

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2642

**Introduced by Assembly Members Eduardo Garcia, Eggman,
Cristina Garcia, Gomez, and Maienschein
(Coauthors: Assembly Members ~~Chang Brown, Chang, and
Steinorth~~)
(Coauthor: Senator Wieckowski)**

February 19, 2016

An act to add Division 1.4 (commencing with Section 180) to the Labor Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2642, as amended, Eduardo Garcia. Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative.

Existing law establishes the Labor and Workforce Development Agency *overseen by the Secretary of Labor and Workforce Development* and provides that the agency consists of, among other entities, the California Workforce Investment Board, the Employment Development Department, and the Employment Training Panel. The California Workforce Innovation and Opportunity Act establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. That act requires

the establishment of a local workforce development board in each local workforce development area of the state to, among other things, carry out analyses of the economic conditions in the local region.

This bill would enact the Removing Barriers to Employment Act, which would establish the Breaking Barriers to Employment Initiative within the Labor and Workforce Development Agency. The bill would require the initiative to be led by the Secretary of Labor and Workforce Development and authorizes the secretary to assign all or part of the administration of the initiative to one or more entities within the agency's oversight, or to authorize another state agency, under specified conditions, to administer a portion of the initiative. The bill would specify that the purpose of the initiative is to create a grant program to assist individuals who have multiple barriers to employment to receive the remedial education and work readiness skills that will help those individuals to successfully participate in training, apprenticeship, or employment opportunities *that enhance skill development* that will lead to self-sufficiency and economic stability, and would set forth the goals of the initiative. The bill would require the secretary to develop criteria for the selection of grant recipients, as specified, and would require the secretary, by January 1, 2018, and annually thereafter, to post a report on the agency's Internet Web site that *provides a status report on the implementation of the initiative and aggregates* information provided by grant recipients. The bill would authorize the secretary, when implementing the initiative, to fund a project that uses a model that was previously funded as a pilot project under certain programs if specified criteria are met. The bill would make the funding of the initiative subject to an appropriation by the Legislature for that purpose and would make implementation of the initiative contingent on the secretary notifying the Department of Finance that sufficient moneys have been appropriated.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Division 1.4 (commencing with Section 180) is
- 2 added to the Labor Code, to read:

1 DIVISION 1.4. REMOVING BARRIERS TO EMPLOYMENT
2 ACT
3

4 180. The Legislature finds and declares all of the following:

5 (a) The economy in California continues to improve as shown
6 by lower unemployment rates and higher job growth, but poverty
7 is still an issue in many of our cities and among many of our
8 citizens. The California Poverty Measure reported in 2015 that 78
9 percent of Californians in poverty live in families with at least one
10 adult working, with 69 percent of those working full time.
11 Low-income families continue to struggle to pay for the basic cost
12 of supporting their families. With ~~low wages and~~ wages, lack of
13 job skills, *and limited access to current resources for workforce*
14 *training*, this target population falls further behind and cannot
15 escape poverty.

16 (b) Lack of formal education, low English literacy, and
17 lower-level job skills prevent upward mobility in pay and job
18 stability. There is a need for improved access and funding to
19 provide “career pathways” services, particularly for the poor.

20 (c) Increased funding for English language improvement
21 training, basic skills and adult education, high school diploma and
22 GED acquisition, skills training, work experience, on-the-job
23 training, earn-as-you-learn, industry certifications, mentoring, case
24 management, and more is needed to bridge the gap to gainful
25 employment for the more difficult to reach in our population.

26 (d) Local community-based organizations, government agencies,
27 and workforce ~~investment~~ *development* boards throughout
28 California struggle to provide adequate services to the increasing
29 number of poor residents who need career pathways services. In
30 particular, funding is needed for case management, career guidance,
31 and other services that enhance training/job retention and the ability
32 to meet family basic expense needs while pursuing a career
33 opportunity. *It is important to recognize the range of career*
34 *pathways available to individuals who face barriers to employment.*
35 *Identifying the best pathway for an individual may include those*
36 *developed by the state, federal, or tribal governments, as well as*
37 *community-based service providers.*

38 (e) Special emphasis is needed to make sure that programs reach
39 those among us with the most difficult needs with the goal of

1 preparing those persons for training, educational, apprenticeship,
2 or employment opportunities.

3 180.1 As used in this division, “Breaking Barriers to
4 Employment Initiative” or “initiative” means the Breaking Barriers
5 to Employment Initiative established in this chapter.

6 180.2 (a) This division establishes the Breaking Barriers to
7 Employment Initiative within the agency. The initiative shall be
8 led by the Secretary of Labor and Workforce Development, ~~that~~
9 *who* may assign all or part of the administration of the initiative
10 to one or more entities within the agency’s oversight. The Secretary
11 may authorize another state entity that has experience with serving
12 one or more of the populations identified in subdivision (e) *of*
13 *Section 180.3* to administer a portion of the initiative, if the other
14 state entity agrees to meet all the requirements of this division and
15 to provide the Secretary with the information necessary to meet
16 the reporting requirements.

