
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3

Session of
2001

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STEELMAN AND MICOZZIE, JANUARY 25, 2001

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 11, 2001

AN ACT

1 Establishing a unified workforce investment system;
2 restructuring certain administrative functions, procedures
3 and entities; transferring workforce development functions of
4 Commonwealth agencies; establishing the Pennsylvania
5 Workforce Investment Board; PROVIDING FOR CRITICAL JOB
6 TRAINING GRANTS; and authorizing local workforce investment
7 boards. <—

8 TABLE OF CONTENTS

9 Chapter 1. Preliminary Provisions
10 Section 101. Short title.
11 Section 102. Declaration of policy.
12 Section 103. Definitions.
13 Section 104. Lobbying.
14 Chapter 3. Board
15 Section 301. Establishment.
16 Section 302. Membership.

1 Section 303. Conflicts of interest.

2 Section 304. Plan, functions and responsibilities.

3 Section 305. State performance measures.

4 Chapter 5. Local Workforce Investment Areas and Boards

5 Section 501. Establishment.

6 Section 502. Membership.

7 Section 503. Conflicts of interest.

8 Section 504. Plan, functions and responsibilities.

9 Section 505. Local performance measures.

10 ~~Section 506. Oversight; reports.~~ <—

11 CHAPTER 7. CRITICAL JOB TRAINING GRANTS. <—

12 SECTION 701. DEFINITIONS.

13 SECTION 702. RAPID RESPONSE COMMITTEE.

14 SECTION 703. GRANTS.

15 SECTION 704. CONTRACTS.

16 Chapter 49. Miscellaneous Provisions

17 Section 4901. Construction.

18 Section 4902. Regulations abrogated.

19 ~~Section 4903. Nondiscrimination.~~ <—

20 SECTION 4903. EXPIRATION. <—

21 ~~Section 4904 4903~~ 4904. Effective date. <—

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 CHAPTER 1

25 PRELIMINARY PROVISIONS

26 Section 101. Short title.

27 This act shall be known and may be cited as the Workforce

28 Development Act.

29 Section 102. Declaration of policy.

30 The General Assembly finds and declares as follows:

1 (1) It is the intent of this act to address more
2 effectively the potential of citizens, employers and
3 communities in this Commonwealth by doing all of the
4 following:

5 (i) Recognizing that the skills and knowledge of the
6 Commonwealth's workforce are the keys to providing
7 enhanced opportunities for individuals and economic
8 competitive advantages for businesses and communities.

9 (ii) Providing for more efficient and coordinated
10 administration of workforce investment activities.

11 (iii) Promoting the coordination and integration of
12 workforce investment, economic development and education
13 policies for eligible youth, postsecondary education and
14 adult education.

15 (2) The expressed goals of the unified system are:

16 (i) Economic opportunity for all citizens and
17 businesses.

18 (ii) Economic self-sufficiency and individual
19 responsibility.

20 (iii) An educated workforce with relevant skills for
21 personal growth and economic prosperity.

22 (3) The goals set forth in paragraph (2) are to be
23 attained through fostering a dynamic world-class workforce in
24 which citizens and businesses in this Commonwealth possess
25 the knowledge and skills to succeed and excel in a highly
26 competitive and rapidly changing world.

27 (4) Achievement of a world-class workforce in this
28 Commonwealth is best accomplished through a unified system
29 which is dedicated to and operates in adherence with the
30 following basic philosophy and core values:

(i) Economic competitiveness based on improvements in productivity, quality and service.

(ii) Excellence and informed choice in education, training opportunities, workplace preparation and career decision making for eligible youth and adults.

(iii) A strong work ethic, mutual respect, a commitment to lifelong learning and the valuing of all workers and their work.

(iv) Stewardship of public resources, emphasizing private sector solutions to workforce investment goals supplemented by limited government involvement when necessary.

(v) The highest quality delivery of market-driven services which are readily identifiable and easily accessible and which consider the abilities and work-support needs of a diverse population.

(vi) Continuous quality improvement through cooperation and collaboration among all who participate in the unified system in order for individuals to earn family-sustaining wages for economic self-sufficiency.

(5) This act enables the Commonwealth to participate in the program under the Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936).

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Workforce Investment Board established in section 301.

"Certification." An approval issued by the Governor, upon

1 recommendation by the board, to a local workforce investment
2 board which satisfies the eligibility requirements established
3 by the board.

4 "Chief elected official." Any of the following:

5 (1) The mayor of a city of the first class.

6 (2) The mayor of a city of the second class.

7 (3) The chairperson of the board of commissioners of a
8 county or an individual acting in that capacity.

9 (4) The county executive in a home rule charter county
10 or optional plan county under 53 Pa.C.S. Pt. III Subpt. E
11 (relating to home rule and optional plan government).

12 (5) The county executive in a county of the second class
13 which has opted for home rule under Article XXXI-C of the act
14 of July 28, 1953 (P.L.723, No.230), known as the Second Class
15 County Code.

16 "Customer." Any employer, job seeker or incumbent worker who
17 wishes to engage in workforce investment activities which fall
18 within the purview of this act. The term does not include a
19 service provider.

