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HOUSE BILL 2348

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By Representatives Reykdal, Probst, Sells, Anderson, Ormsby, Kenney, Moscoso, Hunter, Ladenburg, and Tharinger

Read first time 01/12/12. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to strengthening Washington's workforce development  
2 system by providing greater focus and better alignment of roles and  
3 responsibilities, and transferring administration of title I-B of the  
4 workforce investment act to the workforce training and education  
5 coordinating board; amending RCW 28C.18.060 and 28C.18.150; adding a  
6 new section to chapter 50.08 RCW; creating a new section; and providing  
7 an effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that the workforce  
10 development system may be strengthened by focusing on the key roles and  
11 responsibilities of state partners, ensuring cohesive governance and  
12 management, improving accountability and performance, and eliminating  
13 possible conflicts of interest. The legislature recognizes the core  
14 businesses of state partners, and intends to align their powers,  
15 functions, and duties with their core businesses. The legislature  
16 intends that greater focus and better alignment will strengthen the  
17 ability of state partners to: Develop a workforce with the skills most  
18 needed by top industries targeted for growth and recruitment including,

1 but not limited to, aerospace, biotechnology, and information  
2 technology; and increase the percentage of Washington households living  
3 in the middle-income bracket or higher.

4 (2) The legislature intends that policy, planning, and performance  
5 shall continue to be the core business of the workforce training and  
6 education coordinating board and that the board shall continue to  
7 coordinate policy and planning for the workforce development system,  
8 evaluate results, and facilitate demonstration projects testing new  
9 ideas. The legislature further intends that the board shall assume  
10 administrative and operational responsibility for funds received under  
11 title I-B of the workforce investment act. In continuing its core  
12 business and assuming this responsibility, the legislature intends that  
13 the board shall develop relevant policy, provide title I-B funds to  
14 carry out rapid response and other statewide activities, allocate title  
15 I-B funds to local workforce development councils to designate and  
16 contract with eligible entities to serve as one-stop operators and  
17 carry out other local activities, manage grants and contracts, and  
18 measure performance and outcomes.

19 (3) The legislature intends that employment services and  
20 unemployment insurance shall continue to be the core business of the  
21 employment security department. The legislature intends that the  
22 department shall continue to fill employer job openings with well-  
23 qualified job seekers, and mitigate the negative consequences of  
24 unemployment and that the department shall also continue to serve as  
25 the primary labor exchange service provider in worksorce centers, and,  
26 if designated by local workforce development councils, contract to  
27 serve as one-stop operators of worksorce centers.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.08 RCW  
29 to read as follows:

30 (1) All powers, functions, and duties of the employment security  
31 department's worksorce standards and integration division pertaining  
32 to the administration of title I-B of the workforce investment act,  
33 P.L. 105-220, or its successor are transferred to the workforce  
34 training and education coordinating board. These powers, functions,  
35 and duties include, but are not limited to: Compliance, assistance,  
36 research, and grant origination; related technical assistance,  
37 education, and support; related quality assurance and compliance; and

1 related system performance. All references to the employment security  
2 department or the commissioner of the department in the Revised Code of  
3 Washington shall be construed to mean the workforce training and  
4 education coordinating board or the director of the board when  
5 referring to the powers, functions, and duties transferred under this  
6 section.

7 (2)(a) All reports, documents, surveys, books, records, files,  
8 papers, or written material, including electronic records and files, in  
9 the possession of the employment security department pertaining to the  
10 powers, functions, and duties transferred to the workforce training and  
11 education coordinating board under this section shall be delivered to  
12 the custody of the workforce training and education coordinating board.  
13 All cabinets, furniture, office equipment, motor vehicles, and other  
14 tangible property employed by the employment security department in  
15 carrying out the powers, functions, and duties transferred shall be  
16 made available to the workforce training and education coordinating  
17 board. All funds, credits, or other assets held in connection with the  
18 powers, functions, and duties transferred shall be assigned to the  
19 workforce training and education coordinating board.

20 (b) Any appropriations made to the employment security department  
21 for carrying out the powers, functions, and duties transferred shall,  
22 on the effective date of this section, be transferred and credited to  
23 the workforce training and education coordinating board.

24 (c) Whenever any question arises as to the transfer of any  
25 personnel, funds, books, documents, records, papers, files, equipment,  
26 or other tangible property used or held in the exercise of the powers  
27 and the performance of the functions and duties transferred, the  
28 director of financial management shall make a determination as to the  
29 proper allocation and certify the same to the state agencies concerned.

