

2010 -- S 2836

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HUMAN
RESOURCE INVESTMENT COUNCIL

Introduced By: Senators P Fogarty, Ruggerio, Ciccone, Picard, and Tassoni

Date Introduced: April 29, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The legislature hereby finds and declares as follows:

2 (a) That the economic future of Rhode Island and the prosperity of its citizens depend
3 upon the ability of local businesses to compete in the global 21st century economy, and that the
4 continuous improvement of workers' skills will help provide the competitive edge critical for
5 both business and employee success.

6 (b) That in order to best move those with low skills into the labor market and up the
7 career ladder, increase the number of individuals in the middle skill wage distribution, and
8 expand the number of highly skilled workers, multiple career pathways that feature a series of
9 connected education and training programs that lead to higher levels of skill and employment
10 must be supported by the workforce development system of the state.

11 (c) That to be successful, career pathways must be closely aligned with industry needs
12 based on labor market information and be accountable for their effectiveness.

13 (d) That the Governor's Workforce Board with and through the Human Investment
14 Council is uniquely authorized and constituted to best coordinate the development and oversight
15 of a career pathways system.

16 SECTION 2. Sections 42-102-6 and 42-102-9 of the General Laws in Chapter 42-102
17 entitled "Rhode Island Human Resource Investment Council" are hereby amended to read as
18 follows:

1 **42-102-6. Duties.** -- (a) The council shall meet with other entities involved with
2 vocational education, labor, and training and shall be responsible for the planning of labor and
3 training activities to ensure that a comprehensive and cohesive plan is developed. The council
4 shall take into consideration the needs of all segments of the state's citizenry in establishing goals
5 and training objectives.

6 (b) The council shall establish policy to ensure the effectiveness and efficiency of
7 programs and activities as they pertain to labor and training.

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

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

14 (2) ~~Prepare and submit to the governor, the general assembly, and the auditor general by~~
15 ~~April 1 of each year an annual report on the council's goals, policies, and activities.~~ The auditor
16 general shall conduct annual audits of all financial accounts and any other audits that he or she
17 shall deem necessary.

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

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

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

29 (6) Within ninety (90) days after the end of each fiscal year, the council shall approve
30 and submit an annual report to the governor, the speaker of the house, the president of the senate,
31 and the secretary of state, of its activities during the fiscal year. The report shall provide: an
32 operating statement summarizing meetings or hearings held, meeting minutes if requested,
33 subjects addressed, decisions rendered, rules and regulations promulgated, studies conducted,
34 policies and plans developed, approved or modified, and programs administered or initiated; a

1 consolidated financial statement of all funds received and expended including the source of funds,
2 a listing of any staff supported by these funds, and a summary of clerical, administrative,
3 professional or technical reports received; a summary of performance during the previous fiscal
4 year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints,
5 suspensions or other legal matters related to the authority of the council; a summary of any
6 training courses held pursuant to subsection 42-102-2(c); a briefing on anticipated activities in the
7 upcoming fiscal year; and findings and recommendations for improvement. The report, within
8 thirty (30) days of its completion, shall be posted electronically on the general assembly and
9 secretary of state's websites. The director of the department of administration shall be responsible
10 for the enforcement of this provision.

11 **42-102-9. Powers and duties of the Rhode Island human resource investment council**

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

15 ~~(1) State and local programs sponsored under the federal Job Training Partnership Act,~~
16 ~~29 U.S.C. section 49 et seq.; 29 U.S.C. section 1501 et seq. [repealed];~~

17 (1)(2) The state department of labor and training programs sponsored under the federal
18 [Workforce Investment Act of 1998](#), Wagner-Peyser Act, 29 U.S.C. section 49 et seq., [the Trade](#)
19 [Act of 2002](#) and any other employment-related educational program administered by the state
20 department of labor and training;

21 ~~(2)(3) Employment and training programs sponsored under the federal Family Support~~
22 ~~Act of 1988, 42 U.S.C. section 602 et seq., and codified throughout 42 U.S.C. sections 1395—~~
23 ~~1396~~ [The state department of human services training programs sponsored under the Temporary](#)
24 [Assistance to Needy Families, title IV of the Social Security Act; the Supplemental Nutrition](#)
25 [Assistance Program Employment and Training Program; Vocational Rehabilitation Act of 1973](#)
26 and any other employment and training and related services and employment-related educational
27 programs administered by the state's department of human services;

