

EXECUTIVE COMMITTEE



REPORTS ITEMS #2.1

SUBMITTAL DATE: August 8, 2007

SUBJECT: SB 293 Implementation

– INFORMATION –

Summary of SB 293 Implementation Guidance

Background

California Senate Bill (SB) 293 (Ducheny) imposes state-level requirements pertaining to WIA policies and procedures. SB 293 amends the California Unemployment Insurance Code (UI) by replacing Section 14000 and adding sections 14005-14530. The concern of the State Legislature, as expressed in SB 293, is attaining an accountable workforce investment system that integrates education and training with economic development.

Local Board Membership

Requirement: It provides for ***“Representatives of labor organizations nominated by local labor federations, including a representative of an apprenticeship program. At least 15 percent of local board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the local board members shall be representatives of labor organizations*”**

The process for soliciting nominations from labor federations should be an open nomination process and instituted at any time that a Local Board is not meeting the 15-percent requirement. Local labor federations retain the opportunity to forward nominations for appointment to available seats vacated through attrition and/or non-compliance with reasonable and universally applied requirements for board service.

Procedure: If a Local Board does not meet the 15-percent requirement, the local CEO should re-solicit nominations until the 15-percent requirement is met. The CEO should document the good faith efforts made to meet this requirement (e.g., copies of letters of outreach to local labor federations and copies of their written responses).

In soliciting and accepting nominations from labor federations, local CEOs should keep in mind which representatives would best serve the industries and occupations that are key to the local economy and/or experiencing high levels of growth.

When a labor federation nominates an individual for Local Board membership, the CEO is not obligated to accept that individual as a member and can work with the labor federation on additional or alternative nominations. The CEO should have a policy or procedure in place (such as Local Board by-laws) that ensures that the selection criteria are fair, reasonable, applied to all Local Board nominees and members, and are in the best interests of the area served by the Local Board.

Alternatively, if the board needs to achieve the 15 percent labor representation, but wishes to maintain the same original number of members, it may choose to reduce the public-sector representation. For example, it may need to add 4 new labor representatives to the original 40-member board, but reduce by four the number of remaining public-sector members, if some of the remaining public-sector members could represent both their own programs and those represented by the members removed. The result would meet the labor requirement while maintaining the business majority and the original total number of board members.

One-Stop Operators

Requirement: The Board must ***“Select one-stop operators, with the agreement of the local chief elected official, annually review their operations, and terminate for cause the eligibility of such operators*”**

Procedure: The Local Board must ensure that it has some mechanism in place that would allow it to terminate for cause an agreement with a One-Stop operator. The Local Board should review its written agreements with its One-Stop operators to determine whether those agreements already contain language that allows for the annual review of their operations and for termination for cause by the Local Board.

Proposed Action: *Riverside County Economic Development Agency operates the One-Stops in Riverside County. Staff recommends that the Board develop a policy that will outline expected outcomes and quality measurements for each of the Workforce Development Centers. The policy will provide the mechanism and procedures to transfer operations to an outside contractor. The policy will require annual updates to the Executive Committee, who will determine annually whether the centers are meeting outcomes, what corrective action will be taken to insure that goals are met, etc. Staff is recommending the use of the State of California One Stop Certification Criteria as the measures for the quality of Workforce Development Center services.*

Individual Training Accounts

Requirement: The Local Board must ***“Develop local policy on the amount and duration of individual training accounts based on market rate for local training programs.”***

Procedure: The Local Board’s policy on the amount and duration of individual training accounts should be established in writing. In addition to explaining how local market rate is determined and used, the policy may describe any other factors that are taken into consideration and how those factors affect the final decision on individual training accounts. Examples of other factors are the labor pool needs of key industries and high-growth occupations and the Local Area’s need for health-care workers or workers with other specific skills.

Proposed Action: *The ITA policy is presently in draft review that will set the maximum voucher at \$3,000 for a period of 24 months. Training vouchers will only be available in the WDB’s demand industries where the customer will have a high degree of employability based on the combination of work experience and trained skills.*

Training Services for Job Seekers

Requirement: Training services shall be made available to individuals who, among other criteria, ***“have selected a program of services directly linked to occupations in demand in the local or regional area.”***

Proposed Action: *See above discussion of ITA policy.*

Local Memorandums of Understanding

Requirement: Training services must be ***“made available to individuals who have met the requirements for intensive services and who are unable to obtain or retain employment through intensive services.”*** Additionally, ***“Each local board shall develop a policy for identifying individuals who, because of their skills or experience, should be referred immediately to training services. This policy, along with the methods for referral of individuals between the one-stop operators and the one-stop partners for appropriate services and activities, shall be contained in the memorandum of understanding between the local board and the one-stop partners.”***

Procedure: Local Boards should modify their existing MOUs with the One-Stop partners as necessary in order to include the referral policy and methods as described in this new U.I. Code provision

Proposed Action: The MOU with partners is being revised to update responsibilities and shared cost calculations. The requirements of SB 293 will be incorporated into the final draft. A workshop for all MANDATORY PARTNERS to discuss updates to the MOU and the methods anticipated for all cost sharing agreements will be scheduled for August. Individual meetings will take place after the workshop to incorporate the SB 293 requirements and finalize the individual partner MOUs.

Youth Council Membership

The WDB and the chief elected official must appoint:

- (a) Representatives of youth who are enrolled in school, and out of school youth.
- (b) Representatives from the private sector
- (c) Representatives of local education agencies serving youth
- (d) Representatives of private non-profit agencies serving youth
- (e) Representatives of apprenticeship training programs serving youth.

Proposed Action: The only representative we will need is for apprenticeship programs serving youth. At the next meeting of the council, an action plan should be developed to address this deficiency in membership. Deficiencies may be addressed at the same time as the WDB is fulfilling its obligation relative to board composition.

Service Priorities and Timing

Each local board shall develop a policy for identifying individuals who, because of their skills or experience, should be immediately referred to training services.

Proposed Action: The Priority of Service policy will be amended to incorporate priority and process for immediate.

Service Integration

Each local WDB shall establish at least ONE FULL SERVICE one-stop career center in the local area. All entities specified in the Act shall participate with the addition of a Small Business Development Center.

Employers will be provided with access to comprehensive career and labor market information, job placement economic development information, performance and program information on services providers and other such services as the businesses in the community may require.

Proposed Action: The State of California is developing policy to address integration of service. Riverside is one of twelve Learning Labs that will assist the state in the design and implementation of the integration of services state policy.

Sources: EDD WIA directive WIAD06-17
 EDD WIA Directive WIAD06-21
 SB 293 UI code modifications