

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN SENATE MAY 21, 2009

AMENDED IN SENATE APRIL 27, 2009

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 410

Introduced by Senator Ducheny

February 26, 2009

An act to amend Sections 9600.5, 14000, and 14230 of, and to add Section 14230.7 to, the Unemployment Insurance Code, relating to workforce investment.

LEGISLATIVE COUNSEL'S DIGEST

SB 410, as amended, Ducheny. California Workforce Investment Act: federal funding.

(1) The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive and employment training outreach programs. Existing law establishes local workforce investment boards to implement and administer various workforce training and development programs in the state, and requires those local boards to establish at least one comprehensive one-stop career center in each local workforce investment area. Existing law further declares that it is the intent of the Legislature to deliver comprehensive workforce services to jobseekers, students, and employers at those comprehensive one-stop career centers to, among other things, make job outreach, intake, job search and placement assistance, and other related services available in one location.

This bill would also declare that it is the intent of the Legislature that other intensive services, such as out-of-area job search assistance, literacy activities related to workforce readiness, relocation assistance, internships, financial assistance, and work experience programs also be provided at those one-stop career centers to individuals who have met specified requirements, based on an assessment or individual employment plan. The bill would prescribe eligibility criteria for recipients of financial assistance in the form of needs-related payments, as described, and would require the one-stop career centers, given sufficient resources, to take various actions with respect to the coordination and delivery of supportive services, as described, to individuals who are enrolled in job training programs. The bill also would require local boards to develop a policy on supportive services, as specified. By imposing new duties on local entities, the bill would impose a state-mandated local program.

(2) Existing law requires the Employment Development Department to report annually to the Governor, the Legislature, and the California Workforce Investment Board, no later than November 30, regarding the training expenditures made by local workforce investment boards in the prior fiscal year, as provided.

This bill would revise the above reporting requirement, as specified.

(3) Existing law establishes the California Workforce Investment Board (CWIB), and requires the CWIB to assist the Governor with promoting the development, oversight, and continuous development of a well-educated and highly skilled workforce, and development of the State Workforce Investment Plan.

This bill would require the CWIB to develop policies, funding recommendations, and strategies that will maximize funding across all workforce programs for developing and enhancing the skills of Californians in order to meet the needs of California's businesses, as specified. The bill would require funding available through the federal American Recovery and Reinvestment Act of 2009 to be for increasing training services, and would require training priorities to be consistent with those identified in that act.

(4) This bill would incorporate additional changes in Section 14230 of the Unemployment Insurance Code made by AB 3 that would become operative if both bills are enacted and this bill is enacted after AB 3.

(4)

(5) 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: yes.

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California's unemployment rate has increased dramatically
3 in recent months, and now stands at a rate of approximately 11.5
4 percent statewide. Over 45 of California's counties have
5 unemployment rates at or above 10 percent, and in the last year,
6 approximately 650,000 Californians have lost their jobs while the
7 total number of unemployed individuals in the state has risen to
8 over 1.7 million.

9 (b) Ensuring access to, and increasing the availability of, job
10 training, supportive services needed for unemployed individuals
11 to successfully enter and complete job training programs, and work
12 experience for youth and adults are vital to California's economy
13 and will help to ensure the survival of the state's businesses and
14 industry during challenging times.

15 (c) Federal funding assistance for employment training is
16 critically needed to put Californians back to work.

17 (d) Leveraging existing resources, through collaboration among
18 local workforce investment boards, community colleges, adult
19 education programs, including adult basic education,
20 English-as-a-second-language programs, regional occupational
21 programs and centers, and other publicly funded educational
22 institutions, in addition to registered apprenticeship and
23 preapprenticeship programs, is an effective way to increase the
24 number of Californians who have access to job training
25 opportunities.

26 SEC. 2. Section 9600.5 of the Unemployment Insurance Code
27 is amended to read:

9600.5. The director of the Employment Development Department shall report annually to the Governor, the Legislature, and the California Workforce Investment Board, no later than November 30, regarding the training expenditures made by local workforce investment boards in the prior fiscal year. This shall include funds made available to California through the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). The department shall specify what expenditures qualify as training expenditures, including, but not limited to, the price paid for classroom instruction or other training opportunities, contracted services for customized training and on-the-job training, development of training materials, and services provided in one-stop career centers, such as supportive services, including coaching and case management, that enable a participant to attend and complete training. The annual report shall specify the total amount of federal funding provided to the state and to each of the local workforce investment boards for the adult and dislocated persons programs and the amount within each program expended for training services. The report shall also include training expenditures incurred by organizations funded by the Governor's 15 percent discretionary fund from the Workforce Investment Act of 1998 (Public Law 105-220).

