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# A BILL FOR AN ACT

RELATING TO WORKFORCE DEVELOPMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that state workforce  
2 development boards assist governors by reviewing statewide  
3 policies and programs and making recommendations to align  
4 workforce, education, training, and employment funding programs  
5 in a manner that supports a comprehensive and streamlined  
6 workforce development system. As part of the statewide review  
7 function in assisting the governors, the federal Workforce  
8 Innovation and Opportunity Act and related regulations outline  
9 requirements regarding conflicts of interest for recipients and  
10 subrecipients of federal awards as well as for state and local  
11 workforce development board and standing committee members.

12           The legislature further finds that Act 88, Session Laws of  
13 Hawaii 2021, also known as the General Appropriations Act of  
14 2021, eliminated the program identification number for the  
15 Hawaii workforce development council and transferred its  
16 appropriation and positions to the workforce development  
17 division of the department of labor and industrial relations.



1           The legislature also finds that reports on the activities  
2 of the K-12 agriculture workforce development pipeline  
3 initiative are no longer needed and that the requirement should  
4 be repealed from section 371-21, Hawaii Revised Statutes.

5           The purpose of this Act is to amend the Hawaii workforce  
6 development council law to be consistent with the state budget  
7 as enacted in Act 88, Session Laws of Hawaii 2021, and to  
8 conform the state workforce development board statute to the  
9 nomenclature and conflict of interest provisions found in the  
10 Workforce Innovation and Opportunity Act and related regulations  
11 in the Code of Federal Regulations.

12           SECTION 2. Chapter 202, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§202-       **Conflict of interest.** (a) The Hawaii workforce  
16 development board and local workforce development boards shall  
17 develop written conflict of interest policies consistent with  
18 the federal Workforce Innovation and Opportunity Act of 2014,  
19 P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)), title 2 Code of  
20 Federal Regulations parts 200 and 2900, title 20 Code of Federal



1 Regulations parts 679 and 683, and title 29 Code of Federal  
2 Regulations section 97.36, as amended, and chapter 84.

3 (b) Separate from and in addition to any standards of  
4 conduct set forth in chapter 84, a member or standing committee  
5 member of the Hawaii workforce development board or a member or  
6 standing committee member of a local workforce development board  
7 shall not:

8 (1) Vote on or participate in a discussion about a matter  
9 under consideration by the board or standing  
10 committee:

11 (A) Regarding the provision of services by the  
12 member, or by an entity the member represents; or

13 (B) That would provide direct financial benefit to  
14 the member or the member's immediate family; or

15 (2) Engage in any other activity determined by the  
16 governor to constitute a conflict of interest under  
17 the federal Workforce Innovation and Opportunity Act  
18 of 2014, P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)),  
19 title 2 Code of Federal Regulations parts 200 and  
20 2900, title 20 Code of Federal Regulations parts 679



1 and 683, and title 29 Code of Federal Regulations  
2 section 97.36, as amended."

3 SECTION 3. Chapter 202, Hawaii Revised Statutes, is  
4 amended by amending its title to read as follows:

5 "CHAPTER 202

6 HAWAII WORKFORCE DEVELOPMENT [~~COUNCIL~~] BOARD"

7 SECTION 4. Section 202-1, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "~~§202-1 [Council;]~~ Hawaii workforce development board;

10 appointment; tenure. [~~+~~] (a) [~~]~~ ~~The advisory commission on~~  
11 ~~employment and human resources is hereby constituted as the~~  
12 ~~workforce development council. The council]~~ There shall be  
13 established the Hawaii workforce development board that shall be  
14 placed within the department of labor and industrial relations  
15 for administrative purposes and shall [also] fulfill the  
16 functions of the state workforce development board for purposes  
17 of the federal Workforce Innovation and Opportunity Act of 2014,  
18 P.L. No. 113-128[+] (29 U.S.C. 3101 et seq.).

19 (b) Except for the ex officio members or their designees,  
20 the [~~council~~] board members shall be appointed by the governor  
21 for four-year staggered terms as provided for in section 26-34.



