

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/20/15
A Bill

SENATE BILL 791

By: Senator J. Hutchinson

By: Representatives Bentley, Blake, Boyd, Bragg, Brown, Cozart, Dotson, C. Douglas, Drown, Eads, Eaves, D. Ferguson, L. Fite, Gates, Gillam, Gossage, M. Gray, Harris, Hickerson, Lowery, McNair, Petty, Pitsch, Richmond, Rushing, Sabin, Scott, Speaks, Tucker, Vaught, Wallace

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS WORKFORCE INNOVATION AND OPPORTUNITY ACT; TO REPEAL THE ARKANSAS WORKFORCE INVESTMENT ACT; TO REPEAL THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES OVERSIGHT BOARD AND ESTABLISH IT AS A COMMITTEE OF THE ARKANSAS WORKFORCE DEVELOPMENT BOARD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS WORKFORCE INNOVATION AND OPPORTUNITY ACT; TO REPEAL THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES OVERSIGHT BOARD; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-10-314(h), concerning disclosure of information by the Department of Workforce Services, is amended to read as follows.

(h) Notwithstanding any other provisions of this chapter, information obtained in the administration of this chapter and in the administration of and concerning ~~the Job Training Partnership Act, 29 U.S.C. § 1501 et seq., [repealed], and its successor, the Workforce Investment Act, Pub. L. No. 105-~~



~~220 programs under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, programs by the Department of Workforce Services shall be made available to persons and agencies for purposes appropriate to the Department of Workforce Services' operation and administration of the Job Training Partnership Act [repealed] and its successor, the Workforce Investment Act, Pub. L. No. 105-220 programs under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, programs.~~

(2) Pursuant to Under an agreement between the Department of Workforce Services and the appropriate agencies, the director shall establish safeguards as are necessary to protect the confidential information made available pursuant to this section.

SECTION 2. Arkansas Code § 11-10-609(a)(2)(B), concerning the eligibility for compensation of a shared work plan, is amended to read as follows:

(B) However, an otherwise eligible individual shall not be denied benefits with respect to any week in which he or she is in training to enhance job skills, including employer-sponsored training and worker training funded under the ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., if the training has been approved by the director.

SECTION 3. Arkansas Code Title 15, Chapter 4, is amended to add an additional subchapter to read as follows:

Subchapter 37 – Arkansas Workforce Innovation and Opportunity Act

15-4-3701. Title.

This subchapter shall be known and may be cited as the “Arkansas Workforce Innovation and Opportunity Act”.

15-4-3702. Purpose.

The purpose of this subchapter is to outline a workforce development plan for Arkansas and to comply with the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, by increasing access for Arkansans, particularly those individuals with barriers to employment, to opportunities for employment, education, training, and the support services they need to

succeed in the labor market through alignment of workforce development, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the state to better address the employment and skill needs of workers, jobseekers, and employers, and, as a result, ensure family-sustaining wages for individuals and economic growth for communities, regions, and the global competitiveness of the state.

15-4-3703. Definitions.

As used in this subchapter:

(1)(A) "Chief elected official" means the chief elected executive officer of a unit of general local government in a local area.

(B) If a local area includes more than one (1) unit of general local government, the chief elected officials of each unit shall execute an agreement specifying the respective roles of the individual chief elected officials;

(2) "Core programs" means:

(A) Youth, adult, and dislocated worker programs funded by the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128;

(B) Adult education and literacy activities;

(C) Employment services funded by the Wagner-Peyser Act, 29 U.S.C. § 49 et seq.; and

(D) Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741;

(3) "One-stop partner program" means:

(A) Youth, adult, and dislocated worker programs funded by the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128;

(B) Adult education and literacy activities;

(C) Employment services funded by the Wagner-Peyser Act, 29 U.S.C. § 49 et seq.;

(D) Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741;

(E) Activities authorized under Title V of the Older Americans Act of 1965, 42 U.S.C. § 3056 et seq.;

(F) Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical

Education Improvement Act of 2006, 20 U.S.C. § 2301 et seq.;

(G) Activities authorized under Part 2 of Subchapter II of the Trade Act of 1974, 19 U.S.C. § 2271 et seq.;

(H) Activities authorized under Chapter 41 of Title 38, United States Code;

(I) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. § 9901 et seq.;

(J) Employment and training activities carried out by the United States Department of Housing and Urban Development;

(K) Programs authorized under state unemployment compensation laws in accordance with applicable federal law;

(L) Programs authorized under Section 212 of the Second Chance Act of 2007, 42 U.S.C. § 17532; and

(M)(i) Programs authorized under Part A of Title IV of the Social Security Act, 42 U.S.C. § 601 et seq., subject to subparagraph (C).

(ii) "One-stop partner program" does not include a program under subdivision (3)(M)(i) of this section if the Governor determines that the program will not be a one-stop partner and communicates this determination in writing to the Secretary of the United States Department of Labor as required by Workforce Innovation and Opportunity Act, Pub. Law No. 113-128.

15-4-3704. Arkansas Workforce Development Board.

(a) The Arkansas Workforce Development Board is created.

(b) The Arkansas Workforce Development Board shall consist of:

(1) The Governor;

(2) The following members to be appointed by the Governor, subject to confirmation by the Senate:

(A) Members constituting a majority of the Arkansas Workforce Development Board who are representatives of businesses in Arkansas and who:

(i) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who may be members of a local workforce development board;

(ii) Represent businesses, including small

businesses, or organizations representing businesses, providing employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in Arkansas; and

(iii) Are appointed from among individuals nominated by Arkansas business organizations and business trade associations; and

(B) Members constituting not less than twenty percent (20%) of the membership of the Arkansas Workforce Development Board who are representatives of the workforce within the state, to include:

(i) Two (2) members who are representatives of labor organizations to be nominated by the Arkansas Labor Federation;

(ii) One (1) member who is a representative of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the state, a representative of an apprenticeship program in Arkansas;

(iii) At least one (1) member who is a representative of a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including community-based organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities;

(iv) At least one (1) member who is a representative from the Department of Higher Education representing post secondary organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth;

(v) At least one (1) member who is a representative of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including community-based organizations that serve out-of-school youth;

(3) The Director of the Department of Career Education;

(4) The Director of the Department of Workforce Services;

(5) The Director of Arkansas Rehabilitation Services of the Department of Career Education;

(6) The Director of the Division of State Services for the Blind of the Department of Human Services;

(7) The Director of the Arkansas Economic Development Commission;

(8) One (1) chief elected official nominated by the Arkansas Municipal League; and

(9) One (1) chief elected official nominated by the Association of Arkansas Counties.

(c)(1) The Arkansas Workforce Development Board shall not consist of more than thirty-eight (38) members.

(2) A person may not serve in dual capacity as a member of the Arkansas Workforce Development Board.

(d) The members of the Arkansas Workforce Development Board shall represent diverse geographic areas of the state, including urban, rural, and suburban areas.

(e) The Governor shall annually select on June 1 of each year a chair for the Arkansas Workforce Development Board from among the members representing businesses.

(f)(1) Appointed members shall serve four-year staggered terms.

(2) The staggered terms shall be assigned by lot.

(g) In the event of a vacancy on the Arkansas Workforce Development Board in one (1) of the appointed positions, the vacancy shall be filled for the unexpired portion of the term by appointment by the original appointing authority of a person meeting the same qualifications required for initial appointment.

(h)(1) By a majority vote of the total membership of the Arkansas Workforce Development Board cast during its first regularly scheduled meeting of each calendar year, the Arkansas Workforce Development Board may authorize payment to the appointed members of a stipend not to exceed one hundred ten dollars (\$110) per meeting attended of the full Arkansas Workforce Development Board or its committees, and the Arkansas Workforce Development Board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments except as provided in § 25-16-902.

(2) The stipend shall be paid from Workforce Innovation and Opportunity Act funding awarded to the state and authorized for Arkansas Workforce Development Board activities.

(i) The Arkansas Workforce Development Board shall make available to the public on a regular basis, through electronic means and open meetings,

the following information regarding:

(1) The activities of the Arkansas Workforce Development Board;

(2) The state workforce development plan, or any modification of the state workforce development plan, before submission of either the state workforce development plan or any modification of the state workforce development plan;

(3) Membership of the Arkansas Workforce Development Board; and

(4) On request, minutes of formal meetings of the Arkansas Workforce Development Board.

(j) A member of the Arkansas Workforce Development Board shall not:

(1) Vote on a matter under consideration by the Arkansas Workforce Development Board:

(A) Regarding the provision of services by the member or by an entity that the member represents; or

(B) That would provide direct financial benefit to the member or the immediate family of the member; or

(2) Engage in another activity determined by the Governor or law to constitute a conflict of interest.

(k)(1) The Arkansas Workforce Development Board shall not directly hire staff.

(2) Staff support shall be provided by the Arkansas Department of Workforce Services.

(3) The Governor shall appoint a chair and vice chair of the Arkansas Workforce Development Board.

(1) The Arkansas Workforce Development Board shall meet at least quarterly or at the call of the chair or upon the written request of a majority of the members of the Arkansas Workforce Development Board.

(m) Each appointed member shall be a resident of the State of Arkansas.

(n) Each member shall have voting rights.

(o) A simple majority of members in attendance shall constitute a quorum.

15-4-3705. Arkansas Workforce Development Board committees.

(a)(1) To comply with the requirements and responsibilities assigned under this subchapter, the Arkansas Workforce Development Board shall select

from its membership an executive committee to be composed of at least nine (9) members but no more than eleven (11) members.

(2) The Chair of the Arkansas Workforce Development Board and the Vice Chair of the Arkansas Workforce Development Board shall serve as chair and vice chair of the executive committee, respectively.

(3) The membership of the executive committee shall include:

(A) At least five (5) members representing businesses;

(B) At least one (1) chief elected official;

(C) At least two (2) representatives from among members appointed under § 15-4-3704(b)(4)(B).

(b)(1) The Arkansas Workforce Development Board shall have a standing committee to provide oversight of the Temporary Assistance for Needy Families Program and ensure that all program participants are receiving the assistance, the information, and the services needed to help these low-income parents prepare for and connect with employment that will lead to a self-sufficient wage.

