. Section 14200 of the Unemployment Insurance Code~~
25 ~~is amended to read:~~

26 ~~14200. (a) The local chief elected officials in a local workforce~~
27 ~~development area shall form, pursuant to guidelines established~~
28 ~~by the Governor and the board, a local workforce investment board~~
29 ~~to plan and oversee the workforce investment system.~~

30 ~~(b) The Governor shall certify one local board for each local~~
31 ~~area in the state once every two years, following the requirements~~
32 ~~of the federal Workforce Innovation and Opportunity Act.~~

33 ~~(c) The Governor shall establish, through the California~~
34 ~~Workforce Investment Board, standards for certification of~~
35 ~~high-performance local workforce investment boards. The~~
36 ~~California Workforce Investment Board shall, in consultation with~~
37 ~~representatives from local workforce investment boards, initiate~~
38 ~~a stakeholder process to determine the appropriate measurable~~
39 ~~metrics and standards for high-performance certification. These~~
40 ~~standards shall be implemented on or before January 1, 2013, and~~

1 the first certification of high-performance boards shall occur on
2 or before July 1, 2013. Certification and recertification of each
3 high-performance local workforce investment board shall occur
4 thereafter at least once every two years. In order to meet the
5 standards for certification, a high-performance local workforce
6 investment board shall do all of the following:

7 (1) Consistently meet or exceed negotiated performance goals
8 for all of the measures in each of the three federal Workforce
9 Innovation and Opportunity Act customer groups, which consist
10 of adults, dislocated workers, and youth.

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

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

14 (A) Is separate and apart from the local plan required under the
15 federal Workforce Innovation and Opportunity Act.

16 (B) Is consistent with the California Workforce Investment
17 Board strategic plan.

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

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

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

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

28 (5) Demonstrate that the local planning process takes into
29 account the entire workforce training pipeline for the relevant
30 regional economy, including partners in K-12 education, career
31 technical education, the community college system, other
32 postsecondary institutions, and other local workforce investment
33 areas operating in relevant regional economy.

34 (6) Demonstrate that the local planning process and plan are
35 data driven, and that policy decisions at the local level are evidence
36 based. Each high-performance local workforce investment board
37 shall use labor market data to develop and implement the local
38 plan, taking care to steer resources into programs and services that
39 are relevant to the needs of each workforce investment area's
40 relevant regional labor market and high-wage industry sectors.

1 ~~Local workforce investment areas shall demonstrate an~~
2 ~~evidence-based approach to policymaking by establishing~~
3 ~~performance benchmarks and targets to measure progress toward~~
4 ~~local goals and objectives.~~

5 ~~(7) Demonstrate investment in workforce initiatives, and,~~
6 ~~specifically, training programs that promote skills development~~
7 ~~and career ladders relevant to the needs of each workforce~~
8 ~~investment area's regional labor market and high-wage industry~~
9 ~~sectors.~~

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

13 ~~(9) Establish a business service plan that integrates local~~
14 ~~business involvement with workforce initiatives. This plan at a~~
15 ~~minimum shall include all of the following:~~

16 ~~(A) Efforts to partner with businesses to identify the workforce~~
17 ~~training and educational barriers to attract jobs in the relevant~~
18 ~~regional economy, existing skill gaps reducing the competitiveness~~
19 ~~of local businesses in the relevant regional economies, and potential~~
20 ~~emerging industries that would likely contribute to job growth in~~
21 ~~the relevant regional economy if investments were made for~~
22 ~~training and educational programs.~~

23 ~~(B) An electronic system for both businesses and job-seekers~~
24 ~~to communicate about job opportunities.~~

