

2015 Regular Session

HOUSE BILL NO. 741

BY REPRESENTATIVE ALFRED WILLIAMS

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

LABOR: Provides relative to workforce development

1 AN ACT

2 To amend and reenact R.S. 23:1853(B)(introductory paragraph) and (2), 1855,

3 1862(A)(introductory paragraph), 2042(introductory paragraph), (1), and (3),

4 2043(A)(introductory paragraph), (2), (3), (4), (5), (6), and (11)(a) and (b)(xi), and

5 (D), 2044, 2046, 2061(2) and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8),

6 2091(A)(introductory paragraph) and (1), the heading of Part V of Chapter 14 of

7 Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:2191, 2192(A) and (C),

8 2193(A), (B) and (D), 2195(A), 2196(A) and (B), 2197(section), 2200(A) and

9 (B)(20), 2210(B); to enact R.S.23:2195(C), 2199(D); and to repeal

10 R.S.23:2043(A)(7) through (10), 2193(C), and 2196(E), relative to workplace

11 investment initiatives; to provide for conformity with federal laws; to provide with

12 respect to the membership of the Workforce Investment Council, to provide with

13 respect to workforce development boards; to provide for the membership of

14 workforce development boards; to provide for the designation of workforce

15 development areas; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 23:1853(B)(introductory paragraph) and (2), 1855,

18 1862(A)(introductory paragraph), 2042(introductory paragraph), (1), and (3),

19 2043(A)(introductory paragraph), (2), (3), (4), (5), (6), and (11)(a) and (b)(xi), and (D),

20 2044, 2046, 2061(2) and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8),

1 2091(A)(introductory paragraph) and (1), the heading of Part V of Chapter 14 of Title 23 of  
2 the Louisiana Revised Statutes of 1950, R.S. 23:2191, 2192(A) and (C), 2193(A), (B) and  
3 (D), 2195(A), 2196(A) and (B), 2197(section), 2200(A) and (B)(20), 2210(B) are hereby  
4 amended and reenacted and R.S.23:2195(C), 2199(D) is hereby enacted to read as follows:

5 §1853. Administration

6 \* \* \*

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

11 \* \* \*

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

17 \* \* \*

18 §1855. Funding requirement

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

23 \* \* \*

24 §1862. Program plan implementation

25 A. On or before ~~September 1, 1992, and every~~ September first thereafter of  
26 each year, each state department administratively responsible for workforce  
27 preparation activities shall prepare a separate program plan for each workforce  
28 preparation program that ~~such~~ the department administers. Each plan shall include:

29 \* \* \*

1 §2042. Louisiana Workforce Investment Council; creation; purpose

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

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

8 \* \* \*

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

12 \* \* \*

13 §2043. Members

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

15 \* \* \*

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

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

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

23 (a) Louisiana Rehabilitation Services.

24 (b) Wagner-Peyser.

25 (c) Adult and Dislocated Worker.

26 (d) Adult Education.

27 (5) ~~The state superintendent of education~~ Two chief executive officers  
28 representing parish and city government appointed by the governor. In appointing  
29 the members representing parish and city government, the Louisiana Conference of

1 Mayors, the Louisiana Municipal Association, and the Police Jury Association of  
2 Louisiana, or successor organizations, may each submit a list of three nominees to  
3 the governor for his consideration.

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

10 \* \* \*

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

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

19 \* \* \*

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

22 \* \* \*

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

1 §2044. Qualifications

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

5 \* \* \*

6 §2046. Terms

7 A. Of the initial ~~twenty-eight~~ twenty-six members appointed pursuant to ~~R.S.~~  
8 ~~23:2043(A)(10), (11), (12), and (13), ten~~ R.S. 23:2043(A)(5), (6), and (11), eight  
9 members shall serve a term of two years, nine members shall serve a term of three  
10 years, and nine members shall serve a term of four years, with all terms ending on  
11 June thirtieth of the respective year. The terms of the initial members appointed  
12 pursuant to each Paragraph shall be designated by the governor so as to be  
13 apportioned among the optional initial terms. Thereafter, such appointed members  
14 shall serve six-year terms. No person shall serve for more than two terms whether  
15 consecutive or not.

16 B. The term of a member serving on the council pursuant to ~~R.S.~~  
17 ~~23:2043(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (14)~~ R.S. 23:2043(A)(1), (2),  
18 (3), (4), and (5) shall be concurrent with his service in such official capacity.

19 \* \* \*

20 §2061. Definitions

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

23 \* \* \*

24 (2) "Board" means a local workforce ~~investment~~ development board as  
25 described in the Workforce ~~Investment Act~~ Innovation and Opportunity Act of 2014,  
26 29 U.S.C. 3101 et seq. or such successor entity as may be established by or pursuant  
27 to federal law.

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

1 development service delivery system as provided by the Workforce ~~Investment Act~~  
2 Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. and the regulations  
3 promulgated thereunder.

4 \* \* \*

5 §2063. Strategic plan

6 A.(1) The council shall develop, prepare, adopt, and submit ~~forthwith~~ to the  
7 governor a comprehensive state ~~strategic~~ combined plan that establishes strategic  
8 goals, objectives, and measures that provide direction for the provision of services  
9 and coordination of resources by the state's workforce development delivery system.

10 The plan shall establish benchmarks for each measure and shall provide  
11 recommended strategies for implementation by state agencies and private entities.

