

AMENDED IN ASSEMBLY AUGUST 27, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 1, 2015

SENATE BILL

No. 342

Introduced by Senator Jackson

February 23, 2015

An act to amend Sections 14000, 14005, and 14013 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 342, as amended, Jackson. California Workforce Investment Board: responsibilities.

(1) Under existing law, the California Workforce Investment Board is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system. Existing law requires the board to assist the Governor in targeting resources to specified industry sectors and providing guidance to ensure that services reflect the needs of those sectors.

This bill would additionally require the board to assist the Governor in helping individuals with barriers to employment achieve economic security and upward mobility by implementing policies that encourage the attainment of marketable skills relevant to current labor market trends.

(2) Existing law requires the California Workforce Investment Board, in consultation with the Division of Apprenticeship Standards, to identify opportunities for "earn and learn" job training opportunities that meet an industry's workforce demands and that are in high-wage, high-demand jobs, identify and develop specific requirements and

qualifications for entry into “earn and learn” job training models, and establish standards for “earn and learn” job training programs that are outcome oriented and accountable, as specified.

This bill would define the term “earn and learn” for the purposes of these provisions.

(3) This bill would incorporate additional changes to Sections 14000, 14005, and 14013 of the Unemployment Insurance Code made by this bill and AB 1270 to take effect if both bills are chaptered and this bill is chaptered last.

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. Section 14000 of the Unemployment Insurance
 2 Code is amended to read:
 3 14000. (a) The Legislature finds and declares that, in order
 4 for California to remain prosperous and globally competitive, it
 5 needs to have a well-educated and highly skilled workforce.
 6 (b) The Legislature finds and declares that the following
 7 principles shall guide the state’s workforce investment system:
 8 (1) Workforce investment programs and services shall be
 9 responsive to the needs of employers, workers, and students by
 10 accomplishing the following:
 11 (A) Preparing California’s students and workers with the skills
 12 necessary to successfully compete in the global economy.
 13 (B) Producing greater numbers of individuals who obtain
 14 industry-recognized certificates and degrees in competitive and
 15 emerging industry sectors and filling critical labor market skills
 16 gaps.
 17 (C) Adapting to rapidly changing local and regional labor
 18 markets as specific workforce skill requirements change over time.
 19 (D) Preparing workers for good-paying jobs that foster economic
 20 security and upward mobility.
 21 (2) State and local workforce investment boards are encouraged
 22 to collaborate with other public and private institutions, including
 23 businesses, unions, nonprofit organizations, kindergarten and
 24 grades 1 to 12, inclusive, career technical education programs,
 25 adult career technical education and basic skills programs,
 26 community college career technical education and basic skills

1 programs, entrepreneurship training programs, where appropriate,
2 the California Community Colleges Economic and Workforce
3 Development Program, and the Employment Training Panel, to
4 better align resources across workforce education and training
5 service delivery systems and build a well-articulated workforce
6 investment system by accomplishing the following:

7 (A) Adopting local and regional training and education strategies
8 which include workplace-based earn and learn programs that build
9 on the strengths and fill the gaps in the education and workforce
10 development pipeline in order to address the needs of job seekers,
11 workers, and employers within regional labor markets by
12 supporting sector strategies.

13 (B) Leveraging resources across education and workforce
14 training delivery systems to build career pathways and fill critical
15 skills gaps.

16 (3) Workforce investment programs and services shall be data
17 driven and evidence based when setting priorities, investing
18 resources, and adopting practices.

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

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

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

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

35 (6) Programs and services shall be accessible to employers, the
36 self-employed, workers, and students who may benefit from their
37 operation, including individuals with employment barriers, such
38 as persons with economic, physical, or other barriers to
39 employment.

1 SEC. 1.5. Section 14000 of the Unemployment Insurance Code
2 is amended to read:

3 14000. (a) The Legislature finds and declares that, in order
4 for California to remain prosperous and globally competitive, it
5 needs to have a well-educated and highly skilled workforce.

6 (b) The Legislature finds and declares that the following
7 principles shall guide the state’s workforce investment system:

8 (1) Workforce investment programs and services shall be
9 responsive to the needs of employers, workers, and students by
10 accomplishing the following:

11 (A) Preparing California’s students and workers with the skills
12 necessary to successfully compete in the global economy.

