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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 3

Session of  
2001

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AND ZUG, JANUARY 25, 2001

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REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 25, 2001

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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; and authorizing local workforce  
6 investment boards.

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15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 CHAPTER 1

18 PRELIMINARY PROVISIONS

19 Section 101. Short title.

20 This act shall be known and may be cited as the Workforce  
21 Development Act.

22 Section 102. Declaration of policy.

23 The General Assembly finds and declares as follows:

24 (1) It is the intent of this act to address more  
25 effectively the potential of citizens, employers and  
26 communities in this Commonwealth by doing all of the  
27 following:

28 (i) Recognizing that the skills and knowledge of the  
29 Commonwealth's workforce are the keys to providing  
30 enhanced opportunities for individuals and economic

1 competitive advantages for businesses and communities.

2 (ii) Providing for more efficient and coordinated  
3 administration of workforce investment activities.

4 (iii) Promoting the coordination and integration of  
5 workforce investment, economic development and education  
6 policies for eligible youth, postsecondary education and  
7 adult education.

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

9 (i) Economic opportunity for all citizens and  
10 businesses.

11 (ii) Economic self-sufficiency and individual  
12 responsibility.

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

15 (3) The goals set forth in paragraph (2) are to be  
16 attained through fostering a dynamic world-class workforce in  
17 which citizens and businesses in this Commonwealth possess  
18 the knowledge and skills to succeed and excel in a highly  
19 competitive and rapidly changing world.

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

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

29 (iii) A strong work ethic, mutual respect, a  
30 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 recommendation by the board, to a local workforce investment board which satisfies the eligibility requirements established 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

1 county or an individual acting in that capacity.

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

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

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

13 "Customized training." Training which is designed to meet  
14 the special requirements of an employer, including a group of  
15 employers, and which is conducted with a commitment by the  
16 employer to employ an individual on successful completion of the  
17 training.

18 "Eligible youth." An individual who:

19 (1) is not less than 14 years of age and not more than  
20 21 years of age;

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

22 (3) is an individual who is:

23 (i) deficient in basic literacy skills;

24 (ii) a school dropout;

25 (iii) homeless;

26 (iv) a runaway or a foster child;

27 (v) pregnant or a parent;

28 (vi) an offender; or

29 (vii) in need of additional assistance to complete

30 an educational program or to secure and hold employment.

1 "Employment." Work that is employer-based or  
2 entrepreneurial.

3 "Information access." An information system which:

4 (1) makes use of a combination of technologies and means  
5 of access;

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

7 (3) enables the sharing of workforce investment  
8 information across all parts of the unified system and is  
9 available to all customers.

10 "Lifelong learning." Formal and informal learning and  
11 training activities, as well as work experience, which develop  
12 the knowledge and the learning skills of students and customers  
13 to enhance learning, employability and the quality of life for  
14 each individual in society.

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

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

21 "One-stop delivery system." A one-stop collaborative network  
22 of service providers designed to deliver to customers high-  
23 quality information access, lifelong learning, transitional or  
24 work support services or activities and economic investment  
25 services and activities, at a county or multicounty level.

26 "Participating agencies." All of the following:

27 (1) The Department of Aging.

28 (2) The Department of Community and Economic  
29 Development.

30 (3) The Department of Education.

1           (4) The Department of Labor and Industry.

2           (5) The Department of Public Welfare.

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

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

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

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

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

24    "Work support." Assistance which helps a customer secure and  
25    maintain employment, such as assistance in securing child care,  
26    transportation, vocational rehabilitation goods or services or  
27    case management.

28    "Workforce development." Information access and lifelong  
29    learning activities. The term includes vocational education  
30    programs; programs in community colleges and postsecondary

1 education institutions authorized to grant specialized  
2 associate, associate, baccalaureate and advanced degrees; and  
3 transitional support and work support services or activities  
4 which enable customers to engage in or prepare for employment  
5 opportunities.

6 "Workforce investment." Workforce development.

7 "Youth activity." An activity which is carried out for  
8 eligible youths.

9 Section 104. Lobbying.

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

#### 14 CHAPTER 3

#### 15 BOARD

16 Section 301. Establishment.

17 The Pennsylvania Workforce Investment Board is established to  
18 advise and assist the Governor and the General Assembly on the  
19 implementation of a unified system to assure a well-educated,  
20 highly skilled workforce. The board is responsible for unifying  
21 the Commonwealth's existing Federal and State workforce  
22 investment programs into an integrated system.

23 Section 302. Membership.

24 (a) General rule.--The board shall be established as  
25 follows:

26 (1) The Governor or a designee.