(2) The membership of the standing committee shall include:

(A) At least five (5) members representing businesses;

(B) At least one (1) chief elected official;

(C) At least one (1) member from among those members appointed under § 15-4-3704(b)(4)(B);

(D) The Director of the Department of Workforce Services;
and

(E) The Director of the Division of County Operations of the Department of Human Services, as a standing committee voting member who is also not a member of the Arkansas Workforce Development Board.

(c) The Arkansas Workforce Development Board may form other committees as needed.

(d) Membership on any committee shall not extend beyond the member's term of service on the Arkansas Workforce Development Board.

15-4-3706. Powers and duties of the Arkansas Workforce Development Board.

(a) The Arkansas Workforce Development Board shall assist the Governor in:

(1) The development, implementation, and modification of the

state workforce development plan;

(2) The review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the state to align state workforce development programs in a manner that supports a comprehensive and streamlined state workforce development system, including the review and provision of comments on the state workforce development plan, if any, for programs and activities of one-stop partners that are not core programs;

(3) The development and continuous improvement of the state workforce development system, including without limitation:

(A) The identification of barriers to employment that may exist between programs and the means for removing the barriers between programs to better coordinate, align, and avoid duplication among the programs and activities carried out through the state workforce development system;

(B) The development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to gain or retain employment;

(C) The development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the state workforce development system;

(D) The development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(E) The identification of regions, including planning regions, after consultation with local workforce development boards and chief elected officials;

(F) The development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local workforce development boards, one-stop operators, one-stop partners, and providers, with planning and delivering services, including training services and supportive services, to support effective delivery of services to

workers, jobseekers, and employers; and

(G) The development of strategies to support staff training and awareness across programs supported under the state workforce development system;

(4) The development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state;

(5) The identification and dissemination of information on best practices, including best practices for:

(A) The effective operation of one-stop centers relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;

(B) The development of effective local workforce development boards, which may include information on factors that contribute to enabling local workforce development boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

(C) Effective training programs that respond to real-time labor market analysis and effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills and competencies for adaptability to support efficient placement into employment or career pathways;

(6) The development and review of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system, including the development of:

(A) Objective criteria and procedures for use by local workforce development boards in assessing the effectiveness and continuous improvement of one-stop centers;

(B) Guidance for the allocation of one-stop center infrastructure funds; and

(C) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

(7) The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including the improvements to:

(A) Enhance digital literacy skills;

(B) Accelerate the acquisition of skills and recognized postsecondary credentials by participants;

(C) Strengthen the professional development of providers and workforce professionals; and

(D) Ensure the technology is accessible to individuals with disabilities and individuals residing in remote areas;

(8) The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into the design and implementation, to improve coordination of services across one-stop partner programs;

(9) The development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas;

(10) The preparation of an annual report;

(11) The development of the statewide workforce and labor market information system; and

(12) The development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the state.

15-4-3707. Unified states workforce development plan requirements.

(a) By March 3, 2016, the Governor shall submit to the United States Department of Labor and other approval authorities, as appropriate, a state plan outlining the state's four-year strategy for the core programs of the state under this subchapter.

(b) The state plan shall be a unified plan addressing services available through all core programs and developed jointly by the Department of Workforce Services, Department of Career Education, Arkansas

Rehabilitation Services, and the Division of State Services for the Blind of the Department of Human Services, in coordination with the Arkansas Workforce Development Board.

(c) The state plan shall include:

(1) A strategic vision and goals for preparing an educated and skilled workforce that include:

(A) An analysis of the economic conditions in the state, including without limitation:

(i) Existing and emerging in-demand industry sectors and occupations; and

(ii) The employment needs of employers, including a description of the knowledge, skills, and abilities needed in those industries and occupations;

(B) An analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce that take into account individuals with barriers to employment and individuals with disabilities, in the state;

(C) An analysis of the workforce development activities, including education and training, in the state, including an analysis of the strengths and weaknesses of such activities, and the capacity of state entities to provide such activities in order to address the identified education and skill needs of the workforce and the employment needs of employers in the state;

(D) A description of the state's strategic vision and goals for preparing an educated and skilled workforce, including preparing youth and individuals with barriers to employment, and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in Pub. L. No. 113-128, in order to support economic growth and economic self-sufficiency, and of how the state will assess the overall effectiveness of the workforce investment system in the state; and

(E) Taking into account analyses described in subdivisions (c)(1)(A)-(C) of this section, a strategy for aligning the core programs, as well as other resources available to the state, to achieve the strategic vision and goals described in subdivision (c)(1)(D) of this section.

(2) An operational plan that includes:

(A) How the Arkansas Workforce Development Board will implement the functions assigned under § 15-4-3706;

(B) How the lead state agency with responsibility for the administration of a core program will implement the strategy described in subdivision (c)(1)(E) of this section, including a description of:

(i) The activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how the activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) How the activities described in subdivision (c)(2)(B)(i) of this section will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the operational plan, as appropriate, avoiding duplication and assuring coordination;

(iii) How the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services, including supportive services, to individuals;

(iv) How the state's strategy will engage the state's community colleges and area career and technical education schools as partners in the workforce development system and enable the state to leverage other federal, state, and local investments that have enhanced access to workforce development programs at those institutions;

(v) How the activities will be coordinated with economic development strategies; and

(vi) How the state's strategy will improve access to activities leading to a recognized postsecondary credential, including a credential that is an industry recognized certificate or certification, portable, and stackable;

(C) A description of the state operating systems and policies that will support the implementation of the strategy, including a description of:

(i) The board, including the activities to assist members of the Arkansas Workforce Development Board and the staff of the board in carrying out the functions of the board effectively, but funds for the activities shall not be used for long-distance travel expenses for

training or development activities available locally or regionally;

(ii) How the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs, analyzed by local area or by provider, based on state performance accountability measures;

(iii) How other one-stop partner programs will be assessed each year;

(iv) The methods and factors the state will use in distributing funds under the core programs;

(v) How the lead state agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(vi) How the agencies will use the workforce development system to assess the progress of participants who are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment;

(vii) The privacy safeguards incorporated in the system, including safeguards required by Section 444 of the National Defense Education Program, 20 U.S.C. §§ 401-589, and the General Education Provisions Act, 20 U.S.C. § 1221 et seq., and other applicable federal laws;

(viii) How the state will implement the priority of service provisions for veterans in accordance with the requirements of 38 U.S.C. § 4215; and;

(ix) How the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with Section 188 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities;

(D) State policies or guidance, for the statewide workforce development system, including without limitation:

(i) The local areas designated in the state,

including the process used for designating local areas, and the process used for identifying any planning, including a description of how the Arkansas Workforce Development Board consulted with the local boards and chief elected officials in determining the planning regions;

(ii) The appeals process relating to designation of local areas;

(iii) The appeals process relating to determinations for infrastructure funding; and

(iv) Information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program;

(E) How the Department of Career Education will, if applicable, align content standards for adult education with state-adopted challenging academic content standards, as adopted under Section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6311(b)(1);

(F) How the state will fund local activities including:

(i) Adult education and literacy activities;

(ii) Programs for corrections education and other institutionalized individuals;

(iii) Programs for integrated English literacy and civics education; and

(iv) Integrated education and training;

(G) How adult education and literacy activities will be aligned with other core programs and one-stop partners, including eligible providers;

(H) How English literacy and civics education will be aligned with other core programs and one-stop partners to prepare and place adults who are English-language learners in unsubsidized employment in demand occupations that lead to economic self-sufficiency; and

(I) How the quality of providers of adult education and literacy activities will be assessed and actions to improve the quality of the activities.

(d) One (1) time every two (2) years, the Arkansas Workforce

Development Board shall review the unified state plan and submit modifications to the unified state plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified state plan.

15-4-3708. Designation of local workforce development areas.

(a) No later than July 1, 2015, the Governor shall designate local workforce development areas within the state:

(1) Through consultation with the Arkansas Workforce Development Board; and

(2) After consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process.

(b) In making the designation of local workforce development areas, the Governor shall take into consideration that local workforce development areas:

(1) Are consistent with labor market areas in the state;

(2) Are consistent with regional economic development areas in the state; and

(3) Have available the federal and non-federal resources necessary to effectively administer activities under Subtitle B of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, including whether the workforce development areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

(c) During the first two (2) full program years, the Governor shall approve a request for initial designation as a local workforce development area from any area that was designated as a local workforce development area for purposes of the Workforce Investment Act of 1998, U.S.C. § 9201 et seq., for the two-year period preceding the effective date of this subchapter, performed successfully, and sustained fiscal integrity.

(d) After the period for which a local workforce development area is initially designated under this section, the Governor shall approve a request for subsequent designation as a local workforce development area from the local workforce development area, if the local workforce development area:

(1) Performed successfully;

(2) Sustained fiscal integrity; and

(3) In the case of a local workforce development area in a planning region described in § 15-4-3714, met the requirements of § 15-4-3714.

15-4-3709. Local workforce development boards.

(a) There shall be established by July 1, 2015 and certified by the Governor, a local workforce development board in each local workforce development area to carry out the functions described in § 15-4-3711.

(b) The Governor, in partnership with the Arkansas Workforce Development Board, shall establish criteria for use by chief elected officials in the local workforce development areas for appointment of members of the local workforce development boards.

