

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Conform the State Workforce Board and Workforce Development Programs to the Federal Workforce Innovation and Opportunity Act**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §1507, sub-§5-A**, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 114, §1, is further amended to read:

**5-A. Job development training.** The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Community College System and the director of the appropriate local workforce investment area designated pursuant to the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law ~~105-220~~113-128.

**Sec. 2. 5 MRSA §1737, sub-§4**, as amended by PL 2007, c. 84, §1, is further amended to read:

**4. Directed services.** Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; specialized children's homes, as defined in Title 22, section 8101, subsection 5; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Community College System; the Maine Maritime Academy; and the State's local workforce investment areas designated under the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law ~~105-220~~113-128. The director may provide insurance services for public schools as defined in Title 20-A, section 1, subsection 24 if the provisions of subsection 2 are met. Notwithstanding subsection 2, the director may provide insurance advice for public schools.

**Sec. 3. 12 MRSA §1891-A**, as enacted by PL 2007, c. 240, Pt. NN, §2, is amended to read:

### **§ 1891-A.Participants**

The Corps shall strive to include a diversity of participants. Priority must be given to those whose family income is 150% or less of the nonfarm income official poverty line as defined by the federal Office of Management and Budget and as revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2 and to those who are low-income individuals as defined by the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, 29 United States

Code, Section ~~2801~~3102. A person is not eligible if that person has left a secondary school for the purpose of participating in the Corps. Corps members may be jointly enrolled in any state or local job training program or human resource development program.

**Sec. 4. 20-A MRSA §8601-A, sub-§14, ¶C**, as amended by PL 2013, c. 167, Pt. C, §2, is further amended to read:

C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and careers in current or emerging employment sectors, including the skills and training and work credential programs conducted under the auspices of the boards of the local workforce investment areas designated pursuant to the federal Workforce Investment Innovation and Opportunity Act of 1998, Public Law 105-220~~113-128~~, and the department.

**Sec. 5. 20-A MRSA §12542, sub-§6, ¶B**, as enacted by PL 2013, c. 417, §1, is amended to read:

B. The Department of Labor shall require that publicly funded workforce development programs, including state and local workforce investment boards and the Competitive Skills Scholarship Program established in Title 26, section 2033, include within their plans and programs efforts to promote and increase awareness of the program.

**Sec. 6. 20-A MRSA §12704, sub-§2, ¶D**, as amended by PL 2003, c. 114, §3, is further amended to read:

D. The employment and training programs funded under the federal Workforce Investment Innovation and Opportunity Act of 1998, Public Law 105-220~~113-128~~, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and

**Sec. 7. 22 MRSA §3789-D, sub-§2, ¶F**, as amended by PL 2001, c. 667, Pt. C, §13, is further amended to read:

F. One representative of the one-stop delivery system established under the federal Workforce Investment Innovation and Opportunity Act of 1998, 29 United States Code, Section 2841~~3151~~; and

**Sec. 8. 26 MRSA §1192, sub-§6-E**, as enacted by PL 1999, c. 705, §1, is amended to read:

**6-E. Prohibition against disqualification of individuals in approved training under federal Workforce Innovation and Opportunity Act.** Notwithstanding any other provision of this chapter, unless inconsistent with federal law, the acceptance of training opportunities available through the federal Workforce Investment Innovation and Opportunity Act of 1998, 2029 United States Code, Sections 9201~~3101~~ to ~~9276~~~~(1998)~~3361 is deemed to be acceptance of training with the approval of the State within the meaning of any other provision of federal or state law relating to unemployment benefits.

**Sec. 9. 26 MRSA §1198, sub-§2, ¶J**, as enacted by PL 2013, c. 448, §3, is amended to read:

J. The eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law 105-220, 112 Stat. 936~~113-128~~, to enhance job skills if such training has been approved by the commissioner.

**Sec. 10. 26 MRSA §1401-A, sub-§2, ¶I**, as enacted by PL 2013, c. 467, §4, is amended to read:

I. The State Workforce ~~Investment~~ Board.

**Sec. 11. 26 MRSA §2001, sub-§§4 and 5**, as enacted by PL 2003, c. 114, §5, are amended to read:

**4. Local area and local board.** "Local area" and "local board" have the same meanings as provided in the Workforce ~~Investment~~Innovation and Opportunity Act.

**5. Workforce Innovation and Opportunity Act.** "Workforce ~~Investment~~Innovation and Opportunity Act" means the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law 105-220~~113-128~~.

**Sec. 12. 26 MRSA §2003**, as amended by PL 2003, c. 114, §7, is further amended to read:

### **§ 2003. Authority of commissioner**

The commissioner may enter into agreements with agencies of the Federal Government, State Government or county government as required for the purpose of implementing the Workforce ~~Investment~~Innovation and Opportunity Act.

