

2014 -- S 2997 SUBSTITUTE A

=====
LC005555/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- GOVERNOR'S WORKFORCE
BOARD RHODE ISLAND

Introduced By: Senators McCaffrey, Felag, Conley, P Fogarty, and Ottiano

Date Introduced: May 08, 2014

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-42-82, 28-42-83 and 28-42-84 of the General Laws in Chapter
2 28-42 entitled "Employment Security - General Provisions" are hereby amended to read as
3 follows:

4 **28-42-82. Job development fund.** -- Whereas, improvements in the standard of living
5 for all Rhode Islanders by increasing their prosperity and their opportunities for continued
6 employment and better jobs is one of the top priorities of state government;

7 Whereas, the rapidly changing economy requires that the Rhode Island workforce be
8 able to adapt to emerging needs of the workplace;

9 Whereas, the energies and resources of numerous state agencies and commissions
10 contribute to the state's overall response to the needs of the workforce and must be coordinated to
11 achieve maximum efficiency and effectiveness; and

12 Whereas, the competitiveness of Rhode Island businesses is dependent on a well-skilled,
13 literate, and productive workforce:

14 Now, therefore, the general assembly declares as follows:

15 (1) There is a need to stimulate long-term economic development, reconcile the needs of
16 ~~women~~ parents, work, and families, better integrate immigrants and minorities fully into the
17 workforce, and improve workers' educational preparation and skills;

18 (2) Enhancement of the competitiveness of the state's businesses and workforce requires

1 state support and encouragement for programs aimed at improving skill levels and expanding
2 opportunities of all segments of the workforce, particularly those in need of customized training
3 or training to upgrade existing skill levels; and

4 (3) These needs require the establishment of a job development fund pursuant to section
5 28-42-83 and the establishment of the ~~human resource investment council~~ [governor's workforce](#)
6 [board Rhode Island \(workforce board\)](#) pursuant to chapter 102 of title 42 to administer the fund.

7 **28-42-83. Job development fund -- Establishment -- Sources. --** (a) (1) There is
8 created as a restricted receipt account within the general fund called the job development fund, to
9 be administered by the ~~human resource investment council~~ [governor's workforce board Rhode](#)
10 [Island \(workforce board\)](#), without liability on the part of the state beyond the amounts paid into
11 and earned by the fund. This fund shall consist of:

- 12 (i) All payments received from employers and paid pursuant to section 28-43-8.5;
- 13 (ii) All other moneys paid into and received by the fund;
- 14 (iii) Property and securities acquired by and through the use of moneys belonging to the
15 fund; and
- 16 (iv) Interest earned upon moneys belonging to the fund.

17 (2) All moneys in the job development fund shall be mingled and undivided.
18 (b) All moneys received by the director for the job development fund shall, upon receipt,
19 be deposited by the director in a clearance account in a bank in this state.

20 **28-42-84. Job development fund -- Disbursements -- Unexpended balance. --** (a) The
21 moneys in the job development fund shall be used for the following purposes:

- 22 (1) To reimburse the department of labor and training for the loss of any federal funds
23 resulting from the collection and maintenance of the fund by the department;
- 24 (2) To make refunds of contributions erroneously collected and deposited in the fund;
- 25 (3) To pay any administrative expenses incurred by the department of labor and training
26 associated with the collection of the contributions for employers paid pursuant to section 28-43-
27 8.5, and any other administrative expenses associated with the maintenance of the fund, including
28 the payment of all premiums upon bonds required pursuant to section 28-42-85;
- 29 (4) To provide for job training, counseling and assessment services, and other related
30 activities and services. Services will include, but are not limited to, research, development,
31 coordination, and training activities to promote workforce development and business
32 development as established by the ~~human resource investment council~~ [governor's workforce](#)
33 [board Rhode Island \(workforce board\)](#);
- 34 (5) To support the state's job training for economic development;

1 (6) (i) Beginning January 1, 2001, two hundredths of one percent (0.02%) out of the
2 twenty-one hundredths of one percent (0.21%) job development assessment paid pursuant to
3 section 28-43-8.5 shall be used to support necessary core services in the unemployment insurance
4 and employment services programs operated by the department of labor and training; and

5 (ii) Beginning January 1, 2011 and ending in tax year 2015, two hundredths of one
6 percent (0.02%) out of the fifty- one hundredths of one percent (0.51%) job development
7 assessment paid pursuant to section 28-43-8.5 shall be used to support necessary core services in
8 the unemployment insurance and employment services programs operated by the department of
9 labor and training; and

10 (7) Beginning January 1, 2011 and ending in tax year 2015, three tenths of one percent
11 (0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid
12 pursuant to section 28-43.8.5 shall be deposited into a restricted receipt account to be used solely
13 to pay the principal and/or interest due on Title XII advances received from the federal
14 government in accordance with the provisions of Section 1201 of the Social Security Act;
15 provided, however, that if the federal Title XII loans are repaid through a state revenue bond or
16 other financing mechanism, then these funds may also be used to pay the principal and/or interest
17 that accrues on that debt. Any remaining funds in the restricted receipt account, after the
18 outstanding principal and interest due has been paid, shall be transferred to the employment
19 security fund for the payment of benefits.

20 (b) The general treasurer shall pay all vouchers duly drawn by the ~~council~~ workforce
21 board upon the fund, in any amounts and in any manner that the ~~council~~ workforce board may
22 prescribe. Vouchers so drawn upon the fund shall be referred to the controller within the
23 department of administration. Upon receipt of those vouchers, the controller shall immediately
24 record and sign them and shall promptly transfer those signed vouchers to the general treasurer.
25 Those expenditures shall be used solely for the purposes specified in this section and its balance
26 shall not lapse at any time but shall remain continuously available for expenditures consistent
27 with this section. The general assembly shall annually appropriate the funds contained in the fund
28 for the use of the ~~human resource investment council~~ workforce board and, in addition, for the
29 use of the department of labor and training effective July 1, 2000, and for the payment of the
30 principal and interest due on federal Title XII loans beginning July 1, 2011; provided, however,
31 that if the federal Title XII loans are repaid through a state revenue bond or other financing
32 mechanism, then the funds may also be used to pay the principal and/or interest that accrues on
33 that debt.