25 ~~(C) A subcommittee of the local workforce investment board~~
26 ~~that further develops and makes recommendations for the business~~
27 ~~service plan for each local workforce investment board in an effort~~
28 ~~to increase employer involvement in the activities of the local~~
29 ~~workforce investment board. The subcommittee members should~~
30 ~~be comprised of business representatives on the local workforce~~
31 ~~investment board who represent both the leading industries and~~
32 ~~employers in the relevant regional economy and potential emerging~~
33 ~~sectors that have significant potential to contribute to job growth~~
34 ~~in the relevant regional economy if investments were made for~~
35 ~~training and educational programs.~~

36 ~~(d) Beginning in the 2013-14 fiscal year, the Governor and the~~
37 ~~Legislature, as part of the annual budget process, in consultation~~
38 ~~with the California Workforce Investment Board, shall annually~~
39 ~~reserve a portion of the 15-percent discretionary fund made~~
40 ~~available pursuant to the federal Workforce Innovation and~~

1 Opportunity Act for the purpose of providing performance
2 incentives to high-performance local workforce investment boards.
3 The remaining discretionary funds shall continue to be available
4 for other discretionary purposes as provided for in the federal
5 Workforce Innovation and Opportunity Act.

6 ~~(e) Only a workforce investment board that is certified as a~~
7 ~~high-performance local workforce investment board by the~~
8 ~~California Workforce Investment Board shall be eligible to receive~~
9 ~~any incentive money reserved for high-performance local~~
10 ~~workforce investment boards, as described in subdivision (d). A~~
11 ~~board that is not certified as a high-performance local workforce~~
12 ~~investment board shall not receive any portion of the money~~
13 ~~reserved for high-performance local workforce investment boards,~~
14 ~~as described in subdivision (d) or any portion of the state's~~
15 ~~15-percent discretionary fund.~~

16 ~~(f) The California Workforce Investment Board shall establish~~
17 ~~a policy for the allocation of incentive moneys to high-performance~~
18 ~~local workforce investment boards.~~

19 ~~(g) The California Workforce Investment Board may consider~~
20 ~~the utilization of incentive grants pursuant to the federal Workforce~~
21 ~~Innovation and Opportunity Act, for the purposes of this section.~~

22 ~~(h) There shall not be a requirement to set aside federal~~
23 ~~Workforce Innovation and Opportunity Act funds for the purposes~~
24 ~~of subdivisions (d), (e), (f), or (g) in years when the federal~~
25 ~~government significantly reduces the share of federal Workforce~~
26 ~~Innovation and Opportunity Act funds appropriated to the state~~
27 ~~for statewide discretionary purposes below the federal statutory~~
28 ~~amount of 15 percent.~~

29 ~~SEC. 35. Section 14206 of the Unemployment Insurance Code~~
30 ~~is amended to read:~~

31 ~~14206. It shall be the duty of the local board to do all of the~~
32 ~~following:~~

33 ~~(a) Coordinate workforce investment activities in the local area~~
34 ~~with economic development strategies.~~

35 ~~(b) Promote participation of private sector employers in the~~
36 ~~local workforce investment system.~~

37 ~~(c) Develop and submit a local workforce investment plan to~~
38 ~~the Governor.~~

1 ~~(d) Select one-stop operators, with the agreement of the local~~
2 ~~chief elected official, annually review their operations, and~~
3 ~~terminate for cause the eligibility of such operators.~~

4 ~~(e) Award grants or contracts to eligible providers of youth~~
5 ~~activities in the local area on a competitive basis, consistent with~~
6 ~~the federal Workforce Innovation and Opportunity Act, based upon~~
7 ~~the recommendations of the youth council.~~

8 ~~(f) Identify, consistent with the federal Workforce Innovation~~
9 ~~and Opportunity Act, eligible providers of training services.~~

10 ~~(g) Identify eligible providers of intensive services and, when~~
11 ~~the one-stop operator does not provide intensive services to the~~
12 ~~local area, award contracts to those providers.~~

13 ~~(h) Develop local policy on the amount and duration of~~
14 ~~individual training accounts based upon the market rate for local~~
15 ~~training programs.~~

16 ~~(i) Conduct program oversight over workforce investment~~
17 ~~activities in the local area.~~