(c) The criteria shall require, at a minimum, that the membership of each local workforce development board be so constituted that:

(1) A majority of the members of each local workforce development board are representatives of business in the local workforce development area who:

(A) Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(B) Represent businesses, including small businesses, or organizations representing businesses described in this subdivision (c)(1), 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 workforce development area; and

(C) Are appointed from among individuals nominated by local business organizations and business trade associations;

(2) Not less than twenty percent (20%) of the members of each local workforce development board are representatives of the workforce within the local workforce development area who:

(A) Include representatives of labor organizations for a local workforce development area in which employees are represented by labor organizations who have been nominated by local labor federations or for a local workforce development area in which no employees are represented by such organizations, other representatives of employees;

(B) Include a representative who is a member of a labor organization or a training director from a joint labor-management apprenticeship program or, if no such joint program exists in the local workforce development area, a representative of an apprenticeship program in the local workforce development area, if such a program exists;

(C) May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including without limitation organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(D) May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including without limitation representatives of organizations that serve out-of-school youth;

(3) Each local workforce development board includes representatives of entities administering education and training activities in the local workforce development area who:

(A) Include a representative of eligible providers administering adult education and literacy activities;

(B) Include a representative of institutions of higher education providing workforce investment activities, including without limitation community colleges; and

(C) May include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(4) Each local workforce development board includes representatives of governmental and economic and community development entities serving the local workforce development area who:

(A) Include a representative of economic and community development entities;

(B) Include an appropriate representative from the state employment service office under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq., serving the local workforce development area;

(C) Include an appropriate representative of the programs

carried out under Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741, serving the local workforce development area;

(D) May include representatives of agencies or entities administering programs serving the local workforce development area relating to transportation, housing, and public assistance; and

(E) May include representatives of philanthropic organizations serving the local workforce development area; and

(5) Each local workforce development board may include other individuals or representatives of entities that the chief elected official in the local workforce development area may determine to be appropriate.

(d) The members of the local workforce development board shall elect a chairperson annually for the local workforce development board from among the business representatives described in subdivision (c)(1) of this section.

(e) Each local workforce development board shall meet at least quarterly and may meet more often at the call of the chairperson or upon the written request of a majority of the members of the local workforce development board.

(f) A simple majority of the local workforce development board shall constitute a quorum.

(g)(1) The chief elected official in a local workforce development area may appoint the members of the local workforce development board for the local workforce development area in accordance with the criteria under this section.

(2) If a local workforce development area includes more than one (1) unit of general local government, the chief elected officials of the units shall execute an agreement that specifies the respective roles of the individual chief elected officials:

(A) In the appointment of the members of the local workforce development board from the individuals nominated or recommended to be members under § 15-4-3708(b); and

(B) In carrying out other responsibilities assigned to the chief elected officials under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

(3) If, after a reasonable effort, the chief elected officials are unable to reach agreement, the Governor may appoint the members of the

local workforce development board from among the individuals nominated or recommended for those memberships.

15-4-3710. Local workforce development certification.

(a) One (1) time every (two) 2 years, the Governor shall certify one (1) local workforce development board for each local workforce development area in the state.

(b) The certification under this section shall be based on criteria established under § 15-4-3709, and for a second or subsequent certification, the extent to which the local workforce development board has ensured that workforce investment activities carried out in the local workforce development area have enabled the local workforce development area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity.

(c) Failure of a local workforce development board to achieve certification shall result in the appointment and certification of a new local workforce development board.

(d) After providing notice and an opportunity for comment, the Governor may decertify a local workforce development board at any time for:

(1) Fraud or abuse;

(2) Failure to carry out the functions specified for the local workforce development board; or

(3) Failure to meet the local performance accountability measures under this subchapter for two (2) consecutive program years.

(e) If the Governor decertifies a local workforce development board, the Governor may require that a new local workforce development board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the Governor in consultation with the chief elected official in the local workforce development area.

15-4-3711. Powers and duties of local workforce development boards.

(a) The functions of a local workforce development board include:

(1)(A) Developing and submitting a local plan to the Governor that meets the requirements in § 15-4-3713.

(B) If the local workforce development area is part of a planning region that includes other local workforce development areas, the

local workforce development board shall collaborate with the other local workforce development boards and chief elected officials from the other local workforce development areas in the preparation and submission of a regional plan;

(2) Carrying out analyses of:

(A) Economic conditions in the region;

(B) Needed knowledge and skills for the region;

(C) The workforce in the region; and

(D) Workforce development activities, including without limitation education and training;

(3) Regularly updating the information analyzed under subdivision (a)(2)(A) of this section;

(4) Assisting the Governor in developing the statewide workforce and labor market information system, specifically in the collection, analysis, and use of workforce and labor market information for the region;

(5) Conducting other research, data collection, and analysis related to the workforce needs of the regional economy as the local workforce development board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions;

(6) Convening local workforce development system stakeholders to assist in the development of the local plan and in identifying nonfederal expertise and resources to leverage support for workforce development activities;

(7) Leading efforts to engage with a diverse range of employers and with entities in the region involved to:

(A) Promote business representation on the local workforce development board, particularly with representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region;

(B) Develop effective linkages, including without limitation the use of intermediaries, with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing

communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as the establishment of industry and sector partnerships that provide the skilled workforce needed by employers in the region and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;

(8) With representatives of secondary and postsecondary education programs, leading efforts in the local workforce development area to develop and implement career pathways within the local workforce development area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;

(9) Leading efforts in the local workforce development area to:

(A) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers, including without limitation individuals with barriers to employment, in the local workforce development system, including without limitation providing physical and programmatic accessibility for persons with disabilities; and

(B) Identify and disseminate information on proven and promising practices carried out in other local workforce development areas for meeting such needs;

(10) Developing strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and jobseekers, by:

(A) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local workforce development area;

(B) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;

(C) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery and increase access to services and programs of

the one-stop delivery system, such as improving digital literacy skills; and

(D) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment;

(11) In partnership with the chief elected official for the local workforce development area:

(A) Conducting oversight for local youth workforce investment activities, local employment and training activities, and the one-stop delivery system in the local workforce development area;

(B) Ensuring the appropriate use and management of funds;

and

(C) Ensuring the appropriate use, management, and investment of funds to maximize performance outcomes;

(12) Negotiating and reaching agreement on local performance accountability measures;

(13) Selecting operators and providers; including:

(A) With the agreement of the chief elected official for the local area:

(i) Designating or certify one-stop operators; and

(ii) Terminating for cause the eligibility of such operators;5

(B) Both:

(i) Identifying eligible providers of youth workforce investment activities in the local workforce development area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth standing committee; and

(ii) Terminating for cause the eligibility of such providers;

(C) Identifying eligible providers of training services in the local area;

(D) If the one-stop operator does not provide career services, identifying eligible providers of those career services in the local workforce development area by awarding contracts;

(E) Working with the state to ensure that there are sufficient numbers and types of providers of career services and training services, including without limitation eligible providers with expertise in

assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities, serving the local workforce development area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

(14) Coordinating activities with education and training providers in the local workforce development area, including without limitation providers of workforce investment activities, providers of adult education and literacy activities, providers of career and technical education as defined in Section 3 of the Carl D. Perkins Career and Technical Education Act of 2006, 20 U.S.C. § 2302, and local agencies administering plans under Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741.

(15) Annually assessing the physical and programmatic accessibility, in accordance with Section 188 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., of all one-stop centers in the local workforce development area; and

(16)(A) Developing a budget for the activities of the local workforce development board in the local workforce development area, consistent with the local plan and the duties of the local workforce development area, subject to the approval of the chief elected official.

(B) The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local workforce development area under Sections 128 and 133 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear liability.

(b)(1)(A) In order to assist in the administration of the grant funds, the chief elected official or the Governor, when the Governor serves as the local grant recipient for a local workforce development area, may designate an entity to serve as a local grant recipient for such funds or as a local fiscal agent.

(B) A designation under subdivision (b)(1)(A) of this section shall not relieve the chief elected official or the Governor of the

liability for any misuse of grant funds.

(2) The local grant recipient or an entity designated as the local grant recipient shall disburse the grant funds for workforce investment activities at the direction of the local workforce development board.

(3)(A) The local workforce development board may solicit and accept grants and donations from sources other than federal funds made available under this subchapter.

(B) For purposes of this subchapter, a local workforce development board may incorporate, and may operate as an entity described in 26 U.S.C. § 501(c)(3) that is exempt from taxation under 26 U.S.C. § 501(a).

(c) The local workforce development board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local workforce development board, including without limitation information regarding the local plan before submission of the local plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local workforce development board.

(d)(1) The local workforce development board may hire a director and other staff to assist in carrying out the functions described in this section using funds available under Sections 128(b) and 133(b) as described in Section 128(b)(4) of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.

(2) The local workforce development board shall establish and apply a set of objective qualifications for the position of director that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local workforce development board.

(3) The director and staff described in this subsection are subject to the limitations on the payment of salaries and bonuses prescribed for level II of the Executive Schedule under 5 U.S.C. § 5313.

(e) A member of a local workforce development board or a member of a standing committee of a local workforce development board shall not:

(1) Vote on a matter under consideration by the local workforce development board:

(A) Regarding the provision of services by the member or by an entity that the member represents; or

(B) That would provide direct financial benefit to the member or the immediate family of the member; or

(2) Engage in another activity determined by the Governor to constitute a conflict of interest as specified in the state plan.

15-4-3712. Local workforce development board committees.

(a)(1) The local workforce development board shall designate and direct the activities of standing committees to provide information and to assist the local workforce development board in carrying out activities under this subchapter.

(2) A standing committee shall be:

(A) Chaired by a member of the local workforce development board;

(B) May include other members of the local workforce development board; and

(C) Shall include other individuals appointed by the local workforce development board who are not members of the local workforce development board and who the local workforce development board determines have appropriate experience and expertise.

(b) At a minimum, the local workforce development board shall designate each of the following:

(1)(A) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system.

(B) A standing committee designated under subdivision (b)(1)(A) of this section may include as members representatives of the one-stop partners;

(2)(A) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth.

(B) A standing committee designated under subdivision (b)(2)(A) of this section shall include community-based organizations with a demonstrated record of success in serving eligible youth; and

(3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to

individuals with disabilities, including without limitation issues relating to compliance with Section 188 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on finding employment opportunities for individuals with disabilities, including providing the appropriate supports and accommodations to employment for individuals with disabilities.

(c) A local workforce development board may designate standing committees in addition to the standing committees specified in subsection (b) of this section.

15-4-3713. Local workforce development planning requirements.

(a)(1) Each local workforce development board shall develop and submit to the Governor a comprehensive four-year local plan, in partnership with the chief elected official.

(2) The local workforce development board shall support the strategy described in the state plan and be consistent with the state plan.

(3) If the local area is part of a planning region, the local workforce development board shall comply with preparation and submission of a regional plan.

