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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- GOVERNOR'S WORKFORCE  
BOARD RHODE ISLAND

Introduced By: Senators McCaffrey, Felag, Conley, P Fogarty, and Ottiano

Date Introduced: May 08, 2014

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 28-42-82, 28-42-83 and 28-42-84 of the General Laws in Chapter  
2 28-42 entitled "Employment Security - General Provisions" are hereby amended to read as  
3 follows:

4           **28-42-82. Job development fund.** -- Whereas, improvements in the standard of living  
5 for all Rhode Islanders, by increasing their prosperity and their opportunities for continued  
6 employment and better jobs, is one of the top priorities of state government;

7           Whereas, the rapidly changing economy requires that the Rhode Island workforce be  
8 able to adapt to emerging needs of the workplace;

9           Whereas, the energies and resources of numerous state agencies and commissions  
10 contribute to the state's overall response to the needs of the workforce and must be coordinated to  
11 achieve maximum efficiency and effectiveness; and

12           Whereas, the competitiveness of Rhode Island businesses is dependent on a well-skilled,  
13 literate, and productive workforce:

14           Now, therefore, the general assembly declares as follows:

15           (1) There is a need to stimulate long-term economic development; reconcile the needs of  
16 ~~women~~ parents, work, and families; better integrate immigrants and minorities fully into the  
17 workforce; and improve workers' educational preparation and skills;

18           (2) Enhancement of the competitiveness of the state's businesses and workforce requires

1 state support and encouragement for programs aimed at improving skill levels and expanding  
2 opportunities of all segments of the workforce, particularly those in need of customized training  
3 or training to upgrade existing skill levels; and

4 (3) These needs require the establishment of a job development fund pursuant to ~~section~~  
5 ~~§28-42-83~~ and the establishment of the ~~human resource investment council~~ [governor's workforce](#)  
6 [board Rhode Island \(workforce board\)](#) pursuant to chapter 102 of title 42 to administer the fund.

7 **28-42-83. Job development fund -- Establishment -- Sources. --** (a) (1) There is  
8 created as a restricted receipt account within the general fund called the job development fund, to  
9 be administered by the ~~human resource investment council~~ [governor's workforce board Rhode](#)  
10 [Island \(workforce board\)](#), without liability on the part of the state beyond the amounts paid into  
11 and earned by the fund. This fund shall consist of:

- 12 (i) All payments received from employers and paid pursuant to ~~section~~ ~~§28-43-8.5~~;
- 13 (ii) All other moneys paid into and received by the fund;
- 14 (iii) Property and securities acquired, by and through the use of, moneys belonging to the  
15 fund; and
- 16 (iv) Interest earned upon moneys belonging to the fund.

17 (2) All moneys in the job development fund shall be mingled and undivided.  
18 (b) All moneys received by the director for the job development fund shall, upon receipt,  
19 be deposited by the director in a clearance account in a bank in this state.

20 **28-42-84. Job development fund -- Disbursements -- Unexpended balance. --** (a) The  
21 moneys in the job development fund shall be used for the following purposes:

- 22 (1) To reimburse the department of labor and training for the loss of any federal funds  
23 resulting from the collection and maintenance of the fund by the department;
- 24 (2) To make refunds of contributions erroneously collected and deposited in the fund;
- 25 (3) To pay any administrative expenses incurred by the department of labor and training  
26 associated with the collection of the contributions for employers paid pursuant to ~~section~~ ~~§28-43-~~  
27 ~~8.5~~, and any other administrative expenses associated with the maintenance of the fund, including  
28 the payment of all premiums upon bonds required pursuant to ~~section~~ ~~§28-42-85~~;
- 29 (4) To provide for job training, counseling and assessment services, and other related  
30 activities and services. Services will include, but are not limited to, research, development,  
31 coordination, and training activities to promote workforce development and business  
32 development as established by the ~~human resource investment council~~ [governor's workforce](#)  
33 [board Rhode Island \(workforce board\)](#);

34 (5) To support the state's job training for economic development;

1 (6) (i) Beginning January 1, 2001, two hundredths of one percent (0.02%) out of the  
2 twenty-one hundredths of one percent (0.21%) job development assessment paid pursuant to  
3 ~~section~~ §28-43-8.5 shall be used to support necessary core services in the unemployment  
4 insurance and employment services programs operated by the department of labor and training;  
5 and

6 (ii) Beginning January 1, 2011, and ending in tax year 2015, two hundredths of one  
7 percent (0.02%) out of the fifty-one hundredths of one percent (0.51%) job development  
8 assessment paid pursuant to ~~section~~ §28-43-8.5 shall be used to support necessary core services in  
9 the unemployment insurance and employment services programs operated by the department of  
10 labor and training; and

11 (7) Beginning January 1, 2011, and ending in tax year 2015, three tenths of one percent  
12 (0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid  
13 pursuant to ~~section~~ §28-43.8.5 shall be deposited into a restricted receipt account to be used  
14 solely to pay the principal and/or interest due on Title XII advances received from the federal  
15 government in accordance with the provisions of Section 1201 of the Social Security Act;  
16 provided, however, that if the federal Title XII loans are repaid through a state revenue bond or  
17 other financing mechanism, then these funds may also be used to pay the principal and/or interest  
18 that accrues on that debt. Any remaining funds in the restricted receipt account, after the  
19 outstanding principal and interest due has been paid, shall be transferred to the employment  
20 security fund for the payment of benefits.

