

CHAPTER 84A

DEPARTMENT OF WORKFORCE DEVELOPMENT

Referred to in §15E.208

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84A.1 Department of workforce development — director — divisions.

1. The department of workforce development is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation.

2. The chief executive officer of the department of workforce development is the director who shall be appointed by the governor, subject to confirmation by the senate under the confirmation procedures of [section 2.32](#).

a. The director of the department of workforce development shall serve at the pleasure of the governor.

b. The governor shall set the salary of the director within the applicable salary range established by the general assembly.

c. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director.

d. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

3. a. The director of the department of workforce development shall, subject to the requirements of [section 84A.1B](#), prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

b. The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.

4. The department of workforce development shall include the division of labor services, the division of workers' compensation, and other divisions as appropriate.

[86 Acts, ch 1245, §901; 87 Acts, ch 234, §424; 90 Acts, ch 1261, §25; 96 Acts, ch 1186, §8; 98 Acts, ch 1061, §1; 2002 Acts, ch 1050, §9; 2008 Acts, ch 1032, §168](#)

Referred to in §7E.5, 88.2, 88A.1, 88B.1, 89A.1, 89B.3, 91.1, 96.19

84A.1A Workforce development board.

1. An Iowa workforce development board is created, consisting of thirty-three voting members and thirteen nonvoting members.

a. The voting members of the Iowa workforce development board shall include the following:

(1) The governor.

(2) One state senator appointed by the president of the senate after consultation with the majority leader of the senate, who shall serve a term as provided in [section 69.16B](#).

(3) One state representative appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, who shall serve a term as provided in [section 69.16B](#).

(4) The director of the department of workforce development or the director's designee.

(5) The director of the department of education or the director's designee.

(6) The director of the department for the blind or the director's designee.

(7) The administrator of the division of Iowa vocational rehabilitation services of the department of education or the administrator's designee.

(8) The following twenty-six members who shall be appointed by the governor for staggered terms of four years beginning and ending as provided in [section 69.19](#), subject to confirmation by the senate:

(a) Seventeen members who shall be representatives of businesses in the state to whom each of the following applies:

(i) The members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and may, in addition, be members of a local workforce development board described in [section 84A.4](#).

(ii) The members shall represent businesses, including small businesses, or organizations representing businesses described in this subparagraph (a), that provide employment opportunities that, at a minimum, include high quality, work-relevant training and development in in-demand industry sectors or occupations in the state.

(iii) The members shall be appointed from among individuals nominated by state business organizations and business trade associations.

(b) Seven members who shall be representatives of the workforce in the state and who shall include all of the following:

(i) Four representatives of labor organizations who have been nominated by state labor federations.

(ii) One representative of a joint labor-management apprenticeship program in the state who shall be a member of a labor organization or a training director. If such a joint program does not exist in the state, the member shall instead be a representative of an apprenticeship program in the state.

(iii) Two representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(24), including but not limited to organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; or that serve eligible youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(18), including representatives of organizations that serve out-of-school youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

(c) One city chief elected official, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(9).

(d) One county chief elected official, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(9).

b. The nonvoting members of the Iowa workforce development board shall include the following:

(1) One state senator appointed by the minority leader of the senate, who shall serve for a term as provided in [section 69.16B](#).

(2) One state representative appointed by the minority leader of the house of representatives, who shall serve for a term as provided in [section 69.16B](#).

(3) One president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis.

(4) One president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities.

(5) One president or president's designee, of a community college, appointed by the Iowa association of community college presidents.

(6) One representative of the economic development authority, appointed by the director.

(7) One representative of the department on aging, appointed by the director.

(8) One representative of the department of corrections, appointed by the director.

(9) One representative of the department of human services, appointed by the director.

(10) One representative of the United States department of labor, office of apprenticeship.

(11) One representative from the largest statewide public employees' organization representing state employees.

(12) One representative of a statewide labor organization representing employees in the construction industry.

(13) One representative of a statewide labor organization representing employees in the manufacturing industry.

c. The terms of members of the board described in paragraph "a", subparagraph (8), shall be staggered so that the terms of no more than nine members expire in a calendar year.

d. The members of the board shall represent diverse geographic areas of the state, including urban, rural, and suburban areas.

e. An individual shall not serve as a member of the board in more than one capacity described in paragraph "a".

2. A vacancy on the workforce development board shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

3. The governor shall select a chairperson for the workforce development board from among the members who are representatives of business described in [subsection 1](#), paragraph "a", subparagraph (8), subparagraph division (a). The workforce development board shall meet at the call of the chairperson or when a majority of voting members of the workforce development board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the workforce development board. A majority of the voting members constitutes a quorum.

4. Members of the workforce development board and other employees of the department of workforce development shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of [chapter 8](#). Each member of the workforce development board may also be eligible to receive compensation as provided in [section 7E.6](#).

5. A member of the workforce development board shall not do any of the following:

a. Vote on a matter under consideration by the board that concerns the provision of services by the member or by an entity that the member represents.

b. Vote on a matter under consideration by the board that would provide direct financial benefit to the member or the immediate family of the member.

c. Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state workforce development plan.

6. a. The workforce development board may designate and direct the activities of standing committees of the workforce development board to provide information and to assist the workforce development board in carrying out its duties. Such standing committees shall be chaired by a member of the workforce development board or a designee of the workforce development board, may include other members of the workforce development board, and shall include other individuals appointed by the workforce development board who are not members of the workforce development board and who the workforce development board determines have appropriate experience and expertise. At minimum, the workforce development board shall designate each of the following:

(1) A standing committee to provide information and assist with operational and other issues relating to the state workforce development system.

(2) A standing committee to provide recommendations regarding policies, procedures, and proven and promising practices regarding workforce development programs, services, and activities.

(3) A standing committee to provide information and to assist with issues relating to

the provision of services to youth. The standing committee shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(4) A standing committee to provide information and to assist with issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with applicable state and federal nondiscrimination laws regarding the provision of programmatic and physical access to the services, programs, and activities of the state workforce development system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

b. The workforce development board may designate standing committees in addition to the standing committees specified in paragraph “a”.