(4) At the end of the first two-year period of the four (4) year local plan, each local workforce development board shall review the local plan, and the local workforce development board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

(b) The local plan shall include:

(1) A description of the strategic planning elements consisting of:

(A) An analysis of the regional economic conditions, including without limitation:

(i) Existing and emerging in-demand industry sectors and occupations; and

(ii) The employment needs of employers in those

industry sectors and occupations;

(B) An analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including without limitation employment needs in in-demand industry sectors and occupations;

(C) An analysis of the workforce in the region, including without limitation current labor force employment and unemployment data, information on labor market trends, and the educational and skill levels of the workforce in the region, including without limitation individuals with barriers to employment;

(D) An analysis of the workforce development activities, including without limitation education and training in the region, and an analysis of the strengths and weaknesses of such services and the capacity to provide such services to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) A description of the local workforce development plan's strategic vision and goals for preparing an educated and skilled workforce, including without limitation youth and individuals with barriers to employment, including goals relating to the performance accountability measures based on primary indicators of performance in order to support regional economic growth and economic self-sufficiency; and

(F) Taking into account analyses described in subdivisions (b)(1)(A)-(D) of this section, a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subdivision (b)(2)(E);

(2) A description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006, 20 U.S.C. § 2301 et seq., that support the strategy identified in the state workforce development plan;

(3) A description of how the local workforce development board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, and how the local workforce development board will facilitate the development

of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential that is industry-recognized, portable, and stackable;

(4) A description of the strategies and services that will be used in the local area:

(A) To:

(i) Facilitate engagement of employers, including without limitation small employers and employers in in-demand industry sectors and occupations in workforce development programs;

(ii) Support a local workforce development system that meets the needs of businesses in the local area;

(iii) Better coordinate workforce development programs and economic development; and

(iv) Strengthen linkages between the one-stop delivery system and unemployment insurance programs; and

(B) That may include the implementation of initiatives designed to meet the needs of employers in the corresponding region in support of the strategy described in subdivision (b)(1)(F) of this section such as:

(i) Career pathways initiatives;

(ii) Customized training programs;

(iii) Incumbent worker training programs;

(iv) Industry and sector strategies;

(v) On-the-job training programs;

(vi) Use of effective business intermediaries; and

(vii) Other business services and strategies;

(5) A description of how the local workforce development board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the planning region or in the workforce development region in which the local workforce development area is located and promote entrepreneurial skills training and microenterprise services;

(6) A description of the one-stop delivery system in the local area, including:

(A) A description of how the local workforce development board will ensure the continuous improvement of eligible providers of

services through the one-stop delivery system and ensure that the providers meet the employment needs of local employers, workers, and jobseekers;

(B) A description of how the local workforce development board will facilitate access in remote areas to services provided through the one-stop delivery system, including without limitation, in remote areas, through the use of technology and other means;

(C) A description of how entities within the one-stop delivery system, including one-stop operators and the one stop partners, will comply with Section 188 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

(D) A description of the roles and resource contributions of the one-stop partners;

(7) A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(8) A description of how the local workforce development board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities for dislocated workers;

(9) A description and assessment of the type and availability of youth workforce investment activities in the local area, including without limitation activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of the youth workforce investment activities;

(10) A description of how the local workforce development board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

(11) A description of how the local workforce development board will coordinate workforce investment activities with the provision of transportation, including without limitation public transportation, and other

appropriate supportive services in the local area;

(12) A description of plans and strategies for and assurances concerning maximizing coordination of services provided by the state employment service under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq., and services provided in the local area through the one-stop delivery system to improve service delivery and avoid duplication of services;

(13) A description of how the local workforce development board will coordinate workforce investment activities carried out under this subchapter in the local area with the provision of adult education and literacy activities in the local area, including a description of how the local workforce development board will carry out the review of local applications submitted under title II of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128;

(14) A description of the replicated cooperative agreements between the local workforce development board and the local office of a designated state agency or designated state unit administering programs carried out under 29 U.S.C. § 720 et seq., with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(15) An identification of the entity responsible for the disbursement of grant funds as determined by the chief elected official or the Governor under § 15-4-3711;

(16) A description of the competitive process to be used to award the subgrants and contracts in the local area;

(17) A description of the local levels of performance negotiated with the Governor and chief elected officials to be used to measure the performance of the local area and to be used by the local workforce development board for measuring the performance of the local fiscal agent, eligible providers, and the one-stop delivery system, in the local area;

(18) A description of the actions the local workforce development board will take toward becoming or remaining a high-performing board consistent with the factors developed by the Arkansas Workforce Development Board;

(19) A description of how training services will be provided,

including, if contracts for the training services will be used, how the use of the contracts will be coordinated with the use of individual training accounts and how the local workforce development board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) A description of the process used by the local workforce development board to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local workforce development plan, prior to submission of the local workforce development plan;

(21) A description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this subchapter and programs carried out by one-stop partners; and

(22) Other information the Governor may require.

(d) Before the date on which the local workforce development board submits a local workforce development plan under this section, the local workforce development board shall:

(1) Make available copies of a proposed local workforce development plan to the public through electronic and other means, such as public hearings and local news media;

(2) Allow members of the public, including without limitation representatives of business, representatives of labor organizations, and representatives of education, to submit to the local workforce development board comments on the proposed local workforce development plan, not later than the end of the thirty-day period beginning on the date on which the proposed local workforce development plan is made available; and

(3) Include with the local workforce development plan submitted to the Governor under this section any comments that represent disagreement with the local plan.

(e) A local plan submitted to the Governor under this section, including a modification to a local plan shall be considered to be approved by the Governor at the end of the ninety-day period beginning on the day the Governor receives the local plan, unless the Governor makes a written determination during the ninety-day period that:

- (1) There are deficiencies in the local plan;
- (2) The local plan does not comply with requirements; or
- (3) The local plan does not align with the state plan.

15-4-3714. Regional planning.

(a) No later than June 30, 2016, the Arkansas Workforce Development Board shall identify regions in the state after consultation with the local workforce development boards and chief elected officials in the local areas.

(b) The board shall identify:

- (1) Which regions are comprised of one (1) local area that is aligned with the region;
- (2) Which regions are comprised of two (2) or more local areas that are collectively aligned with the planning regions; and
- (3) Which of the regions described in subdivisions (b)(1) and (2) are interstate areas contained within two (2) or more states, and consist of labor market areas, economic development areas, or other appropriate contiguous sub-areas of those states.

SECTION 4. Arkansas Code §§ 15-4-2201 – 15-4-2212 are repealed.

~~15-4-2201.—Title.~~

~~This subchapter shall be known and may be cited as the "Arkansas Workforce Investment Act".~~

~~15-4-2202.—Purpose.~~

~~The purpose of this subchapter is to outline a workforce development plan for Arkansas and to comply with the federal Workforce Investment Act of 1998 by providing workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earning of participants, and increasing occupational skill attainment by participants, and as a result improving the quality of the workforce, reducing welfare dependency, and enhancing the productivity and competitiveness of the State of Arkansas.~~

~~15-4-2203.—Definitions.~~

~~As used in this subchapter:~~

- ~~(1) "Chief elected official" means:~~

~~(A) The chief elected executive officer of a unit of general local government in a local area.~~

~~(B) However, in a case in which a local area includes more than one (1) unit of general local government, the chief elected officials shall include the county judge or judges and the mayor or mayors of the city or cities of the first class. These officials may include other mayors, in accordance with the agreement cited in subdivision (1)(C) of this section;~~

~~(C) In a case in which a local area includes more than one (1) unit of general local government, the chief elected officials of each unit shall execute an agreement specifying the respective roles of the individual chief elected officials;~~

~~(2) "General local government" means any general purpose political subdivision of Arkansas that has the power to levy taxes and spend funds, as well as general corporate and police powers; and~~

~~(3) "Local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965.~~

~~15-4-2204. Arkansas Workforce Investment Board established.~~

~~(a) There is created the Arkansas Workforce Investment Board.~~

~~(1) The board shall consist of:~~

~~(A) The Governor;~~

~~(B) Two (2) members to be appointed by the President Pro Tempore of the Senate;~~

~~(C) Two (2) members to be appointed by the Speaker of the House of Representatives;~~

~~(D) The following members to be appointed by the Governor, subject to confirmation by the Senate:~~

~~(i) One (1) chief elected official nominated by the Arkansas Municipal League;~~

~~(ii) One (1) chief elected official nominated by the Association of Arkansas Counties;~~

~~(iii) No fewer than two (2) representatives of labor organizations to be nominated by the Arkansas Labor Federation;~~

~~(iv) No fewer than two (2) representatives of individuals and organizations who have experience with respect to youth activities and programs;~~

~~(v) No fewer than two (2) representatives of individuals and organizations who have experience and expertise in the delivery of workforce investment activities of which:~~

~~(a) One (1) member shall be a chief executive officer of a two-year college nominated by the Association of Two-year Colleges; and~~

~~(b) One (1) member shall represent a community-based organization;~~

~~(E) The Director of the Department of Career Education;~~

~~(F) The Director of the Department of Workforce Services;~~

~~(G) The Director of the Department of Human Services;~~

~~(H) The Director of the Arkansas Economic Development Commission;~~

~~(I) A representative of employment and training activities carried out by the United States Department of Housing and Urban Development;~~

~~(J) The Director of the Department of Higher Education;~~

~~(K) The Director of the Arkansas Rehabilitation Services of the Department of Career Education; and~~

~~(L) The Director of the Division of State Services for the Blind of the Department of Human Services.~~

~~(2) A majority of the members of the board shall be representatives of business in Arkansas who:~~

~~(A) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of the local workforce investment boards;~~

~~(B) Represent businesses with employment opportunities reflecting the employment opportunities of Arkansas; and~~

~~(C) Are appointed from among individuals nominated by Arkansas business organizations and business trade associations.~~

~~(c)(1) In no event shall the board consist of more than forty-three (43) members.~~

~~(2) A person may serve in dual capacity as a member of the board.~~

~~(d) In appointing members, the Governor shall take into consideration that the board represents the diverse regions of Arkansas, including without~~

~~limitation urban, rural, and suburban areas.~~

~~(e) Members of the board who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within their respective organizations, agencies, and entities.~~