18 ~~(j) Negotiate with the local chief elected official in the local~~
19 ~~area and the Governor on local performance measures for the local~~
20 ~~area.~~

21 ~~(k) Assist in the development of a statewide employment~~
22 ~~statistics system, which shall be developed in conjunction with~~
23 ~~and shall utilize to the fullest extent possible, the Employment~~
24 ~~Development Department's labor market information system.~~

25 ~~SEC. 36. Section 14208 of the Unemployment Insurance Code~~
26 ~~is amended to read:~~

27 ~~14208. A youth council shall be established as a subgroup~~
28 ~~within each local board, appointed by the local board in cooperation~~
29 ~~with the local chief elected official. Youth council membership~~
30 ~~shall conform with the requirements of the federal Workforce~~
31 ~~Innovation and Opportunity Act.~~

32 ~~SEC. 37. Section 14211 of the Unemployment Insurance Code~~
33 ~~is amended to read:~~

34 ~~14211. (a) (1) Beginning program year 2012, an amount equal~~
35 ~~to at least 25 percent of funds available under Title I of the federal~~
36 ~~Workforce Innovation and Opportunity Act provided to local~~
37 ~~workforce investment boards for adults and dislocated workers~~
38 ~~shall be spent on workforce training programs. This minimum may~~
39 ~~be met either by spending 25 percent of those base formula funds~~

1 on training or by combining a portion of those base formula funds
2 with leveraged funds as specified in subdivision (b).

3 ~~(2) Beginning program year 2016, an amount equal to at least~~
4 ~~30 percent of funds available under Title I of the federal Workforce~~
5 ~~Innovation and Opportunity Act provided to local workforce~~
6 ~~investment boards for adults and dislocated workers shall be spent~~
7 ~~on workforce training programs. This minimum may be met either~~
8 ~~by spending 30 percent of those base formula funds on training or~~
9 ~~by combining a portion of those base formula funds with leveraged~~
10 ~~funds as specified in subdivision (b).~~

11 ~~(3) Expenditures that shall count toward the minimum~~
12 ~~percentage of funds shall include only training services as defined~~
13 ~~in Section 134(e)(3) of the federal Workforce Innovation and~~
14 ~~Opportunity Act and Sections 663.300 and 663.508 of Title 20 of~~
15 ~~the Code of Federal Regulations, including all of the following:~~

16 ~~(A) Occupational skills training, including training for~~
17 ~~nontraditional employment.~~

18 ~~(B) On-the-job training.~~

19 ~~(C) Programs that combine workplace training with related~~
20 ~~instruction, which may include cooperative education programs.~~

21 ~~(D) Training programs operated by the private sector.~~

22 ~~(E) Skill upgrading and retraining.~~

23 ~~(F) Entrepreneurial training.~~

24 ~~(G) Job readiness training.~~

25 ~~(H) Adult education and literacy activities provided in~~
26 ~~combination with services described in any of subparagraphs (A)~~
27 ~~to (G), inclusive.~~

28 ~~(I) Customized training conducted with a commitment by an~~
29 ~~employer or group of employers to employ an individual upon~~
30 ~~successful completion of the training.~~

31 ~~(b) (1) Local workforce investment boards may receive a credit~~
32 ~~of up to 10 percent of their adult and dislocated worker formula~~
33 ~~fund base allocations for public education and training funds and~~
34 ~~private resources from industry and from joint labor-management~~
35 ~~trusts that are leveraged by a local workforce investment board~~
36 ~~for training services described in paragraph (3) of subdivision (a).~~
37 ~~This credit may be applied toward the minimum training~~
38 ~~requirements in paragraphs (1) and (2) of subdivision (a).~~