34 SECTION 2. The title of Chapter 42-102 of the General Laws entitled "Rhode Island

1 Human Resource Investment Council" is hereby amended to read as follows:

2 ~~CHAPTER 42-102~~

3 ~~Rhode Island Human Resource Investment Council~~

4 CHAPTER 42-102

5 GOVERNOR'S WORKFORCE BOARD RHODE ISLAND

6 SECTION 3. Chapter 42-102 of the General Laws entitled "Rhode Island Human
7 Resource Investment Council" is hereby amended by adding thereto the following sections:

8 **42-102-1.2. Change of name [Effective February 1, 2015]. --** (a) The council known as
9 the "Rhode Island human resource investment council" shall now be known as the "governor's
10 workforce board Rhode Island." Whenever in any general law, or public law, rule, regulation
11 and/or bylaw, reference is made to the "Rhode Island human resource investment council" or the
12 "human resource investment council" the reference shall be deemed to refer to and mean the
13 "governor's workforce board Rhode Island", which may also be referred to as the "state workforce
14 investment board" or the "board".

15 (b) Nothing in this act shall be construed to change or modify the corporate existence of
16 the former Rhode Island human resource investment council, which shall now be known as the
17 "governor's workforce board Rhode Island," or to change or modify any contracts or agreements
18 of any kind by, for, between, or to which the human resource investment council is a party or to
19 effect in any way the property or assets of the Rhode Island human resource investment council.
20 The workforce board is the successor in interest to the Rhode Island human resource investment
21 council.

22 **42-102-12. Personnel and administration. --** The department of labor and training is
23 hereby designated as the administrative entity responsible for administration and management of
24 the board. The department's One-Stop Career Center system and the local workforce investment
25 boards are the primary deliverers of workforce development services. The department is
26 authorized to act in concert with the Governor's Workforce Investment Act (WIA) liaison in the
27 planning, administration, coordination, and oversight functions of the workforce system assigned
28 to the governor. The department shall provide staff support for the workforce board.

29 SECTION 4. Sections 42-102-1, 42-102-1.1, 42-102-2, 42-102-3, 42-102-4, 42-102-5,
30 42-102-6, 42-102-7, 42-102-8, 42-102-10 and 42-102-11 of the General Laws in Chapter 42-102
31 entitled "Rhode Island Human Resource Investment Council" are hereby amended to read as
32 follows:

33 **42-102-1. ~~Establishment of council.~~ Establishment of workforce board. --** There is
34 established an independent ~~council~~ workforce board to be known as "the ~~Rhode Island human~~

1 ~~resource investment council~~ governor's workforce board Rhode Island ", hereinafter referred to as
2 the "~~council~~ workforce board", which shall ~~be comprised of influential and dedicated leaders and~~
3 ~~shall~~ have as its purposes strategic planning ~~for an~~, evaluation and coordination of work force
4 development efforts in Rhode Island and support of innovative and state-of-the-practice
5 initiatives and programs for work development. The board shall serve as the state workforce
6 investment board, pursuant to Executive Order 05-18 dated September 22, 2005, in conformity
7 with the requirements of the Federal Workforce Investment Act of 1998, 29 U.S.C 2801 et seq., or
8 its successor. The board shall be the principal workforce policy body for the state.

9 **42-102-1.1. Consolidation of councils and advisory boards.** -- Notwithstanding any
10 provisions of the general laws of the state to the contrary, the employment security advisory
11 council is consolidated into the ~~council~~ workforce board. Should there be any changes in federal
12 law or regulations permitting the consolidation of other employment and training councils,
13 boards, or advisory committees, the ~~council~~ workforce board is authorized to incorporate those
14 bodies.

15 **42-102-2. ~~Composition of council.~~ [Effective February 1, 2015.] Composition of**
16 **workforce board.** [Effective February 1, 2015.] – (a) The ~~council~~ workforce board shall be
17 composed of ~~fifteen (15)~~ twenty-one (21) members; ~~one of whom shall be~~ the secretary of
18 commerce, who shall be vice-chair; ~~one of whom shall be the director of the department of labor~~
19 ~~and training; one of whom shall be the commissioner of education; one of whom shall be a~~
20 ~~representative of a public institution of higher education in Rhode Island, and seventeen (17)~~
21 ~~public members; eleven (11) of whom shall be representatives from the employer community, in~~
22 ~~a manner that is representative of employers of different sizes and sectors, including the nonprofit~~
23 ~~sector, provided that two (2) of the representatives from the employer community shall be the~~
24 ~~chairs of Rhode Island's local workforce investment boards, or their designees appointed from~~
25 ~~among the employer community members of the local workforce investment boards; four (4) of~~
26 ~~whom shall be representatives of organized labor; and two (2) members shall be representatives~~
27 ~~of community-based organizations that provide or promote workforce development service;~~
28 ~~twelve (12) members~~ appointed by the governor, with the advice and consent of the senate; ~~The~~
29 ~~seventeen (17) public members shall be appointed in a manner that reflects the geographic~~
30 ~~diversity of the state, and~~ at least ~~four (4)~~ five (5) of whom shall be women, at least ~~three (3)~~ four
31 (4) of whom shall be from minority communities, and at least one of whom shall be a person with
32 disabilities; ~~as follows:~~ The governor shall appoint a chairperson from among the eleven (11)
33 representatives of the employer community.