27 (2) Four members of the General Assembly:

28 (i) Two senators, one appointed by the President pro  
29 tempore of the Senate and one appointed by the Minority  
30 Leader of the Senate.



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

(3) Representatives appointed by the Governor who are:

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

(ii) Chief elected officials.

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

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

(v) Representatives of organizations which have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations 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.

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

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

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

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

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

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

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

20 (f) Executive committee.--An executive committee that  
21 includes representation from the private sector may be  
22 established and authorized under the board to oversee and  
23 monitor the unified system. The organization framework may  
24 utilize existing staff structure or develop its own staffing  
25 arrangement.

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

30 (h) Compensation.--Members shall receive no compensation but

1 shall be entitled to receive an allowance for expenses incurred  
2 in the performance of duties.

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

9 Section 303. Conflicts of interest.

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

11 (1) Vote on a matter under consideration by the 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 304. Plan, functions and responsibilities.

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

22 (1) Development and adoption of and adherence to,

23 throughout the unified system, standards, principles,

24 policies, goals, financial resource investment priorities and

25 strategies for workforce investment to maintain continuously

26 a competitive advantage for this Commonwealth.

27 (2) Monitoring and assuring collaboration of the

28 investment of all funds specifically appropriated by the

29 Federal Government and designated by the Governor or funds

30 specifically appropriated by State government, for workforce

1 investment, under any Federal or State statute.

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

5 (4) Examination of Federal and State statutes and  
6 regulations to assess whether they present barriers to  
7 achieving the provisions of this act and to recommend to the  
8 Federal Government, the Governor and the General Assembly  
9 amendments to statutes and regulations and waivers of  
10 regulations to eliminate barriers and to promote the  
11 provisions of this act.

12 (5) Development and dissemination of appropriate and  
13 necessary research and statistical information, to set the  
14 requisite protocols and standards for common data reference,  
15 to engage in or sponsor studies to identify unified system  
16 needs and to gather and disseminate information.

17 (6) Establishment of and adherence to performance-based  
18 quality assurance standards designed to optimize unified  
19 system function, performance and effectiveness.

20 (7) Evaluation of the unified workforce investment plans  
21 submitted by local workforce investment boards consistent  
22 with local plan requirements developed by the board.

23 (8) Implementation of mechanisms to secure appropriate  
24 input from local workforce investment boards in the  
25 development of policies, local performance measures or  
26 investment strategies.

27 (9) Establishment and maintenance of a universally  
28 accessible information access system which enables the  
29 unified system to function and serve its customers  
30 effectively.

1           (10) Contracting or developing written agreements or  
2 memoranda of understanding with participating agencies for  
3 the administration and management of workforce investment  
4 programs and activities under the responsibility of the  
5 board.

6           (11) Providing technical assistance to local workforce  
7 investment boards to assist them in maximizing the investment  
8 of public money.

9           (12) Setting the criteria for unified system and service  
10 provider participation and developing a systemwide marketing  
11 program.

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

15               (i) The proposed local workforce investment board's  
16 leadership system and its capability to effectively  
17 monitor and assure collaboration of workforce investment  
18 programs.

19               (ii) The portion of the labor market or geographical  
20 area to be served by the proposed local workforce  
21 investment board.

22           (14) Recommending necessary action if a local workforce  
23 investment board fails to act, acts improperly or fails to  
24 meet the conditions of its unified local workforce investment  
25 plan in which Federal or State funds have been invested.

26           (15) Recognition of the potential of citizens, employers  
27 and communities in this Commonwealth by affirming the  
28 continued existence and independence of all current funding  
29 streams and programs for persons with disabilities while  
30 ensuring that employment-related programs for individuals

1 with disabilities operate efficiently.

2 (16) Assessment of the economic and workforce needs of  
3 this Commonwealth and to develop the unified system to build  
4 on available services and resources to effectively meet these  
5 Statewide needs.

6 (17) Establishing cooperative and collaborative  
7 relationships with other states' unified system governing  
8 bodies.

9 (18) Assuring the implementation of Federal and State  
10 statutory mandates which fall within the purview of the  
11 unified system.

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

16 (i) A detailed explanation of the performance  
17 measures used and how the performance measures were  
18 developed.

19 (ii) An explanation of the process used to achieve  
20 continuous improvement of workforce investment  
21 activities.

22 (iii) The anticipated course of actions to be taken  
23 by the board to encourage continuous improvement in the  
24 unified system.

25 (iv) A list of the membership of the board,  
26 including name, affiliation, address, telephone number,  
27 telefax number and electronic mail address.

28 (v) An explanation of the process used to negotiate  
29 levels of local performance.

