

No. 2001-114

AN ACT

HB 3

Establishing a unified workforce investment system; restructuring certain administrative functions, procedures and entities; transferring workforce development functions of Commonwealth agencies; establishing the Pennsylvania Workforce Investment Board; providing for critical job training grants; and authorizing local workforce investment boards.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1  
PRELIMINARY PROVISIONS

**Section 101. Short title.**

This act shall be known and may be cited as the Workforce Development Act.

**Section 102. Declaration of policy.**

The General Assembly finds and declares as follows:

(1) It is the intent of this act to address more effectively the potential of citizens, employers and communities in this Commonwealth by doing all of the following:

(i) Recognizing that the skills and knowledge of the Commonwealth's workforce are the keys to providing enhanced opportunities for individuals and economic competitive advantages for businesses and communities.

(ii) Providing for more efficient and coordinated administration of workforce investment activities.

(iii) Promoting the coordination and integration of workforce investment, economic development and education policies for eligible youth, postsecondary education and adult education.

(2) The expressed goals of the unified system are:

(i) Economic opportunity for all citizens and businesses.

(ii) Economic self-sufficiency and individual responsibility.

(iii) An educated workforce with relevant skills for personal growth and economic prosperity.

(3) The goals set forth in paragraph (2) are to be attained through fostering a dynamic world-class workforce in which citizens and businesses in this Commonwealth possess the knowledge and skills to succeed and excel in a highly competitive and rapidly changing world.

(4) Achievement of a world-class workforce in this Commonwealth is best accomplished through a unified system which is dedicated to and operates in adherence with the following basic philosophy and core values:

(i) Economic competitiveness based on improvements in productivity, quality and service.

(ii) Excellence and informed choice in education, training opportunities, workplace preparation and career decision making for eligible youth and adults.

(iii) A strong work ethic, mutual respect, a commitment to lifelong learning and the valuing of all workers and their work.

(iv) Stewardship of public resources, emphasizing private sector solutions to workforce investment goals supplemented by limited government involvement when necessary.

(v) The highest-quality delivery of market-driven services which are readily identifiable and easily accessible and which consider the abilities and work-support needs of a diverse population.

(vi) Continuous quality improvement through cooperation and collaboration among all who participate in the unified system in order for individuals to earn family-sustaining wages for economic self-sufficiency.

(5) This act enables the Commonwealth to participate in the program under the Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936).

#### Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Board.” The Pennsylvania Workforce Investment Board established in section 301.

“Certification.” An approval issued by the Governor, upon recommendation by the board, to a local workforce investment board which satisfies the eligibility requirements established by the board.

“Chief elected official.” Any of the following:

- (1) The mayor of a city of the first class.
- (2) The mayor of a city of the second class.
- (3) The chairperson of the board of commissioners of a county or an individual acting in that capacity.
- (4) The county executive in a home rule charter county or optional plan county under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

(5) The county executive in a county of the second class which has opted for home rule under Article XXXI-C of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

“Customer.” Any employer, job seeker or incumbent worker who wishes to engage in workforce investment activities which fall within the purview of this act. The term does not include a service provider.

“Customized training.” Training which is designed to meet the special requirements of an employer, including a group of employers, and which is conducted with a commitment by the employer to employ an individual on successful completion of the training.

“Eligible youth.” An individual who:

- (1) is not less than 14 years of age and not more than 21 years of age;
- (2) is a low-income individual; and
- (3) is an individual who is:
  - (i) deficient in basic literacy skills;
  - (ii) a school dropout;
  - (iii) homeless;
  - (iv) a runaway or a foster child;
  - (v) pregnant or a parent;
  - (vi) an offender; or

(vii) in need of additional assistance to complete an educational program or to secure and hold employment.

**“Employment.”** Work that is employer based or entrepreneurial.

**“Information access.”** An information system which:

- (1) makes use of a combination of technologies and means of access;
- (2) is readily identifiable and easily accessible; and
- (3) enables the sharing of workforce investment information across all parts of the unified system and is available to all customers.

**“Lifelong learning.”** Formal and informal learning and training activities, as well as work experience, which develop the knowledge and the learning skills of students and customers to enhance learning, employability and the quality of life for each individual in society.