34 ~~(1) One shall be appointed by the governor to serve as chairperson of the council;~~

1 ~~(2) Five (5) shall be appointed by the governor from the employer community, in a~~
2 ~~manner that is representative of employers of different sizes and sectors, including the nonprofit~~
3 ~~sector; provided, however, that in the event that there is established a state workforce investment~~
4 ~~board that is separate and distinct from the council, then one of the five (5) representatives of the~~
5 ~~employer community shall be the chairperson of the state work force investment board, and if all~~
6 ~~employer community appointments have been duly made and are filled, then the appointed~~
7 ~~chairperson of the state workforce investment board shall be made with the next available~~
8 ~~appointment of a representative of the employer community;~~

9 ~~(3) Four (4) members from organized labor shall be appointed by the governor;~~

10 ~~(4) Two (2) members from community based organizations shall be appointed by the~~
11 ~~governor;~~

12 ~~(5) The president of the senate and the speaker of the house shall appoint one individual~~
13 ~~each from their respective chambers to be members of the council.~~

14 (b) The board may establish an executive committee composed of members appointed by
15 the chair. The board may delegate to the executive committee any powers of the board except
16 those powers which are required by law to be exercised by the board. The chair may also appoint
17 ad hoc committees, workgroups, or task forces to assist the board as appropriate.

18 (c) Members serving as of the effective date of this act on the state workforce investment
19 board established pursuant to Executive Order No. 05-18 ordered on September 22, 2005 shall
20 continue to serve their terms of office as members of the governor's workforce board established
21 under this chapter.

22 **42-102-3. Officers. [Effective February 1, 2015.]** -- (a) The position of chairperson
23 shall be unpaid and the individual that is appointed chairperson shall serve a three (3) year term.
24 The governor may reappoint the individual appointed chairperson to serve another three (3) year
25 term.

26 (b) The secretary of commerce shall be vice-chair, and is authorized to preside over
27 meetings in the absence of the chairperson.

28 (c) Executive director. - The ~~council~~ workforce board, in consultation with the governor,
29 shall appoint an executive director who shall serve at the pleasure of the ~~council~~ workforce board,
30 provided that the executive director's initial engagement by the ~~council~~ workforce board shall be
31 for a period of not more than three (3) years. The position of executive director shall be in the
32 unclassified service of the state and he or she shall serve as the chief executive officer of the
33 ~~council~~ workforce board.

34 **42-102-4. Terms of office and voting.** -- (a) Of the ~~thirteen (13)~~ seventeen (17) public

1 members appointed by the governor, with the advice and consent of the senate, seven (7) nine (9)
2 shall be appointed for a term of two (2) years, and ~~six (6)~~ eight (8) shall be appointed for three (3)
3 years. After the initial appointments of those individuals serving two (2) year terms, they or their
4 successors shall be appointed to three (3) year terms. A vacancy in the office of a member, other
5 than by expiration of the member's term, shall be filled in the same manner as the original
6 appointment, but only for the remainder of the prevailing term. Members whose terms expire may
7 be reappointed.

8 (b) Only members shall have the right to vote.

9 (c) ~~A majority of duly appointed members shall constitute a quorum; provided, however,~~
10 ~~that at least six (6) members shall be necessary for a quorum.~~ A simple majority of board
11 members shall constitute a quorum.

12 **42-102-5. Compensation and expenses.** -- The members of the ~~council~~ workforce board
13 shall receive no compensation for their services as members, but may, at the discretion of the
14 executive director of the ~~council~~ workforce board, be reimbursed for traveling and other expenses
15 actually incurred in the performance of their official duties. The compensation paid the executive
16 director, personnel and other support staff, and the administrative costs shall be drawn from the
17 job development fund; provided, however, that the administrative expenses shall not exceed
18 thirteen percent (13%) of any sum collected in the taxable year.

19 **42-102-6. Duties. [Effective February 1, 2015.] Powers and duties. [Effective**
20 **February 1, 2015.]** -- ~~(a) The council shall meet with other entities involved with vocational~~
21 ~~education, labor, and training and shall be responsible for the planning of labor and training~~
22 ~~activities to ensure that a comprehensive and cohesive plan is developed. The council shall take~~
23 ~~into consideration the needs of all segments of the state's citizenry in establishing goals and~~
24 ~~training objectives.~~

25 ~~(b) The council shall establish policy to ensure the effectiveness and efficiency of~~
26 ~~programs and activities as they pertain to labor and training, including the workforce needs of~~
27 ~~state employers.~~

28 ~~(c) The council shall provide funding for special projects that will increase and improve~~
29 ~~the skill base of Rhode Island's workforce. The council shall take into account labor market~~
30 ~~information from the Rhode Island economic development corporation to help establish training~~
31 ~~needs. In addition, the council shall have the following responsibilities:~~

32 ~~(1) Prepare and submit by September 1, 1992 and thereafter annually, a proposed budget~~
33 ~~for the ensuing year for the governor's approval;~~

34 ~~(2) The auditor general shall conduct annual audits of all financial accounts and any~~

1 ~~other audits that he or she shall deem necessary.~~

2 ~~(3) Ensure that, for those contracts or grants characterized as training or upgrading, the~~
3 ~~administrative expenses of the private or public entity awarded the contract or grant shall not~~
4 ~~exceed fifteen percent (15%) of the total contract or grant.~~

5 ~~(4) Receive any gifts, grants, or donations made and to disburse and administer them in~~
6 ~~accordance with the terms thereof; and~~

