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A Bill

SENATE BILL 791

5 By: Senator J. Hutchinson

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9
10 **For An Act To Be Entitled**

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

18
19
20 **Subtitle**

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

26
27
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

29
30 SECTION 1. Arkansas Code § 11-10-314(h), concerning disclosure of
31 information by the Department of Workforce Services, is amended to read as
32 follows.

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36 ~~{repealed}, and its successor, the Workforce Investment Act, Pub.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



1 ~~220 programs under the Workforce Innovation and Opportunity Act, Pub. L. No.~~
2 ~~113-128, programs by the Department of Workforce Services shall be made~~
3 ~~available to persons and agencies for purposes appropriate to the Department~~
4 ~~of Workforce Services' operation and administration of the Job Training~~
5 ~~Partnership Act [repealed] and its successor, the Workforce Investment Act,~~
6 ~~Pub. L. No. 105-220 programs under the Workforce Innovation and Opportunity~~
7 ~~Act, Pub. L. No. 113-128, programs.~~

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

12
13 SECTION 2. Arkansas Code § 11-10-609(a)(2)(B), concerning the
14 eligibility for compensation of a shared work plan, is amended to read as
15 follows:

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

22
23 SECTION 3. Arkansas Code Title 15, Chapter 4, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 37 – Arkansas Workforce Innovation and Opportunity Act

26
27 15-4-3701. Title.

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

30
31 15-4-3702. Purpose.

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

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

8
9 15-4-3703. Definitions.

10 As used in this subchapter:

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

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

17 (2) "Core programs" means:

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

20 (B) Adult education and literacy activities;

21 (C) Employment services funded by the Wagner-Peyser Act,
22 29 U.S.C. § 49 et seq.; and

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

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

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

28 (B) Adult education and literacy activities;

29 (C) Employment services funded by the Wagner-Peyser Act,
30 29 U.S.C. § 49 et seq.;

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

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

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

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

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

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

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

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

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

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

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

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

22
23 15-4-3704. Arkansas Workforce Development Board.

24 (a) The Arkansas Workforce Development Board is created.

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

26 (1) The Governor;

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

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

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

36 (ii) Represent businesses, including small

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

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

7 (B) Members constituting not less than twenty percent
8 (20%) of the membership of the Arkansas Workforce Development Board who are
9 representatives of the workforce within the state, to include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the following information regarding:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (n) Each member shall have voting rights.

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

33
34 15-4-3705. Arkansas Workforce Development Board committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 and

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

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

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

31
32 15-4-3706. Powers and duties of the Arkansas Workforce Development
33 Board.

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

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

1 state workforce development plan;

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

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

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

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

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

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

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

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

1 workers, jobseekers, and employers; and

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

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

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

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

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

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

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

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

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

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

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

4 (A) Enhance digital literacy skills;

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

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

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

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

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

22 (10) The preparation of an annual report;

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

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

28
29 15-4-3707. Unified states workforce development plan requirements.

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

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

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

4 (c) The state plan shall include:

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

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

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

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

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

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

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

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

36 (2) An operational plan that includes:

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

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

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

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

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

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

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

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

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

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

1 training or development activities available locally or regionally;

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

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

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

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

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

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

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

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

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

36 (i) The local areas designated in the state,

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

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

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

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

14 (E) How the Department of Career Education will, if
15 applicable, align content standards for adult education with state-adopted
16 challenging academic content standards, as adopted under Section 1111(b)(1)
17 of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §
18 6311(b)(1);

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

20 (i) Adult education and literacy activities;

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

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

25 (iv) Integrated education and training;

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

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

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

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

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

5
6 15-4-3708. Designation of local workforce development areas.

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

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

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

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

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

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

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

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

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

36 (1) Performed successfully;

1 (2) Sustained fiscal integrity; and

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

5
6 15-4-3709. Local workforce development boards.

