HOUSE BILL NO. 741
BY REPRESENTATIVE ALFRED WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LABOR: Provides relative to workforce development

AN ACT

To amend and reenact R.S. 23:1853(B)(introductory paragraph) and (2), 1855, 1862(A)(introductory paragraph), 2042(introductory paragraph), (1), and (3), 2043(A)(introductory paragraph), (2), (3), (4), (5), (6), and (11)(a) and (b)(xi), and (D), 2044, 2046, 2061(2) and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8), 2091(A)(introductory paragraph) and (1), the heading of Part V of Chapter 14 of Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:2191, 2192(A) and (C), 2193(A), (B) and (D), 2195(A), 2196(A) and (B), 2197(section), 2200(A) and (B)(20), 2210(B); to enact R.S.23:2195(C), 2199(D); and to repeal R.S.23:2043(A)(7) through (10), 2193(C), and 2196(E), relative to workplace investment initiatives; to provide for conformity with federal laws; to provide with respect to the membership of the Workforce Investment Council, to provide with respect to workforce development boards; to provide for the membership of workforce development boards; to provide for the designation of workforce development areas; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1853(B)(introductory paragraph) and (2), 1855, 1862(A)(introductory paragraph), 2042(introductory paragraph), (1), and (3), 2043(A)(introductory paragraph), (2), (3), (4), (5), (6), and (11)(a) and (b)(xi), and (D), 2044, 2046, 2061(2) and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8),

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§1853. Administration

B. The office of workforce development within the Louisiana Workforce Commission shall coordinate, with those entities administering the job training plans in the various workforce investment areas, pursuant to the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq.:

(2) Services and assistance made available under the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq., the Carl D. Perkins Vocational Education Act, and other training, employment, or education programs which will enable youths to obtain subsidized or unsubsidized employment.

§1855. Funding requirement

The Youth Summer Employment Program provided for in this Chapter shall not be implemented until funding is provided by the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq., or Carl D. Perkins Vocational Education Act monies.

§1862. Program plan implementation

A. On or before September 1, 1992, and every September first thereafter of each year, each state department administratively responsible for workforce preparation activities shall prepare a separate program plan for each workforce preparation program that such the department administers. Each plan shall include:
§2042. Louisiana Workforce Investment Council; creation; purpose

The Louisiana Workforce Investment Council is hereby created in the commission as the state workforce investment development board for the purposes of:

(1) Meeting the requirements of the federal Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq, in order to receive funds relevant to workforce activities authorized by the law.

* * *

(3) Creating a common vision, a strategic combined state plan and outcomes that will coordinate and integrate a workforce development delivery system to assure the greatest cooperation possible between public and private entities.

* * *

§2043. Members

A. The council shall consist of forty-one thirty-three members as follows:

* * *

(2) The executive director of the Louisiana Workforce Commission One member of the House of Representatives appointed by the Speaker of the House.

(3) The secretary of the Department of Children and Family Services One member of the Louisiana Senate appointed by the President of the Senate.

(4) The secretary of the Department of Economic Development. The lead state official having primary responsibility for the following core Workforce Investment and Opportunity Act programs:

(a) Louisiana Rehabilitation Services.

(b) Wagner-Peyser.

(c) Adult and Dislocated Worker.

(d) Adult Education.

(5) The state superintendent of education Two chief executive officers representing parish and city government appointed by the governor. In appointing the members representing parish and city government, the Louisiana Conference of
Mayors, the Louisiana Municipal Association, and the Police Jury Association of
Louisiana, or successor organizations, may each submit a list of three nominees to
the governor for his consideration.

(6) The president of the Louisiana Community and Technical College
System Seven representatives of Louisiana's workforce appointed by the governor
from among eleven nominees submitted by the Louisiana AFL-CIO including
representatives of labor organizations nominated by the state's labor federation and
at least one member of a labor organization or a training director from a union-
registered apprenticeship program within the state.

