

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 723 Session of
2021INTRODUCED BY MIZGORSKI, SAYLOR, SCHLEGEL CULVER, MILLARD,
STAMBAUGH, HILL-EVANS AND KENYATTA, MARCH 2, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 24, 2022

AN ACT

1 Amending the act of December 18, 2001 (P.L.949, No.114),
2 entitled "An act establishing a unified workforce investment
3 system; restructuring certain administrative functions,
4 procedures and entities; transferring workforce development
5 functions of Commonwealth agencies; establishing the
6 Pennsylvania Workforce Investment Board; providing for
7 critical job training grants, for guarantees for program
8 quality and performance for workforce development programs,
9 for workforce leadership grants and for industry
10 partnerships; establishing the Keystone Works Program; and
11 authorizing local workforce investment boards," further
12 providing for title of act; in preliminary provisions,
13 further providing for declaration of policy, for definitions
14 and for lobbying; in board, further providing for
15 establishment, for membership, for conflicts of interest, for
16 plan, functions and responsibilities and for State
17 performance management system and providing for performance
18 accountability system; in local workforce investment areas
19 and boards, further providing for establishment, for
20 membership, for conflicts of interest, for plan, functions
21 and responsibilities and for local performance measures; in
22 critical job training grants, further providing for purpose,
23 for definitions, for program operation and for grants; in
24 workforce leadership grants, further providing for innovative
25 programs; in industry partnerships, further providing for
26 DEFINITIONS, FOR industry clusters, for grant program
27 operation ~~and~~, for interdepartmental cooperation AND FOR
28 INDUSTRY AND LABOR MARKET RESEARCH AND PROVIDING FOR
29 DISSEMINATION OF INDUSTRY AND LABOR MARKET RESEARCH TO
30 EDUCATIONAL INSTITUTIONS; in miscellaneous provisions,
31 further providing for construction; and making editorial
32 changes.

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1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. The title and sections 102(4)(iv) and (5), 103,
4 104 and 301 of the act of December 18, 2001 (P.L.949, No.114),
5 known as the Workforce Development Act, are amended to read:

6 AN ACT

7 Establishing a unified workforce [investment] development
8 system; restructuring certain administrative functions,
9 procedures and entities; transferring workforce development
10 functions of Commonwealth agencies; establishing the
11 Pennsylvania Workforce [Investment] Development Board;
12 providing for critical job training grants, [for guarantees]
13 for program quality and performance for workforce development
14 programs, for workforce leadership grants and for industry
15 partnerships; [establishing the Keystone Works Program;] and
16 authorizing local workforce [investment] development boards.

17 Section 102. Declaration of policy.

18 The General Assembly finds and declares as follows:

19 * * *

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

24 * * *

25 (iv) Stewardship of public resources, emphasizing
26 private sector solutions to workforce [investment]
27 development goals supplemented by public/private
28 partnerships and limited government involvement when
29 necessary.

30 * * *

(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)] Workforce Innovation and Opportunity Act (Public Law 113-128, 128 Stat. 1425).

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] Development Board established in section 301.

"Certification." An approval issued by the Governor, upon recommendation by the board, to a local workforce [investment] development board which satisfies the eligibility requirements established by the Governor, upon recommendation by the board.

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

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

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

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

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

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

(1) The chief elected executive officer of a political subdivision designated as a local workforce development area.

(2) If a local workforce development area includes more than one political subdivision, the chief elected officials

1 in the local workforce development area may execute an
2 agreement that specifies the respective roles of each chief
3 elected official in the appointment of the members of a local
4 workforce development board and in carrying out
5 responsibilities assigned to the officials under this act or
6 the Workforce Innovation and Opportunity Act, including the
7 respective roles of each chief elected official in the
8 appointment of members of a local workforce development
9 board.

10 "Core program." Any of the following:

11 (1) The provisions of Title I, Subtitle B, Chapters 2
12 and 3 and Title II of the Workforce Innovation and
13 Opportunity Act.

14 (2) The provisions of sections 1 through 13 of the
15 Wagner-Peyser Act of 1933 (Public Law 73-30, 48 Stat. 113).

16 (3) The provisions of Title I of the Rehabilitation Act
17 of 1973 (Public Law 93-112, 29 U.S.C. § 720 et seq.), other
18 than section 112 or Part C (29 U.S.C. § 732, 741).

19 "Customer." Any employer, job seeker or incumbent worker who
20 wishes to engage in workforce [investment] development
21 activities which fall within the purview of this act or any
22 other individual not precluded under the Workforce Innovation
23 and Opportunity Act. The term does not include a service
24 provider.

25 "Customized training." Training which is designed to meet
26 the special requirements of an employer, including a group of
27 employers, and which is conducted with a commitment by the
28 employer to employ an individual on successful completion of the
29 training[.] for which the employer pays:

30 (1) A significant portion of the cost of training as

1 determined by the local workforce development board involved,
2 taking into account the size of the employer and other
3 factors as the local workforce development board determines
4 to be appropriate, which may include the number of employees
5 participating in training, wage and benefit levels of those
6 employees, at present and anticipated upon completion of the
7 training, relation of the training to the competitiveness of
8 a participant and other employer-provided training and
9 advancement opportunities.

10 (2) In the case of an employer located in multiple areas
11 of this Commonwealth, a significant portion of the cost of
12 the training, as determined by the Governor, taking into
13 account the size of the employer and other factors as the
14 Governor determines to be appropriate.

15 "Eligible youth." An individual who:

16 (1) is not less than 14 years of age and not more than
17 [21] 24 years of age;

18 [(2) is a low-income individual; and

19 (3) is an individual who is:

20 (i) deficient in basic literacy skills;

21 (ii) a school dropout;

22 (iii) homeless;

23 (iv) a runaway or a foster child;

24 (v) pregnant or a parent;

25 (vi) an offender; or

26 (vii) in need of additional assistance to complete
27 an educational program or to secure and hold employment.]

28 and

29 (2) is one of the following:

30 (i) an "out-of-school youth" as defined in section

1 129(a)(1)(B) of the Workforce Innovation and Opportunity
2 Act; or
3 (ii) an "in-school youth" as defined in section
4 129(a)(1)(C) of the Workforce Innovation and Opportunity
5 Act.

6 "Employment." Work that is employer based or
7 entrepreneurial.

8 "Information access." An information system which:

9 (1) makes use of a combination of technologies and means
10 of access;

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

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

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

20 "Local plan." A comprehensive four-year local plan as
21 specified in section 108 of the Workforce Innovation and
22 Opportunity Act.

23 "Local workforce [investment] development area." An area
24 designated [by the Governor, through consultation with the board
25 and the chief elected officials, to further the goals and
26 purpose of this act] under section 501.

27 "Local workforce [investment] development board." [An entity
28 recommended for certification by the board, certified by the
29 Governor and organized to further the goals and purpose of this
30 act.] A local workforce development board established under

1 section 501.

2 "One-stop delivery system." A one-stop collaborative network
3 of service providers designed to deliver to customers high-
4 quality information access, lifelong learning, transitional or
5 work support services or activities and economic investment
6 services and activities at a county or multicounty level.

7 "Participating agencies." All of the following:

8 (1) The Department of Aging.

9 (2) The Department of Community and Economic
10 Development.

11 (3) The Department of Education.

12 (4) The Department of Labor and Industry.

13 (5) The Department of [Public Welfare] Human Services.

14 (6) Any agency which oversees and monitors funds
15 appropriated by the Federal Government and designated by the
16 Governor or funds specifically appropriated by the General
17 Assembly for workforce [investment] development which falls
18 under the authority of the board.

19 "Planning region." Regions as provided under section 106(a)
20 (2) (B) of the Workforce Innovation and Opportunity Act.

21 "Regional plan." A plan for a planning region as provided
22 under section 106(c) (2) of the Workforce Innovation and
23 Opportunity Act.

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

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

1 "State plan." A unified state plan under section 102 of the
2 Workforce Innovation and Opportunity Act or a combined state
3 plan under section 103 of the Workforce Innovation and
4 Opportunity Act.

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

11 "Unified system." The system for the delivery of workforce
12 [investment] development programs to [assure] encourage a well-
13 educated, highly skilled workforce for this Commonwealth.

14 "Work support." Assistance which helps a customer secure and
15 maintain employment, such as assistance in securing child care,
16 transportation, vocational rehabilitation goods or services or
17 case management.

18 "Workforce development." Information access and lifelong
19 learning activities. The term includes vocational education
20 programs; programs in community colleges, technical colleges and
21 postsecondary education institutions authorized to grant
22 diplomas and certificates, specialized associate, associate,
23 baccalaureate and advanced degrees; and transitional support and
24 work support services or activities which enable customers to
25 engage in or prepare for employment opportunities.

26 "Workforce Innovation and Opportunity Act." The Workforce
27 Innovation and Opportunity Act of 2014 (Public Law 113-128, 128
28 Stat. 1425).

29 ["Workforce investment." Workforce development.]

30 "Youth activity." An activity which is carried out for

1 eligible youths.