1 The governor shall [~~appoint~~] select the chairperson of the  
2 [~~council~~] board from among the private sector members set forth  
3 in paragraph (4). The [~~council~~] board shall be constituted as  
4 provided by the federal Workforce Innovation and Opportunity Act  
5 of 2014, P.L. 113-128 (29 U.S.C. 3111), of the following  
6 members:

- 7 (1) The directors of labor and industrial relations and  
8 business, economic development, and tourism; the  
9 superintendent of education; and the president of the  
10 [~~University~~] university of Hawaii or their designees,  
11 as ex officio, voting members;
- 12 (2) The administrator of the division of vocational  
13 rehabilitation, department of human services, as an ex  
14 officio, voting member;
- 15 (3) The private sector chairpersons of the four [~~county~~]  
16 local workforce development boards, or their designees  
17 from the private sector membership of their respective  
18 boards, as ex officio, voting members;
- 19 (4) Seventeen representatives from the private sector,  
20 including nonprofit organizations and businesses in  
21 the State, appointed from individuals nominated by



1 state business organizations and business trade  
2 associations;

3 (5) Eight representatives from labor organizations and  
4 workforce training organizations, two or more of whom  
5 shall be representatives of labor organizations who  
6 have been nominated by state labor federations, and  
7 one of whom shall be a labor representative from a  
8 community-based native Hawaiian organization that  
9 operates workforce development programs;

10 (6) A member of each house of the legislature, for two-  
11 year terms beginning in January of odd-numbered years,  
12 appointed by the appropriate presiding officer of each  
13 house, as ex officio, voting members;

14 (7) The four mayors or their designees, as ex officio,  
15 voting members; and

16 (8) The governor or the governor's designee.

17 ~~[+](c) [+Council]~~ Board members shall serve without  
18 compensation but shall be reimbursed for travel expenses  
19 necessary for the performance of their duties.

20 ~~[+(d)] From June 6, 2016, and until such time that the~~  
21 ~~council has forty one members, sixteen council members shall~~



1 ~~constitute a quorum to do business, and the concurrence of at~~  
2 ~~least sixteen council members shall be necessary to make any~~  
3 ~~action of the council valid.~~

4 ~~[(e)]~~ (d) All [~~council~~] board members may continue to  
5 serve on the [~~council~~] board until their respective successors  
6 have been appointed. A person appointed to fill a vacancy shall  
7 serve the remainder of the term of the person's predecessor."

8 SECTION 5. Section 202-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§202-2 Duties of [~~council~~] board.** In accordance with  
11 P.L. 113-128 (29 U.S.C. section 3111), the Hawaii workforce  
12 development [~~council~~] board shall assist the governor in:

13 (1) The development, implementation, and modification of  
14 the state plan consistent with the federal Workforce  
15 Innovation and Opportunity Act of 2014, P.L. 113-128  
16 (29 U.S.C. section 3112);

17 (2) The review of statewide policies, statewide programs,  
18 and recommendations on actions that should be taken by  
19 the State to align workforce development programs in a  
20 manner that supports a comprehensive and streamlined  
21 workforce development system in the State, including



1 consideration of programs and activities of one-stop  
2 partners that are not core programs;

3 (3) Coordination of the local workforce development boards  
4 to maximize and continue to improve the quality of  
5 services and develop a comprehensive and high-quality  
6 workforce development system;

7 [~~3~~] (4) The development and continuous improvement of the  
8 workforce development system in the State;

9 [~~4~~] (5) The development and updating of comprehensive  
10 state performance accountability measures, including  
11 state adjusted levels of performance, to assess the  
12 effectiveness of the core programs in the State as  
13 required under the federal Workforce Innovation and  
14 Opportunity Act of 2014, P.L. 113-128 (29 U.S.C.  
15 section 3141(b));

16 [~~5~~] (6) The identification and dissemination of  
17 information on best practices for the effective  
18 operation of one-stop centers, and the development of  
19 effective local boards and effective training  
20 programs;



1       ~~[(6)]~~ (7) The development and review of statewide policies  
2                   affecting the coordinated provision of services  
3                   through the State's one-stop delivery system;

4       ~~[(7)]~~ (8) The development of strategies for technological  
5                   improvements to facilitate access to, and improve the  
6                   quality of, services and activities provided through  
7                   the one-stop delivery system;

8       ~~[(8)]~~ (9) The development of strategies for aligning  
9                   technology and data systems across one-stop partner  
10                  programs to enhance service delivery and improve  
11                  efficiencies in reporting on performance  
12                  accountability measures, including the design and  
13                  implementation of common intake, data collection, case  
14                  management information, and performance accountability  
15                  measurement and reporting processes, and the  
16                  incorporation of local input into the design and  
17                  implementation, to improve coordination of services  
18                  across one-stop partner programs;

19       ~~[(9)]~~ (10) The development of allocation formulas for the  
20                  distribution of funds for employment and training  
21                  activities for adults, and youth workforce investment



1 activities, to local areas as permitted under the  
2 federal Workforce Innovation and Opportunity Act of  
3 2014, P.L. 113-128 (29 U.S.C. sections 3163(b) (3) [7]  
4 and 3173(b) (3));

5 [~~(10)~~] (11) The preparation of annual reports as described  
6 in the federal Workforce Innovation and Opportunity  
7 Act of 2014, P.L. 113-128 (29 U.S.C. section 3141(d));