7. In addition to meeting the requirements of [chapter 22](#), the workforce development board shall make available to the public, on a regular basis through electronic means and, if applicable, through open meetings in accordance with [chapter 21](#), information regarding the activities of the board, including all of the following:

a. Information regarding the state workforce development plan, as required under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, prior to submission of the state workforce development plan or modification of the plan.

b. Information regarding the membership of the board.

c. The bylaws of the board.

8. [Sections 69.16](#) and [69.16A](#) shall apply only to those members of the board appointed by the governor pursuant to [subsection 1](#), paragraph “a”, subparagraph (8).

[96 Acts, ch 1186, §9](#); [97 Acts, ch 110, §1](#); [2001 Acts, ch 24, §21](#); [2002 Acts, ch 1050, §10](#); [2008 Acts, ch 1156, §25, 58](#); [2009 Acts, ch 3, §1](#); [2009 Acts, ch 41, §29](#); [2011 Acts, ch 118, §85, 89](#); [2016 Acts, ch 1118, §1 – 3, 21](#); [2017 Acts, ch 74, §1, 2, 6](#); [2017 Acts, ch 170, §34, 43](#); [2018 Acts, ch 1143, §1, 2, 9](#)

Confirmation, see §2.32

For transition provisions relating to workforce development board membership, see 2017 Acts, ch 74, §5

Subsection 5 stricken and rewritten

NEW subsections 7 and 8

84A.1B Duties of the workforce development board.

The workforce development board shall do all of the following:

1. Develop and coordinate the implementation of a four-year comprehensive state workforce development plan of specific needs, goals, strategies, and policies for the state. This plan shall be updated every two years and revised as necessary. All other state agencies involved in workforce development activities and the local workforce development boards shall submit to the board for its review and potential inclusion in the plan their needs, goals, strategies, and policies.

2. Develop and coordinate the implementation of statewide workforce development policies, procedures, and guidance to align the state’s workforce development programs and activities in an integrated and streamlined state workforce development system that is data driven and responsive to the needs of workers, job seekers, and employers.

3. Develop a method of evaluation of the attainment of needs and goals from pursuing the strategies and policies of the four-year plan.

4. Implement the requirements of [chapter 73](#).

5. Review grants or contracts awarded by the department of workforce development, with respect to the department’s adherence to the guidelines and procedures and the impact on the four-year plan.

6. Make recommendations concerning the use of federal funds received by the department of workforce development.

7. Develop and coordinate strategies for technological improvements to facilitate access to, and improve the quality of, the state’s workforce development services, including all of the following:

a. Enhance digital literacy skills as defined in 20 U.S.C. §9101.

b. Accelerate the acquisition of skills and recognized postsecondary credentials by participants.

- c. Strengthen the professional development of providers and workforce professionals.
 - d. Ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas.
8. Develop and coordinate strategies for aligning technology and data systems across state agencies in order to improve the integration and coordination of the delivery of workforce development services.
 9. Identify and disseminate information on proven and promising practices for meeting the needs of workers, job seekers, and employers, including but not limited to proven and promising practices for the effective operation of workforce centers and systems; the development of effective local workforce development boards; the development of effective training programs; effective engagement with stakeholders in the state's workforce development system; effective engagement with employers; and increasing access to workforce services for all Iowans, in particular for individuals with a barrier to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 3(24).
 10. Develop and coordinate the implementation of allocation formulas for the distribution of funds available for employment and training activities in local workforce development areas under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, sections 128(b)(3) and 133(b)(3).
 11. Provide recommendations to the governor regarding the certification of local workforce development boards.
 12. Develop and coordinate the analysis of labor market information in order to identify in-demand industries and occupations.
 13. Make recommendations to the governor regarding the designation of local workforce development areas and regions in the state under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 106.
 14. Make recommendations to the general assembly and governor regarding workforce development services, programs, and activities, including but not limited to allocation of resources.

96 Acts, ch 1186, §10; 2001 Acts, ch 24, §22; 2016 Acts, ch 1118, §4 – 6, 21; 2017 Acts, ch 74, §3, 4, 6; 2018 Acts, ch 1143, §3, 9

Referred to in §84A.1, 84A.1C

For future text of subsections 13A and 13B, effective July 1, 2019, see 2018 Acts, ch 1067, §7, 15
Subsection 1 amended

84A.1C Workforce development corporation.

1. *Nonprofit corporation for receiving and disbursing funds.* The Iowa workforce development board may organize a corporation under the provisions of [chapter 504](#) for the purpose of receiving and disbursing funds from public or private sources to be used to further workforce development in this state and to accomplish the mission of the board.
2. *Incorporators.* The incorporators of the corporation organized pursuant to [this section](#) shall be the chairperson of the Iowa workforce development board, the director of the department of workforce development, and a member of the Iowa workforce development board selected by the chairperson.
3. *Board of directors.* The board of directors of the corporation organized pursuant to [this section](#) shall be the members of the Iowa workforce development board or their successors in office.
4. *Accepting grants in aid.* The corporation organized pursuant to [this section](#) may accept grants of money or property from the federal government or any other source and may upon its own order use its money, property, or other resources for any of the purposes identified in [section 84A.1B](#).

99 Acts, ch 21, §1; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393

84A.2 Definitions.

For purposes of [this chapter](#):

1. “*Chief elected official*” means any of the following:

a. The chief elected executive officer of a unit of general local government in a local workforce development area.

b. If a local workforce development area includes more than one unit of general local government, the individuals designated under the agreement described in [section 84A.4, subsection 2](#), paragraph “h”, subparagraph (2).

2. “*Community-based organization*” means a private nonprofit organization, which may include a faith-based organization, that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

3. “*Competitive integrated employment*” means work that is performed on a full-time or part-time basis, including self-employment, to which all of the following apply:

a. All of the following apply to the individual performing the work:

(1) The individual is compensated at a rate in accordance with all of the following:

(a) If the individual is not self-employed, all of the following apply:

(i) The rate of compensation shall not be less than the higher of the applicable federal or state minimum wage.

