

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 3

**Introduced by Assembly Member V. Manuel Perez
(Coauthors: Assembly Members Carter, Fuentes, Furutani, Galgiani,
Monning, and Portantino Portantino, and Salas)**

December 1, 2008

An act to *amend Sections 14202, 14203, 14204, 14205, 14221, and 14230 of, and to add Section 14013.5 to, the Unemployment Insurance Code, relating to workforce development.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, V. Manuel Perez. Workforce development: Renewable Energy Workforce Readiness—~~Initiative~~. *Initiative: local workforce investment boards.*

Existing

(1) *Existing* law, the California Workforce Investment Act, establishes the California Workforce Investment Board (CWIB), which is the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system, and prescribes the functions and duties of the board with regard to the implementation and administration of workforce training and development programs. Existing law establishes the Green Collar Jobs Council (GCJC) as a special committee in the CWIB, comprised of specified members, to assist in providing workforce development and job training relating to green collar jobs.

This bill would require the CWIB, by January 1, 2011, in consultation with the Green Collar Jobs Council (GCJC), to establish a Renewable Energy Workforce Readiness Initiative to ensure green collar career placement and advancement opportunities within California's renewable energy generation, manufacturing, construction, installation, maintenance, and operation sectors that is targeted towards specified populations. The bill would require that the initiative provide guidance to local workforce investment boards on how to establish comprehensive green collar job assessment, training, and placement programs that reflect the local and regional economies, as prescribed. The bill would require the CWIB, in developing the initiative, to assist the local workforce investment boards in collecting and analyzing specified labor market data, in order to assess accurate local or regional industry cluster workforce development and training needs. The CWIB would be required to submit to the Legislature, by January 1, 2013, a report on the implementation of the initiative. The bill would require the board to implement the provisions of the bill using moneys made available to the CWIB from funds appropriated to the state pursuant to the American Recovery and Reinvestment Act of 2009, to the extent that those funds are available for that purpose.

(2) Existing law requires the local chief elected officials in a local workforce development to form, pursuant to specified guidelines established by the Governor and the board, a local workforce investment board, and prescribes the duties of the board with regard to the development and implementation of local workforce investment plans, as specified.

This bill would revise the membership of the local workforce investment board and revise local workforce investment plan requirements.

Because the bill imposes new duties on local government workforce investment boards, it 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) California is fortunate to have some of the finest solar, wind,
4 and geothermal resources in the world, giving California the
5 opportunity to lead the United States in the development of
6 renewable energy technologies and the creation of green collar
7 jobs.
- 8 (2) A 2006 analysis performed by the Renewable Energy Policy
9 Project looked at the employment gains throughout the United
10 States and found that, of all the 50 states, California has the greatest
11 potential to generate new renewable energy manufacturing activity.
- 12 (3) The Governor issued Executive Order S-14-08, which
13 increased the state's renewable portfolio standard to 33 percent
14 by 2020, and positioned California's economy, technology centers,
15 financial institutions, businesses, workers, and consumers to benefit
16 from the state's renewable energy efforts.
- 17 (4) California's investment in the production of renewable
18 energy and associated infrastructure could be targeted to strengthen
19 sectors and regions of the state economy suffering from high
20 unemployment rates and poverty.
- 21 (5) Educational institutions, in collaboration with labor and
22 community-based organizations, play a significant role in the
23 progress of renewable energy curriculum and career job placement
24 within emerging renewable energy industries.
- 25 (6) California's Imperial and Riverside Counties are recognized
26 as ~~California's renewable energy zone with the most~~ *having some*
27 *of the highest* potential for renewable energy development, ~~and~~
28 ~~the zone possesses one in California and also some of the highest~~
29 unemployment rates in the state.
- 30 (7) Educational institutions in the Imperial, Riverside, and San
31 Bernardino Counties, such as Imperial Valley College, College of
32 the Desert, Palo Verde Community College, University of
33 California at Riverside, and California State San Bernardino are
34 seeking to establish collaborations with local labor and renewable

1 energy organizations but lack infrastructure, technical assistance,
2 and resources.