30 (vi) A list of all certified local workforce

investment boards in this Commonwealth, including each local workforce board's negotiated level of local performance, each local workforce board's level of performance attained and the action taken with respect to any local workforce investment board which failed to meet its negotiated level of local performance.

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

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

Section 305. State performance measures.

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

(1) Entry into unsubsidized employment.

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

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

(4) Attainment of a recognized credential relating to achievement of educational skills, including attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment or by participants who are eligible youths between the ages of 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

1 satisfaction of employers and participants with services  
2 received from workforce investment activities. Customer  
3 satisfaction may be measured through surveys conducted after the  
4 conclusion of participation in the workforce investment  
5 activities.

## 6 CHAPTER 5

### 7 LOCAL WORKFORCE INVESTMENT AREAS AND BOARDS

#### 8 Section 501. Establishment.

##### 9 (a) Areas and local workforce investment boards.--

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

16 (i) Geographic areas served by school entities.

17 (ii) Geographic areas served by postsecondary  
18 educational institutions.

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

21 (iv) The distance that individuals will need to  
22 travel to receive services provided in such local  
23 workforce investment areas.

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

27 (2) Local workforce investment boards shall be  
28 established in each local workforce investment area of this  
29 Commonwealth, recommended for certification by the board and  
30 certified by the Governor, to set policy for the portion of



1 the unified system within that local workforce investment  
2 area.

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

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

10 (c) Liability.--The chief elected official in a local  
11 workforce investment area shall serve as the local grant  
12 recipient for, and shall be liable for any misuse of, the grant  
13 funds allocated to the local workforce investment area under  
14 Federal law or this act.

15 Section 502. Membership.

16 (a) Composition.--

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

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

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

25 (B) represent businesses with employment  
26 opportunities which reflect the employment  
27 opportunities of the local workforce investment area;  
28 and

29 (C) are appointed from among individuals  
30 nominated by local business organizations and

1 business trade associations.

2 (ii) Representatives of local educational entities,  
3 including representatives of local educational agencies,  
4 local school boards, entities providing adult education  
5 and literacy activities, postsecondary educational  
6 institutions and community colleges, selected from among  
7 individuals nominated by regional or local educational  
8 agencies, institutions or organizations representing such  
9 local educational entities.

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 (v) Representatives of community-based  
17 organizations, including organizations representing  
18 minorities and individuals with disabilities and  
19 veterans, from a local workforce investment area in which  
20 such organizations are present.

21 (vi) Representatives of economic development  
22 entities.

23 (vii) Representatives of each of the one-stop  
24 delivery system partners.

25 (viii) Other individuals or representatives of  
26 entities as the chief elected official in the local  
27 workforce investment area may determine to be  
28 appropriate.

29 (2) Members of the local workforce investment board must  
30 be individuals who have optimum policymaking authority within

1 the organizations, agencies or other entities which they  
2 represent.

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

5 (4) A local workforce investment board may hire limited  
6 staff to implement the decisions of the local workforce  
7 investment board.

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

13 (1) If only one county participates on the local  
14 workforce investment board, the chief elected official shall  
15 appoint the members.

16 (2) If a local workforce investment board represents  
17 more than one county, the chief elected officials of each  
18 county shall enter into a detailed written agreement  
19 describing the understanding of the counties as to  
20 appointments, governance and oversight activities of the  
21 local workforce investment board under this act. If, after a  
22 reasonable effort, the chief elected officials are unable to  
23 reach agreement, the Governor may appoint the members of the  
24 local workforce investment board from individuals so  
25 nominated or recommended.

26 Section 503. Conflicts of interest.

27 A member of the local workforce investment board may not do  
28 any of the following:

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

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

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

5 (2) Engage in any other activity determined by the  
6 Governor to constitute a conflict of interest as specified in  
7 the unified system.

8 Section 504. Plan, functions and responsibilities.

9 (a) Unified workforce investment plan.--A local workforce  
10 investment board, in partnership with the chief elected official  
11 of the county or counties served by the local workforce  
12 investment board, shall submit to the Governor for approval a  
13 unified workforce investment plan. The unified workforce  
14 investment plan shall be developed through a process which  
15 includes the opportunity for participation by current and  
16 potential customers and service providers and which shall  
17 contain, at a minimum, the following:

18 (1) A description of the local workforce investment  
19 area's strategic economic and workforce vision and of how the  
20 vision will be attained.

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

23 (3) An analysis of the local workforce investment area  
24 market, including projected growth industries and declining  
25 industries.

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

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

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

1 (7) A description of the services to be provided to all  
2 customers.

3 (8) A description of how coordination of workforce  
4 investment activities will occur.