**Sec. 13. 26 MRSA §2004-A**, as amended by PL 2011, c. 627, §§1 and 2, is further amended to read:

### **§ 2004-A. Authority of Legislature**

The Legislature has general authority to oversee implementation of the Workforce ~~Investment~~Innovation and Opportunity Act, including, but not limited to, authority to:

**1. Review plans.** Review plans, policies and standards proposed by a local board, the State Workforce ~~Investment~~ Board, the Governor or any other agency under the Workforce ~~Investment~~Innovation and Opportunity Act before final approval by the responsible entity;

**2. Review evaluations.** Review the procedures and findings of evaluations of the effectiveness of the State's implementation of the Workforce ~~Investment~~Innovation and Opportunity Act; and

**3. Receive reports.** Receive reports prepared by the State Workforce ~~Investment~~ Board, a local board, the Governor or any agency in connection with implementation of the Workforce ~~Investment~~Innovation and Opportunity Act, including the report required by section ~~3101~~3101-A.

**Sec. 14. 26 MRSA §2006, sub-§1**, as amended by PL 2011, c. 627, §3, is further amended to read:

**1. Responsibilities.** The State Workforce ~~Investment~~ Board, referred to in this section as "the board," is established to ensure that the State's workforce development system helps Maine people and businesses compete successfully in the global economy. Specific responsibilities include but are not limited to:

A. Performing all of the duties and responsibilities of the state board as defined in the Workforce ~~Investment~~Innovation and Opportunity Act, ~~29 United States Code, Section 2801, including, but not limited to, the duties and responsibilities set forth in subsection 5-D;~~

B. Recommending to the Governor a state workforce development plan designed to maximize utilization and effectiveness of state workforce development services;

C. Monitoring agency and system-wide strategic goals based on the statewide workforce development policy and strategic plan and evaluating progress toward meeting those goals;

D. Providing recommendations to the Governor and the Legislature that would improve system effectiveness and reduce system fragmentation;

E. Creating greater coordination between economic development and human resource development and education programs;

F. Ensuring a balance between rural and urban workforce development;

G. Providing policy oversight and recommendations to ensure the effectiveness of vocational programs for people with disabilities in order to support efforts that reduce barriers to employment;

H. Providing policy oversight and recommendations to ensure that self-employment, microenterprise and small business are part of the overall workforce development strategy;

I. Providing policy recommendations to ensure the effectiveness of work-related programs and services for youth, including youth with disabilities; and

J. Providing policy recommendations to ensure the effectiveness of work-related programs and services for "at-risk" youth.

**Sec. 15. 26 MRSA §2006, sub-§2**, as amended by PL 2011, c. 627, §3, is further amended to read:

**2. Membership.** The board consists of members appointed by the Governor.

B. Appointments must be consistent with the representation requirements of the Workforce ~~Investment~~Innovation and Opportunity Act, including representatives from business and industry, organized labor, state agencies responsible for human resource programs and educational and community-based institutions.

The Governor shall ensure that the board ~~and the Program Policy Committee under subsection 7~~ have sufficient expertise to effectively carry out the duties and functions of the board.

**Sec. 16. 26 MRSA §2006, sub-§4**, as amended by PL 2011, c. 627, §3, is further amended to read:

**4. Chair and vice-chair.** The Governor shall appoint a chair from the members of the board who represent business and industry and a vice-chair from the membership of the board to serve for a one-year term. The Governor may reappoint members to serve as chair or vice-chair.

**Sec. 17. 26 MRSA §2006, sub-§5-B, ¶C**, as amended by PL 2011, c. 627, §3, is further amended to read:

C. The standing committee shall submit an annual report directly to the Governor and the Legislature not later than ~~September~~January 1st of each year concerning its work, recommendations and interest of the previous fiscal year and future plans. The standing committee shall make any interim reports it considers advisable.

**Sec. 18. 26 MRSA §2006, sub-§5-D**, as amended by PL 2011, c. 627, §3, is further amended to read:

**5-D. Workforce development.** In addition to its other duties, the board shall perform the ~~duties~~functions of the state board ~~under~~as specified in Section 101(d) in the Workforce InvestmentInnovation and Opportunity Act, referred to in this subsection as "the Act."