28 (3)(4) Employment and training programs sponsored under the ~~federal~~ Carl D. Perkins
29 Vocational Education Act, 20 U.S.C. section 2301 et seq., the federal Adult Education Act, ~~20~~
30 ~~U.S.C. section 1201 et seq. [repealed]~~ [Title II of the Workforce Investment Act of 1998](#) and any
31 other employment-related educational programs administered by the board of governors for
32 higher education, or the board of regents for elementary and secondary education; and

33 (4)(5) All other employment and training and related services and employment-related
34 educational programs either presently existing or hereinafter established which are administered

1 by any state agencies, departments, or councils. Programs included within subdivisions (1) -- (5)
2 of this subsection shall be referred herein collectively as "the coordinated programs system".
3 Provided, however, that the responsibilities and duties of the board of governors for higher
4 education or the board of regents for elementary and secondary education, as set forth in the
5 general laws, shall not be abridged.

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

12 (c) With respect to plans for ~~the JOBS program operated under the authority of the~~
13 ~~Family Support Act of 1988, 42 U.S.C. section 602 et seq., and codified throughout 42 U.S.C.~~
14 ~~sections 1395 — 1396,~~ the Temporary Assistance to Needy Families Program, SNAP
15 Employment and Training Program, Vocational Rehabilitation Services and any other
16 employment and training and related programs administered by the state's department of human
17 services, the authority and responsibilities of the department as the single state agency under
18 Titles IV-A, 42 U.S.C. sections 601 -- 617, and IV-F, 42 U.S.C. sections 681 -- 687 [repealed] of
19 the federal Social Security Act shall not be abridged.

20 (d) The council shall review, comment on, or approve as appropriate all other plans for
21 employment and training within the coordinated programs system. The council shall establish
22 policies and performance goals for the coordinated programs system. These policies and goals
23 shall include, but not be limited to:

- 24 (1) Establishing and communicating uniform policies;
- 25 (2) Gathering and distributing information from and to all agencies, departments, and
26 councils within the coordinated programs system;
- 27 (3) Standardizing and coordinating program planning, budgeting, and funding processes;
- 28 (4) Recommending structural and procedural changes;
- 29 (5) Establishing performance goals and measurements for monitoring the effectiveness
30 of members of the coordinated programs system; ~~and~~

31 (6) Reconciling diverse agency, departmental, or council goals and developing priorities
32 among those goals: ~~;~~ and

33 (7) Producing an annual Unified Workforce Development Expenditure and Program
34 Report to be submitted to the General Assembly beginning January 1, 2011 and covering activity

1 having taken place the preceding fiscal year ending June 30th. The report shall include, at a
2 minimum, expenditures by agencies for programs included in subdivisions 42-102-9(a)(2)(3)(4),
3 and shall show the number of individuals served by each program, including demographic
4 information by gender, race and ethnicity; outcome information and such other information as
5 may be determined by the Human Resource Investment Council.

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

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

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

17 (h) The council shall biennially develop an employment and training plan for the state to
18 be submitted to the governor and the general assembly commencing January 1, 1994. The
19 biennial plan shall outline goals and objectives of the coordinated programs system, major
20 priorities needed for the next two (2) year period, and policies and requirements necessary to
21 meet those priorities.

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

24 **42-102-10. State Career Pathways System** - - (a) The human resource investment
25 council shall establish and oversee a State Career Pathways System for the purposes of increasing
26 the skill level of Rhode Island workers in alignment with industry needs. Towards this purpose
27 the council shall establish a task force of fifteen (15) members. Nine (9) members of the task
28 force shall be appointed by the governor from recommendations made by the human resource
29 investment council, two (2) of whom shall be representatives of the state Industry Partnerships;
30 two (2) of whom shall be representatives of the adult education profession (one of which shall be
31 a representative of the office of Adult Education Services at the Rhode Island department of
32 education); three (3) of whom shall be persons who, because of vocation, employment or
33 affiliation, can be classified as employers; and two (2) of whom shall be persons who, because of
34 vocation, employment or affiliation, can be classified as employees. The commissioner of higher

1 education, the commissioner of elementary and secondary education, the director of the
2 department of labor and training, the executive director of the economic development corporation
3 and the director of the community college of Rhode Island's center for workforce and community
4 education shall serve on the task force by virtue of their respective positions. The governor shall
5 also appoint a chair of the task force to be chosen from amongst the membership of the human
6 resource investment council. The task force shall work in coordination with the adult education
7 committee of the human resource investment council to develop and oversee the career pathways
8 system.

9 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HUMAN
RESOURCE INVESTMENT COUNCIL

- 1 This act would require the state human resource investment council to establish a state
- 2 career pathway system for the purpose of increasing the skill level of Rhode Island workers.
- 3 This act would take effect upon passage.

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