21 (b) The general treasurer shall pay all vouchers duly drawn by the ~~council~~ workforce  
22 board upon the fund, in any amounts and in any manner that the ~~council~~ workforce board may  
23 prescribe. Vouchers so drawn upon the fund shall be referred to the controller within the  
24 department of administration. Upon receipt of those vouchers, the controller shall immediately  
25 record and sign them and shall promptly transfer those signed vouchers to the general treasurer.  
26 Those expenditures shall be used solely for the purposes specified in this section and its balance  
27 shall not lapse at any time but shall remain continuously available for expenditures consistent  
28 with this section. The general assembly shall annually appropriate the funds contained in the fund  
29 for the use of the ~~human resource investment council~~ workforce board and, in addition, for the  
30 use of the department of labor and training effective July 1, 2000, and for the payment of the  
31 principal and interest due on federal Title XII loans beginning July 1, 2011; provided, however,  
32 that if the federal Title XII loans are repaid through a state revenue bond or other financing  
33 mechanism, then the funds may also be used to pay the principal and/or interest that accrues on  
34 that debt.

1 SECTION 2. The title of Chapter 42-102 of the General Laws entitled "Rhode Island  
2 Human Resource Investment Council" is hereby amended to read as follows:

3 ~~CHAPTER 42-102~~

4 ~~Rhode Island Human Resource Investment Council~~

5 CHAPTER 42-102

6 GOVERNOR'S WORKFORCE BOARD RHODE ISLAND

7 SECTION 3. Chapter 42-102 of the General Laws entitled "Rhode Island Human  
8 Resource Investment Council" is hereby amended by adding thereto the following sections:

9 **42-102-1.2. Change of name [Effective February 1, 2015]. --** (a) The council known as  
10 the "Rhode Island human resource investment council" shall now be known as the "governor's  
11 workforce board Rhode Island." Whenever in any general law, or public law, rule, regulation  
12 and/or bylaw, reference is made to the "Rhode Island human resource investment council" or the  
13 "human resource investment council" the reference shall be deemed to refer to and mean the  
14 "governor's workforce board Rhode Island", which may also be referred to as the "state workforce  
15 investment board" or the "board".

16 (b) Nothing in this act shall be construed to change or modify the corporate existence of  
17 the former Rhode Island human resource investment council, which shall now be known as the  
18 "governor's workforce board Rhode Island," or to change or modify any contracts or agreements  
19 of any kind by, for, between, or to which the human resource investment council is a party or to  
20 effect in any way the property or assets of the Rhode Island human resource investment council.  
21 The workforce board is the successor in interest to the Rhode Island human resource investment  
22 council.

23 **42-102-12. Personnel and administration. --** The department of labor and training is  
24 hereby designated as the administrative entity responsible for administration and management of  
25 the board. The department's one-stop career center system and the local workforce investment  
26 boards are the primary deliverers of workforce development services. The department is  
27 authorized to act in concert with the governor's workforce investment act (WIA) liaison in the  
28 planning, administration, coordination, and oversight functions of the workforce system assigned  
29 to the governor. The department shall provide staff support for the workforce board.

30 SECTION 4. Sections 42-102-1, 42-102-1.1, 42-102-2, 42-102-3, 42-102-4, 42-102-5,  
31 42-102-6, 42-102-7, 42-102-8, 42-102-10 and 42-102-11 of the General Laws in Chapter 42-102  
32 entitled "Rhode Island Human Resource Investment Council" are hereby amended to read as  
33 follows:

34 **42-102-1. ~~Establishment of council.~~ Establishment of workforce board. --** There is

1 established an independent ~~council~~ workforce board to be known as "the ~~Rhode Island human~~  
2 ~~resource investment council~~ governor's workforce board Rhode Island ", hereinafter referred to as  
3 the "workforce board", ~~which that~~ shall ~~be comprised of influential and dedicated leaders~~  
4 ~~and shall~~ have as its purposes strategic planning ~~for an~~, evaluation and coordination of work force  
5 development efforts in Rhode Island and support of innovative and state-of-the-practice  
6 initiatives and programs for work development. The board shall serve as the state workforce  
7 investment board, pursuant to Executive Order 05-18 dated September 22, 2005, in conformity  
8 with the requirements of the Federal Workforce Investment Act of 1998, 29 U.S.C 2801 et seq, or  
9 its successor. The board shall be the principal workforce policy body for the state.

10 **42-102-1.1. Consolidation of councils and advisory boards.** -- Notwithstanding any  
11 provisions of the general laws of the state to the contrary, the employment security advisory  
12 council is consolidated into the ~~council~~ workforce board. Should there be any changes in federal  
13 law or regulations permitting the consolidation of other employment and training councils,  
14 boards, or advisory committees, the ~~council~~ workforce board is authorized to incorporate those  
15 bodies.

16 **42-102-2. ~~Composition of council. [Effective February 1, 2015.]~~ Composition of**  
17 **workforce board. [Effective February 1, 2015.]** – (a) The ~~council~~ workforce board shall be  
18 composed of ~~fifteen (15)~~ twenty-one (21) members; one of whom shall be the secretary of  
19 commerce, who shall be vice-chair; one of whom shall be the director of the department of labor  
20 and training; one of whom shall be the commissioner of education; one of whom shall be a  
21 representative of a public institution of higher education in Rhode Island; and seventeen (17)  
22 public members, eleven (11) of whom shall be representatives from the employer community, in  
23 a manner that is representative of employers of different sizes and sectors, including the nonprofit  
24 sector, provided that two (2) of the representatives from the employer community shall be the  
25 chairs of Rhode Island's local workforce investment boards, or their designees, appointed from  
26 among the employer community members of the local workforce investment boards; four (4) of  
27 whom shall be representatives of organized labor; and two (2) members shall be representatives  
28 of community-based organizations that provide or promote workforce development service;  
29 ~~twelve (12) members~~ appointed by the governor, with the advice and consent of the senate; The  
30 seventeen (17) public members shall be appointed in a manner that reflects the geographic  
31 diversity of the state, and at least ~~four (4)~~ five (5) of whom shall be women, at least ~~three (3)~~ four  
32 (4) of whom shall be from minority communities, and at least one of whom shall be a person with  
33 disabilities, ~~as follows:~~ The governor shall appoint a chairperson from among the eleven (11)  
34 representatives of the employer community.

