
A BILL FOR AN ACT

RELATING TO WORKFORCE DEVELOPMENT.

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

13 The legislature further finds that Act 88, Session Laws of
14 Hawaii 2021, also known as the General Appropriations Act of
15 2021, eliminated the program identification number for the
16 Hawaii workforce development council and transferred its
17 appropriation and positions to the workforce development
18 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4 be repealed from section 371-21, Hawaii Revised Statutes.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:

6 (1) Clarify that the workforce development council is
7 administratively attached to the department of labor
8 and industrial relations, and as such, its program
9 identification number, appropriations, and positions
10 are to be transferred from the workforce development
11 division; and

12 (2) Conform the state workforce development council
13 statute to the nomenclature and conflict of interest
14 provisions found in the Workforce Innovation and
15 Opportunity Act and related regulations in the Code of
16 Federal Regulations.

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

20 "§202- Conflict of interest. (a) The workforce
21 development council and local workforce development boards shall



1 develop written conflict of interest policies consistent with
2 P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)), title 29 Code of
3 Federal Regulations section 97.36, title 20 Code of Federal
4 Regulations parts 679 and 683, title 2 Code of Federal
5 Regulations parts 200 and 2900, as amended, and chapter 84.

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

11 (1) Vote on or participate in a discussion about a matter
12 under consideration by the council or standing
13 committee:

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

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

18 (2) Engage in any other activity determined by the
19 governor to constitute a conflict of interest under
20 P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)), title 29
21 Code of Federal Regulations section 97.36, title 20



1 Code of Federal Regulations parts 679 and 683, and
2 title 2 Code of Federal Regulations parts 200 and
3 2900, as amended."

4 SECTION 3. Section 202-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§202-1 Council; appointment; tenure.** [†] (a) [†] The
7 advisory commission on employment and human resources is hereby
8 constituted as the workforce development council. The council
9 shall be placed within the department of labor and industrial
10 relations for administrative purposes and shall [alse] fulfill
11 the functions of the state workforce development board for
12 purposes of the federal Workforce Innovation and Opportunity Act
13 of 2014, P.L. No. 113-128[+] (29 U.S.C. 3101 et. seq.).

14 (b) Except for the ex officio members or their designees,
15 the council members shall be appointed by the governor for four-
16 year staggered terms as provided for in section 26-34. The
17 governor shall [~~appoint~~] select the chairperson of the council
18 from among the private sector members set forth in paragraph
19 (4). The council shall be constituted as provided by the
20 federal Workforce Innovation and Opportunity Act of 2014, P.L.
21 113-128 (29 U.S.C. 3111) of the following members:



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



1 one of whom shall be a labor representative from a
2 community-based native Hawaiian organization that
3 operates workforce development programs;

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

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

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

11 [†](c)[†] Council members shall serve without compensation
12 but shall be reimbursed for travel expenses necessary for the
13 performance of their duties.

14 [†](d)[†] From June 6, 2016, and until such time that the
15 council has forty-one members, sixteen council members shall
16 constitute a quorum to do business, and the concurrence of at
17 least sixteen council members shall be necessary to make any
18 action of the council valid.

19 [†](e)[†] All council members may continue to serve on the
20 council until their respective successors have been appointed.



1 A person appointed to fill a vacancy shall serve the remainder
2 of the term of the person's predecessor."

3 SECTION 4. Section 202-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§202-2 Duties of council.** In accordance with P.L. 113-
6 128 (29 U.S.C. section 3111), the workforce development council
7 shall assist the governor in:

8 (1) The development, implementation, and modification of
9 the state plan consistent with P.L. 113-128 (29 U.S.C.
10 section 3112);

11 (2) The review of statewide policies, statewide programs,
12 and recommendations on actions that should be taken by
13 the State to align workforce development programs in a
14 manner that supports a comprehensive and streamlined
15 workforce development system in the State, including
16 consideration of programs and activities of one-stop
17 partners that are not core programs;

18 (3) Coordination of the local workforce development boards
19 to maximize and continue to improve the quality of
20 services and develop a comprehensive and high-quality
21 workforce development system;



