

HOUSE BILL No. 1652

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.5.

Synopsis: Workforce investment system. Establishes the workforce investment system (system). Provides that the system is administered by the department of workforce development under a state plan developed by the state human resource investment council. Sets forth requirements for regional boards, the one stop service delivery system, and one stop partners.

Effective: Upon passage.

Hasler

January 21, 1999, read first time and referred to Committee on Labor and Employment.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1652



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4.5 IS ADDED TO THE INDIANA CODE AS
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **ARTICLE 4.5. THE WORKFORCE INVESTMENT SYSTEM**

5 **Chapter 1. Purpose**

6 **Sec. 1. The workforce investment system is established to**
7 **achieve the following goals:**

8 (1) **To coordinate activities at the state and local levels to**
9 **increase the employment, retention, occupational skills, and**
10 **earnings of the workforce.**

11 (2) **To reduce welfare dependency.**

12 (3) **To enhance the productivity and competitiveness of**
13 **Indiana business and industry.**

14 (4) **To encourage continuous improvement in worker**
15 **preparation from kindergarten through adulthood.**

16 **Chapter 2. Definitions**

17 **Sec. 1. The definitions in this chapter apply throughout this**

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- 1 article.
- 2 **Sec. 2. "Chief elected official" means:**
- 3 (1) the executive of a municipality that:
- 4 (A) has a population of not less than five thousand (5,000);
- 5 (B) is located in a workforce investment area; and
- 6 (C) is the only municipality located in the workforce
- 7 investment area that has a population of at least five
- 8 thousand (5,000); or
- 9 (2) if there is more than one (1) municipality that has a
- 10 population of at least five thousand (5,000) located in a
- 11 workforce investment area, the executive of one (1) of the
- 12 municipalities designated by an agreement between the
- 13 municipalities to carry out the responsibilities of the chief
- 14 elected official under the Workforce Investment Act.
- 15 **Sec. 3. "Department" refers to the department of workforce**
- 16 **development established under IC 22-4.1-2.**
- 17 **Sec. 4. "Executive" has the meaning set forth in IC 36-1-2-5.**
- 18 **Sec. 5. "Municipality" has the meaning set forth in IC 36-1-2-11.**
- 19 **Sec. 6. "One stop center" means a physical location that:**
- 20 (1) provides access to all one stop services and partners;
- 21 (2) is certified by the regional board; and
- 22 (3) includes an onsite information resource area that meets
- 23 minimum criteria established by the department.
- 24 **Sec. 7. "One stop partner" refers to:**
- 25 (1) a mandatory partner under IC 22-4.5-4-2; or
- 26 (2) an optional partner under IC 22-4.5-4-3.
- 27 **Sec. 8. "One stop system" means a regional system of service**
- 28 **delivery that complies with IC 22-4.5-4-1.**
- 29 **Sec. 9. "Regional board" means a local workforce investment**
- 30 **board established under Title I, section 117 of the Workforce**
- 31 **Investment Act.**
- 32 **Sec. 10. "State board" refers to the state human resource**
- 33 **investment council established under IC 22-4-18.1.**
- 34 **Sec. 11. "State plan" means the unified state plan developed**
- 35 **under Title I, section 112 of the Workforce Investment Act that**
- 36 **complies with IC 22-4.5-3-1.**
- 37 **Sec. 12. "Workforce investment area" means an area designated**
- 38 **under section 116 of the Workforce Investment Act.**
- 39 **Sec. 13. "Workforce Investment Act" refers to the Workforce**
- 40 **Investment Act of 1998 (29 U.S.C. 2801 et seq.).**
- 41 **Chapter 3. State Plan and Establishment of Workforce**
- 42 **Investment Areas**



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1 **Sec. 1. The state board shall develop a unified state plan for the**
 2 **workforce investment system that includes:**

- 3 (1) secondary vocational education programs authorized
 4 under the Carl D. Perkins Vocational and Applied Technology
 5 Education Act (20 U.S.C. 2301 et seq.); and
 6 (2) the programs of one stop partners designated by the
 7 governor.