20 "Customized training." Training which is designed to meet
21 the special requirements of an employer, including a group of
22 employers, and which is conducted with a commitment by the
23 employer to employ an individual on successful completion of the
24 training.

25 "Eligible youth." An individual who:

26 (1) is not less than 14 years of age and not more than
27 21 years of age;

28 (2) is a low-income individual; and

29 (3) is an individual who is:

30 (i) deficient in basic literacy skills;

1 (ii) a school dropout;
2 (iii) homeless;
3 (iv) a runaway or a foster child;
4 (v) pregnant or a parent;
5 (vi) an offender; or
6 (vii) in need of additional assistance to complete
7 an educational program or to secure and hold employment.

8 "Employment." Work that is employer-based or
9 entrepreneurial.

10 "Information access." An information system which:

11 (1) makes use of a combination of technologies and means
12 of access;

13 (2) is readily identifiable and easily accessible; and

14 (3) enables the sharing of workforce investment
15 information across all parts of the unified system and is
16 available to all customers.

17 "Lifelong learning." Formal and informal learning and
18 training activities, as well as work experience, which develop
19 the knowledge and the learning skills of students and customers
20 to enhance learning, employability and the quality of life for
21 each individual in society.

22 "Local workforce investment area." An area designated by the
23 Governor through consultation with the board and the chief
24 elected officials, to further the goals and purpose of this act.

25 "Local workforce investment board." An entity recommended
26 for certification by the board, certified by the Governor and
27 organized to further the goals and purpose of this act.

28 "One-stop delivery system." A one-stop collaborative network
29 of service providers designed to deliver to customers high-
30 quality information access, lifelong learning, transitional or

work support services or activities and economic investment services and activities, at a county or multicounty level.

"Participating agencies." All of the following:

(1) The Department of Aging.

(2) The Department of Community and Economic Development.

(3) The Department of Education.

(4) The Department of Labor and Industry.

(5) The Department of Public Welfare.

(6) Any agency which oversees and monitors funds appropriated by the Federal Government and designated by the Governor or funds specifically appropriated by the General Assembly for workforce investment which falls under the authority of the board.

"School entity." A public school district, intermediate unit or area vocational-technical school.

"Service provider." Any individual, partnership or corporation, secondary or postsecondary educational institution or intermediate unit or public agency that engages in the business of providing workforce investment services and activities for monetary remuneration.

"Transitional support." Wage loss or subsistence programs, such as public assistance, unemployment compensation and workers' compensation, which are designed to provide temporary income during a defined interim period to enable a customer to pursue employment opportunities and to obtain and engage in employment.

"Unified system." The system for the delivery of workforce investment programs to assure a well-educated, highly skilled workforce for this Commonwealth.

1 "Work support." Assistance which helps a customer secure and
2 maintain employment, such as assistance in securing child care,
3 transportation, vocational rehabilitation goods or services or
4 case management.

5 "Workforce development." Information access and lifelong
6 learning activities. The term includes vocational education
7 programs; programs in community colleges and postsecondary
8 education institutions authorized to grant specialized
9 associate, associate, baccalaureate and advanced degrees; and
10 transitional support and work support services or activities
11 which enable customers to engage in or prepare for employment
12 opportunities.

13 "Workforce investment." Workforce development.

14 "Youth activity." An activity which is carried out for
15 eligible youths.

16 Section 104. Lobbying.

17 An individual who is registered as a lobbyist under 65
18 Pa.C.S. Ch. 13 (relating to lobby registration and disclosure)
19 may not serve as a member of the board or as a member of a local
20 workforce investment board.

21 CHAPTER 3

22 BOARD

23 Section 301. Establishment.

24 The Pennsylvania Workforce Investment Board is established to
25 advise and assist the Governor and the General Assembly on the
26 implementation of a unified system to assure a well-educated,
27 highly skilled workforce. The board is responsible for unifying
28 the Commonwealth's existing Federal and State workforce
29 investment programs into an integrated system.

30 Section 302. Membership.

1 (a) General rule.--The board shall be established as
2 follows:

3 (1) The Governor or a designee.

4 (2) Four members of the General Assembly:

5 (i) Two senators, one appointed by the President pro
6 tempore of the Senate and one appointed by the Minority
7 Leader of the Senate.

8 (ii) Two representatives, one appointed by the
9 Speaker of the House of Representatives and one appointed
10 by the Minority Leader of the House of Representatives.

11 (3) Representatives appointed by the Governor who are:

12 (i) Representatives of business, including private
13 sector employers, representatives from each of the
14 Commonwealth's marketing regions, owners of businesses,
15 chief executive officers, other business executives with
16 optimum policymaking or hiring authority, members of
17 local workforce investment boards and businesses that
18 reflect the employment opportunities in this
19 Commonwealth.

20 (ii) Chief elected officials.

21 (iii) Representatives of labor organizations who
22 have been nominated by State labor federations.

23 (iv) Representatives of individuals and
24 organizations experienced with respect to youth
25 activities.