- 1 ~~(1) One shall be appointed by the governor to serve as chairperson of the council;~~  
2 ~~(2) Five (5) shall be appointed by the governor from the employer community, in a~~  
3 ~~manner that is representative of employers of different sizes and sectors, including the nonprofit~~  
4 ~~sector; provided, however, that in the event that there is established a state workforce investment~~  
5 ~~board that is separate and distinct from the council, then one of the five (5) representatives of the~~  
6 ~~employer community shall be the chairperson of the state work force investment board, and if all~~  
7 ~~employer community appointments have been duly made and are filled, then the appointed~~  
8 ~~chairperson of the state workforce investment board shall be made with the next available~~  
9 ~~appointment of a representative of the employer community;~~  
10 ~~(3) Four (4) members from organized labor shall be appointed by the governor;~~  
11 ~~(4) Two (2) members from community-based organizations shall be appointed by the~~  
12 ~~governor;~~  
13 ~~(5) The president of the senate and the speaker of the house shall appoint one individual~~  
14 ~~each from their respective chambers to be members of the council.~~

15 (b) The board may establish an executive committee composed of members appointed by  
16 the chair. The board may delegate to the executive committee any powers of the board except  
17 those powers that are required by law to be exercised by the board. The chair may also appoint ad  
18 hoc committees, workgroups, or task forces to assist the board as appropriate.

19 (c) Members serving as of the effective date of this act on the state workforce investment  
20 board established pursuant to Executive Order No. 05-18 ordered on September 22, 2005, shall  
21 continue to serve their terms of office as members of the governor's workforce board established  
22 under this chapter.

23 **42-102-3. Officers. [Effective February 1, 2015.]** -- (a) The position of chairperson  
24 shall be unpaid and the individual ~~that~~ who is appointed chairperson shall serve a three ~~(3)~~ year  
25 (3) term. The governor may reappoint the individual appointed chairperson to serve another three  
26 ~~(3)~~ year (3) term.

27 (b) The secretary of commerce shall be vice-chair; and is authorized to preside over  
28 meetings in the absence of the chairperson.

29 (c) Executive director. - The ~~council~~ workforce board, in consultation with the governor,  
30 shall appoint an executive director who shall serve at the pleasure of the ~~council~~ workforce board,  
31 provided that the executive director's initial engagement by the ~~council~~ workforce board shall be  
32 for a period of not more than three (3) years. The position of executive director shall be in the  
33 unclassified service of the state and he or she shall serve as the chief executive officer of the  
34 ~~council~~ workforce board.

1           **42-102-4. Terms of office and voting.** -- (a) Of the ~~thirteen (13)~~ seventeen (17) public  
2 members appointed by the governor, with the advice and consent of the senate, seven (7) nine (9)  
3 shall be appointed for a term of two (2) years, and ~~six (6)~~ eight (8) shall be appointed for three (3)  
4 years. After the initial appointments of those individuals serving two ~~(2)~~ year (2) terms, they, or  
5 their successors, shall be appointed to three ~~(3)~~ year (3) terms. A vacancy in the office of a  
6 member, other than by expiration of the member's term, shall be filled in the same manner as the  
7 original appointment, but only for the remainder of the prevailing term. Members whose terms  
8 expire may be reappointed.

9           (b) Only members shall have the right to vote.

10           (c) ~~A majority of duly appointed members shall constitute a quorum; provided, however,~~  
11 ~~that at least six (6) members shall be necessary for a quorum.~~ A simple majority of board  
12 members shall constitute a quorum.

13           **42-102-5. Compensation and expenses.** -- The members of the ~~council~~ workforce board  
14 shall receive no compensation for their services as members, but may, at the discretion of the  
15 executive director of the ~~council~~ workforce board, be reimbursed for traveling and other expenses  
16 actually incurred in the performance of their official duties. The compensation paid the executive  
17 director, personnel, and other support staff, and the administrative costs shall be drawn from the  
18 job development fund; provided, however, that the administrative expenses shall not exceed  
19 thirteen percent (13%) of any sum collected in the taxable year.

20           **42-102-6. Duties. [Effective February 1, 2015.] Powers and duties. [Effective**  
21 **February 1, 2015.]** -- ~~(a) The council shall meet with other entities involved with vocational~~

22 ~~education, labor, and training and shall be responsible for the planning of labor and training~~  
23 ~~activities to ensure that a comprehensive and cohesive plan is developed. The council shall take~~  
24 ~~into consideration the needs of all segments of the state's citizenry in establishing goals and~~  
25 ~~training objectives.~~

26           ~~(b) The council shall establish policy to ensure the effectiveness and efficiency of~~  
27 ~~programs and activities as they pertain to labor and training, including the workforce needs of~~  
28 ~~state employers.~~

29           ~~(c) The council shall provide funding for special projects that will increase and improve~~  
30 ~~the skill base of Rhode Island's workforce. The council shall take into account labor market~~  
31 ~~information from the Rhode Island economic development corporation to help establish training~~  
32 ~~needs. In addition, the council shall have the following responsibilities:~~

33           ~~(1) Prepare and submit by September 1, 1992 and thereafter annually, a proposed budget~~  
34 ~~for the ensuing year for the governor's approval;~~

1 ~~(2) The auditor general shall conduct annual audits of all financial accounts and any~~  
2 ~~other audits that he or she shall deem necessary.~~

3 ~~(3) Ensure that, for those contracts or grants characterized as training or upgrading, the~~  
4 ~~administrative expenses of the private or public entity awarded the contract or grant shall not~~  
5 ~~exceed fifteen percent (15%) of the total contract or grant.~~

6 ~~(4) Receive any gifts, grants, or donations made and to disburse and administer them in~~  
7 ~~accordance with the terms thereof; and~~

8 ~~(5) Allocate moneys from the job development fund for projects to implement the~~  
9 ~~recommendations of the council, including, but not limited to, technology transfers or technical~~  
10 ~~assistance to manufacturers to improve their operations through the use of appropriate~~  
11 ~~technologies; provided, that for fiscal year 2005, a minimum of three million four hundred~~  
12 ~~thousand dollars (\$3,400,000) from the job development fund shall be allocated for adult literacy~~  
13 ~~programs.~~