(ii) The rate of compensation shall not be less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.

(b) If the individual is self-employed, the rate of compensation yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.

(2) The individual is eligible for the level of benefits provided to other employees.

b. The work is at a location where the individual interacts with other persons who are not individuals with disabilities, not including supervisory personnel or individuals who are providing services to such individual, to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons.

c. The work, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

4. “*Cooperative agreement*” means an agreement entered into by a state-designated agency or state-designated unit under section 101(a)(11)(A) of the federal Rehabilitation Act of 1973.

5. “*Core program*” means a program authorized under any of the following:

a. Chapters 2 and 3 of subtitle B of Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, relating to youth workforce investment activities and adult and dislocated worker employment and training activities.

b. Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, relating to adult education and literacy activities.

c. Sections 1 to 13 of the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., relating to employment services.

d. Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741.

6. a. “*Demonstrated experience and expertise*”, for purposes of the state workforce development board, means the expertise had by an individual with documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function. “*Demonstrated experience and expertise*” may include individuals with experience in education or training of individuals with a barrier to employment.

b. “*Demonstrated experience and expertise*”, for purposes of a local workforce development board, means the expertise had by an individual to whom any of the following apply:

(1) The individual is a workplace learning advisor.

(2) The individual contributes to the field of workforce development, human resources, training and development, or a core program function.

(3) The individual has been recognized by the local workforce development board for valuable contributions in education or workforce development-related fields.

7. “*Economic development agency*” includes a local workforce development planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

8. “*Eligible youth*” means an in-school or out-of-school youth, except as provided in subtitles C and D of Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

9. a. “*In-demand industry sector or occupation*” means any of the following:

(1) An industry sector that has a substantial current or potential impact, including through jobs that lead to economic self-sufficiency and opportunities for advancement, on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

(2) An occupation that currently has or is projected to have a number of positions, including positions that lead to economic self-sufficiency and opportunities for advancement, in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

b. The determination of whether an industry sector or occupation is an “*in-demand industry sector or occupation*” shall be made by the state workforce development board or local workforce development board, as appropriate, using state and regional business and labor market projections, including the use of labor market information.

10. “*Individual with a barrier to employment*” means a member of one or more of the following populations:

a. Displaced homemakers.

b. Low-income individuals.

c. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §166.

d. Individuals with disabilities, including youth who are individuals with disabilities.

e. Individuals fifty-five years of age or older.

f. Ex-offenders.

g. Homeless individuals as defined in 34 U.S.C. §12473, or homeless children and youths as defined in 34 U.S.C. §11434a(2).

h. Youth who are in or have aged out of the foster care system.

i. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

j. Eligible migrant and seasonal farmworkers, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §167(i).

k. Individuals within two years of exhausting lifetime eligibility under part A of Tit. IV of the Social Security Act, as codified in 42 U.S.C. §601 et seq.

l. Single parents and single pregnant women.

m. Long-term unemployed individuals.

n. Such other groups as the governor determines to have a barrier to employment.

11. “*Individual with a disability*” means an individual with a disability as defined in 42 U.S.C. §12102. “*Individuals with disabilities*” means more than one individual with a disability.

12. a. “*Industry or sector partnership*” means a workforce collaborative, convened by or acting in partnership with the state workforce development board or a local workforce development board, that organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership, all of the following:

(1) Representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable.

(2) One or more representatives of a recognized state labor organization or central labor council, or another labor representative, as appropriate.

(3) One or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster.

b. “*Industry or sector partnership*” may include representatives of state or local government, state or local, the state workforce development board, local workforce development boards, the department of workforce development or another entity providing employment services, state or local agencies, business or trade associations, economic development organizations, nonprofit organizations, community-based organizations, philanthropic organizations, industry associations, and other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

13. “*In-school youth*” means youth described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(C).

14. “*Institution of higher education*” means the same as defined in 20 U.S.C. §1001 and 1002(a)(1).

15. “*Offender*” means any of the following:

a. An adult or juvenile who is or has been subject to any stage of the criminal or juvenile justice process, and for whom workforce services may be beneficial.

b. An adult or juvenile who requires assistance overcoming an artificial barrier to employment resulting from a record of arrest or conviction.

16. “*One-stop center*” means a site described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(e)(2).

17. “*One-stop operator*” means one or more entities designated or certified under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d).

18. “*Optimum policymaking authority*” means the authority of an individual who can reasonably be expected to speak affirmatively on behalf of the entity the individual represents and to commit that entity to a chosen course of action.

19. “*Out-of-school youth*” means a youth described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

20. “*Unit of general local government*” means a county or city.

21. “*Workforce investment activity*” means an employment and training activity or a youth workforce investment activity.

22. “*Workforce learning advisor*” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

2018 Acts, ch 1143, §4, 9

NEW section

84A.3 Local workforce development plans.

1. A local workforce development board shall, in partnership with the chief elected official, develop a comprehensive four-year local workforce development plan. The local workforce development board shall submit the workforce development plan to the department of workforce development in the manner and form determined by the department. The local workforce development plan shall support the strategy described in the state workforce development plan in accordance with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §102(b)(1)(E), and shall otherwise be consistent with the state workforce development plan. If the local workforce development area is part of a planning region as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(48), the local workforce development board shall comply with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §106(c), in the preparation and submission of a regional plan.

2. At the end of the first two-year period of the local workforce development plan, a local workforce development board shall review the local workforce development plan and, in partnership with the chief elected official, prepare and submit to the department of workforce development modifications to the local workforce development plan to reflect changes in

labor market and economic conditions or in other factors affecting the implementation of the local workforce development plan.

3. The local workforce development plan shall include the contents required by the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §108(b), and such other information as the department of workforce development or the state workforce development board may require.

2018 Acts, ch 1143, §5, 9

Referred to in §84A.4

NEW section

84A.4 Local workforce development boards.

1. *Establishment.* Except as provided in [subsection 3](#), paragraph “a”, the department of workforce development shall establish and certify a local workforce development board in each local workforce development area of the state to carry out the functions described in [subsection 4](#) and any functions specified for the local workforce development board under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, or the provisions establishing a core program for such local workforce development area.

