

WORKFORCE SERVICES JOB LISTING AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill requires that all government entities advertise job openings on the state website and that the Division of Purchasing provide contact information for companies that contract with the state.

Highlighted Provisions:

This bill:

- ▶ requires all government entities to advertise job openings on the state's website; and
- ▶ adds a provision to the procurement code requiring that language be added into contracts and requests for proposals that require the Division of Purchasing to provide employment contact information to the Department of Workforce Services for private contractors that contract with state entities.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-1-102, as last amended by Laws of Utah 2012, Chapter 41

35A-2-203, as last amended by Laws of Utah 2011, Chapter 188

63G-6a-402, as last amended by Laws of Utah 2013, Chapter 445

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section 35A-1-102 is amended to read:

31 **35A-1-102. Definitions.**

32 Unless otherwise specified, as used in this title:

33 (1) "Client" means an individual who the department has determined to be eligible for
34 services or benefits under:

35 (a) Chapter 3, Employment Support Act; and

36 (b) Chapter 5, Training and Workforce Improvement Act.

37 (2) "Department" means the Department of Workforce Services created in Section
38 35A-1-103.

39 (3) "Economic service area" means an economic service area established in accordance
40 with Chapter 2, Economic Service Areas.

41 (4) "Employment assistance" means services or benefits provided by the department
42 under:

43 (a) Chapter 3, Employment Support Act; and

44 (b) Chapter 5, Training and Workforce Improvement Act.

45 (5) "Employment center" is a location in an economic service area where the services
46 provided by an economic service area under Section 35A-2-201 may be accessed by a client.

47 (6) "Employment counselor" means an individual responsible for developing an
48 employment plan and coordinating the services and benefits under this title in accordance with
49 Chapter 2, Economic Service Areas.

50 (7) "Employment plan" means a written agreement between the department and a client
51 that describes:

52 (a) the relationship between the department and the client;

53 (b) the obligations of the department and the client; and

54 (c) the result if an obligation is not fulfilled by the department or the client.

55 (8) "Executive director" means the executive director of the department appointed
56 under Section 35A-1-201.

57 (9) "Government entity" means the state or any county, municipality, local district,

58 special service district, or other political subdivision or administrative unit of the state,
59 including state institutions of higher education as defined in Section [53B-2-101](#).

60 [~~9~~] (10) "Public assistance" means:

- 61 (a) services or benefits provided under Chapter 3, Employment Support Act;
- 62 (b) medical assistance provided under Title 26, Chapter 18, Medical Assistance Act;
- 63 (c) foster care maintenance payments provided from the General Fund or under Title
- 64 IV-E of the Social Security Act;
- 65 (d) SNAP benefits; and
- 66 (e) any other public funds expended for the benefit of a person in need of financial,
- 67 medical, food, housing, or related assistance.

68 [~~10~~] (11) "SNAP" means the federal "Supplemental Nutrition Assistance Program"
69 under Title 7, U.S.C. Chapter 51, Supplemental Nutrition Assistance Program, formerly known
70 as the federal Food Stamp Program.

71 [~~11~~] (12) "SNAP benefit" or "SNAP benefits" means a financial benefit, coupon, or
72 privilege available under SNAP.

73 [~~12~~] (13) "Stabilization" means addressing the basic living, family care, and social or
74 psychological needs of the client so that the client may take advantage of training or
75 employment opportunities provided under this title or through other agencies or institutions.

76 Section 2. Section **35A-2-203** is amended to read:

77 **35A-2-203. Employment centers.**

78 (1) In each county within an economic service area, the executive director shall:

- 79 (a) designate the location of one or more employment centers, as defined in Section
- 80 [35A-1-102](#), in which the services are provided by the department; or
- 81 (b) coordinate with the department to establish access to the services provided by the
- 82 department by means other than an employment center.

83 (2) An employment center shall provide a comprehensive program of employment
84 services including job placement, job development, stabilization, assessment, and job training
85 through its employment counselors as part of a system of unified case management.