17 (b) (1) The purpose of the initiative is to assist individuals who
18 have multiple barriers to employment to receive the remedial
19 education and work readiness skills that will help them to
20 successfully participate in training, apprenticeship, or employment
21 opportunities *that enhance skill development* that will lead to
22 self-sufficiency and economic stability.

23 (2) The initiative operationalizes an innovative model of
24 effective collaboration between two important workforce partners
25 for the benefit of populations that routinely face barriers to
26 employment. By leveraging the experience of community-based
27 organizations to meet the unique needs of certain groups with the
28 resources of the workforce boards, the initiative creates an on-ramp
29 to groups that have been historically disconnected from traditional
30 programs. The role of the lead community-based organization is
31 to use its expertise in working with the targeted populations to
32 remediate education and workforce readiness skills and to
33 collaborate with the lead workforce board to transition clients to
34 career pathways and ~~sector strategies developed by local workforce~~
35 ~~boards: strategies~~. The role of the lead workforce ~~investment~~
36 *development* board, at a minimum, is to collaborate with and assist
37 the lead community-based organization in designing a program
38 that supports the transition of participants who have successfully
39 achieved the goals and objectives of the grant proposal to career

1 pathways and sector strategies developed by local workforce
2 boards. *strategies.*

3 (c) In developing the initiative, the Secretary of Labor and
4 Workforce Development or his or her delegate shall consult with
5 public and private stakeholders, including nonprofit
6 community-based organizations, workforce development boards,
7 local governments, and other entities that serve individuals who
8 face barriers to employment.

9 (d) Funding for the initiative shall be subject to appropriation
10 by the Legislature for that purpose. Implementation of the initiative
11 is contingent upon the Secretary of Labor and Workforce
12 Development notifying the Department of Finance that sufficient
13 moneys have been appropriated and deposited in the Consolidated
14 Work Program Fund.

15 (e) The goals of the initiative shall include all of the following:

16 (1) Individuals who face multiple barriers to employment take
17 measurable steps to remediate education and workforce readiness
18 skills.

19 (2) Partnerships between community-based organizations and
20 workforce development boards, community colleges, and other
21 boards and providers of quality education and training are
22 demonstrably strengthened in ways that benefit their client's ability
23 to continue to access services that ultimately lead clients utilizing
24 career pathways and sector strategies developed by local workforce
25 boards. *strategies.*

26 (3) Community-based organizations increase their capacity to
27 achieve and measure results.

28 (f) *Targeted population for initiative grant proposals are defined*
29 *in subdivision (e) of Section 180.3.*

30 (g) *The Secretary or the state entity authorized by the Secretary*
31 *pursuant to subdivision (a) shall be responsible as appropriate*
32 *for the oversight and monitoring of any funds awarded pursuant*
33 *to the initiative to ensure the goals, objectives, and other*
34 *requirements of the initiative are met.*

35 (f)

36 (h) The outcomes of the initiative shall be reported pursuant to
37 Section 180.3.

38 180.3. The Secretary of Labor and Workforce Development
39 shall develop criteria for the selection of grant recipients that meet
40 all of the following:

1 (a) Outreach and technical assistance shall be provided to
2 prospective applicants, especially in rural and small population
3 areas.

4 (b) (1) Grants shall be awarded on a competitive basis. The
5 ~~program~~ *initiative* shall include provisions to ensure a range of
6 targeted populations and geographic locations receive training
7 opportunities.

8 (2) Applications shall be evaluated based on the lead
9 community-based organization's demonstrated capacity to
10 successfully deliver previous programs to the targeted populations
11 who the applicant is proposing to serve pursuant to subdivisions
12 ~~(d)~~ (c) and (e).

13 (3) Each grant proposal shall further the initiative goals, as
14 identified in subdivision (e) of Section 180.2.

15 (4) Eligible activities for grant funds shall include, but are not
16 limited to, English language improvement training, basic skills
17 and adult education, high school diploma and GED acquisition,
18 skills *and vocational* training, work experience, on-the-job training,
19 *stipends for trainees, entrepreneurship training, earn-as-you-learn,*
20 industry certifications, *preapprenticeship programs,* mentoring,
21 and other remedial education and work readiness skills.