2. Membership.

a. *State criteria.* The governor, in partnership with the state workforce development board, shall establish criteria for use by chief elected officials in the local workforce development areas for appointment of members of the local workforce development boards in such areas in accordance with the requirements of paragraph “b”.

b. *Composition.* The membership criteria for a local workforce development board shall include, at a minimum, all of the following:

(1) A majority of the membership of each local workforce development board shall be representatives of business in the local workforce development area appointed from among individuals nominated by local business organizations and business trade associations, to whom all of the following shall apply:

(a) The members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking authority or hiring authority.

(b) The members shall represent businesses, including small businesses, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local workforce development area, or organizations representing such businesses.

(2) (a) Not less than twenty percent of the membership of a local workforce development board shall be representatives of the workforce within the local workforce development area, to whom all of the following shall apply:

(i) For a local workforce development area in which employees are represented by labor organizations, the members shall include representatives of labor organizations or persons who have been nominated by local labor federations. For a local workforce development area in which employees are not represented by such organizations, the members shall include other representatives of employees;

(ii) The members shall include a representative who is a member of a labor organization or a training director, a representative from a joint labor-management apprenticeship program, or, if no such joint program exists in the area, a representative of an apprenticeship program in the area, if such a program exists.

(b) The membership of a local workforce development board described in subparagraph division (a) may include one or more of the following:

(i) Representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with a barrier to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.

(ii) Representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(3) (a) The membership of a local workforce development board shall include representatives of entities administering education and training activities in the local workforce development area, to whom all of the following apply:

(i) The members shall include a representative of eligible providers administering adult education and literacy activities under Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

(ii) The members shall include a representative of institutions of higher education, including community colleges, providing workforce investment activities.

(iii) If multiple eligible providers are serving the local workforce development area by administering adult education and literacy activities under Tit. II of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, or multiple institutions of higher education serving the local workforce development area by providing workforce investment activities, each representative thereof on the local workforce development board, respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

(b) The membership may include representatives of local educational agencies and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with a barrier to employment.

(4) (a) The membership of a local workforce development board shall include representatives of governmental and economic and community development entities serving the local workforce development area, to whom all of the following apply:

(i) The members shall include a representative of economic and community development entities.

(ii) The members shall include at least one appropriate representative from the state employment service office under the federal Wagner-Peyser Act, as codified at 29 U.S.C. §49 et seq., serving the local workforce development area and nominated by the director of the department of workforce development.

(iii) The members shall include at least one appropriate representative of the programs carried out under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741, serving the local workforce development area and nominated by the administrator of the division of vocational rehabilitation services of the department of education or director of the department for the blind, as appropriate.

(b) The members may include one or more of the following:

(i) Representatives of agencies or entities administering programs serving the local workforce development area relating to transportation, housing, and public assistance.

(ii) Representatives of philanthropic organizations serving the local workforce development area.

(5) The membership of a local workforce development board may include such other individuals or representatives of entities as the chief elected official in the local workforce development area may determine to be appropriate.

c. *Political affiliation and gender balance.* Sections 69.16 and 69.16A shall apply to the total membership of a local workforce development board excluding members required under paragraph “b”, subparagraph (4), subparagraph division (a), subparagraph subdivisions (ii) and (iii).

d. *Chairperson.* The members of a local workforce development board shall elect a chairperson from among the representatives of business described in paragraph “b”, subparagraph (1).

e. *Standing committees.* A local workforce development board may designate and direct the activities of standing committees to provide information and to assist the local workforce development board in carrying out activities under [this section](#). Such standing committees shall be chaired by a member of the local workforce development board. Such standing committees may include other members of the local workforce development board and shall include other individuals appointed by the local workforce development board who are not members of the local workforce development board and who the local workforce development board determines have appropriate experience and expertise. At

a minimum, the local workforce development board may designate each of the following standing committees:

(1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.

(2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with 29 U.S.C. §3248, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

(4) Additional committees in the discretion of the local workforce development board.

f. Additional membership requirements. Members of the local workforce development board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local workforce development area.

g. Chief elected officials.

(1) The chief elected official in a local workforce development area may appoint the members of the local workforce development board for such area, in accordance with the state criteria established by the governor in partnership with the state workforce development board.

(2) (a) If a local workforce development area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials relating to all of the following:

(i) Appointing the members of the local workforce development board from the individuals nominated or recommended to be such members in accordance with the criteria established in [this subsection](#).

(ii) Carrying out any other responsibilities assigned to such officials under Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, and [this section](#).

(b) If, after a reasonable effort, the chief elected officials are unable to reach such an agreement, the governor may appoint the members of the local workforce development board from individuals so nominated or recommended.

3. Certification procedures.

a. Certification. Once every two years, the department of workforce development shall certify one local workforce development board for each local workforce development area in the state. Such certification shall be based on the extent to which the local workforce development board has ensured that workforce investment activities carried out in the local workforce development area have enabled the local workforce development area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in 29 U.S.C. §3121(e)(2).

b. Failure to achieve certification. Failure of a local workforce development board to achieve certification shall result in appointment and certification of a new local workforce development board for the local workforce development area pursuant to the process described in [subsection 2](#) and [this subsection](#).

c. Decertification.

(1) Notwithstanding paragraph “a”, the department of workforce development may decertify a local workforce development board for any of the following reasons at any time after providing notice and an opportunity for comment:

(a) Fraud or abuse.

(b) Failure to carry out the functions specified for the local workforce development board in [subsection 4](#).

(2) Notwithstanding paragraph “a”, the department of workforce development may decertify a local workforce development board if the local workforce development area fails to meet the local performance accountability measures for the local workforce development area in accordance with 29 U.S.C. §3141(c) for two consecutive program years.

