

ASSEMBLY BILL

No. 1098

**Introduced by Assembly Member Romero
(Coauthors: Assembly Members Aroner, Firebaugh, Honda,
and Keeley)**

February 25, 1999

An act to add Chapter 6 (commencing with Section 11500) to Part 1 of Division 3 of the Unemployment Insurance Code, relating to jobs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as introduced, Romero. Jobs.

Existing law contains programs for unemployment compensation and job creation. Among other things, existing law provides for employment and employability programs under the direction of the Employment Development Department.

This bill would create the Communities First! Jobs Program to create public service jobs. The program would be supervised by a director employed by the Employment Development Department. The director would enroll eligible workers to be employed by appropriate state or local public agencies. The bill would establish various requirements for the eligibility of workers, and provide for the types of jobs, including wage and benefit requirements, that would be made available to program workers. The bill would require annual reports to the Legislature concerning the program's operation.

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. (a) The Legislature finds and declares
2 as follows:

3 (1) California faces a jobs gap. While only 177,000 new
4 jobs are created every year in California, 1,000,100
5 Californians are officially unemployed, and another
6 1,009,000 Californians are underemployed. In most areas
7 of the state, urban, rural, and suburban, there is a severe
8 shortage of entry-level positions relative to the number of
9 people seeking work.

10 (2) Many new jobs created leave households at
11 poverty rate or below.

12 (3) Unemployment is at depression era levels in many
13 large areas across the state, particularly among women
14 and people of color.

15 (4) Welfare reform requires thousands of new jobs for
16 those who are required to work or lose welfare benefits
17 and presents potential risks to existing workers, especially
18 other low-wage workers, who face competition for jobs
19 from new job seekers leaving welfare.

20 (5) Many of those who will need to make the transition
21 from welfare to work face serious barriers to successful
22 employment, including lack of education, work
23 experience, affordable child care, and transportation.

24 (6) At the same time that many new entrants to the job
25 market will be seeking employment, many of this state's
26 economically depressed communities are in need of the
27 services and work that these job seekers can provide.
28 Employment in public service work will be an
29 investment both in human capital and in the vitality of
30 local communities.

31 (b) It is the purpose of this act to do all of the following:

32 (1) Establish a program of public service employment.

33 (2) Create 10,000 public jobs to meet pressing
34 community needs.



1 (3) Target job creation to rural, suburban, and urban
2 regions of this state that are suffering from shortages in
3 entry-level jobs.

4 (4) Direct this employment to the purpose of
5 providing public service to communities and individuals
6 in need and to the maintenance and improvement of
7 public land and facilities.

8 (5) Address barriers to employment through effective
9 assessment and appropriate job training and support
10 services.

11 (6) Protect existing workers from being displaced by
12 welfare reform or the jobs created by this act.

13 SEC. 2. Chapter 6 (commencing with Section 11500)
14 is added to Part 1 of Division 3 of the Unemployment
15 Insurance Code, to read:

16
17 CHAPTER 6. COMMUNITIES FIRST!
18

19 11500. As used in this chapter:

20 (a) “Communities First! Jobs Program” or “program”
21 means the Communities First! Jobs Program established
22 under this chapter.

23 (b) “Communities First! Jobs” means jobs that involve
24 any of the following:

25 (1) The direct delivery of services to individual
26 children, elderly persons, persons with physical and
27 developmental disabilities, or persons with low incomes,
28 such as child care providers and home health care
29 providers.

30 (2) The promotion of neighborhood or community
31 well-being, such as health educators, teachers’ aids, youth
32 mentors, or community advocates.

33 (3) The conservation, improvement, or development
34 of natural resources or the enhancement, preservation, or
35 maintenance of public lands, water, schools, affordable
36 housing, and other facilities.

37 (4) Other projects serving the public interest.

38 (c) “Employing agency” means the employer of a
39 Communities First! Jobs Program worker.

1 (d) “Department” means the Employment
2 Development Department.

3 (e) “Director” means the director of the Communities
4 First! Jobs Program within the Employment
5 Development Department.

6 11501. There is hereby established within the
7 Employment Development Department the
8 Communities First! Jobs Program to create public service
9 jobs. The program shall be under the supervision of the
10 director, who shall be employed by the department.

11 11502. The director shall do all of the following:

12 (a) Enroll eligible workers pursuant to Section 11505.

13 (b) Employ staff necessary to implement the
14 provisions of this chapter.

15 (c) Develop a community needs assessment in each
16 community for which the director receives a proposal
17 from a local agency pursuant to subdivision (b) of Section
18 11504, which shall include the participation of local public
19 agencies, local government, community members, and
20 community-based organizations to determine
21 community needs and the types of jobs needed to fulfill
22 those needs.

23 (d) Determine job training needs of workers and
24 assess the ability of current job training programs to
25 provide training for workers.

26 (e) Execute contracts or cooperative agreements with
27 appropriate local public agencies for the provision of
28 services to workers, including assessment, education,
29 training, case management, job readiness, and job search
30 and placement services.

31 11503. The employing agency shall do all of the
32 following:

33 (a) Provide the program worker with a job that is
34 comparable to the work of the agency’s other employees
35 in terms of responsibilities, training, and development of
36 career opportunities within the agency.

