

AMENDED IN SENATE MAY 12, 1999

SENATE BILL

No. 88

Introduced by Senator Escutia

December 7, 1998

~~An act to repeal and add Division 2 (commencing with Section 5000) of the Unemployment Insurance Code, relating to employment, and declaring the urgency thereof, to take effect immediately. An act to add Article 1.5 (commencing with Section 5210) to Chapter 5 of Division 2 of the Insurance Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, Escutia. Workforce Investment Act of 1998.

~~(1) Existing law contains various programs for job training and employment investment, including the obsolete work incentive programs for individuals receiving aid to families with dependent children (WIN).~~

~~This bill would repeal the WIN provisions.~~

~~(2)~~

Existing federal law, the Workforce Investment Act of 1998, integrates various federal employment programs into a one-stop service delivery system to provide workers with the information, advice, job search assistance, and training they need to get and keep good jobs. *The act requires the creation of youth systems to provide a broad range of employment and training services to youth, with special emphasis on prevention strategies for at-risk youth.* The act requires states to implement the act's provisions by July 1, 2000.

This bill would ~~enact the California Workforce Investment Act of 1999. The bill would establish the California Workforce Investment Board to advise the Governor in developing a single state plan that outlines a 5-year strategy for a statewide work force investment system. The bill would require the Governor to submit the plan to the federal Secretary of Labor on or after July 1, 1999, and before January 1, 2000. The bill would require the Governor to designate local work force investment areas in accordance with the Workforce Investment Act of 1998.~~

~~This bill would declare that it is to take effect immediately as an urgency statute require local workforce investment boards created pursuant to that federal act by SB 146 of the 1999-2000 Regular Session, to establish youth councils, as specified. It would enact related youth employment provisions.~~

~~By imposing duties on local government with respect to the implementation of these local employment programs, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for these costs shall be made pursuant to these statutory provisions.~~

~~This bill would become operative only if certain provisions relating to the establishment of local workforce investment boards, as proposed by SB 146 of the 1999-2000 Regular Session, are also enacted during the first half of that session.~~

~~Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. ~~Division 2 (commencing with Section~~
2



1 SECTION 1. Article 1.5 (commencing with Section
2 5210) is added to Chapter 5 of Division 2 of the
3 Unemployment Insurance Code, to read:

4
5 Article 1.5 Youth Programs
6

7 5210. The Legislature finds and declares that youth
8 programs authorized under the federal Workforce
9 Investment Act of 1998 require the creation of youth
10 systems that are closely linked to the labor market and
11 local education systems, and that provide a broad range
12 of coordinated services to youth and provide special
13 emphasis on prevention strategies for at-risk youth.
14 Programs funded under the federal Workforce
15 Investment Act of 1998 shall prepare participants for
16 either post secondary educational opportunities or
17 unsubsidized employment.

18 5211. Each local workforce investment board created
19 pursuant to the federal Workforce Investment Act of 1998
20 shall establish a youth council.

21 5212. (a) Youth councils shall be comprised of the
22 following representatives:

23 (1) Members of the local workforce investment board
24 with special interest and expertise in youth policy.

25 (2) Representatives of youth service agencies,
26 including juvenile justice and local law enforcement
27 agencies.

28 (3) Representatives of local public housing authorities.

29 (4) Parents of eligible youth seeking assistance under
30 the federal Workforce Investment Act of 1998.

31 (5) Individuals, including former participants, and
32 representatives of organizations that have experience
33 relating to youth activities.

34 (6) Representatives of the Job Corps, as appropriate.

35 (7) Representatives of local education agencies
36 serving youth.

37 (b) It the intent of the Legislature that when
38 appointing members to the youth council, the
39 chairperson of the local workforce investment board and

1 *the chief elected official appoint the following*
2 *representatives:*

3 *(1) Representatives of youth who are enrolled in*
4 *school and youth who are out of school.*

5 *(2) Representatives of the private sector.*

6 *5213. The duties of the youth council shall include all*
7 *of the following:*

8 *(a) Development of the youth employment and*
9 *training policy for eligible and noneligible youth in the*
10 *local workforce investment area in collaboration with*
11 *local educational entities, representatives of the private*
12 *sector, and land local community-based organizations*
13 *serving youth.*

14 *(b) Development of the portions of the local*
15 *workforce investment plan required pursuant to the*
16 *federal Workforce Investment Act of 1998 relating to*
17 *eligible youth.*

18 *(c) Recommendations of eligible providers of youth*
19 *activities to be awarded grants or contracts on a*
20 *competitive basis by the local workforce development*
21 *board to carry out youth activities.*

22 *(d) Oversight and coordination of youth activities in*
23 *the local area, including activities provided by eligible*
24 *services providers under the federal Workforce*
25 *Investment Act of 1998.*

26 *(e) Ensuring that youth program activities, including*
27 *those provided by local educational entities, are*
28 *connected to the local one-stop delivery system.*

29 *5214. (a) Youth eligible to receive services funded*
30 *under Title 1 of the federal Workforce Investment Act of*
31 *1998 shall be all of the following:*

32 *(1) Age 14 through 21.*

33 *(2) A low-income individual as defined by the Federal*
34 *Workforce Investment Act of 1998.*

35 *(3) At least one of the following:*

36 *(A) Deficient in basic literacy skills.*

37 *(B) A school dropout.*

38 *(C) Homeless, a runaway, or a foster child.*

39 *(D) Pregnant or parenting.*

40 *(E) An offender.*



1 (F) A youth with a disability who requires additional
2 assistance to complete an educational program, or to
3 secure and hold employment.