26 (v) Representatives of organizations which have
27 experience and expertise in the delivery of workforce
28 investment activities, including chief executive officers
29 of community colleges and community-based organizations
30 in this Commonwealth.

(vi) Lead Commonwealth agency officials, including:

(A) The Secretary of Aging.

(B) The Secretary of Community and Economic
Development.

(C) The Secretary of Education.

(D) The Secretary of Labor and Industry.

(E) The Secretary of the Public Welfare.

(F) The Director of the Governor's Policy
Office.

(vii) Any other representative or Commonwealth
agency official the Governor deems necessary.

(4) A majority of the board under this subsection must
be representatives of business.

(b) Chairperson.--The Governor shall designate, to serve at
the Governor's pleasure, a member from the private sector to
serve as chairperson of the board and one government
representative to serve as vice chairperson of the board.

(c) Quorum.--A majority of the members shall constitute a
quorum of the board. Action must be taken by a vote of a
majority of the members present. If a member cannot be present,
that member may submit a vote by proxy to another board member.

(d) Staff.--The board may employ a limited staff to
implement the decisions of the board.

(e) Meetings.--The board shall meet at times and places as
it determines necessary. Special meetings may be called by the
chairperson or at the request of a majority of the members.

(f) Executive committee.--An executive committee that
includes representation from the private sector may be
established and authorized under the board to oversee and
monitor the unified system. The organization framework may

1 utilize existing staff structure or develop its own staffing
2 arrangement.

3 (g) Committees.--The board may establish committees, appoint
4 members and delegate duties to committees as the chairperson
5 deems necessary to fulfill the board's responsibilities. Each
6 committee shall be chaired by a member of the board.

7 (h) Compensation.--Members shall receive no compensation but
8 shall be entitled to receive an allowance for expenses incurred
9 in the performance of duties.

10 (i) Personnel, equipment, resources.--The policy and program
11 offices of the Department of Aging, the Department of Community
12 and Economic Development, the Department of Education, the
13 Department of Labor and Industry and the Department of Public
14 Welfare shall provide personnel, equipment and resources as
15 required for the functioning of the board.

16 Section 303. Conflicts of interest.

17 A member of the board may not do any of the following:

18 (1) Vote on a matter under consideration by the board:

19 (i) regarding the provision of services by the
20 member or by an entity that the member represents; or

21 (ii) which would provide direct financial benefit to
22 the member or the immediate family of the member.

23 (2) Engage in any other activity determined by the
24 Governor to constitute a conflict of interest as specified in
25 the unified system.

26 Section 304. Plan, functions and responsibilities.

27 The board, in furtherance of section 102, shall advise and
28 assist the Governor on all of the following:

29 (1) Development and adoption of and adherence to,
30 throughout the unified system, standards, principles,

1 policies, goals, financial resource investment priorities and
2 strategies for workforce investment to maintain continuously
3 a competitive advantage for this Commonwealth.

4 (2) Monitoring and assuring collaboration of the
5 investment of all funds specifically appropriated by the
6 Federal Government and designated by the Governor or funds
7 specifically appropriated by State government, for workforce
8 investment, under any Federal or State statute.

9 (3) Assuring that no funds designated for Statewide
10 youth activities are used to develop or implement education
11 curricula for school districts.

12 (4) Examination of Federal and State statutes and
13 regulations to assess whether they present barriers to
14 achieving the provisions of this act and to recommend to the
15 Federal Government, the Governor and the General Assembly
16 amendments to statutes and regulations and waivers of
17 regulations to eliminate barriers and to promote the
18 provisions of this act.

19 (5) Development and dissemination of appropriate and
20 necessary research and statistical information, to set the
21 requisite protocols and standards for common data reference,
22 to engage in or sponsor studies to identify unified system
23 needs and to gather and disseminate information.

24 (6) Establishment of and adherence to performance-based
25 quality assurance standards designed to optimize unified
26 system function, performance and effectiveness.

27 (7) Evaluation of the unified workforce investment plans
28 submitted by local workforce investment boards consistent
29 with local plan requirements developed by the board.

30 (8) Implementation of mechanisms to secure appropriate

1 input from local workforce investment boards in the
2 development of policies, local performance measures or
3 investment strategies.

4 (9) Establishment and maintenance of a universally
5 accessible information access system which enables the
6 unified system to function and serve its customers
7 effectively.

8 (10) Contracting or developing written agreements or
9 memoranda of understanding with participating agencies for
10 the administration and management of workforce investment
11 programs and activities under the responsibility of the
12 board.

13 (11) Providing technical assistance to local workforce
14 investment boards to assist them in maximizing the investment
15 of public money.

16 (12) Setting the criteria for unified system and service
17 provider participation and developing a systemwide marketing
18 program.

19 (13) Recommending certification or recertification of
20 local workforce investment boards, by giving consideration to
21 all of the following:

22 (i) The proposed local workforce investment board's
23 leadership system and its capability to effectively
24 monitor and assure collaboration of workforce investment
25 programs.

26 (ii) The portion of the labor market or geographical
27 area to be served by the proposed local workforce
28 investment board.