2 Section 104. Lobbying.

3 An individual who is registered as a lobbyist under 65
4 Pa.C.S. Ch. 13 (relating to lobby regulation and disclosure) may
5 not serve as a member of the board or as a member of a local
6 workforce [investment] development board.

7 Section 301. Establishment.

8 The Pennsylvania Workforce [Investment] Development Board is
9 established to advise and assist the Governor and the General
10 Assembly on the implementation of a unified system to assure a
11 well-educated, highly skilled workforce. The board is
12 responsible for unifying the Commonwealth's existing Federal and
13 State workforce [investment] development programs into an
14 integrated system. All recommendations and decisions of the
15 board shall be in compliance with the [Workforce Investment Act
16 of 1998 (Public Law 105-220, 112 Stat. 936)] Workforce
17 Innovation and Opportunity Act.

18 Section 2. Section 302(a)(3)(i), (iii) and (vi) and (4),
19 (b), (f) and (i) of the act are amended and subsection (a) is
20 amended by adding a paragraph to read:

21 Section 302. Membership.

22 (a) General rule.--The board shall be established as
23 follows:

24 * * *

25 (3) Representatives appointed by the Governor [who are:]
26 as follows:

27 (i) [Representatives] A majority shall be
28 representatives of business[, including] who:

29 (A) Are private sector employers,
30 representatives from each of the Commonwealth's

1 marketing regions, owners of businesses, chief
2 executive officers, other business executives with
3 optimum policymaking or hiring authority[, members of
4 local workforce investment boards] and businesses
5 that reflect the employment opportunities in this
6 Commonwealth, including large and small employers.
7 Members under this clause may be members of a local
8 workforce development board.

9 (B) Represent businesses, including small
10 businesses, or organizations representing businesses
11 described in clause (A), which provide employment
12 opportunities that, at a minimum, include high-
13 quality, work-relevant training and development in
14 in-demand industry sectors or occupations in this
15 Commonwealth.

16 (C) Are appointed among individuals nominated by
17 State business organizations and trade associations.

18 * * *

19 (iii) [Representatives of labor organizations who
20 have been nominated by State labor federations.] At least
21 20% of representatives appointed under this paragraph
22 shall be representatives of the workforce within this
23 Commonwealth who:

24 (A) Shall include representatives of labor
25 organizations who have been nominated by Pennsylvania
26 labor federations.

27 (B) Shall include a representative who is a
28 member of a labor organization or a training director
29 from a joint labor-management apprenticeship program
30 or, if no joint labor-management apprenticeship

1 program exists in this Commonwealth, a representative
2 of an apprenticeship program in this Commonwealth.

3 * * *

4 (vi) Lead Commonwealth agency officials, including:

5 (A) The Secretary of Aging.

6 (B) The Secretary of Community and Economic
7 Development.

8 (C) The Secretary of Education.

9 (D) The Secretary of Labor and Industry.

10 (E) The Secretary of [Public Welfare] Human
11 Services.

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

14 * * *

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

17 (3.1) No individual shall serve as a member representing
18 more than one of the categories described under section
19 101(b)(1)(C) of the Workforce Innovation and Opportunity Act.

20 * * *

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

26 * * *

27 (f) Executive committee.--An executive committee that
28 includes representation from [the private sector] business may
29 be established and authorized under the board within the
30 provisions of the Workforce Innovation and Opportunity Act to

1 fulfill the board's responsibilities. The organization framework
2 may utilize existing staff structure or develop its own staffing
3 arrangement.

4 * * *

5 (i) Personnel, equipment, resources.--The policy and program
6 offices of the Department of Aging, the Department of Community
7 and Economic Development, the Department of Education, the
8 Department of Labor and Industry and the Department of [Public
9 Welfare] Human Services shall provide personnel, equipment and
10 resources as required for the functioning of the board.

11 Section 3. Sections 303(2), 304(a)(1), (2), (7), (8), (10),
12 (11), (12), (13), (14), (18), (18.1) and (19) and (b) and 305.1
13 of the act are amended to read:

14 Section 303. Conflicts of interest.

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

16 * * *

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

20 Section 304. Plan, functions and responsibilities.

21 (a) General rule.--The board, in furtherance of section 102,
22 shall advise and assist the Governor on all of the following:

23 (1) Development and adoption of and adherence to,
24 throughout the unified system, standards, principles,
25 policies, goals, financial resource investment priorities and
26 strategies for workforce [investment] development to maintain
27 continuously a competitive advantage for this Commonwealth.

28 (2) Monitoring and assuring collaboration of the
29 investment of all funds specifically appropriated by the
30 Federal Government and designated by the Governor or funds

specifically appropriated by State government for workforce
[investment] development under any Federal or State statute.

* * *

(7) Evaluation of whether the [unified workforce
investment] local plans submitted by local workforce
[investment] development boards [consistent with local plan
requirements developed by the board. The objective of the
plans is to develop local and regional templates from which
Federal and State funds can be aligned and targeted toward
common goals and objectives.] support the strategies
described by the State plan and are consistent with the State
plan.

(8) Securing appropriate input from local workforce
[investment] development boards in the development of
policies, local performance measures or investment
strategies.

* * *

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

(11) Providing technical assistance to local workforce
[investment] development boards to assist them in maximizing
the investment of public money.

(12) Setting the criteria, as permitted by the Workforce
Innovation and Opportunity Act, for unified system and
service provider participation and developing a systemwide
[marketing] outreach program.

(13) Recommending certification or recertification of

1 local workforce [investment] development boards [by giving
2 consideration to all of the following:

3 (i) The proposed local workforce investment board's
4 leadership system and its capability to effectively
5 monitor and assure collaboration of workforce investment
6 programs.

7 (ii) The portion of the labor market or geographical
8 area to be served by the proposed local workforce
9 investment board.] under the authority provided to the
10 Governor by Federal law for certification or
11 recertification. In particular, when considering
12 recertification, the extent to which the local workforce
13 development board has ensured that workforce development
14 activities carried out in the local area have enabled the
15 local area to achieve sustained fiscal integrity, as
16 defined in section 106(b)(2) of the Workforce Innovation
17 and Opportunity Act, meet the corresponding performance
18 accountability measures and any other factors deemed <--
19 necessary by the Governor.

20 (14) Recommending necessary action, including
21 decertification, if a local workforce [investment]
22 development board fails to [act, acts improperly] carry out
23 its functions as specified by law, engages in fraud or abuse
24 or fails to meet [the conditions of its unified local
25 workforce investment plan in which Federal or State funds
26 have been invested.] established local performance
27 accountability measures for the local area for two
28 consecutive program years.

29 * * *

30 (18) [Assuring] Encouraging the implementation of

1 Federal and State statutory mandates which fall within the
2 purview of the unified system.

3 (18.1) Recommendations regarding the operation of the
4 one-stop delivery system and local workforce [investment]
5 development boards.

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

10 (i) A detailed explanation of the performance
11 measures used and how the performance measures were
12 developed.

13 (ii) An explanation of the process used to achieve
14 continuous improvement of workforce [investment]
15 development activities.

16 (iii) The anticipated course of actions to be taken
17 by the board to encourage continuous improvement in the
18 unified system.

19 (iv) A list of the membership of the board,
20 including name, affiliation, address, telephone number,
21 telefax number and electronic mail address.

22 (v) An explanation of the process used to negotiate
23 levels of local performance.

24 (vi) A list of all certified local workforce
25 [investment] development boards in this Commonwealth,
26 including each local workforce board's negotiated level
27 of local performance, each local workforce board's level
28 of performance attained and the action taken with respect
29 to any local workforce [investment] development board
30 which failed to meet its negotiated level of local

1 performance.

2 (vii) A copy of the annual report submitted by each
3 local workforce [investment] development board to the
4 board.

5 (viii) An accounting of Federal and State funds
6 expended for workforce [investment] development in the
7 previous fiscal year by line item and program.

8 (b) Evaluation of plans.--In order to develop an effective
9 system to evaluate the [unified workforce investment] local
10 plans submitted by local workforce [investment] development
11 boards, the board shall:

12 (1) Seek the participation of the participating agencies
13 to ensure that the plans integrate workforce programs.

14 (2) Seek the advice of local workforce [investment]
15 development boards to identify areas where federally and
16 State-funded workforce resources can be maximized in a local
17 region.

18 (3) Work with the participating agencies and local
19 workforce [investment] development boards to fully implement
20 local [workforce investment] plans.

21 (4) Ensure that local [workforce investment] plans
22 incorporate sufficient levels of community engagement,
23 participation and input from workforce development
24 partnerships.

25 The review of the plans shall determine the extent to which
26 State workforce development funds have been integrated with the
27 approved plan.