4 (b) Up to 5 percent of youth participants in youth
5 programs funded under Title 1 of the federal Workforce
6 Investment Act of 1998 may be individuals who do not
7 meet the income criteria for eligible youth, and who
8 instead are one of the following:

9 (1) A school dropout.

10 (2) Basic skills deficient.

11 (3) One or more grade levels below the grade level
12 appropriate for the individual's age.

13 (4) Pregnant or parenting.

14 (5) Possessing one or more disabilities, including
15 learning disabilities.

16 (6) Homeless or a runaway.

17 (7) An offender.

18 (8) Facing serious barriers to employment as
19 identified by the local workforce investment board.

20 (c) Eligible youth who are 18 through 21 years old may
21 participate in youth and adult programs concurrently, as
22 appropriate for the individual.

23 5215. Youth funds under the federal Workforce
24 Investment Act of 1998 may be used to provide eligible
25 youth with all of the following:

26 (a) Assistance in achieving academic and employment
27 success with educational and skill competencies to
28 provide effective linkages to employers.

29 (b) Ongoing mentoring opportunities.

30 (c) Training opportunities.

31 (d) Supportive services.

32 (e) Incentives for recognition and achievement.

33 (f) Opportunities for leadership, development,
34 decision making, citizenship, and community service.

35 SEC. 2. Notwithstanding Section 17610 of the
36 Government Code, if the Commission on State Mandates
37 determines that this act contains costs mandated by the
38 state, reimbursement to local agencies and school
39 districts for those costs shall be made pursuant to Part 7
40 (commencing with Section 17500) of Division 4 of Title



1 2 of the Government Code. If the statewide cost of the
 2 claim for reimbursement does not exceed one million
 3 dollars (\$1,000,000), reimbursement shall be made from
 4 the State Mandates Claims Fund.

5 SEC. 3. This bill shall become operative only if Senate
 6 Bill 146 of the 1999–2000 Regular Session is enacted in the
 7 first half of the 1999–2000 Regular Session and that bill
 8 adds Chapter 5 (commencing with Section 5200) to
 9 Division 2 of the Unemployment Insurance Code.
 10 5000) of the Unemployment Insurance Code is repealed.

11 SEC. 2. ~~Division 2 (commencing with Section 5000)~~
 12 ~~is added to the Unemployment Insurance Code, to read:~~

13
 14 ~~DIVISION 2. CALIFORNIA WORKFORCE~~
 15 ~~INVESTMENT ACT OF 1999~~

16
 17 ~~CHAPTER 1. GENERAL PROVISIONS~~

18
 19 ~~5000. This division shall be known as and may be cited~~
 20 ~~as the California Workforce Investment Act of 1999.~~

21 ~~5001 The Legislature finds and declares all of the~~
 22 ~~following:~~

23 (a) ~~The current patchwork of federal job training~~
 24 ~~programs has taken shape over the last 60 years~~
 25 ~~responding to particular concerns at specific times.~~
 26 ~~Consequently, job training programs are splintered and~~
 27 ~~disorganized.~~

28 (b) ~~Enactment of the federal Workforce Investment~~
 29 ~~Act of 1998 represents the first major reform of the~~
 30 ~~nation's job training system in over 15 years.~~

31 (c) ~~These federal reforms permit California to build an~~
 32 ~~integrated work force system to assist businesses in filling~~
 33 ~~their labor force needs and to help job seekers increase~~
 34 ~~their skills and earnings.~~

35 (d) ~~The cornerstone of the new work force investment~~
 36 ~~system is "one-stop" service delivery, which will unify~~
 37 ~~numerous training, education, and employment~~
 38 ~~programs into a single, effective system.~~

39 (e) ~~"One-stop" centers can provide the public with all~~
 40 ~~of the following:~~

1 ~~(1) Access to high quality local information on~~
2 ~~available jobs.~~

3 ~~(2) Skill requirements.~~

4 ~~(3) Training provider performance.~~

5 ~~(f) Employment service plays a critical role in~~
6 ~~“one-stop” service delivery as the primary job finding~~
7 ~~source by providing quality information to the public~~
8 ~~about all of the following:~~

9 ~~(1) Jobs.~~

10 ~~(2) The dynamics of the labor market.~~

11 ~~(3) Available training and education opportunities.~~

12 ~~(4) Links to other public and private services.~~

13 ~~(g) The purpose of the California Workforce~~
14 ~~Investment Act of 1999 is to fully implement the federal~~
15 ~~requirement for a “one-stop” service delivery system in~~
16 ~~each local work force investment area by July 1, 2000.~~