29 (14) Recommending necessary action if a local workforce
30 investment board fails to act, acts improperly or fails to

1 meet the conditions of its unified local workforce investment
2 plan in which Federal or State funds have been invested.

3 (15) Recognition of the potential of citizens, employers
4 and communities in this Commonwealth by affirming the
5 continued existence and independence of all current funding
6 streams and programs for persons with disabilities while
7 ensuring that employment-related programs for individuals
8 with disabilities operate efficiently.

9 (16) Assessment of the economic and workforce needs of
10 this Commonwealth and to develop the unified system to build
11 on available services and resources to effectively meet these
12 Statewide needs.

13 (17) Establishing cooperative and collaborative
14 relationships with other states' unified system governing
15 bodies.

16 (18) Assuring the implementation of Federal and State
17 statutory mandates which fall within the purview of the
18 unified system.

19 (19) Compilation of an annual report, which shall be
20 submitted to the General Assembly, the Secretary of the
21 Senate and the Chief Clerk of the House of Representatives by
22 March 1 and which shall include all of the following:

23 (i) A detailed explanation of the performance
24 measures used and how the performance measures were
25 developed.

26 (ii) An explanation of the process used to achieve
27 continuous improvement of workforce investment
28 activities.

29 (iii) The anticipated course of actions to be taken
30 by the board to encourage continuous improvement in the

1 unified system.

2 (iv) A list of the membership of the board,
3 including name, affiliation, address, telephone number,
4 telefax number and electronic mail address.

5 (v) An explanation of the process used to negotiate
6 levels of local performance.

7 (vi) A list of all certified local workforce
8 investment boards in this Commonwealth, including each
9 local workforce board's negotiated level of local
10 performance, each local workforce board's level of
11 performance attained and the action taken with respect to
12 any local workforce investment board which failed to meet
13 its negotiated level of local performance.

14 (vii) A copy of the annual report submitted by each
15 local workforce investment board to the board.

16 (viii) An accounting of Federal and State funds
17 expended for workforce investment in the previous fiscal
18 year by line item and program.

19 Section 305. State performance measures.

20 (a) General rule.--The board shall establish a comprehensive
21 performance accountability system, including, at a minimum, a
22 focus on all of the following:

23 (1) Entry into unsubsidized employment.

24 (2) Retention in unsubsidized employment six months
25 after entry into the employment.

26 (3) Earnings received in unsubsidized employment six
27 months after entry into the employment.

28 (4) Attainment of a recognized credential relating to
29 achievement of educational skills, including attainment of a
30 secondary school diploma or its recognized equivalent, or

1 occupational skills, by participants who enter unsubsidized
2 employment or by participants who are eligible youths between
3 the ages of 19 and 21 and who enter postsecondary education,
4 advanced training or unsubsidized employment.

5 (b) Customer satisfaction.--As an indicator of performance
6 customer satisfaction shall also be considered. The customer
7 satisfaction indicator of performance shall consist of customer
8 satisfaction of employers and participants with services
9 received from workforce investment activities. Customer
10 satisfaction may be measured through surveys conducted after the
11 conclusion of participation in the workforce investment
12 activities.

13 CHAPTER 5

14 LOCAL WORKFORCE INVESTMENT AREAS AND BOARDS

15 Section 501. Establishment.

16 (a) Areas and local workforce investment boards.--

17 (1) Local workforce investment areas shall be designated
18 by the Governor through consultation with the board and the
19 chief elected officials, and after consideration of comments
20 received through the public comment process. In making the
21 designation of local workforce investment areas, the Governor
22 shall take into consideration the following:

23 (i) Geographic areas served by school entities.

24 (ii) Geographic areas served by postsecondary
25 educational institutions.

26 (iii) The extent to which such local workforce
27 investment areas are consistent with labor market areas.

28 (iv) The distance that individuals will need to
29 travel to receive services provided in such local
30 workforce investment areas.

1 (v) The resources of such local workforce investment
2 areas that are available to effectively administer the
3 activities carried out under Federal law.

4 (2) Local workforce investment boards shall be
5 established in each local workforce investment area of this
6 Commonwealth, recommended for certification by the board and
7 certified by the Governor, to set policy for the portion of
8 the unified system within that local workforce investment
9 area.

10 (3) No local workforce investment board may conduct
11 business unless it is certified by the Governor.

12 (b) Purpose.--The purpose of each local workforce investment
13 board is to advise and assist the chief elected official in the
14 county or counties served by the local workforce investment
15 board by setting policy to promote effective workforce
16 investment programs in a designated geographic area.

17 (c) Liability.--The chief elected official in a local
18 workforce investment area shall serve as the local grant
19 recipient for, and shall be liable for any misuse of, the grant
20 funds allocated to the local workforce investment area under
21 Federal law or this act.

22 Section 502. Membership.

23 (a) Composition.--

24 (1) A local workforce investment board, appointed by the
25 chief elected official, shall be as follows:

26 (i) A majority shall be representatives of business
27 in the local workforce investment area, who:

28 (A) are owners of businesses, chief executives
29 or operating officers of businesses and other
30 business executives or employers with optimum policy

1 making or hiring authority;

2 (B) represent businesses with employment
3 opportunities which reflect the employment
4 opportunities of the local workforce investment area;
5 and

6 (C) are appointed from among individuals
7 nominated by local business organizations and
8 business trade associations.