**“Local workforce investment area.”** An area designated by the Governor, through consultation with the board and the chief elected officials, to further the goals and purpose of this act.

**“Local workforce investment board.”** An entity recommended for certification by the board, certified by the Governor and organized to further the goals and purpose of this act.

**“One-stop delivery system.”** A one-stop collaborative network of service providers designed to deliver to customers high-quality information access, lifelong learning, transitional or work support services or activities and economic investment services and activities at a county or multicounty level.

**“Participating agencies.”** All of the following:

- (1) The Department of Aging.
- (2) The Department of Community and Economic Development.
- (3) The Department of Education.
- (4) The Department of Labor and Industry.
- (5) The Department of Public Welfare.
- (6) Any agency which oversees and monitors funds appropriated by the Federal Government and designated by the Governor or funds specifically appropriated by the General Assembly for workforce investment which falls under the authority of the board.

**“School entity.”** A public school district, intermediate unit or area vocational-technical school.

**“Service provider.”** Any individual, partnership or corporation, secondary or postsecondary educational institution or intermediate unit or public agency that engages in the business of providing workforce investment services and activities for monetary remuneration.

**“Transitional support.”** Wage loss or subsistence programs, such as public assistance, unemployment compensation and workers’ compensation, which are designed to provide temporary income during a defined interim period to enable a customer to pursue employment opportunities and to obtain and engage in employment.

**“Unified system.”** The system for the delivery of workforce investment programs to assure a well-educated, highly skilled workforce for this Commonwealth.

**“Work support.”** Assistance which helps a customer secure and maintain employment, such as assistance in securing child care, transportation, vocational rehabilitation goods or services or case management.

**“Workforce development.”** Information access and lifelong learning activities. The term includes vocational education programs; programs in community colleges and postsecondary education institutions authorized to grant specialized associate, associate, baccalaureate and advanced degrees; and transitional support and work support services or activities which enable customers to engage in or prepare for employment opportunities.

**“Workforce investment.”** Workforce development.

**“Youth activity.”** An activity which is carried out for eligible youths.

**Section 104. Lobbying.**

An individual who is registered as a lobbyist under 65 Pa.C.S. Ch. 13 (relating to lobby regulation and disclosure) may not serve as a member of the board or as a member of a local workforce investment board.

### CHAPTER 3 BOARD

#### **Section 301. Establishment.**

The Pennsylvania Workforce Investment Board is established to advise and assist the Governor and the General Assembly on the implementation of a unified system to assure a well-educated, highly skilled workforce. The board is responsible for unifying the Commonwealth’s existing Federal and State workforce investment programs into an integrated system.

#### **Section 302. Membership.**

(a) **General rule.**—The board shall be established as follows:

(1) The Governor or a designee.

(2) Four members of the General Assembly:

(i) Two senators, one appointed by the President pro tempore of the Senate and one appointed by the Minority Leader of the Senate.

(ii) Two representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(3) Representatives appointed by the Governor who are:

(i) Representatives of business, including private sector employers, representatives from each of the Commonwealth’s marketing regions, owners of businesses, chief executive officers, other business executives with optimum policymaking or hiring authority, members of local workforce investment boards and businesses that reflect the employment opportunities in this Commonwealth.

(ii) Chief elected officials.

(iii) Representatives of labor organizations who have been nominated by State labor federations.

(iv) Representatives of individuals and organizations experienced with respect to youth activities.

(v) Representatives of organizations which have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations in this Commonwealth.

(vi) Lead Commonwealth agency officials, including:

(A) The Secretary of Aging.

(B) The Secretary of Community and Economic Development.

(C) The Secretary of Education.

(D) The Secretary of Labor and Industry.

(E) The Secretary of Public Welfare.

(F) The Director of the Governor's Policy Office.

(vii) Any other representative or Commonwealth agency official the Governor deems necessary.

(4) A majority of the board under this subsection must be representatives of business.

(b) Chairperson.—The Governor shall designate, to serve at the Governor's pleasure, a member from the private sector to serve as chairperson of the board and one government representative to serve as vice chairperson of the board.

(c) Quorum.—A majority of the members shall constitute a quorum of the board. Action must be taken by a vote of a majority of the members present. If a member cannot be present, that member may submit a vote by proxy to another board member.

