

ACT 57

H.B. NO. 2362

A Bill for an Act Relating to the Hawaii Workforce Development Council.

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

SECTION 1. The legislature finds that the federal Workforce Innovation and Opportunity Act supersedes the federal Workforce Investment Act and sets forth different council composition requirements, different state workforce development system plan specifications, and different council functions than the Workforce Investment Act. Chapter 202, Hawaii Revised Statutes, established

the workforce development council to fulfill the functions of the state workforce development board for purposes of the federal Workforce Investment Act of 1998, Public Law No. 105-220.

The purpose of this Act is to conform chapter 202, Hawaii Revised Statutes, to the federal Workforce Innovation and Opportunity Act of 2014, Public Law No. 113-128.

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

“§202-1 Council; appointment; tenure. The advisory commission on employment and human resources is hereby constituted as the workforce development council. The council shall also fulfill the functions of the state workforce ~~[investment] development~~ board for purposes of the federal ~~[Workforce Investment Act of 1998, Public Law No. 105-220.]~~ Workforce Innovation and Opportunity Act of 2014, P.L. No. 113-128.

Except for the ex officio members or their designees, the council members shall be appointed by the governor for four-year staggered terms as provided for in section 26-34. The governor shall appoint the chairperson of the council ~~[and the two mayors to the council. The council shall be composed of thirty-one members. The members shall be selected on the basis of their interest in and knowledge of workforce development programs in the State and how they can support economic development].~~ The council shall be ~~[composed of the following representatives of whom the majority shall be from the private sector:]~~ constituted as provided by P.L. 113-128 (29 U.S.C. 3111) of the following members:

- (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 or their designees, as ex officio~~[f,]~~ voting members;
- (2) The private ~~[business]~~ sector chairpersons of the four county workforce ~~[investment] development~~ boards, or their designees from the private ~~[business]~~ sector membership of their respective boards, as ex officio~~[f,]~~ voting members;
- (3) ~~[Twelve additional private sector]~~ Seventeen representatives from ~~[business:]~~ the private sector, including nonprofit organizations and businesses in the State, appointed from individuals nominated by state business organizations and business trade associations;
- (4) ~~[One representative from a community-based native Hawaiian or organization that operates workforce development programs;]~~ Eight representatives from labor organizations and workforce training organizations, two or more of whom shall be representatives of labor organizations who have been nominated by state labor federations, and one of whom shall be a labor representative from a community-based native Hawaiian organization that operates workforce development programs;
- ~~[(5) Two representatives from labor;~~
- ~~(6) [(5) Four members] A member of each house of the legislature, [two from each house] for two-year terms beginning in January of odd-numbered years, appointed by the appropriate presiding officer of each house, as ex officio~~[f,]~~ voting members;~~
- ~~[(7) (6) Two] The four mayors or their designees, as ex officio~~[f,]~~ voting members; and~~
- ~~[(8) (7) The governor or the governor's designee.~~

[The] Council members shall serve without compensation but shall be [entitled to] reimbursed for travel expenses [when actually engaged in business relating to the work of the council.] necessary for the performance of their duties.

From the effective date of Act , Session Laws of Hawaii 2016, and until such time that the council has forty-one members, sixteen council members shall constitute a quorum to do business, and the concurrence of at least sixteen council members shall be necessary to make any action of the council valid.

All council members may continue to serve on the council until their respective successors have been appointed. A person appointed to fill a vacancy shall serve the remainder of the term of the person's predecessor."

