
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 723 Session of
2021

INTRODUCED BY MIZGORSKI, SAYLOR, SCHLEGEL CULVER, MILLARD,
STAMBAUGH, CIRESI AND HILL-EVANS, MARCH 2, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 2, 2021

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 industry clusters, for grant program operation and for
27 interdepartmental cooperation; and making editorial changes.

28 The General Assembly of the Commonwealth of Pennsylvania

29 hereby enacts as follows:

30 Section 1. The title and sections 102(1), (4)(iv) and (5),

1 103, 104, 301, 302(a)(3)(i), (iii) and (vi) and (4), (b), (f)
2 and (i), 303(2), 304(a)(1), (2), (7), (8), (10), (11), (12),
3 (13), (14), (18), (18.1) and (19) and (b) and 305.1 of the act
4 of December 18, 2001 (P.L.949, No.114), known as the Workforce
5 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 (1) It is the intent of this act to address more
20 effectively the potential of citizens, employers and
21 communities in this Commonwealth by doing all of the
22 following:

23 (i) Recognizing that the skills and knowledge of the
24 Commonwealth's workforce are the keys to providing
25 enhanced opportunities for individuals and economic
26 competitive advantages for businesses and communities.

27 (ii) Providing for more efficient and coordinated
28 administration of workforce [investment] development
29 activities.

30 (iii) Promoting the coordination and integration of

1 workforce [investment] development, economic development
2 and education policies for eligible youth, postsecondary
3 education and adult education.

4 * * *

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

9 * * *

10 (iv) Stewardship of public resources, emphasizing
11 private sector solutions to workforce [investment]
12 development goals supplemented by public/private
13 partnerships and limited government involvement when
14 necessary.

15 * * *

16 (5) This act enables the Commonwealth to participate in
17 the program under the [Workforce Investment Act of 1998
18 (Public Law 105-220, 112 Stat. 936)] Workforce Innovation and
19 Opportunity Act (Public Law 113-128, 128 Stat. 1425).

20 Section 103. Definitions.

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

24 "Board." The Pennsylvania Workforce [Investment] Development
25 Board established in section 301.

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

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

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

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

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

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

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

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

14 (2) If a local workforce development area includes more
15 than one political subdivision, the chief elected officials
16 in the local workforce development area may execute an
17 agreement that specifies the respective roles of each chief
18 elected official in the appointment of the members of a local
19 workforce development board and in carrying out
20 responsibilities assigned to the officials under this act or
21 the Workforce Innovation and Opportunity Act, including the
22 respective roles of each chief elected official in the
23 appointment of members of a local workforce development
24 board.

25 "Core program." Any of the following:

26 (1) The provisions of Title I, Subtitle B, Chapters 2
27 and 3 and Title II of the Workforce Innovation and
28 Opportunity Act.

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

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

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

8 "Customized training." Training which is designed to meet
9 the special requirements of an employer, including a group of
10 employers, and which is conducted with a commitment by the
11 employer to employ an individual on successful completion of the
12 training[.] for which the employer pays:

13 (1) A significant portion of the cost of training as
14 determined by the local workforce development board involved,
15 taking into account the size of the employer and other
16 factors as the local workforce development board determines
17 to be appropriate, which may include the number of employees
18 participating in training, wage and benefit levels of those
19 employees, at present and anticipated upon completion of the
20 training, relation of the training to the competitiveness of
21 a participant and other employer-provided training and
22 advancement opportunities.

23 (2) In the case of an employer located in multiple areas
24 of this Commonwealth, a significant portion of the cost of
25 the training, as determined by the Governor, taking into
26 account the size of the employer and other factors as the
27 Governor determines to be appropriate.

28 "Eligible youth." An individual who:

29 (1) is not less than 14 years of age and not more than
30 21 years of age;

- 1 (2) is a low-income individual; and
2 (3) is an individual who is:
3 (i) deficient in basic literacy skills;
4 (ii) a school dropout;
5 (iii) homeless;
6 (iv) a runaway or a foster child;
7 (v) pregnant or a parent;
8 (vi) an offender; or
9 (vii) in need of additional assistance to complete
10 an educational program or to secure and hold employment.