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

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

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

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

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

22 (B) Represent businesses, including small businesses, or
23 organizations representing businesses described in this subdivision (c)(1),
24 that provide employment opportunities that, at a minimum, include high-
25 quality, work-relevant training and development in in-demand industry sectors
26 or occupations in the local workforce development area; and

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (C) Include an appropriate representative of the programs

1 carried out under Subchapter 1 of the Rehabilitation Act of 1973, 29 U.S.C. §
2 701 et seq., other than 29 U.S.C. § 112 [repealed], § 732, or § 741, serving
3 the local workforce development area;

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

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

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

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

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

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

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

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

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

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

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

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

3
4 15-4-3710. Local workforce development certification.

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

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

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

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

20 (1) Fraud or abuse;

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

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

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

30
31 15-4-3711. Powers and duties of local workforce development boards.

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

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

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

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

5 (2) Carrying out analyses of:

6 (A) Economic conditions in the region;

7 (B) Needed knowledge and skills for the region;

8 (C) The workforce in the region; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (13) Selecting operators and providers; including:

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

19 (i) Designating or certify one-stop operators; and
20 (ii) Terminating for cause the eligibility of such
21 operators;5

22 (B) Both:

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

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

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

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

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

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

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

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

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

24 (B) The chief elected official in a local area shall serve
25 as the local grant recipient for, and shall be liable for any misuse of, the
26 grant funds allocated to the local workforce development area under Sections
27 128 and 133 of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-
28 128, unless the chief elected official reaches an agreement with the Governor
29 for the Governor to act as the local grant recipient and bear liability.

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

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

1 liability for any misuse of grant funds.

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

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

8 (B) For purposes of this subchapter, a local workforce
9 development board may incorporate, and may operate as an entity described in
10 26 U.S.C. § 501(c)(3) that is exempt from taxation under 26 U.S.C. § 501(a).

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

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

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

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

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

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

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

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

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

7
8 15-4-3712. Local workforce development board committees.

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

13 (2) A standing committee shall be:

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

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

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

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

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

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

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

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

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

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

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

13
14 15-4-3713. Local workforce development planning requirements.

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

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

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

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

29 (b) The local plan shall include:

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

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

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

36 (ii) The employment needs of employers in those

1 industry sectors and occupations;

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

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

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

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

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

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

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

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

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

6 (A) To:

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

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

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

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

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

20 (i) Career pathways initiatives;

21 (ii) Customized training programs;

22 (iii) Incumbent worker training programs;

23 (iv) Industry and sector strategies;

24 (v) On-the-job training programs;

25 (vi) Use of effective business intermediaries; and

26 (vii) Other business services and strategies;

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

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

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

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

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

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

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

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

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

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

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

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

1 appropriate supportive services in the local area;

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

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

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

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

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

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

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

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

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

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

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

16 (22) Other information the Governor may require.

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

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

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

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

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

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

4
 5 15-4-3714. Regional planning.

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

9 (b) The board shall identify:

10 (1) Which regions are comprised of one (1) local area that is
 11 aligned with the region;

12 (2) Which regions are comprised of two (2) or more local areas
 13 that are collectively aligned with the planning regions; and

14 (3) Which of the regions described in subdivisions (b)(1) and (2)
 15 are interstate areas contained within two (2) or more states, and consist of
 16 labor market areas, economic development areas, or other appropriate
 17 contiguous sub-areas of those states.

18
 19 SECTION 4. Arkansas Code §§ 15-4-2201 – 15-4-2212 are repealed.
 20 ~~15-4-2201. Title.~~

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

23
 24 ~~15-4-2202. Purpose.~~

25 ~~The purpose of this subchapter is to outline a workforce development~~
 26 ~~plan for Arkansas and to comply with the federal Workforce Investment Act of~~
 27 ~~1998 by providing workforce investment activities, through statewide and~~
 28 ~~local workforce investment systems, that increase the employment, retention,~~
 29 ~~and earning of participants, and increasing occupational skill attainment by~~
 30 ~~participants, and as a result improving the quality of the workforce,~~
 31 ~~reducing welfare dependency, and enhancing the productivity and~~
 32 ~~competitiveness of the State of Arkansas.~~