~~(f) (1) Nonlegislative members shall be appointed for four-year staggered terms.~~

~~(2) The staggered terms shall be assigned by lot.~~

~~(3) The terms shall begin on July 1 of each year.~~

~~(g) The Governor shall annually select on June 1 a chair for the board among the representatives of businesses described in subdivision (b)(1)(D) of this section.~~

~~(h) In the event of a vacancy on the board, the vacancy shall be filled for the unexpired portion of the term by the appointment of a person meeting the same qualifications required for initial appointment.~~

~~(i)(1) By a majority vote of the total membership of the board cast during its first regularly scheduled meeting of each calendar year, the board may authorize payment to its members of a stipend not to exceed one hundred ten dollars (\$110) per meeting attended. The board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments as provided in § 25-16-902.~~

~~(2) The stipend shall be paid from the Arkansas Workforce Investment Fund.~~

~~(j) Legislative members shall receive in lieu of reimbursement for meals, lodging, and travel the same per diem and mileage allowance for each day of attending meetings of the board as is authorized by law for attending meetings of the interim committees of the General Assembly, to be payable from the Arkansas Workforce Investment Fund.~~

~~(k) A member of the board shall not:~~

~~(1) Vote on a matter under consideration by the board:~~

~~(A) Regarding the provision of services by the member or by an entity that the member represents; or~~

~~(B) That would provide direct financial benefit to the member or the immediate family of the member; or~~

~~(2) Engage in any other activity determined by the Governor or by law to constitute a conflict of interest.~~

~~(l) Meetings of the board shall be held at least quarterly or at the~~

~~call of the chair or upon the written request of a majority of the members of the board.~~

~~15-4-2205.—Arkansas Workforce Investment Board Executive Committee.~~

~~(a)—In order to comply with the requirements and responsibilities assigned within this subchapter, the Arkansas Workforce Investment Board shall select from its membership an executive committee to be composed of at least thirteen (13) members but no more than fifteen (15) members.~~

~~(b)—The chair and vice chair of the board shall serve as the chair and vice chair of the Arkansas Workforce Investment Board Executive Committee, respectively.~~

~~(c)—The membership of the executive committee shall include:~~

~~(1)—At least seven (7) business members, at least one (1) of whom serves on a local workforce investment board;~~

~~(2)—At least two (2) Arkansas labor federation representatives;~~

~~(3)—At least one (1) community college representative; and~~

~~(4)—At least one (1) chief elected official.~~

~~(d)—The board shall form such other committees as needed.~~

~~(e)—Membership on any committee shall not extend beyond the term of service on the board.~~

~~(f)—The executive committee shall meet as needed between the quarterly board meetings at the call of the chair of the executive committee or upon the request of seventy five percent (75%) of the executive committee members, and the chair of the executive committee shall report any actions of the executive committee to the board at the quarterly meetings.~~

~~(g)—Compensation for the members of the executive committee shall be as provided in § 15-4-2204(i).~~

~~15-4-2206.—Powers and duties of Arkansas Workforce Investment Board.~~

~~(a)—The Arkansas Workforce Investment Board shall advise and assist the Governor and the General Assembly in the:~~

~~(1)—Development of a state workforce development plan;~~

~~(2)—Development and continuous improvement of a statewide system of activities that are funded under this subchapter or carried out through a one-stop delivery system which receives funds under this subchapter including:~~

- ~~(A) — Development of linkages in order to assure coordination and nonduplication among the programs and activities; and~~
- ~~(B) — Review of local plans;~~
- ~~(3) — [Repealed.]~~
- ~~(4) — Designation of local workforce investment areas;~~
- ~~(5) — Development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local areas;~~
- ~~(6) — Development and continuous improvement of comprehensive state performance measures, including state adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the state;~~
- ~~(7) — Preparation of the annual report to the United States Secretary of Labor;~~
- ~~(8) — Development of a statewide employment statistics system as described in section 15(c) of the Wagner-Peyser Act;~~
- ~~(9) — Development of an application for an incentive grant;~~
- ~~(10) — Recommendation of the programs identified in § 15-4-2207(b)(8)(A) which may be consolidated or realigned;~~
- ~~(11) — Creation of workforce investment program accountability measures and standards;~~
- ~~(12) — Development of workforce training standards;~~
- ~~(13) — Evaluation of the entire Arkansas workforce investment system, including, but not limited to, the education system, the career development system, and the youth programs, to determine if it is meeting the goals of this subchapter;~~
- ~~(14) — Reevaluation of this subchapter;~~
- ~~(15) — Coordination of state agencies to assist in the development of the state workforce development plan;~~
- ~~(16) — Development of additional state workforce development plans every three (3) years;~~
- ~~(17) — Use of federal, state or private funds, donations, and grants made available for the development of the Arkansas workforce development plan;~~
- ~~(18) — Establishing procedures that will be taken by the state to assure coordination of and to avoid duplication among workforce investment~~

~~programs; and~~

~~(19) Provide a report prior to each regular session to the General Assembly with recommendations for appropriate statutory changes which may enhance the delivery of workforce investment in and for Arkansas.~~

~~(b) The board may recommend to the Governor the resolution of any disagreements between or among state agencies pertaining to their duties and responsibilities in the state workforce investment plan. The board shall notify the agencies involved of the recommendation in writing.~~

~~(c) The board may recommend to the Governor that he or she require state agencies to cooperate with the board in implementing the state workforce investment plan, including, but not limited to, providing information to the board and providing staff assistance.~~

~~(d) The board shall have the authority to promulgate any rules or regulations necessary to carry out the provisions of this subchapter and to comply with the federal Workforce Investment Act of 1998.~~

~~(e) The board shall present a report quarterly to the Legislative Council concerning the progress, performance, and compliance with the federal Workforce Investment Act of 1998 and this subchapter and shall provide to the Legislative Council any information requested of it.~~

~~(f) Based upon measures established through subdivision (a)(11) of this section, the board shall recommend performance incentives and shall recommend sanctions for failure to achieve such measures.~~

~~(g)(1) The Director of the Arkansas Workforce Investment Board shall be appointed by the Governor with the consent of the board and be subject to confirmation by the Senate.~~

~~(2) The director shall hire the necessary staff to carry out the provisions of this subchapter.~~

~~15-4-2207. State plan for workforce investment system strategy.~~

~~(a) By April 1, 2000, the Governor shall submit to the United States Secretary of Labor and other approval authorities, as appropriate, a state plan outlining the state's five-year strategy for the statewide workforce investment system of the state.~~

~~(b) The state plan shall include:~~

~~(1) A description of the state board, including a description of the manner in which the board collaborated in the development of the state~~

~~plan and a description of how the board will continue to collaborate in carrying out the functions described in this section;~~

~~(2) A description of state imposed requirements for the statewide workforce investment system;~~

~~(3) A description of the state performance accountability system developed for the workforce investment activities to be carried out through the statewide workforce investment system, including, but not limited to, information identifying state performance measures;~~

~~(4) Information describing:~~

~~(A) The needs of the state with regard to current and projected employment opportunities by occupation;~~

~~(B) The job skills necessary to obtain employment opportunities;~~

~~(C) The skills and economic development needs of the state; and~~

~~(D) The type and availability of workforce investment activities in the state;~~

~~(5) An identification of local areas designated in the state, including a description of the process used for the designation of the areas;~~

~~(6) An identification of criteria to be used by chief elected officials for the appointment of members of local boards;~~

~~(7) The detailed plans required under section 8 of the Wagner-Peyser Act, 29 U.S.C. § 49g;~~

~~(8)(A) A description of the procedures that will be taken by the state to assure coordination of and avoid duplication among:~~

~~(i) Workforce investment activities authorized under this subchapter;~~

~~(ii) Other activities authorized under this subchapter;~~

~~(iii) Programs authorized under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq., title I of the Rehabilitation Act of 1973, 29 U.S.C. § 720 et seq., part A of title IV of the Social Security Act, 42 U.S.C. § 601 et seq., and section 6(d)(4) of the Food Stamp Act of 1977, 7 U.S.C. § 2015(d)(4); activities authorized under title V of the Older Americans Act of 1965, 42 U.S.C. § 3056 et seq.; and postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and~~

~~Applied Technology Education Act, 20 U.S.C. § 2301 et seq.;~~

~~(iv) Work programs authorized under section 6(o) of the Food Stamp Act of 1977, 7 U.S.C. § 2015(o);~~

~~(v) Activities authorized under chapter 2 of title II of the Trade Act of 1974, 19 U.S.C. § 2271 et seq.;~~

~~(vi) Activities authorized under chapter 41 of title 38, United States Code;~~

~~(vii) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. § 9901 et seq.;~~

~~(viii) Activities authorized under the National and Community Service Act of 1990, 42 U.S.C. § 12501 et seq.;~~

~~(ix) Employment and training activities carried out by the Department of Housing and Urban Development; and~~

~~(x) Programs authorized under state unemployment compensation laws; and~~

~~(B) A description of the common data collection and reporting processes used for the programs and activities;~~

~~(9) A description of the process used by the state to provide an opportunity for public comment, including comment by representatives of businesses and representatives of labor organizations, and input into development of the plan, prior to submission of the plan;~~

~~(10) Information identifying how the state will use funds the state receives under this subchapter to leverage other federal, state, local, and private resources in order to maximize the effectiveness of the resources and to expand the participation of business, employees, and individuals in the statewide workforce investment system;~~

~~(11) Assurances that the state will provide for fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of and accounting for funds paid to the state;~~

~~(12)(A) A description of the methods and factors the state will use in distributing funds to local areas for youth activities and adult employment and training activities, including:~~

~~(i) A description of how the individuals and entities represented on the state board were involved in determining the methods and factors of distribution; and~~

~~(ii) A description of how the state consulted with~~

~~chief elected officials in local areas throughout the state in determining the distribution;~~

~~(B) Assurances that the funds will be distributed equitably throughout the state, and that no local areas will suffer significant shifts in funding from year to year; and~~

~~(C) A description of the formula prescribed by the Governor for the allocation of funds to local areas for dislocated worker employment and training activities;~~

~~(13) Information specifying the actions that constitute a conflict of interest;~~