11 "Employment." Work that is employer based or
12 entrepreneurial.

13 "Information access." An information system which:

- 14 (1) makes use of a combination of technologies and means
15 of access;
16 (2) is readily identifiable and easily accessible; and
17 (3) enables the sharing of workforce investment
18 information across all parts of the unified system and is
19 available to all customers.

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

25 "Local plan." A comprehensive four-year local plan as
26 specified in section 108 of the Workforce Innovation and
27 Opportunity Act.

28 "Local workforce [investment] development area." An area
29 designated [by the Governor, through consultation with the board
30 and the chief elected officials, to further the goals and

1 purpose of this act] under section 501.

2 "Local workforce [investment] development board." [An entity
3 recommended for certification by the board, certified by the
4 Governor and organized to further the goals and purpose of this
5 act.] A local workforce development board established under
6 section 501.

7 "One-stop delivery system." A one-stop collaborative network
8 of service providers designed to deliver to customers high-
9 quality information access, lifelong learning, transitional or
10 work support services or activities and economic investment
11 services and activities at a county or multicounty level.

12 "Participating agencies." All of the following:

13 (1) The Department of Aging.

14 (2) The Department of Community and Economic
15 Development.

16 (3) The Department of Education.

17 (4) The Department of Labor and Industry.

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

19 (6) Any agency which oversees and monitors funds
20 appropriated by the Federal Government and designated by the
21 Governor or funds specifically appropriated by the General
22 Assembly for workforce [investment] development which falls
23 under the authority of the board.

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 activity." [Workforce development.] An
30 employment and training activity or a youth workforce investment

1 activity.

2 "Youth activity." An activity which is carried out for
3 eligible youths.

4 Section 104. Lobbying.

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

9 Section 301. Establishment.

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

20 Section 302. Membership.

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

23 * * *

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

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

28 (A) Are private sector employers,
29 representatives from each of the Commonwealth's
30 marketing regions, owners of businesses, chief

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

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

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

17 * * *

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

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

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

1 of an apprenticeship program in this Commonwealth.

2 * * *

3 (vi) Lead Commonwealth agency officials, including:

4 (A) The Secretary of Aging.

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

7 (C) The Secretary of Education.

8 (D) The Secretary of Labor and Industry.

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

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

13 * * *

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

16 * * *

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

22 * * *

23 (f) Executive committee.--An executive committee that
24 includes representation from [the private sector] business may
25 be established and authorized under the board within the
26 provisions of the Workforce Innovation and Opportunity Act to
27 fulfill the board's responsibilities. The organization framework
28 may utilize existing staff structure or develop its own staffing
29 arrangement.

30 * * *

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

7 Section 303. Conflicts of interest.

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

9 * * *

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

13 Section 304. Plan, functions and responsibilities.

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

16 (1) Development and adoption of and adherence to,
17 throughout the unified system, standards, principles,
18 policies, goals, financial resource investment priorities and
19 strategies for workforce [investment] development to maintain
20 continuously a competitive advantage for this Commonwealth.

21 (2) Monitoring and assuring collaboration of the
22 investment of all funds specifically appropriated by the
23 Federal Government and designated by the Governor or funds
24 specifically appropriated by State government for workforce
25 [investment] development under any Federal or State statute.

26 * * *

27 (7) Evaluation of whether the [unified workforce
28 investment] local plans submitted by local workforce
29 [investment] development boards [consistent with local plan
30 requirements developed by the board. The objective of the

1 plans is to develop local and regional templates from which
2 Federal and State funds can be aligned and targeted toward
3 common goals and objectives.] support the strategies
4 described by the State plan and are consistent with the State
5 plan.

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

10 * * *

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

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

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

23 (13) Recommending certification or recertification of
24 local workforce [investment] development boards [by giving
25 consideration to all of the following:

26 (i) The proposed local workforce investment board's
27 leadership system and its capability to effectively
28 monitor and assure collaboration of workforce investment
29 programs.