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

- 1 (i) Federal Pell Grants established under Title IV of the federal
2 Higher Education Act of 1965 (20 U.S.C. Sec. 1070 et seq.).
3 (ii) Programs authorized by the federal Workforce Innovation
4 and Opportunity Act.
5 (iii) Trade adjustment assistance.
6 (iv) Department of Labor National Emergency Grants.
7 (v) Match funds from employers, industry, and industry
8 associations.
9 (vi) Match funds from joint labor-management trusts.
10 (vii) Employment training panel grants.
11 (B) Credit for leveraged funds shall only be given if the local
12 workforce investment board keeps records of all training
13 expenditures it chooses to apply to the credit. Training expenditures
14 may only be applied to the credit if the relevant training costs can
15 be independently verified by the Employment Development
16 Department and training participants must be coenrolled in the
17 federal Workforce Innovation and Opportunity Act performance
18 monitoring system.
19 (2) The use of leveraged funds to partially meet the training
20 requirements specified in paragraphs (1) and (2) of subdivision
21 (a) is the prerogative of a local workforce investment board. Costs
22 arising from the recordkeeping required to demonstrate compliance
23 with the leveraging requirements of this subdivision are the
24 responsibility of the board.
25 (c) Beginning program year 2012, the Employment Development
26 Department shall calculate for each local workforce investment
27 board, within six months after the end of the second program year
28 of the two-year period of availability for expenditure of federal
29 Workforce Innovation and Opportunity Act funds, whether the
30 local workforce investment board met the requirements of
31 subdivision (a). The Employment Development Department shall
32 provide to each local workforce investment board its individual
33 calculations with respect to the expenditure requirements of
34 subdivision (a).
35 (d) A local workforce investment area that does not meet the
36 requirements of subdivision (a) shall submit a corrective action
37 plan to the Employment Development Department that provides
38 reasons for not meeting the requirements and describes actions
39 taken to address the identified expenditure deficiencies. A local
40 workforce investment area shall provide a corrective action plan

1 to the Employment Development Department pursuant to this
2 section within 90 days of receiving the calculations described in
3 subdivision (e).

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

7 SEC. 38. Section 14221 of the Unemployment Insurance Code
8 is amended to read:

9 14221. The local plan shall include all of the following:

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

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

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

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

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

31 (d) A description and assessment of the type and availability of
32 adult and dislocated worker employment and training activities in
33 the local area.

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

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

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

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

13 ~~(i) An identification of the entity, as prescribed in the federal~~
14 ~~Workforce Innovation and Opportunity Act, responsible for the~~
15 ~~disbursal of funds under the federal Workforce Innovation and~~
16 ~~Opportunity Act.~~

17 ~~(j) A description of the competitive process to be used to award~~
18 ~~the grants and contracts in the local area for activities carried out~~
19 ~~under the federal Workforce Innovation and Opportunity Act.~~

20 ~~SEC. 39. Section 14230 of the Unemployment Insurance Code~~
21 ~~is amended to read:~~

22 ~~14230. (a) It is the intent of the Legislature that:~~

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

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

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

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

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

36 ~~(C) Job search and placement assistance.~~

37 ~~(D) Career counseling, where appropriate.~~

38 ~~(E) Provision of labor market information.~~

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

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

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

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

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

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

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

34 ~~(A) Occupational skill training including training for~~
35 ~~nontraditional employment.~~

36 ~~(B) On-the-job training.~~

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

39 ~~(D) Training programs operated by the private sector.~~

40 ~~(E) Skill upgrading and retraining.~~

1 ~~(F) Entrepreneurial training.~~

2 ~~(G) Job readiness training.~~

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

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

10 ~~(7) As prescribed in the federal Workforce Innovation and~~
11 ~~Opportunity Act, when funds are limited, priority for intensive~~
12 ~~services and training services shall be given to adult recipients of~~
13 ~~public assistance and other low-income adults, such as CalWORKs~~
14 ~~participants.~~