13 (B) Producing greater numbers of individuals who obtain
14 industry-recognized certificates and career-oriented degrees in
15 competitive and emerging industry sectors and filling critical labor
16 market skills gaps.

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

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

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

24 (2) State and local workforce development boards are
25 encouraged to collaborate with other public and private institutions,
26 including businesses, unions, nonprofit organizations, kindergarten
27 and grades 1 to 12, inclusive, career technical education programs,
28 adult career technical education and basic skills programs,
29 apprenticeships, community college career technical education
30 and basic skills programs, entrepreneurship training programs,
31 where appropriate, the California Community Colleges Economic
32 and Workforce Development Program, the Employment Training
33 Panel, and county-based social and employment services, to better
34 align resources across workforce, training, education, and social
35 service delivery systems and build a well-articulated workforce
36 investment system by accomplishing the following:

37 (A) Adopting local and regional training and education strategies
38 which include workplace-based earn and learn programs that build
39 on the strengths and fill the gaps in the education and workforce
40 development pipeline in order to address the needs of job seekers,

1 workers, and employers within regional labor markets by
2 supporting sector strategies.

3 (B) Leveraging resources across education and workforce
4 training delivery systems to build career pathways and fill critical
5 skills gaps.

6 (3) Workforce investment programs and services shall be data
7 driven and evidence based when setting priorities, investing
8 resources, and adopting practices.

9 (4) Workforce investment programs and services shall develop
10 strong partnerships with the private sector, ensuring industry
11 involvement in needs assessment, planning, and program
12 evaluation.

13 (A) Workforce investment programs and services shall
14 encourage industry involvement by developing strong partnerships
15 with an industry’s employers and the unions that represent the
16 industry’s workers.

17 (B) Workforce investment programs and services may consider
18 the needs of employers and businesses of all sizes, including large,
19 medium, small, and microenterprises, when setting priorities,
20 investing resources, and adopting practices.

21 (5) Workforce investment programs and services shall be
22 outcome oriented and accountable, measuring results for program
23 participants, including, but not limited to, outcomes related to
24 program completion, employment, and earnings.

25 (6) Programs and services shall be accessible to employers, the
26 self-employed, workers, and students who may benefit from their
27 operation, including individuals with employment barriers, such
28 as persons with economic, physical, or other barriers to
29 employment.

30 SEC. 2. Section 14005 of the Unemployment Insurance Code
31 is amended to read:

32 14005. For purposes of this division:

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

34 (b) “Agency” means the Labor and Workforce Development
35 Agency.

36 (c) “Career pathways,” “career ladders,” or “career lattices”
37 mean an identified series of positions, work experiences, or
38 educational benchmarks or credentials with multiple access points
39 that offer occupational and financial advancement within a
40 specified career field or related fields over time.

1 (d) “Cluster-based sector strategies” mean methods of focusing
2 workforce and economic development on those sectors that have
3 demonstrated a capacity for economic growth and job creation in
4 a particular geographic area.

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

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

13 (g) “Evidence-based” means making use of policy research as
14 a basis for determining best policy practices. Evidence-based
15 policymakers adopt policies that research has shown to produce
16 positive outcomes, in a variety of settings, for a variety of
17 populations over time. Successful, evidence-based programs deliver
18 quantifiable and sustainable results. Evidence-based practices
19 differ from approaches that are based on tradition, belief,
20 convention, or anecdotal evidence.

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

25 (i) “Individual with employment barriers” means an individual
26 with any characteristic that substantially limits an individual’s
27 ability to obtain employment, including indicators of poor work
28 history, lack of work experience, or access to employment in
29 nontraditional occupations, long-term unemployment, lack of
30 educational or occupational skills attainment, dislocation from
31 high-wage and high-benefit employment, low levels of literacy or
32 English proficiency, disability status, or welfare dependency.

33 (j) “Industry cluster” means a geographic concentration or
34 emerging concentration of interdependent industries with direct
35 service, supplier, and research relationships, or independent
36 industries that share common resources in a given regional
37 economy or labor market. An industry cluster is a group of
38 employers closely linked by common product or services,
39 workforce needs, similar technologies, and supply chains in a given
40 regional economy or labor market.