30 (ii) The portion of the labor market or geographical

1 area to be served by the proposed local workforce
2 investment board.] under the authority provided to the
3 Governor by Federal law for certification or
4 recertification. In particular, when considering
5 recertification, the extent to which the local workforce
6 development board has ensured that workforce investment
7 activities carried out in the local area have enabled the
8 local area to achieve sustained fiscal integrity, as
9 defined in section 106(b)(2) of the Workforce Innovation
10 and Opportunity Act, and meet the corresponding
11 performance accountability measures.

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

21 * * *

22 (18) [Assuring] Encouraging the implementation of
23 Federal and State statutory mandates which fall within the
24 purview of the unified system.

25 (18.1) Recommendations regarding the operation of the
26 one-stop delivery system and local workforce [investment]
27 development boards.

28 (19) Compilation of an annual report which shall be
29 submitted to the General Assembly, the Secretary of the
30 Senate and the Chief Clerk of the House of Representatives by

1 March 1 and which shall include all of the following:

2 (i) A detailed explanation of the performance
3 measures used and how the performance measures were
4 developed.

5 (ii) An explanation of the process used to achieve
6 continuous improvement of workforce [investment]
7 development activities.

8 (iii) The anticipated course of actions to be taken
9 by the board to encourage continuous improvement in the
10 unified system.

11 (iv) A list of the membership of the board,
12 including name, affiliation, address, telephone number,
13 telefax number and electronic mail address.

14 (v) An explanation of the process used to negotiate
15 levels of local performance.

16 (vi) A list of all certified local workforce
17 [investment] development boards in this Commonwealth,
18 including each local workforce board's negotiated level
19 of local performance, each local workforce board's level
20 of performance attained and the action taken with respect
21 to any local workforce [investment] development board
22 which failed to meet its negotiated level of local
23 performance.

24 (vii) A copy of the annual report submitted by each
25 local workforce [investment] development board to the
26 board.

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

30 (ix) A detailed explanation of the performance

1 measures used and how the performance measures were
2 developed.

3 (x) An explanation of the process used to achieve
4 continuous improvement of workforce investment
5 activities.

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

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

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

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

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

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

26 Section 305.1. [State performance] Commonwealth fiscal
27 management accountability information system.

28 [(a) General rule.--The board shall establish a system for
29 the development, oversight, modification and continuous
30 improvement of a comprehensive performance accountability system

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

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

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

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

21 (4) Enable revisions to the performance management
22 system.

23 (b) Required performance measures.--The State performance
24 management system shall include:

25 (1) Entry into unsubsidized employment.

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

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

30 (4) Attainment of a recognized credential relating to

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

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

11 (6) Guarantees for program quality and performance.

12 (7) Uniform program performance measures.

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

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

29 (d) Guarantees for program quality and performance.--
30 Ensuring the quality of workforce development programs is an

1 essential function of the board. The board shall establish one
2 or more quality performance guarantees for workforce development
3 programs under this act. A guarantee may include:

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

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

12 (3) Passage of a nationally recognized or industry-
13 recognized certificate examination.

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

15 (5) Other requirements established by the board.

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

1 establish and operate a fiscal management accountability
2 information system based on guidelines established by the United
3 States Secretary of Labor and the United States Secretary of
4 Education. Funds for the establishment and operation of the
5 fiscal management accountability information system shall be
6 money that is authorized under a core program and made available
7 to carry out Title I, Subtitle A, Chapter 4 of the Workforce
8 Innovation and Opportunity Act.

9 Section 2. The act is amended by adding a section to read:
10 Section 305.2. Performance accountability system.

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

18 (1) The primary indicators of performance.

19 (2) Additional indicators of performance.

20 (3) A State-adjusted level of performance.

