

Senate File 2353 - Introduced

SENATE FILE 2353
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3189)

A BILL FOR

1 An Act relating to the membership and duties of the state
2 and local workforce development boards and related
3 responsibilities of the department of workforce development
4 and including effective date provisions.

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

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

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

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

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

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

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

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

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

28 b. Information regarding the membership of the board.

29 c. The bylaws of the board.

30 NEW SUBSECTION. 8. Sections 69.16 and 69.16A shall apply
31 only to those members of the board appointed by the governor
32 pursuant to subsection 1, paragraph "a", subparagraph (8).

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

35 1. Develop and coordinate the implementation of a four-year

1 comprehensive state workforce development plan of specific
2 needs, goals, strategies, and policies for the state. This
3 plan shall be updated every two years and revised as necessary.
4 All other state agencies involved in workforce development
5 activities and the local workforce development boards shall
6 submit to the board for its review and potential inclusion in
7 the plan their needs, goals, strategies, and policies.

8 Sec. 4. NEW SECTION. **84A.2 Definitions.**

9 For purposes of this chapter:

10 1. "*Chief elected official*" means any of the following:

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

13 b. If a local workforce development area includes more
14 than one unit of general local government, the individuals
15 designated under the agreement described in section 84A.4,
16 subsection 2, paragraph "h", subparagraph (2).

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

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

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

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

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

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

33 (ii) The rate of compensation shall not be less than the
34 customary rate paid by the employer for the same or similar
35 work performed by other employees who are not individuals

1 with disabilities, and who are similarly situated in similar
2 occupations by the same employer and who have similar training,
3 experience, and skills.

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

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

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

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

22 4. "*Cooperative agreement*" means an agreement entered into
23 by a state-designated agency or state-designated unit under
24 section 101(a)(11)(A) of the federal Rehabilitation Act of
25 1973.

26 5. "*Core program*" means a program authorized under any of
27 the following:

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

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

35 c. Sections 1 to 13 of the federal Wagner-Peyser Act, as

1 codified at 29 U.S.C. §49 et seq., relating to employment
2 services.

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

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

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

17 (1) The individual is a workplace learning advisor.

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

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

24 7. "*Economic development agency*" includes a local workforce
25 development planning or zoning commission or board, a community
26 development agency, or another local agency or institution
27 responsible for regulating, promoting, or assisting in local
28 economic development.

29 8. "*Eligible youth*" means an in-school or out-of-school
30 youth, except as provided in subtitles C and D of Tit. I of the
31 federal Workforce Innovation and Opportunity Act, Pub. L. No.
32 113-128.

33 9. *a.* "*In-demand industry sector or occupation*" means any
34 of the following:

35 (1) An industry sector that has a substantial current or

1 potential impact, including through jobs that lead to economic
2 self-sufficiency and opportunities for advancement, on the
3 state, regional, or local economy, as appropriate, and that
4 contributes to the growth or stability of other supporting
5 businesses, or the growth of other industry sectors.

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

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

17 10. "*Individual with a barrier to employment*" means a member
18 of one or more of the following populations:

19 a. Displaced homemakers.

20 b. Low-income individuals.

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

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

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

27 f. Ex-offenders.

28 g. Homeless individuals as defined in 34 U.S.C. §12473,
29 or homeless children and youths as defined in 34 U.S.C.
30 §11434a(2).

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

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

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

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

7 *l.* Single parents and single pregnant women.

8 *m.* Long-term unemployed individuals.

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

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

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

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

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

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

31 *b.* "*Industry or sector partnership*" may include
32 representatives of state or local government, state or
33 local, the state workforce development board, local workforce
34 development boards, the department of workforce development or
35 another entity providing employment services, state or local

1 agencies, business or trade associations, economic development
2 organizations, nonprofit organizations, community-based
3 organizations, philanthropic organizations, industry
4 associations, and other organizations, as determined to be
5 necessary by the members comprising the industry or sector
6 partnership.

7 13. "*In-school youth*" means youth described in the federal
8 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128,
9 §129(a)(1)(C).