33
 34 ~~15-4-2203. Definitions.~~

35 ~~As used in this subchapter:~~

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

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

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

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

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

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

17
18 ~~15-4-2204. Arkansas Workforce Investment Board established.~~

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

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

21 (A) ~~The Governor;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 ~~15-4-2205. Arkansas Workforce Investment Board Executive Committee.~~

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

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

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

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

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

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

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

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

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

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

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

28
29 ~~15-4-2206. Powers and duties of Arkansas Workforce Investment Board.~~

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

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

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

1 ~~(A) Development of linkages in order to assure~~
2 ~~coordination and nonduplication among the programs and activities; and~~
3 ~~(B) Review of local plans;~~
4 ~~(3) [Repealed.]~~
5 ~~(4) Designation of local workforce investment areas;~~
6 ~~(5) Development of an allocation formula for the distribution of~~
7 ~~funds for adult employment and training activities and youth activities to~~
8 ~~local areas;~~
9 ~~(6) Development and continuous improvement of comprehensive~~
10 ~~state performance measures, including state adjusted levels of performance,~~
11 ~~to assess the effectiveness of the workforce investment activities in the~~
12 ~~state;~~
13 ~~(7) Preparation of the annual report to the United States~~
14 ~~Secretary of Labor;~~
15 ~~(8) Development of a statewide employment statistics system as~~
16 ~~described in section 15(c) of the Wagner-Peyser Act;~~
17 ~~(9) Development of an application for an incentive grant;~~
18 ~~(10) Recommendation of the programs identified in § 15-4-~~
19 ~~2207(b)(8)(A) which may be consolidated or realigned;~~
20 ~~(11) Creation of workforce investment program accountability~~
21 ~~measures and standards;~~
22 ~~(12) Development of workforce training standards;~~
23 ~~(13) Evaluation of the entire Arkansas workforce investment~~
24 ~~system, including, but not limited to, the education system, the career~~
25 ~~development system, and the youth programs, to determine if it is meeting the~~
26 ~~goals of this subchapter;~~
27 ~~(14) Reevaluation of this subchapter;~~
28 ~~(15) Coordination of state agencies to assist in the development~~
29 ~~of the state workforce development plan;~~
30 ~~(16) Development of additional state workforce development plans~~
31 ~~every three (3) years;~~
32 ~~(17) Use of federal, state or private funds, donations, and~~
33 ~~grants made available for the development of the Arkansas workforce~~
34 ~~development plan;~~
35 ~~(18) Establishing procedures that will be taken by the state to~~
36 ~~assure coordination of and to avoid duplication among workforce investment~~

1 ~~programs; and~~

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

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

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

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

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

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

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

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

28
29 ~~15-4-2207. State plan for workforce investment system strategy.~~

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

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

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

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

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

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

9 ~~(4) Information describing:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~(vi) Activities authorized under chapter 41 of title~~
7 ~~38, United States Code;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~(17)—With respect to the employment and training activities for~~
20 ~~adults;~~

21 ~~(A)—A description of:~~

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

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

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

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

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

36 ~~(18)—With respect to youth activities, information;~~

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

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

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

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

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

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

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

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

32 ~~(2) In the case of the portion of the plan described in section~~
33 ~~8(a) of the Wagner-Peyser Act, 29 U.S.C. § 49g(a), the portion does not~~
34 ~~satisfy the criteria for approval.~~

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

1 ~~period covered by the plan.~~

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

6
7 ~~15-4-2208. Local workforce investment areas.~~

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

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

12 ~~(2) After consultation with chief elected officials and after~~
13 ~~consideration of comments received through the public comment process, as~~
14 ~~described in section 112(b)(9) of the federal Workforce Investment Act of~~
15 ~~1998.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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~~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;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35
36 ~~15-4-2210. Certification of local workforce investment boards.~~