7 ~~(5) Allocate moneys from the job development fund for projects to implement the~~
8 ~~recommendations of the council, including, but not limited to, technology transfers or technical~~
9 ~~assistance to manufacturers to improve their operations through the use of appropriate~~
10 ~~technologies; provided, that for fiscal year 2005, a minimum of three million four hundred~~
11 ~~thousand dollars (\$3,400,000) from the job development fund shall be allocated for adult literacy~~
12 ~~programs.~~

13 ~~(6) Within ninety (90) days after the end of each fiscal year, the council shall approve~~
14 ~~and submit an annual report to the governor, the speaker of the house, the president of the senate,~~
15 ~~and the secretary of state, of its activities during the fiscal year. The report shall provide: an~~
16 ~~operating statement summarizing meetings or hearings held, meeting minutes if requested,~~
17 ~~subjects addressed, decisions rendered, rules and regulations promulgated, studies conducted,~~
18 ~~policies and plans developed, approved or modified, and programs administered or initiated; a~~
19 ~~consolidated financial statement of all funds received and expended including the source of funds,~~
20 ~~a listing of any staff supported by these funds, and a summary of clerical, administrative,~~
21 ~~professional or technical reports received; a summary of performance during the previous fiscal~~
22 ~~year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints,~~
23 ~~suspensions or other legal matters related to the authority of the council; a summary of any~~
24 ~~training courses held pursuant to subsection 42-102-2(c); a briefing on anticipated activities in the~~
25 ~~upcoming fiscal year; and findings and recommendations for improvement. The report, within~~
26 ~~thirty (30) days of its completion, shall be posted electronically on the general assembly and~~
27 ~~secretary of state's websites. The director of the department of administration shall be responsible~~
28 ~~for the enforcement of this provision.~~

29 (a) Strategic statewide employment and training plan.

30 (1) The board shall meet with other entities involved with career and technical education,
31 workforce development, and career training and shall be responsible for the development of a
32 comprehensive and cohesive statewide employment and training plan. The strategic statewide
33 employment and training plan shall include goals and objectives for serving the state's existing
34 and emerging workforce utilizing all state and federal workforce development programs. The

1 board shall take into consideration the needs of all segments of the state's citizenry in establishing
2 goals and training objectives, including the workforce needs of the state's employers.

3 (2) The strategic statewide employment and training plan shall be developed biennially
4 and shall cover the subsequent two (2) fiscal years. Said biennial plans shall be submitted on
5 November 15. The biennial plan shall outline goals and objectives of the coordinated programs
6 system, major priorities needed for the next two (2) year period, and policies and requirements
7 necessary to meet those priorities. The board shall provide a funding plan necessary to achieve
8 system priorities and serve the anticipated number of participants and shall identify the general
9 revenue funds necessary to meet program needs, taking into account anticipated federal, private
10 and other sources of funds. The biennial plan shall incorporate the annual unified workforce
11 development system report required pursuant to subsection (f) in those years in which both
12 reports are due.

13 (3) The board shall develop and maintain a comprehensive inventory and analysis of
14 workforce development activities in the state to support the biennial statewide employment and
15 training plan. The analysis shall include, but not be limited to, an examination of the populations
16 being served across the different employment and training and adult education programs across
17 the state, the number of participants being served by these programs, the type of services
18 provided and the eligibility requirements of each of these programs. The analysis shall also
19 identify the funding sources (all sources) used in these programs, the service providers within the
20 state, as well as the range of services provided. The analysis shall also examine the employer role
21 in workforce development activities, including, but not limited to, how employer needs are
22 assessed, benefits employers receive for partnering with workforce development organizations,
23 and the role employers play in developing programs and providing training.

24 (4) The board shall establish and convene an advisory group to assist in the development
25 of this comprehensive inventory and analysis that consists of stakeholders and organizations with
26 specific knowledge and expertise in the area of workforce development.

27 (5) All departments and agencies of the state shall furnish advice and information,
28 documentary or otherwise to the board and its agents as is deemed necessary or desirable by the
29 board to facilitate the purposes of the board, including the development of the statewide
30 employment and training plan.

31 (6) Elements of the statewide employment and training plan established pursuant to
32 subsection (a) of this section may inform the development of the state workforce investment plan
33 required pursuant to § 42-102-6(d)(2)(i).

34 (b) Performance management and coordination of employment and training programs.

1 (1) The board shall establish statewide policies, definitions, objectives, goals, and
2 guidelines for the coordination of all employment and training programs and related services and
3 programs within the state, including:

4 (i) The state department of labor and training programs sponsored under the Workforce
5 Investment Act of 1998, Wagner-Peyser Act, 29 U.S.C. 49 et seq., the Trade Act of 2002 and any
6 other employment-related educational program administered by the state department of labor and
7 training;

8 (ii) The state department of human services training programs sponsored under the
9 Temporary Assistance to Needy Families, Title IV of the Social Security Act; the Supplemental
10 Nutrition Assistance Program (SNAP) Employment and Training Program; Vocational
11 Rehabilitation Act of 1973 and any other employment and training and related services and
12 employment-related educational programs administered by the state's department of human
13 services;

14 (iii) Employment and training programs sponsored under the Carl D. Perkins Vocational
15 Education Act, 20 U.S.C. 2301 et seq., the Federal Adult Education Act, Title II of the Workforce
16 Investment Act of 1998 and any other employment-related educational programs administered by
17 the board of education;

18 (iv) The state department of corrections training programs for ex-offenders to help them
19 reintegrate into the community and re-enter employment;

20 (v) Projects and services funded through the job development fund pursuant to § 42-102-
21 6(e)(1);

22 (vi) All other employment and training and related services and employment-related
23 educational programs either presently existing or hereinafter established which are administered
24 by any state agencies, departments, or councils; and

25 (vii) Programs included within subsections (b)(1)(i) through (b)(1)(vi) of this section
26 shall be referred herein collectively as "the coordinated programs system".