(3) If the department of workforce development decertifies a local workforce development board for a local workforce development area, the department of workforce development may require that a new local workforce development board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the governor, in consultation with the chief elected official in the local workforce development area and in accordance with the criteria established under [this section](#) and Tit. I of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

4. *Functions.* Consistent with [section 84A.3](#) and section 108 of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, the functions of a local workforce development board shall include all of the following:

a. *Local workforce development plan.* The local workforce development board, in partnership with the chief elected official for the local workforce development area, shall develop and submit a local workforce development plan to the department of workforce development that meets the requirements of [section 84A.3](#). If the local workforce development area is part of a planning region that includes other local workforce development areas, the local workforce development board shall collaborate with the other local workforce development boards and chief elected officials from such other local workforce development areas in the preparation and submission of a regional plan as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §106(c).

b. *Workforce research and regional labor market analysis.* In order to assist in the development and implementation of the local workforce development plan, the local workforce development board shall do all of the following:

(1) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities, including education and training, in the region described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §108(b)(1)(D), and regularly update such information.

(2) Assist the department of workforce development in developing the statewide workforce and labor market information system described in 29 U.S.C. §491-2(e), specifically in the collection, analysis, and utilization of workforce and labor market information for the region.

(3) Conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

c. *Convening, brokering, and leveraging.* The local workforce development board shall convene local workforce development system stakeholders to assist in the development of the local workforce development plan under [section 84A.3](#) and in identifying non-federal expertise and resources to leverage support for workforce development activities. The local workforce development board, including its standing committees, may engage such stakeholders in carrying out the functions described in [this subsection](#).

d. *Employer engagement.* The local workforce development board shall lead efforts to engage with a diverse range of employers and with entities in the region involved to do all of the following:

(1) Promote business representation on the local workforce development board, particularly representatives with optimal policymaking authority or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region.

(2) Develop effective linkages, including the use of intermediaries, with employers in the

region to support employer utilization of the local workforce development system and to support local workforce investment activities.

(3) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

(4) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as the establishment of industry or sector partnerships. Such strategies shall provide the skilled workforce needed by employers in the region and expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

e. Career pathways development. The local workforce development board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local workforce development area to develop and implement career pathways within the local workforce development area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with a barrier to employment.

f. Proven and promising practices. The local workforce development board shall lead efforts in the local workforce development area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers, including individuals with a barrier to employment, in the local workforce development system, including providing physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable provisions of [chapter 216](#), and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., to the one-stop delivery system.

g. Technology. The local workforce development board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers, by doing all of the following:

(1) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local workforce development area.

(2) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas.

(3) Identifying strategies for better meeting the needs of individuals with a barrier to employment, including strategies that augment traditional service delivery and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills.

(4) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with a barrier to employment.

h. Program oversight. The local workforce development board, in partnership with the chief elected official for the local workforce development area, shall do all of the following:

(1) (a) Conduct oversight for local youth workforce investment activities authorized under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(c), local employment and training activities authorized under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §134(c) and (d), and the one-stop delivery system in the local workforce development area.

(b) Ensure the appropriate use and management of the funds provided under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. I, subtitle B, for the activities and system described in subparagraph division (a).

(2) For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §116.

i. Negotiation of local performance accountability measures. The local workforce development board, the chief elected official, and the department of workforce development shall negotiate and reach agreement on local performance accountability measures as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §116(c).

j. Selection of one-stop operators. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d), the local workforce development board, with the agreement of the chief elected official for the local workforce development area, shall designate or certify one-stop operators as described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(d)(2)(A). The local workforce development board, with the agreement of the chief elected official for the local workforce development area, may terminate for cause the eligibility of such operators.

k. Selection of youth providers. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §123, the local workforce development board shall identify eligible providers of youth workforce investment activities in the local workforce development area by awarding grants or contracts on a competitive basis, except as provided in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §123(b), based on the recommendations of the youth standing committee, if such a committee is established for the local workforce development area. When identifying eligible providers, the local workforce development board shall consider community-based and governmental organizations as possible eligible providers. The local workforce development board may terminate for cause the eligibility of such providers.

l. Identification of eligible providers of training services. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122, the local workforce development board shall identify eligible providers of training services in the local workforce development area.

m. Identification of eligible providers of career services. If the one-stop operator does not provide career services described in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §134(c)(2), in a local workforce development area, the local workforce development board shall identify eligible providers of those career services in the local workforce development area by awarding contracts. When identifying eligible providers, the local workforce development board shall consider community-based and governmental organizations as possible eligible providers.

n. Consumer choice requirements. Consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122 and 134(c)(2) and (3), the local workforce development board shall work with the state to ensure sufficient numbers and types of providers of career services and training services are serving the local workforce development area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with a disability. Such providers shall include eligible providers with expertise in assisting individuals with a disability and eligible providers with expertise in assisting adults in need of adult education and literacy activities.

o. Coordination with education providers.

(1) The local workforce development board shall coordinate activities with education and training providers in the local workforce development area, including providers of workforce investment activities, providers of adult education and literacy activities under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. II, providers of career and technical education as defined in 20 U.S.C. §2302, and local agencies administering plans under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741.

(2) The coordination described in subparagraph (1) shall include, consistent with the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §232, all of the following:

(a) Reviewing the applications to provide adult education and literacy activities under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. II, for the local workforce development area, submitted under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §232, to the eligible agency by eligible providers, to determine whether such applications are consistent with the local workforce development plan.

(b) Making recommendations to the eligible agency to promote alignment with such plan.

(3) The coordination described in subparagraph (1) shall also include replicating

cooperative agreements in accordance with 29 U.S.C. §721(a)(11)(B), and implementing cooperative agreements in accordance with 29 U.S.C. §721(a)(11) with the local agencies administering plans under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741, and subject to the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §121(f), with respect to efforts that will enhance the provision of services to individuals with a disability and other individuals, such as cross-training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

p. Budget and administration.

(1) *Budget.* The local workforce development board shall develop a budget for the activities of the local workforce development board in the local workforce development area, consistent with the local workforce development plan and the duties of the local workforce development board under [this section](#), subject to the approval of the chief elected official.