14 ~~(6) Within ninety (90) days after the end of each fiscal year, the council shall approve~~  
15 ~~and submit an annual report to the governor, the speaker of the house, the president of the senate,~~  
16 ~~and the secretary of state, of its activities during the fiscal year. The report shall provide: an~~  
17 ~~operating statement summarizing meetings or hearings held, meeting minutes if requested,~~  
18 ~~subjects addressed, decisions rendered, rules and regulations promulgated, studies conducted,~~  
19 ~~policies and plans developed, approved or modified, and programs administered or initiated; a~~  
20 ~~consolidated financial statement of all funds received and expended including the source of funds,~~  
21 ~~a listing of any staff supported by these funds, and a summary of clerical, administrative,~~  
22 ~~professional or technical reports received; a summary of performance during the previous fiscal~~  
23 ~~year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints,~~  
24 ~~suspensions or other legal matters related to the authority of the council; a summary of any~~  
25 ~~training courses held pursuant to subsection 42-102-2(e); a briefing on anticipated activities in the~~  
26 ~~upcoming fiscal year; and findings and recommendations for improvement. The report, within~~  
27 ~~thirty (30) days of its completion, shall be posted electronically on the general assembly and~~  
28 ~~secretary of state's websites. The director of the department of administration shall be responsible~~  
29 ~~for the enforcement of this provision.~~

30 (a) Strategic statewide employment and training plan.

31 (1) The board shall meet with other entities involved with career and technical education,  
32 workforce development, and career training and shall be responsible for the development of a  
33 comprehensive, and cohesive statewide employment-and-training plan. The strategic, statewide  
34 employment-and-training plan shall include goals and objectives for serving the state's existing



1 and emerging workforce utilizing all state and federal workforce development programs. The  
2 board shall take into consideration the needs of all segments of the state's citizenry in establishing  
3 goals and training objectives, including the workforce needs of the state's employers.

4 (2) The strategic statewide employment and training plan shall be developed biennially  
5 and shall cover the subsequent, two (2) fiscal years. Said biennial plans shall be submitted on  
6 November 15. The biennial plan shall outline goals and objectives of the coordinated programs  
7 system, major priorities needed for the next two year (2) period, and policies and requirements  
8 necessary to meet those priorities. The board shall provide a funding plan necessary to achieve  
9 system priorities and serve the anticipated number of participants and shall identify the general  
10 revenue funds necessary to meet program needs, taking into account anticipated federal, private,  
11 and other sources of funds. The biennial plan shall incorporate the annual unified workforce  
12 development system report required pursuant to subsection (f) in those years in which both  
13 reports are due.

14 (3) The board shall develop and maintain a comprehensive inventory and analysis of  
15 workforce development activities in the state to support the biennial statewide employment and  
16 training plan. The analysis shall include, but not be limited to, an examination of the populations  
17 being served across the different employment and training and adult education programs across  
18 the state; the number of participants being served by these programs; the type of services  
19 provided; and the eligibility requirements of each of these programs. The analysis shall also  
20 identify the funding sources (all sources) used in these programs; the service providers within the  
21 state; as well as the range of services provided. The analysis shall also examine the employer role  
22 in workforce development activities, including, but not limited to, how employer needs are  
23 assessed, benefits employers receive for partnering with workforce development organizations,  
24 and the role employers play in developing programs and providing training.

25 (4) The board shall establish and convene an advisory group to assist in the development  
26 of this comprehensive inventory and analysis that consists of stakeholders and organizations with  
27 specific knowledge and expertise in the area of workforce development.

28 (5) All departments and agencies of the state shall furnish advice and information,  
29 documentary or otherwise, to the board and its agents as is deemed necessary or desirable by the  
30 board to facilitate the purposes of the board, including the development of the statewide,  
31 employment-and-training plan.

32 (6) Elements of the statewide employment and training plan established pursuant to  
33 subsection (a) of this section may inform the development of the state workforce investment plan  
34 required pursuant to § 42-102-6(d)(2)(i).

1 (b) Performance management and coordination of employment and training programs.

2 (1) The board shall establish statewide policies, definitions, objectives, goals, and  
3 guidelines for the coordination of all employment and training programs and related services and  
4 programs within the state, including:

5 (i) The state department of labor and training programs, sponsored under the Workforce  
6 Investment Act of 1998, Wagner-Peyser Act, 29 U.S.C. 49 et seq., the Trade Act of 2002 and any  
7 other employment-related educational program administered by the state department of labor and  
8 training;

9 (ii) The state department of human services training programs sponsored under the  
10 Temporary Assistance to Needy Families, Title IV of the Social Security Act; the Supplemental  
11 Nutrition Assistance Program (SNAP) Employment and Training Program; Vocational  
12 Rehabilitation Act of 1973, and any other employment and training and related services and  
13 employment-related educational programs administered by the state's department of human  
14 services;

15 (iii) Employment and training programs sponsored under the Carl D. Perkins Vocational  
16 Education Act, 20 U.S.C. 2301 et seq., the Federal Adult Education Act, Title II of the Workforce  
17 Investment Act of 1998 and any other employment-related educational programs administered by  
18 the board of education;

19 (iv) The state department of corrections training programs for ex-offenders to help them  
20 reintegrate into the community and re-enter employment;

21 (v) Projects and services funded through the job development fund pursuant to § 42-102-  
22 6(e)(1);

23 (vi) All other employment and training and related services and employment-related  
24 educational programs, either presently existing or hereinafter established that are administered by  
25 any state agencies, departments, or councils; and

26 (vii) Programs included within subsections (b)(1)(i) through (b)(1)(vi) of this section  
27 shall be referred herein collectively as "the coordinated programs system".