21 (b) Additional indicators of performance.--The Governor
22 shall identify in the State plan the following performance
23 accountability indicators:

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

28 (2) The customer satisfaction indicator of performance,
29 which shall consist of customer satisfaction of employers,
30 grant recipients and participants who have received services

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

7 (3) One or more quality performance guarantees, which
8 the Governor shall establish and which may include:

9 (i) A guarantee or warranty for the training
10 provided to an incumbent worker, employee, job seeker or
11 student.

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

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

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

22 (4) Other requirements established by the Governor.

23 (c) Additional education and training.--Program quality and
24 performance guarantees shall provide for additional education or
25 training for individuals who were employed and are not able to
26 perform their duties at a satisfactory level, for employees
27 receiving customized job training or other training that is not
28 satisfactory for the employer and for students advancing to the
29 next sequence of an integrated and seamless secondary and
30 postsecondary education program, as established in section 902,

1 who are not capable of performing at a satisfactory academic
2 level. The Governor shall consult with local workforce
3 development boards and program providers prior to the adoption
4 of the guarantees for program quality and performance.

5 Section 3. The heading of Chapter 5 and sections 501, 502,
6 503, 504, 505 and 701-A of the act are amended to read:

7 CHAPTER 5

8 LOCAL WORKFORCE [~~INVESTMENT~~] DEVELOPMENT AREAS AND REGIONS
9 AND LOCAL WORKFORCE DEVELOPMENT BOARDS

10 Section 501. Establishment.

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

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

18 (i) Geographic areas served by school entities.

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

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

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

28 (v) The resources of such local workforce investment
29 areas that are available to effectively administer the
30 activities carried out under Federal and State law.]

1 development areas shall be designated by the Governor
2 through consultation with the board and after consultation
3 with chief elected officials and local workforce development
4 boards and consideration of comments received through the
5 public comment process. The Governor shall base the
6 designations on considerations specified in section 106(b)(1)
7 (B) of the Workforce Innovation and Opportunity Act.

8 (1.1) The term "local workforce development area"
9 includes a planning region for purposes of implementation of
10 that provision by the corresponding local workforce
11 development areas in the region except if the board assists
12 the Governor in the development of discretionary allocation
13 formulas for the distribution of funds for employment and
14 training activities for adults and youth workforce
15 development activities to local workforce development areas
16 as permitted under section 128(b)(3) and section 133(b)(3) of
17 the Workforce Innovation and Opportunity Act.

18 (2) [Local workforce investment boards shall be
19 established in each local workforce investment area of this
20 Commonwealth, recommended for certification by the board and
21 certified by the Governor, to set policy for the portion of
22 the unified system within that local workforce investment
23 area. The local workforce investment boards shall work to
24 establish workforce development services in collaboration
25 with postsecondary institutions, area vocational-technical
26 schools and career technology centers; secondary schools,
27 including charter schools at these grade levels; community
28 colleges; and technical colleges.] Except as provided in
29 paragraph (3), a local workforce development board shall be
30 established and certified by the Governor in each local

1 workforce development area to carry out the functions
2 described in section 504 and any functions specified for the
3 local workforce development board under the Workforce
4 Innovation and Opportunity Act or Federal provisions
5 establishing a core program for the local area.

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

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

14 (c) Administration and liability.--

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

23 (2) [The] In order to assist in administration of the
24 grant funds, the chief elected official [in] or the Governor,
25 if the Governor serves as the local grant recipient for a
26 local workforce [investment] development area may designate
27 an entity to serve as a local grant subrecipient for such
28 funds or as a local fiscal agent. Such designation shall not
29 relieve the chief elected official or the Governor of
30 liability for any misuse of grant funds as described in

1 paragraph (1).

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

9 Section 502. Membership.

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

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

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

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

24 (B) represent businesses [with], including small
25 businesses or organizations representing business
26 described in this subparagraph, that provide
27 employment opportunities [which reflect the
28 employment opportunities of] that, at a minimum,
29 include high-quality, work-relevant training and
30 development in in-demand industry sectors or

1 occupations in the local workforce [investment]
2 development area; and

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

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

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

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

26 (C) Entities administering education and
27 training activities shall include representatives of
28 local educational agencies, local school boards,
29 entities providing adult education and literacy
30 activities, postsecondary educational institutions,

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

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

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

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

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

20 (I) Representatives nominated by local labor
21 federations.