9 (ii) Representatives of local educational entities,
10 including representatives of local educational agencies,
11 local school boards, entities providing adult education
12 and literacy activities, postsecondary educational
13 institutions and community colleges, selected from among
14 individuals nominated by regional or local educational
15 agencies, institutions or organizations representing such
16 local educational entities.

17 (iii) In a local workforce investment area in which
18 employees are represented by labor organizations,
19 representatives nominated by local labor federations.

20 (iv) In a local workforce investment area in which
21 no employees are represented by labor organizations,
22 other representatives of employees.

23 (v) Representatives of community-based
24 organizations, ~~including~~ WHICH MAY INCLUDE organizations <—
25 representing minorities and individuals with disabilities
26 and veterans, from a local workforce investment area in
27 which such organizations are present.

28 (vi) Representatives of economic development
29 entities.

30 (vii) Representatives of each of the one-stop

1 delivery system partners.

2 (viii) Other individuals or representatives of
3 entities as the chief elected official in the local
4 workforce investment area may determine to be
5 appropriate.

6 (2) Members of the local workforce investment board must
7 be individuals who have optimum policymaking authority within
8 the organizations, agencies or other entities which they
9 represent.

10 (3) The membership shall select a chairperson from the
11 private sector representatives.

12 (4) A local workforce investment board may hire limited
13 staff to implement the decisions of the local workforce
14 investment board.

15 (b) Manner of appointment.--In accordance with the criteria
16 established by the board for the Governor, a member of a local
17 workforce investment board shall be appointed by the chief
18 elected official of the CITY, county or counties that <—
19 participate in the local workforce investment board as follows:

20 (1) If only one county participates on the local
21 workforce investment board, the chief elected official shall
22 appoint the members.

23 (2) If a local workforce investment board represents
24 more than one county, OR REPRESENTS BOTH A COUNTY AND A CITY <—
25 THAT COMPRISES A SEPARATE WORKFORCE INVESTMENT AREA, the
26 chief elected officials of each county AND ANY CITY THAT <—
27 COMPRISES A SEPARATE WORKFORCE INVESTMENT AREA ALSO
28 REPRESENTED BY THE LOCAL WORKFORCE INVESTMENT BOARD shall
29 enter into a detailed written agreement describing the
30 understanding of the counties as to appointments, governance

1 and oversight activities of the local workforce investment
2 board under this act. If, after a reasonable effort, the
3 chief elected officials are unable to reach agreement, the
4 Governor may appoint the members of the local workforce
5 investment board from individuals so nominated or
6 recommended.

7 Section 503. Conflicts of interest.

8 A member of the local workforce investment board may not do
9 any of the following:

10 (1) Vote on a matter under consideration by the local
11 workforce investment board:

12 (i) regarding the provision of services by the
13 member or by an entity that the member represents; or

14 (ii) which would provide direct financial benefit to
15 the member or the immediate family of the member.

16 (2) Engage in any other activity determined by the
17 Governor to constitute a conflict of interest as specified in
18 the unified system.

19 Section 504. Plan, functions and responsibilities.

20 (a) Unified workforce investment plan.--A local workforce
21 investment board, in partnership with the chief elected official
22 of the county or counties served by the local workforce
23 investment board, shall submit to the Governor for approval a
24 unified workforce investment plan. The unified workforce
25 investment plan shall be developed through a process which
26 includes the opportunity for participation by current and
27 potential customers and service providers and which shall
28 contain, at a minimum, the following:

29 (1) A description of the local workforce investment
30 area's strategic economic and workforce vision and of how the

1 vision will be attained.

2 (2) A description of how the plan supports the
3 Commonwealth's overall mission and goals.

4 (3) An analysis of the local workforce investment area
5 market, including projected growth industries and declining
6 industries.

7 (4) A description of the respective roles of the local
8 elected officials and the local workforce investment board.

9 (5) A description of programs for eligible youth.

10 (6) A description of the local workforce investment
11 area's one-stop delivery system.

12 (7) A description of the services to be provided to all
13 customers.

14 (8) A description of how coordination of workforce
15 investment activities will occur.

16 (9) If appropriate, a description of a regional
17 strategic component to the local plan.

18 (10) If available, an analysis of regional market
19 trends.

20 (b) Functions and responsibilities.--A local workforce
21 investment board, in order to develop and implement a unified
22 workforce investment plan for the investment and utilization of
23 private and public resources to meet the current and future
24 workforce investment needs of its region in furtherance of
25 section 102, has the following functions and responsibilities:

26 (1) To organize and elect a chairperson.

27 (2) To assess the economic and workforce needs of the
28 local workforce investment area and to develop a unified plan
29 which builds on available services and resources to
30 effectively meet the workforce and economic needs of the

1 local workforce investment area.

2 (3) To implement mechanisms to secure appropriate input
3 in the development of policies, performance standards or
4 investment strategies.