30 (3) All employees of the employment security department engaged in  
31 performing the powers, functions, and duties transferred are  
32 transferred to the jurisdiction of the workforce training and education  
33 coordinating board. All employees classified under chapter 41.06 RCW,  
34 the state civil service law, are assigned to the workforce training and  
35 education coordinating board to perform their usual duties upon the  
36 same terms as formerly, without any loss of rights, subject to any  
37 action that may be appropriate thereafter in accordance with the laws  
38 and rules governing state civil service.

1 (4) All rules and all pending business before the employment  
2 security department pertaining to the powers, functions, and duties  
3 transferred shall be continued and acted upon by the workforce training  
4 and education coordinating board. All existing contracts and  
5 obligations shall remain in full force and shall be performed by the  
6 workforce training and education coordinating board.

7 (5) The transfer of the powers, functions, and duties and personnel  
8 of the employment security department shall not affect the validity of  
9 any act performed before the effective date of this section.

10 (6) If apportionments of budgeted funds are required because of the  
11 transfers directed by this section, the director of financial  
12 management shall certify the apportionments to the agencies affected,  
13 the state auditor, and the state treasurer. Each of these shall make  
14 the appropriate transfer and adjustments in funds and appropriation  
15 accounts and equipment records in accordance with the certification.

16 (7) All classified employees of the employment security department  
17 assigned to the workforce training and education coordinating board  
18 under this section whose positions are within an existing bargaining  
19 unit description at the workforce training and education coordinating  
20 board shall become a part of the existing bargaining unit at the  
21 workforce training and education coordinating board and shall be  
22 considered an appropriate inclusion or modification of the existing  
23 bargaining unit under the provisions of chapter 41.80 RCW.

24 **Sec. 3.** RCW 28C.18.060 and 2009 c 151 s 6 are each amended to read  
25 as follows:

26 The board, in cooperation with the operating agencies of the state  
27 training system and private career schools and colleges, shall:

28 (1) Concentrate its major efforts on planning, coordination  
29 evaluation, policy analysis, and recommending improvements to the  
30 state's training system;

31 (2) Establish as its primary mission: (a) Developing a workforce  
32 with the skills most needed by top industries targeted for growth and  
33 recruitment including, but not limited to, aerospace, biotechnology,  
34 and information technology; and (b) increasing the percentage of  
35 Washington households living in the middle-income bracket or higher;

36 (3) Implement strategies to: (a) Meet market demands for a

1 knowledge-based economy while filling middle-income jobs with a  
2 sufficient supply of skilled workers; and (b) increase the percentage  
3 of Washington households living in the middle-income bracket or higher;

4 (4) Advocate for the state training system and for meeting the  
5 needs of employers and the workforce for workforce education and  
6 training;

7 ~~((+3))~~ (5) Establish and maintain an inventory of the programs of  
8 the state training system, and related state programs, and perform a  
9 biennial assessment of the vocational education, training, and adult  
10 basic education and literacy needs of the state; identify ongoing and  
11 strategic education needs; and assess the extent to which employment,  
12 training, vocational and basic education, rehabilitation services, and  
13 public assistance services represent a consistent, integrated approach  
14 to meet such needs;

15 ~~((+4))~~ (6) Develop and maintain a state comprehensive plan for  
16 workforce training and education, including but not limited to, goals,  
17 objectives, and priorities for the state training system, and review  
18 the state training system for consistency with the state comprehensive  
19 plan. In developing the state comprehensive plan for workforce  
20 training and education, the board shall use, but shall not be limited  
21 to: Economic, labor market, and populations trends reports in office  
22 of financial management forecasts; joint office of financial management  
23 and employment security department labor force, industry employment,  
24 and occupational forecasts; the results of scientifically based  
25 outcome, net-impact and cost-benefit evaluations; the needs of  
26 employers as evidenced in formal employer surveys and other employer  
27 input; and the needs of program participants and workers as evidenced  
28 in formal surveys and other input from program participants and the  
29 labor community;

30 ~~((+5))~~ (7) In consultation with the higher education coordinating  
31 board or its successor, review and make recommendations to the office  
32 of financial management and the legislature on operating and capital  
33 facilities budget requests for operating agencies of the state training  
34 system for purposes of consistency with the state comprehensive plan  
35 for workforce training and education;

36 ~~((+6))~~ (8) Provide for coordination among the different operating  
37 agencies and components of the state training system at the state level  
38 and at the regional level;