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

1 (B) In a local workforce development area in
2 which no employees are represented by labor
3 organizations, other representatives of employees.

4 (iv) (Reserved).

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

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

30 (vi) [Representatives of] Board membership shall

1 include individuals who represent governmental and
2 economic and community development entities[.] serving
3 the local workforce development area and shall include:

4 (A) A representative of economic and community
5 development entities.

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

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

16 (vii) [Representatives] Board membership shall
17 include representatives of each of the one-stop delivery
18 system partners not otherwise specified under this
19 subsection.

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

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

28 (3) The membership shall select a chairperson from [the
29 private sector] representatives appointed under paragraph (1)
30 (i).

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

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

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

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

30 (3) In the case of an area that was designated as a

1 local workforce investment area in accordance with section
2 116(a) (2) (B) of the Workforce Innovation and Opportunity Act,
3 the governing body of the concentrated employment program
4 involved shall act in consultation with the chief elected
5 official in the local workforce development area to appoint
6 members of the local workforce development board and to carry
7 out any other responsibility relating to workforce investment
8 activities assigned to the official under this act or the
9 Workforce Innovation and Opportunity Act.

10 Section 503. Conflicts of interest.

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

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

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

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

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

22 Section 504. Plan, functions and responsibilities.

23 (a) [Unified workforce investment] Local plan.--A local
24 workforce [investment] development board, in partnership with
25 the chief elected official [of the county or counties served by
26 the local workforce investment board], shall submit to the
27 Governor for approval a [unified workforce investment] local
28 plan. The local plan shall support the strategy described in the
29 State plan in accordance with section 102(b) (1) (E) of the
30 Workforce Innovation and Opportunity Act, and otherwise be

1 consistent with the State plan. If the local area is part of a
2 planning region, the local workforce development board shall
3 comply with this section in the preparation and submission of a
4 regional plan. At the end of the first two-year period of the
5 four-year local plan, each local workforce development board
6 shall review the local plan and, in partnership with the chief
7 elected official, prepare and submit modifications to the local
8 plan to reflect changes in labor market and economic conditions
9 or in other factors affecting the implementation of the local
10 plan. The following apply:

11 (1) The [unified workforce investment] local plan shall
12 be developed through a process which includes the opportunity
13 for participation by current and potential customers and
14 service providers [and which] prior to the date on which the
15 board submits a local plan to the Governor for approval, the
16 local workforce development board shall:

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

20 (ii) allow members of the public, including
21 representatives of business, representatives of labor
22 organizations and representatives of education to submit
23 to the local workforce development board comments on the
24 proposed local plan, not later than the end of the 30-day
25 period beginning on the date on which the proposed local
26 plan is made available.

27 (1.1) The local workforce development board shall
28 include with the local plan submitted to the Governor any
29 comments received under paragraph (1)(ii) that represent
30 public disagreement with the plan.

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

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

5 [(1)] (ii) A description of the local workforce
6 [investment] development area's strategic economic and
7 workforce vision and of how the vision will be attained.

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

10 [(3) An analysis of the local workforce investment
11 area market, including projected growth industries and
12 declining industries.]

13 [(4)] (iv) A description of the respective roles of
14 the local elected officials. [and the local workforce
15 investment board.]

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

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

19 (7) A description of the services to be provided to all
20 customers.

21 (8) A description of how, in serving the local workforce
22 investment area, coordination of workforce development
23 services and investment activities will occur with
24 postsecondary institutions; area vocational-technical schools
25 and career technology centers; secondary schools, including
26 charter schools at these grade levels; community colleges;
27 and technical colleges.

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

30 (10) If available, an analysis of regional market

1 trends.]