8 [~~(11)~~] (12) The development of the statewide workforce and  
9 labor market information system described in the  
10 Wagner-Peyser Act (29 U.S.C. section 491-2(e));

11 [~~(12)~~] (13) The development of other policies as may promote  
12 statewide objectives for, and enhance the performance  
13 of, the workforce development system;

14 [~~(13)~~] (14) Creating public awareness and understanding of  
15 the State's workforce development plans, policies,  
16 programs, and activities, and promoting the plans,  
17 policies, programs, and activities as economic  
18 investments;

19 [~~(14)~~] (15) Submitting annual reports of the [~~council's~~]  
20 board's activities and recommendations to the governor  
21 and [~~the~~] legislature, and posting the annual reports



1 electronically on the [~~council's~~] board's website no  
2 later than twenty days before the convening of each  
3 regular session. Annual reports shall include:

4 (A) The status of the comprehensive state plan for  
5 workforce development; and

6 (B) Information regarding the workforce development  
7 programs offered throughout the State, the number  
8 of individuals placed in high-demand or high-  
9 growth employment through workforce development  
10 programs by departments, the type or category of  
11 employment garnered, and allocations of state,  
12 federal, and other funding to achieve placements  
13 into higher-skilled jobs;

14 [~~(15)~~] (16) Evaluating the state workforce development plan  
15 in terms of how its purposes, goals, and objectives  
16 have been carried out throughout the State;

17 [~~(16)~~] (17) Providing technical assistance to local  
18 workforce development boards and other similar  
19 organizations;



1       ~~[(17)]~~ (18) Carrying out required functions and duties  
2                   related to workforce development of any advisory body  
3                   required or made optional by federal legislation;

4       ~~[(18)]~~ (19) The review and certification of local workforce  
5                   development boards and plans prepared by local  
6                   workforce development boards for the use of federal  
7                   workforce development funds as provided in the federal  
8                   Workforce Innovation and Opportunity Act of 2014, P.L.  
9                   113-128 (29 U.S.C. section 3122(b) ~~[-(e)]~~ and (c));  
10                  and

11       ~~[(19)]~~ (20) Commenting on the measures taken pursuant to  
12                   section 122(c)(17) of the Carl D. Perkins Career and  
13                   Technical Education Act of 2006, P.L. 109-270."

14       SECTION 6. Section 202-3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "**§202-3 Powers of ~~[council.]~~ board.** (a) The Hawaii  
17 workforce development ~~[council]~~ board shall appoint and fix the  
18 compensation of an executive director, who shall be exempt from  
19 ~~[chapter] chapters 76[, and may employ any other personnel as it~~  
20 ~~deems advisable within chapter 76.]~~ and 89.



1       ~~[(b) The council, or on the authorization of the council,~~  
2 ~~any subcommittee or panel thereof, may, for the purpose of~~  
3 ~~carrying out its functions and duties, hold such hearings and~~  
4 ~~sit and act at such times and places as the council may deem~~  
5 ~~advisable.~~

6       ~~(c) The council may negotiate and enter into contracts~~  
7 ~~with public agencies or private organizations to carry out its~~  
8 ~~studies and to prepare reports that the council determines to be~~  
9 ~~necessary to the fulfillment of its duties.~~

10       ~~(d)~~ (b) The [council] board may secure through the  
11 governor's office[7] any information from any executive  
12 department, agency, or independent instrumentality of the State  
13 it deems necessary to carry out its functions.

14       ~~(e)~~ (c) The [council] board may convene [such] public  
15 conferences and forums as it deems useful to keep the public  
16 informed of workforce development needs, developments, and  
17 initiatives.

18       ~~(f) The council may administer funds allocated for its~~  
19 ~~work and may accept, disburse, and allocate funds which may~~  
20 ~~become available from other governmental and private sources,~~  
21 ~~provided that all the funds shall be disbursed or allocated in~~



1 ~~compliance with the objectives set forth herein, and applicable~~  
2 ~~laws.]"~~

3 SECTION 7. Section 304A-303, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) There [~~is~~] shall be established a career and  
6 technical education coordinating advisory council, which shall  
7 serve in an advisory capacity to the board of regents. The  
8 council shall consist of eleven members, nine appointed and two  
9 ex officio[+], [+] voting members. Of the nine appointed  
10 members:

11 (1) Three shall be appointed from the board of regents by  
12 the chairperson of that body;

13 (2) Three shall be appointed from the board of education  
14 by the chairperson of that body; and

15 (3) Three shall be appointed from the Hawaii workforce  
16 development [~~council~~] board by that [~~council~~] board.