15 ~~(b) Each local workforce investment board shall establish at~~
16 ~~least one full service one-stop career center in the local workforce~~
17 ~~investment area. Each full service one-stop career center shall have~~
18 ~~all entities specified in Section 14231 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 federal Workforce Innovation and~~
27 ~~Opportunity Act, which shall act as portals into the larger local~~
28 ~~one-stop system, but are not required to have all of the partners~~
29 ~~specified 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. This policy, along with~~
33 ~~the methods for referral of individuals between the one-stop~~
34 ~~operators and the one-stop partners for appropriate services and~~
35 ~~activities, shall be contained in the memorandum of understanding~~
36 ~~between the local board and the one-stop partners.~~

37 ~~(e) The California Workforce Investment Board and each local~~
38 ~~board shall ensure that programs and services funded by the federal~~
39 ~~Workforce Innovation and Opportunity Act and directed to~~
40 ~~apprenticeable occupations, including preapprenticeship training,~~

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

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

15 SEC. 40. Section 14231 of the Unemployment Insurance Code
16 is amended to read:

17 14231. (a) The local providers of the following programs or
18 activities shall be required partners in the local one-stop system:

19 (1) Programs authorized under Title I of the federal Workforce
20 Innovation and Opportunity Act.

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

23 (3) Adult education and literacy activities authorized under Title
24 H of the federal Workforce Innovation and Opportunity Act.

25 (4) Programs authorized under Title I of the Rehabilitation Act
26 of 1973 (29 U.S.C. Sec. 720 et seq.).

27 (5) Programs authorized under Section 403(a)(5) of the Social
28 Security Act (42 U.S.C. Sec. 603(a)(5) as added by Section 5001
29 of the Balanced Budget Act of 1997).

30 (6) Activities authorized under Title V of the Older Americans
31 Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

32 (7) Postsecondary vocational education activities authorized
33 under the Carl D. Perkins Vocational and Applied Technology
34 Education Act (20 U.S.C. Sec. 2301 et seq.), including community
35 colleges and regional occupational centers and programs.

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

38 (9) Activities authorized under Chapter 41 (commencing with
39 Section 4100) of Title 38 of the United States Code.

1 ~~(10) Employment and training activities carried out under the~~
2 ~~Community Services Block Grant Act (42 U.S.C. Sec. 9901 et~~
3 ~~seq.):~~

4 ~~(11) Employment and training activities carried out by the~~
5 ~~Department of Housing and Urban Development.~~

6 ~~(12) Programs authorized by this code, in accordance with~~
7 ~~applicable federal law.~~

8 ~~(b) Community-based organizations that provide intensive~~
9 ~~services as described in paragraph (4) of subdivision (a) of Section~~
10 ~~14230, shall be encouraged to be one-stop partners.~~

11 ~~SEC. 41. Section 14500 of the Unemployment Insurance Code~~
12 ~~is amended to read:~~

13 ~~14500. Notwithstanding any other provision of law, when a~~
14 ~~person using his or her federal Workforce Innovation and~~
15 ~~Opportunity Act individual training account enrolls in an adult~~
16 ~~education program, a noncredit curricula program at a community~~
17 ~~college, or a regional occupational center or program, for which~~
18 ~~state funds are allocated, all of the following shall apply:~~

19 ~~(a) The entities administering the program may use federal~~
20 ~~Workforce Innovation and Opportunity Act individual training~~
21 ~~account funds only to increase the number of hours of services~~
22 ~~provided above their adult block entitlement pursuant to Section~~
23 ~~52616 of the Education Code and funding limit for regional~~
24 ~~occupational center programs for the purpose of enhancing services~~
25 ~~already supported with state funds. Any state funds provided to~~
26 ~~these entities above their adult block entitlements and funding~~
27 ~~limit for regional occupational center programs shall be subject to~~
28 ~~an appropriation in the annual Budget Act.~~

29 ~~(b) Any state funds allocated to the entity administering the~~
30 ~~program shall not be offset with the federal Workforce Innovation~~
31 ~~and Opportunity Act individual training account funds.~~