3 (8) The federal Workforce Investment Act of 1998 (WIA) (29
4 U.S.C. Sec. 2801 et seq.) makes funding available to states that
5 offer training and workforce development services through state
6 and local workforce investment boards, based on a set formula
7 that includes specified economic and demographic data in order
8 to provide appropriate programming in local workforce areas.

9 (9) The California Workforce Investment Board (CWIB) has
10 established a special committee known as the Green Collar Jobs
11 Council (GCJC) pursuant to Section 15002 of the Unemployment
12 Insurance Code. The GCJC is comprised of appropriate
13 representatives from the existing CWIB membership, and other
14 appropriate members who serve as consultants to the GCJC in the
15 development and implementation of California's green economic
16 industry.

17 (10) The 2009–10 estimated WIA allocation to local workforce
18 investment boards is approximately \$363 million, while California
19 will receive about \$63 million in discretionary funding.

20 (11) California is expected to receive approximately \$787
21 million in funds appropriated under the American Recovery and
22 Reinvestment Act of 2009 (ARRA) (Public Law 111-5) for use
23 for purposes related to assisting unemployed workers and
24 struggling families. California is also expected to receive \$480
25 million in supplemental WIA funding to be used for (A) youth
26 formula grants; (B) dislocated worker programs; and (C) adult
27 services grants. Of the \$480 million in WIA funding targeted for
28 California, the CWIB is expected to receive approximately \$70
29 million to carry out supplemental programs related to the
30 ARRA-funded programs.

31 (12) California's ARRA funding for adult services is expected
32 to total approximately \$80,117,954. These funds are intended to
33 be used to provide grants to states for adult employment and
34 training activities, including supportive services and needs-related
35 payments to support the employment and training needs of priority
36 populations, including recipients of public assistance and other
37 low-income individuals.

38 (b) It is the intent of the Legislature to establish the "California
39 Renewable Energy Workforce Readiness Initiative" in order for
40 the California Workforce Investment Board (CWIB) to prepare

1 California's youth, military veterans, and adult workers for the
2 economy of the future.

3 SEC. 2. Section 14013.5 is added to the Unemployment
4 Insurance Code, to read:

5 14013.5. (a) In furtherance of the requirements of this division,
6 no later than January 1, 2011, the board, in consultation with the
7 Green Collar Jobs Council (GCJC) and other appropriate state
8 agencies, shall establish a Renewable Energy Workforce Readiness
9 Initiative to ensure green collar career placement and advancement
10 opportunities within California's renewable energy generation
11 manufacturing, construction, installation, maintenance, and
12 operation sectors. The initiative shall provide guidance to the local
13 workforce investment boards on how to establish comprehensive
14 green collar job assessment, training, and placement programs that
15 reflect the local and regional economies. The purpose of the
16 guidance is to assist local communities to develop strategies to
17 best utilize moneys provided under the American Recovery and
18 Reinvestment Act of 2009 (Public Law 111-5) in designing and
19 implementing green collar job development programs that are
20 reflective of local and regional economies and that lead to stable
21 career opportunities.

22 (b) Any workforce investment strategies developed by the
23 initiative shall address how to effectively provide outreach,
24 assessment, training, and placement to prospective worker
25 populations, including those that have historically faced barriers
26 to employment. Those populations include, but are not limited to,
27 all of the following:

28 (1) Low-income and disadvantaged populations.

29 (2) At-risk youth.

30 (3) Formerly incarcerated nonviolent offenders.

31 (4) Displaced and incumbent workers in transition.

32 (5) Veterans of past or present military service.

33 (c) The initiative also shall provide guidance on how to engage
34 target populations and evaluate potential applicants' ability to
35 implement and operate renewable energy worker training program
36 in California. The initiative shall address how local workforce
37 investment boards can effectively collaborate and shall include
38 the participation of all of the following entities:

39 (1) Nonprofit organizations.

40 (2) Local governments.

1 (3) State-approved apprenticeship programs.

2 (4) Community colleges.

3 (5) Postsecondary educational institutions.

4 (6) Local workforce training partnerships and collaboratives.