17 Of the three members appointed from the Hawaii workforce  
18 development [~~council~~] board, one member shall represent  
19 management, one member shall represent labor, and [~~the third~~]  
20 one member shall represent the public. Of the two ex officio



1 members, one shall be the president of the university and [~~the~~  
2 ~~other~~] one member shall be the superintendent of education."

3 SECTION 8. Section 371-21, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~[§371-21]~~ **K-12 agriculture workforce development**  
6 **pipeline initiative.** (a) There shall be created in the  
7 department a [~~K-12~~] K-12 agriculture workforce development  
8 pipeline initiative to conduct training sessions for teachers  
9 and school administrators on the islands of Oahu, Hawaii, Maui,  
10 Molokai, Lanai, and Kauai[~~7~~] regarding agricultural self-  
11 sufficiency.

12 (b) The [~~K-12~~] K-12 agriculture workforce development  
13 pipeline initiative shall be headed by a coordinator who shall  
14 be appointed by the director, subject to chapter 76, to carry  
15 out the purposes of this section, which may include developing  
16 and proposing scholarships, travel offsets, course credits, and  
17 stipends. The coordinator may hire, subject to chapter 76,  
18 necessary staff, including a workforce development specialist,  
19 to carry out the purposes of this section.



1 (c) Course material for the training sessions under  
2 subsection (a) shall be approved by the Hawaii agriculture  
3 workforce advisory board established pursuant to section 371-19.

4 ~~[(d) The department shall submit annual reports to the  
5 legislature on the activities of the k-12 agriculture workforce  
6 development pipeline initiative.]~~"

7 SECTION 9. Sections 201-16, 202-10, 304A-1143, 304A-3252,  
8 373C-23, and 394-5, Hawaii Revised Statutes, are amended by  
9 substituting the words "Hawaii workforce development board"  
10 wherever the words "workforce development council" appear, as  
11 the context requires.

12 SECTION 10. Section 202-4, Hawaii Revised Statutes, is  
13 amended by substituting the word "board" wherever the word  
14 "council" appears and substituting the words "Hawaii workforce  
15 development board" wherever the words "workforce development  
16 council" appear, as the context requires.

17 SECTION 11. Section 348-8, Hawaii Revised Statutes, is  
18 amended by substituting the words "Hawaii workforce development  
19 board" wherever the words "state workforce development council"  
20 appear, as the context requires.



1 SECTION 12. Section 202-5, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§202-5 Organizational relationships. The workforce  
4 development council is placed within the department of labor and  
5 industrial relations for administrative purposes and shall act  
6 in an advisory capacity to the governor."~~]

7 SECTION 13. All rules, policies, procedures, guidelines,  
8 and other material adopted or developed by the workforce  
9 development council to implement provisions of the Hawaii  
10 Revised Statutes that are reenacted or made applicable to the  
11 department of labor and industrial relations by this Act shall  
12 remain in full force and effect until amended or repealed by the  
13 department of labor and industrial relations pursuant to chapter  
14 91, Hawaii Revised Statutes, as appropriate. In the interim,  
15 every reference to the workforce development council in those  
16 rules, policies, procedures, guidelines, and other material  
17 shall be amended to refer to the department of labor and  
18 industrial relations, as appropriate.

19 SECTION 14. All deeds, leases, contracts, loans,  
20 agreements, permits, or other documents executed or entered into  
21 by or on behalf of the workforce development council, pursuant



1 to the provisions of the Hawaii Revised Statutes, that are  
2 reenacted or made applicable to the department of labor and  
3 industrial relations by this Act shall remain in full force and  
4 effect. Upon the effective date of this Act, every reference to  
5 the workforce development council or the executive director of  
6 the workforce development council in those deeds, leases,  
7 contracts, loans, agreements, permits, or other documents shall  
8 be construed as a reference to the department of labor and  
9 industrial relations, as appropriate.

10 SECTION 15. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 16. This Act shall take effect on July 1, 3000.



**Report Title:**

DLIR; Hawaii Workforce Development Council; Conflict of Interest; Chairperson of Board; K-12 Agriculture Workforce Development Pipeline Initiative

**Description:**

Amends the Hawaii Workforce Development Council law to be consistent with the General Appropriations Act of 2021. Renames "Hawaii Workforce Development Council" to "Hawaii Workforce Development Board". Requires the Hawaii Workforce Development Board and local workforce development boards to develop written conflict of interest policies. Amends provisions related to the selection of the Chairperson, duties, and powers of the Hawaii Workforce Development Board. Repeals the requirement for the Department of Labor and Industrial Relations to submit an annual report to the Legislature on the activities of the K-12 Agriculture Workforce Development Pipeline Initiative. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