(d) Staff.—The board may employ a limited staff to implement the decisions of the board.

(e) Meetings.—The board shall meet at times and places as it determines necessary. Special meetings may be called by the chairperson or at the request of a majority of the members.

(f) Executive committee.—An executive committee that includes representation from the private sector may be established and authorized under the board to oversee and monitor the unified system. The organization framework may utilize existing staff structure or develop its own staffing arrangement.

(g) Committees.—The board may establish committees, appoint members and delegate duties to committees as the chairperson deems necessary to fulfill the board's responsibilities. Each committee shall be chaired by a member of the board.

(h) Compensation.—Members shall receive no compensation but shall be entitled to receive an allowance for expenses incurred in the performance of duties.

(i) Personnel, equipment, resources.—The policy and program offices of the Department of Aging, the Department of Community and Economic Development, the Department of Education, the Department of Labor and Industry and the Department of Public Welfare shall provide personnel, equipment and resources as required for the functioning of the board.

**Section 303. Conflicts of interest.**

A member of the board may not do any of the following:

- (1) Vote on a matter under consideration by the board:
  - (i) regarding the provision of services by the member or by an entity that the member represents; or
  - (ii) which would provide direct financial benefit to the member or the immediate family of the member.
- (2) Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the unified system.

**Section 304. Plan, functions and responsibilities.**

The board, in furtherance of section 102, shall advise and assist the Governor on all of the following:

- (1) Development and adoption of and adherence to, throughout the unified system, standards, principles, policies, goals, financial resource investment priorities and strategies for workforce investment to maintain continuously a competitive advantage for this Commonwealth.
- (2) Monitoring and assuring collaboration of the investment of all funds specifically appropriated by the Federal Government and designated by the Governor or funds specifically appropriated by State government for workforce investment under any Federal or State statute.
- (3) Assuring that no funds designated for Statewide youth activities are used to develop or implement education curricula for school districts.
- (4) Examination of Federal and State statutes and regulations to assess whether they present barriers to achieving the provisions of this act and to recommend to the Federal Government, the Governor and the General Assembly amendments to statutes and regulations and waivers of regulations to eliminate barriers and to promote the provisions of this act.
- (5) Development and dissemination of appropriate and necessary research and statistical information, to set the requisite protocols and standards for common data reference, to engage in or sponsor studies to identify unified system needs and to gather and disseminate information.
- (6) Establishment of and adherence to performance-based quality assurance standards designed to optimize unified system function, performance and effectiveness.
- (7) Evaluation of the unified workforce investment plans submitted by local workforce investment boards consistent with local plan requirements developed by the board.

(8) Implementation of mechanisms to secure appropriate input from local workforce investment boards in the development of policies, local performance measures or investment strategies.

(9) Establishment and maintenance of a universally accessible information access system which enables the unified system to function and serve its customers effectively.

(10) Contracting or developing written agreements or memoranda of understanding with participating agencies for the administration and management of workforce investment programs and activities under the responsibility of the board.

(11) Providing technical assistance to local workforce investment boards to assist them in maximizing the investment of public money.

(12) Setting the criteria for unified system and service provider participation and developing a systemwide marketing program.

(13) Recommending certification or recertification of local workforce investment boards by giving consideration to all of the following:

(i) The proposed local workforce investment board's leadership system and its capability to effectively monitor and assure collaboration of workforce investment programs.

(ii) The portion of the labor market or geographical area to be served by the proposed local workforce investment board.

(14) Recommending necessary action if a local workforce investment board fails to act, acts improperly or fails to meet the conditions of its unified local workforce investment plan in which Federal or State funds have been invested.

(15) Recognition of the potential of citizens, employers and communities in this Commonwealth by affirming the continued existence and independence of all current funding streams and programs for persons with disabilities while ensuring that employment-related programs for individuals with disabilities operate efficiently.

(16) Assessment of the economic and workforce needs of this Commonwealth and to develop the unified system to build on available services and resources to effectively meet these Statewide needs.

(17) Establishing cooperative and collaborative relationships with other states' unified system governing bodies.

(18) Assuring the implementation of Federal and State statutory mandates which fall within the purview of the unified system.