1 (k) (1) “Industry or sector partnership” means a workforce
2 collaborative that organizes key stakeholders in a targeted industry
3 cluster into a working group that focuses on the workforce needs
4 of the targeted industry cluster. An industry or sector partnership
5 organizes the stakeholders connected with a specific local or
6 regional industry—multiple firms, labor groups, education and
7 training providers, and workforce and education systems—to
8 develop workforce development strategies within the industry.
9 Successful sector partnerships leverage partner resources to address
10 both short-term and long-term human capital needs of a particular
11 sector, including by analyzing current labor markets and identifying
12 barriers to employment within the industry, developing cross-firm
13 skill standards, curricula, and training programs, and developing
14 occupational career ladders to ensure workers of all skill levels
15 can advance within the industry.

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

18 (A) Representatives of multiple firms or employers in the
19 targeted industry cluster, including small-sized and medium-sized
20 employers when practicable.

21 (B) One or more representatives of state labor organizations,
22 central labor coalitions, or other labor organizations, except in
23 instances where no labor representations exists.

24 (C) One or more representatives of local workforce investment
25 boards.

26 (D) One or more representatives of kindergarten and grades 1
27 to 12, inclusive, and postsecondary educational institutions or other
28 training providers, including, but not limited to, career technical
29 educators.

30 (E) One or more representatives of state workforce agencies or
31 other entities providing employment services.

32 (3) An industry or sector partnership may also include
33 representatives from the following:

34 (A) State or local government.

35 (B) State or local economic development agencies.

36 (C) Other state or local agencies.

37 (D) Chambers of commerce.

38 (E) Nonprofit organizations.

39 (F) Philanthropic organizations.

40 (G) Economic development organizations.

1 (H) Industry associations.

2 (I) Other organizations, as determined necessary by the members
3 comprising the industry or sector partnership.

4 (l) “Industry sector” means those firms that produce similar
5 products or provide similar services using somewhat similar
6 business processes, and are closely linked by workforce needs,
7 within a regional labor market.

8 (m) “Local labor federation” means a central labor council that
9 is an organization of local unions affiliated with the California
10 Labor Federation or a local building and construction trades council
11 affiliated with the State Building and Construction Trades Council
12 of California.

13 (n) “Sector strategies” means methods of prioritizing
14 investments in competitive and emerging industry sectors and
15 industry clusters on the basis of labor market and other economic
16 data indicating strategic growth potential, especially with regard
17 to jobs and income, and exhibit the following characteristics:

18 (1) Focus workforce investment in education and workforce
19 training programs that are likely to lead to jobs providing economic
20 security or to an entry-level job with a well-articulated career
21 pathway into a job providing economic security.

22 (2) Effectively boost labor productivity or reduce business
23 barriers to growth and expansion stemming from workforce supply
24 problems, including skills gaps and occupational shortages by
25 directing resources and making investments to plug skills gaps
26 and provide education and training programs for high-priority
27 occupations.

28 (3) May be implemented using articulated career pathways or
29 lattices and a system of stackable credentials.

30 (4) May target underserved communities, disconnected youths,
31 incumbent workers, and recently separated military veterans.

32 (5) Frequently are implemented using industry or sector
33 partnerships.

34 (6) Typically are implemented at the regional level where sector
35 firms, those employers described in subdivisions (j) and (l), often
36 share a common labor market and supply chains. However, sector
37 strategies may also be implemented at the state or local level
38 depending on sector needs and labor market conditions.

39 (o) “Workforce Investment Act of 1998” means the federal act
40 enacted as Public Law 105-220.

1 (p) (1) “Earn and learn” includes, but is not limited to, a
2 program that does either of the following:

3 (A) Combines applied learning in a workplace setting with
4 compensation allowing workers or students to gain work experience
5 and secure a wage as they develop skills and competencies directly
6 relevant to the occupation or career for which they are preparing.

7 (B) Brings together classroom instruction with on-the-job
8 training to combine both formal instruction and actual paid work
9 experience.

10 (2) “Earn and learn” programs include, but are not limited to,
11 all of the following:

12 (A) Apprenticeships.

13 (B) Preapprenticeships.

14 (C) Incumbent worker training.

15 (D) Transitional and subsidized employment, particularly for
16 individuals with barriers to employment.

17 (E) Paid internships and externships.