~~(14) With respect to the one-stop delivery systems, a description of the strategy of the state for assisting local areas in development and implementation of fully operational one-stop delivery systems in the state;~~

~~(15) A description of the appeals process;~~

~~(16) A description of the competitive process to be used by the state to award grants and contracts in the state for activities carried out under this subchapter;~~

~~(17) With respect to the employment and training activities for adults:~~

~~(A) A description of:~~

~~(i) The employment and training activities that will be carried out with the funds received by the state through the allotment;~~

~~(ii) How the state will provide rapid response activities to dislocated workers from funds reserved for the purposes, including the designation of an identifiable state rapid response dislocated worker unit to carry out statewide rapid response activities;~~

~~(iii) The procedures the local boards in the state will use to identify eligible providers of training services; and~~

~~(iv) How the state will serve the employment and training needs of dislocated workers, low income individuals, individuals training for nontraditional employment, and other individuals with multiple barriers to employment; and~~

~~(B) An assurance that veterans will be afforded the employment and training activities by the state, to the extent practicable;~~

~~(18) With respect to youth activities, information:~~

~~(A) Describing the state strategy for providing comprehensive services to eligible youth, particularly those eligible youth who are recognized as having significant barriers to employment;~~

~~(B) Identifying the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of the activities;~~

~~(C) Describing how the state will coordinate the youth activities carried out in the state with the services provided by Job Corps centers in the state; and~~

~~(D) Describing how the state will coordinate youth activities with activities carried out through the youth opportunity grants;~~

~~(19) A description of the eligibility criteria set by the state to certify training providers including postsecondary institutions certified under the Higher Education Act, apprenticeship programs registered under the National Apprenticeship Act, and other public or private providers of training. Criteria shall be established for both initial and subsequent eligibility and shall be applied equitably to all training providers. The state shall develop this criteria with input from the public and the training providers; and~~

~~(20) A description of how the state will ensure that local workforce investment board plans include information as to how they will support the Transitional Employment Assistance implementation plans for the counties in its service areas.~~

~~(c) The state plan submitted to the United States Secretary of Labor shall be considered to be approved by the United States Secretary of Labor at the end of the ninety-day period beginning on the day the United States Secretary of Labor receives the plan, unless the United States Secretary of Labor makes a written determination, during the ninety-day period, that:~~

~~(1) The plan is inconsistent with the provisions of this subchapter; and~~

~~(2) In the case of the portion of the plan described in section 8(a) of the Wagner-Peyser Act, 29 U.S.C. § 49g(a), the portion does not satisfy the criteria for approval.~~

~~(d) The state may submit modifications to a state plan in accordance with the requirements of this section as necessary during the five-year~~

~~period covered by the plan.~~

~~(c) The General Assembly authorizes for inclusion in the state plan those programs referenced in section 501(b)(2)(A) of Pub. L. No. 105-220. Such inclusion shall have the concurrence of the State Board of Workforce Education and Career Opportunities.~~

~~15-4-2208. Local workforce investment areas.~~

~~(a) No later than September 30, 1999, the Governor shall designate local workforce investment areas within the state.~~

~~(1) Through consultation with the Arkansas Workforce Investment Board; and~~

~~(2) After consultation with chief elected officials and after consideration of comments received through the public comment process, as described in section 112(b)(9) of the federal Workforce Investment Act of 1998.~~

~~(b) In making the designation of local areas, the Governor shall take into consideration the following:~~

~~(1) Geographic areas served by local educational agencies and intermediate educational agencies;~~

~~(2) Geographic areas served by postsecondary educational institutions and area vocational education schools;~~

~~(3) The extent to which the local areas are consistent with labor market areas;~~

~~(4) The distance that individuals will need to travel to receive services provided in the local areas; and~~

~~(5) The resources of the local areas that are available to effectively administer the activities carried out under this subchapter.~~

~~(c) The Governor shall approve any request for designation as a local area:~~

~~(1) From any unit of general local government with a population of five hundred thousand (500,000) or more;~~

~~(2) Of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and~~

~~(3) Of an area that served as a service delivery area under~~

~~section 101(a)(4)(A)(ii) of the Job Training Partnership Act as effective on September 1, 1999, in a state that has a population of not more than one million one hundred thousand (1,100,000) and a population density greater than nine hundred (900) persons per square mile.~~

~~(d)(1) The Governor shall approve any request made not later than the date of submission of the initial state plan under this subchapter for temporary designation as a local area from any unit of general local government, including a combination of the units, with a population of two hundred thousand (200,000) or more that was a service delivery area under the Job Training Partnership Act as effective on September 1, 1999, if the Governor determines that the area:~~

~~(A) Performed successfully in each of the last two (2) years prior to the request for which data are available in the delivery of services to participants under part A of title II and title III of the Job Training Partnership Act as effective on September 1, 1999; and~~

~~(B) Has sustained the fiscal integrity of the funds used by the area to carry out the activities.~~

~~(2) A temporary designation shall be for a period of not more than two (2) years, after which the designation shall be extended until the end of the period covered by the state plan if the Governor determines that, during the temporary designation period, the area substantially met the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subchapter.~~

~~(e) The Governor may approve a request from any unit of general local government for designation as a local area if the board, after consultation with and agreement of the local chief elected officials, recommends to the Governor that the area should be so designated.~~

~~(f) A unit of general local government or grant recipient that requests but is not granted designation of an area as a local area may submit an appeal to the board under an appeal process established in the state plan. If the appeal does not result in the designation, the United States Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the state plan or that the area meets the requirements of this section, may require that the area be designated as a local area.~~

~~15-4-2209. Local workforce investment boards to be established.~~

~~(a) There shall be established by January 15, 2000, in each local area of the state and certified by the Governor a local workforce investment board to set policy for the portion of the statewide workforce investment system within the local area.~~

~~(b) The Governor in partnership with the Arkansas Workforce Investment Board shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards.~~

~~(c) At a minimum, the criteria shall require that the membership of each local board include representatives in the local area who are representatives of:~~

~~(1) Businesses in the local area who:~~

~~(A) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with policymaking or hiring authority;~~

~~(B) Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and~~

~~(C) Are appointed from among individuals nominated by local business organizations and business trade associations;~~

~~(2) Local educational entities, including:~~

~~(A) Local educational agencies;~~

~~(B) Local school boards;~~

~~(C) Two year colleges and universities;~~

~~(D) Entities providing adult education and literacy activities; and~~

~~(E) Postsecondary educational institutions, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities;~~

~~(3) Labor organizations nominated by Arkansas local labor federations or other representatives of employees if no employees are represented by labor organizations;~~

~~(4) Community based organizations;~~

~~(5) Economic development agencies, including private sector economic development entities;~~

~~(6) Each of the one stop partners;~~

~~(7) One (1) member who:~~

~~(A) Is an individual with a disability and is familiar with vocational rehabilitation; and~~

~~(B)(i) Represents an organization of Arkansans with disabilities; or~~

~~(ii) Complies with subdivision (c)(1) of this section; and~~

~~(8) One (1) member who represents veterans' organizations.~~

~~(d) A majority of the members of the local board shall be representatives described in subdivision (c)(1) of this section.~~

~~(e) The chief elected official shall ensure that the local board membership shall reflect the same percentage of minorities as in the 2000 Federal Decennial Census for the local workforce investment areas of the board.~~

~~(f) The local board shall elect a chair for the local board from among the representatives described in subsection (c) of this section.~~

~~(g)(1) The chief elected official in a local area is authorized to appoint the members of the local board for the area in accordance with the state criteria.~~

~~(2) In the event a local area includes more than one (1) unit of general local government, the chief elected officials of the units shall execute an agreement that specifies the respective roles of the individual chief elected officials.~~

~~(A) In the appointment of the members of the local board from the individuals nominated or recommended to be the members in accordance with the criteria; and~~

~~(B) In carrying out any other responsibilities assigned to the officials under this section.~~

~~(3) If after a reasonable effort the chief elected officials are unable to reach agreement, the Governor may appoint the members of the local board from individuals so nominated or recommended.~~

~~(h) The local board may include other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.~~

~~15-4-2210. Certification of local workforce investment boards.~~

~~(a) One (1) time every two (2) years, the Governor shall certify one (1) local board for each local area in the state.~~

~~(b) The certification shall be based on criteria established under § 15-4-2209 and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.~~

~~(c) Failure of a local board to achieve certification shall result in reappointment and certification of another local board.~~

~~(d) The Governor may decertify a local board at any time after providing notice and an opportunity for comment for:~~

~~(1) Fraud or abuse; or~~

~~(2) Failure to carry out the functions specified for the local board.~~

~~(e) The Governor may decertify a local board if a local area fails to meet the local performance measures for the local area for two (2) consecutive years.~~

~~(f) If the Governor decertifies a local board for a local area, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area.~~

~~15-4-2211. Powers and duties of local workforce investment board.~~

~~(a) The functions of the local board shall include the following:~~

~~(1) Development of a local plan in accordance with § 15-4-2212;~~

~~(2) The local board, with the agreement of the chief elected official:~~

~~(A) Shall designate or certify one-stop operators; and~~

~~(B) May terminate for cause the eligibility of the operators;~~

~~(3) The local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council;~~

~~(4) The local board shall identify eligible providers of training services using criteria established by the state;~~

~~(5) If the one-stop operator does not provide intensive services~~

~~in a local area, the local board shall identify eligible providers of intensive services in the local area;~~

~~(6) The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official; and~~

~~(7) The local board annually shall provide a progress report to the Arkansas Workforce Investment Board.~~

~~(b) The chief elected official in a local area shall serve as the local grant recipient for and shall be liable for any misuse of the grant funds allocated to the local area, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear the liability.~~

~~(c) In order to assist in the administration of the grant funds, the chief elected official or the Governor, when the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for the funds or as a local fiscal agent. The designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds.~~

~~(d) The local grant recipient or an entity shall disburse the funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this subchapter. The local grant recipient or entity shall disburse the funds immediately on receiving the direction from the local board.~~

~~(e) The local board may contract for some or all of its administrative services in an amount consistent with the grant, but in no case shall the cost of administrative services exceed ten percent (10%) of the total cost of the program.~~