28 Section 305.1. [State performance] Commonwealth fiscal
29 management accountability information system.

30 [(a) General rule.--The board shall establish a system for

1 the development, oversight, modification and continuous
2 improvement of a comprehensive performance accountability system
3 that will provide effective measures of the performance and
4 impact of the workforce development system at the State and
5 local levels. The system will include input from board members,
6 local workforce investment boards, operators of the one-stop
7 delivery system, workforce development program providers,
8 business and industry and the participating agencies. The system
9 will be designed to produce recommendations to the board, the
10 Governor and the General Assembly and shall function within time
11 frames established by the board. The system shall be
12 comprehensive and provide a reporting system for program funding
13 as established by the board. The system shall:

14 (1) Identify one or more State agencies responsible for
15 the coordination and management of data.

16 (2) Identify systems for tracking and reporting of
17 information and determining the role of the State and local
18 workforce investment boards.

19 (3) Enable the development and funding of a locally
20 based management information system that will provide local
21 workforce investment boards and the board with management
22 data.

23 (4) Enable revisions to the performance management
24 system.

25 (b) Required performance measures.--The State performance
26 management system shall include:

27 (1) Entry into unsubsidized employment.

28 (2) Retention in unsubsidized employment six months
29 after entry into the employment.

30 (3) Earnings received in unsubsidized employment six

1 months after entry into the employment.

2 (4) Attainment of a recognized credential relating to
3 achievement of educational skills, including attainment of a
4 secondary school diploma or its recognized equivalent, or
5 occupational skills by participants who enter unsubsidized
6 employment or by participants who are eligible youths between
7 the ages of 19 and 21 and who enter postsecondary education,
8 advanced training or unsubsidized employment.

9 (5) The use of Federal funds for training services,
10 including activities authorized under Chapter 2 of Title II
11 of the Trade Act of 1974 (Public Law 93-618, 19 U.S.C. § 2101
12 et seq.).

13 (6) Guarantees for program quality and performance.

14 (7) Uniform program performance measures.

15 The required performance measures in paragraphs (1) through (5)
16 may be modified by the board to be aligned with common
17 performance measures adopted pursuant to revisions to the
18 Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat.
19 936) or the adoption of common performance measures by the
20 Federal agencies covered by this act.

21 (c) Customer satisfaction.--As an indicator of performance,
22 customer satisfaction shall also be considered. The customer
23 satisfaction indicator of performance shall consist of customer
24 satisfaction of employers and participants with services
25 received from workforce investment activities. Customer
26 satisfaction may be measured through surveys conducted after the
27 conclusion of participation in the workforce investment
28 activities. These surveys shall include questions about whether
29 employers, grant recipients and participants are able to quickly
30 receive funding.

1 (d) Guarantees for program quality and performance.--
2 Ensuring the quality of workforce development programs is an
3 essential function of the board. The board shall establish one
4 or more quality performance guarantees for workforce development
5 programs under this act. A guarantee may include:

6 (1) A guarantee or warranty for the training provided to
7 an incumbent worker, employee, job seeker or student.

8 (2) Successful completion of a certificate or short-term
9 training class or program established by a college or
10 university, a private licensed school established under the
11 act of December 15, 1986 (P.L.1585, No.174), known as the
12 Private Licensed Schools Act, or a local workforce investment
13 board.

14 (3) Passage of a nationally recognized or industry-
15 recognized certificate examination.

16 (4) A combination of paragraphs (1) through (3).

17 (5) Other requirements established by the board.

18 The program quality and performance guarantee shall provide for
19 additional education or training for persons who become employed
20 and are not able to perform their duties at a satisfactory
21 level, for employees receiving customized job training or other
22 training that is not satisfactory for the employer and for
23 students advancing to the next sequence of an integrated and
24 seamless secondary and postsecondary education program, as
25 established in section 902, who are not capable of performing at
26 this academic level. The board shall consult with local
27 workforce investment boards and program providers prior to the
28 adoption of the guarantees for program quality and performance.
29 The guarantee provisions shall be adopted by the board by June
30 30, 2003.] The Governor, in coordination with the board,

Commonwealth agencies administering the core programs, local workforce development boards and chief elected officials shall establish and operate a fiscal management accountability information system based on guidelines established by the United States Secretary of Labor and the United States Secretary of Education. Funds for the establishment and operation of the fiscal management accountability information system shall be money that is authorized under a core program and made available to carry out Title I, Subtitle A, Chapter 4 of the Workforce Innovation and Opportunity Act.

Section 4. The act is amended by adding a section to read:
Section 305.2. Performance accountability system.

(a) Required performance measures.--The board shall assist the Governor in developing and updating comprehensive State performance accountability measures to assess the effectiveness of the core programs in this Commonwealth. The accountability measures shall consist of the accountability measures specified in section 116(b)(1) of the Workforce Innovation and Opportunity Act, which are:

- (1) The primary indicators of performance.
- (2) Additional indicators of performance.
- (3) A State-adjusted level of performance.

(b) Additional indicators of performance.--The Governor may identify in the State plan the following performance accountability indicators:

- (1) The use of Federal funds for training services, including activities authorized under Title II, Chapter 2 of the Trade Act of 1974 (Public Law 93-618, 19 U.S.C. § 2101 et seq.).
- (2) The customer satisfaction indicator of performance,

1 which shall consist of customer satisfaction of employers,
2 grant recipients and participants who have received services
3 from workforce investment activities. Customer satisfaction
4 may be measured through surveys conducted after the
5 conclusion of participation in workforce investment
6 activities. Surveys under this paragraph shall include
7 questions about whether employers, grant recipients and
8 participants are able to quickly receive funding.

9 (3) One or more quality performance provisions, which
10 the Governor shall establish and which may include:

11 (i) A warranty or similar assurance of quality for
12 the training provided to an incumbent worker, employee,
13 job seeker, student or other eligible participant.

14 (ii) Successful completion of a certificate or
15 short-term training class or program established by a
16 college or university, a private licensed school
17 established under the act of December 15, 1986 (P.L.1585,
18 No.174), known as the Private Licensed Schools Act.

19 (iii) Passage of a nationally recognized or
20 industry-recognized certificate examination.

21 (iv) A combination of subparagraphs (i), (ii) and
22 (iii).

23 (4) Other requirements established by the Governor.

24 (c) Additional education and training.--Program quality and
25 performance provisions shall provide for additional education or
26 training for individuals who were employed and are not able to
27 perform their duties at a satisfactory level, for employees
28 receiving customized job training or other training that is not
29 satisfactory for the employer and for students advancing to the
30 next sequence of an integrated and seamless secondary and

1 postsecondary education program, as established in section 902,
2 who are not capable of performing at a satisfactory academic
3 level. The Governor shall consult with local workforce
4 development boards and program providers prior to the adoption
5 of the provisions for program quality and performance.

6 Section 5. The heading of Chapter 5 and sections 501, 502,
7 503, 504, 505 and 701-A of the act are amended to read:

8 CHAPTER 5

9 LOCAL WORKFORCE [INVESTMENT] Development AREAS and Regions
10 AND Local Workforce Development BOARDS

11 Section 501. Establishment.

12 (a) Areas and [local workforce investment boards] regions.--

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

19 (i) Geographic areas served by school entities.

20 (ii) Geographic areas served by postsecondary
21 educational institutions, including community colleges
22 and technical colleges and area vocational-technical
23 schools and career technology centers.

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

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

29 (v) The resources of such local workforce investment
30 areas that are available to effectively administer the

activities carried out under Federal and State law.]
development areas shall be designated by the Governor
through consultation with the board and after
consultation with chief elected officials and local
workforce development boards and consideration of
comments received through the public comment process. The
Governor shall base the designations on considerations
specified in section 106(b)(1)(B) of the Workforce
Innovation and Opportunity Act.

(1.1) The term "local workforce development area"
includes a planning region for purposes of implementation of
that provision by the corresponding local workforce
development areas in the region except if the board assists
the Governor in the development of discretionary allocation
formulas for the distribution of funds for employment and
training activities for adults and youth workforce
development activities to local workforce development areas
as permitted under section 128(b)(3) and section 133(b)(3) of
the Workforce Innovation and Opportunity Act.

(2) [Local workforce investment boards shall be
established in each local workforce investment area of this
Commonwealth, recommended for certification by the board and
certified by the Governor, to set policy for the portion of
the unified system within that local workforce investment
area. The local workforce investment boards shall work to
establish workforce development services in collaboration
with postsecondary institutions, area vocational-technical
schools and career technology centers; secondary schools,
including charter schools at these grade levels; community
colleges; and technical colleges.] ~~Except as provided in~~

<--

~~paragraph (3), a~~ A local workforce development board shall be <--
established and certified by the Governor in each local
workforce development area to carry out the functions
described in section 504 and any functions specified for the
local workforce development board under the Workforce
Innovation and Opportunity Act or Federal provisions
establishing a core program for the local area.

(3) No local workforce [investment] development board
may conduct business unless it is certified by the Governor
under paragraph (2).

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

(c) Administration and liability.--

(1) The chief elected official in a local workforce
[investment] development area shall serve as the local grant
recipient for and shall be liable for any misuse of the grant
funds allocated to the local workforce [investment]
development area under Federal law or this act[.], unless the
chief elected official reaches an agreement with the Governor
for the Governor to act as the local grant recipient and the
Commonwealth assumes the liability.