18 (F) Project-based compensated learning.

19 SEC. 2.5. Section 14005 of the Unemployment Insurance Code
20 is amended to read:

21 14005. For purposes of this division:

22 (a) “Board” means the California Workforce Development
23 Board.

24 (b) “Agency” means the Labor and Workforce Development
25 Agency.

26 (c) “Career pathways,” “career ladders,” or “career lattices” are
27 an identified series of positions, work experiences, or educational
28 benchmarks or credentials with multiple access points that offer
29 occupational and financial advancement within a specified career
30 field or related fields over time. “Career pathways,” “career
31 ladders,” and “career lattices” offer combined programs of rigorous
32 and high-quality education, training, and other services that do all
33 of the following:

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

36 (2) Prepare an individual to be successful in any of a full range
37 of secondary or postsecondary education options, including
38 apprenticeships registered under the National Apprenticeship Act
39 of 1937 (29 U.S.C. Sec. 50 et seq.), except as in Section 3226 of
40 Title 29 of the United States Code.

- 1 (3) Include counseling to support an individual in achieving the
2 individual’s education and career goals.
- 3 (4) Include, as appropriate, education offered concurrently with
4 and in the same context as workforce preparation activities and
5 training for a specific occupation or occupational cluster.
- 6 (5) Organize education, training, and other services to meet the
7 particular needs of an individual in a manner that accelerates the
8 educational and career advancement of the individual to the extent
9 practicable.
- 10 (6) Enable an individual to attain a secondary school diploma
11 or its recognized equivalent, and at least one recognized
12 postsecondary credential.
- 13 (7) Help an individual enter or advance within a specific
14 occupation or occupational cluster.
- 15 (d) “Cluster-based sector strategies” mean methods of focusing
16 workforce and economic development on those sectors that have
17 demonstrated a capacity for economic growth and job creation in
18 a particular geographic area.
- 19 (e) “Data driven” means a process of making decisions about
20 investments and policies based on systematic analysis of data,
21 which may include data pertaining to labor markets.
- 22 (f) “Economic security” means, with respect to a worker, earning
23 a wage sufficient to support a family adequately, and, over time,
24 to save for emergency expenses and adequate retirement income,
25 based on factors such as household size, the cost of living in the
26 worker’s community, and other factors that may vary by region.
- 27 (g) “Evidence-based” means making use of policy research as
28 a basis for determining best policy practices. Evidence-based
29 policymakers adopt policies that research has shown to produce
30 positive outcomes, in a variety of settings, for a variety of
31 populations over time. Successful, evidence-based programs deliver
32 quantifiable and sustainable results. Evidence-based practices
33 differ from approaches that are based on tradition, belief,
34 convention, or anecdotal evidence.
- 35 (h) “High-priority occupations” mean occupations that have a
36 significant presence in a targeted industry sector or industry cluster,
37 are in demand, or projected to be in demand, by employers, and
38 pay or lead to payment of a wage that provides economic security.
- 39 (i) (1) “In-demand industry sector or occupation” means either
40 of the following:

1 (A) An industry sector that has a substantial current or potential
2 impact, including through jobs that lead to economic
3 self-sufficiency and opportunities for advancement, on the state,
4 regional, or local economy, as appropriate, and that contributes to
5 the growth or stability of other supporting businesses, or the growth
6 of other industry sectors.

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

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

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

28 (1) Displaced homemakers.

29 (2) Low-income individuals.

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

33 (4) Individuals with disabilities, including youths who are
34 individuals with disabilities.

35 (5) Older individuals.

36 (6) Ex-offenders.

37 (7) Homeless individuals, as defined in Section 14043e-2(6) of
38 Title 42 of the United States Code, or homeless children and
39 youths, as defined in Section 11434a(2) of Title 42 of the United
40 States Code.

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

2 (9) Individuals who are English language learners, individuals
3 who have low levels of literacy, and individuals facing substantial
4 cultural barriers.

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

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

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

11 (13) Long-term unemployed individuals.

12 (14) Any other groups as the Governor determines to have
13 barriers to employment.

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

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

25 (1) Organizes key stakeholders in an industry cluster into a
26 working group that focuses on the shared goals and human
27 resources needs of the industry cluster and that includes, at the
28 appropriate stages of development of the partnership:

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

32 (B) One or more representatives of a recognized state labor
33 organization or central labor council, or another labor
34 representative, as appropriate.