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

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

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

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

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

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

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

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

22
23 ~~15-4-2211. Powers and duties of local workforce investment board.~~

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

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

26 ~~(2) The local board, with the agreement of the chief elected~~
27 ~~official;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~(ii) Information demonstrating that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(B) Subject to the approval of the local board;~~
2 ~~(i) Recommending eligible providers of youth~~
3 ~~activities, to be awarded grants or contracts on a competitive basis by the~~
4 ~~local board to carry out the youth activities; and~~
5 ~~(ii) Conducting oversight with respect to the~~
6 ~~eligible providers of youth activities in the local area;~~
7 ~~(C) Coordinating youth activities in the local area; and~~
8 ~~(D) Other duties determined to be appropriate by the chair~~
9 ~~of the local board.~~

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

14
15 ~~15-4-2212. Local plan for workforce investment system strategy.~~

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

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

21 ~~(1) An identification of:~~

22 ~~(A) The workforce investment needs of businesses, job~~
23 ~~seekers, and workers in the local area;~~

24 ~~(B) The current and projected employment opportunities in~~
25 ~~the local area; and~~

26 ~~(C) The job skills necessary to obtain the employment~~
27 ~~opportunities;~~

28 ~~(2) A description of the one-stop delivery system to be~~
29 ~~established or designated in the local area, including:~~

30 ~~(A) A description of how the local board will ensure the~~
31 ~~continuous improvement of eligible providers of services through the system~~
32 ~~and ensure that the providers meet the employment needs of local employers~~
33 ~~and participants; and~~

34 ~~(B) A copy of each memorandum of understanding concerning~~
35 ~~the operation of the one-stop delivery system in the local area;~~

36 ~~(3) A description of the local levels of performance negotiated~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10
 11 SECTION 5. Arkansas Code § 19-7-503 is amended to read as follows;
 12 19-7-503. Additional procedures and limitations.

13 In addition to the limitations and procedures established in § 19-7-
 14 502, the following additional procedures and limitations shall be held in
 15 strict compliance:

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

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

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

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

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

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

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

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

25 (6) Unless provided elsewhere, all federal funds received by
26 state agencies, departments, boards, and commissions benefiting from the
27 establishment of the biennial operations appropriation acts authorized by the
28 General Assembly for new federal or ~~Arkansas Workforce Investment Act, § 15-~~
29 ~~4-2201 et seq.,~~ Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701
30 et seq., or its successor's, programs shall be deposited into the State
31 Treasury, except when such deposit is expressly prohibited, in writing, as a
32 condition for approval of the grant or reimbursement by the federal grant or
33 agency; and

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

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

5
6 SECTION 6. Arkansas Code § 20-76-101 is amended to read as follows.

7 20-76-101. Definitions.

8 As used in this chapter:

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

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

15 ~~(3)~~(2) "Date of enrollment" means the date that an applicant is
16 approved as eligible for the Transitional Employment Assistance Program;

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

18 ~~(5)~~(3) "Diversion from assistance" means a one-time loan of
19 money or the furnishing of nonmonetary assistance to an applicant who is
20 eligible for but does not require enrollment in the program;

21 ~~(6)~~(4) "Education or training" means basic remedial education,
22 adult education, high school education, education to obtain the equivalent of
23 a high school diploma, education to learn English as a second language,
24 applied technology training, and postsecondary education and training;

25 ~~(7)~~(5) "Employment assistance" means financial assistance, child
26 care, assistance to secure full-time employment, assistance in obtaining
27 education and training that leads to full-time employment, case management
28 services, and other services designed to assist recipients in achieving self-
29 sufficiency through employment;

30 ~~(8)~~(6) "Extended support services" means assistance to a
31 recipient who has obtained employment under the ~~program~~ Transitional
32 Employment Assistance Program, which may include, but is not limited to,
33 child care and medical assistance;

34 ~~(9)~~(7) "Full-time education or training" means education or
35 training on a full-time basis as defined by the ~~department~~ Department of
36 Human Services;