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

12 15. "*Offender*" means any of the following:

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

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

19 16. "*One-stop center*" means a site described in the federal
20 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128,
21 §121(e)(2).

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

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

29 19. "*Out-of-school youth*" means a youth described in the
30 federal Workforce Innovation and Opportunity Act, Pub. L. No.
31 113-128, §129(a)(1)(B).

32 20. "*Unit of general local government*" means a county or
33 city.

34 21. "*Workforce investment activity*" means an employment and
35 training activity or a youth workforce investment activity.

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

10 Sec. 5. NEW SECTION. **84A.3 Local workforce development**
11 **plans.**

12 1. A local workforce development board shall, in
13 partnership with the chief elected official, develop a
14 comprehensive four-year local workforce development plan. The
15 local workforce development board shall submit the workforce
16 development plan to the department of workforce development in
17 the manner and form determined by the department. The local
18 workforce development plan shall support the strategy described
19 in the state workforce development plan in accordance with the
20 federal Workforce Innovation and Opportunity Act, Pub. L. No.
21 113-128, §102(b)(1)(E), and shall otherwise be consistent with
22 the state workforce development plan. If the local workforce
23 development area is part of a planning region as defined in the
24 federal Workforce Innovation and Opportunity Act, Pub. L. No.
25 113-128, §3(48), the local workforce development board shall
26 comply with the federal Workforce Innovation and Opportunity
27 Act, Pub. L. No. 113-128, §106(c), in the preparation and
28 submission of a regional plan.

29 2. At the end of the first two-year period of the local
30 workforce development plan, a local workforce development board
31 shall review the local workforce development plan and, in
32 partnership with the chief elected official, prepare and submit
33 to the department of workforce development modifications to the
34 local workforce development plan to reflect changes in labor
35 market and economic conditions or in other factors affecting

1 the implementation of the local workforce development plan.

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

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

9 **84A.4 Local workforce development boards.**

10 1. *Establishment.* Except as provided in subsection 3,
11 paragraph "a", the department of workforce development shall
12 establish and certify a local workforce development board in
13 each local workforce development area of the state to carry
14 out the functions described in subsection 4 and any functions
15 specified for the local workforce development board under the
16 federal Workforce Innovation and Opportunity Act, Pub. L. No.
17 113-128, or the provisions establishing a core program for such
18 local workforce development area.

19 2. *Membership.*

20 a. *State criteria.* The governor, in partnership with the
21 state workforce development board, shall establish criteria
22 for use by chief elected officials in the local workforce
23 development areas for appointment of members of the local
24 workforce development boards in such areas in accordance with
25 the requirements of paragraph "b".

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

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

35 (a) The members shall be owners of businesses, chief

1 executives or operating officers of businesses, or other
2 business executives or employers with optimum policymaking
3 authority or hiring authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 *d. Chairperson.* The members of a local workforce
34 development board shall elect a chairperson from among the
35 representatives of business described in paragraph "b",

1 subparagraph (1).

2 *e. Standing committees.* A local workforce development
3 board may designate and direct the activities of standing
4 committees to provide information and to assist the local
5 workforce development board in carrying out activities under
6 this section. Such standing committees shall be chaired by
7 a member of the local workforce development board. Such
8 standing committees may include other members of the local
9 workforce development board and shall include other individuals
10 appointed by the local workforce development board who are not
11 members of the local workforce development board and who the
12 local workforce development board determines have appropriate
13 experience and expertise. At a minimum, the local workforce
14 development board may designate each of the following standing
15 committees:

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

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

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

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

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

9 *g. Chief elected officials.*

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

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

20 (i) Appointing the members of the local workforce
21 development board from the individuals nominated or recommended
22 to be such members in accordance with the criteria established
23 in this subsection.