1           ~~((7))~~ (9) Develop a consistent and reliable database on  
2 vocational education enrollments, costs, program activities, and job  
3 placements from publicly funded vocational education programs in this  
4 state;

5           ~~((8))~~ (10)(a) Establish standards for data collection and  
6 maintenance for the operating agencies of the state training system in  
7 a format that is accessible to use by the board. The board shall  
8 require a minimum of common core data to be collected by each operating  
9 agency of the state training system;

10           (b) Develop requirements for minimum common core data in  
11 consultation with the office of financial management and the operating  
12 agencies of the training system;

13           ~~((9))~~ (11) Establish minimum standards for program evaluation for  
14 the operating agencies of the state training system, including, but not  
15 limited to, the use of common survey instruments and procedures for  
16 measuring perceptions of program participants and employers of program  
17 participants, and monitor such program evaluation;

18           ~~((10))~~ (12) Every two years administer scientifically based  
19 outcome evaluations of the state training system, including, but not  
20 limited to, surveys of program participants, surveys of employers of  
21 program participants, and matches with employment security department  
22 payroll and wage files. Every five years administer scientifically  
23 based net-impact and cost-benefit evaluations of the state training  
24 system;

25           ~~((11))~~ (13) In cooperation with the employment security  
26 department, provide for the improvement and maintenance of quality and  
27 utility in occupational information and forecasts for use in training  
28 system planning and evaluation. Improvements shall include, but not be  
29 limited to, development of state-based occupational change factors  
30 involving input by employers and employees, and delineation of skill  
31 and training requirements by education level associated with current  
32 and forecasted occupations;

33           ~~((12))~~ (14) Provide for the development of common course  
34 description formats, common reporting requirements, and common  
35 definitions for operating agencies of the training system;

36           ~~((13))~~ (15) Provide for effectiveness and efficiency reviews of  
37 the state training system;

1           (~~(14)~~) (16) In cooperation with the higher education coordinating  
2 board or its successor, facilitate transfer of credit policies and  
3 agreements between institutions of the state training system, and  
4 encourage articulation agreements for programs encompassing two years  
5 of secondary workforce education and two years of postsecondary  
6 workforce education;

7           (~~(15)~~) (17) In cooperation with the higher education coordinating  
8 board or its successor, facilitate transfer of credit policies and  
9 agreements between private training institutions and institutions of  
10 the state training system;

11           (~~(16)~~) (18) Develop policy objectives for the workforce  
12 investment act, P.L. 105-220, or its successor; develop coordination  
13 criteria for activities under the act with related programs and  
14 services provided by state and local education and training agencies;  
15 (~~and~~) ensure that entrepreneurial training opportunities are  
16 available through programs of each local workforce investment board in  
17 the state; and develop strategies to expand cohort training in fields  
18 with critical skill shortages;

19           (19) Assume the administrative lead for title I-B of the workforce  
20 investment act, P.L. 105-220, or its successor; and oversee the  
21 worksource service delivery system, including the technological and  
22 self-service infrastructures;

23           (~~(17)~~) (20) Make recommendations to the commission of student  
24 assessment, the state board of education, and the superintendent of  
25 public instruction, concerning basic skill competencies and essential  
26 core competencies for K-12 education. Basic skills for this purpose  
27 shall be reading, writing, computation, speaking, and critical  
28 thinking, essential core competencies for this purpose shall be  
29 English, math, science/technology, history, geography, and critical  
30 thinking. The board shall monitor the development of and provide  
31 advice concerning secondary curriculum which integrates vocational and  
32 academic education;

33           (~~(18)~~) (21) Establish and administer programs for marketing and  
34 outreach to businesses and potential program participants;

35           (~~(19)~~) (22) Facilitate the location of support services,  
36 including but not limited to, child care, financial aid, career  
37 counseling, and job placement services, for students and trainees at

1 institutions in the state training system, and advocate for support  
2 services for trainees and students in the state training system;

3 ((+20+)) (23) Facilitate private sector assistance for the state  
4 training system, including but not limited to: Financial assistance,  
5 rotation of private and public personnel, and vocational counseling;

6 ((+21+)) (24) Facilitate the development of programs for school-to-  
7 work transition that combine classroom education and on-the-job  
8 training, including entrepreneurial education and training, in  
9 industries and occupations without a significant number of  
10 apprenticeship programs;

11 ((+22+)) (25) Include in the planning requirements for local  
12 workforce investment boards a requirement that the local workforce  
13 investment boards specify how entrepreneurial training is to be offered  
14 through the one-stop system required under the workforce investment  
15 act, P.L. 105-220, or its successor;