(19) Compilation of an annual report which shall be submitted to the General Assembly, the Secretary of the Senate and the Chief Clerk of the House of Representatives by March 1 and which shall include all of the following:

(i) A detailed explanation of the performance measures used and how the performance measures were developed.

(ii) An explanation of the process used to achieve continuous improvement of workforce investment activities.



(iii) The anticipated course of actions to be taken by the board to encourage continuous improvement in the unified system.

(iv) A list of the membership of the board, including name, affiliation, address, telephone number, telefax number and electronic mail address.

(v) An explanation of the process used to negotiate levels of local performance.

(vi) A list of all certified local workforce investment boards in this Commonwealth, including each local workforce board's negotiated level of local performance, each local workforce board's level of performance attained and the action taken with respect to any local workforce investment board which failed to meet its negotiated level of local performance.

(vii) A copy of the annual report submitted by each local workforce investment board to the board.

(viii) An accounting of Federal and State funds expended for workforce investment in the previous fiscal year by line item and program.

#### Section 305. State performance measures.

(a) General rule.—The board shall establish a comprehensive performance accountability system, including, at a minimum, a focus on all of the following:

(1) Entry into unsubsidized employment.

(2) Retention in unsubsidized employment six months after entry into the employment.

(3) Earnings received in unsubsidized employment six months after entry into the employment.

(4) Attainment of a recognized credential relating to achievement of educational skills, including attainment of a secondary school diploma or its recognized equivalent, or occupational skills by participants who enter unsubsidized employment or by participants who are eligible youths between the ages of 19 and 21 and who enter postsecondary education, advanced training or unsubsidized employment.

(b) Customer satisfaction.—As an indicator of performance, customer satisfaction shall also be considered. The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants with services received from workforce investment activities. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.

### CHAPTER 5

#### LOCAL WORKFORCE INVESTMENT AREAS AND BOARDS

##### Section 501. Establishment.

(a) Areas and local workforce investment boards.—

(1) Local workforce investment areas shall be designated by the Governor through consultation with the board and the chief elected officials and after consideration of comments received through the public comment process. In making the designation of local workforce investment areas, the Governor shall take into consideration the following:

(i) Geographic areas served by school entities.

(ii) Geographic areas served by postsecondary educational institutions.

(iii) The extent to which such local workforce investment areas are consistent with labor market areas.

(iv) The distance that individuals will need to travel to receive services provided in such local workforce investment areas.

(v) The resources of such local workforce investment areas that are available to effectively administer the activities carried out under Federal law.

(2) Local workforce investment boards shall be established in each local workforce investment area of this Commonwealth, recommended for certification by the board and certified by the Governor, to set policy for the portion of the unified system within that local workforce investment area.

(3) No local workforce investment board may conduct business unless it is certified by the Governor.

(b) Purpose.—The purpose of each local workforce investment board is to advise and assist the chief elected official in the county or counties served by the local workforce investment board by setting policy to promote effective workforce investment programs in a designated geographic area.

(c) Liability.—The chief elected official in a local workforce investment area shall serve as the local grant recipient for and shall be liable for any misuse of the grant funds allocated to the local workforce investment area under Federal law or this act.

#### Section 502. Membership.

(a) Composition.—

(1) A local workforce investment board appointed by the chief elected official shall be as follows:

(i) A majority shall be representatives of business in the local workforce investment area who:

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

(B) represent businesses with employment opportunities which reflect the employment opportunities of the local workforce investment area; and

(C) are appointed from among individuals nominated by local business organizations and business trade associations.

(ii) Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, postsecondary educational institutions and community colleges, selected from among individuals nominated by regional or local educational agencies, institutions or organizations representing such local educational entities.

(iii) In a local workforce investment area in which employees are represented by labor organizations, representatives nominated by local labor federations.

(iv) In a local workforce investment area in which no employees are represented by labor organizations, other representatives of employees.

(v) Representatives of community-based organizations, which may include organizations representing minorities and individuals with disabilities and veterans, from a local workforce investment area in which such organizations are present.

(vi) Representatives of economic development entities.

(vii) Representatives of each of the one-stop delivery system partners.

(viii) Other individuals or representatives of entities as the chief elected official in the local workforce investment area may determine to be appropriate.

