

ACT 346

H.B. NO. 1625

A Bill for an Act Relating to Consolidating Employment and Training Advisory Bodies into a Workforce Development Council.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to convert the state advisory commission on employment and human resources into a workforce development council and consolidate the tourism training council, the job training coordinating council, and the job service employers committee into the workforce development council.

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

“§202-1 [Commission;] Council; appointment; tenure. [The advisory commission on manpower and full employment, previously established by the governor in July 1963 as the state manpower advisory committee, is hereby constituted as the] The advisory commission on employment and human resources[.] is hereby constituted as the workforce development council. The [commissioners] council members shall be appointed for four-year staggered terms as provided for in section 26-34[; except that the terms of appointment shall be for three years and shall commence July 1 and end June 30]. The governor shall appoint the chairperson of the [commission.] council. The [commission] council shall be composed of [thirteen] seventeen members. The members shall be selected on the basis of their interest in and knowledge of [the interrelations amongst the technological, economic, and social systems and on the basis of their ability to contribute to solution of difficulties arising from the new techniques and the proliferation of employment problems including the problems of the hard to employ. The members of the advisory commission shall represent labor, management, agriculture, education, training, and the public in general. The commission shall also fulfill the advisory functions specified by federal laws relating to vocational education and shall be constituted so it shall comply in all respects with¹ membership provisions for the state council on vocational education required by the Federal Vocational Act of 1963, as amended by Public Law 98-524 and as it may be further amended from time to time.] workforce development programs in the State and how they can support economic development. The council shall be composed of the following representatives of which the majority shall be from the private sector:

- (1) The directors of labor and industrial relations, human services, and business, economic development, and tourism; the superintendent of education; and the president of the University of Hawaii; as ex officio voting members;
- (2) Ten private sector representatives from business, labor, and each of the four county workforce development boards; and
- (3) Two representatives from community-based organizations including one from a native Hawaiian organization that operates workforce development programs.

The members shall serve without compensation but shall be [paid per diem and] entitled to travel expenses when [attending meetings of the commission.] actually engaged in business relating to the work of the council.”

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

“§202-2 Duties of [commission.] council. The [advisory commission on employment and human resources] workforce development council shall:

- (1) [Identify and assess the past effects and the current and prospective role and pace of technological change;] Prepare and update periodically a comprehensive state plan for workforce development with measurable outcomes;
- (2) Review and assess the coordination between the State’s workforce development programs, including programs of the federal government operating in the State, and economic development and diversification; and consider:
 - (A) The State’s employment and training requirements and resources;
 - (B) Practices of employers and unions that impede or facilitate the mobility of workers; and
 - (C) The special problems of untrained and inexperienced youth, immigrants, persons with disabilities, welfare clients, single parents, disadvantaged minorities, and other groups facing barriers in the labor force;
- (3) Serve as an information clearinghouse for all workforce development programs in the State, including workforce training and education programs;
- (2) Identify and describe the impact of technological and economic change on production and employment, including new job requirements and the major types of worker displacement, both technological and economic,]
- (4) Analyze and interpret workforce information, particularly changes which are likely to occur during the next ten years; the specific industries, occupations, and geographic areas which are most likely to be involved; and the social and economic effects of these developments on the State’s economy, labor force, communities, families, social structure, and human values;
- (3) (5) Define those areas of unmet [community and human] workforce and economic development needs [toward which application of new technologies might most effectively be directed;] and describe how private and public agencies can coordinate their efforts and collaborate with each other to address those needs;
- (4) (6) Recommend [specific administrative and legislative steps which] to the governor and the legislature, state policies and funding priorities based on local community input that it believes should be [taken] adopted by the state government in meeting its workforce development responsibilities to:
 - (A) [to promote occupational training and skill development programs appropriate to the State’s needs and resources,] Establish a workforce development system in the State in which resources are pooled and programs are coordinated and streamlined;
 - (B) [to encourage] Encourage a program of useful research into the State’s [labor force] workforce requirements, development, and utilization[.]; and
 - (C) [to support and promote technological change in the interest of continued] Support recommended workforce policies that promote economic [growth and improved] development, diversification, and well-being of the people in this State[, (D) to continue and adopt measures which will facilitate occupational adjustment and geographical mobility, and insure full employment, and (E)

to explore and evaluate various methods of sharing the cost of preventing and alleviating the adverse impact of change on displaced workers];

provided that the duties and responsibilities of the workforce development council shall not impinge on the constitutional and statutory authority of the board of regents and the board of education, and the statutory authority of the state board for vocational education;

- (5) (7) Create public awareness and understanding of the [problems and potentials of the new technologies;] State's workforce development plans, policies, programs, and activities, and promoting them as economic investments;
- (6) (8) Submit [employment] reports [with] of its activities and recommendations to the governor and the legislature at least once a year;
- (7) Be the responsible body for planning, reviewing, and evaluating all state and federal employment training programs; and]
- (9) Evaluate the state workforce development plan in terms of how its purposes, goals, and objectives have been carried out throughout the State;
- (8) Prepare and submit to the governor plans and updates as appropriate in conjunction with the Hawaii state plan.]
- (10) Provide technical assistance to local workforce development boards and other similar organizations; and
- (11) Carry out required functions and duties related to workforce development of any advisory body required or made optional by federal legislation, including the Job Training Partnership Act of 1982, as amended, and the Wagner-Peyser Act of 1933, as amended."

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

"§202-3 Powers of [commission.] council. (a) The [advisory commission on employment and human resources] workforce development council shall appoint and fix the compensation of an executive director, who shall be exempt from chapters 76 and 77, and may employ such other personnel as it deems advisable within [the provisions of] chapters 76 and 77.