* * *

(11)(a) Twenty-one Seventeen members representing business and industry
appointed by the governor, at least one of whom shall represent a woman-owned
business and at least two of whom shall represent minority-owned businesses.
Members representing business shall be individuals who are owners, chief executive
officers, chief operating officers, or other individuals with optimum policymaking
or hiring authority and may be members of local boards.

(b) In appointing the members representing business and industry, the
governor shall appoint:

* * *

(xi) Eleven Seven members who shall represent representing Louisiana's
general business community.

* * *

D. Notwithstanding the provisions of this Section, should any determination
be made that any provision of this Section does not conform to the requirements of
the Workforce Investment Act Innovation and Opportunity Act of 2014, then the
governor shall make appointments in the manner required to conform with the
Workforce Investment Act consistent with the Act.
§2044. Qualifications

Each member of the council shall be a registered voter in and a domiciliary of Louisiana and shall have completed the same training as provided to local workforce investment development board members pursuant to R.S. 23:2194.

*          *          *

§2046. Terms

A. Of the initial twenty-eight twenty-six members appointed pursuant to R.S. 23:2043(A)(10), (11), (12), and (13), ten members shall serve a term of two years, nine members shall serve a term of three years, and nine members shall serve a term of four years, with all terms ending on June thirtieth of the respective year. The terms of the initial members appointed pursuant to each Paragraph shall be designated by the governor so as to be apportioned among the optional initial terms. Thereafter, such appointed members shall serve six-year terms. No person shall serve for more than two terms whether consecutive or not.

B. The term of a member serving on the council pursuant to R.S. 23:2043(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (14) shall be concurrent with his service in such official capacity.

*          *          *

§2061. Definitions

As used in this Chapter, the following terms shall have the meaning herein ascribed to them:

*          *          *

(2) "Board" means a local workforce investment development board as described in the Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq., or such successor entity as may be established by or pursuant to federal law.

(3) "Business/career solution system" means a service delivery system composed of one or more centers, which shall operate as a one-stop workforce

§2063. Strategic plan

A.(1) The council shall develop, prepare, adopt, and submit forthwith to the governor a comprehensive state strategic combined plan that establishes strategic goals, objectives, and measures that provide direction for the provision of services and coordination of resources by the state's workforce development delivery system. The plan shall establish benchmarks for each measure and shall provide recommended strategies for implementation by state agencies and private entities. The strategic plan shall be updated on a biennial basis.

B. If the strategic combined plan is inconsistent with any federal or state law, rule, or regulation, or if there is a constitutional limitation, restriction, or prohibition, the affected agency shall immediately notify the council, in writing, of the conflict, together with a notice of that exception, an explanation of the conflict, and a recommendation for how to implement such plan or measure so as to avoid such the conflict.

§2065. Council duties and functions

A. The council shall:

(4) Recommend to the governor the geographic designation of workforce development areas for the delivery of workforce development services funded through the federal Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq.

(8) Perform all duties required by the federal Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. for the state workforce development board, including carrying out the federally and state-mandated duties and responsibilities for all advisory councils under applicable federal and state workforce development programs.

§2091. Transfer of state advisory council responsibilities

A. Upon certification of the Louisiana Workforce Investment Council as a state workforce investment board pursuant to 29 U.S.C. 2821 et seq., the council shall assume the responsibilities assigned to the state advisory council under the following federal laws:


PART V. WORKFORCE INVESTMENT DEVELOPMENT BOARDS

§2191. Workforce investment development boards

A. There shall be a local workforce investment development board for every workforce development area.

B. The governor shall approve a request to be a local workforce development area from any parish governing authority of a parish with a population of five hundred thousand or more or any consortium of contiguous parishes with an aggregate population of five hundred thousand or more which serves a substantial part of one or more labor market areas.