28 (2) With respect to plans for employment and training programs sponsored under the  
29 federal Carl D. Perkins Vocational Education Act, 20 U.S.C. 2301 et seq., and any other  
30 employment-related educational programs administered by the board of education, the workforce  
31 board and board of education shall establish a process for the development and preparation of all  
32 these plans and the board of education shall approve the plan subject to review and comment by  
33 the workforce board; provided, however, that the responsibilities and duties of the board of  
34 education, as set forth in the general laws, shall not be abridged.

1           (3) With respect to plans for the Temporary Assistance to Needy Families Program,  
2 SNAP Employment and Training Program, Vocational Rehabilitation Services, and any other  
3 employment and training and related programs administered by the state's department of human  
4 services, the authority and responsibilities of the department as the single state agency under  
5 Titles IV-A, 42 U.S.C. 601 through 617, and IV-F, 42 U.S.C. 681 through 687 [repealed], of the  
6 Federal Social Security Act shall not be abridged.

7           (4) With respect to plans for training ex-offenders to help them reintegrate into the  
8 community and re-enter employment, and any other employment and training programs  
9 administered by the state's department of corrections, the responsibilities and duties of the  
10 department, as set forth in the general laws, shall not be abridged.

11           (5) The board shall review, comment on, or approve as appropriate all plans for  
12 employment and training within the coordinated-programs system. The board shall establish  
13 policies and performance goals for the coordinated-programs system. These policies and goals  
14 shall include, but not be limited to:

15           (i) Establishing and communicating uniform policies and consistent terms and  
16 definitions;

17           (ii) Gathering and distributing information from, and to, all agencies, departments, and  
18 councils within the coordinated-programs system;

19           (iii) Standardizing and coordinating program planning, evaluation, budgeting, and  
20 funding processes;

21           (iv) Recommending structural and procedural changes;

22           (v) Establishing performance goals and measurements for monitoring the effectiveness of  
23 the programs provided through the coordinated-programs system; and

24           (vi) Reconciling diverse agency, departmental, or council goals and developing priorities  
25 among those goals.

26           (c) Comprehensive system improvement plan.

27           (1) The 2015 unified workforce development system report required pursuant to § 42-  
28 102-6(f) and due on November 15, 2015 shall include an additional, comprehensive system-  
29 improvement plan to facilitate the seamless and coordinated delivery of workforce services in this  
30 state, consistent with the goals and objectives of the board's statewide employment and training  
31 plan. In developing the comprehensive, system-improvement plan, the board shall review the  
32 roles, responsibilities, and functions of all state employment-and-training programs. The study  
33 shall identify any gaps in the services provided by those programs; any barriers to integration and  
34 cooperation of these programs; and any other matters that adversely affect the seamless delivery

1 of workforce-development systems in the state.

2 (2) The board shall include in the comprehensive, system-improvement plan:

3 (i) A list of specific barriers, whether structural, regulatory, or statutory, that adversely  
4 affect the seamless, and coordinated, delivery of workforce development programs and services  
5 in this state, as well as recommendations to overcome or eliminate these barriers; and

6 (ii) Recommendations for providing, at a minimum, board comment and review of all  
7 state employment and training programs, to ensure such programs are consistent with the board's  
8 statewide employment and training plan, and meet the current, and projected, workforce demands  
9 of this state, including programs that, pursuant to state or federal law or regulation, must remain  
10 autonomous.

11 (3) The recommendations developed by the board under subsection (c)(1) must identify  
12 the state agency or department that is responsible for implementing each recommendation; and  
13 include a time frame for the implementation of each recommendation. The governor may include  
14 such recommendations in his or her proposed budget the following fiscal year.

15 (d) Workforce investment act responsibilities.

16 (1) The board shall assume the duties and responsibilities of the state workforce  
17 investment board established pursuant to Executive Order 05-18 dated September 22, 2005, as  
18 outlined in subsection(c)(2).

19 (2) The board shall assist the governor and the general assembly in:

20 (i) Developing a state workforce investment plan for the purposes of the Workforce  
21 Investment Act of 1998 (WIA) and the Wagner-Peyser Act;

22 (ii) Actively promoting and coordinating private sector involvement in the workforce-  
23 investment system through the development of partnerships among state agencies, the business  
24 community, and the Board;

25 (iii) Ensuring that the current, and projected, workforce needs of Rhode Island employers  
26 inform and advise Rhode Island's education and workforce development system;

27 (iv) Providing oversight of local workforce-investment boards, whose primary role in the  
28 workforce investment system is to deliver employment, training, and related education services in  
29 their respective local area; and

30 (v) Developing a statewide system of activities that are funded under the WIA or carried  
31 out through the one-stop delivery system, including:

32 (A) Assuring coordination and non duplication among the programs and activities carried  
33 out by one-stop partners;

34 (B) Reviewing local workforce-investment plans;

- 1           (C) Designating local workforce-investment areas in accordance with federal law;
- 2           (D) Developing allocation formulas for the distribution of funds for adult employment  
3 and training activities and youth activities to local areas;
- 4           (E) Developing comprehensive state performance measures as prescribed by federal law,  
5 including state-adjusted levels of performance, to assess the effectiveness of the workforce-  
6 investment activities in the state;
- 7           (F) Preparing the annual report to the Secretary of Labor described in WIA;
- 8           (G) Developing the statewide employment statistics system;
- 9           (H) Developing an application for incentive grants;
- 10          (I) Carrying out the responsibilities of a local board as outlined in WIA; and
- 11          (J) Addressing any other issue requiring input from the board under the provisions of  
12 WIA.
- 13          (e) Job development fund responsibilities.
- 14           (1) The board shall allocate monies from the job-development fund for projects to  
15 implement the recommendations of the board consistent with the statewide employment and  
16 training plan established pursuant to § 42-102-6(a).
- 17          (f) Unified workforce development system report.
- 18           (1) The board shall produce and submit an annual, unified, workforce development  
19 system report to the governor, the speaker of the house, the president of the senate, and the  
20 secretary of state. The report shall be submitted annually on November 15. The report shall cover  
21 activity having taken place the preceding fiscal year ending June 30 and shall include:
- 22           (i) A fiscal and programmatic report for the governor's workforce board covering the  
23 previous fiscal year including:
- 24            (A) A summary of the board's activities and accomplishments during the previous fiscal  
25 year;
- 26            (B) A summary of clerical, administrative, professional, or technical reports received by  
27 the board during the previous fiscal year, if applicable;
- 28            (C) A briefing on anticipated activities in the upcoming fiscal year;
- 29            (D) A consolidated financial statement of all funds received, and expended, by the board,  
30 including the source of funds, during the previous fiscal year;
- 31            (E) A listing of any staff supported by these funds;
- 32            (ii) A unified, expenditure and program report for statewide employment and training  
33 programs and related services including:
- 34            (A) Expenditures by agencies for programs included in § 42-102-6(b)(1), including