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

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

31 3. *Certification procedures.*

32 *a. Certification.* Once every two years, the department
33 of workforce development shall certify one local workforce
34 development board for each local workforce development area in
35 the state. Such certification shall be based on the extent

1 to which the local workforce development board has ensured
2 that workforce investment activities carried out in the local
3 workforce development area have enabled the local workforce
4 development area to meet the corresponding performance
5 accountability measures and achieve sustained fiscal integrity,
6 as defined in 29 U.S.C. §3121(e)(2).

7 *b. Failure to achieve certification.* Failure of a local
8 workforce development board to achieve certification shall
9 result in appointment and certification of a new local
10 workforce development board for the local workforce development
11 area pursuant to the process described in subsection 2 and this
12 subsection.

13 *c. Decertification.*

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

18 (a) Fraud or abuse.

19 (b) Failure to carry out the functions specified for the
20 local workforce development board in subsection 4.

21 (2) Notwithstanding paragraph "a", the department of
22 workforce development may decertify a local workforce
23 development board if the local workforce development area fails
24 to meet the local performance accountability measures for the
25 local workforce development area in accordance with 29 U.S.C.
26 §3141(c) for two consecutive program years.

27 (3) If the department of workforce development decertifies
28 a local workforce development board for a local workforce
29 development area, the department of workforce development
30 may require that a new local workforce development board be
31 appointed and certified for the local workforce development
32 area pursuant to a reorganization plan developed by the
33 governor, in consultation with the chief elected official in
34 the local workforce development area and in accordance with
35 the criteria established under this section and Tit. I of the

1 federal Workforce Innovation and Opportunity Act, Pub. L. No.
2 113-128.

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

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

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

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

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

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

6 *c. Convening, brokering, and leveraging.* The local workforce
7 development board shall convene local workforce development
8 system stakeholders to assist in the development of the
9 local workforce development plan under section 84A.3 and in
10 identifying non-federal expertise and resources to leverage
11 support for workforce development activities. The local
12 workforce development board, including its standing committees,
13 may engage such stakeholders in carrying out the functions
14 described in this subsection.

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

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

24 (2) Develop effective linkages, including the use of
25 intermediaries, with employers in the region to support
26 employer utilization of the local workforce development system
27 and to support local workforce investment activities.

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

33 (4) Develop and implement proven or promising strategies
34 for meeting the employment and skill needs of workers and
35 employers, such as the establishment of industry or sector

1 partnerships. Such strategies shall provide the skilled
2 workforce needed by employers in the region and expand
3 employment and career advancement opportunities for workforce
4 development system participants in in-demand industry sectors
5 or occupations.

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

14 *f. Proven and promising practices.* The local workforce
15 development board shall lead efforts in the local workforce
16 development area to do all of the following:

17 (1) Identify and promote proven and promising strategies
18 and initiatives for meeting the needs of employers, workers,
19 and jobseekers, including individuals with a barrier to
20 employment, in the local workforce development system,
21 including providing physical and programmatic accessibility,
22 in accordance with 29 U.S.C. §3248, if applicable, applicable
23 provisions of chapter 216, and applicable provisions of the
24 Americans with Disabilities Act of 1990, codified at 42 U.S.C.
25 §12101 et seq., to the one-stop delivery system.

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

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

35 (2) Facilitating access to services provided through the

1 one-stop delivery system involved, including facilitating the
2 access in remote areas.

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

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

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

15 (1) (a) Conduct oversight for local youth workforce
16 investment activities authorized under the federal Workforce
17 Innovation and Opportunity Act, Pub. L. No. 113-128, §129(c),
18 local employment and training activities authorized under the
19 federal Workforce Innovation and Opportunity Act, Pub. L. No.
20 113-128, §134(c) and (d), and the one-stop delivery system in
21 the local workforce development area.

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

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

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

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

11 *k. Selection of youth providers.* Consistent with the
12 federal Workforce Innovation and Opportunity Act, Pub. L. No.
13 113-128, §123, the local workforce development board shall
14 identify eligible providers of youth workforce investment
15 activities in the local workforce development area by awarding
16 grants or contracts on a competitive basis, except as provided
17 in the federal Workforce Innovation and Opportunity Act, Pub.
18 L. No. 113-128, §123(b), based on the recommendations of the
19 youth standing committee, if such a committee is established
20 for the local workforce development area. When identifying
21 eligible providers, the local workforce development board shall
22 consider community-based and governmental organizations as
23 possible eligible providers. The local workforce development
24 board may terminate for cause the eligibility of such
25 providers.