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

38 (2) The workforce collaborative may include representatives of
39 any of the following:

40 (A) State or local government.

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

1 (4) May target underserved communities, disconnected youths,
2 incumbent workers, and recently separated military veterans.

3 (5) Frequently are implemented using industry or sector
4 partnerships.

5 (6) Typically are implemented at the regional level where sector
6 firms, those employers described in subdivisions (j) and (l), often
7 share a common labor market and supply chains. However, sector
8 strategies may also be implemented at the state or local level
9 depending on sector needs and labor market conditions.

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

12 (q) (1) “Earn and learn” includes, but is not limited to, a
13 program that does either of the following:

14 (A) Combines applied learning in a workplace setting with
15 compensation allowing workers or students to gain work experience
16 and secure a wage as they develop skills and competencies directly
17 relevant to the occupation or career for which they are preparing.

18 (B) Brings together classroom instruction with on-the-job
19 training to combine both formal instruction and actual paid work
20 experience.

21 (2) “Earn and learn” programs include, but are not limited to,
22 all of the following:

23 (A) Apprenticeships.

24 (B) Preapprenticeships.

25 (C) Incumbent worker training.

26 (D) Transitional and subsidized employment, particularly for
27 individuals with barriers to employment.

28 (E) Paid internships and externships.

29 (F) Project-based compensated learning.

30 SEC. 3. Section 14013 of the Unemployment Insurance Code
31 is amended to read:

32 14013. The board shall assist the Governor in the following:

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

35 (b) Developing the State Workforce Investment Plan.

36 (c) Developing guidelines for the continuous improvement and
37 operation of the workforce investment system, including:

38 (1) Developing policies to guide the one-stop system.

39 (2) Providing technical assistance for the continuous
40 improvement of the one-stop system.

1 (3) Recommending state investments in the one-stop system.

2 (4) Targeting resources to competitive and emerging industry
3 sectors and industry clusters that provide economic security and
4 are either high-growth sectors or critical to California's economy,
5 or both. These industry sectors and clusters shall have significant
6 economic impacts on the state and its regional and workforce
7 development needs and have documented career opportunities.

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

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

23 (A) Occupational skills training, including training for
24 nontraditional employment.

25 (B) On-the-job training.

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

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

29 (E) Skill upgrading and retraining.

30 (F) Entrepreneurial training.

31 (G) Job readiness training.

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

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

37 (d) Developing and continuously improving the statewide
38 workforce investment system as delivered via the one-stop delivery
39 system and via other programs and services supported by funding
40 from the federal Workforce Investment Act of 1998, including:

- 1 (1) Developing linkages in order to ensure coordination and
2 nonduplication among workforce programs and activities.
- 3 (2) Reviewing local workforce investment plans.
- 4 (3) Leveraging state and federal funds to ensure that resources
5 are invested in activities that meet the needs of the state's
6 competitive and emerging industry sectors and advance the
7 education and employment needs of students and workers so they
8 can keep pace with the education and skill needs of the state, its
9 regional economies, and leading industry sectors.
- 10 (e) Commenting, at least once annually, on the measures taken
11 pursuant to the Carl D. Perkins Vocational and Applied Technology
12 Education Act Amendments of 1990 (Public Law 101-392; 20
13 U.S.C. Sec. 2301 et seq.).
- 14 (f) Designating local workforce investment areas within the
15 state based on information derived from all of the following:
 - 16 (1) Consultations with the Governor.
 - 17 (2) Consultations with the chief local elected officials.
 - 18 (3) Consideration of comments received through the public
19 comment process, as described in Section 112(b)(9) of the federal
20 Workforce Investment Act of 1998.
- 21 (g) Developing and modifying allocation formulas, as necessary,
22 for the distribution of funds for adult employment and training
23 activities, for youth activities to local workforce investment areas,
24 and dislocated worker employment and training activities, as
25 permitted by federal law.
- 26 (h) Coordinating the development and continuous improvement
27 of comprehensive state performance measures, including state
28 adjusted levels of performance, to assess the effectiveness of the
29 workforce investment activities in the state.
- 30 (i) Preparing the annual report to the United States Secretary of
31 Labor.
- 32 (j) Recommending policy for the development of the statewide
33 employment statistics system, including workforce and economic
34 data, as described in Section 491-2 of Title 29 of the United States
35 Code, and using, to the fullest extent possible, the Employment
36 Development Department's existing labor market information
37 systems.
- 38 (k) Recommending strategies to the Governor for strategic
39 training investments of the Governor's 15-percent discretionary
40 funds.