32 ~~(c) The entity administering the program shall use the Workforce~~
33 ~~Innovation and Opportunity Act individual training account funds~~
34 ~~received for the program.~~

35 ~~SEC. 42.~~

36 ~~SEC. 27. Section 18002 of the Unemployment Insurance Code~~
37 ~~is amended to read:~~

38 ~~18002. Each local workforce investment board shall establish~~
39 ~~at least one comprehensive one-stop career center in each local~~
40 ~~workforce investment area. These one-stop centers shall ensure~~

1 access to services pursuant to Section 134(d) of the federal
2 Workforce Innovation and Opportunity Act, including services
3 for persons with disabilities, including, but not limited to, all of
4 the following:

5 (a) Outreach, intake, and orientation.

6 (b) Initial assessments of skills, aptitudes, abilities, and need
7 for support services.

8 (c) Program eligibility determinations.

9 (d) Information on the local, regional, and national labor market.

10 (e) Information on filing for unemployment insurance.

11 (f) Access to intensive services as needed, including, but not
12 limited to, comprehensive and specialized assessments of skill
13 levels and service needs, development of individual employment
14 plans, group counseling, individual counseling and career planning,
15 case management for participants seeking training services under
16 subdivision (g), and short-term prevocational services, such as
17 learning, communication, interview, and other jobseeking and
18 ~~work-related~~ *work-related* skills to help prepare individuals for
19 unsubsidized employment and training.

20 (g) Training services, including, but not limited to, occupational
21 skills training, on-the-job training, workplace training and
22 cooperative education programs, private sector training programs,
23 skills upgrade and retraining, entrepreneurial training, job readiness
24 training, adult education, and literacy activities combined with
25 training, and customized training.

26 ~~SEC. 43.~~

27 *SEC. 28.* Section 18008 of the Unemployment Insurance Code
28 is amended to read:

29 18008. In order to ensure that one-stop career centers operated
30 by local workforce investment boards meet the needs of workers
31 and employers with disabilities, the Governor shall ensure that
32 evaluations conducted pursuant to Sections 134 (a)(2)(B)(vi) of
33 the federal Workforce Innovation and Opportunity Act, address
34 how local one-stop centers provide all of the following:

35 (a) Full access to workforce development services for their
36 disabled community.

37 (b) Assistive technology to ensure access to services.

38 (c) Staff training on assessment and service strategies for
39 jobseekers and employers with disabilities.

1 (d) Representation of the disability community in program
2 planning and service delivery.

3 (e) The development of regional employment networks to
4 participate in the federal Ticket to Work program and the role of
5 the local board and one-stop centers in the Ticket to Work program.

6 ~~SEC. 44.~~

7 *SEC. 29.* Section 16522.1 of the Welfare and Institutions Code
8 is amended to read:

9 16522.1. (a) In order to be licensed as a transitional housing
10 placement provider pursuant to Section 1559.110 of the Health
11 and Safety Code and be eligible for payment of AFDC-FC benefits
12 pursuant to Sections 11403.2 and 11403.3, an applicant shall obtain
13 certification from the applicable county specifying whether the
14 facility will serve foster youth at least 16 years of age and not more
15 than 18 years of age, nonminor dependents, as defined in
16 subdivision (v) of Section 11400, or both, as follows:

17 (1) A program serving foster children at least 16 years of age
18 and not more than 18 years of age shall obtain a certification
19 entitled “Transitional Housing Placement Program.”

20 (2) A program serving nonminor dependents at least 18 years
21 of age and not more than 21 years of age shall obtain a certification
22 entitled a “Transitional Housing Placement-Plus Foster Care
23 program.”

24 (b) The certification for the Transitional Housing Placement
25 Program shall confirm that the program provides for all of the
26 following:

27 (1) Admission criteria for participants in the program, including,
28 but not limited to, consideration of the applicant’s age, previous
29 placement history, delinquency history, history of drug or alcohol
30 abuse, current strengths, level of education, mental health history,
31 medical history, prospects for successful participation in the
32 program, and work experience. Youth who are wards of the court
33 described in Section 602 and youth receiving psychotropic
34 medications shall be eligible for consideration to participate in the
35 program, and shall not be automatically excluded due to these
36 factors.