(2) [The] In order to assist in administration of the
grant funds, the chief elected official [in] or the Governor,
if the Governor serves as the local grant recipient for a
local workforce [investment] development area may designate
an entity to serve as a local grant subrecipient for such
funds or as a local fiscal agent. Such designation shall not

1 relieve the chief elected official or the Governor of
2 liability for any misuse of grant funds as described in
3 paragraph (1).

4 (3) The local grant recipient or an entity designated
5 under paragraph (2) shall disburse such funds for workforce
6 investment activities at the direction of the local board,
7 pursuant to the requirements of this act[.] and the Workforce
8 Innovation and Opportunity Act. The local grant recipient or
9 entity shall disburse the funds immediately on receiving the
10 direction from the local board.

11 Section 502. Membership.

12 (a) Composition.--The following apply:

13 (1) [A local workforce investment board appointed by the
14 chief elected official shall be as follows:] The Governor, in
15 partnership with the board, shall establish criteria for use
16 by chief elected officials in local workforce development
17 areas for appointment of members to local workforce
18 development boards. The following apply:

19 (i) A majority of the board's members shall be
20 representatives of business in the local workforce
21 [investment] development area who:

22 (A) are owners of businesses, chief executives
23 or operating officers of businesses and other
24 business executives or employers with optimum
25 policymaking or hiring authority;

26 (B) represent businesses [with], including small
27 businesses or organizations representing business
28 described in this subparagraph, that provide
29 employment opportunities [which reflect the
30 employment opportunities of] that, at a minimum,

1 include high-quality, work-relevant training and
2 development in in-demand industry sectors or
3 occupations in the local workforce [investment]
4 development area; and

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

8 (ii) [Representatives of local educational entities,
9 including representatives of] Board membership shall
10 include individuals who represent entities administering
11 education and training activities in the local area. The
12 following apply:

13 (A) Members under this subparagraph shall
14 include a representative of eligible providers
15 administering adult education and literacy activities
16 under Title II of the Workforce Innovation and
17 Opportunity Act and a representative of institutions
18 of higher education providing workforce investment
19 activities, including community colleges.

20 (B) If there are multiple eligible providers
21 serving the local area or multiple institutions of
22 higher education serving the local workforce
23 development area under clause (A), each member of the
24 local workforce development board shall be appointed
25 from among individuals nominated by local providers
26 representing the providers or institutions,
27 respectively.

28 (C) Entities administering education and
29 training activities may include representatives of
30 local educational agencies, local school boards,

1 entities providing adult education and literacy
2 activities, postsecondary educational institutions,
3 community colleges and technical colleges[, selected
4 from among individuals nominated by regional]_.
5 Regional or local educational agencies, institutions
6 or organizations representing [such] local
7 educational entities may recommend representatives of
8 respective entities to serve as members of a local
9 workforce development board.

10 [(iii) In a local workforce investment area in which
11 employees are represented by labor organizations,
12 representatives nominated by local labor federations.

13 (iv) In a local workforce investment area in which
14 no employees are represented by labor organizations,
15 other representatives of employees.]

16 (iii) At least 20% of board members shall be
17 representatives of the workforce within the local area
18 and shall include:

19 (A) In a local workforce development area in
20 which employees are represented by labor
21 organizations, all of the following:

22 (I) Representatives of local labor
23 organizations who have been nominated by local
24 labor federations.

25 (II) A member of a labor organization or a
26 training director from a joint labor-management
27 apprenticeship program or, if a joint labor-
28 management apprenticeship program does not exist
29 in the local workforce development area, a
30 representative of an apprenticeship program in

1 the local workforce development area, if an
2 apprenticeship program exists in the local
3 workforce development area.

4 (B) In a local workforce development area in
5 which no employees are represented by labor
6 organizations, other representatives of employees.

7 (iv) (Reserved).

8 (v) [Representatives of] Board membership may
9 include individuals who represent community-based
10 organizations, which may include organizations
11 representing minorities, individuals with disabilities,
12 older workers and veterans, from a local workforce
13 [investment] development area in which such organizations
14 are present. If an organization demonstrates experience
15 and expertise in addressing the employment needs of
16 individuals with barriers to employment, including
17 organizations that serve veterans or that provide support
18 or competitive integrated employment for individuals with
19 disabilities, the representative of the organization
20 shall be included within those members under subparagraph
21 (iii) for purposes of determining the percentage of
22 members that are representatives of the workforce within
23 the local area.

24 (v.1) Board membership may include individuals who
25 represent organizations that have experience and
26 expertise in addressing the employment, training or
27 education needs of eligible youth. If a representative of
28 an organization under this clause is appointed, the
29 representative shall be included under subparagraph (iii)
30 for purposes of determining the percentage of members

1 that are representatives of the workforce within the
2 local area.

3 (vi) [Representatives of] Board membership shall
4 include individuals who represent governmental and
5 economic and community development entities[.] serving
6 the local workforce development area and shall include:

7 (A) A representative of economic and community
8 development entities.

9 (B) An appropriate representative from the State
10 employment service office under the Wagner-Peyser Act
11 of 1933 (Public Law 13-30, 48 Stat. 113) serving the
12 local area.

13 (C) An appropriate representative of the
14 programs carried out under Title I of the
15 Rehabilitation Act of 1973 (Public Law 93-112, 29
16 U.S.C. 720 et seq.), other than section 112 or Part C
17 of that title (29 U.S.C. §§ 732, 741), serving the
18 local area.

19 (vii) [Representatives] Board membership may include
20 representatives of each of the one-stop delivery system
21 partners not otherwise specified under this subsection.

22 (viii) [Other] Board membership shall include
23 individuals or representatives of entities as the chief
24 elected official in the local workforce [investment]
25 development area may determine [to be] appropriate.

26 (2) Members of the local workforce [investment]
27 development board must be individuals who have optimum
28 policymaking authority within the organizations, agencies or
29 other entities which they represent.

30 (3) The membership shall select a chairperson from [the

1 private sector] representatives appointed under paragraph (1)
2 (i).

3 (4) A local workforce [investment] development board may
4 hire limited staff to implement the decisions of the local
5 workforce [investment] development board.

6 (b) Manner of appointment.--In accordance with the criteria
7 established [by the board for the Governor] under subsection (a)
8 (1), a member of a local workforce [investment] development
9 board shall be appointed [by the chief elected official of the
10 city, county or counties that participate in the local workforce
11 investment board] as follows:

12 (1) If the local workforce development area consists of
13 only one [county participates on the local workforce
14 investment board] political subdivision, the chief elected
15 official shall appoint the members.

16 (2) If a local workforce [investment board represents]
17 development area consists of more than one [county or
18 represents both a county and a city that comprises a separate
19 workforce investment area] political subdivision, the chief
20 elected officials of each [county and any city that comprises
21 a separate workforce investment area also represented by the
22 local workforce investment board shall] political subdivision
23 may enter into a detailed written agreement describing the
24 understanding of the [counties] political subdivisions as to
25 appointments, governance and oversight activities of the
26 [local workforce investment board under this act] chief
27 elected officials. If after a reasonable effort the chief
28 elected officials are unable to reach agreement, the Governor
29 may appoint the members of the local workforce [investment]
30 development board from individuals [so] nominated or

recommended.

Section 503. Conflicts of interest.

A member of the local workforce [investment] development board may not do any of the following:

(1) Vote on a matter under consideration by the local workforce [investment] development board:

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

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

(2) Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the [unified system] State plan.

Section 504. Plan, functions and responsibilities.

(a) [Unified workforce investment] Local plan.--A local workforce [investment] development board, in partnership with the chief elected official [of the county or counties served by the local workforce investment board], shall submit to the Governor for approval a [unified workforce investment] local plan. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E) of the Workforce Innovation and Opportunity Act, and otherwise be consistent with the State plan. If the local area is part of a planning region, the local workforce development board shall comply with this section in the preparation and submission of a regional plan. At the end of the first two-year period of the four-year local plan, each local workforce development board shall review the local plan and, in partnership with the chief elected official, prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions

1 or in other factors affecting the implementation of the local
2 plan. The following apply:

3 (1) The [unified workforce investment] local plan shall
4 be developed through a process which includes the opportunity
5 for participation by current and potential customers [and
6 service providers and which], program partners, service
7 providers and other local area stakeholders prior to the date
8 on which the board submits a local plan to the Governor for
9 approval, the local workforce development board shall:

10 (i) make available copies of a proposed local plan
11 to the public through electronic and other means, which
12 may include public hearings and local news media; and

13 (ii) allow members of the public, including
14 representatives of business, representatives of labor
15 organizations and representatives of education to submit
16 to the local workforce development board comments on the
17 proposed local plan, not later than the end of the 30-day
18 period beginning on the date on which the proposed local
19 plan is made available.

20 (1.1) The local workforce development board shall
21 include with the local plan submitted to the Governor any
22 comments received under paragraph (1)(ii) that represent
23 public disagreement with the plan.