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

7 (10) If available, an analysis of regional market  
8 trends.

9 (b) Functions and responsibilities.--A local workforce  
10 investment board, in order to develop and implement a unified  
11 workforce investment plan for the investment and utilization of  
12 private and public resources to meet the current and future  
13 workforce investment needs of its region in furtherance of  
14 section 102, has the following functions and responsibilities:

15 (1) To organize and elect a chairperson.

16 (2) To assess the economic and workforce needs of the  
17 local workforce investment area and to develop a unified plan  
18 which builds on available services and resources to  
19 effectively meet the workforce and economic needs of the  
20 local workforce investment area.

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

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

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

30 (6) To establish cooperative and collaborative

1 relationships with other local workforce investment boards  
2 and, if appropriate, with the unified system governing bodies  
3 of other 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

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

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

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

22 (H) Provision of accurate information relating  
23 to the availability of work support services,  
24 including child care and transportation, available in  
25 the local workforce investment area and referral to  
26 such services, as appropriate.

27 (I) Provision of transitional support, including  
28 information or assistance, or both, regarding filing  
29 claims for unemployment compensation.

30 (J) Assistance in establishing eligibility for

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

8 (K) Follow-up services, including counseling  
9 regarding the workplace.

10 (ii) Intensive services:

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

13 (I) are unemployed and are unable to obtain  
14 employment through core services;

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

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

24 (B) Intensive services shall be provided through  
25 the one-stop delivery system directly through one-  
26 stop delivery system operators or through contracts  
27 with service providers, which may include contracts  
28 with public, private for-profit, and private  
29 nonprofit service providers, approved by the local  
30 workforce investment board.



1 (C) Intensive services may include the  
2 following:

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

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

15 (III) Group counseling.

16 (IV) Individual counseling and career  
17 planning.

18 (V) Case management.

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

25 (iii) Training services:

26 (A) Training services shall be provided to  
27 adults and dislocated workers who:

28 (I) have met the eligibility requirements  
29 for intensive services and who are unable to  
30 obtain or retain employment through such

1 services;

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

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

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

23 (C) Training services may include:

24 (I) Occupational skills training, including  
25 training for nontraditional employment.

26 (II) On-the-job training.

27 (III) Programs which combine workplace  
28 training with related instruction, including  
29 cooperative education programs.

30 (IV) Training programs operated by the

1 private sector.

2 (V) Skill upgrading and retraining.

3 (VI) Entrepreneurial training.

4 (VII) Job readiness training.

5 (VIII) Adult education and literacy  
6 activities provided in combination with services  
7 described in any of subclauses (I) through (VII).

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

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

15 (i) a list of the membership of the local workforce  
16 investment board, including the name, affiliation,  
17 address, telephone number, telefax number and electronic  
18 mail address; the negotiated local level of performance;

19 (ii) the level of performance achieved, including an  
20 analysis of the strengths and weaknesses;

21 (iii) the programs participated in; and

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

23 Section 505. Local performance measures.

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

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 19 and 21 and who enter postsecondary education,  
8 advanced training or unsubsidized employment.

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

16 (c) School-to-Work Opportunities Act of 1994.--No funds made  
17 available under the Workforce Investment Act of 1998 (Public Law  
18 105-220, 112 Stat. 936), shall be used to develop or continue  
19 programs or activities created under the School-to-Work  
20 Opportunities Act of 1994 (Public Law 103-239, 108 Stat. 568),  
21 other than approved vocational technical programs operated by  
22 school districts and programs or activities offered by  
23 intermediate units or area vocational technical schools.

24 Section 506. Oversight; reports.

25 The board shall be subject to oversight by the Labor and  
26 Industry Committee of the Senate and the Labor Relations  
27 Committee of the House of Representatives. The board shall  
28 present annual reports to the Governor and the Labor and  
29 Industry Committee of the Senate and the Labor Relations  
30 Committee of the House of Representatives. These reports shall

1 provide a detailed summary of all activity occurring under this  
2 act.

## 3 CHAPTER 49

### 4 MISCELLANEOUS PROVISIONS

5 Section 4901. Construction.

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

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

14 Section 4902. Regulations abrogated.

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

18 Section 4903. Nondiscrimination.

19 (a) Prohibition.--Except as set forth in subsection (b), the  
20 Commonwealth or a political subdivision may not discriminate  
21 against an employer, a public entity or any other person for  
22 failure to participate in a program under this act.

23 (b) Exception.--Subsection (a) shall not apply to specific  
24 benefits conferred by this act.

25 Section 4904. Effective date.

26 This act shall take effect July 1, 2002.