- 1 ~~[(8)]~~ (9) The development of strategies for aligning
2 technology and data systems across one-stop partner
3 programs to enhance service delivery and improve
4 efficiencies in reporting on performance
5 accountability measures, including the design and
6 implementation of common intake, data collection, case
7 management information, and performance accountability
8 measurement and reporting processes, and the
9 incorporation of local input into the design and
10 implementation, to improve coordination of services
11 across one-stop partner programs;
- 12 ~~[(9)]~~ (10) The development of allocation formulas for the
13 distribution of funds for employment and training
14 activities for adults, and youth workforce investment
15 activities, to local areas as permitted under P.L.
16 113-128 (29 U.S.C. sections 3163(b)(3), 3173(b)(3));
- 17 ~~[(10)]~~ (11) The preparation of annual reports as described
18 in P.L. 113-128 (29 U.S.C. section 3141(d));
- 19 ~~[(11)]~~ (12) The development of the statewide workforce and
20 labor market information system described in the
21 Wagner-Peyser Act (29 U.S.C. section 491-2(e));



1 [~~(12)~~] (13) The development of other policies as may promote
2 statewide objectives for, and enhance the performance
3 of, the workforce development system;

4 [~~(13)~~] (14) Creating public awareness and understanding of
5 the State's workforce development plans, policies,
6 programs, and activities, and promoting the plans,
7 policies, programs, and activities as economic
8 investments;

9 [~~(14)~~] (15) Submitting annual reports of the council's
10 activities and recommendations to the governor and the
11 legislature, and posting the annual reports
12 electronically on the council's website no later than
13 twenty days before the convening of each regular
14 session. Annual reports shall include:

15 (A) The status of the comprehensive state plan for
16 workforce development; and

17 (B) Information regarding the workforce development
18 programs offered throughout the State, the number
19 of individuals placed in high-demand or high-
20 growth employment through workforce development
21 programs by departments, the type or category of



1 employment garnered, and allocations of state,
2 federal, and other funding to achieve placements
3 into higher-skilled jobs;

4 ~~[(15)]~~ (16) Evaluating the state workforce development plan
5 in terms of how its purposes, goals, and objectives
6 have been carried out throughout the State;

7 ~~[(16)]~~ (17) Providing technical assistance to local
8 workforce development boards and other similar
9 organizations;

10 ~~[(17)]~~ (18) Carrying out required functions and duties
11 related to workforce development of any advisory body
12 required or made optional by federal legislation;

13 ~~[(18)]~~ (19) The review and certification of local workforce
14 development boards and plans prepared by local
15 workforce development boards for the use of federal
16 workforce development funds as provided in P.L. 113-
17 128 (29 U.S.C. section 3122(b)-(c)); and

18 ~~[(19)]~~ (20) Commenting on the measures taken pursuant to
19 section 122(c)(17) of the Carl D. Perkins Career and
20 Technical Education Act of 2006, P.L. 109-270."



1 SECTION 5. Section 202-3, Hawaii Revised Statutes, is
2 amended to read as follows:

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

8 [~~(b)~~] ~~The council, or on the authorization of the council,~~
9 ~~any subcommittee or panel thereof, may, for the purpose of~~
10 ~~carrying out its functions and duties, hold such hearings and~~
11 ~~sit and act at such times and places as the council may deem~~
12 ~~advisable.~~

13 ~~(e)]~~ (b) The council may negotiate and enter into
14 contracts with public agencies or private organizations to carry
15 out its studies and to prepare reports that the council
16 determines to be necessary to the fulfillment of its duties.

17 [~~(d)]~~ (c) The council may secure through the governor's
18 office, any information from any executive department, agency,
19 or independent instrumentality of the State it deems necessary
20 to carry out its functions.



1 ~~[(e)]~~ (d) The council may convene ~~[such]~~ public
2 conferences and forums as it deems useful to keep the public
3 informed of workforce development needs, developments, and
4 initiatives.

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

11 SECTION 6. Section 304A-303, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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

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

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



1 (3) Three shall be appointed from the workforce
2 development council by that council.

3 Of the three members appointed from the workforce
4 development council, one member shall represent management, one
5 member shall represent labor, and the third shall represent the
6 public. Of the two ex officio members, one shall be the
7 president of the university and the other shall be the
8 superintendent of education."

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

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

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



1 stipends. The coordinator may hire, subject to chapter 76,
2 necessary staff, including a workforce development specialist,
3 to carry out the purposes of this section.

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

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

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Requires the Workforce Development Council and local workforce development boards to develop written conflict of interest policies consistent with federal law and regulations. Requires the Governor to select the chairperson of the council from among the seventeen private sector members. Requires the Workforce Development Council to assist the Governor in coordinating local workforce development boards to improve the workforce development system. 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. Takes effect 7/1/2050. (SD1)

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