SEC. 3. Section 14000 of the Unemployment Insurance Code is amended to read:

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

(b) The Legislature recognizes all of the following:

(1) California must transform its current job training, job placement, and vocational education programs into an integrated, accessible, and accountable workforce investment system that can effectively serve job seekers, students, and employers.

(2) California's workforce investment system must provide lifelong learning for all Californians, promote self-sufficiency, link education and training to economic development, and prepare California to successfully compete in the global economy.

(3) The programs described in paragraphs (1) and (2) must be accessible to all Californians, including persons with economic, physical, or other barriers to employment.

1 (c) The California Workforce Investment Board shall develop
2 policies, funding recommendations, and strategies that will
3 maximize funding across all workforce programs for developing
4 and enhancing the skills of Californians in order to meet the needs
5 of California's businesses. To do this, it shall use the following
6 guiding principles:

7 (1) Investing in regional workforce and economic development
8 strategies to build prosperous communities and competitive
9 industries.

10 (2) Providing all Californians with access to high-quality
11 postsecondary education and skills training.

12 (3) Providing working adults with opportunities to move up the
13 skill ladder.

14 (4) Linking workforce preparation and institutions to create
15 pathways to high wage jobs.

16 (5) Aligning program goals and measures to achieve a shared
17 vision of California's future and to ensure accountability.

18 (d) Individuals who are recently laid off from work need to
19 quickly access job training and develop necessary skills to reenter
20 the labor force. It is the intent of the Legislature that local
21 workforce investment boards and community colleges develop
22 innovative strategies to provide training that accommodates the
23 needs of unemployed or underemployed adults, can provide
24 certificates and credentials through flexible schedules, and
25 implement new approaches to delivering job skills training and
26 education.

27 (e) Priority for funding available through the American Recovery
28 and Reinvestment Act of 2009 (Public Law 111-5) to local
29 workforce investment boards shall be used for increasing training
30 services insofar as is consistent with that act. This funding shall
31 not supplant funds currently being spent on training, nor decrease
32 the leveraging of resources among training institutions and
33 workforce investment boards. Training priorities shall be consistent
34 with those identified in the American Recovery and Reinvestment
35 Act of 2009 (Public Law 111-5), including green jobs and health
36 care.

37 SEC. 4. Section 14230 of the Unemployment Insurance Code
38 is amended to read:

39 14230. (a) It is the intent of the Legislature that:

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

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

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

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

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

14 (C) Job search and placement assistance.

15 (D) Career counseling, where appropriate.

16 (E) Provision of labor market information.

17 (F) Provision of program performance and cost information on
18 eligible providers of training services and local area performance
19 measures.

20 (G) Provision of information on supportive services in the local
21 area.

22 (H) Provision of information on the filing of claims for
23 unemployment compensation benefits and unemployment
24 compensation disability benefits.

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

28 (4) State and federally funded workforce education, training,
29 and employment programs shall be integrated in the one-stop
30 delivery system to achieve universal access to the core services
31 described in paragraph (3).

32 (5) (A) Intensive services shall be available to individuals who
33 have completed at least one core service, have been unable to
34 obtain employment, and who have been determined, by the
35 one-stop operator, as being in need of more intensive services, or
36 who are employed but in need of intensive services to obtain or
37 retain employment to achieve self-sufficiency.

38 (B) Intensive services may include comprehensive and
39 specialized assessments of skill levels and service needs, including
40 learning disability screening, the development of individual

1 employment plans, counseling, career planning, and short-term
2 prevocational services to prepare an individual for training and
3 employment.

4 (C) Other intensive services such as out-of-area job search
5 assistance, literacy activities related to workforce readiness,
6 relocation assistance, internships, and work experience programs
7 may be made available to individuals who have met the
8 requirements for intensive services based on an assessment or
9 individual employment plan.

10 (D) For the purposes of this paragraph, “work experience” means
11 a planned, structured, learning experience that takes place in a
12 workplace for a limited period of time. Work experience may be
13 paid or unpaid, as appropriate. A work experience workplace may
14 be in the private for-profit sector, the nonprofit sector, or the public
15 sector. Labor standards shall apply in any work experience where
16 an employee-employer relationship, as defined by the Fair Labor
17 Standards Act (29 U.S.C. Sec. 201, et seq.), exists.

18 (6) Training services shall be made available to individuals who
19 have met the requirements for intensive services, have been unable
20 to obtain or retain employment through these services, and who,
21 after an interview, evaluation, or assessment, are determined to be
22 in need of training, and have selected a program of services directly
23 linked to occupations in demand in the local or regional area.
24 Training services may include:

25 (A) Occupational skill training including training for
26 nontraditional employment.