27 (2) With respect to plans for employment and training programs sponsored under the
28 federal Carl D. Perkins Vocational Education Act, 20 U.S.C. 2301 et seq., and any other
29 employment-related educational programs administered by the board of education, the workforce
30 board and board of education shall establish a process for the development and preparation of all
31 these plans; and the board of education shall approve the plan subject to review and comment by
32 the workforce board; provided, however, that the responsibilities and duties of the board of
33 education as set forth in the general laws, shall not be abridged.

34 (3) With respect to plans for the Temporary Assistance to Needy Families Program,

1 SNAP Employment and Training Program, Vocational Rehabilitation Services and any other
2 employment and training and related programs administered by the state's department of human
3 services, the authority and responsibilities of the department as the single state agency under
4 Titles IV-A, 42 U.S.C. 601 through 617, and IV-F, 42 U.S.C. 681 through 687 [repealed], of the
5 Federal Social Security Act shall not be abridged.

6 (4) With respect to plans for training ex-offenders to help them reintegrate into the
7 community and re-enter employment, and any other employment and training programs
8 administered by the state's department of corrections, the responsibilities and duties of the
9 department, as set forth in the general laws, shall not be abridged.

10 (5) The board shall review, comment on, or approve as appropriate all plans for
11 employment and training within the coordinated programs system. The board shall establish
12 policies and performance goals for the coordinated programs system. These policies and goals
13 shall include, but not be limited to:

14 (i) Establishing and communicating uniform policies and consistent terms and
15 definitions;

16 (ii) Gathering and distributing information from and to all agencies, departments, and
17 councils within the coordinated programs system;

18 (iii) Standardizing and coordinating program planning, evaluation, budgeting, and
19 funding processes;

20 (iv) Recommending structural and procedural changes;

21 (v) Establishing performance goals and measurements for monitoring the effectiveness of
22 the programs provided through the coordinated programs system; and

23 (vi) Reconciling diverse agency, departmental, or council goals and developing priorities
24 among those goals.

25 (c) Comprehensive system improvement plan.

26 (1) The 2015 unified workforce development system report required pursuant to § 42-
27 102-6(f) and due on November 15, 2015 shall include an additional comprehensive system
28 improvement plan to facilitate the seamless and coordinated delivery of workforce services in this
29 state, consistent with the goals and objectives of the board's statewide employment and training
30 plan. In developing the comprehensive system improvement plan, the board shall review the
31 roles, responsibilities, and functions of all state employment and training programs. The study
32 shall identify any gaps in the services provided by those programs; any barriers to integration and
33 cooperation of these programs; and any other matters that adversely affect the seamless delivery
34 of workforce development systems in the state.

1 (2) The board shall include in the comprehensive system improvement plan:

2 (i) A list of specific barriers, whether structural, regulatory, or statutory, that adversely
3 affect the seamless and coordinated delivery of workforce development programs and services in
4 this state, as well as recommendations to overcome or eliminate these barriers; and

5 (ii) Recommendations for providing, at a minimum, board comment and review of all
6 state employment and training programs, to ensure such programs are consistent with the board's
7 statewide employment and training plan, and meet the current and projected workforce demands
8 of this state, including programs that, pursuant to state or federal law or regulation, must remain
9 autonomous.

10 (3) The recommendations developed by the board under subsection (c)(1) must identify
11 the state agency or department that is responsible for implementing each recommendation; and
12 include a time frame for the implementation of each recommendation. The governor may include
13 such recommendations in his or her proposed budget the following fiscal year.

14 (d) Workforce investment act responsibilities.

15 (1) The board shall assume the duties and responsibilities of the state workforce
16 investment board established pursuant to Executive Order 05-18 dated September 22, 2005 as
17 outlined in subsection(c)(2).

18 (2) The board shall assist the governor and the general assembly in:

19 (i) Developing a state workforce investment plan for the purposes of the Workforce
20 Investment Act of 1998 (WIA) and the Wagner-Peyser Act;

21 (ii) Actively promoting and coordinating private sector involvement in the workforce
22 investment system through the development of partnerships among state agencies, the business
23 community and the Board;

24 (iii) Ensuring that the current and projected workforce needs of Rhode Island employers
25 inform and advise Rhode Island's education and workforce development system;

26 (iv) Providing oversight of local workforce investment boards, whose primary role in the
27 workforce investment system is to deliver employment, training, and related education services in
28 their respective local area; and

29 (v) Developing a statewide system of activities that are funded under the WIA or carried
30 out through the One-Stop delivery system, including:

31 (A) Assuring coordination and non duplication among the programs and activities carried
32 out by One-Stop partners;

33 (B) Reviewing local workforce investment plans;

34 (C) Designating local workforce investment areas in accordance with federal law;

1 (D) Developing allocation formulas for the distribution of funds for adult employment
2 and training activities and youth activities to local areas;

3 (E) Developing comprehensive state performance measures as prescribed by federal law,
4 including state adjusted levels of performance, to assess the effectiveness of the workforce
5 investment activities in the state;

6 (F) Preparing the annual report to the Secretary of Labor described in WIA;

7 (G) Developing the statewide employment statistics system;

8 (H) Developing an application for incentive grants;

9 (I) Carrying out the responsibilities of a local board as outlined in WIA; and

10 (J) Addressing any other issue requiring input from the board under the provisions of
11 WIA.

12 (e) Job development fund responsibilities.

13 (1) The board shall allocate monies from the job development fund for projects to
14 implement the recommendations of the board consistent with the statewide employment and
15 training plan established pursuant to § 42-102-6(a).

16 (f) Unified workforce development system report.