24 (2) The local plan shall contain, at a minimum, the
25 following:

26 (i) Information required under section 108(b) of the
27 Workforce Innovation and Opportunity Act.

28 [(1)] (ii) A description of the local workforce
29 [investment] development area's strategic economic and
30 workforce vision and [of] how the vision will be

1 attained.

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

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

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

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

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

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

15 (8) A description of how, in serving the local workforce
16 investment area, coordination of workforce development
17 services and investment activities will occur with
18 postsecondary institutions; area vocational-technical schools
19 and career technology centers; secondary schools, including
20 charter schools at these grade levels; community colleges;
21 and technical colleges.

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

24 (10) If available, an analysis of regional market
25 trends.]

26 (b) Functions and responsibilities.--A local workforce
27 [investment board, in order to develop and implement a unified
28 workforce investment plan for the investment and utilization of
29 private and public resources to meet the current and future
30 workforce investment needs of its region in furtherance of

1 section 102,] development board has the following functions and
2 responsibilities:

3 [(1) To organize and elect a chairperson.

4 (2) To assess the economic and workforce needs of the
5 local workforce investment area and to develop a unified plan
6 which builds on available services and resources to
7 effectively meet the workforce and economic needs of the
8 local workforce investment area.]

9 (1) Functions required under section 107(d) of the
10 Workforce Innovation and Opportunity Act.

11 (2) In partnership with the chief elected official for
12 the local workforce development area, to develop and submit a
13 local plan to the Governor that meets the requirements in
14 this section.

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

18 (4) To [assist in the development of and collaboration
19 within the one-stop delivery system.

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

24 (6)] coordinate with the Governor, the board,
25 Commonwealth agencies administering the core program and
26 chief elected officials in establishing and operating a
27 fiscal management accountability information system under
28 section 305.1.

29 (5) To establish cooperative and collaborative
30 relationships with other local workforce [investment]

1 development boards and, if appropriate, with the [unified]
2 workforce development system governing bodies of other
3 states.

4 [(7) To authorize use of local workforce investment
5 funds, including individual training accounts, where
6 applicable, for eligible customers, for any of the following
7 services:

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

12 (A) Determinations of whether the individuals
13 are eligible to receive assistance.

14 (B) Outreach; intake, which may include worker
15 profiling; and orientation to the information and
16 other services available through the one-stop
17 delivery system.

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

20 (D) Job search and placement assistance and,
21 where appropriate, career counseling.

22 (E) Provision of employment statistics
23 information, including the provision of accurate
24 information relating to national, regional and local
25 labor market areas, such as:

26 (I) job vacancy listings in such labor
27 market areas;

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

30 (III) information relating to local

occupations in demand and the earnings and skill requirements for such occupations.

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

(G) Provision of information regarding how the local workforce investment area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local workforce investment area.

(H) Provision of accurate information relating to the availability of services in community colleges, area vocational-technical schools and career technology centers and technical colleges, workforce development services and the availability of work support services, including child care and transportation, in the local workforce investment area and referral to such services as appropriate.

(I) Provision of transitional support, including

1 information regarding filing claims for unemployment
2 compensation.

3 (J) Assistance in establishing eligibility for
4 welfare-to-work activities under section 403(a)(5) of
5 the Social Security Act (49 Stat. 620, 42 U.S.C. §
6 603(a)(5)) available in the local workforce
7 investment area and programs of financial aid
8 assistance for training and education programs that
9 are not funded under this act and are available in
10 the local workforce investment area.

11 (K) Follow-up services, including counseling
12 regarding the workplace.

13 (ii) Intensive services:

14 (A) Intensive services shall be provided to
15 adults and dislocated workers who:

16 (I) are unemployed and are unable to obtain
17 employment through core services;

18 (II) have been determined by the one-stop
19 delivery system operator to be in need of more
20 intensive services in order to obtain employment;
21 or

22 (III) are employed but are determined by a
23 one-stop delivery system operator to be in need
24 of intensive services in order to obtain or
25 retain employment that allows for self-
26 sufficiency.

27 (B) Intensive services shall be provided through
28 the one-stop delivery system directly through one-
29 stop delivery system operators or through contracts
30 with service providers, which may include contracts

1 with public, private for-profit and private nonprofit
2 service providers, approved by the local workforce
3 investment board.

4 (C) Intensive services may include the
5 following:

6 (I) Comprehensive and specialized
7 assessments of the skill levels and service needs
8 of adults and dislocated workers, which may
9 include diagnostic testing and use of other
10 assessment tools and in-depth interviewing and
11 evaluation to identify employment barriers and
12 appropriate employment goals.

13 (II) Development of an individual employment
14 plan to identify the employment goals,
15 appropriate achievement objectives and
16 appropriate combination of services for the
17 participant to achieve the employment goals.

18 (III) Group counseling.

19 (IV) Individual counseling and career
20 planning.

21 (V) Case management.

22 (VI) Short-term prevocational services,
23 including development of learning skills,
24 communication skills, interviewing skills,
25 punctuality, personal maintenance skills and
26 professional conduct to prepare individuals for
27 employment or training.

28 (iii) Training services:

29 (A) Training services shall be provided to
30 adults and dislocated workers who:

1 (I) have met the eligibility requirements
2 for intensive services and who are unable to
3 obtain or retain employment through such
4 services;

5 (II) after an interview, evaluation or
6 assessment and case management, have been
7 determined by a one-stop delivery system operator
8 or one-stop delivery system partner to be in need
9 of training services and to have the skills and
10 qualifications to successfully participate in the
11 selected program of training services; and

12 (III) select programs of training services
13 which are directly linked to the employment
14 opportunities in the local workforce investment
15 area involved or in another area in which the
16 adults or dislocated workers receiving such
17 services are willing to relocate.

18 (B) Training services shall be limited to
19 individuals who are unable to obtain other grant
20 assistance for such services, including Federal Pell
21 Grants established under Title IV of the Higher
22 Education Act of 1965 (Public Law 89-329, 20 U.S.C. §
23 1070 et seq.), or require assistance beyond the
24 assistance made available under other grant
25 assistance programs, including Federal Pell Grants.

26 (C) Training services may include:

27 (I) Occupational skills training, including
28 training for nontraditional employment.

29 (II) On-the-job training.

30 (III) Programs which combine workplace

1 training with related instruction, including
2 cooperative education programs.

3 (IV) Training programs operated by the
4 private sector.

5 (V) Skill upgrading and retraining.

6 (VI) Entrepreneurial training.

7 (VII) Job readiness training.

8 (VIII) Adult education and literacy
9 activities provided in combination with services
10 described in any of subclauses (I) through (VII).

11 (IX) Customized training conducted with a
12 commitment by an employer or group of employers
13 to employ an individual upon successful
14 completion of the training.

15 (8)] (6) To compile an annual report [to be submitted]
16 and to submit the report to the [board] Governor by a
17 deadline [to be] determined by the [board] Governor. This
18 report shall include, at a minimum:

19 (i) a list of the membership of the local workforce
20 [investment] development board, including the name,
21 affiliation, address, telephone number, telefax number
22 and electronic mail address;

23 (ii) the negotiated local level of performance;

24 (iii) the level of performance achieved, including
25 an analysis of the strengths and weaknesses;

26 (iv) the programs local workforce development area
27 residents participated in; and

28 (v) a list of the local eligible service providers.

29 (c) Regional planning.--The following apply:

30 (1) The local workforce development boards and chief

1 elected officials in each planning region as certified by the
2 Governor under section 501(a)(2) shall engage in regional
3 planning as specified in section 106(c)(1) of the Workforce
4 Innovation and Opportunity Act.

5 (2) The Governor, after consultation with local
6 workforce development boards and chief elected officials for
7 the planning regions, shall require local workforce
8 development boards and chief elected officials within a
9 planning region to prepare, submit and obtain approval of a
10 single regional plan as specified in section 106(c)(2) of the
11 Workforce Innovation and Opportunity Act.

12 (3) To the extent specified in section 106(c)(3)(B), the
13 term "local plan" includes a reference to the portion of the
14 Workforce Innovation and Opportunity Act of a regional plan
15 developed with respect to the corresponding local workforce
16 development area and any regionwide provision of that plan
17 that impacts or relates to the local area.

18 Section 505. Local performance measures.

19 (a) General rule.--The local [performance measures for each
20 local workforce investment area shall include, at a minimum, the
21 following:

22 (1) Entry into unsubsidized employment.

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

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

27 (4) Attainment of a recognized credential relating to
28 achievement of educational skills, including attainment of a
29 secondary school diploma or its recognized equivalent, or
30 occupational skills by participants who enter unsubsidized

employment or by participants who are eligible youths between the ages 19 and 21 and who enter postsecondary education, advanced training or unsubsidized employment.

(b) Customer satisfaction.--As an indicator of performance, customer satisfaction shall also be considered. The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants in services received from workforce investment activities. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.] workforce development board, the chief elected officials and the Governor shall negotiate and reach agreement on local levels of performance based on the State-adjusted levels of performance for primary indicators established under section 116(b)(3)(A) of the Workforce Innovation and Opportunity Act.