~~(f) The local board may solicit and accept grants and donations from sources other than federal funds.~~

~~(g) The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities, local adult employment and training, and the one-stop delivery system in the local area.~~

~~(h) The local board, the chief elected official, and the Governor shall negotiate and reach an agreement on local performance measures.~~

~~(i) The local board shall assist the Governor in developing the~~

~~statewide employment statistics system described in section 15(e) of the Wagner Peyser Act, as effective on September 1, 1999.~~

~~(j) The local board shall coordinate the workforce investment activities carried out in the local area with economic development strategies and develop other employer linkages with the activities.~~

~~(k) The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision through the system of connecting, brokering, and coaching activities through intermediaries like the one stop operator in the local area or through other organizations to assist the employers in meeting hiring needs.~~

~~(1)(1) No local board may provide training services unless pursuant to a request from the Governor the local board grants a written waiver of the prohibition for a program of training services, if the local board:~~

~~(A) Submits to the Governor a proposed request for the waiver that includes:~~

~~(i) Satisfactory evidence that there is an insufficient number of eligible providers of the program of training services to meet local demand in the local area; and~~

~~(ii) Information demonstrating that:~~

~~(a) The local board meets the requirements for an eligible provider of training services; and~~

~~(b) The program of training services prepares participants for an occupation that is in demand in the local area;~~

~~(B) Makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than thirty (30) calendar days; and~~

~~(C) Includes in the final request for a waiver the evidence and information described in subdivisions (1)(1)(A) and (B) of this section.~~

~~(2) A waiver granted to a local board shall apply for a period not to exceed one (1) year. The waiver may be renewed for additional periods not to exceed one (1) year, pursuant to requests from the local board.~~

~~(3) The Governor may revoke a waiver granted if the state determines that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.~~

~~(m) Nothing in this section shall be construed to provide a local board with the authority to mandate curricula for schools.~~

~~(n) A member of a local board may not:~~

~~(1) Vote on a matter under consideration by the local board:~~

~~(A) Regarding the provision of services by the member or by an entity that the member represents; or~~

~~(B) That would provide direct financial benefit to the member or the immediate family of the member; or~~

~~(2) Engage in any other activity determined by the Governor or by law to constitute a conflict of interest as specified in the state plan.~~

~~(o)(1) There shall be established as a subgroup within each local board a youth council appointed by the local board, in cooperation with the chief elected official for the local area.~~

~~(2)(A) The membership of each youth council shall include:~~

~~(i) Members of the local board with special interest or expertise in youth policy;~~

~~(ii) Representatives of youth service agencies, including juvenile justice and local law enforcement agencies;~~

~~(iii) Representatives of local public housing authorities;~~

~~(iv) Parents of eligible youth seeking assistance under this subchapter;~~

~~(v) Individuals, including former participants, and representatives of organizations that have experience relating to youth activities; and~~

~~(vi) Representatives of the Job Corps, as appropriate.~~

~~(B) The membership of each youth council may include other individuals as the chair of the local board, in cooperation with the chief elected official, determines to be appropriate.~~

~~(3) Members of the youth council who are not members of the local board shall be voting members of the youth council and nonvoting members of the board.~~

~~(4) The duties of the youth council include:~~

~~(A) Developing the portions of the local plan relating to eligible youth, as determined by the chair of the local board;~~

~~(B) Subject to the approval of the local board:~~

- ~~(i) Recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and~~
- ~~(ii) Conducting oversight with respect to the eligible providers of youth activities in the local area;~~

~~(C) Coordinating youth activities in the local area; and~~

~~(D) Other duties determined to be appropriate by the chair of the local board.~~

~~(p) A local board may provide core services or intensive services, or both, as defined in the federal Workforce Investment Act of 1998, or may be designated or certified as a one-stop operator, only with the agreement of the chief elected official or officials and the Governor.~~

~~15-4-2212. Local plan for workforce investment system strategy.~~

~~(a) Each local board shall develop and submit to the Governor a comprehensive five-year local plan in partnership with the appropriate chief elected official. The plan shall be consistent with the state plan and shall be updated every three (3) years thereafter.~~

~~(b) The local plan shall include:~~

- ~~(1) An identification of:~~
 - ~~(A) The workforce investment needs of businesses, job seekers, and workers in the local area;~~
 - ~~(B) The current and projected employment opportunities in the local area; and~~
 - ~~(C) The job skills necessary to obtain the employment opportunities;~~
- ~~(2) A description of the one-stop delivery system to be established or designated in the local area, including:~~
 - ~~(A) A description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that the providers meet the employment needs of local employers and participants; and~~
 - ~~(B) A copy of each memorandum of understanding concerning the operation of the one-stop delivery system in the local area;~~
- ~~(3) A description of the local levels of performance negotiated~~

~~with the Governor and chief elected official to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent, eligible providers, and the one-stop delivery system, in the local area;~~

~~(4) A description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;~~

~~(5) A description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate;~~

~~(6) A description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of the activities;~~

~~(7) A description of the process used by the local board to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;~~

~~(8) An identification of the entity responsible for the disbursement of grant funds as determined by the chief elected official or the Governor;~~

~~(9) A description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under this subchapter; and~~

~~(10) Other information as the Governor may require.~~

~~(c) Prior to the date on which the local board submits a local plan under this section, the local board shall:~~

~~(1) Make available copies of a proposed local plan to the public through public hearings and local news media;~~

~~(2) Allow members of the local board and members of the public, including representatives of business and representatives of labor organizations, to submit comments on the proposed local plan to the local board, not later than the end of the thirty-calendar-day period beginning on the date on which the proposed local plan is made available; and~~

~~(3) Include with the local plan submitted to the Governor under this section any comments that represent a disagreement with the plan.~~

~~(d) The local plan submitted to the Governor under this section shall be considered to be approved by the Governor at the end of the ninety-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the ninety-day period that:~~

~~(1) Deficiencies in activities carried out under this subchapter have been identified through audits or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; or~~

~~(2) The plan does not comply with this subchapter.~~

SECTION 5. Arkansas Code § 19-7-503 is amended to read as follows;
19-7-503. Additional procedures and limitations.

In addition to the limitations and procedures established in § 19-7-502, the following additional procedures and limitations shall be held in strict compliance:

(1) All new or additional federal funds or ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.~~ new or additional state funds under the Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., ~~or its successor's funds~~ expended by the benefiting agency under the authority of any appropriation provided by the General Assembly for such purposes and transferred through the provisions and procedures established in this section shall be deposited into, and expended from, the State Treasury;

(2)(A) Appropriations authorized by the General Assembly for such purpose and transferred pursuant to the procedures set out in this section shall be strictly used for the expenditure of the ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., ~~or its successor's,~~ grant-in-aid moneys or other federal grant-in-aid moneys received, reimbursements from the federal government, and local or private funds designated as matching funds for these federal projects.

(B) ~~These amounts are to~~ Amounts appropriated under subdivision (2)(A) of this section shall be deposited into the State Treasury for the benefit of the State of Arkansas, or any of its agencies, for use in emergency relief needs or for the operation of any ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or its successor's, programs or any

other programs approved by the federal government for which no appropriations or insufficient appropriations were provided elsewhere for such purposes;

(3)(A) Additional positions authorized under § 19-7-502 ~~must~~ shall be paid from the ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., ~~or its successor's,~~ funds deposited into the State Treasury for that specific ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or its successor's, program as may be authorized through the provisions of this subchapter or from federal, local, or private funds deposited into the State Treasury for that specific federal program as may be authorized through ~~the provisions of~~ this subchapter.

(B) However, general, special, trust, or miscellaneous state funds may not be used for the purpose of paying salaries of the positions so authorized;

(4) The Chief Fiscal Officer of the State ~~is authorized to~~ may promulgate ~~such rules, regulations, procedures, and guidelines as~~ rules he or she may deem necessary and proper in order to carry out ~~the provisions of~~ this subchapter;

(5) ~~The provisions of §§~~ Sections 19-4-1807 and 19-4-1901, or their successors, ~~which~~ that establish the federal grants, aid, and reimbursements procedures and federal funds procedures of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., shall be strictly complied with;

(6) Unless provided elsewhere, all federal funds received by state agencies, departments, boards, and commissions benefiting from the establishment of the biennial operations appropriation acts authorized by the General Assembly for new federal or ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or its successor's, programs shall be deposited into the State Treasury, except when such deposit is expressly prohibited, in writing, as a condition for approval of the grant or reimbursement by the federal grant or agency; and

(7) ~~No~~ An appropriation as authorized by the General Assembly for new federal or ~~Arkansas Workforce Investment Act, § 15-4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or

its successor's, programs ~~which~~ that the Chief Fiscal Officer of the State transfers or causes to be transferred to the various agencies ~~may~~ shall not be utilized for entering into or making payments for personal service contracts.

SECTION 6. Arkansas Code § 20-76-101 is amended to read as follows.

20-76-101. Definitions.