27 (B) On-the-job training.

28 (C) Programs that combine workplace training with related
29 instruction.

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

31 (E) Skill upgrading and retraining.

32 (F) Entrepreneurial training.

33 (G) Job readiness training.

34 (H) Adult education and literacy activities, including vocational
35 English as a second language, provided in combination with
36 subparagraphs (A) through (G), inclusive.

37 (I) Preapprenticeship and registered apprenticeship training.
38 For the purposes of this section, entrance into a registered
39 apprenticeship program shall be considered placement into a job.

1 (J) Customized training conducted by an employer or a group
2 of employers or a labor-management training partnership with a
3 commitment to employ an individual upon completion of the
4 training.

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

9 (b) Each local workforce investment board shall establish at
10 least one full service one-stop career center in the local workforce
11 investment area. Each full service one-stop career center shall have
12 all entities specified in Section 14231 as partners and shall provide
13 jobseekers with integrated employment, education, training, and
14 job search services. Additionally, employers will be provided with
15 access to comprehensive career and labor market information, job
16 placement, economic development information, performance and
17 program information on service providers, and other such services
18 as the businesses in the community may require.

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

24 (d) Each local board shall develop a policy for identifying
25 individuals who, because of their skills or experience, should be
26 referred immediately to training services. This policy, along with
27 the methods for referral of individuals between the one-stop
28 operators and the one-stop partners for appropriate services and
29 activities, shall be contained in the memorandum of understanding
30 between the local board and the one-stop partners.

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

35 *SEC. 4.5. Section 14230 of the Unemployment Insurance Code*
36 *is amended to read:*

37 14230. (a) It is the intent of the Legislature that:

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

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

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

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

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

11 (C) Job search and placement assistance.

12 (D) Career counseling, where appropriate.

13 (E) Provision of labor market information.

14 (F) Provision of program performance and cost information on
15 eligible providers of training services and local area performance
16 measures.

17 (G) Provision of information on supportive services in the local
18 area.

19 (H) Provision of information on the filing of claims for
20 unemployment compensation benefits and unemployment
21 compensation disability benefits.

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

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

29 (5) (A) Intensive services ~~shall~~ be available to individuals who
30 have completed at least one core service, have been unable to
31 obtain employment, and who have been determined, by the
32 one-stop operator, as being in need of more intensive services, or
33 who are employed but in need of intensive services to obtain or
34 retain employment to achieve self-sufficiency. ~~Intensive~~

35 (B) *Intensive* services may include comprehensive and
36 specialized assessments of skill levels and service needs, including
37 learning disability screening, the development of individual
38 employment plans, counseling, career planning, and short-term
39 prevocational services to prepare an individual for training and
40 employment.

1 (C) Other intensive services such as out-of-area job search
2 assistance, literacy activities related to workforce readiness,
3 relocation assistance, internships, and work experience programs
4 may be made available to individuals who have met the
5 requirements for intensive services based on an assessment or
6 individual employment plan.

7 (D) For the purposes of this paragraph, “work experience”
8 means a planned, structured, learning experience that takes place
9 in a workplace for a limited period of time. Work experience may
10 be paid or unpaid, as appropriate. A work experience workplace
11 may be in the private for-profit sector, the nonprofit sector, or the
12 public sector. Labor standards shall apply in any work experience
13 where an employee-employer relationship, as defined by the Fair
14 Labor Standards Act (29 U.S.C. Sec. 201, et seq.) exists.

15 (6) Training services shall be made available to individuals who
16 have met the requirements for intensive services, have been unable
17 to obtain or retain employment through these services, and who,
18 after an interview, evaluation, or assessment, are determined to be
19 in need of training, and have selected a program of services directly
20 linked to occupations in demand in the local or regional area.
21 Training services may include:

22 (A) Occupational skill training including training for
23 nontraditional employment.

24 (B) On-the-job training.

25 (C) Programs that combine workplace training with related
26 instruction.

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

28 (E) Skill upgrading and retraining.

29 (F) Entrepreneurial training.

30 (G) Job readiness training.

31 (H) Adult education and literacy activities, including vocational
32 English as a second language, provided in combination with
33 subparagraphs (A) through (G), inclusive.

34 (I) Preapprenticeship and registered apprenticeship training.
35 For the purposes of this section, entrance into a registered
36 apprenticeship program shall be considered placement into a job.

37 (H)

38 (J) Customized training conducted by an employer or a group
39 of employers or a labor-management training partnership with a

1 commitment to employ an individual upon completion of the
2 training.