5 (4) To assist in the development of and collaboration
6 within the one-stop delivery system.

7 (5) To develop, adopt and assure adherence to local
8 performance standards, quality assurance standards and
9 applied operating principles, which are consistent with
10 criteria throughout the one-stop delivery system.

11 (6) To establish cooperative and collaborative
12 relationships with other local workforce investment boards
13 and, if appropriate, with the unified system governing bodies
14 of other states.

15 (7) To authorize use of local workforce investment
16 funds, including individual training accounts, where
17 applicable, for eligible customers, for any of the following
18 services:

19 (i) Core services shall be available to individuals
20 who are adults or dislocated workers through the one-stop
21 delivery system and shall, at a minimum, include all of
22 the following:

23 (A) Determinations of whether the individuals
24 are eligible to receive assistance.

25 (B) Outreach; intake, which may include worker
26 profiling; and orientation to the information and
27 other services available through the one-stop
28 delivery system.

29 (C) Initial assessment of skill levels,
30 aptitudes, abilities and supportive service needs.

1 (D) Job search and placement assistance and,
2 where appropriate, career counseling.

3 (E) Provision of employment statistics
4 information, including the provision of accurate
5 information relating to national, regional and local
6 labor market areas, such as:

7 (I) job vacancy listings in such labor
8 market areas;

9 (II) information on job skills necessary to
10 obtain the jobs described in subclause (I); and

11 (III) information relating to local
12 occupations in demand and the earnings and skill
13 requirements for such occupations.

14 (F) Provision of performance information and
15 program cost information on eligible providers of
16 training services, provided by program, eligible
17 providers of youth activities, providers of adult
18 education, providers of postsecondary vocational
19 education activities and vocational education
20 activities available to school dropouts under the
21 Carl D. Perkins Vocational and Applied Technology
22 Education Act (Public Law 88-210, 20 U.S.C. § 2301 et
23 seq.) and providers of vocational rehabilitation
24 program activities described in the Rehabilitation
25 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et
26 seq.).

27 (G) Provision of information regarding how the
28 local workforce investment area is performing on the
29 local performance measures and any additional
30 performance information with respect to the one-stop

1 delivery system in the local workforce investment
2 area.

3 (H) Provision of accurate information relating
4 to the availability of work support services,
5 including child care and transportation, available in
6 the local workforce investment area and referral to
7 such services, as appropriate.

8 (I) Provision of transitional support, including
9 information ~~or assistance, or both,~~ regarding filing <—
10 claims for unemployment compensation.

11 (J) Assistance in establishing eligibility for
12 welfare-to-work activities under section 403(a)(5) of
13 the Social Security Act (49 Stat. 620, 42 U.S.C. §
14 603(a)(5)), available in the local workforce
15 investment area and programs of financial aid
16 assistance for training and education programs that
17 are not funded under this act and are available in
18 the local workforce investment area.

19 (K) Follow-up services, including counseling
20 regarding the workplace.

21 (ii) Intensive services:

22 (A) Intensive services shall be provided to
23 adults and dislocated workers, who:

24 (I) are unemployed and are unable to obtain
25 employment through core services;

26 (II) have been determined by the one-stop
27 delivery system operator to be in need of more
28 intensive services in order to obtain employment;
29 or

30 (III) are employed, but are determined by a

1 one-stop delivery system operator to be in need
2 of intensive services in order to obtain or
3 retain employment that allows for self-
4 sufficiency.

5 (B) Intensive services shall be provided through
6 the one-stop delivery system directly through one-
7 stop delivery system operators or through contracts
8 with service providers, which may include contracts
9 with public, private for-profit, and private
10 nonprofit service providers, approved by the local
11 workforce investment board.

12 (C) Intensive services may include the
13 following:

14 (I) Comprehensive and specialized
15 assessments of the skill levels and service needs
16 of adults and dislocated workers, which may
17 include diagnostic testing and use of other
18 assessment tools and in-depth interviewing and
19 evaluation to identify employment barriers and
20 appropriate employment goals.

21 (II) Development of an individual employment
22 plan to identify the employment goals,
23 appropriate achievement objectives and
24 appropriate combination of services for the
25 participant to achieve the employment goals.

26 (III) Group counseling.

27 (IV) Individual counseling and career
28 planning.

29 (V) Case management.

30 (VI) Short-term prevocational services,

1 including development of learning skills,
2 communication skills, interviewing skills,
3 punctuality, personal maintenance skills and
4 professional conduct to prepare individuals for
5 employment or training.

6 (iii) Training services:

7 (A) Training services shall be provided to
8 adults and dislocated workers who:

9 (I) have met the eligibility requirements
10 for intensive services and who are unable to
11 obtain or retain employment through such
12 services;

13 (II) after an interview, evaluation, or
14 assessment and case management, have been
15 determined by a one-stop delivery system operator
16 or one-stop delivery system partner to be in need
17 of training services and to have the skills and
18 qualifications to successfully participate in the
19 selected program of training services; and

20 (III) select programs of training services
21 which are directly linked to the employment
22 opportunities in the local workforce investment
23 area involved or in another area in which the
24 adults or dislocated workers receiving such
25 services are willing to relocate.