5 (7) Regional occupational programs (ROP).

6 (d) The initiative shall further address how local workforce
7 investment boards can prioritize programs that serve prospective
8 workers who have historically faced barriers to employment,
9 including, but not limited to, programs that do all of the following:

10 (1) Serve individuals in families with incomes less than 250
11 percent of the federal poverty level.

12 (2) Include collaboration with community-based nonprofit
13 organizations, labor organizations, apprenticeship programs that
14 are approved by the Division of Apprenticeship Standards, in the
15 Department of Industrial Relations, and educational institutions
16 with expertise in serving low-income adults or youth.

17 (3) Link adult remedial education with occupational skills
18 training.

19 (4) Ensure that supportive services are integrated with education
20 and training, and delivered by organizations with direct access to
21 and experience with targeted populations.

22 (5) Involve employers and labor organizations, recognized by
23 the National Labor Relations Board (NLRB), in the determination
24 of relevant skills and competencies, ensuring that the certificates
25 or credentials that result from the training are recognized by
26 employers and labor organizations.

27 (6) Leverage additional public and private resources to fund
28 readiness programs, including cash or in-kind matches from
29 participating employers, nonprofits, or labor organizations
30 recognized by the NLRB.

31 (e) The board shall collect and analyze labor market data, track
32 workforce trends, document academic and occupational
33 competencies, identify future skill needs, promote and support
34 local workforce training initiatives, and provide technical assistance
35 and capacity building to energy partnerships and apprenticeship
36 training programs that are approved by the Division of
37 Apprenticeship Standards, in the Department of Industrial
38 Relations, related to renewable energy and workforce development
39 in California.

(f) In developing the initiative, the board shall assist the local workforce investment boards in collecting and analyzing labor market data from existing reports and available data, in order to assess accurate local or regional industry cluster workforce development and training needs.

(g) No later than January 1, 2013, the board shall report to the Legislature on the implementation of this section. The report shall include an assessment of how effective the guidance required to be provided pursuant to subdivision (a) was in assisting local workforce investment boards in establishing renewable energy workforce training programs that lead to permanent jobs.

(h) The board shall implement this section using moneys made available to the board from the funds appropriated to the state pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5) to the extent that these funds are available for that purpose.

SEC. 3. Section 14202 of the Unemployment Insurance Code is amended to read:

14202. Membership of the local board shall be appointed by the local chief elected official using criteria established by the Governor and the board, and shall include:

(a) (1) Representatives of business in the local area appointed from among individuals nominated by local business organizations and business trade associations and that reflect employment opportunities of the local area. ~~Business representatives shall be owners of businesses, chief executives, or operating officers of businesses or other business executives, including human resources executives, or employers with optimum policymaking or hiring authority.~~

(2) *Business representatives shall be owners of businesses, chief executives, or operating officers of businesses or other business executives, including human resources executives, or employers with optimum policymaking or hiring authority. Business representatives shall include women and minorities employing persons in the local area. Wherever applicable, and as board member vacancies occur, businesses in sectors that provide for conservation, energy efficiency, or water efficiency; pollution mitigation; or renewable energy generation, manufacturing, construction, installation, maintenance, and operation shall be nominated and included in the local board.*

(b) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, public and private postsecondary educational institutions, including representatives of community colleges, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities.

(c) Representatives of labor organizations nominated by local labor federations, including a representative of an apprenticeship program. At least 15 percent of local board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the local board members shall be representatives of labor organizations.

(d) Representatives of local community-based organizations, including organizations representing individuals with disabilities and ~~veterans, and veterans~~; organizations that serve populations with barriers to employment, such as the economically disadvantaged, youth, *including youth in foster care, persons with prior criminal convictions or juvenile adjudication, indigent persons, farmworkers, ~~homeless~~, and immigrants; and representatives of environmental advocacy or environmental justice advocacy organizations.*

(e) Representatives of economic development agencies, including private sector economic development entities.

(f) Representatives of each of the one-stop partners. *A single entity, including those identified in subdivisions (b) and (c), can represent multiple one-stop partners pursuant to Section 14231.*

(g) Members of the local board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within those organizations, agencies, or entities.