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

31 *m. Identification of eligible providers of career*
32 *services.* If the one-stop operator does not provide career
33 services described in the federal Workforce Innovation and
34 Opportunity Act, Pub. L. No. 113-128, §134(c)(2), in a local
35 workforce development area, the local workforce development

1 board shall identify eligible providers of those career
2 services in the local workforce development area by awarding
3 contracts. When identifying eligible providers, the local
4 workforce development board shall consider community-based and
5 governmental organizations as possible eligible providers.

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

20 *o. Coordination with education providers.*

21 (1) The local workforce development board shall coordinate
22 activities with education and training providers in the local
23 workforce development area, including providers of workforce
24 investment activities, providers of adult education and
25 literacy activities under the federal Workforce Innovation and
26 Opportunity Act, Pub. L. No. 113-128, Tit. II, providers of
27 career and technical education as defined in 20 U.S.C. §2302,
28 and local agencies administering plans under Tit. I of the
29 federal Rehabilitation Act of 1973, as codified at 29 U.S.C.
30 §720 et seq., relating to vocational rehabilitation services,
31 excluding 29 U.S.C. §732 and 741.

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

1 (a) Reviewing the applications to provide adult education
2 and literacy activities under the federal Workforce Innovation
3 and Opportunity Act, Pub. L. No. 113-128, Tit. II, for the
4 local workforce development area, submitted under the federal
5 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128,
6 §232, to the eligible agency by eligible providers, to
7 determine whether such applications are consistent with the
8 local workforce development plan.

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

11 (3) The coordination described in subparagraph (1) shall
12 also include replicating cooperative agreements in accordance
13 with 29 U.S.C. §721(a)(11)(B), and implementing cooperative
14 agreements in accordance with 29 U.S.C. §721(a)(11) with
15 the local agencies administering plans under Tit. I of the
16 federal Rehabilitation Act of 1973, as codified at 29 U.S.C.
17 §720 et seq., relating to vocational rehabilitation services,
18 excluding 29 U.S.C. §732 and 741, and subject to the federal
19 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128,
20 §121(f), with respect to efforts that will enhance the
21 provision of services to individuals with a disability and
22 other individuals, such as cross-training of staff, technical
23 assistance, use and sharing of information, cooperative
24 efforts with employers, and other efforts at cooperation,
25 collaboration, and coordination.

26 *p. Budget and administration.*

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

33 (2) *Administration.*

34 (a) The chief elected official in a local workforce
35 development area shall serve as the local grant recipient

1 for, and shall be liable for any misuse of, the grant funds
2 allocated to the local workforce development area under the
3 federal Workforce Innovation and Opportunity Act, Pub. L.
4 No. 133-128, §128 and 133, unless the chief elected official
5 reaches an agreement with the department of workforce
6 development for the department to act as the local grant
7 recipient and bear such liability. In order to assist in
8 administration of the grant funds, the chief elected official
9 or the department, where the department serves as the local
10 grant recipient for a local workforce development area, may
11 designate an entity to serve as a local grant subrecipient for
12 such funds or as a local fiscal agent. Such designation shall
13 not relieve the chief elected official or the department of
14 the liability for any misuse of grant funds. The local grant
15 recipient or designated entity shall disburse the grant funds
16 for workforce investment activities at the direction of the
17 local workforce development board, pursuant to the requirements
18 of the federal Workforce Innovation and Opportunity Act,
19 Pub. L. No. 113-128, Tit. I. The local grant recipient or
20 designated entity shall disburse the funds immediately upon
21 receiving such direction from the local workforce development
22 board.