A. ~~The board shall assist the Governor in:~~

~~(1) Developing and continuously improving a statewide system of activities funded under the Act or carried out through a one-stop delivery system described in Section 134(c) of the Act including review of local plans and development of linkages to ensure coordination and nonduplication among the programs and activities with required and optional partners described in Section 121(b) of the Act;~~

~~(2) Designating local areas as required in Section 116 of the Act;~~

~~(3) Developing allocation formulas for the distribution to local areas of funds for youth activities and adult employment and training activities as allowed under Sections 133(b)(3)(B) and 128(b)(3)(B) of the Act;~~

~~(4) Developing and continuously improving comprehensive state performance measures including state-adjusted levels of performance to assess the effectiveness of the workforce investment activities of the State as required under Section 136(b) of the Act;~~

~~(5) Developing an application for an incentive grant under Section 503 of the Act;~~

~~(6) Preparing an annual report to the United States Secretary of Labor as described in Section 136(d) of the Act;~~

~~(7) Evaluating measures taken pursuant to Section 113(b)(14) of the federal Carl D. Perkins Vocational and Applied Technology Education Act, 20 United States Code, Section 2323(b)(14); and~~

~~(8) Developing the statewide statistics system described in Section 15(e) of the federal Wagner-Peyser Act, 29 United States Code, Section 491-2(e).~~

B. The board has the necessary authority to carry out the purposes of this section.

C. The commissioner may appoint employees necessary to carry out the board's responsibility functions under this subsection.

D. The commissioner may adopt routine technical rules, in accordance with Title 5, chapter 375, subchapter 2-A necessary to carry out the board's responsibility functions under this subsection.

**Sec. 19. 26 MRSA §2006, sub-§7, ¶A**, as repealed and replaced by PL 2013, c. 467, §7, is amended to read:

A. The board shall create 6 standing committees. The standing committees shall make recommendations to the full board. The 6 standing committees are as follows:

(1) Younger workers;

(2) Commission on Disability and Employment;

(3) Women's employment issues;

(4) Older workers;

(5) Veterans employment; and

(6) The Program PolicyPartners Committee. Organizations with representation on the Program PolicyPartners Committee may include, but are not limited to, organizations that conduct programs or activities as specified in Section 121(b)(1)(B) of the Workforce Innovation and Opportunity Act.

**Sec. 20. 26 MRSA §2007**, as enacted by PL 2003, c. 114, §14, is amended to read:

## § 2007.Funding

Funds received from the United States pursuant to the Workforce ~~Investment~~Innovation and Opportunity Act must be deposited in the Employment Services Activity program account within the Department of Labor. Funds must be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other federal funds in the State Treasury. The commissioner shall ensure that management and use of the federal funds comply with the requirements of the Workforce ~~Investment~~Innovation and Opportunity Act. Federal funds in the account do not lapse but must be carried forward to be used to implement the Workforce ~~Investment~~Innovation and Opportunity Act.

**Sec. 21. 26 MRSA §2023, sub-§1, ¶C**, as amended by PL 2003, c. 114, §15, is further amended to read:

C. Travel payments according to the policies established by the service providers under the Workforce ~~Investment~~Innovation and Opportunity Act;

**Sec. 22. 26 MRSA §2033, sub-§4, ¶A**, as amended by PL 2011, c. 627, §4, is further amended to read:

A. The education or training provided through the program must be for employment in industries with significant demand for skilled labor that have been:

- (1) Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;
- (2) Recommended by the State Workforce ~~Investment~~ Board; and
- (3) Approved by the Governor or the Governor's designee.

**Sec. 23. 26 MRSA §2171-A, sub-§1**, as enacted by PL 2003, c. 114, §19, is amended to read:

**1. Workforce Innovation and Opportunity Act.** The state program under the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law ~~105-220~~113-128; and

**Sec. 24. 26 MRSA §3101**, as enacted by PL 2001, c. 366, §1, is repealed.

**Sec. 25. 26 MRSA §3101-A** is enacted to read:

### **§ 3101-A. Report required**

The Department of Labor by September 1st annually shall provide to the joint standing committee of the Legislature having jurisdiction over labor matters the same expenditures and outcomes report provided to the United States Department of Labor for the programs operated under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, and as required by that act.

**Sec. 26. 26 MRSA §3209, sub-§1, ¶B**, as enacted by PL 2011, c. 491, §13, is amended to read:

B. Four nonvoting members of the council are appointed by their respective agencies as follows:

(1) One representative of the ~~Maine Jobs Council~~State Workforce Board established in section 2006, appointed by the chair of the ~~Maine Jobs Council~~State Workforce Board;

(2) One representative of the Maine Community College System, appointed by the President of the Maine Community College System;

(3) One representative of the Department of Education, appointed by the Commissioner of Education; and

(4) One representative of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development.

**Sec. 27. 26 MRSA §3209, sub-§4, ¶C**, as enacted by PL 2011, c. 491, §13, is amended to read:

C. Representing the Maine Apprenticeship Program to the ~~Maine Jobs Council~~State Workforce Board established in section 2006;

**Sec. 28. 26 MRSA §3302, sub-§§3 and 4**, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, are amended to read:

**3. Educational programs.** "Educational programs" means the State's elementary and secondary schools, career and technical education centers, adult education programs, the Maine Community College System, the Maine Maritime Academy and the University of Maine System and other training providers that have been approved to provide training by the Department of Labor under the federal Workforce Innovation and Opportunity Act, Public Law 113-128.