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

- “§202-2 Duties of council.** ~~[The workforce development council shall:~~
- ~~(1) Prepare and update periodically a comprehensive state plan for workforce development with strategic goals and measurable outcomes. The comprehensive state plan shall include:~~
 - ~~(A) Strategic goals of workforce development programs, including the identification of the desired number of highly skilled workers in the workforce, the number of placements of individuals into higher skilled jobs, the identification of high demand areas for job growth, the need for skilled workers in the next five and ten years, and the time frame for training and development;~~
 - ~~(B) Methods to educate the private sector about state, federal, and private financial assistance available for workforce development;~~
 - ~~(C) Methods to facilitate access to workforce development resources, including the reduction of regulatory burdens for employers and employees;~~
 - ~~(D) The creation and improvement of educational opportunities for individuals to learn and develop new skills, including mentoring, project-based learning, and internships;~~
 - ~~(E) Methods to facilitate the department of education's development of curriculum in the public schools to prepare students for employment in the private sector;~~
 - ~~(F) Recommendations to change and improve existing state programs, including the elimination of ineffective programs and the creation of new programs to improve workforce development;~~
 - ~~(G) The identification of resources required, obstacles to overcome, and best practice models to implement the comprehensive state strategic plan; and~~
 - ~~(H) A detailed budget for the comprehensive state plan with a justification for each expenditure;~~
 - ~~(2) Review and assess the coordination between the State's workforce development programs, including programs of the federal government operating in the State, and placements in higher skilled jobs to expand 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;~~
- (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;~~
- (5) ~~Define those areas of unmet workforce and economic development needs and describe how private and public agencies can coordinate their efforts and collaborate with each other to address those needs;~~
- (6) ~~Recommend to the governor and the legislature, state policies and funding priorities based on local community input that it believes should be adopted by the state government in meeting its workforce development responsibilities to:~~
- (A) ~~Establish a workforce development system in the State in which resources are pooled and programs are coordinated and streamlined;~~
- (B) ~~Establish reporting requirements for job placement results by category of occupations in high demand and high growth areas;~~
- (C) ~~Encourage a program of useful research into the State's workforce requirements, development, and utilization; and~~
- (D) ~~Support recommended workforce policies that promote economic development, diversification, and well being of the people in this State;~~
- ~~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 career and technical education;~~
- (7) ~~Create public awareness and understanding of the State's workforce development plans, policies, programs, and activities, and promoting them as economic investments;~~
- (8) ~~Submit annual reports of its activities and recommendations to the governor and the legislature, and post the annual reports electronically on the Internet no later than twenty days before the convening of each regular session. Annual reports shall include:~~
- (A) ~~The status of the comprehensive state plan for workforce development; and~~
- (B) ~~Information regarding the workforce development programs offered throughout the State, including the number of individuals placed in high demand or high growth employment through workforce development programs by departments, the type or category of employment garnered, and allocations of state, federal, and other funding to achieve placements into higher-skilled jobs;~~

- (9) Evaluate the state workforce development plan in terms of how its purposes, goals, and objectives have been carried out throughout the State;
- (10) Provide technical assistance to local workforce development boards and other similar organizations;
- (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;
- (12) In accordance with the federal Workforce Investment Act of 1998, Public Law 105-220, assist the governor in the following functions:
 - (A) ~~The development of the State's plan for the use of federal workforce investment funds, which is required under Public Law 105-220;~~
 - (B) ~~The development and continuous improvement of the state-wide and local workforce investment systems described in subtitle B of Public Law 105-220, and the one-stop delivery systems described in section 134(e) of Public Law 105-220, including:~~
 - (i) ~~The development of linkages referred to in Public Law 105-220, to assure coordination and non-duplication among the programs and activities in section 121(b) of Public Law 105-220; and~~
 - (ii) ~~The review of plans prepared by local workforce investment boards for the use of federal workforce investment funds which is required under Public Law 105-220;~~
 - (C) ~~Commenting at least once annually on the measures taken pursuant to section 122(e)(16) of the Carl D. Perkins Vocational and Technical Education Amendments of 1998, Public Law 105-332;~~
 - (D) ~~The designation of local areas as required in section 116 of Public Law 105-220;~~
 - (E) ~~The development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B)(i) and 133(b)(3)(B)(i) of Public Law 105-220;~~
 - (F) ~~The development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b)(1) of Public Law 105-220;~~
 - (G) ~~The preparation of the annual report to the United States Secretary of Labor described in section 136(d)(1) of Public Law 105-220;~~
 - (H) ~~The development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and~~
 - (I) ~~The development of an application for an incentive grant under section 503 of Public Law 105-220; and~~
- (13) ~~Act as the designated state entity to conduct activities relating to occupational and employment information for vocational and technical education programs in compliance with section 118 of the Carl D. Perkins Vocational and Technical Education Amendments of 1998, Public Law 105-332.]~~