(c) School-to-Work Opportunities Act of 1994.--No funds made available under the [Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936)] Workforce Innovation and Opportunity Act shall be used to develop or continue programs or activities created under the School-to-Work Opportunities Act of 1994 (Public Law 103-239, 108 Stat. 568).

Section 701-A. Purpose.

The purpose of this chapter is to expand the coordination of the resources within the unified system and to enhance the leadership of the workforce development [investment] system, particularly with reference to the resources under the control and direction of the participating agencies. This grant program shall be agile, flexible and responsive to the immediate and long-term training needs of job seekers, private businesses and the workforce regions of the Commonwealth. The coordination and

1 leveraging of resources within the workforce [investment]
2 development system is crucial to the effective delivery of
3 services to the employers and residents of this Commonwealth.

4 Section 6. The definitions of "critical job training" and
5 "eligible applicant" in section 702-A of the act are amended to
6 read:

7 Section 702-A. Definitions.

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

11 "Critical job training." Training for dislocated workers
12 [and], underemployed workers and other customers for occupations
13 with immediate skill needs or for high-demand jobs or jobs with
14 a shortage of skilled workers, as identified by the
15 [Pennsylvania Workforce Investment Board] board and the
16 participating agencies.

17 * * *

18 "Eligible applicant." Providers of workforce services and
19 activities, including, but not limited to, public agencies,
20 nonprofit organizations and private providers; a local education
21 agency; an industrial resource center; an economic development
22 organization certified by the Department of Community and
23 Economic Development; a greenhouse; a private company; a labor
24 organization[; a local workforce investment board].

25 * * *

26 Section 7. Sections 703-A, 704-A(a)(3), (b), (d) and (e), ~~AND 902(a)(2), 1302(a) introductory paragraph, 1304(1), 1307(c)~~ <--
27 ~~(5) introductory paragraph and 4901~~ of the act are amended to <--
28 read:

30 Section 703-A. Program operation.

1 The board shall oversee the operation of this program, with
2 appropriate agency staffing support as determined by the
3 participating agencies and the Governor. The board shall work
4 with the participating agencies and local workforce [investment]
5 development boards to identify sources of Federal and State
6 funds to be used for these grants. The board shall recommend
7 procedures for the award of grants to eligible applicants for
8 projects that are consistent with the criteria set forth in
9 section 704-A.

10 Section 704-A. Grants.

11 (a) Single application.--There shall be a single multiagency
12 application for the grants awarded under this chapter. An
13 application must demonstrate:

14 * * *

15 (3) How the training will support [growth industries]
16 existing and in-demand industry sectors and occupations
17 within this Commonwealth which are identified in the
18 strategic plan of the local workforce [investment]
19 development board or by industry clusters identified by the
20 participating agencies and the [Pennsylvania Workforce
21 Investment Board] board.

22 * * *

23 (b) Applications and guidelines.--The participating
24 agencies, in consultation with the board and local workforce
25 [investment] development boards, shall develop grant
26 applications, establish guidelines, develop forms and institute
27 such procedures, including the utilization of participating
28 agency resources, as may be necessary to implement the
29 provisions of this chapter.

30 * * *

(d) Limitations.--A local workforce [investment] development board, a certified economic development organization and a greenhouse may not serve as a training provider for these grants.

(e) Board recommendations.--Beginning October 1, 2003, and each year thereafter, the board may recommend changes in the operation and funding of the program to the Governor and the General Assembly. The recommendations shall be made after the board consults with local workforce [investment] development boards, secondary schools and postsecondary institutions.

Section 902. Innovative programs.

(a) Program content.--An innovative program shall address one of the following:

* * *

(2) Assistance to local workforce [investment] development areas to establish or expand a comprehensive delivery system of workforce development services, particularly with degree-granting programs.

* * *

~~Section 1302. Industry clusters.~~

<--

~~(a) Identification of industry clusters. The department shall work with businesses, industry associations, career and technical associations and organizations, participating agencies, State and local workforce [investment] development boards and economic development entities to identify industry clusters based on the following:~~

~~* * *~~

SECTION 8. THE DEFINITIONS OF "HIGH-PRIORITY OCCUPATIONS" AND "TARGETED INDUSTRY CLUSTER" IN SECTION 1301 OF THE ACT ARE AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO

<--

1 READ:

2 SECTION 1301. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 * * *

7 "EDUCATIONAL INSTITUTION." EACH SCHOOL DISTRICT, CHARTER
8 SCHOOL, CYBER CHARTER SCHOOL, CAREER AND TECHNICAL CENTER AND
9 PUBLIC INSTITUTION OF HIGHER EDUCATION IN THIS COMMONWEALTH.

10 "FORWARD-FACING EMPLOYMENT DATA." DATA ON CURRENT AND
11 PROJECTED EMPLOYMENT OPPORTUNITIES WITHIN THIS COMMONWEALTH,
12 INCLUDING FACTORS SUCH AS GEOGRAPHICAL LOCATION OR REQUIRED
13 TRAINING AND EXPERIENCE FOR SUCH OPPORTUNITIES.

14 "HIGH-PRIORITY OCCUPATIONS." OCCUPATIONS WHICH HAVE OR ARE
15 PROJECTED TO HAVE A SIGNIFICANT PRESENCE IN A TARGETED INDUSTRY
16 CLUSTER, ARE IN DEMAND BY EMPLOYERS AND PAY OR LEAD TO PAYMENT
17 OF A FAMILY-SUSTAINING WAGE.

18 * * *

19 "PUBLIC INSTITUTION OF HIGHER EDUCATION." ANY OF THE
20 FOLLOWING:

21 (1) A COMMUNITY COLLEGE WHICH IS AN INSTITUTION CREATED
22 UNDER ARTICLE XIX-A OF THE ACT OF MARCH 10, 1949 (P.L.30,
23 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, OR THE ACT
24 OF AUGUST 24, 1963 (P.L.1132, NO.484), KNOWN AS THE COMMUNITY
25 COLLEGE ACT OF 1963.

26 (2) A STATE-OWNED INSTITUTION WHICH IS PART OF THE STATE
27 SYSTEM OF HIGHER EDUCATION PURSUANT TO ARTICLE XX-A OF THE
28 PUBLIC SCHOOL CODE OF 1949.

29 (3) A STATE-RELATED INSTITUTION WHICH INCLUDES THE
30 PENNSYLVANIA STATE UNIVERSITY, INCLUDING THE PENNSYLVANIA

1 COLLEGE OF TECHNOLOGY, THE UNIVERSITY OF PITTSBURGH, TEMPLE
2 UNIVERSITY AND LINCOLN UNIVERSITY.

3 (4) THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

4 (5) A RURAL REGIONAL COLLEGE, AS DEFINED UNDER SECTION
5 1903-G OF THE PUBLIC SCHOOL CODE OF 1949.

6 * * *

7 "TARGETED INDUSTRY CLUSTER." AN INDUSTRY CLUSTER IDENTIFIED
8 BY THE DEPARTMENT AS HAVING OR BEING PROJECTED TO HAVE A
9 STATEWIDE ECONOMIC IMPACT, IMMEDIATE WORKFORCE DEVELOPMENT NEEDS
10 [AND] OR EMERGING OR COMPETITIVE CAREER OPPORTUNITIES.

11 SECTION 9. SECTIONS 1302, 1304(1), 1307(C) AND 1308 OF THE
12 ACT ARE AMENDED TO READ:

13 SECTION 1302. INDUSTRY CLUSTERS.

14 (A) IDENTIFICATION OF INDUSTRY CLUSTERS.--THE DEPARTMENT
15 SHALL WORK WITH BUSINESSES, INDUSTRY ASSOCIATIONS, CAREER AND
16 TECHNICAL ASSOCIATIONS AND ORGANIZATIONS, PARTICIPATING
17 AGENCIES, STATE AND LOCAL WORKFORCE [INVESTMENT] DEVELOPMENT
18 BOARDS AND ECONOMIC DEVELOPMENT ENTITIES TO IDENTIFY INDUSTRY
19 CLUSTERS BASED ON THE FOLLOWING:

20 (1) STATISTICS SHOWING THE COMPETITIVENESS OF A
21 POTENTIAL INDUSTRY CLUSTER.

22 (2) IMPORTANCE OF AN INDUSTRY CLUSTER TO THE CURRENT OR
23 FUTURE ECONOMIC DEVELOPMENT OF THIS COMMONWEALTH.

24 (3) IDENTIFICATION OF OTHER EMPLOYERS THAT SUPPLY
25 MATERIALS, TECHNOLOGY AND SERVICES TO THE INDUSTRY.

26 (4) RESEARCH STUDIES ON INDUSTRY CLUSTERS.

27 (4.1) FORWARD-FACING EMPLOYMENT DATA COMPILED BY THE
28 DEPARTMENT.

29 (5) ANY OTHER CRITERIA DEEMED RELEVANT BY THE
30 DEPARTMENT.