(2) *Administration.*

(a) The chief elected official in a local workforce development area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local workforce development area under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §128 and 133, unless the chief elected official reaches an agreement with the department of workforce development for the department to act as the local grant recipient and bear such liability. In order to assist in administration of the grant funds, the chief elected official or the department, where the department serves as the local grant recipient for a local workforce development area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the department of the liability for any misuse of grant funds. The local grant recipient or designated entity shall disburse the grant funds for workforce investment activities at the direction of the local workforce development board, pursuant to the requirements of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Tit. I. The local grant recipient or designated entity shall disburse the funds immediately upon receiving such direction from the local workforce development board.

(b) The local workforce development board may solicit and accept grants and donations from sources other than federal or state funds.

(c) For purposes of carrying out duties under [this section](#), a local workforce development board may incorporate and may operate as an entity described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code.

q. Accessibility for individuals with disabilities. The local workforce development board shall annually assess the physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable provisions of [chapter 216](#), and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., of all one-stop centers in the local workforce development area.

r. Statewide workforce development initiatives. The local workforce development board shall participate in statewide workforce development initiatives in accordance with guidance and oversight by the state workforce development board or department of workforce development.

5. *Limitations.*

a. Training services.

(1) Except as provided in subparagraph (2), a local workforce development board shall not provide training services.

(2) The department of workforce development may, pursuant to a request from a local workforce development board, grant a written waiver of the prohibition set forth in subparagraph (1) for a program of training services, if the local workforce development board does all of the following:

(a) Submits to the governor a proposed request for the waiver that includes satisfactory evidence that an insufficient number of eligible providers of such a program of training services is available to meet local demand in the local workforce development area;

information demonstrating that the board meets the requirements for an eligible provider of training services under section 122 of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128; and information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local workforce development area.

(b) Makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than thirty days.

(c) Includes in the final request for the waiver the evidence and information described in subparagraph division (a) and the comments received pursuant to subparagraph division (b).

(3) A waiver granted to a local workforce development board under subparagraph (2) shall apply for a period that shall not exceed the duration of the local workforce development plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local workforce development board, if the board meets the requirements of subparagraph (2) in making the requests.

(4) The department of workforce development may revoke the waiver during the appropriate period described in subparagraph (3) if the department determines the waiver is no longer needed or that the local workforce development board involved has engaged in a pattern of inappropriate referrals to training services operated by the local workforce development board.

b. Career services; designation or certification as one-stop operators. A local workforce development board may provide career services described in section 134(c)(2) of the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local workforce development area and the department of workforce development.

c. Limitation on authority. This section shall not be construed to provide a local workforce development board with the authority to mandate curricula for schools.

6. Conflict of interest. A member of a local workforce development board, or a member of a standing committee, shall not do any of the following:

a. Vote on a matter under consideration by the board or committee that concerns the provision of services by the member or by an entity that the member represents.

b. Vote on a matter under consideration by the board or committee that would provide direct financial benefit to the member or the immediate family of the member.

c. Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the state workforce development plan.

7. Public information. In addition to meeting the requirements of chapter 22, local workforce development boards shall make available to the public, on a regular basis through electronic means and, if applicable, through open meetings in accordance with chapter 21, information regarding the activities of the board, including all of the following:

a. Information regarding the local workforce development plan, as required under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, prior to submission of the local workforce development plan or modification of the plan.

b. Information regarding local workforce development board membership, including the name and affiliation of each member.

c. The bylaws of the board.

d. Designation and certification of one-stop operators.

e. Award of grants or contracts to eligible training providers of workforce investment activities, including providers of youth investment activities.

96 Acts, ch 1186, §11; 99 Acts, ch 21, §2; 2001 Acts, ch 24, §23; 2002 Acts, ch 1119, §8; 2016 Acts, ch 1011, §12; 2016 Acts, ch 1118, §7–9, 21; 2018 Acts, ch 1041, §23; 2018 Acts, ch 1143, §6, 9; 2018 Acts, ch 1172, §17

Referred to in §84A.1A, 84A.2, 84A.5, 258.14, 260H.2, 260H.4, 260H.8, 260L6

For proposed amendments by 2018 Acts, ch 1041, §23, see Code editor's note on simple harmonization at the end of Vol VI
Section stricken and rewritten

84A.5 Department of workforce development — primary responsibilities.

The department of workforce development, in consultation with the workforce development board and the local workforce development boards, has the primary responsibilities set out in [this section](#).

1. The department of workforce development shall develop and implement a workforce development system which increases the skills of the Iowa workforce, fosters economic growth and the creation of new high skill and high wage jobs through job placement and training services, increases the competitiveness of Iowa businesses by promoting high performance workplaces, and encourages investment in workers.

a. The workforce development system shall strive to provide high quality services to its customers including workers, families, and businesses. The department of workforce development shall maintain a common intake, assessment, and customer tracking system and to the extent practical provide one-stop services to customers at workforce development centers and other service access points. The department of workforce development shall administer a statewide standard skills assessment to assess the employability skills of adult workers statewide and shall instruct appropriate department staff in the administration of the assessment. The assessment shall be included in the one-stop services provided to customers at workforce development centers and other service access points throughout the state.

b. The system shall include an accountability system to measure program performance, identify accomplishments, and evaluate programs to ensure goals and standards are met. The accountability system shall use information obtained from the customer tracking system, the economic development authority, the department of education, and training providers to evaluate the effectiveness of programs. The economic development authority, the department of education, and training providers shall report information concerning the use of any state or federal training or retraining funds to the department of workforce development in a form as required by the department of workforce development. The accountability system shall evaluate all of the following:

- (1) The impact of services on wages earned by individuals.
- (2) The effectiveness of training services providers in raising the skills of the Iowa workforce.
- (3) The impact of placement and training services on Iowa's families, communities, and economy.

2. The department of workforce development shall make information from the customer tracking and accountability system available to the economic development authority, the department of education, and other appropriate public agencies for the purpose of assisting with the evaluation of programs administered by those departments and agencies and for planning and researching public policies relating to education and economic development.

3. The department of workforce development is responsible for administration of unemployment compensation benefits and collection of employer contributions under [chapter 96](#), providing for the delivery of free public employment services established pursuant to [chapter 96](#), other job placement and training programs established pursuant to [section 84A.6](#), and the delivery of services located throughout the state.