1 information regarding the number of individuals served by each program; demographic  
2 information by gender, race and ethnicity; outcome and program-specific performance  
3 information as determined by the board, and such other information as may be determined by the  
4 board, including, but not limited to, the attainment of credentials;

5 (2) Beginning November 15, 2015, program expenditures included in the unified  
6 workforce-development-system report shall be categorized as administrative, program delivery,  
7 or other costs; the report shall further include information on the cost-per-individual served  
8 within each program, through a manner determined by the board;

9 (3) All state and local agencies, departments, or council or similar organizations within  
10 the coordinated-programs system, shall be required to provide the board with the information  
11 necessary to produce the unified workforce-development-system report.

12 **42-102-7. Authority.** -- (a) The ~~council~~ workforce board ("board") shall have all  
13 authority necessary to fulfill its responsibilities. The ~~council~~ board shall adopt a mission  
14 statement, goals and objectives, policies, and a biennial plan to accomplish the purposes of this  
15 chapter. The ~~council~~ board shall have primary responsibility to approve and certify all  
16 employment and training programs. To the extent that there is a conflict between federal law and  
17 this section, federal law shall prevail.

18 (b) The ~~council~~ board shall develop policy and procedures whereby those entities not  
19 meeting the goals and objectives of the council may be sanctioned. In addition, the ~~council~~ board  
20 shall also:

21 (1) Establish and publish standards for considering projects and awarding grants;

22 (2) Provide ongoing evaluation of each project funded by the ~~council~~ board;

23 (3) Provide for fiscal and accounting controls to monitor and audit grants and awards;

24 and

25 (4) Adopt by-laws consistent with this chapter, which by-laws shall include provisions  
26 for the creation of an audit committee and a governance committee.

27 (c) The board shall annually prepare and submit a proposed budget for the ensuing year  
28 for the governor's approval;

29 (d) The auditor general shall conduct annual audits of all financial accounts and any other  
30 audits that he or she shall deem necessary;

31 (e) The board shall ensure that, for those contracts or grants characterized as training or  
32 upgrading, the administrative expenses of the private or public entity awarded the contract or  
33 grant shall not exceed fifteen percent (15%) of the total contract or grant;

34 (f) The board may receive any gifts, grants, or donations made and to disburse and

1 [administer them in accordance with the terms thereof.](#)

2 **42-102-8. Application of other laws.** -- The ~~council~~ [workforce board \("board"\)](#) shall be  
3 subject to the provisions as outlined in chapter 2 of title 38 ("Access to Public Records"); chapter  
4 35 of this title ("Administrative Procedures"); and chapter 46 of this title ("Open Meetings"). In  
5 addition, the members of the ~~council~~ [board](#) shall be subject to the provisions outlined in chapter  
6 14 of title 36 ("Code of Ethics").

7 **42-102-10. State Career Pathways System.** -- The ~~human resource investment council~~  
8 [workforce board \("board"\)](#) shall ~~establish support~~ and oversee ~~a State Career Pathways System~~  
9 ~~for the purposes of increasing the skill level of Rhode Island workers in alignment with industry~~  
10 ~~needs~~ [statewide efforts to develop and expand career pathways that enable individuals to secure](#)  
11 [employment within a specific industry or occupational sector and to advance over time to](#)  
12 [successively higher levels of education and employment in that sector.](#) Towards this purpose the  
13 ~~council board~~ shall ~~establish a task force of fifteen (15) members. Nine (9) members of the task~~  
14 ~~force shall be appointed by the governor from recommendations made by the human resource~~  
15 ~~investment council, two (2) of whom shall be representatives of the state Industry Partnerships;~~  
16 ~~two (2) of whom shall be representatives of the adult education profession (one of which shall be~~  
17 ~~a representative of the office of Adult Education Services at the Rhode Island department of~~  
18 ~~education); three (3) of whom shall be persons who, because of vocation, employment or~~  
19 ~~affiliation, can be classified as employers; and two (2) of whom shall be persons who, because of~~  
20 ~~vocation, employment or affiliation, can be classified as employees. The commissioner of higher~~  
21 ~~education, the commissioner of elementary and secondary education, the director of the~~  
22 ~~department of labor and training, the executive director of the economic development corporation~~  
23 ~~and the director of the community college of Rhode Island's center for workforce and community~~  
24 ~~education shall serve on the task force by virtue of their respective positions. The governor shall~~  
25 ~~also appoint a chair of the task force to be chosen from amongst the membership of the human~~  
26 ~~resource investment council~~ [convene an advisory committee comprised of representatives from](#)  
27 [business, labor, adult education, secondary education, higher education, the department of](#)  
28 [corrections, the executive office of health and human services, the office of library and](#)  
29 [information services, community-based organizations, and the public workforce system.](#) ~~The task~~  
30 ~~force shall work in coordination with the adult education committee of the human resource~~  
31 ~~investment council to develop and oversee the career pathways system.~~

32 **42-102-11. State Work Immersion Program.** -- (a) (1) The ~~council~~ [workforce board](#)  
33 [\("board"\)](#) shall develop a state<sub>1</sub> work-immersion program and a non-trade<sub>2</sub> apprenticeship  
34 program. For the purposes of this section<sub>1</sub> work-immersion shall mean a temporary, paid<sub>2</sub> work

1 experience that provides a meaningful learning opportunity and increases the employability of the  
2 participant. The programs shall be designed in order to provide post-secondary school students,  
3 recent college graduates, and unemployed adults with a meaningful work experience, and to assist  
4 ~~businesses~~ employers by training individuals for potential employment.