In accordance with P.L. 113-128 (29 U.S.C. 3111), the workforce development council shall assist the governor in:

- (1) The development, implementation, and modification of the state plan consistent with P.L. 113-128 (29 U.S.C. 3112);
- (2) The review of statewide policies, statewide programs, and recommendations on actions that should be taken by the State to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system in the State, including consideration of programs and activities of one-stop partners that are not core programs;
- (3) The development and continuous improvement of the workforce development system in the State;
- (4) The development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under P.L. 113-128 (29 U.S.C. 3141(b));
- (5) The identification and dissemination of information on best practices for the effective operation of one-stop centers, and the development of effective local boards and effective training programs;
- (6) The development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system;
- (7) The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system;
- (8) The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes, and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs;
- (9) The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under P.L. 113-128 (29 U.S.C. 3163(b)(3), 3173(b)(3));
- (10) The preparation of annual reports as described in P.L. 113-128 (29 U.S.C. 3141(d));
- (11) The development of the statewide workforce and labor market information system described in the Wagner-Peyser Act (29 U.S.C. 491-2(e));
- (12) The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system;
- (13) Creating public awareness and understanding of the State's workforce development plans, policies, programs, and activities, and promoting the plans, policies, programs, and activities as economic investments;
- (14) Submitting annual reports of the council's activities and recommendations to the governor and the legislature, and posting the annual reports electronically on the council's website no later than twenty

days before the convening of each regular session. Annual reports shall include:

- (A) The status of the comprehensive state plan for workforce development; and
- (B) Information regarding the workforce development programs offered throughout the State, the number of individuals placed in high-demand or high-growth employment through workforce development programs by departments, the type or category of employment garnered, and allocations of state, federal, and other funding to achieve placements into higher-skilled jobs;
- (15) Evaluating the state workforce development plan in terms of how its purposes, goals, and objectives have been carried out throughout the State;
- (16) Providing technical assistance to local workforce development boards and other similar organizations;
- (17) Carrying out required functions and duties related to workforce development of any advisory body required or made optional by federal legislation;
- (18) The review and certification of local workforce boards and plans prepared by local workforce boards for the use of federal workforce development funds as provided in P.L. 113-128 (29 U.S.C. 3122(b)-(c)); and
- (19) Commenting on the measures taken pursuant to section 122(c)(17) of the Carl D. Perkins Career and Technical Education Act of 2006, P.L. 109-270.”

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

“§202-4 Duties of chairperson and executive director. The chairperson of the workforce development council or the executive director, at the direction of the council shall:

- (1) Serve as consultant to the governor on issues relating to workforce development and its relation to economic development and diversification;
- (2) Assist in coordinating the programs of all agencies dealing with issues of concern to the council;
- (3) Arrange for statewide studies of the issues referred to in this chapter;
- (4) Secure data and information from agencies concerned with the issues referred to in this chapter;
- (5) Arrange for the exchange of information, plans, and programs between public and private groups interested in the issues referred to in this chapter;
- (6) Prepare articles, reports, and bulletins for the use of the council, concerned agencies, and for general publication;
- (7) Keep and maintain records and reports and ~~conduct~~ handle correspondence relative to the work of the council; ~~and~~
- (8) Develop recommendations and plans for action consistent with the purpose of this chapter~~;~~ and
- (9) Assist in carrying out the duties described in section 202-2.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.
(Approved June 6, 2016.)