C. The governor may approve a request for designation as a workforce investment area from any unit of general local government including a combination of such units that serve a substantial part of one or more labor market areas shall...
designate local areas within the state after consulting with the state Workforce
Investment Council, chief elected officials, and local boards, and after an opportunity
for comments from businesses, labor organizations, institutions of higher education,
other primary stakeholders, and the general public.

§2192.  Designation of workforce development areas

A. (1) For the first two operating years of the Workforce Innovation and
Opportunity Act of 2014, the governor shall approve a request for initial designation
as a local area from any area that was designated as a local area for purposes of the
Workforce Investment Act of 1998 if the local area performed successfully and
sustained fiscal integrity.

(2) After the period for which a local area is initially designated, the governor may redesignate workforce development areas not more than once every
two years, unless the governor determines that the area failed to substantially meet,
as determined by the council, the local performance measures for the local area or
failed to sustain the fiscal integrity of the funds used by the area to carry out
workforce development activities, as required by the Workforce Investment Act of
1998 (29 U.S.C. 2801 et seq.). perform successfully, sustain fiscal integrity, and, if
required, failed to prepare and submit a regional plan. A redesignation shall be made
not later than four months before the beginning of a program year.

* * *

C. Subject to the provisions of R.S. 23:2191(B), a local workforce
development area may be:

(1) composed of one or more contiguous units of general local
government that includes at least one parish.

(2) consistent with either a local labor market area or a
metropolitan statistical area.
(3) Of a size sufficient to have the administrative resources necessary to provide for the effective planning, management, and delivery of workforce development.

§2193. Creation of local workforce development boards

A. The chief elected officials in a workforce development area may form, in accordance with rules established by the Louisiana Workforce Investment Council, a local workforce investment development board to do the following:

(1) Plan and oversee the delivery of workforce training and services.

(2) Evaluate workforce development in the workforce development area.

(3) Review and recommend certification of business/career solution system centers.

B. The authority granted under Subsection A of this Section does not give a local workforce investment development board any direct authority or control over workforce funds and programs in its workforce development area, other than programs funded through that board.

D. The chief elected officials in a workforce development area shall consider the views of all affected local organizations before making a final decision on the formation of a board.

§2195. Certification of boards

A. The commission shall charter boards that meet chartering requirements established by the commission, and each board shall be chartered no later than January 1, 2009, unless an extension is granted by the commission for good cause shown. Governor shall, once every two years, certify one local board for each local area in the state.

C. Notwithstanding any other provision in this Section, after providing notice and an opportunity for comment, the governor may decertify a local board at any time for fraud, abuse, failure to carry out the functions specified for the local
board, or failure to meet the local performance accountability measures for the local area for two consecutive program years.

§2196. Board membership

A. A board shall be composed as follows:

(1) Representatives of the private sector who:

(a) Constitute a majority of the membership of the board.

(b) Are owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other business or human resources executives who have substantial management, hiring, or policymaking responsibilities.

(c) Represent business, including small businesses, or organizations that provide employment opportunities that, at a minimum, include high-quality work-relevant training and development in in-demand industry sectors or occupations in the local area.

(2) At least two representatives of organized labor: twenty percent of the members of each local board:

(a) Shall be local representatives of a labor organization or representatives of employees who are not members of a labor organization; and a training director of a joint labor-management apprenticeship program, or if there is no joint labor-management apprenticeship program, a representative of an apprenticeship program.

(b) May be representatives of community-based organizations that have demonstrated expertise with addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide support for individuals with disabilities; and representatives of organizations that have demonstrated expertise with addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(3) Representatives of each of the following:
(a) Educational agencies, including but not limited to community colleges and secondary and postsecondary practitioners representing vocational education, that are representative of all educational agencies in the service delivery area. Entities administering education and training activities in the local area that shall include a representative of eligible providers administering adult education and literacy activities pursuant to Title II of the Workforce Innovation and Opportunity Act; and a representative of institutions of higher education providing workforce investment activities; and that may include representatives of local educational agencies and of community-based organizations with demonstrated expertise in addressing the education or training needs of individuals with barriers to employment.