4. The division of labor services is responsible for the administration of the laws of this state under [chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and 94A](#), and [sections 73A.21 and 85.68](#). The executive head of the division is the labor commissioner, appointed pursuant to [section 91.2](#).

5. The division of workers' compensation is responsible for the administration of the laws of this state relating to workers' compensation under [chapters 85, 85A, 85B, 86, and 87](#). The executive head of the division is the workers' compensation commissioner, appointed pursuant to [section 86.1](#).

6. The director of the department of workforce development shall form a coordinating committee composed of the director of the department of workforce development, the labor commissioner, the workers' compensation commissioner, and other administrators. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

7. The department of workforce development shall administer the following programs:

- a. The Iowa conservation corps established under [section 84A.7](#).
 - b. The workforce investment program established under [section 84A.8](#).
 - c. The statewide mentoring program established under [section 84A.9](#).
 - d. The workforce development centers established under [chapter 84B](#).
8. The department of workforce development shall work with the economic development authority to incorporate workforce development as a component of community-based economic development.
9. The department of workforce development, in consultation with the applicable local workforce development board, shall select service providers, subject to approval by the workforce development board for each service delivery area. A service provider in each service delivery area shall be identified to coordinate the services throughout the service delivery area. The department of workforce development shall select service providers that, to the extent possible, meet or have the ability to meet the following criteria:
- a. The capacity to deliver services uniformly throughout the service delivery area.
 - b. The experience to provide workforce development services.
 - c. The capacity to cooperate with other public and private agencies and entities in the delivery of education, workforce training, retraining, and workforce development services throughout the service delivery area.
 - d. The demonstrated capacity to understand and comply with all applicable state and federal laws, rules, ordinances, regulations, and orders, including fiscal requirements.
10. The department of workforce development shall provide access to information and documents necessary for employers and payors of income, as defined in [sections 252D.16](#) and [252G.1](#), to comply with child support reporting and payment requirements. Access to the information and documents shall be provided at the central location of the department of workforce development and at each workforce development center.
11. The director of the department of workforce development may adopt rules pursuant to [chapter 17A](#) to charge and collect fees for enhanced or value-added services provided by the department of workforce development which are not required by law to be provided by the department and are not generally available from the department of workforce development. Fees shall not be charged to provide a free public labor exchange. Fees established by the director of the department of workforce development shall be based upon the costs of administering the service, with due regard to the anticipated time spent, and travel costs incurred, by personnel performing the service. The collection of fees authorized by [this subsection](#) shall be treated as repayment receipts as defined in [section 8.2](#).
12. The department of education, in collaboration with the department of workforce development, is responsible for the development and oversight of industry and sector partnerships in the state.
13. The department of workforce development is responsible for the administration of the state list of eligible providers and programs under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §122.
14. The department of workforce development is responsible for the review of local workforce development plans under [section 84A.4](#). The department may approve a local workforce development plan, conditionally approve a local workforce development plan with requests for additional information and recommended changes, or reject a local workforce development plan and request the submission of a new local workforce development plan. The department may create templates, policies, and procedures regarding the submission, format, and contents of local workforce development plans.
15. The department of workforce development shall provide oversight, guidance, and technical assistance to local workforce development areas, including but not limited to local workforce development boards, local fiscal agents, youth providers, and eligible providers of career services.
- [86 Acts, ch 1245, §902](#)
[C87, §84A.2](#)
[93 Acts, ch 180, §53; 96 Acts, ch 1186, §12](#)

C97, §84A.5

98 Acts, ch 1061, §2, 11; 98 Acts, ch 1170, §19; 99 Acts, ch 21, §3; 99 Acts, ch 68, §1; 99 Acts, ch 130, §7; 2001 Acts, ch 61, §13; 2002 Acts, ch 1050, §11; 2007 Acts, ch 211, §33; 2008 Acts, ch 1191, §43; 2011 Acts, ch 118, §85, 89; 2016 Acts, ch 1118, §10, 11, 21; 2018 Acts, ch 1026, §29; 2018 Acts, ch 1143, §7, 9

Referred to in §15.344, 260G.5

For future text of subsection 7, paragraph 0d, effective July 1, 2019, see 2018 Acts, ch 1067, §8, 15

Subsection 4 amended

NEW subsections 12 – 15

84A.6 Job placement and training programs.

1. The department of workforce development, in consultation with the workforce development board and the local workforce development boards, the department of education, and the economic development authority shall work together to develop policies encouraging coordination between skill development, labor exchange, and economic development activities.

2. a. The director of the department of workforce development, in cooperation with the department of human services, shall provide job placement and training to persons referred by the department of human services under the promoting independence and self-sufficiency through employment job opportunities and basic skills program established pursuant to [chapter 239B](#) and the food stamp employment and training program.

b. The department of workforce development, in consultation with the department of human services, shall develop and implement departmental recruitment and employment practices that address the needs of former and current participants in the family investment program under [chapter 239B](#).

3. The director of the department of workforce development, in cooperation with the department of human rights and the vocational rehabilitation services division of the department of education, shall establish a program to provide job placement and training to persons with disabilities.

4. The department of workforce development, in consultation with the college student aid commission, shall issue a quarterly report identifying industries in which the department finds a shortage of skilled workers in this state for the purposes of the skilled workforce shortage tuition grant program established in [section 261.130](#).

86 Acts, ch 1245, §903

C87, §84A.3

96 Acts, ch 1186, §13

C97, §84A.6

97 Acts, ch 41, §32; 2002 Acts, ch 1050, §12; 2005 Acts, ch 175, §58; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1132, §16; 2016 Acts, ch 1118, §12, 21

Referred to in §84A.5, 261.130

For future strike of subsection 4, effective July 1, 2019, see 2018 Acts, ch 1067, §9, 15

84A.7 Iowa conservation corps.

1. *Definitions.* As used in [this section](#), unless the context otherwise requires:

a. “Account” means the Iowa conservation corps account.

b. “Corps” means the Iowa conservation corps.