17 (1) The board shall produce and submit an annual unified workforce development system
18 report to the governor, the speaker of the house, the president of the senate, and the secretary of
19 state. The report shall be submitted annually on November 15. The report shall cover activity
20 having taken place the preceding fiscal year ending June 30 and shall include:

21 (i) A fiscal and programmatic report for the governor's workforce board covering the
22 previous fiscal year including:

23 (A) A summary of the board's activities and accomplishments during the previous fiscal
24 year;

25 (B) A summary of clerical, administrative, professional or technical reports received by
26 the board during the previous fiscal year, if applicable;

27 (C) A briefing on anticipated activities in the upcoming fiscal year;

28 (D) A consolidated financial statement of all funds received and expended by the board
29 including the source of funds during the previous fiscal year;

30 (E) A listing of any staff supported by these funds;

31 (ii) A unified expenditure and program report for statewide employment and training
32 programs and related services including:

33 (A) Expenditures by agencies for programs included in § 42-102-6(b)(1), including
34 information regarding the number of individuals served by each program, demographic

1 information by gender, race and ethnicity; outcome and program-specific performance
2 information as determined by the board, and such other information as may be determined by the
3 board, including, but not limited to, the attainment of credentials;

4 (2) Beginning November 15, 2015, program expenditures included in the unified
5 workforce development system report shall be categorized as administrative, program delivery, or
6 other costs; the report shall further include information on the cost-per-individual served within
7 each program, through a manner determined by the board;

8 (3) All state and local agencies, departments, or council or similar organizations within
9 the coordinated programs system shall be required to provide the board with the information
10 necessary to produce the unified workforce development system report.

11 **42-102-7. Authority.** -- (a) The ~~council~~ workforce board ("board") shall have all
12 authority necessary to fulfill its responsibilities. The ~~council~~ board shall adopt a mission
13 statement, goals and objectives, policies, and a biennial plan to accomplish the purposes of this
14 chapter. The ~~council~~ board shall have primary responsibility to approve and certify all
15 employment and training programs. To the extent that there is a conflict between federal law and
16 this section, federal law shall prevail.

17 (b) The ~~council~~ board shall develop policy and procedures whereby those entities not
18 meeting the goals and objectives of the council may be sanctioned. In addition, the ~~council~~ board
19 shall also:

20 (1) Establish and publish standards for considering projects and awarding grants;

21 (2) Provide ongoing evaluation of each project funded by the ~~council~~ board;

22 (3) Provide for fiscal and accounting controls to monitor and audit grants and awards;

23 and

24 (4) Adopt by-laws consistent with this chapter, which by-laws shall include provisions
25 for the creation of an audit committee and a governance committee.

26 (c) The board shall annually prepare and submit a proposed budget for the ensuing year
27 for the governor's approval;

28 (d) The auditor general shall conduct annual audits of all financial accounts and any other
29 audits that he or she shall deem necessary;

30 (e) The board shall ensure that, for those contracts or grants characterized as training or
31 upgrading, the administrative expenses of the private or public entity awarded the contract or
32 grant shall not exceed fifteen percent (15%) of the total contract or grant;

33 (f) The board may receive any gifts, grants, or donations made and to disburse and
34 administer them in accordance with the terms thereof.

1 **42-102-8. Application of other laws.** -- The ~~council~~ workforce board ("board") shall be
2 subject to the provisions as outlined in chapter 2 of title 38 ("Access to Public Records"); chapter
3 35 of this title ("Administrative Procedures"); and chapter 46 of this title ("Open Meetings"). In
4 addition, the members of the ~~council~~ board shall be subject to the provisions outlined in chapter
5 14 of title 36 ("Code of Ethics").

6 **42-102-10. State Career Pathways System.** -- The ~~human resource investment council~~
7 workforce board ("board") shall ~~establish support~~ and oversee ~~a State Career Pathways System~~
8 ~~for the purposes of increasing the skill level of Rhode Island workers in alignment with industry~~
9 ~~needs~~ statewide efforts to develop and expand career pathways that enable individuals to secure
10 employment within a specific industry or occupational sector, and to advance over time to
11 successively higher levels of education and employment in that sector. Towards this purpose the
12 ~~council board~~ shall ~~establish a task force of fifteen (15) members. Nine (9) members of the task~~
13 ~~force shall be appointed by the governor from recommendations made by the human resource~~
14 ~~investment council, two (2) of whom shall be representatives of the state Industry Partnerships;~~
15 ~~two (2) of whom shall be representatives of the adult education profession (one of which shall be~~
16 ~~a representative of the office of Adult Education Services at the Rhode Island department of~~
17 ~~education); three (3) of whom shall be persons who, because of vocation, employment or~~
18 ~~affiliation, can be classified as employers; and two (2) of whom shall be persons who, because of~~
19 ~~vocation, employment or affiliation, can be classified as employees. The commissioner of higher~~
20 ~~education, the commissioner of elementary and secondary education, the director of the~~
21 ~~department of labor and training, the executive director of the economic development corporation~~
22 ~~and the director of the community college of Rhode Island's center for workforce and community~~
23 ~~education shall serve on the task force by virtue of their respective positions. The governor shall~~
24 ~~also appoint a chair of the task force to be chosen from amongst the membership of the human~~
25 ~~resource investment council~~ convene an advisory committee comprised of representatives from
26 business, labor, adult education, secondary education, higher education, the department of
27 corrections, the executive office of health and human services, the office of library and
28 information services, community-based organizations, and the public workforce system. ~~The task~~
29 ~~force shall work in coordination with the adult education committee of the human resource~~
30 ~~investment council to develop and oversee the career pathways system.~~

31 **42-102-11. State Work Immersion Program.** -- (a) (1) The ~~council~~ workforce board
32 ("board") shall develop a state work immersion program and a non-trade apprenticeship program.
33 For the purposes of this section work immersion shall mean a temporary, paid work experience
34 that provides a meaningful learning opportunity and increases the employability of the

1 participant. The programs shall be designed in order to provide post-secondary school students,
2 [recent college graduates](#), and unemployed adults with a meaningful work experience, and to assist
3 ~~businesses~~ [employers](#) by training individuals for potential employment.