16 ((+23+)) (26) Encourage and assess progress for the equitable  
17 representation of racial and ethnic minorities, women, and people with  
18 disabilities among the students, teachers, and administrators of the  
19 state training system. Equitable, for this purpose, shall mean  
20 substantially proportional to their percentage of the state population  
21 in the geographic area served. This function of the board shall in no  
22 way lessen more stringent state or federal requirements for  
23 representation of racial and ethnic minorities, women, and people with  
24 disabilities;

25 ((+24+)) (27) Participate in the planning and policy development of  
26 governor set-aside grants under P.L. 97-300, as amended;

27 ((+25+)) (28) Administer veterans' programs, licensure of private  
28 vocational schools, the job skills program, and the Washington award  
29 for vocational excellence;

30 ((+26+)) (29) Allocate funding from the state job training trust  
31 fund;

32 ((+27+)) (30) Work with the director of ~~((community, trade, and  
33 economic development))~~ commerce and the economic development commission  
34 to ensure coordination among workforce training priorities, the long-  
35 term economic development strategy of the economic development  
36 commission, and economic development and entrepreneurial development  
37 efforts, including but not limited to assistance to industry clusters;

1           (~~(+28)~~) (31) Conduct research into workforce development programs  
2 designed to reduce the high unemployment rate among young people  
3 between approximately eighteen and twenty-four years of age. In  
4 consultation with the operating agencies, the board shall advise the  
5 governor and legislature on policies and programs to alleviate the high  
6 unemployment rate among young people. The research shall include  
7 disaggregated demographic information and, to the extent possible,  
8 income data for adult youth. The research shall also include a  
9 comparison of the effectiveness of programs examined as a part of the  
10 research conducted in this subsection in relation to the public  
11 investment made in these programs in reducing unemployment of young  
12 adults. The board shall report to the appropriate committees of the  
13 legislature by November 15, 2008, and every two years thereafter.  
14 Where possible, the data reported to the legislative committees should  
15 be reported in numbers and in percentages;

16           (~~(+29)~~) (32) Adopt rules as necessary to implement this chapter.

17           The board may delegate to the director any of the functions of this  
18 section.

19           **Sec. 4.** RCW 28C.18.150 and 2009 c 151 s 8 are each amended to read  
20 as follows:

21           (1) Workforce development councils shall establish as their primary  
22 missions: (a) Developing a workforce with the skills most needed by  
23 top industries targeted for growth and recruitment including, but not  
24 limited to, aerospace, biotechnology, and information technology; and  
25 (b) increasing the percentage of Washington households living in the  
26 middle-income bracket or higher.

27           (2) Workforce development councils, in partnership with local  
28 elected officials, shall develop and maintain a local unified plan for  
29 the workforce development system including, but not limited to, the  
30 local plan required by P.L. 105-220, Title I. The unified plan shall  
31 include a strategic plan that assesses local employment opportunities  
32 and skill needs, the present and future workforce, the current  
33 workforce development system, information on financial resources,  
34 diversity, goals, objectives, and strategies for the local workforce  
35 development system, and a system-wide financial strategy for  
36 implementing the plan. Local workforce development councils shall

1 submit their strategic plans to the board for review and to the  
2 governor for approval.

3 ~~((+2))~~ (3) The strategic plan shall clearly articulate the  
4 connection between workforce and economic development efforts in the  
5 local area including the area industry clusters and the strategic  
6 clusters the community is targeting for growth. The plan shall  
7 include, but is not limited to:

8 (a) Data on current and projected employment opportunities in the  
9 local area;

10 (b) Identification of workforce investment needs of existing  
11 businesses and businesses considering location in the region, with  
12 special attention to industry clusters;

13 (c) Identification of educational, training, employment, and  
14 support service needs of job seekers and workers in the local area,  
15 including individuals with disabilities and other underrepresented  
16 talent sources;

17 (d) Analysis of the industry demand, potential labor force supply,  
18 and educational, employment, and workforce support available to  
19 businesses and job seekers in the region; and

20 (e) Collaboration with associate development organizations in  
21 regional planning efforts involving combined strategies around  
22 workforce development and economic development policies and programs.  
23 Combined planning efforts shall include, but not be limited to,  
24 assistance to industry clusters in the area.

25 ~~((+3))~~ (4) The board shall work with workforce development  
26 councils to develop implementation and funding strategies for purposes  
27 of this section.

28 NEW SECTION. **Sec. 5.** This act takes effect October 1, 2012.

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