3 *(K) Entrance into a state approved apprenticeship program*
4 *shall be considered placement into a job.*

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

9 (b) Each local workforce investment board shall establish at
10 least one full service one-stop career center in the local workforce
11 investment area. Each full service one-stop career center shall have
12 all entities specified in Section 14231 as partners and shall provide
13 jobseekers with integrated employment, education, training, and
14 job search services. Additionally, employers will be provided with
15 access to comprehensive career and labor market information, job
16 placement, economic development information, performance and
17 program information on service providers, and other such services
18 as the businesses in the community may require.

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

24 (d) Each local board shall develop a policy for identifying
25 individuals who, because of their skills or experience, should be
26 referred immediately to training services. This policy, along with
27 the methods for referral of individuals between the one-stop
28 operators and the one-stop partners for appropriate services and
29 activities, shall be contained in the memorandum of understanding
30 between the local board and the one-stop partners.

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

35 SEC. 5. Section 14230.7 is added to the Unemployment
36 Insurance Code, to read:

37 14230.7. (a) (1) One-stop career centers, if given sufficient
38 resources, shall coordinate with training providers and educational
39 institutions and agencies to deliver comprehensive supportive
40 services to individuals enrolled in job training programs.

1 Supportive services may include, but are not limited to,
2 transportation, child care, dependent care, housing, and
3 needs-related payments that are necessary to enable a person to
4 participate in the workforce training and development activities
5 authorized under this division. The provision of needs-related
6 payments that provide financial assistance to participants for the
7 purpose of enabling those individuals to participate in training is
8 one of the supportive services authorized by Section 134(e)(3) of
9 the federal Workforce Investment Act of 1998. Comprehensive
10 supportive services shall only be provided to individuals who are
11 participating in job training programs.

12 (2) To receive needs-related payments, adult participants shall
13 meet all of the following criteria:

14 (A) Be unemployed.

15 (B) Not qualify for, or have ceased qualifying for,
16 unemployment compensation.

17 (C) Be enrolled in a program of training services.

18 (3) (A) To receive needs-related payments, a dislocated worker
19 shall meet all of the following criteria:

20 (i) Be unemployed.

21 (ii) Not qualify for, or have ceased qualifying for, unemployment
22 compensation or assistance under the federal Trade Assistance Act
23 of 1994 (15 U.S.C. Sec. 6211 et seq.).

24 (iii) Be enrolled in a program of training services authorized
25 under the federal Workforce Investment Act of 1998 (29 U.S.C.
26 Sec. 2801 et seq.) by the end of the 13th week after the worker's
27 most recent layoff that resulted in a determination of the worker's
28 eligibility as a dislocated worker, or, if later, by the end of the
29 eighth week after the worker is informed that a short-term layoff
30 will exceed six months.

31 (B) For purposes of this paragraph "dislocated worker" means
32 a dislocated worker as defined in Section 2801(9) of Title 29 of
33 the United States Code.

34 (4) For purposes of this subdivision, "needs-related payments"
35 includes any financial assistance provided to a participant in a job
36 training program to enable that participant to access supportive
37 services that will facilitate participation in, and completion of a
38 job training program that may include instruction in basic skills,
39 occupational skills development, or other classroom instruction.
40 "Needs related-payments" also includes any cash assistance

1 provided to a participant in a job training program to allow the
2 participant to directly pay for or purchase supportive services.

3 (b) Local boards shall develop a policy, in consultation with
4 one-stop career center partners and other community service
5 providers, to ensure resource and service coordination in the local
6 workforce area. The policy shall address procedures for the referral
7 of unemployed individuals to providers of supportive services and
8 funding options to cover the cost of providing those services.

9 (c) Supportive services under this section shall only be provided
10 to individuals who are enrolled in training services, but who are
11 unable to obtain those supportive services from other state
12 programs that offer similar services.

13 (d) Local boards may establish limits on the provision of
14 supportive services pursuant to this section, including a limit on
15 the maximum amount of funding and maximum length of time for
16 providing support services to eligible participants.

17 *SEC. 6. Section 4.5 of this bill incorporates amendments to*
18 *Section 14230 of the Unemployment Insurance Code proposed by*
19 *both this bill and AB 3. It shall only become operative if (1) both*
20 *bills are enacted and become effective on or before January 1,*
21 *2010, (2) each bill amends Section 14230 of the Unemployment*
22 *Insurance Code, and (3) this bill is enacted after AB 3, in which*
23 *case Section 4 of this bill shall not become operative.*

24 ~~SEC. 6.~~

25 *SEC. 7. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*