4 (2) Funding for the work immersion program will be allocated from the job development
5 fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds
6 will match investments made by ~~businesses~~ [employers](#) in providing meaningful work immersion
7 positions and non-trade apprenticeships.

8 (b) For each participant in the work immersion program, the program shall reimburse
9 eligible ~~businesses~~ [employers](#) up to fifty percent (50%) of the cost of not more than ~~two hundred~~
10 ~~(200)~~ [four hundred \(400\)](#) hours of work experience and during a period of ten (10) weeks. If an
11 eligible ~~business~~ [employer](#) hires a program participant at the completion of such a program, the
12 state may provide reimbursement for a total of seventy-five percent (75%) of the cost of the work
13 immersion position.

14 (c) The ~~council~~ [board](#) shall create a non-trade apprenticeship program and annually
15 award funding on a competitive basis to at least one new initiative proposed and operated by the
16 Governor's Workforce Board Industry Partnerships. This program shall meet the standards of
17 apprenticeship programs defined pursuant to section 28-45-9 of the general laws. The ~~council~~
18 [board](#) shall present the program to the State Apprenticeship Council, established pursuant to
19 chapter 28-45 of the general laws, for review and consideration.

20 (d) An eligible participant in programs established in subsections (b) and (c) must be at
21 least eighteen (18) years of age and must be a Rhode Island resident. Provided, however, any
22 non-Rhode Island resident, who is enrolled in a college or university located in Rhode Island, is
23 eligible to participate while enrolled at the college or university.

24 (e) In order to fully implement the provisions of this section, the ~~council~~ [board](#) is
25 authorized to promulgate rules and regulations. ~~In developing rules and regulations, the council~~
26 ~~shall consult with the Governor's Workforce Board.~~ The rules and regulations shall define eligible
27 businesses that can participate in the programs created by this section.

28 SECTION 5. Section 42-102-9 of the General Laws in Chapter 42-102 entitled "Rhode
29 Island Human Resource Investment Council" is hereby repealed.

30 ~~**42-102-9. Powers and duties of the Rhode Island human resource investment council**~~

31 ~~**--- Employment and training systems in the state. ---**~~ (a) ~~The council shall establish statewide~~
32 ~~policies, goals, and guidelines for the coordination of all employment and training programs and~~
33 ~~related services, and employment related training programs within the state, including:~~

34 ~~(1) The state department of labor and training programs sponsored under the Workforce~~

1 ~~Investment Act of 1998, Wagner Peyser Act, 29 U.S.C. section 49 et seq., the Trade Act of 2002~~
2 ~~and any other employment related educational program administered by the state department of~~
3 ~~labor and training;~~

4 ~~(2) The state department of human services training programs sponsored under the~~
5 ~~Temporary Assistance to Needy Families, title IV of the Social Security Act; the Supplemental~~
6 ~~Nutrition Assistance Program Employment and Training Program; Vocational Rehabilitation Act~~
7 ~~of 1973 and any other employment and training and related services and employment related~~
8 ~~educational programs administered by the state's department of human services;~~

9 ~~(3) Employment and training programs sponsored under the Carl D. Perkins Vocational~~
10 ~~Education Act, 20 U.S.C. section 2301 et seq., the federal Adult Education Act, Title II of the~~
11 ~~Workforce Investment Act of 1998 and any other employment related educational programs~~
12 ~~administered by the board of governors for higher education, or the board of regents for~~
13 ~~elementary and secondary education; and~~

14 ~~(4) All other employment and training and related services and employment related~~
15 ~~educational programs either presently existing or hereinafter established which are administered~~
16 ~~by any state agencies, departments, or councils. Programs included within subdivisions (1) — (4)~~
17 ~~of this subsection shall be referred herein collectively as "the coordinated programs system".~~
18 ~~Provided, however, that the responsibilities and duties of the board of governors for higher~~
19 ~~education or the board of regents for elementary and secondary education, as set forth in the~~
20 ~~general laws, shall not be abridged.~~

21 ~~(b) With respect to plans for employment and training programs sponsored under the~~
22 ~~federal Carl D. Perkins Vocational Education Act, 20 U.S.C. section 2301 et seq., and any other~~
23 ~~employment related educational programs administered by the boards of governors for higher~~
24 ~~education or the board of regents for elementary and secondary education, the council and~~
25 ~~applicable board shall establish a process for the development and preparation of all these plans;~~
26 ~~and the applicable board shall approve the plan subject to review and comment by the council.~~

27 ~~(c) With respect to plans for the Temporary Assistance to Needy Families Program,~~
28 ~~SNAP Employment and Training Program, Vocational Rehabilitation Services and any other~~
29 ~~employment and training and related programs administered by the state's department of human~~
30 ~~services, the authority and responsibilities of the department as the single state agency under~~
31 ~~Titles IV A, 42 U.S.C. sections 601 — 617, and IV F, 42 U.S.C. sections 681 — 687 [repealed] of~~
32 ~~the federal Social Security Act shall not be abridged.~~

33 ~~(d) The council shall review, comment on, or approve as appropriate all other plans for~~
34 ~~employment and training within the coordinated programs system. The council shall establish~~

1 ~~policies and performance goals for the coordinated programs system. These policies and goals~~
2 ~~shall include, but not be limited to:~~