As used in this chapter:

(1) "Assessment services" means an evaluation to determine the abilities, talents, proficiencies, and deficiencies of applicants and recipients with regard to the ability of the individual to move into employment;

~~(2) "Board" means the Temporary Assistance for Needy Families Oversight Board;~~

~~(3)~~(2) "Date of enrollment" means the date that an applicant is approved as eligible for the Transitional Employment Assistance Program;

~~(4) "Department" means the Department of Human Services;~~

~~(5)~~(3) "Diversion from assistance" means a one-time loan of money or the furnishing of nonmonetary assistance to an applicant who is eligible for but does not require enrollment in the program;

~~(6)~~(4) "Education or training" means basic remedial education, adult education, high school education, education to obtain the equivalent of a high school diploma, education to learn English as a second language, applied technology training, and postsecondary education and training;

~~(7)~~(5) "Employment assistance" means financial assistance, child care, assistance to secure full-time employment, assistance in obtaining education and training that leads to full-time employment, case management services, and other services designed to assist recipients in achieving self-sufficiency through employment;

~~(8)~~(6) "Extended support services" means assistance to a recipient who has obtained employment under the ~~program~~ Transitional Employment Assistance Program, which may include, but is not limited to, child care and medical assistance;

~~(9)~~(7) "Full-time education or training" means education or training on a full-time basis as defined by the ~~department~~ Department of Human Services;

~~(10)~~(8) "Medical assistance" means assistance furnished pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396-1396w5, commonly referred to as Medicaid, or a state-funded medical assistance program;

~~(11)~~(9) "Personal responsibility agreement" means an agreement between the department and the recipient specifying the recipient's responsibilities that are a condition of receiving employment assistance, which may include an employment plan that describes what the recipient and the department will do to assist the recipient in achieving self-sufficiency through employment;

~~(12)~~(10) "Positive reinforcement outcome bonus" means a one-time cash assistance bonus for achieving an employment plan goal;

~~(13)~~(11) "Relocation assistance" means assistance to an eligible recipient who lives in an area of limited job opportunities to enable the recipient to relocate for purposes of full-time employment that the recipient has secured;

~~(14)~~(12) "Support services" means child care, transportation, financial assistance, medical assistance, substance abuse treatment, life skills training, parenting skills training, and other similar assistance;

~~(15)~~—"TEA" means the Transitional Employment Assistance Program;

~~(16)~~(13) "Temporary Assistance for Needy Families Program" means all Arkansas programs funded by federal Temporary Assistance to Needy Families block grant funds or state funds claimed as maintenance of effort under the federal Temporary Assistance for Needy Families program, including:

- (A) The Transitional Employment Assistance Program;
- (B) The Arkansas Work Pays Program;
- (C) The Career Pathways Initiative; and
- (D) The Community Investment Initiative; and

~~(17)~~(14) "Unearned income" means all income that a recipient receives from sources other than employment, including child support payments, supplemental security income, supplemental security disability income, workers' compensation, and unemployment insurance.

SECTION 7. Arkansas Code § 20-76-102(c), concerning coordination of state agency service delivery related to the Temporary Assistance for Needy Families Program, is amended to read as follows.

(c) All agencies of the state and local governments providing program services shall work cooperatively with and provide any necessary assistance to the General Assembly and the ~~Temporary Assistance for Needy Families Oversight Board~~ Arkansas Workforce Development Board and shall furnish, in a timely manner, complete and accurate information regarding the program to legislative committees and the ~~board~~ Arkansas Workforce Development Board upon request.

SECTION 8. Arkansas Code § 20-76-105 is repealed.

~~20-76-105. Temporary Assistance for Needy Families Oversight Board.~~

~~(a) The Temporary Assistance for Needy Families Oversight Board is created.~~

~~(b) The board shall be composed of the following members:~~

~~(1) The Director of the Department of Workforce Services;~~

~~(2) The Director of the Arkansas Workforce Investment Board;~~

~~(3) The Director of the Division of County Operations of the Department of Human Services;~~

~~(4)(A) Four (4) members appointed by the Governor.~~

~~(B) One (1) member appointed under subdivision (b)(4)(A) of this section shall be a current or former recipient of transitional employment assistance or Aid to Families with Dependent Children;~~

~~(5) One (1) member appointed by the Speaker of the House of Representatives; and~~

~~(6) One (1) member appointed by the President Pro Tempore of the Senate.~~

~~(c)(1) The board is designed to be an agent of change and challenge to the existing federal, state, and local agency service delivery mechanisms for programs serving low-income parents.~~

~~(2) The challenge shall be to ensure that persons in the Temporary Assistance for Needy Families Program are getting the assistance, the information, and the services needed to help these low-income persons become self-sufficient.~~

~~(3) The chair and the appointed members of the board shall be selected on the basis of their:~~

~~(A) Experience and knowledge in administering and overseeing public assistance and work programs; and~~

~~(B) Understanding and commitment to active oversight of these programs.~~

~~(d) The appointed members of the board shall serve four-year terms.~~

~~(e) The Governor shall appoint the Chair of the Temporary Assistance for Needy Families Oversight Board from among the appointed members.~~

~~(f) Five (5) members including at least three (3) appointed members of the board shall constitute a quorum.~~

~~(g) The board shall meet as often as necessary to complete its statutory responsibilities, but no less than one (1) time every three (3) months.~~

~~(h) The Governor may remove an appointed member for cause.~~

~~(i) Vacancies on the board shall be filled in the same manner as the original appointment for the unexpired portion of the term.~~

~~(j)(1) The Director of the Department of Workforce Services shall designate a senior manager of the Department of Workforce Services as staff director for the board.~~

~~(2) Additional staff support to the board shall be provided by the Department of Workforce Services and the Department of Human Services.~~

~~(k) The responsibilities of the board include:~~

~~(1)(A) Developing a vision and blueprint for the Temporary Assistance for Needy Families Program to:~~

~~(i) Provide effective services to the Transitional Employment Assistance Program and Arkansas Work Pays Program clients;~~

~~(ii) Improve performance on the Transitional Employment Assistance Program client outcomes; and~~

~~(iii) Integrate Transitional Employment Assistance Program services, Arkansas Work Pays Program services, and services offered in local workforce offices.~~

~~(B) The board shall submit its recommended vision and blueprint to the Governor and the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor no later than December 31, 2007;~~

~~(2) Reviewing and developing recommendations to the Governor, the General Assembly, the Department of Workforce Services, and other state agencies on the following topics:~~

~~(A) Budget planning and the use of state and federal~~

~~Temporary Assistance for Needy Families Program funds;~~

~~(B) Measurement and performance on the Transitional Employment Assistance Program outcomes;~~

~~(C) Performance management of the operation of the Temporary Assistance for Needy Families Program;~~

~~(D) Administrative operations, including without limitation:~~

~~(i) Dividing responsibilities among participating agencies;~~

~~(ii) Information systems; and~~

~~(iii) The integration of the Transitional Employment Assistance Program and workforce systems;~~

~~(E) Rules developed by the Department of Workforce Services and other state agencies dealing with the Transitional Employment Assistance Program, the Arkansas Work Pays Program, the Arkansas Career Pathways Initiative, the Community Investment Initiative, and other initiatives within the Temporary Assistance for Needy Families Program;~~

~~(F) Policy and administration of the Transitional Employment Assistance Program, the Arkansas Work Pays Program, the Career Pathways Initiative, the Community Investment Initiative, and other initiatives within the Temporary Assistance for Needy Families Program; and~~

~~(G) Additional initiatives that may be included within the Temporary Assistance for Needy Families Program or funded with Temporary Assistance for Needy Families Program funds;~~

~~(3) Determining the scope of work and timeline for the independent evaluation of the Temporary Assistance for Needy Families Program;~~

~~(4) Making reports to the Governor and to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor on the operations of the Transitional Employment Assistance Program, the Arkansas Work Pays Program, the Career Pathways Initiative, the Community Investment Initiative, and other Temporary Assistance for Needy Families initiatives; and~~

~~(5) Other responsibilities determined by a majority of the board.~~

SECTION 9. Arkansas Code § 20-76-106(a)(2)(B), concerning the statewide implementation for the Temporary Assistance for Needy Families Program, is amended to read as follows.

(B) The statewide implementation plan shall be subject to the review and recommendation of the ~~Temporary Assistance for Needy Families Oversight Board~~ Arkansas Workforce Development Board.

SECTION 10. Arkansas Code § 20-76-113(b), concerning Temporary Assistance for Needy Families Program performance indicators, is amended to read as follows.

(b) The Department of Workforce Services shall develop and maintain the indicators for the Transitional Employment Assistance Program outcomes listed in subdivisions (a)(1)-(5) of this section, subject to review and approval by the ~~Temporary Assistance for Needy Families Oversight Board~~ Arkansas Workforce Development Board.

SECTION 11. Arkansas Code § 20-76-402(b), concerning the Temporary Assistance to Needy Families work activities, is amended to read as follows.

(b) All occupational training ~~must~~ shall meet at least one (1) of the following requirements:

(1) Be on the statewide or appropriate area list of occupations in the "Guide to Educational Training Program for Demand Occupations" published by the Department of Workforce Services;

(2) Be on that list for another area within the state to which the ~~program~~ Transitional Employment Assistance Program recipient has signed a commitment to relocate;

(3) Be for a specific position for which an employer has submitted a letter demonstrating intent to hire persons upon successful completion of training; and

(4) Be in an occupation in local demand but not shown on the state or area demand list if the local demand is documented or will be documented by the area ~~workforce investment board~~ workforce development board through a state-prescribed methodology.

SECTION 12. Arkansas Code § 20-76-445(b)(1)(A), concerning the Career Pathways Initiative, is amended to read as follows.

(b)(1)(A) The Department of Workforce Services, the Department of Higher Education, and the ~~Arkansas Workforce Investment Board~~ Arkansas Workforce Development Board shall work jointly to develop a plan for the Career Pathways Initiative.

SECTION 13. DO NOT CODIFY. The Governor shall call the first meeting of the Arkansas Workforce Development Board within ninety (90) days after the appointment of all members.

SECTION 14. DO NOT CODIFY. (a) On the effective date of this act, the terms of all current members of the Arkansas Workforce Investment Board expire and the Arkansas Workforce Development Board shall be established consisting of the membership designated or appointed under § 15-4-3704.

(b) Effective July 1, 2015, the terms of all current members of the ten (10) local workforce investment boards under the Arkansas Workforce Investment Act, § 15-4-220 et seq., expire and the local workforce development boards under the shall be established consisting of the membership designated or appointed under § 15-4-3709.

SECTION 15. EMERGENCY CLAUSE. (a) It is found and determined by the General Assembly of the State of Arkansas that federal law requires the implementation of state-level workforce development acts to authorize federal funding for workforce development programs; that the Arkansas Workforce Development Board must begin work immediately to prepare for the inauguration of local workforce development boards; that the first phase of work by the Arkansas Workforce Development Board must be completed to coincide with the beginning of the 2015-2016 fiscal year on July 1, 2015. Therefore, an emergency is declared to exist, and § 15-4-37-3704 being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

(b) It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this act on July 1, 2015, is essential to the inauguration of the programs for which this act is provided, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential programs created in the act. Therefore, an emergency is hereby declared to exist and, except for § 15-4-3704, this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2015.

/s/J. Hutchinson