

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 “g”, 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 economic development agencies, 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](#); [2019 Acts, ch 59, §34](#); [2020 Acts, ch 1063, §41](#)

Subsection 1, paragraph b amended