22 (5) Grant proposals funded through the initiative shall use at
23 least 90 percent of their funds for direct services to the clients who
24 face multiple barriers to ~~employment.~~ *employment, including*
25 *staffing to provide those services.*

26 ~~(e) Each application shall include at least one lead workforce~~
27 ~~investment board and one lead community-based organization. An~~
28 ~~application that serves clients across one or more workforce~~
29 ~~investment areas shall include either of the following:~~

30 ~~(1) Documentation of the existence of a current memorandum~~
31 ~~of understanding with each workforce board within the proposed~~
32 ~~service area.~~

33 ~~(2) A letter of acknowledgment from each workforce board~~
34 ~~within the proposed service area, but need not include a specific~~
35 ~~role for all of the workforce investment boards in that area.~~
36 ~~Obtaining the letter of acknowledgment shall be the responsibility~~
37 ~~of the lead workforce investment board.~~

38 ~~(d) Applicants shall apply for funds to serve one or more~~
39 ~~targeted populations in one or more neighborhoods, local~~
40 ~~jurisdictions, regions, or statewide. Each application shall include~~

1 ~~how grant proposals are designed to complement the work of, and~~
2 ~~integrate the individuals being served with, the workforce~~
3 ~~development boards within the proposed service area.~~

4 ~~(e) The grant proposal shall demonstrate how the grant recipient~~
5 ~~will address the needs of one or more of the following populations:~~

6 ~~(6) Grant proposals funded through this initiative shall be for~~
7 ~~a term of at least two years.~~

8 ~~(c) Each application shall, at a minimum, include all of the~~
9 ~~following:~~

10 ~~(1) The designation of at least one lead workforce development~~
11 ~~board and one lead community-based organization. Documentation~~
12 ~~shall be included that each lead workforce development board and~~
13 ~~lead community-based organization has agreed to be the lead~~
14 ~~designation in the grant proposal.~~

15 ~~(2) The designation of one or more targeted populations which~~
16 ~~will be served by the grant, as specified in subdivision (e).~~

17 ~~(3) The designation of a service area, which may include one~~
18 ~~or more neighborhoods, local jurisdictions, regions, or statewide.~~
19 ~~A grant proposal that proposes to serve clients across one or more~~
20 ~~workforce development areas shall include a commitment to notify~~
21 ~~each workforce development board in the proposed service area,~~
22 ~~pursuant to the requirements in subdivision (g).~~

23 ~~(4) An explanation of the specific purpose of the grant funds,~~
24 ~~the roles and responsibilities of each of the lead workforce~~
25 ~~development boards and community-based organizations, and a~~
26 ~~discussion of the general methodology and training methods~~
27 ~~proposed to be used.~~

28 ~~(5) A description of how the grant proposal is designed to~~
29 ~~complement the work of, and integrate the individuals being served~~
30 ~~with, the workforce development boards within the proposed~~
31 ~~service area.~~

32 ~~(d) A grant application may be submitted jointly by a lead~~
33 ~~workforce development board and a lead community-based~~
34 ~~organization, or by one or more lead workforce development~~
35 ~~boards, or one or more of the lead community-based organizations.~~

36 ~~(e) Eligible targeted populations for the initiative grant~~
37 ~~proposals include:~~

38 ~~(1) Youths who are disconnected from the education system or~~
39 ~~employment.~~

- 1 (2) Women seeking training or education to move into
- 2 nontraditional fields of employment.
- 3 ~~(3) Workers displaced by the movement of an employer or those~~
- 4 ~~who are long-term unemployed.~~
- 5 (3) *Displaced workers and long-term unemployed.*
- 6 (4) Unskilled or under-skilled, low-earning ~~workers looking to~~
- 7 ~~advance into better-paying employment opportunities.~~ *workers.*
- 8 (5) Persons for whom English is not their primary language.
- 9 (6) Economically disadvantaged ~~persons who face barriers to~~
- 10 ~~reaching training or apprenticeship opportunities for sustainable~~
- 11 ~~careers.~~ *persons.*
- 12 (7) CalWORKS participants.
- 13 (8) Persons who are incarcerated and soon to be released or
- 14 formerly incarcerated.
- 15 (9) Armed services ~~veterans who face barriers due to skills that~~
- 16 ~~are not applicable to employment, training, apprenticeship~~
- 17 ~~opportunities in the region in which they live, or because of mental~~
- 18 ~~health, health, or other barriers that serve as impediments to those~~
- 19 ~~opportunities.~~ *veterans.*
- 20 ~~(10) Native Americans or migrant, seasonal farmworkers.~~
- 21 ~~(11) People~~
- 22 ~~(10) Native Americans.~~
- 23 ~~(11) Migrants or seasonal farmworkers.~~
- 24 ~~(12) Persons with developmental or other disabilities.~~
- 25 ~~(f) The grant proposal shall explain the specific purpose of the~~
- 26 ~~grant funds and define the general methodology and training~~
- 27 ~~methods proposed to be used.~~
- 28 ~~(g)~~
- 29 (f) (1) The proposal shall identify baseline criteria and metrics
- 30 by which the overall success of the proposal can be evaluated,
- 31 consistent with the initiative goals as identified in subdivision (e)
- 32 of Section 180.2. The proposal shall also explain the manner in
- 33 which the progress of the individuals participating in the program
- 34 will be monitored during the grant period.
- 35 (2) One component of the grant proposal shall provide for a
- 36 preservice education and training assessment, which shall form
- 37 the baseline for measuring program performance. A prior
- 38 assessment may be used if, in the determination of the ~~Secretary~~
- 39 ~~of Labor and Workforce Development,~~ *Secretary*, its results are
- 40 accurate and appropriate for the grant proposal.