1 (B) IDENTIFICATION OF TARGETED INDUSTRY CLUSTERS.--THE
2 DEPARTMENT SHALL WORK WITH STATE AND REGIONAL WORKFORCE AND
3 ECONOMIC DEVELOPMENT AGENCIES, WITH INPUT FROM REGIONAL BUSINESS
4 AND LABOR LEADERS, TO IDENTIFY WHICH INDUSTRY CLUSTERS SHALL BE
5 TARGETED FOR WORKFORCE AND ECONOMIC DEVELOPMENT INVESTMENTS
6 BASED ON:

7 (1) IMPORTANCE OF THE CLUSTER TO THE ECONOMY OF THIS
8 COMMONWEALTH AND THE REGION.

9 (2) [WORKFORCE] CURRENT AND PROJECTED WORKFORCE
10 DEVELOPMENT NEEDS.

11 (3) ECONOMIC GROWTH POTENTIAL.

12 (4) COMPETITIVENESS.

13 (5) EMPLOYMENT BASE.

14 (6) WAGES, BENEFITS AND CAREER OPPORTUNITIES.

15 (7) FORWARD-FACING EMPLOYMENT DATA COMPILED BY THE
16 DEPARTMENT.

17 (C) ONGOING EVALUATION.--THE DEPARTMENT SHALL [PERIODICALLY]
18 ANNUALLY EVALUATE THE TARGETED INDUSTRY CLUSTERS AND THE
19 FORWARD-FACING EMPLOYMENT DATA COMPILED BY THE DEPARTMENT TO
20 DETERMINE THE NEED FOR ANY CHANGES TO THE TARGETED INDUSTRY
21 CLUSTERS OR THE NEED FOR ADDITION OF NEW INDUSTRY CLUSTERS.

22 (D) PUBLICATION OF INFORMATION.--THE DEPARTMENT SHALL ISSUE
23 BY JULY 1 OF EACH YEAR, ON ITS INTERNET WEBSITE, INFORMATION AND
24 STATISTICS ON THE TARGETED INDUSTRY CLUSTERS, INCLUDING LABOR
25 MARKET INFORMATION HIGHLIGHTING THE CLUSTERS. THE INFORMATION
26 SHALL INCLUDE AN OCCUPATIONAL ANALYSIS DEPICTING THE EMPLOYMENT
27 [AND], WAGES, GEOGRAPHIC LOCATION AND REQUIRED TRAINING OR
28 EXPERIENCE WITHIN THE TARGETED INDUSTRY CLUSTER AND THE FORWARD-
29 FACING EMPLOYMENT DATA COMPILED BY THE DEPARTMENT.

30 (E) LIST OF OCCUPATIONS.--THE DEPARTMENT SHALL ANNUALLY

1 ISSUE A LIST OF STATEWIDE AND REGIONAL HIGH-PRIORITY OCCUPATIONS
2 WHICH WILL GUIDE WORKFORCE AND EDUCATIONAL INVESTMENTS BY THE
3 DEPARTMENT AND PARTICIPATING AGENCIES.

4 Section 1304. Grant program operation.

5 In order to receive grant funding under this section, an
6 industry partnership must, in its grant application, do all of
7 the following:

8 (1) Show evidence of involvement of the local workforce
9 [investment] development board.

10 * * *

11 ~~Section 1307. Interdepartmental cooperation.~~

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12 * * *

13 ~~(c) Agencies. The following agencies shall work with the~~
14 ~~department as set forth below:~~

15 * * *

16 ~~(5) The Department of [Public Welfare] Human Services~~
17 ~~shall:~~

18 * * *

19 SECTION 1307. INTERDEPARTMENTAL COOPERATION.

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20 * * *

21 (C) AGENCIES.--THE FOLLOWING AGENCIES SHALL WORK WITH THE
22 DEPARTMENT AS SET FORTH BELOW:

23 (1) THE DEPARTMENT OF AGRICULTURE SHALL:

24 (I) ADVISE THE DEPARTMENT ON THE AGRICULTURE
25 INDUSTRY AND AGRICULTURE EDUCATION ECONOMIC DEVELOPMENT
26 STRATEGIES, PROGRAMS AND INITIATIVES.

27 (II) FACILITATE AGRICULTURAL INDUSTRY CLUSTERS, TO
28 INCLUDE PRODUCTION AGRICULTURE, AT THE STATE AND LOCAL
29 LEVELS TO ENSURE ACCURATE REPRESENTATION OF ALL SECTORS
30 AND INCLUSION OF THOSE FIELDS TYPICALLY CATEGORIZED AS

SELF-EMPLOYMENT.

(III) ADVISE THE DEPARTMENT ON CAREER PATHWAYS AVAILABLE IN THE RURAL COMMUNITIES OF THIS COMMONWEALTH AND NONTRADITIONAL CAREER PATHWAYS AVAILABLE TO URBAN AND DISADVANTAGED STUDENTS AND CITIZENS.

(III.1) WORK IN COLLABORATION WITH THE DEPARTMENT TO USE FORWARD-FACING EMPLOYMENT DATA TO PROJECT AND IDENTIFY FUTURE AND EMERGING EMPLOYMENT OPPORTUNITIES IN THE AGRICULTURE INDUSTRY.

(IV) WORK IN COLLABORATION WITH THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION TO IDENTIFY EMERGING CAREER OPPORTUNITIES, INCLUDING SUPPORT IN ESTABLISHING CAREER LADDERS AND CAREER PATHWAYS.

(V) SUPPORT INITIATIVES TO DEVELOP INDUSTRY-RECOGNIZED CREDENTIALS AND NEW CREDIT-BEARING PROGRAMS IN THIS COMMONWEALTH'S PUBLIC AND PRIVATE POSTSECONDARY INSTITUTIONS, ESPECIALLY IN CRITICAL OCCUPATIONS.

(2) THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL:

(I) ADVISE THE DEPARTMENT OF ITS WORKFORCE AND ECONOMIC DEVELOPMENT STRATEGIES, PROGRAMS AND INITIATIVES.

(II) ALIGN EXISTING TRAINING PROGRAMS WITH INDUSTRY PARTNERSHIPS.

(III) MAKE RELEVANT BUSINESS ASSISTANCE PROGRAMS AVAILABLE TO INDUSTRY PARTNERSHIPS.

(IV) COORDINATE WITH THE DEPARTMENT ON AREAS OF BUSINESS RETENTION.

(V) ADVISE THE DEPARTMENT OF ITS INDUSTRY COMPETITIVENESS PROGRAMS AND CLUSTER STRATEGIES.

1 (VI) WORK IN COLLABORATION WITH THE DEPARTMENT TO
2 USE FORWARD-FACING EMPLOYMENT DATA TO PROJECT AND
3 IDENTIFY FUTURE AND EMERGING EMPLOYMENT OPPORTUNITIES TO
4 CREATE WORKFORCE AND ECONOMIC DEVELOPMENT STRATEGIES.

5 (3) THE DEPARTMENT OF CORRECTIONS SHALL:

6 (I) ALIGN TRAINING FOR INMATES WITH INDUSTRY
7 CLUSTERS AND HIGH-PRIORITY OCCUPATIONS AND ANNUALLY
8 REVIEW THESE TRAINING PROGRAMS TO ASSURE THAT THE
9 TRAINING PROGRAMS PREPARE INDIVIDUALS FOR HIGH-PRIORITY
10 OCCUPATIONS.

11 (II) ALIGN REENTRY PROGRAMS TO TAKE ADVANTAGE OF
12 INFORMATION AND CAREER OPPORTUNITIES PROVIDED BY INDUSTRY
13 PARTNERSHIPS.

14 (III) WORK IN COLLABORATION WITH THE DEPARTMENT TO
15 USE FORWARD-FACING EMPLOYMENT DATA TO PROJECT AND
16 IDENTIFY FUTURE AND EMERGING EMPLOYMENT OPPORTUNITIES FOR
17 PURPOSES OF ALIGNING REENTRY PROGRAMS WITH CURRENT AND
18 EMERGING INDUSTRY CLUSTERS AND HIGH-PRIORITY OCCUPATIONS.

19 (4) THE DEPARTMENT OF EDUCATION SHALL:

20 (I) WORK WITH THE DEPARTMENT TO SUPPORT CAREER
21 PATHWAYS.

22 (II) SUPPORT INNOVATIVE PROGRAMS TO ADDRESS
23 LITERACY, INCLUDING ENGLISH AS A SECOND LANGUAGE, AND
24 NUMERACY SHORTCOMINGS, ESPECIALLY IN THOSE OCCUPATIONS
25 WHICH ARE CRITICAL TO TARGETED INDUSTRY CLUSTERS AND
26 WHICH LEAD TO POSTSECONDARY EDUCATION AND EMPLOYMENT.

27 (III) COLLABORATE WITH THE DEPARTMENT TO DEVELOP
28 PROGRAMS AND STRATEGIES TO REDUCE BARRIERS TO ADULT
29 EDUCATION.