2 (b) Functions and responsibilities.--A local workforce
3 [investment board, in order to develop and implement a unified
4 workforce investment plan for the investment and utilization of
5 private and public resources to meet the current and future
6 workforce investment needs of its region in furtherance of
7 section 102,] development board has the following functions and
8 responsibilities:

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

10 (2) To assess the economic and workforce needs of the
11 local workforce investment area and to develop a unified plan
12 which builds on available services and resources to
13 effectively meet the workforce and economic needs of the
14 local workforce investment area.]

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

17 (2) In partnership with the chief elected official for
18 the local workforce development area, to develop and submit a
19 local plan to the Governor that meets the requirements in
20 this section.

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)] coordinate with the Governor, the board,

1 Commonwealth agencies administering the core program and
2 chief elected officials in establishing and operating a
3 fiscal management accountability information system under
4 section 305.1.

5 (5) To establish cooperative and collaborative
6 relationships with other local workforce [investment]
7 development boards and, if appropriate, with the [unified]
8 workforce development system governing bodies of other
9 states.

10 [(7) To authorize use of local workforce investment
11 funds, including individual training accounts, where
12 applicable, for eligible customers, for any of the following
13 services:

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

18 (A) Determinations of whether the individuals
19 are eligible to receive assistance.

20 (B) Outreach; intake, which may include worker
21 profiling; and orientation to the information and
22 other services available through the one-stop
23 delivery system.

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

26 (D) Job search and placement assistance and,
27 where appropriate, career counseling.

28 (E) Provision of employment statistics
29 information, including the provision of accurate
30 information relating to national, regional and local

1 labor market areas, such as:

2 (I) job vacancy listings in such labor
3 market areas;

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

6 (III) information relating to local
7 occupations in demand and the earnings and skill
8 requirements for such occupations.

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

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

28 (H) Provision of accurate information relating
29 to the availability of services in community
30 colleges, area vocational-technical schools and

1 career technology centers and technical colleges,
2 workforce development services and the availability
3 of work support services, including child care and
4 transportation, in the local workforce investment
5 area and referral to such services as appropriate.

6 (I) Provision of transitional support, including
7 information regarding filing claims for unemployment
8 compensation.

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

17 (K) Follow-up services, including counseling
18 regarding the workplace.

19 (ii) Intensive services:

20 (A) Intensive services shall be provided to
21 adults and dislocated workers who:

22 (I) are unemployed and are unable to obtain
23 employment through core services;

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

28 (III) are employed but are determined by a
29 one-stop delivery system operator to be in need
30 of intensive services in order to obtain or

1 retain employment that allows for self-
2 sufficiency.

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

10 (C) Intensive services may include the
11 following:

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

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

24 (III) Group counseling.

25 (IV) Individual counseling and career
26 planning.

27 (V) Case management.

28 (VI) Short-term prevocational services,
29 including development of learning skills,
30 communication skills, interviewing skills,

1 punctuality, personal maintenance skills and
2 professional conduct to prepare individuals for
3 employment or training.

4 (iii) Training services:

5 (A) Training services shall be provided to
6 adults and dislocated workers who:

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

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

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

24 (B) Training services shall be limited to
25 individuals who are unable to obtain other grant
26 assistance for such services, including Federal Pell
27 Grants established under Title IV of the Higher
28 Education Act of 1965 (Public Law 89-329, 20 U.S.C. §
29 1070 et seq.), or require assistance beyond the
30 assistance made available under other grant

1 assistance programs, including Federal Pell Grants.

2 (C) Training services may include:

3 (I) Occupational skills training, including
4 training for nontraditional employment.

5 (II) On-the-job training.

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

9 (IV) Training programs operated by the
10 private sector.

11 (V) Skill upgrading and retraining.

12 (VI) Entrepreneurial training.

13 (VII) Job readiness training.