37 (b) Assess the program worker’s skills and abilities,
38 including educational needs and prior work experience,
39 and in consultation with the program worker, provide
40 appropriate on-the-job training that is designed to enable



1 the program worker to succeed in the job and to develop
2 new skills and abilities.

3 (c) Ensure the provision of support services in
4 coordination with county welfare departments and
5 public and private service providers, including child care
6 and transportation, necessary for the program worker to
7 maintain successful employment.

8 11504. (a) Each program worker shall receive a
9 full-time job in the public sector and appropriate
10 on-the-job supervision and child care, and job search and
11 placement assistance.

12 (b) The director shall seek and consider proposals
13 from state or local public agencies to operate
14 Communities First! Jobs projects. Projects shall be
15 approved or denied based on the following criteria:

16 (1) Whether program workers will be engaged in
17 activities that provide a valuable work experience.

18 (2) Whether the created jobs produce a demonstrable
19 public benefit.

20 (3) Whether the project is within a geographic area
21 with welfare caseloads, unemployment, or poverty rates
22 above the statewide average. The director shall consider
23 entry level job vacancies and the job creation potential of
24 each region.

25 (c) Program workers shall be assigned to projects that
26 are within reasonable commuting distances from their
27 place of residence.

28 (d) Whenever available and appropriate, adult
29 education, job training, and placement services provided
30 through other federal, state, and locally funded programs
31 shall be coordinated with projects developed under this
32 act to assist eligible program workers. Coordinated
33 services may include, but are not limited to, job
34 placement assistance, adult literacy training, job search
35 skills, job application skills, and ability assessments.
36 Eligible workers without a high school diploma shall
37 receive coordinated services that provide an opportunity
38 to obtain an equivalent high school diploma.

39 (e) Program workers shall be considered employees
40 for all purposes, including, but not limited to, health and



1 safety laws, workers' compensation, antidiscrimination
2 laws, unemployment insurance, and collective
3 bargaining laws.

4 (f) Workers' compensation benefits shall be provided
5 to program workers under the same standards applicable
6 to other public and private employees in this state.

7 (g) No work assignment under this program shall
8 result in any of the following:

9 (1) The displacement or partial displacement of any
10 current employee, a reduction in a current employee's
11 hours of nonovertime and overtime work, wages, or
12 employment benefits, or the filling of a vacant,
13 established position.

14 (2) The filling of a position when any other individual
15 is on layoff from the same or any equivalent position,
16 when the employer has terminated the employment of
17 any regular employee or otherwise reduced its work
18 force with the effect of filling the vacancy so created with
19 a program worker or without the prior approval of the
20 applicable labor union at a worksite employing union
21 workers.

22 (3) Any infringement of the promotional
23 opportunities of any currently employed individual, or
24 displacement of any current employees, including, but
25 not limited to, a reduction in their hours of overtime and
26 nonovertime work.

27 (4) The filling of a position created by a strike, lockout,
28 or other bonafide labor dispute or violation of any
29 collective bargaining agreement between employers and
30 employees.

31 (5) The denial of employee protections afforded other
32 workers on the worksite by state and federal laws
33 governing workplace health, safety, and representation.

34 11505. Persons participating in the Communities
35 First! Jobs Program shall satisfy the following criteria:

36 (a) The participants shall be members of very low
37 income households. "Very low income households"
38 means persons and families whose incomes do not exceed
39 50 percent of the area median income. As used in this



1 section, “area median income” means the median family
2 income of a geographic area of the state.

3 (b) At least 50 percent of program workers in each
4 geographic area shall be current General Assistance,
5 CalWORKS, or Supplemental Security Income recipients
6 or have been recipients within the last three years.

7 11506. (a) Program workers shall receive an hourly
8 wage no less than ten dollars (\$10) per hour, or the
9 prevailing wage if higher.

10 (b) Program workers shall be entitled to the same
11 benefits as other employees of the employer doing
12 comparable work.

13 (c) Program workers who have dependent children
14 shall be provided with quality child care that enables
15 them to participate.

16 11507. The director, in developing and approving
17 projects, shall ensure that:

18 (a) In employment practices, no individual will be
19 discriminated against because of the individual’s race,
20 color, religious creed, ancestry, sex, sexual orientation,
21 immigration status, national origin, marital status, age, or
22 disability.

23 (b) No person shall make any payment to any other
24 person as compensation for referring an individual as a
25 potential program worker.

26 11508. At the completion of each year of the
27 program’s operation the director shall prepare and
28 submit a report to the appropriate committees of the
29 Legislature. The report shall include, but not be limited
30 to:

31 (a) The number of program workers enrolled.

32 (b) The average length of their enrollment.

33 (c) The type of job training provided to these program
34 workers.

35 (d) The estimated savings by all levels of government
36 as a result of reductions in social service delivery and
37 public assistance benefits.

38 (e) The estimated tax revenues received by all levels
39 of government from Communities First! Jobs Program
40 workers.



1 (f) An analysis of the impact of program participation
2 on the overall welfare of workers and their families,
3 taking into consideration factors such as family income,
4 the attainment of new skills or education levels, and other
5 social benefits as reported by workers. Tracking of
6 program workers shall be for no less than five years.

7 (g) The amount of appropriated funds expended on
8 program administration.