86 (3) The department may make services that are provided through employment centers
87 under this section accessible through electronic linkage.

88 (4) The department shall develop and maintain a website dedicated to providing
89 information regarding employment opportunities available throughout the state.

90 (5) (a) Except when filling a job vacancy with a current employee, a government entity
91 shall list each public job posting on the department's website.

92 (b) Information regarding job vacancies with private contractors that have contracted
93 with an executive branch procurement unit shall be made available to the department for
94 posting on the department's website by the department. Posted information shall include the
95 name and contact information for job inquiries. This information shall be available for the
96 duration of the contract.

97 (c) Faculty related job vacancies and job vacancies for part-time wage related jobs
98 typically filled by students at state institutions of higher education are exempt from the
99 requirements of Subsection (5)(a).

100 (d) Subsection (5)(a) does not apply to school districts.

101 Section 3. Section **63G-6a-402** is amended to read:

102 **63G-6a-402. Procurement unit required to comply with Utah Procurement Code**
103 **and applicable rules -- Rulemaking authority -- Reporting.**

104 (1) Except as otherwise provided in Section **63G-6a-107**, Section **63G-6a-403**, Part 8,
105 Exceptions to Procurement Requirements, or elsewhere in this chapter, a procurement unit may
106 not obtain a procurement item, unless:

107 (a) if the procurement unit is the division or a procurement unit with independent
108 procurement authority, the procurement unit:

109 (i) uses a standard procurement process or an exception to a standard procurement
110 process, described in Part 8, Exceptions to Procurement Requirements; and

111 (ii) complies with:

112 (A) the requirements of this chapter; and

113 (B) the rules made pursuant to this chapter by the applicable rulemaking authority;

114 (b) if the procurement unit is a county, a municipality, or the Utah Housing
115 Corporation, the procurement unit complies with:
116 (i) the requirements of this chapter that are adopted by the procurement unit; and
117 (ii) all other procurement requirements that the procurement unit is required to comply
118 with; or
119 (c) if the procurement unit is not a procurement unit described in Subsections (1)(a) or
120 (b), the procurement unit:
121 (i) obtains the procurement item under the direction and approval of the division,
122 unless otherwise provided by a rule made by the board;
123 (ii) uses a standard procurement process; and
124 (iii) complies with:
125 (A) the requirements of this chapter; and
126 (B) the rules made pursuant to this chapter by the applicable rulemaking authority.
127 (2) Subject to Subsection (3), the applicable rulemaking authority shall make rules
128 relating to the management and control of procurements and procurement procedures by a
129 procurement unit.
130 (3) (a) Rules made under Subsection (2) shall ensure compliance with the federal
131 contract prohibition provisions of the Sudan Accountability and Divestment Act of 2007 (Pub.
132 L. No. 110-174) that prohibit contracting with a person doing business in Sudan.
133 (b) The State Building Board rules governing procurement of construction,
134 architect-engineer services, and leases apply to the procurement of construction,
135 architect-engineer services, and leases of real property by the Division of Facilities
136 Construction and Management.
137 (4) An applicable rulemaking authority that is subject to Title 63G, Chapter 3, Utah
138 Administrative Rulemaking Act, shall make the rules described in this chapter in accordance
139 with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
140 (5) The State Building Board shall make a report on or before July 1 of each year to a
141 legislative interim committee, designated by the Legislative Management Committee created

142 under Section [36-12-6](#), on the establishment, implementation, and enforcement of the rules
143 made by the State Building Board under this chapter.

144 (6) The rules of the applicable rulemaking authority for the executive branch
145 procurement unit shall require, for each contract and request for proposals, the inclusion of a
146 clause that requires the issuing procurement unit, for the duration of the contract, to make
147 available contact information of the winning contractor to the Department of Workforce
148 Services in accordance with Section [35A-2-203](#). This requirement does not preclude a
149 contractor from advertising job openings in other forums throughout the state.