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

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

21 (8)] (6) To compile an annual report [to be submitted]
22 and to submit the report to the [board] Governor by a
23 deadline [to be] determined by the [board] Governor. This
24 report shall include, at a minimum:

25 (i) a list of the membership of the local workforce
26 [investment] development board, including the name,
27 affiliation, address, telephone number, telefax number
28 and electronic mail address;

29 (ii) the negotiated local level of performance;

30 (iii) the level of performance achieved, including

1 an analysis of the strengths and weaknesses;

2 (iv) the programs local workforce development area
3 residents participated in; and

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

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

6 (1) The local workforce development boards and chief
7 elected officials in each planning region as certified by the
8 Governor under section 501(a)(2) shall engage in regional
9 planning as specified in section 106(c)(1) of the Workforce
10 Innovation and Opportunity Act.

11 (2) The Governor, after consultation with local
12 workforce development boards and chief elected officials for
13 the planning regions, shall require local workforce
14 development boards and chief elected officials within a
15 planning region to prepare, submit and obtain approval of a
16 single regional plan as specified in section 106(c)(2) of the
17 Workforce Innovation and Opportunity Act.

18 (3) To the extent specified in section 106(c)(3)(B), the
19 term "local plan" includes a reference to the portion of the
20 Workforce Innovation and Opportunity Act of a regional plan
21 developed with respect to the corresponding local workforce
22 development area and any regionwide provision of that plan
23 that impacts or relates to the local area.

24 Section 505. Local performance measures.

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

28 (1) Entry into unsubsidized employment.

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

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

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

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

22 (c) School-to-Work Opportunities Act of 1994.--No funds made
23 available under the [Workforce Investment Act of 1998 (Public
24 Law 105-220, 112 Stat. 936)] Workforce Innovation and
25 Opportunity Act shall be used to develop or continue programs or
26 activities created under the School-to-Work Opportunities Act of
27 1994 (Public Law 103-239, 108 Stat. 568).

28 Section 701-A. Purpose.

29 The purpose of this chapter is to expand the coordination of
30 the resources within the unified system and to enhance the

1 leadership of the [workforce] development investment system,
2 particularly with reference to the resources under the control
3 and direction of the participating agencies. This grant program
4 shall be agile, flexible and responsive to the immediate and
5 long-term training needs of job seekers, private businesses and
6 the workforce regions of the Commonwealth. The coordination and
7 leveraging of resources within the workforce [investment]
8 development system is crucial to the effective delivery of
9 services to the employers and residents of this Commonwealth.

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

13 Section 702-A. Definitions.

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

17 "Critical job training." Training for dislocated workers and
18 underemployed workers for occupations with immediate skill needs
19 or for high-demand jobs or jobs with a shortage of skilled
20 workers, as identified by the [Pennsylvania Workforce Investment
21 Board] board and the participating agencies.

22 * * *

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

30 * * *

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

4 Section 703-A. Program operation.

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

14 Section 704-A. Grants.

15 (a) Single application.--There shall be a single multiagency
16 application for the grants awarded under this chapter. An
17 application must demonstrate:

18 * * *

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

26 * * *

27 (b) Applications and guidelines.--The participating
28 agencies, in consultation with the board and local workforce
29 [investment] development boards, shall develop grant
30 applications, establish guidelines, develop forms and institute

1 such procedures, including the utilization of participating
2 agency resources, as may be necessary to implement the
3 provisions of this chapter.

4 * * *

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

9 (e) Board recommendations.--Beginning October 1, 2003, and
10 each year thereafter, the board may recommend changes in the
11 operation and funding of the program to the Governor and the
12 General Assembly. The recommendations shall be made after the
13 board consults with local workforce [investment] development
14 boards, secondary schools and postsecondary institutions.
15 Section 902. Innovative programs.

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

18 * * *

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

23 * * *

24 Section 1302. Industry clusters.

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

1 * * *

2 Section 1304. Grant program operation.

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

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

8 * * *

9 Section 1307. Interdepartmental cooperation.

10 * * *

11 (c) Agencies.--The following agencies shall work with the
12 department as set forth below:

13 * * *

14 (5) The Department of [Public Welfare] Human Services
15 shall:

16 * * *

17 Section 6. This act shall take effect in 60 days.