12 The strategic plan shall be updated on a biennial basis.

13 \* \* \*

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

20 \* \* \*

21 §2065. Council duties and functions

22 A. The council shall:

23 \* \* \*

24 (4) Recommend to the governor the geographic designation of workforce  
25 development areas for the delivery of workforce development services funded  
26 through the federal Workforce ~~Investment Act~~ Innovation and Opportunity Act of  
27 2014, 29 U.S.C. 3101 et seq.

28 \* \* \*

1 (7) Assist the commission in requesting waivers allowed under the federal  
2 Workforce ~~Investment Act of 1998 (29 U.S.C. 2801)~~ Innovation and Opportunity  
3 Act of 2014, 29 U.S.C. 3101 et seq.

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

9 \* \* \*

10 §2091. Transfer of state advisory council responsibilities

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

15 (1) The Workforce ~~Investment Act~~ Innovation and Opportunity Act of 2014,  
16 29 U.S.C. 3101 et seq.

17 \* \* \*

18 PART V. WORKFORCE ~~INVESTMENT~~ DEVELOPMENT BOARDS

19 §2191. Workforce ~~investment~~ development boards

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

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

27 C. ~~The governor may approve a request for designation as a workforce~~  
28 ~~investment area from any unit of general local government including a combination~~  
29 ~~of such units that serve a substantial part of one or more labor market areas~~ shall

1 designate local areas within the state after consulting with the state Workforce  
2 Investment Council, chief elected officials, and local boards, and after an opportunity  
3 for comments from businesses, labor organizations, institutions of higher education,  
4 other primary stakeholders, and the general public.

5 §2192. Designation of workforce development areas

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

11 (2) After the period for which a local area is initially designated, ~~The the~~  
12 governor may redesignate workforce development areas not more than once every  
13 two years, unless the governor determines that the area failed to ~~substantially meet,~~  
14 as determined by the council, ~~the local performance measures for the local area or~~  
15 ~~failed to sustain the fiscal integrity of the funds used by the area to carry out~~  
16 ~~workforce development activities, as required by the Workforce Investment Act of~~  
17 ~~1998 (29 U.S.C. 2801 et seq.): perform successfully, sustain fiscal integrity, and, if~~  
18 ~~required, failed to prepare and submit a regional plan.~~ A redesignation shall be made  
19 not later than four months before the beginning of a program year.

20 \* \* \*

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

23 (1) ~~Is composed~~ Composed of one or more contiguous units of general local  
24 government that includes at least one parish.

25 (2) ~~Is consistent~~ Consistent with either a local labor market area or a  
26 metropolitan statistical area.



1 (3) ~~Is of~~ Of a size sufficient to have the administrative resources necessary  
2 to provide for the effective planning, management, and delivery of workforce development.

3 \* \* \*

4 §2193. Creation of local workforce development boards

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

- 8 (1) Plan and oversee the delivery of workforce training and services.
- 9 (2) Evaluate workforce development in the workforce development area.
- 10 (3) Review and recommend certification of business/career solution system  
11 centers.

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

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

19 \* \* \*

20 §2195. Certification of boards

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

26 \* \* \*

27 C. Notwithstanding any other provision in this Section, after providing  
28 notice and an opportunity for comment, the governor may decertify a local board at  
29 any time for fraud, abuse, failure to carry out the functions specified for the local

1 board, or failure to meet the local performance accountability measures for the local  
2 area for two consecutive program years.

3 §2196. Board membership

4 A. A board shall be composed as follows:

5 (1) Representatives of the private sector who:

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

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

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

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

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

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

28 (3) Representatives of each of the following:

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

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

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

25           (d) ~~Community-based organizations.~~

26           B. Private sector representatives on the board are selected from individuals  
27           nominated by general purpose business organizations that have consulted with and  
28           received recommendations from other business organizations in the workforce  
29           development area. The nominations and the individuals selected from the

1 nominations must reasonably represent the industrial and demographic composition  
2 of the business community. ~~Not less than one-half of the business and industry~~  
3 ~~representatives should be representatives of small business.~~

4 \* \* \*

5 §2197. Removal of workforce ~~investment~~ development board members

6 \* \* \*

7 §2199. Responsibility of the board

8 \* \* \*

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

12 §2200. Board duties

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

20 B. A board shall:

21 \* \* \*

22 (20) Serve as a local workforce ~~investment~~ development board under the  
23 ~~Workforce Investment Act of 1998, 29 U.S.C. 2801 et seq.~~ Innovation and  
24 Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

25 \* \* \*

26 §2210. Incentives and waivers

27 \* \* \*

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

1 for the consolidation of service delivery areas authorized under the federal  
2 Workforce ~~Investment Act~~ Innovation and Opportunity Act of 2014, 29 U.S. C. 3101  
3 et seq.

4 \* \* \*

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

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DIGEST

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

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HB 741 Original

2015 Regular Session

Alfred Williams

**Abstract:** Provides relative to workforce development.

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

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

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

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

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

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

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

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

2192(A) and (C), 2193(A), (B) and (D), 2195(A), 2196(A) and (B), 2197(section), 2200(A) and (B)(20), 2210(B); Adds R.S.23:2195(C), 2199(D); Repeals R.S.23:2043(A)(7) through (10), 2193(C) and 2196(E))