1 (l) Developing and recommending waivers, in conjunction with
2 local workforce investment boards, to the Governor as provided
3 for in the federal Workforce Investment Act of 1998.

4 (m) Recommending policy to the Governor for the use of the
5 25-percent rapid response funds, as authorized under the federal
6 Workforce Investment Act of 1998.

7 (n) Developing an application to the United States Department
8 of Labor for an incentive grant under Section 9273 of Title 20 of
9 the United States Code.

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

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

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

28 (C) Measure, at a minimum and to the extent feasible with
29 existing resources, the performance of the following workforce
30 programs: community college career technical education, the
31 Employment Training Panel, Title I and Title II of the federal
32 Workforce Investment Act of 1998, Trade Adjustment Assistance,
33 and state apprenticeship programs.

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

39 (2) The State Department of Education is hereby authorized to
40 collect the social security numbers of adults participating in adult

1 education programs so that accurate participation in those programs
2 can be represented in the report card. However, an individual shall
3 not be denied program participation if he or she refuses to provide
4 a social security number. The State Department of Education shall
5 keep this information confidential and shall only use this
6 information for tracking purposes, in compliance with all applicable
7 state and federal law.

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

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

17 (p) Helping individuals with barriers to employment, including
18 low-skill, low-wage workers, the long-term unemployed, and
19 members of single-parent households, achieve economic security
20 and upward mobility by implementing policies that encourage the
21 attainment of marketable skills relevant to current labor market
22 trends.

23 SEC. 3.5. Section 14013 of the Unemployment Insurance Code
24 is amended to read:

25 14013. The board shall assist the Governor in the following:

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

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

36 (c) The review of statewide policies, of statewide programs,
37 and of recommendations on actions that should be taken by the
38 state to align workforce, education, training, and employment
39 funding programs in the state in a manner that supports a
40 comprehensive and streamlined workforce development system

1 in the state, including the review and provision of comments on
2 the State Plan, if any, for programs and activities of one-stop
3 partners that are not core programs.

4 (d) Developing and continuously improving the statewide
5 workforce investment system, including:

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

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

24 (3) The development of strategies for providing effective
25 outreach to and improved access for individuals and employers
26 who could benefit from services provided through the workforce
27 development system.

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

38 (5) Recommending adult and dislocated worker training policies
39 and investments that offer a variety of career opportunities while

- 1 upgrading the skills of California’s workforce. These may include
2 training policies and investments pertaining to any of the following:
- 3 (A) Occupational skills training, including training for
4 nontraditional employment.
 - 5 (B) On-the-job training.
 - 6 (C) Incumbent worker training in accordance with Section
7 3174(d)(4) of Title 29 of the United States Code.
 - 8 (D) Programs that combine workplace training with related
9 instruction, which may include cooperative education programs.
 - 10 (E) Training programs operated by the private sector.
 - 11 (F) Skill upgrading and retraining.
 - 12 (G) Entrepreneurial training.
 - 13 (H) Transitional jobs in accordance with Section 3174 (d)(5)
14 of Title 29 of the United States Code.
 - 15 (I) Job readiness training provided in combination with any of
16 the services described in subparagraphs (A) to (H), inclusive.
 - 17 (J) Adult education and literacy activities provided in
18 combination with any of the services described in subparagraphs
19 (A) to (G), inclusive.
 - 20 (K) Customized training conducted with a commitment by an
21 employer or group of employers to employ an individual upon
22 successful completion of the training.
- 23 (e) The identification of regions, including planning regions,
24 for the purposes of Section 3121(a) of Title 29 of the United States
25 Code, and the designation of local areas under Section 3121 of
26 Title 29 of the United States Code, after consultation with local
27 boards and chief elected officials.
- 28 (f) The development and continuous improvement of the
29 one-stop delivery system in local areas, including providing
30 assistance to local boards, one-stop operators, one-stop partners,
31 and providers with planning and delivering services, including
32 training services and supportive services, to support effective
33 delivery of services to workers, job seekers, and employers.
- 34 (g) Recommending strategies to the Governor for strategic
35 training investments of the Governor’s 15-percent discretionary
36 funds.
- 37 (h) Developing strategies to support staff training and awareness
38 across programs supported under the workforce development
39 system.