37 (2) The department shall review the admission criteria to ensure
38 that the criteria are sufficient to protect participants and that they
39 do not discriminate on the basis of any characteristic listed or
40 defined in Section 11135 of the Government Code.

- 1 (3) Strict employment criteria that include a consideration of
2 the employee's age, drug or alcohol history, and experience in
3 working with persons in this age group.
- 4 (4) A training program designed to educate employees who
5 work directly with participants about the characteristics of persons
6 in this age group placed in long-term care settings, and designed
7 to ensure that these employees are able to adequately supervise
8 and counsel participants and to provide them with training in
9 independent living skills.
- 10 (5) A detailed plan for monitoring the placement of persons
11 under the licensee's care.
- 12 (6) A contract between the participating person and the licensee
13 that specifically sets out the requirements for each party, and in
14 which the licensee and the participant agree to the requirements
15 of this article.
- 16 (7) An allowance to be provided to each participant in the
17 program. In the case of a participant living independently, this
18 allowance shall be sufficient for the participant to purchase food
19 and other necessities.
- 20 (8) A system for payment for utilities, telephone, and rent.
- 21 (9) Policies regarding all of the following:
- 22 (A) Education requirements.
- 23 (B) Work expectations.
- 24 (C) Savings requirements.
- 25 (D) Personal safety.
- 26 (E) Visitors, including, but not limited to, visitation by the
27 placement auditor pursuant to paragraph (5).
- 28 (F) Emergencies.
- 29 (G) Medical problems.
- 30 (H) Disciplinary measures.
- 31 (I) Child care.
- 32 (J) Pregnancy.
- 33 (K) Curfew.
- 34 (L) Apartment cleanliness.
- 35 (M) Use of utilities and telephone.
- 36 (N) Budgeting.
- 37 (O) Care of furnishings.
- 38 (P) Decorating of apartments.
- 39 (Q) Cars.
- 40 (R) Lending or borrowing money.

1 (S) Unauthorized purchases.

2 (T) Dating.

3 (U) Grounds for termination that may include, but shall not be
4 limited to, illegal activities or harboring runaways.

5 (10) Apartment furnishings, and a policy on disposition of the
6 furnishings when the participant completes the program.

7 (11) Evaluation of the participant's progress in the program and
8 reporting to the independent living program and to the department
9 regarding that progress.

10 (12) A linkage to the federal Workforce Innovation and
11 Opportunity Act program administered in the local area to provide
12 employment training to eligible participants.

13 (13) Effective January 1, 2013, a program staffing ratio of case
14 manager to client not to exceed 1 to 12.

15 (c) The certification for the Transitional Housing Placement-Plus
16 Foster Care program for nonminor dependents, as described in
17 paragraph (2) of subdivision (a), from the applicable county shall
18 include all of the following:

19 (1) That the program is needed by the county.

20 (2) That the provider is capable of effectively and efficiently
21 operating the program.

22 (3) That the provider is willing and able to accept the
23 AFDC-FC-eligible nonminor dependents for placement by the
24 placing agency who need the level of care and services that will
25 be provided by the program.

26 (4) That the plan of operation is suitable to meet the needs of
27 the identified population.

28 (5) That the program staffing ratio of case manager to client
29 does not exceed 1 to 12.

30 (6) As used in subdivision (c), "applicable county," for purposes
31 of the certification of a program that serves nonminor dependents,
32 means the county where the administrative office or
33 subadministrative office of a transitional housing placement
34 provider is located, or a primary placing county.

35 ~~SEC. 45.~~

36 *SEC. 30.* No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 this act implements a federal law or regulation and results only in

- 1 costs mandated by the federal government, within the meaning of
- 2 Section 17556 of the Government Code.

O