8 **Sec. 2. (a) The department shall designate not more than sixteen**
 9 **(16) workforce investment areas that follow the state plan. A**
 10 **designation as a workforce investment area may not have a**
 11 **duration of more than two (2) years.**

12 (b) The department shall use the following criteria in
 13 designating a workforce investment area:

- 14 (1) The geographic areas served by local educational agencies.
 15 (2) The geographic areas served by postsecondary educational
 16 institutions and area vocational schools.
 17 (3) The extent to which the geographic areas are consistent
 18 with labor market areas.
 19 (4) The distance that individuals will need to travel to receive
 20 services.
 21 (5) The resources that are available to effectively administer
 22 workforce investment activities.
 23 (6) Requests from the chief elected officials who represent at
 24 least fifty-one percent (51%) of the population of the area
 25 requesting designation.

26 (c) The department shall:

- 27 (1) require areas that share a labor market or economic
 28 region to develop a single joint plan; and
 29 (2) ensure that the workforce partnership areas and
 30 school-to-work regions are consistent with the joint plan
 31 regions.

32 **Sec. 3. A workforce investment area shall be overseen by a**
 33 **regional board that complies with the Workforce Investment Act.**

34 **Sec. 4. The department may allow a regional board established**
 35 **under this chapter to designate the regional school-to-work**
 36 **partnership as the youth council required under 20 U.S.C. 9201.**

37 **Chapter 4. The One Stop System and One Stop Partners**

38 **Sec. 1. A regional board shall establish a one stop system that**
 39 **meets the following criteria:**

- 40 (1) The system provides core services (as defined in 20 U.S.C.
 41 9201) through at least one (1) physical site that is certified as
 42 a workforce development center by the regional board.

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- 1 (2) The system provides access to intensive services and
2 training (as defined in 20 U.S.C. 9201).
- 3 (3) The system provides access to the programs and activities
4 of one stop partners.
- 5 (4) The system provides access to the information described
6 in section 15 of the Wagner-Peyser Act and all job search,
7 placement, recruitment, and other labor exchange services
8 authorized under the Wagner-Peyser Act (29 U.S.C. 49 et
9 seq.).
- 10 (5) The system makes the programs, services, and activities of
11 one stop partners available through:
- 12 (A) a network of affiliated sites that consist of physical
13 locations; or
- 14 (B) electronically or technologically linked access points.
- 15 (6) The system assures individuals that information on the
16 availability of core services will be available regardless of
17 where the individual initially enters the one stop system.
- 18 **Sec. 2. Mandatory one stop partners in the one stop system**
19 **include the entities that administer the following workforce**
20 **investment programs:**
- 21 (1) Youth, adult, and dislocated worker services, and the Job
22 Corps under Title I of the Workforce Investment Act.
- 23 (2) Wagner-Peyser Act (29 U.S.C. 49, et seq.).
- 24 (3) Adult education and literacy programs under Title II of
25 the Workforce Investment Act.
- 26 (4) Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et
27 seq.).
- 28 (5) Section 403(5)(a) of the Social Security Act (42 U.S.C.
29 603(a)(5)).
- 30 (6) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056
31 et seq.).
- 32 (7) Postsecondary vocational education activities authorized
33 under the Carl D. Perkins Vocational and Applied Technology
34 Education Act (20 U.S.C. 2301 et seq.).
- 35 (8) Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C.
36 2271 et seq.).
- 37 (9) Chapter 41 of Title 38 of the United States Code.
- 38 (10) Employment and training activities carried out under the
39 Community Services Block Grant Act (42 U.S.C. 9901 et seq.).
- 40 (11) Employment and training activities carried out by the
41 Department of Housing and Urban Development.
- 42 (12) Programs authorized under the state unemployment

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1 **compensation law (IC 22-4).**

2 **Sec. 3. Optional one stop partners in the one stop system include**
 3 **the entities that administer the following workforce investment**
 4 **programs:**

5 **(1) Part A of Title IV of the Social Security Act (42 U.S.C. 601**
 6 **et seq.).**

7 **(2) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C.**
 8 **2015(d)(4).**

9 **(3) Work programs authorized under section 6(o) of the Food**
 10 **Stamp Act of 1977 (7 U.S.C. 2015(o)).**

11 **(4) National and Community Service Act of 1990 (42 U.S.C.**
 12 **12501 et seq.).**

13 **(5) Secondary vocational education activities authorized**
 14 **under the Carl D. Perkins Vocational and Applied Technology**
 15 **Education Act (20 U.S.C. 2301 et seq.).**