3 ~~(1) Establishing and communicating uniform policies;~~
4 ~~(2) Gathering and distributing information from and to all agencies, departments, and~~
5 ~~councils within the coordinated programs system;~~
6 ~~(3) Standardizing and coordinating program planning, budgeting, and funding processes;~~
7 ~~(4) Recommending structural and procedural changes;~~
8 ~~(5) Establishing performance goals and measurements for monitoring the effectiveness~~
9 ~~of members of the coordinated programs system;~~
10 ~~(6) Reconciling diverse agency, departmental, or council goals and developing priorities~~
11 ~~among those goals; and~~

12 ~~(7) Producing an annual Unified Workforce Development Expenditure and Program~~
13 ~~Report to be submitted to the General Assembly beginning January 1, 2011 and covering activity~~
14 ~~having taken place the preceding fiscal year ending June 30th. Subsequent Unified Workforce~~
15 ~~Development Expenditure and Program Reports shall be submitted annually on November 15.~~
16 ~~The report shall include, at a minimum, expenditures by agencies for programs included in~~
17 ~~subdivisions 42-102-9(a)(1)(2)(3)(4), and shall show the number of individuals served by each~~
18 ~~program, including demographic information by gender, race and ethnicity; outcome information~~
19 ~~and such other information as may be determined by the Human Resource Investment Council,~~
20 ~~including, but not limited to, attainment of credentials.~~

21 ~~(e) All state and local agencies, departments, or council or similar organizations within~~
22 ~~the coordinated programs system shall be required to provide the council with the information~~
23 ~~necessary to produce the Unified Workforce Development Expenditure and Program Report~~
24 ~~described in subdivision (7) and shall otherwise cooperate with the council in the council's~~
25 ~~exercise of its authority under subsections (b) — (d).~~

26 ~~(f) The council or a sub-committee or adjunct of the council shall assume all duties and~~
27 ~~responsibilities of the state job training coordination council required to be established pursuant~~
28 ~~to the federal Job Training Partnership Act, 29 U.S.C. section 1532 [repealed].~~

29 ~~(g) In addition to the specific authority provided for herein, the council shall have all~~
30 ~~other authority necessary for effective coordination and implementation of the coordinated~~
31 ~~programs system.~~

32 ~~(h) The council shall biennially develop an employment and training plan for the state to~~
33 ~~be submitted to the governor and the general assembly commencing March 15, 2012 and~~
34 ~~covering the subsequent two fiscal years. Subsequent biennial plans shall be submitted on~~

1 ~~November 15. The biennial plan shall outline goals and objectives of the coordinated programs~~
2 ~~system, major priorities needed for the next two (2) year period, and policies and requirements~~
3 ~~necessary to meet those priorities. The council shall provide a funding plan necessary to achieve~~
4 ~~system priorities and to serve the anticipated number of participants and shall identify the general~~
5 ~~revenue funds necessary to meet program needs, taking into account anticipated federal, private~~
6 ~~and other sources of funds. The biennial plan shall incorporate the annual Unified Workforce~~
7 ~~Development Expenditure and Program Report in those years in which both reports are due.~~

8 ~~(i) The council shall develop and maintain a comprehensive inventory and analysis of~~
9 ~~workforce development activities in the state to support the biennial report in subsection 42-102-~~
10 ~~9(h). The analysis shall include, but not be limited to, an examination of the populations being~~
11 ~~served across the different employment and training and adult education programs across the~~
12 ~~state, the number of participants being served by these programs, the type of services provided~~
13 ~~and the eligibility requirements of each of these programs. The analysis shall also identify the~~
14 ~~funding sources (all sources) used in these programs, the service providers within the state, as~~
15 ~~well as the range of services provided. The analysis shall also examine the employer role in~~
16 ~~workforce development activities, including, but not limited to, how employer needs are assessed,~~
17 ~~benefits employers receive for partnering with workforce development organizations, and the role~~
18 ~~employers play in development and training.~~

19 ~~(j) The council shall establish and convene an advisory group to assist in the~~
20 ~~development of the analysis that consists of stakeholders and organizations with specific~~
21 ~~knowledge and expertise in the area of workforce development.~~

22 ~~(k) All departments and agencies of the state shall furnish advice and information,~~
23 ~~documentary or otherwise to the council and its agents as is deemed necessary or desirable by the~~
24 ~~council to facilitate the purposes of the council as defined in subsection 42-109-9(i).~~

25 SECTION 6. Section 42-6.1-1 of the General Laws in Chapter 42-6.1 entitled
26 "Governor's Commerce and Workforce Coordination Cabinet" is hereby amended to read as
27 follows:

28 **42-6.1-1. Creation -- Members. --** There is hereby established within the executive
29 branch of state government a commerce and workforce coordination cabinet comprised of
30 officials from state agencies with responsibility and oversight relating to economic and workforce
31 development. The cabinet shall include, but not be limited to, the following members, upon his or
32 her appointment: the secretary of commerce, the director of the economic development
33 corporation, the director of the department of transportation, the director of the department of
34 administration, the director of the division of revenue, the director of the department of human

1 services, the commissioner of higher education, the commissioner of elementary and secondary
2 education, the director of the department of business regulation, the director of the department of
3 environmental management, the director of the department of labor and training, the director of
4 the department of corrections, the chair of the governor's workforce board, [or his or her designee](#),
5 and the executive director of Rhode Island housing.

6 SECTION 7. This act shall take effect on February 1, 2015.

=====
LC005555/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- GOVERNOR'S WORKFORCE
BOARD RHODE ISLAND

1 This act would substitute the Rhode Island Human Resource Investment Council with the
2 Governor's Workforce Board Rhode Island. The act would make the workforce board the
3 principal workforce policy body for the state by strategically implementing and overseeing
4 policies to create and expand employment opportunities.

5 This act would take effect on February 1, 2015.

=====
LC005555/SUB A
=====