

AMENDED IN SENATE JULY 5, 2011

AMENDED IN SENATE JUNE 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1115

Introduced by Assembly Member Lara

February 18, 2011

An act to add Section 14236 to the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 1115, as amended, Lara. Workforce development: training services.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law, the California Workforce Investment Act, establishes the California Workforce Investment Board, 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.

This bill would authorize individuals who are eligible to receive training services under federal law to have the opportunity to select any of the eligible training providers from any of the local areas in the state. The bill would require the California Workforce Investment Board to establish a procedure for use by local workforce investment boards in determining the eligibility of a provider of training services, as prescribed, in accordance with various requirements.

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. It is the intent of the Legislature to establish a
2 statewide training provider list with reasonable standards to ensure
3 public training dollars are well invested and consumers are
4 protected. These standards include cost reasonableness, in addition
5 to effective outcomes, including, but not limited to, job placement,
6 wage gain, and employment retention. The state shall build on the
7 federally required eligible training provider list (29 U.S.C. Sec.
8 2842), as required by the federal Workforce Investment Act of
9 1998 and shall establish additional standards, increased
10 accountability, and enhanced public access to program outcome
11 data.

12 SEC. 2. Section 14236 is added to the Unemployment Insurance
13 Code, to read:

14 14236. (a) Pursuant to the federal Workforce Investment Act
15 of 1998 (Public Law 105-220), training providers, ~~which~~ *that* are
16 deemed eligible to receive funds for training services, as described
17 in paragraph (4) of subsection (d) of Section 2864 of Title 29 of
18 the United States Code and paragraph (6) of subdivision (a) of
19 Section 14230 of this code, in the local area served by the local
20 workforce investment board, are required to be on the local eligible
21 training provider list.

22 (b) Pursuant to the federal Workforce Investment Act, the
23 designated state agency is required to compile a single list of the
24 eligible training providers from all local areas in the state and
25 disseminate that list, and the performance information and program
26 cost information, to the one-stop delivery systems within the state.

27 (1) The list and applicable data shall be made widely available
28 to participants in employment and training activities authorized
29 by Section 2864 of Title 29 of the United States Code.

30 (2) Individuals eligible to receive training services, under
31 paragraph (4) of subsection (d) of Section 2864 of Title 29 of the
32 United States Code, shall have the opportunity to select any of the
33 eligible providers, from any of the local areas in the state, that are
34 included on the state eligible training provider list.

1 ~~(3) Apprenticeship programs registered with the Division of~~
2 ~~Apprenticeship Standards and approved by the California~~
3 ~~Apprenticeship Council, which approved and registered by the~~
4 ~~Chief of the Division of Apprenticeship Standards that have~~
5 graduated apprentices in each of the five years shall be placed
6 automatically on the list of eligible training providers, as described
7 in this section, unless those programs decide to opt out of being
8 on those lists.

9 (4) California community college career and technical education
10 programs shall be placed automatically on the state list of eligible
11 training providers, as described in this section, unless those
12 programs decide to opt out of being on those lists.

13 (5) One-stop partners, as described in Section 14231, shall be
14 placed automatically on the state list of eligible training providers
15 as described in this section, unless those one-stop partners decide
16 to opt out of being on those lists.

17 (c) The California Workforce Investment Board, on behalf of
18 the Governor, shall establish a procedure for use by local workforce
19 investment boards in determining the eligibility of a provider of
20 training services, as described in paragraph (4) of subsection (d)
21 of Section 2864 of Title 29 of the United States Code and paragraph
22 (6) of subdivision (a) of Section 14230 of this code, in a local area
23 and to receive funds as described in subsection (b) of Section 2863
24 of Title 29 of the United States Code.

25 (1) In developing this procedure, the California Workforce
26 Investment Board shall solicit and take into consideration the
27 recommendations of local workforce investment boards and
28 providers of training services within the state.

29 (2) The California Workforce Investment Board shall provide
30 an opportunity during the development of the procedure for
31 interested members of the public, including representatives of
32 business and labor organizations, to submit comments on the
33 procedure.

34 (3) In developing the procedure, the California Workforce
35 Investment Board shall ensure that the procedure requires the local
36 boards to take into consideration, in making determinations of
37 training provider eligibility, all of the following:

38 (A) The specific economic, geographic, and demographic factors
39 in the local areas in which providers seeking eligibility are located.

1 (B) The characteristics of the populations served by providers
2 seeking eligibility, including the demonstrated difficulties in
3 serving the populations, if applicable.

4 (4) In establishing the procedure, the California Workforce
5 Investment Board shall require that, to be eligible to receive funds
6 as described in subsection (b) of Section 2863 of Title 29 of the
7 United States Code, a training provider do all of the following:

8 (A) Annually submit the performance information and cost
9 information for the program and any additional information
10 required to be submitted in accordance with subdivision (d) to the
11 appropriate local board, at the time and in the manner prescribed
12 by that board.

13 (B) Annually meet the performance levels described in
14 paragraph (2) of subdivision (d) for the program, as demonstrated
15 utilizing quarterly records described in subsection (f) of Section
16 2871 of Title 29 of the United States Code, consistent with the
17 requirements of that section.

18 (d) At a minimum, the procedure described in subdivision (c)
19 shall require the training provider to meet minimum acceptable
20 levels of performance based on the performance information
21 referred to in subparagraph (A) of paragraph (4) of subdivision
22 (c).

23 (1) A local workforce investment board may require higher
24 levels of performance than the levels referred to in paragraph (4)
25 of subdivision (c).

26 (2) To be eligible to receive funds as described in subdivision
27 (c), a provider of training services shall submit all of the following:

28 (A) Verifiable program-specific performance information
29 consisting of all of the following:

30 (i) Program information, including the following:

31 (I) The program completion rates for all individuals participating
32 in the applicable program conducted by the provider.

33 (II) The percentage of all individuals participating in the
34 applicable program who obtain unsubsidized employment.

35 (III) The wages at placement in employment of all individuals
36 participating in the applicable program.

37 (ii) Training services information for all participants who
38 received assistance under Section 2864 of Title 29 of the United
39 States Code to participate in the applicable program, including all
40 of the following:

1 (I) The percentage of participants who have completed the
2 applicable program and who are placed in unsubsidized
3 employment.

4 (II) The retention rates in unsubsidized employment of
5 participants who have completed the applicable program, six
6 months after the first day of the employment.

7 (III) The wages received by participants who have completed
8 the applicable program, six months after the first day of the
9 employment involved.

10 (IV) If appropriate, the rates of licensure or certification,
11 attainment of academic degrees or equivalents, or attainment of
12 other measures of skills, of the graduates of the applicable program.

13 (B) Information on program costs, such as tuition and fees, for
14 participants in the applicable program.

15 (3) The California Workforce Investment Board may require
16 that a provider submit other verifiable program-specific
17 performance information that it determines to be appropriate to
18 obtain eligibility, which may include information relating to any
19 of the following:

20 (A) Retention rates in employment and the subsequent wages
21 of all individuals who complete the applicable program.

22 (B) If appropriate, the rates of licensure or certification of all
23 individuals who complete the program.

24 (C) The percentage of individuals who complete the program
25 and attain industry-recognized occupational skills in the subject,
26 occupation, or industry for which training is provided through the
27 program, if applicable.