(b) Economic development agencies. Governmental and economic and community development entities serving the local area that shall include a representative of economic and community developmental entities, a representative from the state employment service office pursuant to the Wagner-Peyser Act, 29 U.S.C. 49, who serves the local area; a representative of the programs carried out under Title I of the Rehabilitation Act of 1973, 29 U.S.C. 720 et seq., except 29 U.S.C. 732 and 741, who serve the local area; and that may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and a representative of philanthropic organizations serving the local area.

(c) Public employment services. Each local board may include other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(d) Community-based organizations.

B. Private sector representatives on the board are selected from individuals nominated by general purpose business organizations that have consulted with and received recommendations from other business organizations in the workforce development area. The nominations and the individuals selected from the
nominations must reasonably represent the industrial and demographic composition of the business community. Not less than one-half of the business and industry representatives should be representatives of small business.

§2197. Removal of workforce investment development board members

§2199. Responsibility of the board

D. The local board, in partnership with the chief elected official for the local area involved, shall, pursuant to R.S. 23:2200(B)(13), develop and submit a local plan to the governor.

§2200. Board duties

A. The purpose of the local workforce investment development board is to convene and align high-level stakeholders, enhance cooperative assessment of workforce intelligence, and develop unified strategic planning and activities designed to meet the region's current and future workforce needs. These strategic purposes are in addition to the service delivery and partner system roles required in the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) Innovation and Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

B. A board shall:


§2210. Incentives and waivers

B. To the extent feasible under federal and state workforce development law, incentives include priority for discretionary funding, including financial incentives

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
for the consolidation of service delivery areas authorized under the federal Workforce Innovation Act Innovation and Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

Section 2. R.S.23:2043(A)(7) through (10), 2193(C), and 2196(E) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 741 Original 2015 Regular Session Alfred Williams

Abstract: Provides relative to workforce development.

Present law provides for the office of workforce development within the La. Workforce Commission to coordinate, with entities administering the job training plans in the various workforce investment areas, pursuant to the Workforce Investment Act.

Present law creates the Workforce Investment Council as the state workforce investment board to meet the requirements of the Workforce Investment Act of 1998 to receive funds relevant to workforce activities, advise the governor of the needs of the state's employers and the workforce along with strategies for its continued improvement, create a common vision, a strategic state plan to assure cooperation between public and private entities, and direct the Occupational Forecasting Conference to determine the official information necessary for planning and budgeting with respect to workforce development.

Proposed law retains the substance of present law and changes references from the Workforce Investment Act to the Workforce Investment Innovation and Opportunity Act, which was enacted by Congress in 2014. Proposed law further changes "workforce investment boards" to "workforce development boards".

Proposed law provides for the assignment of workforce development areas pursuant to the new Workforce Innovation and Opportunity Act.

Proposed law allows the governor to decertify any local board for fraud, abuse, failure to perform their function or to meet accountability measures.

Proposed law reduces the number of members of the Workforce Investment Council pursuant to the Workforce Innovation and Opportunity Act.

Proposed law alters the composition of the membership of local workforce development boards pursuant to the Workforce Innovation and Opportunity Act.

(Amends R.S. 23:1853(B)(intro. para.) and (2), 1855, 1862(A)(intro. para.), 2042(intro. para.), (1), and (3), 2043(A)(intro para), (2), (3), (4), (5), (6), and (11)(a) and (b)(xi), and (D), 2044, 2046, 2061(2) and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8), 2091(A)(intro. para.) and (1), the heading of Part V of Chapter 14 of Title 23, R.S. 23:2191,

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
2192(A) and (C), 2193(A), (B) and (D), 2195(A), 2196(A) and (B), 2197(section), 2200(A) and (B)(20), 2210(B); Adds R.S.23:2195(C), 2199(D): Repeals R.S.23:2043(A)(7) through (10), 2193(C) and 2196(E))