5 (2) Funding for the work immersion program will be allocated from the job development  
6 fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds  
7 will match investments made by ~~businesses~~ employers in providing meaningful work immersion  
8 positions and non-trade apprenticeships.

9 (b) For each participant in the work immersion program, the program shall reimburse  
10 eligible ~~businesses~~ employers up to fifty percent (50%) of the cost of not more than ~~two hundred~~  
11 ~~(200)~~ four hundred (400) hours of work experience and during a period of ten (10) weeks. If an  
12 eligible ~~business~~ employer hires a program participant at the completion of such a program, the  
13 state may provide reimbursement for a total of seventy-five percent (75%) of the cost of the  
14 work-immersion position.

15 (c) The ~~council~~ board shall create a non-trade apprenticeship program and annually  
16 award funding on a competitive basis to at least one new initiative proposed and operated by the  
17 ~~G~~governor's ~~W~~orkforce ~~B~~oard ~~I~~ndustry ~~P~~artnerships. This program shall meet the standards  
18 of apprenticeship programs defined pursuant to ~~section §28-45-9 of the general laws~~. The ~~council~~  
19 board shall present the program to the ~~S~~tate ~~A~~pprenticeship ~~C~~council, established pursuant to  
20 chapter ~~28-45~~ of title 28 of the general laws, for review and consideration.

21 (d) An eligible participant in programs established in subsections (b) and (c) must be at  
22 least eighteen (18) years of age and must be a Rhode Island resident. Provided, however, any  
23 non-Rhode Island resident, who is enrolled in a college or university located in Rhode Island, is  
24 eligible to participate while enrolled at the college or university.

25 (e) In order to fully implement the provisions of this section, the ~~council~~ board is  
26 authorized to promulgate rules and regulations. ~~In developing rules and regulations, the council~~  
27 ~~shall consult with the Governor's Workforce Board~~. The rules and regulations shall define eligible  
28 businesses that can participate in the programs created by this section.

29 SECTION 5. Section 42-102-9 of the General Laws in Chapter 42-102 entitled "Rhode  
30 Island Human Resource Investment Council" is hereby repealed.

31 ~~**42-102-9. Powers and duties of the Rhode Island human resource investment council**~~  
32 ~~**-- Employment and training systems in the state. --**~~ (a) The council shall establish statewide  
33 ~~policies, goals, and guidelines for the coordination of all employment and training programs and~~  
34 ~~related services, and employment related training programs within the state, including:~~



1           ~~(1) The state department of labor and training programs sponsored under the Workforce~~  
2 ~~Investment Act of 1998, Wagner Peyser Act, 29 U.S.C. section 49 et seq., the Trade Act of 2002~~  
3 ~~and any other employment related educational program administered by the state department of~~  
4 ~~labor and training;~~

5           ~~(2) The state department of human services training programs sponsored under the~~  
6 ~~Temporary Assistance to Needy Families, title IV of the Social Security Act; the Supplemental~~  
7 ~~Nutrition Assistance Program Employment and Training Program; Vocational Rehabilitation Act~~  
8 ~~of 1973 and any other employment and training and related services and employment related~~  
9 ~~educational programs administered by the state's department of human services;~~

10           ~~(3) Employment and training programs sponsored under the Carl D. Perkins Vocational~~  
11 ~~Education Act, 20 U.S.C. section 2301 et seq., the federal Adult Education Act, Title II of the~~  
12 ~~Workforce Investment Act of 1998 and any other employment related educational programs~~  
13 ~~administered by the board of governors for higher education, or the board of regents for~~  
14 ~~elementary and secondary education; and~~

15           ~~(4) All other employment and training and related services and employment related~~  
16 ~~educational programs either presently existing or hereinafter established which are administered~~  
17 ~~by any state agencies, departments, or councils. Programs included within subdivisions (1) — (4)~~  
18 ~~of this subsection shall be referred herein collectively as "the coordinated programs system".~~  
19 ~~Provided, however, that the responsibilities and duties of the board of governors for higher~~  
20 ~~education or the board of regents for elementary and secondary education, as set forth in the~~  
21 ~~general laws, shall not be abridged.~~

22           ~~(b) With respect to plans for employment and training programs sponsored under the~~  
23 ~~federal Carl D. Perkins Vocational Education Act, 20 U.S.C. section 2301 et seq., and any other~~  
24 ~~employment related educational programs administered by the boards of governors for higher~~  
25 ~~education or the board of regents for elementary and secondary education, the council and~~  
26 ~~applicable board shall establish a process for the development and preparation of all these plans;~~  
27 ~~and the applicable board shall approve the plan subject to review and comment by the council.~~

28           ~~(c) With respect to plans for the Temporary Assistance to Needy Families Program,~~  
29 ~~SNAP Employment and Training Program, Vocational Rehabilitation Services and any other~~  
30 ~~employment and training and related programs administered by the state's department of human~~  
31 ~~services, the authority and responsibilities of the department as the single state agency under~~  
32 ~~Titles IV A, 42 U.S.C. sections 601 — 617, and IV F, 42 U.S.C. sections 681 — 687 [repealed] of~~  
33 ~~the federal Social Security Act shall not be abridged.~~

34           ~~(d) The council shall review, comment on, or approve as appropriate all other plans for~~

1 ~~employment and training within the coordinated programs system. The council shall establish~~  
2 ~~policies and performance goals for the coordinated programs system. These policies and goals~~  
3 ~~shall include, but not be limited to:~~

