
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4 be repealed from section 371-21, Hawaii Revised Statutes.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~~] are appointed. A person appointed to fill a vacancy
7 shall serve the remainder of the term of the person's
8 predecessor."

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

11 "**\$202-2 Duties of [~~council~~] board.** In accordance with
12 the federal Workforce Innovation and Opportunity Act of 2014,
13 P.L. 113-128 (29 U.S.C. [~~section~~] 3111), the Hawaii workforce
14 development [~~council~~] board shall assist the governor in:

15 (1) The development, implementation, and modification of
16 the state plan consistent with the federal Workforce
17 Innovation and Opportunity Act of 2014, P.L. 113-128
18 (29 U.S.C. [~~section~~] 3112);

19 (2) The review of statewide policies, statewide programs,
20 and recommendations on actions that should be taken by
21 the State to align workforce development programs in a



1 manner that supports a comprehensive and streamlined
2 workforce development system in the State, including
3 consideration of programs and activities of one-stop
4 partners that are not core programs;

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

9 ~~[(3)]~~ (4) The development and continuous improvement of the
10 workforce development system in the State;

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

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



1 effective local boards and effective training
2 programs;

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

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

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



- 1 ~~[(9)]~~ (10) The development of allocation formulas for the
2 distribution of funds for employment and training
3 activities for adults, and youth workforce investment
4 activities, to local areas as permitted under the
5 federal Workforce Innovation and Opportunity Act of
6 2014, P.L. 113-128 (29 U.S.C. [sections] 3163(b)(3) [7]
7 and 3173(b)(3));
- 8 ~~[(10)]~~ (11) The preparation of annual reports as described
9 in the federal Workforce Innovation and Opportunity
10 Act of 2014, P.L. 113-128 (29 U.S.C. [section]
11 3141(d));
- 12 ~~[(11)]~~ (12) The development of the statewide workforce and
13 labor market information system described in the
14 Wagner-Peyser Act (29 U.S.C. [section] 491-2(e));
- 15 ~~[(12)]~~ (13) The development of other policies as may promote
16 statewide objectives for, and enhance the performance
17 of, the workforce development system;
- 18 ~~[(13)]~~ (14) Creating public awareness and understanding of
19 the State's workforce development plans, policies,
20 programs, and activities, and promoting the plans,



1 policies, programs, and activities as economic
2 investments;

3 ~~(14)~~ (15) Submitting annual reports of the ~~council's~~
4 board's activities and recommendations to the governor
5 and ~~the~~ legislature, and posting the annual reports
6 electronically on the ~~council's~~ board's website no
7 later than twenty days before the convening of each
8 regular session. Annual reports shall include:

9 (A) The status of the comprehensive state plan for
10 workforce development; and

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

19 ~~(15)~~ (16) Evaluating the state workforce development plan
20 in terms of how ~~its~~ the plan's purposes, goals, and
21 objectives have been carried out throughout the State;



1 ~~(16)~~ (17) Providing technical assistance to local
2 workforce development boards and other similar
3 organizations;

4 ~~(17)~~ (18) Carrying out required functions and duties
5 related to workforce development of any advisory body
6 required or made optional by federal legislation;

7 ~~(18)~~ (19) The review and certification of local workforce
8 development boards and plans prepared by local
9 workforce development boards for the use of federal
10 workforce development funds as provided in the federal
11 Workforce Innovation and Opportunity Act of 2014, P.L.
12 113-128 (29 U.S.C. ~~[section]~~ 3122(b) ~~[-(e)]~~ and (c));
13 and

14 ~~(19)~~ (20) Commenting on the measures taken pursuant to
15 section 122(c)(17) of the Carl D. Perkins Career and
16 Technical Education Act of 2006, P.L. 109-270."

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

19 "**§202-3 Powers of ~~[council]~~ board.** (a) The Hawaii
20 workforce development ~~[council]~~ board shall appoint and fix the
21 compensation of an executive director, who shall be exempt from



1 [~~chapter~~] chapters 76[, ~~and may employ any other personnel as it~~
2 ~~deems advisable within chapter 76.~~] and 89.

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

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

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

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



1 ~~[(f) The council may administer funds allocated for its~~
2 ~~work and may accept, disburse, and allocate funds which may~~
3 ~~become available from other governmental and private sources,~~
4 ~~provided that all the funds shall be disbursed or allocated in~~
5 ~~compliance with the objectives set forth herein, and applicable~~
6 ~~laws.]"~~

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

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

- 15 (1) Three shall be appointed from the board of regents by
16 the chairperson of that body;
- 17 (2) Three shall be appointed from the board of education
18 by the chairperson of that body; and
- 19 (3) Three shall be appointed from the Hawaii workforce
20 development ~~[ecouncil]~~ board by that ~~[ecouncil.]~~ board.



1 Of the three members appointed from the Hawaii workforce
2 development [~~council,~~] board, one member shall represent
3 management, one member shall represent labor, and [~~the third~~]
4 one member shall represent the public. Of the two ex officio
5 members, one shall be the president of the university and [~~the~~
6 ~~other~~] one member shall be the superintendent of education."

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

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

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



1 necessary staff, including a workforce development specialist,
2 to carry out the purposes of this section.

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

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

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

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

19 SECTION 11. Section 348-8, Hawaii Revised Statutes, is
20 amended by substituting the words "Hawaii workforce development



1 board" wherever the words "state workforce development council"
2 appear, as the context requires.

3 SECTION 12. Section 202-5, Hawaii Revised Statutes, is
4 repealed.

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

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



1 SECTION 14. All deeds, leases, contracts, loans,
2 agreements, permits, or other documents executed or entered into
3 by or on behalf of the workforce development council, pursuant
4 to the provisions of the Hawaii Revised Statutes, that are
5 reenacted or made applicable to the department of labor and
6 industrial relations by this Act shall remain in full force and
7 effect. Upon the effective date of this Act, every reference to
8 the workforce development council or the executive director of
9 the workforce development council in those deeds, leases,
10 contracts, loans, agreements, permits, or other documents shall
11 be construed as a reference to the department of labor and
12 industrial relations, as appropriate.

13 SECTION 15. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 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)

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