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

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

31 *g. Accessibility for individuals with disabilities.* The
32 local workforce development board shall annually assess the
33 physical and programmatic accessibility, in accordance with
34 29 U.S.C. §3248, if applicable, applicable provisions of
35 chapter 216, and applicable provisions of the Americans with

1 Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq.,
2 of all one-stop centers in the local workforce development
3 area.

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

9 5. *Limitations.*

10 a. Training services.

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

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

19 (a) Submits to the governor a proposed request for the
20 waiver that includes satisfactory evidence that an insufficient
21 number of eligible providers of such a program of training
22 services is available to meet local demand in the local
23 workforce development area; information demonstrating that
24 the board meets the requirements for an eligible provider of
25 training services under section 122 of the federal Workforce
26 Innovation and Opportunity Act, Pub. L. No. 113-128; and
27 information demonstrating that the program of training services
28 prepares participants for an in-demand industry sector or
29 occupation in the local workforce development area.

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

34 (c) Includes in the final request for the waiver the
35 evidence and information described in subparagraph division (a)

1 and the comments received pursuant to subparagraph division
2 (b).

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

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

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

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

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

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

34 *b.* Vote on a matter under consideration by the board or
35 committee that would provide direct financial benefit to the

1 member or the immediate family of the member.

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

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

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

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

18 *c.* The bylaws of the board.

19 *d.* Designation and certification of one-stop operators.

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

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

25 NEW SUBSECTION. 12. The department of workforce
26 development is responsible for the development and oversight of
27 industry and sector partnerships in the state.

28 NEW SUBSECTION. 13. The department of workforce
29 development is responsible for the administration of the state
30 list of eligible providers and programs under the federal
31 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128,
32 §122.

33 NEW SUBSECTION. 14. The department of workforce
34 development is responsible for the review of local workforce
35 development plans under section 84A.4. The department may

1 approve a local workforce development plan, conditionally
2 approve a local workforce development plan with requests for
3 additional information and recommended changes, or reject a
4 local workforce development plan and request the submission
5 of a new local workforce development plan. The department
6 may create templates, policies, and procedures regarding the
7 submission, format, and contents of local workforce development
8 plans.

9 NEW SUBSECTION. 15. The department of workforce
10 development shall provide oversight, guidance, and technical
11 assistance to local workforce development areas, including but
12 not limited to local workforce development boards, local fiscal
13 agents, youth providers, and eligible providers of career
14 services.

15 Sec. 8. TRANSITION PROVISIONS.

16 1. Chief elected officials may appoint members serving
17 on local workforce development boards prior to the effective
18 date of this Act pursuant to section 84A.4, subsection 1, Code
19 2018, for membership on local workforce development boards on
20 and after the effective date of this Act if such individuals
21 continue to be eligible for membership on the boards pursuant
22 to section 84A.4, subsection 2, paragraph "b", as enacted by
23 this Act.

24 2. Members serving on a local workforce development board
25 prior to the effective date of this Act pursuant to section
26 84A.4, subsection 1, Code 2018, shall continue to constitute
27 the membership of the board until a meeting of the board is
28 held at which a majority of the members of the board appointed
29 pursuant to section 84A.4, subsection 2, as enacted by this
30 Act, are present.

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

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the membership and duties of the
2 state and local workforce development boards and related
3 responsibilities of the department of workforce development.
4 Changes made by the bill primarily relate to requirements of
5 the federal Workforce Innovation and Opportunity Act, Pub. L.
6 No. 113-128 (WIOA).

7 STATE WORKFORCE DEVELOPMENT BOARD. The bill strikes
8 language relating to conflicts of interest of members of the
9 state workforce development board and provides new language
10 on the same subject. The bill prohibits board members from
11 voting on matters that concern the provision of services by
12 the member or by an entity that the member represents or that
13 would provide direct financial benefit to the member or the
14 member's immediate family. The bill also prohibits a member
15 from engaging in any other activity determined by the governor
16 to constitute a conflict of interest as specified in the state
17 workforce development plan.