SEC. 4. Section 14203 of the Unemployment Insurance Code is amended to read:

14203. Membership of local boards may include other individuals or representatives of entities as the local elected official in the local area may determine to be appropriate. A single member of the local board may ~~be appointed to~~ represent multiple constituencies on the local board.

1 SEC. 5. *Section 14204 of the Unemployment Insurance Code*
2 *is amended to read:*

3 14204. A majority of the members of the local board shall be
4 representatives of businesses in the local area, *including*
5 *representatives of business-funded job training programs such as*
6 *state-approved joint apprenticeship training councils and other*
7 *formal labor-management training partnerships.*

8 SEC. 6. *Section 14205 of the Unemployment Insurance Code*
9 *is amended to read:*

10 14205. The local board shall elect a chairperson for the local
11 board from among the business representatives, *as described in*
12 *Section 14204.*

13 SEC. 7. *Section 14221 of the Unemployment Insurance Code*
14 *is amended to read:*

15 14221. The local plan shall include all of the following:

16 (a) A local labor market assessment ~~which~~ *that* contains an
17 identification of local and regional workforce investment needs
18 of key industry sectors, businesses, jobseekers, and incumbent
19 workers in the local area, the current and projected employment
20 opportunities, and the job skills necessary to obtain that
21 employment.

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

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

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

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

37 (d) A description and assessment of the type and availability of
38 adult and dislocated worker employment and training activities in
39 the local area, *including state-certified joint apprenticeship*
40 *programs.*

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

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

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

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

(i) An identification of the entity, as prescribed in the Workforce Investment Act of 1998, responsible for the disbursement of funds under the Workforce Investment Act of 1998.

(j) A description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under the Workforce Investment Act of 1998.

SEC. 8. Section 14230 of the Unemployment Insurance Code is amended to read:

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

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

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

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

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

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

(C) Job search and placement assistance.

1 (D) Career counseling, where appropriate.

2 (E) Provision of labor market information.

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

6 (G) Provision of information on supportive services in the local
7 area.

8 (H) Provision of information on the filing of claims for
9 unemployment compensation benefits and unemployment
10 compensation disability benefits.

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

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

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

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

36 (A) Occupational skill training including training for
37 nontraditional employment.

38 (B) On-the-job training.

39 (C) Programs that combine workplace training with related
40 instruction.

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

2 (E) Skill upgrading and retraining.

3 (F) Entrepreneurial training.

4 (G) Job readiness training.

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

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

12 *(J) Entrance into a registered apprenticeship program shall be*
13 *considered placement into a job.*

14 (7) As prescribed in the Workforce Investment Act of 1998,
15 when funds are limited, priority for intensive services and training
16 services shall be given to adult recipients of public assistance and
17 other low-income adults, such as CalWORKs participants.

18 (b) Each local workforce investment board shall establish at
19 least one full service one-stop career center in the local workforce
20 investment area. Each full service one-stop career center shall have
21 all entities specified in Section 14231 as partners and shall provide
22 jobseekers with integrated employment, education, training, and
23 job search services. Additionally, employers will be provided with
24 access to comprehensive career and labor market information, job
25 placement, economic development information, performance and
26 program information on service providers, and other such services
27 as the businesses in the community may require.

28 (c) Local boards may also establish affiliated and specialized
29 centers, as defined in the Workforce Investment Act of 1998, which
30 shall act as portals into the larger local one-stop system, but are
31 not required to have all of the partners specified for full service
32 one-stop centers.

33 (d) Each local board shall develop a policy for identifying
34 individuals who, because of their skills or experience, should be
35 referred immediately to training services. This policy, along with
36 the methods for referral of individuals between the one-stop
37 operators and the one-stop partners for appropriate services and
38 activities, shall be contained in the memorandum of understanding
39 between the local board and the one-stop partners.

1 (e) In light of California's diverse population, each one-stop
2 career center should have the capacity to provide the appropriate
3 services to the full range of languages and cultures represented in
4 the community served by the one-stop career center.

5 *SEC. 9. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*