**4. High-priority occupations.** "High-priority occupations" means those occupations that have a significant presence in an industry cluster, are in demand by employers, pay a livable wage or have a documented career ladder identified on a list published annually by the Center for Workforce Research and Information pursuant to section 3303, subsection 5.

**Sec. 29. 26 MRSA §3303, sub-§1**, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

**1. Specific industry clusters.** The collaborative shall work with businesses, industry associations and organizations, workforce and economic development agencies, the State Workforce ~~Investment~~ Board established in section 2006 and the boards of the local workforce investment areas designated pursuant to the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law 105-220113-128 and economic development entities to define specific industry clusters based on the following criteria:

A. Statistics showing the competitiveness of an industry cluster;

- B. Importance to the State's or a region's economic development;
- C. Identification of supply and distribution chains within an industry;
- D. Research studies on industry clusters; and
- E. Existing industry partnerships such as those of the health care workforce and associations of manufacturers.

**Sec. 30. 26 MRSA §3303, sub-§5**, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

**5. High-priority occupations list.** ~~The collaborative~~Center for Workforce Research and Information annually shall develop and make available to the public on a yearly basis ~~publish~~ a list of statewide and regional high-priority occupations critical to the success of the targeted industry clusters., which are those occupations that have been:

- A. Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;
- B. Recommended by the State Workforce Board; and
- C. Approved by the Governor or the Governor's designee.

**Sec. 31. 26 MRSA §3304, sub-§1, ¶G**, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

G. Inform and collaborate with the career and technical education centers, the boards of the local workforce investment areas designated pursuant to the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law ~~105-220~~113-128, youth councils, business-education partnerships, secondary and postsecondary educational institutions, parents and career counselors for the purpose of addressing the challenges of connecting disadvantaged adults and youth to careers;

**Sec. 32. 26 MRSA §3304, sub-§2, ¶B**, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

B. Create an industry partnership to advise the collaborative, the State Workforce ~~Investment~~ Board established in section 2006 and the boards of the local workforce investment areas designated pursuant to the federal Workforce ~~Investment~~Innovation and Opportunity Act of 1998, Public Law ~~105-220~~113-128 on aligning state policies and leveraging resources across systems, including workforce development, education and economic development;

**Sec. 33. 26 MRSA §3305, sub-§2, ¶D**, as amended by PL 2015, c. 156, §1, is further amended to read:

D. A procedure for establishing eligibility requirements. At a minimum, this procedure must include the following:

- (1) Involvement of the local workforce ~~investment~~ board;
- (2) Participation of at least 4 employers, with at least 2 employers representing businesses with fewer than 50 employees;
- (3) Participation of employees and, where applicable, labor representatives;
- (4) Private sector matching funding of at least 25%, except that businesses with fewer than 25 employees may be exempted from this matching funding requirement at the discretion of the collaborative; and
- (5) Commitment to participate in the performance improvement and evaluation system established pursuant to section 3307.

**Sec. 34. 35-A MRSA §10104, sub-§9**, as amended by PL 2011, c. 627, §5, is further amended to read:

**9. Coordination with other entities.** Consistent with the requirements of this chapter and other applicable laws, the board shall coordinate with the activities and programs of state agencies and authorities that relate to the purposes of this chapter in order to align such activities and programs with the plans and programs of the trust. For purposes of this subsection, activities and programs of state agencies and authorities that relate to the purposes of this chapter include but are not limited to energy efficiency programs relating to state facilities administered by the Department of Administrative and Financial Services, Bureau of General Services, the adoption, amendment and maintenance of the Maine Uniform Building and Energy Code by the Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A within the Department of Public Safety, energy efficiency or green energy workforce development activities of the Department of Labor or the State Workforce ~~Investment~~ Board and energy efficiency and weatherization programs ~~administrated~~administered by the Maine State Housing Authority.

**Sec. 35. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 35, in the chapter headnote, the words "federal workforce investment act of 1998" are amended to read "federal workforce innovation and opportunity act" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## SUMMARY

This bill replaces all references to the federal Workforce Investment Act of 1998 with the federal reauthorization of that act, the Workforce Innovation and Opportunity Act, and changes the name of the State Workforce Investment Board to the State Workforce Board. The bill updates the duties and responsibilities of the State Workforce Board to conform to those articulated in the Workforce Innovation and Opportunity Act. It changes the reporting requirements to the Legislature to ensure the Legislature receives the same outcome measurements and expenditure information as is reported to the Federal

Government under the Workforce Innovation and Opportunity Act. Finally, it requires the Center for Workforce Research and Information within the Department of Labor to publish annually a list of high-priority occupations that meet certain specified criteria, which is the same process used to create the list of high-wage, in-demand jobs produced by the Center for Workforce Research and Information and used by the Competitive Skills Scholarship Program.