17 ~~5005. Unless the context otherwise requires, the~~
18 ~~definitions in this chapter govern the construction of this~~
19 ~~division.~~

20 ~~5006. “Board” means the California Workforce~~
21 ~~Investment Board.~~

22 ~~5007. “Department” means the Employment~~
23 ~~Development Department, which may also be referred~~
24 ~~to as the Department of Employment Development.~~

25 ~~5008. “Director” means the Director of Employment~~
26 ~~Development.~~

27 ~~5009. “Local area” means a local work force~~
28 ~~investment area designated by the Governor pursuant to~~
29 ~~Section 5200.~~

30 ~~5010. “Workforce Investment Act of 1998” means the~~
31 ~~federal act enacted as Public Law 105-220.~~

32

33 ~~CHAPTER 2. STATE RESPONSIBILITY~~

34

35 ~~5100. The California Workforce Investment Board is~~
36 ~~established. The board shall assist the Governor in the~~
37 ~~development of the state plan described in Section 5150.~~

38 ~~5105. The board shall be independent of any existing~~
39 ~~state agency and attached for administrative purposes to~~



1 ~~the department. The department shall provide offices~~
2 ~~and staff to assist the board.~~
3 ~~5110. The board shall be comprised of the following~~
4 ~~members or their designees:~~
5 ~~(a) The Governor.~~
6 ~~(b) Two Members of the Senate appointed by the~~
7 ~~Senate Committee on Rules.~~
8 ~~(c) Two Members of the Assembly appointed by the~~
9 ~~Speaker of the Assembly.~~
10 ~~(d) The director.~~
11 ~~(e) The Secretary of Health and Welfare.~~
12 ~~(f) The Secretary of Trade and Commerce.~~
13 ~~(g) The Secretary of Business, Transportation, and~~
14 ~~Housing.~~
15 ~~(h) The Superintendent of Public Instruction.~~
16 ~~(i) The Chancellor of the California Community~~
17 ~~Colleges.~~
18 ~~(j) Twenty-one members appointed by the Governor~~
19 ~~who are nominated by state business organizations and~~
20 ~~business trade associations, and meet either or both of the~~
21 ~~following criteria:~~
22 ~~(1) Are owners of businesses, chief executives or~~
23 ~~operating officers of businesses, and other business~~
24 ~~executives or employers with optimum policymaking or~~
25 ~~hiring authority.~~
26 ~~(2) Represent businesses with employment~~
27 ~~opportunities that reflect the employment opportunities~~
28 ~~of the state.~~
29 ~~(k) Nine members appointed by the Governor that~~
30 ~~shall include all of the following:~~
31 ~~(1) Chief elected officials of cities and counties.~~
32 ~~(2) Representatives of labor organizations, who have~~
33 ~~been nominated by state labor federations.~~
34 ~~(3) Representatives of individuals and organizations~~
35 ~~that have experience with respect to youth activities.~~
36 ~~(4) Representatives of individuals and organizations~~
37 ~~that have experience and expertise in the delivery of~~
38 ~~work force investment activities, including chief~~
39 ~~executive officers of community colleges and~~
40 ~~community-based organizations within the state.~~



1 ~~5115. Members of the board that represent~~
2 ~~organizations, agencies, or other entities shall be~~
3 ~~individuals with optimum policymaking authority within~~
4 ~~their respective organizations, agencies, or entities.~~

5 ~~5120. The members of the board shall represent~~
6 ~~diverse regions of the state, including urban, rural, and~~
7 ~~suburban areas.~~

8 ~~5125. The Governor shall select a chairperson for the~~
9 ~~board from among the persons appointed pursuant to~~
10 ~~subdivision (j) of Section 5110.~~

11 ~~5130. The members of the board shall be reimbursed~~
12 ~~for traveling and other expenses necessarily incurred in~~
13 ~~the performance of official duties.~~

14 ~~5150. The Governor shall submit to the federal~~
15 ~~Secretary of Labor on or after July 1, 1999, and before~~
16 ~~January 1, 2000, a single state plan that outlines a five-year~~
17 ~~strategy for the statewide work force investment system~~
18 ~~of the state and meets the requirements of Section 112 of~~
19 ~~the Workforce Investment Act of 1998.~~

20
21 ~~CHAPTER 3. LOCAL PROVISIONS~~
22

23 ~~5200. The Governor shall designate local work force~~
24 ~~investment areas in accordance with Section 116 of the~~
25 ~~Workforce Investment Act of 1998.~~

26 ~~SEC. 3. This act is an urgency statute necessary for the~~
27 ~~immediate preservation of the public peace, health, or~~
28 ~~safety within the meaning of Article IV of the~~
29 ~~Constitution and shall go into immediate effect. The facts~~
30 ~~constituting the necessity are:~~

31 ~~In order for the state to meet the requirements of the~~
32 ~~federal Workforce Investment Act of 1998 it is necessary~~
33 ~~that this act take effect immediately.~~