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

(c) The [commission] council may negotiate and enter into contracts with public agencies or private organizations to carry out [such] its studies and to prepare [such] reports [as] that the [commission] council determines to be necessary to the fulfillment of its duties.

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

(e) The [commission] council may convene such public conferences and forums as it [shall deem] deems useful to keep the public informed of [the needs of employment and the impact of the new technologies on the social and economic systems of the State.] workforce development needs, developments, and initiatives.

(f) The [commission] council may administer funds allocated for its work and may accept, disburse, and allocate funds which may become available from other governmental and private sources; provided that all the funds shall be

disbursed or allocated in compliance with the objectives set forth herein, and applicable laws.”

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

“**§202-4 Duties of chairperson and executive director.** The chairperson of the [advisory commission on employment and human resources] workforce development council or the executive director, at the direction of the [commission] council shall:

- (1) Serve as consultant to the governor on [problems of the impact of the new technologies on the social and economic welfare of the people;] issues relating to workforce development and its relation to economic development and diversification;
- (2) Assist in coordinating the programs of all agencies dealing with [problems] issues of concern to the [commission;] council;
- (3) Arrange for statewide studies of the [problems] issues referred to in this chapter;
- (4) Secure [statistical] data and information from agencies concerned with the [problems] issues referred to in this chapter;
- (5) Arrange for the exchange of information, plans, and programs between public and private groups interested in the [problems] issues referred to in this chapter;
- (6) Prepare articles, reports, and bulletins for the use of the [commission,] council, concerned agencies, and for general publication;
- (7) Keep and maintain records and reports and conduct correspondence relative to the work of the [commission;] council; and
- [(8) Review and assess the coordination between the State’s employment and training programs, including any programs of the federal government operating in the State; and consider:
 - (A) The State’s employment and training requirements and resources;
 - (B) Practices of employers and unions that impede or facilitate the mobility of workers; and
 - (C) The special problems of untrained and inexperienced youth in the labor force; and
- (9)] (8) Develop recommendations and plans for action consistent with the purpose of this chapter.”

SECTION 6. Section 202-5, Hawaii Revised Statutes, is amended to read as follows:

“**§202-5 Organizational relationships.** The [advisory commission on employment and human resources] workforce development council is placed within the department of labor and industrial relations for administrative purposes and shall act in an advisory capacity to the governor.”

SECTION 7. Section 222-2, Hawaii Revised Statutes, is amended to read as follows:

“**§222-2 Duties of the center.** The center shall:

- (1) Serve as a research arm of the [advisory commission on employment and human resources,] workforce development council, and such other public agencies as may properly require its services and assistance in

locating research experts for particular studies and in working out the dimensions and contractual arrangements for such studies, the costs and final decisions of which shall be the responsibility of the requesting agencies;

- (2) Encourage and promote invention and experimentation in futures study, planning, and design;
- (3) Maintain an inventory of studies, research, and other information, including groups or persons concerned with futures study, planning, and design applicable to the State; and
- (4) Engage in the development and acquisition of models, techniques, and other tools, and capability for the effective monitoring, measuring, and forecasting of crucial aspects of Hawaii's socio-economic-environmental system over the immediate, intermediate, and long range future, including the design of systems to assist and stabilize the State's construction industry."

SECTION 8. Section 305A-4, Hawaii Revised Statutes, is amended to read as follows:

"§305A-4 Vocational education coordinating advisory council. There is established a vocational education coordinating advisory council which shall serve in an advisory capacity to the board of regents. The council shall consist of eleven members, nine appointed and two ex officio voting members. Of the nine appointed members[, three]:

- (1) Three shall be appointed from the board of regents of the University of Hawaii by the chairperson of that body[, three];
- (2) Three shall be appointed from the board of education by the chairperson of that body[.]; and
- (3) [three] Three shall be appointed from the [advisory commission on employment and human resources] workforce development council by [the chairperson of that body.] that council.

Of the three members appointed from the [advisory commission on employment and human resources,] workforce development council, one member shall represent management, one member shall represent labor, and the third shall represent the public. Of the two ex officio members one shall be the president of the University of Hawaii and the other shall be the superintendent of education.

Of the three members first appointed by each appointing authority, other than the chairperson of the board of education, one shall be appointed for two years, one shall be appointed for three years, and one shall be appointed for four years. In the case of the members appointed from the board of education, the terms of such members shall be for their remaining terms as members of the board of education. Upon the expiration of the terms of the first members, their successors shall serve for a term of four years. Vacancies shall be filled by the appropriate appointing authority for the unexpired term.

The council shall elect a chairperson and such other officers as it deems necessary. Section 92-15 shall apply. The members of the council shall serve without pay but shall be entitled to their traveling expenses within the State when attending meetings of the council or when actually engaged in business relating to the work of the council."

SECTION 9. Section 394-5, Hawaii Revised Statutes, is amended to read as follows:

“**§394-5 Administration.** The department of labor and industrial relations is authorized, with the advice of the [advisory commission on employment and human resources,] workforce development council, to plan and administer human resource development and training programs under this chapter. The department shall process the payment of weekly compensation as provided under this chapter.”

SECTION 10. Chapter 373F, Hawaii Revised Statutes, is repealed.

SECTION 11. Chapter 394A, Hawaii Revised Statutes, is repealed.

SECTION 12. All officers and employees of the advisory commission on employment and human resources whose functions are affected by this Act shall be transferred to the workforce development council to carry out the duties consistent with this chapter, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act.

SECTION 13. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the advisory commission on employment and human resources relating to the functions transferred to the workforce development council shall be transferred with the functions to which they relate.

SECTION 14. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.

(Approved July 3, 1997.)

Note

1. Prior to amendment “the” appeared here.