26 (B) Training services shall be limited to
27 individuals who are unable to obtain other grant
28 assistance for such services, including Federal Pell
29 Grants established under Title IV of the Higher
30 Education Act of 1965 (Public Law 89-329, 20 U.S.C. §

1 1070 et seq.) or require assistance beyond the
2 assistance made available under other grant
3 assistance programs, including Federal Pell Grants.

4 (C) Training services may include:

5 (I) Occupational skills training, including
6 training for nontraditional employment.

7 (II) On-the-job training.

8 (III) Programs which combine workplace
9 training with related instruction, including
10 cooperative education programs.

11 (IV) Training programs operated by the
12 private sector.

13 (V) Skill upgrading and retraining.

14 (VI) Entrepreneurial training.

15 (VII) Job readiness training.

16 (VIII) Adult education and literacy
17 activities provided in combination with services
18 described in any of subclauses (I) through (VII).

19 (IX) Customized training conducted with a
20 commitment by an employer or group of employers
21 to employ an individual upon successful
22 completion of the training.

23 (8) To compile an annual report to be submitted to the
24 board by a deadline to be determined by the board. This
25 report shall include, at a minimum:

26 (i) a list of the membership of the local workforce
27 investment board, including the name, affiliation,
28 address, telephone number, telefax number and electronic
29 mail address; the negotiated local level of performance;

30 (ii) the level of performance achieved, including an

1 analysis of the strengths and weaknesses;

2 (iii) the programs participated in; and

3 (iv) a list of the local eligible service providers.

4 Section 505. Local performance measures.

5 (a) General rule.--The local performance measures for each
6 local workforce investment area shall include, at a minimum, the
7 following:

8 (1) Entry into unsubsidized employment.

9 (2) Retention in unsubsidized employment six months
10 after entry into the employment.

11 (3) Earnings received in unsubsidized employment six
12 months after entry into the employment.

13 (4) Attainment of a recognized credential relating to
14 achievement of educational skills, including attainment of a
15 secondary school diploma or its recognized equivalent, or
16 occupational skills, by participants who enter unsubsidized
17 employment or by participants who are eligible youths between
18 the ages 19 and 21 and who enter postsecondary education,
19 advanced training or unsubsidized employment.

20 (b) Customer satisfaction.--As an indicator of performance
21 customer satisfaction shall also be considered. The customer
22 satisfaction indicator of performance shall consist of customer
23 satisfaction of employers and participants in services received
24 from workforce investment activities. Customer satisfaction may
25 be measured through surveys conducted after the conclusion of
26 participation in the workforce investment activities.

27 (c) School-to-Work Opportunities Act of 1994.--No funds made
28 available under the Workforce Investment Act of 1998 (Public Law
29 105-220, 112 Stat. 936), shall be used to develop or continue
30 programs or activities created under the School-to-Work

1 Opportunities Act of 1994 (Public Law 103-239, 108 Stat. 568). <—
2 ~~other than approved vocational technical programs operated by~~ <—
3 ~~school districts and programs or activities offered by~~
4 ~~intermediate units or area vocational technical schools.~~

5 ~~Section 506. Oversight; reports.~~

6 ~~The board shall be subject to oversight by the Labor and~~
7 ~~Industry Committee of the Senate and the Labor Relations~~
8 ~~Committee of the House of Representatives. The board shall~~
9 ~~present annual reports to the Governor and the Labor and~~
10 ~~Industry Committee of the Senate and the Labor Relations~~
11 ~~Committee of the House of Representatives. These reports shall~~
12 ~~provide a detailed summary of all activity occurring under this~~
13 ~~act.~~

14 CHAPTER 7 <—

15 CRITICAL JOB TRAINING GRANTS

16 SECTION 701. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "CRITICAL JOB TRAINING." TRAINING FOR DISLOCATED WORKERS,
21 FOR OCCUPATIONS WITH IMMEDIATE SKILL NEEDS, OR FOR HIGH-DEMAND
22 JOBS OR JOBS WITH A SHORTAGE OF SKILLED WORKERS, AS IDENTIFIED
23 BY THE DEPARTMENT OF LABOR AND INDUSTRY.

24 "DISLOCATED WORKER." AS THAT TERM IS DEFINED UNDER THE ACT
25 OF DECEMBER 20, 1985 (P.L.492, NO.116, KNOWN AS THE CUSTOMIZED
26 JOB TRAINING ACT.

27 "ELIGIBLE APPLICANT." A SERVICE PROVIDER; SCHOOL ENTITY; A
28 SECONDARY OR POSTSECONDARY EDUCATIONAL INSTITUTION, INCLUDING A
29 COMMUNITY COLLEGE; A LOCAL WORKFORCE INVESTMENT BOARD; OR A
30 CORPORATION, SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED

1 PARTNERSHIP OR LIMITED LIABILITY COMPANY.

2 "RAPID RESPONSE COMMITTEE." A COMMITTEE, COMPOSED OF THE
3 SECRETARY OF LABOR AND INDUSTRY, THE SECRETARY OF PUBLIC
4 WELFARE, THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT,
5 THE SECRETARY OF EDUCATION AND THE SECRETARY OF AGING, THAT
6 PROVIDES GRANTS FOR CRITICAL JOB TRAINING.