30 (IV) COORDINATE CAREER EDUCATION INITIATIVES IN

MIDDLE AND HIGH SCHOOLS, ESPECIALLY IN PROJECT 720
SCHOOLS AND CAREER AND TECHNICAL EDUCATION PROGRAMS.

(V) SUPPORT INITIATIVES TO DEVELOP INDUSTRY-
RECOGNIZED CREDENTIALS AND NEW CREDIT-BEARING PROGRAMS IN
THIS COMMONWEALTH'S PUBLIC AND PRIVATE POSTSECONDARY
INSTITUTIONS, ESPECIALLY IN OCCUPATIONS CRITICAL TO
TARGETED INDUSTRY CLUSTERS.

(VI) WORK IN COLLABORATION WITH THE DEPARTMENT TO
DETERMINE EDUCATION AND SKILL GAPS ASSOCIATED WITH
TARGETED INDUSTRY CLUSTERS.

(VI.1) WORK IN COLLABORATION WITH THE DEPARTMENT TO
USE FORWARD-FACING EMPLOYMENT DATA TO PROJECT AND
IDENTIFY FUTURE AND EMERGING EMPLOYMENT OPPORTUNITIES.

(VII) ADVISE AND ASSIST HIGH-SCHOOL-BASED CAREER AND
TECHNICAL EDUCATION PROGRAMS TO DEVELOP HIGH-PRIORITY
OCCUPATION PROGRAMS.

(VIII) WITHIN TWO YEARS FOLLOWING THE EFFECTIVE DATE
OF THIS ACT, REGULATIONS MAY BE PROMULGATED BY THE
DEPARTMENT OF EDUCATION IN CONSULTATION WITH CAREER AND
TECHNICAL SCHOOL ADMINISTRATORS. THE REGULATIONS SHALL
CONFORM TO CAREER AND TECHNICAL SCHOOLS' NEEDS AND ASSIST
TO ALIGN THEIR NEEDS WITH EMPLOYER DEMANDS. INCENTIVES
SHALL BE INCLUDED TO INCREASE ALIGNMENT. UNTIL THIS
PROGRAM AND REGULATIONS ARE IN EFFECT, SECONDARY CAREER
AND TECHNICAL SCHOOLS AND PROGRAMS SHALL NOT BE REQUIRED
TO MEET THE REQUIREMENTS FOR HIGH-PRIORITY OCCUPATIONS
FOR PROGRAM APPROVAL.

(5) THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES
SHALL:

(I) CREATE AND MAINTAIN INNOVATIVE PROGRAMS WHICH

CONNECT QUALIFIED TANF CLIENTS WITH EMPLOYMENT
OPPORTUNITIES IN THE TARGETED INDUSTRY CLUSTERS.

(II) SUPPORT STRATEGIES TO PREPARE TANF CLIENTS FOR
SUCCESS IN POSTSECONDARY EDUCATION AND TRAINING PROGRAMS.

(III) DEVELOP CAREER EDUCATION INITIATIVES WHICH
PROVIDE TANF CLIENTS WITH INFORMATION TO GUIDE THEIR
EDUCATION AND TRAINING PLANS.

(IV) COLLECT AND SHARE EMPLOYMENT INFORMATION WITH
THE DEPARTMENT.

SECTION 1308. INDUSTRY AND LABOR MARKET RESEARCH.

THE DEPARTMENT SHALL PROVIDE THE NECESSARY INDUSTRY AND LABOR
MARKET RESEARCH TO SUPPORT AND FURTHER DEVELOP THE WORK OF
INDUSTRY PARTNERSHIPS, INCLUDING:

(1) PROVIDING CURRENT DATA ON ALL TARGETED INDUSTRY
CLUSTERS.

(2) PROVIDING THE MOST CURRENT AVAILABLE ANALYSIS OF
INDUSTRY EMPLOYMENT IN THIS COMMONWEALTH FOR THE PURPOSE OF
DETERMINING TRENDS IN THIS COMMONWEALTH WHICH MAY LEAD TO
CHANGES IN THE TARGETED INDUSTRY CLUSTERS.

(2.1) COMPILING AND PROVIDING FORWARD-FACING EMPLOYMENT
DATA ON PROJECTED EMPLOYMENT OPPORTUNITIES IN THIS
COMMONWEALTH, INCLUDING FUTURE AND EMERGING INDUSTRY CLUSTERS
AND HIGH-PRIORITY OCCUPATIONS.

(3) MAINTAINING AND UPDATING THE ANNUAL LIST OF THIS
COMMONWEALTH'S HIGH-PRIORITY OCCUPATIONS.

(4) PROVIDING THE MOST CURRENTLY AVAILABLE ANALYSIS OF
HIGH-PRIORITY OCCUPATIONS FOR THE PURPOSE OF DETERMINING
TRENDS WHICH MAY LEAD TO ADJUSTMENTS TO THE LIST.

SECTION 10. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 1308.1. DISSEMINATION OF INDUSTRY AND LABOR MARKET

1 RESEARCH TO EDUCATIONAL INSTITUTIONS.

2 (A) DISSEMINATION OF INFORMATION.--BY JULY 1, 2022, AND EACH
3 JULY 1 THEREAFTER, THE DEPARTMENT, IN COORDINATION WITH THE
4 DEPARTMENT OF EDUCATION, SHALL PROVIDE THE INFORMATION UNDER
5 SECTIONS 1302(D) AND (E) AND 1308 TO EDUCATIONAL INSTITUTIONS.

6 (B) ADDITIONAL INFORMATION.--IN ADDITION TO THE INFORMATION
7 PROVIDED UNDER SUBSECTION (A), BEGINNING JULY 1, 2022, ON A
8 REGULAR BASIS THE DEPARTMENT SHALL PROVIDE TO EACH EDUCATIONAL
9 INSTITUTION SPECIFIC LABOR MARKET INFORMATION AND FORWARD-FACING
10 EMPLOYMENT DATA FOR THE LABOR MARKET IN WHICH THE EDUCATIONAL
11 INSTITUTION IS LOCATED.

12 (C) ANALYSIS.--THE FOLLOWING SHALL APPLY:

13 (1) WHEN THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
14 JOINTLY DETERMINE THAT LABOR MARKET INFORMATION OR FORWARD-
15 FACING EMPLOYMENT DATA PREPARED BY THE DEPARTMENT REQUIRES AN
16 EXPLANATORY ANALYSIS FOR THE INFORMATION OR DATA TO BE
17 UTILIZED TO ITS FULLEST POTENTIAL, THE DEPARTMENT, IN
18 COLLABORATION WITH THE DEPARTMENT OF EDUCATION, SHALL PROVIDE
19 AN ANALYSIS OF THE INFORMATION OR DATA, WRITTEN IN CLEAR,
20 CONCISE AND EASILY UNDERSTANDABLE LANGUAGE.

21 (2) THE ANALYSIS UNDER PARAGRAPH (1) SHALL CONSIDER, BUT
22 NOT BE LIMITED TO A CONSIDERATION OF, THE FOLLOWING:

23 (I) INSTRUCTIONS FOR THE PROPER USE OF THE
24 INFORMATION OR DATA BY INDIVIDUALS INVOLVED IN THE
25 PLANNING AND DEVELOPMENT OF CAREER EDUCATION;

26 (II) THE PROPER USE OF THE INFORMATION OR DATA BY
27 INDIVIDUALS INVOLVED IN CAREER AND TECHNICAL AND
28 EDUCATIONAL GUIDANCE; AND

29 (III) THE PROPER USE OF THE INFORMATION OR DATA BY
30 CURRENT AND PROSPECTIVE CAREER EDUCATION PUPILS IN THE

1 SELECTION OF CAREER EDUCATION PROGRAMS LIKELY TO OFFER
2 THE GREATEST POTENTIAL FOR EMPLOYMENT UPON GRADUATION.

3 (D) DISSEMINATION OF DATA.--EACH EDUCATIONAL INSTITUTION
4 THAT RECEIVES LABOR MARKET INFORMATION AND FORWARD-FACING
5 EMPLOYMENT DATA UNDER SUBSECTIONS (B) AND (C) SHALL PROVIDE
6 COPIES OF THE INFORMATION AND DATA TO THE INDIVIDUALS
7 RESPONSIBLE FOR CAREER AND TECHNICAL AND EDUCATIONAL GUIDANCE AT
8 AN EDUCATIONAL INSTITUTION FOR USE IN PLANNING AND DEVELOPING
9 CAREER EDUCATION PROGRAMS AND PROVIDING CAREER AND TECHNICAL AND
10 EDUCATION GUIDANCE TO CAREER EDUCATION PUPILS.

11 SECTION 11. SECTION 4901 OF THE ACT IS AMENDED TO READ:

12 Section 4901. Construction.

13 (1) This act, being necessary for the welfare of this
14 Commonwealth and its citizens, shall be liberally construed
15 to effect its purposes.

16 (2) Nothing in this act shall be construed to conflict
17 with Federal law.

18 Section & 12. This act shall take effect in 60 days.

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