16 **(6) School-to-work activities and programs carried out under**
 17 **a federal grant administered by the Department of Workforce**
 18 **Development.**

19 **(7) The twenty-first century scholars program under**
 20 **IC 20-12-70.**

21 **Chapter 5. Powers and Duties of the Regional Board and One**
 22 **Stop Partners**

23 **Sec. 1. (a) The regional board, with the agreement of the chief**
 24 **elected official, shall develop and enter into a memorandum of**
 25 **understanding with each one stop partner concerning the operation**
 26 **of the workforce investment delivery system of the area.**

27 **(b) A memorandum of understanding entered into under this**
 28 **section must comply with instructions issued by the state.**

29 **Sec. 2. The regional board, together with the chief elected**
 30 **official, has planning, policy, and oversight responsibilities for the**
 31 **one stop system.**

32 **Sec. 3. Unless designated as the fiscal agent by the chief elected**
 33 **official, the regional board may not be a direct recipient of funds**
 34 **for services.**

35 **Sec. 4. To ensure the effective operation of the one stop service**
 36 **delivery system, a one stop partner must provide an appropriate**
 37 **level of support for:**

38 **(1) the independent staff of the regional board;**

39 **(2) the administrative functions of the fiscal agent; and**

40 **(3) the provision of core services through the one stop system;**
 41 **that is consistent with the federal laws and regulations governing**
 42 **the one stop partner.**



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1 **Chapter 6. Fiscal Authority**

2 **Sec. 1. Unless the chief elected official designates a fiscal agent**
 3 **under section 2 of this chapter, the chief elected official is the grant**
 4 **recipient for the following federal and state funds:**

5 **(1) Youth, adult, and dislocated worker services under Title I**
 6 **of the Workforce Investment Act of 1998.**

7 **(2) Wagner-Peyser Act (29 U.S.C. 49, et seq.) funds to the**
 8 **extent set forth in a memorandum of understanding.**

9 **(3) Programs authorized under the state unemployment**
 10 **compensation law (IC 22-4) to the extent set forth in a**
 11 **memorandum of understanding.**

12 **Sec. 2. (a) The chief elected official may designate a fiscal agent**
 13 **to distribute funds according to the budget established by the**
 14 **regional board and the chief elected official.**

15 **(b) Notwithstanding the designation of a fiscal agent under**
 16 **subsection (a), the chief elected official retains liability for the**
 17 **funds distributed by the fiscal agent.**

18 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions**
 19 **in IC 22-4.5-2, as added by this act, apply to this SECTION.**

20 **(b) Notwithstanding IC 22-4.5-3-2, as added by this act, a chief**
 21 **elected official may request that the governor designate an existing**
 22 **entity as a temporary regional board under the following**
 23 **conditions:**

24 **(1) The local area overseen by the existing entity closely**
 25 **corresponds to the workforce investment area.**

26 **(2) The existing entity was in existence on December 31, 1997,**
 27 **and either:**

28 **(A) was established under section 102 of the Job Training**
 29 **Partnership Act; or**

30 **(B) is substantially similar to the local board described in**
 31 **the Workforce Investment Act.**

32 **(3) The existing entity includes representatives of business in**
 33 **the local area and either:**

34 **(A) for a local area in which employees are represented by**
 35 **labor organizations, representatives of labor organizations**
 36 **nominated by local labor federations; or**

37 **(B) for a local area in which no employees are represented**
 38 **by labor organizations, representatives of employees in the**
 39 **local area.**

40 **(4) The request includes a transition plan that will bring the**
 41 **existing entity into compliance with the membership**
 42 **provisions of a local workforce investment board as defined**



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1 **by section 117 of the Workforce Investment Act not later than**
2 **July 1, 1999.**
3 **(5) The request includes a transition plan for creating, not**
4 **later than June 30, 2000, an independent regional board staff**
5 **that meets criteria established by the department.**
6 **(c) This SECTION expires July 1, 2000.**
7 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Not later than**
8 **June 30, 2000, the membership of the state human resource**
9 **investment council established under IC 22-4-18.1 must be in**
10 **compliance with the membership composition requirements of**
11 **20 U.S.C. 9201.**
12 **(b) This SECTION expires July 1, 2000.**
13 **SECTION 4. An emergency is declared for this act.**

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