7 SECTION 702. RAPID RESPONSE COMMITTEE.

8 IF THE SECRETARY OF LABOR AND INDUSTRY DETERMINES THAT
9 ECONOMIC OR OTHER EVENTS HAVE RESULTED IN SUBSTANTIAL JOB LOSSES
10 OR IN A CRITICAL SHORTAGE OF OCCUPATIONS OR SKILLS FOR EXISTING
11 JOBS, A RAPID RESPONSE COMMITTEE SHALL BE ESTABLISHED TO AWARD
12 CRITICAL JOB TRAINING GRANTS. THE SECRETARY OF LABOR AND
13 INDUSTRY SHALL BE CHAIRMAN OF THE COMMITTEE. THE RAPID RESPONSE
14 COMMITTEE SHALL IDENTIFY SOURCES OF FEDERAL AND STATE FUNDS TO
15 BE USED FOR CRITICAL JOB TRAINING GRANTS, INCLUDING FUNDS
16 APPROPRIATED TO PARTICIPATING COMMONWEALTH AGENCIES UNDER THE
17 GOVERNOR'S JURISDICTION FOR PURPOSES OF WORKFORCE DEVELOPMENT.
18 THE RAPID RESPONSE COMMITTEE SHALL NOTIFY THE DEPARTMENT OF
19 LABOR AND INDUSTRY OF THE AMOUNT OF THE FUNDS.

20 SECTION 703. GRANTS.

21 AN ELIGIBLE APPLICANT MAY APPLY TO THE DEPARTMENT OF LABOR
22 AND INDUSTRY FOR CRITICAL JOB TRAINING GRANTS UNDER THIS
23 SECTION. AN APPLICATION MUST DEMONSTRATE:

24 (1) THE NUMBER OF DISLOCATED WORKERS WHO WILL RECEIVE
25 TRAINING.

26 (2) THE EXISTENCE OF JOB OPPORTUNITIES DIRECTLY RELATED
27 TO THE TRAINING TO BE PROVIDED.

28 (3) HOW THE TRAINING WILL SUPPORT GROWTH INDUSTRIES
29 WITHIN THIS COMMONWEALTH WHICH ARE IDENTIFIED IN THE
30 STRATEGIC PLAN OF THE LOCAL WORKFORCE INVESTMENT BOARD.

(4) PRIVATE SECTOR PARTICIPATION IN CURRICULUM AND
PLACEMENT.

SECTION 704. CONTRACTS.

THE RAPID RESPONSE COMMITTEE, UPON APPROVAL OF THE GOVERNOR,
MAY APPROVE A GRANT APPLICATION AND SHALL DIRECT THE APPROPRIATE
COMMONWEALTH AGENCY TO ENTER INTO A CONTRACT WITH AN ELIGIBLE
APPLICANT TO PROVIDE CRITICAL JOB TRAINING. NOTWITHSTANDING THE
ACT OF DECEMBER 20, 1985 (P.L.492, NO.116), KNOWN AS THE
CUSTOMIZED JOB TRAINING ACT, THE DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT MAY USE FUNDS APPROPRIATED UNDER THE
CUSTOMIZED JOB TRAINING ACT TO PROVIDE CRITICAL JOB-TRAINING
GRANTS TO ELIGIBLE APPLICANTS.

CHAPTER 49

MISCELLANEOUS PROVISIONS

Section 4901. Construction.

~~(a) General rule. Except as set forth in subsection (b),~~
~~this~~ THIS act, being necessary for the welfare of this
Commonwealth and its citizens, shall be liberally construed to
effect its purposes.

~~(b) Statewide data base. Nothing in this act shall be~~
~~construed to permit the development of a Statewide data base of~~
~~personally identifiable information on individuals receiving~~
~~services under this act.~~

Section 4902. Regulations abrogated.

As much of the appendix to 4 Pa. Code Ch. 9 Subch. B
(relating to organizational charts) as relates to the State Job
Training Coordinating Council is abrogated.

~~Section 4903. Nondiscrimination.~~

~~(a) Prohibition. Except as set forth in subsection (b), the~~
~~Commonwealth or a political subdivision may not discriminate~~

1 ~~against an employer, a public entity or any other person for~~
2 ~~failure to participate in a program under this act.~~

3 ~~(b) Exception. Subsection (a) shall not apply to specific~~
4 ~~benefits conferred by this act.~~

5 SECTION 4903. EXPIRATION. <—

6 CHAPTER 7 SHALL EXPIRE DECEMBER 31, 2002.

7 Section ~~4904-4903~~ 4904. Effective date. <—

8 ~~This act shall take effect July 1, 2002.~~ <—

9 THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

10 (1) THE ADDITION OF CHAPTER 7 SHALL TAKE EFFECT
11 IMMEDIATELY.

12 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
14 2002.