

Senate File 2353 - Enrolled

Senate File 2353

AN ACT

RELATING TO THE MEMBERSHIP AND DUTIES OF THE STATE AND LOCAL  
WORKFORCE DEVELOPMENT BOARDS AND RELATED RESPONSIBILITIES  
OF THE DEPARTMENT OF WORKFORCE DEVELOPMENT AND INCLUDING  
EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 84A.1A, subsection 5, Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

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.

Sec. 2. Section 84A.1A, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 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.

NEW SUBSECTION. 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).

Sec. 3. Section 84A.1B, subsection 1, Code 2018, is amended to read as follows:

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.

Sec. 4. NEW SECTION. **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.

**Sec. 5. 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.

Sec. 6. Section 84A.4, Code 2018, is amended by striking the section and inserting in lieu thereof the following:

**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 do all of the following:

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. 133-128, §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.

Sec. 7. Section 84A.5, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 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.

NEW SUBSECTION. 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.

NEW SUBSECTION. 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.

NEW SUBSECTION. 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.

Sec. 8. TRANSITION PROVISIONS.

1. Chief elected officials may appoint members serving on local workforce development boards prior to the effective date of this Act pursuant to section 84A.4, subsection 1, Code 2018, for membership on local workforce development boards on and after the effective date of this Act if such individuals continue to be eligible for membership on the boards pursuant to section 84A.4, subsection 2, paragraph "b", as enacted by this Act.

2. Members serving on a local workforce development board prior to the effective date of this Act pursuant to section 84A.4, subsection 1, Code 2018, shall continue to constitute the membership of the board until a meeting of the board is held at which a majority of the members of the board appointed pursuant to section 84A.4, subsection 2, as enacted by this Act, are present.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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CHARLES SCHNEIDER  
President of the Senate

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LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2353, Eighty-seventh General Assembly.

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W. CHARLES SMITHSON  
Secretary of the Senate

Approved \_\_\_\_\_, 2018

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KIM REYNOLDS  
Governor