4 ~~(1) Establishing and communicating uniform policies;~~

5 ~~(2) Gathering and distributing information from and to all agencies, departments, and~~  
6 ~~councils within the coordinated programs system;~~

7 ~~(3) Standardizing and coordinating program planning, budgeting, and funding processes;~~

8 ~~(4) Recommending structural and procedural changes;~~

9 ~~(5) Establishing performance goals and measurements for monitoring the effectiveness~~  
10 ~~of members of the coordinated programs system;~~

11 ~~(6) Reconciling diverse agency, departmental, or council goals and developing priorities~~  
12 ~~among those goals; and~~

13 ~~(7) Producing an annual Unified Workforce Development Expenditure and Program~~  
14 ~~Report to be submitted to the General Assembly beginning January 1, 2011 and covering activity~~  
15 ~~having taken place the preceding fiscal year ending June 30th. Subsequent Unified Workforce~~  
16 ~~Development Expenditure and Program Reports shall be submitted annually on November 15.~~  
17 ~~The report shall include, at a minimum, expenditures by agencies for programs included in~~  
18 ~~subdivisions 42-102-9(a)(1)(2)(3)(4), and shall show the number of individuals served by each~~  
19 ~~program, including demographic information by gender, race and ethnicity; outcome information~~  
20 ~~and such other information as may be determined by the Human Resource Investment Council,~~  
21 ~~including, but not limited to, attainment of credentials.~~

22 ~~(e) All state and local agencies, departments, or council or similar organizations within~~  
23 ~~the coordinated programs system shall be required to provide the council with the information~~  
24 ~~necessary to produce the Unified Workforce Development Expenditure and Program Report~~  
25 ~~described in subdivision (7) and shall otherwise cooperate with the council in the council's~~  
26 ~~exercise of its authority under subsections (b) — (d).~~

27 ~~(f) The council or a sub-committee or adjunct of the council shall assume all duties and~~  
28 ~~responsibilities of the state job training coordination council required to be established pursuant~~  
29 ~~to the federal Job Training Partnership Act, 29 U.S.C. section 1532 [repealed].~~

30 ~~(g) In addition to the specific authority provided for herein, the council shall have all~~  
31 ~~other authority necessary for effective coordination and implementation of the coordinated~~  
32 ~~programs system.~~

33 ~~(h) The council shall biennially develop an employment and training plan for the state to~~  
34 ~~be submitted to the governor and the general assembly commencing March 15, 2012 and~~

1 ~~covering the subsequent two fiscal years. Subsequent biennial plans shall be submitted on~~  
2 ~~November 15. The biennial plan shall outline goals and objectives of the coordinated programs~~  
3 ~~system, major priorities needed for the next two (2) year period, and policies and requirements~~  
4 ~~necessary to meet those priorities. The council shall provide a funding plan necessary to achieve~~  
5 ~~system priorities and to serve the anticipated number of participants and shall identify the general~~  
6 ~~revenue funds necessary to meet program needs, taking into account anticipated federal, private~~  
7 ~~and other sources of funds. The biennial plan shall incorporate the annual Unified Workforce~~  
8 ~~Development Expenditure and Program Report in those years in which both reports are due.~~

9 ~~(i) The council shall develop and maintain a comprehensive inventory and analysis of~~  
10 ~~workforce development activities in the state to support the biennial report in subsection 42-102-~~  
11 ~~9(h). The analysis shall include, but not be limited to, an examination of the populations being~~  
12 ~~served across the different employment and training and adult education programs across the~~  
13 ~~state, the number of participants being served by these programs, the type of services provided~~  
14 ~~and the eligibility requirements of each of these programs. The analysis shall also identify the~~  
15 ~~funding sources (all sources) used in these programs, the service providers within the state, as~~  
16 ~~well as the range of services provided. The analysis shall also examine the employer role in~~  
17 ~~workforce development activities, including, but not limited to, how employer needs are assessed,~~  
18 ~~benefits employers receive for partnering with workforce development organizations, and the role~~  
19 ~~employers play in development and training.~~

20 ~~(j) The council shall establish and convene an advisory group to assist in the~~  
21 ~~development of the analysis that consists of stakeholders and organizations with specific~~  
22 ~~knowledge and expertise in the area of workforce development.~~

23 ~~(k) All departments and agencies of the state shall furnish advice and information,~~  
24 ~~documentary or otherwise to the council and its agents as is deemed necessary or desirable by the~~  
25 ~~council to facilitate the purposes of the council as defined in subsection 42-109-9(i).~~

26 SECTION 6. Section 42-6.1-1 of the General Laws in Chapter 42-6.1 entitled  
27 "Governor's Commerce and Workforce Coordination Cabinet" is hereby amended to read as  
28 follows:

29 **42-6.1-1. Creation -- Members. --** There is hereby established within the executive  
30 branch of state government a commerce and workforce coordination cabinet comprised of  
31 officials from state agencies with responsibility and oversight relating to economic and workforce  
32 development. The cabinet shall include, but not be limited to, the following members, upon his or  
33 her appointment: the secretary of commerce, the director of the economic development  
34 corporation, the director of the department of transportation, the director of the department of

1 administration, the director of the division of revenue, the director of the department of human  
2 services, the commissioner of higher education, the commissioner of elementary and secondary  
3 education, the director of the department of business regulation, the director of the department of  
4 environmental management, the director of the department of labor and training, the director of  
5 the department of corrections, the chair of the governor's workforce board, [or his or her designee](#),  
6 and the executive director of Rhode Island housing.

7 SECTION 7. This act shall take effect on February 1, 2015.

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LC005555/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- GOVERNOR'S WORKFORCE  
BOARD RHODE ISLAND

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1           This act would substitute the Rhode Island Human Resource Investment Council with the  
2 Governor's Workforce Board Rhode Island. The act would make the workforce board the  
3 principal workforce policy body for the state by strategically implementing and overseeing  
4 policies to create and expand employment opportunities.

5           This act would take effect on February 1, 2015.

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LC005555/SUB A  
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