1 (i) The development and updating of comprehensive state
2 performance accountability measures, including state adjusted
3 levels of performance, to assess the effectiveness of the core
4 programs in the state as required under Section 3141(b) of Title
5 29 of the United States Code. As part of this process the board
6 shall do all of the following:

7 (1) Develop a workforce metrics dashboard, to be updated
8 annually, that measures the state’s human capital investments in
9 workforce development to better understand the collective impact
10 of these investments on the labor market. The workforce metrics
11 dashboard shall be produced using existing available data and
12 resources that are currently collected and accessible to state
13 agencies. The board shall convene workforce program partners to
14 develop a standardized set of inputs and outputs for the workforce
15 metrics dashboard. The workforce metrics dashboard shall do all
16 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 Investment Act of 1998, Trade Adjustment Assistance,
30 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
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 (j) The identification and dissemination of information on best
15 practices, including best practices for all of the following:

16 (1) The effective operation of one-stop centers, relating to the
17 use of business outreach, partnerships, and service delivery
18 strategies, including strategies for serving individuals with barriers
19 to employment.

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

24 (3) Effective training programs that respond to real-time labor
25 market analysis, that effectively use direct assessment and prior
26 learning assessment to measure an individual's prior knowledge,
27 skills, competencies, and experiences, and that evaluate such skills,
28 and competencies for adaptability, to support efficient placement
29 into employment or career pathways.

30 (k) The development and review of statewide policies affecting
31 the coordinated provision of services through the state's one-stop
32 delivery system described in Section 3151(e) of Title 29 of the
33 United States Code, including the development of all of the
34 following:

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

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

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

5 (l) The development of strategies for technological
6 improvements to facilitate access to, and improve the quality of,
7 services and activities provided through the one-stop delivery
8 system, including such improvements to all of the following:

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

12 (2) Accelerate the acquisition of skills and recognized
13 postsecondary credentials by participants.

14 (3) Strengthen the professional development of providers and
15 workforce professionals.

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

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

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

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

35 (p) The development of the statewide workforce and labor
36 market information system described in Section 491–2(e) of Title
37 29 of the United States Code.

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

1 (r) Helping individuals with barriers to employment, including
2 low-skill, low-wage workers, the long-term unemployed, and
3 members of single-parent households, achieve economic security
4 and upward mobility by implementing policies that encourage the
5 attainment of marketable skills relevant to current labor market
6 trends.

7 SEC. 4. (a) Section 1.5 of this bill incorporates amendments
8 to Section 14000 of the Unemployment Insurance Code proposed
9 by both this bill and Assembly Bill 1270. It shall only become
10 operative if (1) both bills are enacted and become effective on or
11 before January 1, 2016, (2) each bill amends Section 14000 of the
12 Unemployment Insurance Code, and (3) this bill is enacted after
13 Assembly Bill 1270, in which case Section 1 of this bill shall not
14 become operative.

15 (b) Section 2.5 of this bill incorporates amendments to Section
16 14005 of the Unemployment Insurance Code proposed by both
17 this bill and Assembly Bill 1270. It shall only become operative
18 if (1) both bills are enacted and become effective on or before
19 January 1, 2016, (2) each bill amends Section 14005 of the
20 Unemployment Insurance Code, and (3) this bill is enacted after
21 Assembly Bill 1270, in which case Section 2 of this bill shall not
22 become operative.

23 (c) Section 3.5 of this bill incorporates amendments to Section
24 14013 of the Unemployment Insurance Code proposed by both
25 this bill and Assembly Bill 1270. It shall only become operative
26 if (1) both bills are enacted and become effective on or before
27 January 1, ~~2015~~, 2016, (2) each bill amends Section 14013 of the
28 Unemployment Insurance Code, and (3) this bill is enacted after
29 Assembly Bill 1270, in which case Section 3 of this bill shall not
30 become operative.

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