2. *Iowa conservation corps established.* The Iowa conservation corps is established in this state to provide meaningful and productive public service jobs for youth, unemployed persons, persons with disabilities, disadvantaged persons, and elderly persons, and to provide participants with an opportunity to explore careers, gain work experience, and contribute to the general welfare of their communities and the state. The corps shall provide opportunities in the areas of natural resource and wildlife conservation, park maintenance and restoration, land management, energy savings, community improvement projects, tourism, economic development, and work benefiting human services programs. The department of workforce development shall administer the corps and shall adopt rules pursuant to [chapter 17A](#) governing its operation, eligibility for participation, cash contributions, and implementation of an incentive program.

3. *Funding.* Corps projects shall be funded by appropriations to the Iowa conservation

corps account and by cash, services, and material contributions made by other state agencies or local public and private agencies. Public and private entities who benefit from a corps project shall contribute at least thirty-five percent of the total project budget. The contributions may be in the form of cash, materials, or services. Materials and services shall be intended for the project and acceptable to the department of workforce development. Minimum levels of contributions shall be prescribed in rules adopted by the department of workforce development pursuant to [chapter 17A](#).

4. *Account created.* The Iowa conservation corps account is established within and administered by the department of workforce development. The account shall include all appropriations made to programs administered by the corps, and may also include moneys contributed by a private individual or organization, or a public entity for the purpose of implementing corps programs and projects. The department of workforce development may establish an escrow account within the department and obligate moneys within that escrow account for tuition payments to be made beyond the term of any fiscal year. Interest earned on moneys in the Iowa conservation corps account shall be credited to the account.

5. *Participant eligibility.* Notwithstanding any contrary provision of [chapter 8A](#), [subchapter IV](#), and [chapter 96](#), a person employed through an Iowa conservation corps program shall be exempt from merit system requirements and shall not be eligible to receive unemployment compensation benefits.

[96 Acts, ch 1186, §14; 97 Acts, ch 23, §8; 99 Acts, ch 21, §4; 2002 Acts, ch 1050, §13; 2003 Acts, ch 145, §157; 2018 Acts, ch 1041, §24](#)

Referred to in [§15H.9, 84A.5, 97B.1A](#)
Subsections 2 and 3 amended

84A.8 Workforce investment program.

A workforce investment program is established to enable more Iowans to enter or reenter the workforce. The workforce investment program shall provide training and support services to population groups that have historically faced barriers to employment. The department of workforce development shall administer the workforce investment program and shall adopt rules pursuant to [chapter 17A](#) governing its operation and eligibility guidelines for participation.

[96 Acts, ch 1186, §15; 2018 Acts, ch 1041, §25](#)

Referred to in [§84A.5](#)
Section amended

84A.9 Statewide mentoring program.

A statewide mentoring program is established to recruit, screen, train, and match individuals in a mentoring relationship. The department of workforce development shall administer the program in collaboration with the departments of human services, education, and human rights. The availability of the program is subject to the funding appropriated for the purposes of the program.

[96 Acts, ch 1186, §16](#)

Referred to in [§84A.5](#)

84A.10 New employment opportunity program.

The department of workforce development shall implement and administer a new employment opportunity program to assist individuals in underutilized segments of Iowa's workforce, including but not limited to the persons with physical or mental disabilities, persons convicted of a crime, or minority persons between the ages of twelve and twenty-five, to gain and retain employment. The program shall be designed to complement existing employment and training programs by providing additional flexibility and services that are often needed by individuals in underutilized segments of the workforce to gain and retain employment. Services provided under the program may include, but are not limited to, transportation costs, child care, health care, health care insurance, on-the-job training, career interest inventory assessments, employability skills assessment, short-term basic education, internships, mentoring, assisting businesses with compliance issues related to the federal Americans With Disabilities Act of 1990, and reducing perceived risks that cause these populations to be underutilized. The department shall adopt rules pursuant to

[chapter 17A](#) to administer the program, including rules relating to eligibility criteria, eligible populations, and services to implement the intent of [this section](#).

[2000 Acts, ch 1230, §20](#)

84A.11 Nursing workforce data clearinghouse.

1. *a.* The department of workforce development shall establish a nursing workforce data clearinghouse for the purpose of collecting and maintaining data from all available and appropriate sources regarding Iowa's nursing workforce.

b. The department of workforce development shall have access to all data regarding Iowa's nursing workforce collected or maintained by any state department or agency to support the data clearinghouse.

c. Information maintained in the nursing workforce data clearinghouse shall be available to any state department or agency.

2. The department of workforce development shall consult with the board of nursing, the department of public health, the department of education, and other appropriate entities in developing recommendations to determine options for additional data collection.

3. The department of workforce development, in consultation with the board of nursing, shall adopt rules pursuant to [chapter 17A](#) to administer the data clearinghouse.

4. The nursing workforce data clearinghouse shall be established and maintained in a manner consistent with the health care delivery infrastructure and health care workforce resources strategic plan developed pursuant to [section 135.163](#).

5. The department of workforce development shall submit a report to the governor and the general assembly, annually by January 15, regarding the nursing workforce data clearinghouse, and, following establishment of the data clearinghouse, the status of the nursing workforce in Iowa.

[2010 Acts, ch 1147, §1, 13; 2017 Acts, ch 148, §12](#)

84A.12 Reserved.

For future text of this section, effective July 1, 2019, see 2018 Acts, ch 1067, §10, 15

84A.13 Reserved.

For future text of this section, effective July 1, 2019, see 2018 Acts, ch 1067, §11, 15

84A.14 Criminal history checks.

A current or prospective contractor, vendor, employee, or any other individual performing work for the department of workforce development who will have access to federal tax information shall be subject to a national criminal history check through the federal bureau of investigation at least once every ten years if such a check is required pursuant to guidance from the federal internal revenue service. The department of workforce development shall request the national criminal history check and shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the department of workforce development. The department of workforce development shall pay the actual cost of the fingerprinting and national criminal history check, if any. The results of a criminal history check conducted pursuant to [this section](#) shall not be considered a public record under [chapter 22](#).

[2018 Acts, ch 1080, §1](#)

NEW section