1 ~~(3) Measurements of success shall be based on the targeted~~
2 ~~population and the baseline measurements set through the~~
3 ~~individual client assessment, consistent with the initiative goals~~
4 ~~as identified in subdivision (e) of Section 180.2. These metrics~~
5 ~~may include, but are not limited to:~~

6 *(3) The grant proposal shall identify overall measurements of*
7 *success relevant to the targeted population, consistent with the*
8 *initiative goals identified in subdivision (e) of Section 180.2. The*
9 *proposal shall explain how the baseline measurements, as*
10 *established by individual assessments, will be used to calibrate*
11 *the overall measurements of success. Measurements and metrics*
12 *may include, but are not limited to:*

13 (A) The number of participants in the program who have
14 completed a high school diploma or received a GED.

15 (B) The number of participants in the program who have
16 completed a remedial education program.

17 (C) The number of participants in the program who have
18 completed a work readiness program.

19 (D) The number of participants who have received assistance
20 to enroll their children in after school programs while the program
21 participant enrolls in secondary or postsecondary education or
22 maintains employment.

23 (E) The number of participants who have completed a certified
24 drug treatment or mental health program.

25 (F) The number of participants who have matriculated to a
26 preapprenticeship or apprenticeship program.

27 (G) The number of participants who passed the Ability to Benefit
28 test and enrolled into a career pathway program, as defined in the
29 federal Higher Education Act (20 U.S.C. Sec. 1091(d)(2)).

30 ~~(h)~~

31 *(g) (1) Key features of the grant shall be provided in a*
32 ~~memorandum of understanding grant agreement~~ *between the*
33 ~~applicant~~ *grant recipient* and the agency, including, but not limited
34 to, the purpose of the grant, expected outcomes, the oversight and
35 monitoring ~~process, and process, reporting requirements.~~
36 *requirements, the term of the grant, amount of the grant, and*
37 *intended use of the grant moneys.*

38 (2) As a condition of receiving funds, a grant recipient shall
39 agree to provide information to the Secretary ~~of Labor and~~

1 ~~Workforce Development~~ that is determined by the ~~secretary~~
 2 ~~Secretary~~ as necessary to meet all reporting requirements.

3 (3) *Prior to the signing of the grant agreement, the grant*
 4 *recipient or recipients who have been awarded funds for a grant*
 5 *proposal that serves clients across one or more workforce*
 6 *development areas shall provide the Secretary with documentation*
 7 *that each workforce development board within the proposed service*
 8 *area has been notified of the grant award and provided a summary*
 9 *of its purpose and goals.*

10 (i)

11 (h) On at least an annual basis and upon completion of the grant
 12 period, grant recipients shall report to the Secretary of Labor and
 13 ~~Workforce Development~~ information regarding their use of funds,
 14 workforce training outcomes, and any other information required
 15 by the ~~secretary~~. *Secretary.*

16 (j)

17 (i) By January 1, 2018, and by *January 1* of each year thereafter,
 18 the Secretary of Labor and ~~Workforce Development~~ shall post a
 19 report on the agency’s Internet Web site that *provides a status*
 20 *report on the implementation of the initiative and aggregates the*
 21 *information provided by the grant recipients, including, but not*
 22 *limited to, the overall progress and success of the grant programs.*

23 180.4. In implementing the initiative, the Secretary of Labor
 24 and ~~Workforce Development~~ may fund a full-scale project that
 25 uses a model that was previously funded as a pilot project through
 26 the Workforce Accelerator, the Supervised Population Workforce
 27 Training Program, SlingShot, or other existing programs, to the
 28 extent that the goals, measures, and metrics are sufficiently aligned,
 29 so as to:

30 (a) Serve the same client base.

31 (b) Address the needs of individuals who face multiple barriers
 32 to employment to receive remedial education and work readiness
 33 skills.

34 (c) Have an end goal of preparing those individuals for further
 35 training that results in apprenticeship or middle-skill employment
 36 opportunities. Eligible applicants for programs under this section
 37 shall exclusively be joint applications from one or more workforce

- 1 ~~investment~~ *development* boards and one or more community-based
- 2 organizations.

O