1 ~~(10)~~(8) “Medical assistance” means assistance furnished
2 pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396-1396w5,
3 commonly referred to as Medicaid, or a state-funded medical assistance
4 program;

5 ~~(11)~~(9) “Personal responsibility agreement” means an agreement
6 between the department and the recipient specifying the recipient’s
7 responsibilities that are a condition of receiving employment assistance,
8 which may include an employment plan that describes what the recipient and
9 the department will do to assist the recipient in achieving self-sufficiency
10 through employment;

11 ~~(12)~~(10) “Positive reinforcement outcome bonus” means a one-time
12 cash assistance bonus for achieving an employment plan goal;

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

17 ~~(14)~~(12) “Support services” means child care, transportation,
18 financial assistance, medical assistance, substance abuse treatment, life
19 skills training, parenting skills training, and other similar assistance;

20 ~~(15)~~ —“TEA” means the Transitional Employment Assistance Program;

21 ~~(16)~~(13) “Temporary Assistance for Needy Families Program” means
22 all Arkansas programs funded by federal Temporary Assistance to Needy
23 Families block grant funds or state funds claimed as maintenance of effort
24 under the federal Temporary Assistance for Needy Families program, including:

25 (A) The Transitional Employment Assistance Program;

26 (B) The Arkansas Work Pays Program;

27 (C) The Career Pathways Initiative; and

28 (D) The Community Investment Initiative; and

29 ~~(17)~~(14) “Unearned income” means all income that a recipient
30 receives from sources other than employment, including child support
31 payments, supplemental security income, supplemental security disability
32 income, workers’ compensation, and unemployment insurance.

33
34 SECTION 7. Arkansas Code § 20-76-102(c), concerning coordination of
35 state agency service delivery related to the Temporary Assistance for Needy
36 Families Program, is amended to read as follows.

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

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

10 ~~20-76-105. Temporary Assistance for Needy Families Oversight Board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~(D) Administrative operations, including without~~
7 ~~limitation;~~

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

10 ~~(ii) Information systems; and~~

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

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

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

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

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

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

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

36

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

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

7
8 SECTION 10. Arkansas Code § 20-76-113(b), concerning Temporary
9 Assistance for Needy Families Program performance indicators, is amended to
10 read as follows.

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

16
17 SECTION 11. Arkansas Code § 20-76-402(b), concerning the Temporary
18 Assistance to Needy Families work activities, is amended to read as follows.

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

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

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

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

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

34
35 SECTION 12. Arkansas Code § 20-76-445(b)(1)(A), concerning the Career
36 Pathways Initiative, is amended to read as follows.

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

5
6 SECTION 13. DO NOT CODIFY. The Governor shall call the first meeting
7 of the Arkansas Workforce Development Board within ninety (90) days after the
8 appointment of all members.

9
10 SECTION 14. DO NOT CODIFY. (a) On the effective date of this act,
11 the terms of all current members of the Arkansas Workforce Investment Board
12 expire and the Arkansas Workforce Development Board shall be established
13 consisting of the membership designated or appointed under § 15-4-3704.

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

19
20 SECTION 15. EMERGENCY CLAUSE. (a) It is found and determined by the
21 General Assembly of the State of Arkansas that federal law requires the
22 implementation of state-level workforce development acts to authorize federal
23 funding for workforce development programs; that the Arkansas Workforce
24 Development Board must begin work immediately to prepare for the inauguration
25 of local workforce development boards; that the first phase of work by the
26 Arkansas Workforce Development Board must be completed to coincide with the
27 beginning of the 2015-2016 fiscal year on July 1, 2015. Therefore, an
28 emergency is declared to exist, and § 15-4-37-3704 being immediately
29 necessary for the preservation of the public peace, health, and safety shall
30 become effective on:

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

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

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

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

12
13 */s/J. Hutchinson*
14

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16 **APPROVED: 04/01/2015**
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