18 The bill requires the board, in addition to complying
19 with the state open records law, to make certain specified
20 information relating to the activities of the board available
21 to the public on a regular basis through electronic means and
22 open meetings if applicable.

23 The bill provides that requirements relating to political
24 and gender balance on the appointive membership of boards only
25 apply to the 26 voting members of the board appointed by the
26 governor, rather than the full membership.

27 LOCAL WORKFORCE DEVELOPMENT BOARDS. The bill strikes
28 language pertaining to the membership and duties of local
29 workforce development boards and provides new language on the
30 same subject.

31 The bill directs the department of workforce development to
32 establish and certify a local workforce development board in
33 each local workforce development area of the state to carry out
34 various functions described in the bill as well as functions
35 specified under WIOA, or the provisions establishing a core

1 program for such local workforce development area.

2 The bill provides that members of local workforce
3 development boards shall be appointed by local chief elected
4 officials in local workforce development areas based on
5 criteria established by the governor in partnership with the
6 state workforce development board. The bill establishes
7 minimum criteria for composition of local workforce development
8 boards. Minimum criteria require that a majority of members be
9 representatives of business, that not less than 20 percent of
10 members be representatives of the workforce, and that members
11 include representatives of entities administering education and
12 training activities and representatives of governmental and
13 economic and community development entities.

14 The bill excludes certain board members from requirements
15 relating to political and gender balance on the appointive
16 membership of boards. The bill provides for the election
17 of a chairperson of the board. The bill permits a board to
18 designate and direct the activities of standing committees
19 to provide information and to assist the local workforce
20 development board. Such committees must include individuals
21 who are not members of the board and may include members who
22 are members of the board.

23 The bill provides for biennial certification of a local
24 workforce development board by the department of workforce
25 development. The bill provides a decertification process for a
26 board under certain circumstances and a process for subsequent
27 appointment and certification of a new board.

28 The bill provides a detailed list of functions to be carried
29 out by local workforce development boards, including but not
30 limited to development of a comprehensive four-year local
31 workforce development plan, engaging in workforce research and
32 regional labor market analysis, developing and implementing
33 career pathways, providing oversight of various programs and
34 activities, and carrying out various other functions required
35 by WIOA. The bill provides a process for the development

1 and modification of local workforce development plans by the
2 boards.

3 The bill permits local workforce development boards to
4 provide training and career services only under certain limited
5 circumstances specified in the bill. The bill shall not be
6 construed to provide a local workforce development board with
7 the authority to mandate curricula for schools.

8 The bill prohibits local workforce development board members
9 from voting on matters that concern the provision of services
10 by the member or by an entity that the member represents or
11 that would provide direct financial benefit to the member or
12 the member's immediate family. The bill also prohibits a
13 member from engaging in any other activity determined by the
14 governor to constitute a conflict of interest as specified in
15 the state workforce development plan.

16 The bill requires that local workforce development boards,
17 in addition to complying with the state open records law, make
18 certain specified information relating to the activities of
19 the boards available to the public on a regular basis through
20 electronic means and open meetings if applicable.

21 The bill permits chief elected officials to appoint members
22 serving on local workforce development boards prior to the
23 effective date of the bill for membership on local workforce
24 development boards on and after the effective date of the bill
25 if such individuals continue to be eligible for membership
26 pursuant to the bill.

27 The bill provides that members serving on a local workforce
28 development board prior to the effective date of the bill shall
29 continue to constitute the membership of the board until a
30 meeting of the board is held at which a majority of the members
31 of the board appointed pursuant to the bill are present.

32 DUTIES OF DEPARTMENT OF WORKFORCE DEVELOPMENT. The bill
33 provides new responsibilities of the department of workforce
34 development, including responsibilities for the development and
35 oversight of industry and sector partnerships, administration

S.F. 2353

1 of the state list of eligible providers and programs under
2 WIOA, review of local workforce development plans, and the
3 provision of oversight, guidance, and technical assistance to
4 local workforce development areas.

5 EFFECTIVE DATE. The bill takes effect upon enactment.