(2) Members of the local workforce investment board must be individuals who have optimum policymaking authority within the organizations, agencies or other entities which they represent.

(3) The membership shall select a chairperson from the private sector representatives.

(4) A local workforce investment board may hire limited staff to implement the decisions of the local workforce investment board.

(b) Manner of appointment.—In accordance with the criteria established by the board for the Governor, a member of a local workforce investment board shall be appointed by the chief elected official of the city, county or counties that participate in the local workforce investment board as follows:

(1) If only one county participates on the local workforce investment board, the chief elected official shall appoint the members.

(2) If a local workforce investment board represents more than one county or represents both a county and a city that comprises a separate workforce investment area, the chief elected officials of each county and any city that comprises a separate workforce investment area also represented by the local workforce investment board shall enter into a detailed written agreement describing the understanding of the counties as to appointments, governance and oversight activities of the local workforce investment board under this act. If after a reasonable effort the chief elected officials are unable to reach agreement, the Governor may

appoint the members of the local workforce investment board from individuals so nominated or recommended.

**Section 503. Conflicts of interest.**

A member of the local workforce investment board may not do any of the following:

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

(i) regarding the provision of services by the member or by an entity that the member represents; or

(ii) which would provide direct financial benefit to the member or the immediate family of the member.

(2) Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the unified system.

**Section 504. Plan, functions and responsibilities.**

(a) Unified workforce investment plan.—A local workforce investment board, in partnership with the chief elected official of the county or counties served by the local workforce investment board, shall submit to the Governor for approval a unified workforce investment plan. The unified workforce investment plan shall be developed through a process which includes the opportunity for participation by current and potential customers and service providers and which shall contain, at a minimum, the following:

(1) A description of the local workforce investment area's strategic economic and workforce vision and of how the vision will be attained.

(2) A description of how the plan supports the Commonwealth's overall mission and goals.

(3) An analysis of the local workforce investment area market, including projected growth industries and declining industries.

(4) A description of the respective roles of the local elected officials and the local workforce investment board.

(5) A description of programs for eligible youth.

(6) A description of the local workforce investment area's one-stop delivery system.

(7) A description of the services to be provided to all customers.

(8) A description of how coordination of workforce investment activities will occur.

(9) If appropriate, a description of a regional strategic component to the local plan.

(10) If available, an analysis of regional market trends.

(b) Functions and responsibilities.—A local workforce investment board, in order to develop and implement a unified workforce investment plan for the investment and utilization of private and public resources to meet the current and future workforce investment needs of its region in furtherance of section 102, has the following functions and responsibilities:

(1) To organize and elect a chairperson.

(2) To assess the economic and workforce needs of the local workforce investment area and to develop a unified plan which builds on available services and resources to effectively meet the workforce and economic needs of the local workforce investment area.

(3) To implement mechanisms to secure appropriate input in the development of policies, performance standards or investment strategies.

(4) To assist in the development of and collaboration within the one-stop delivery system.

(5) To develop, adopt and assure adherence to local performance standards, quality assurance standards and applied operating principles which are consistent with criteria throughout the one-stop delivery system.

(6) To establish cooperative and collaborative relationships with other local workforce investment boards and, if appropriate, with the unified system governing bodies of other states.

(7) To authorize use of local workforce investment funds, including individual training accounts, where applicable, for eligible customers, for any of the following services:

(i) Core services shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include all of the following:

(A) Determinations of whether the individuals are eligible to receive assistance.

(B) Outreach; intake, which may include worker profiling; and orientation to the information and other services available through the one-stop delivery system.

(C) Initial assessment of skill levels, aptitudes, abilities and supportive service needs.

(D) Job search and placement assistance and, where appropriate, career counseling.

(E) Provision of employment statistics information, including the provision of accurate information relating to national, regional and local labor market areas, such as:

(I) job vacancy listings in such labor market areas;

(II) information on job skills necessary to obtain the jobs described in subclause (I); and

(III) information relating to local occupations in demand and the earnings and skill requirements for such occupations.

(F) Provision of performance information and program cost information on eligible providers of training services, provided by program, eligible providers of youth activities, providers of adult education, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (Public Law 88-210, 20 U.S.C. § 2301

et seq.) and providers of vocational rehabilitation program activities described in the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

(G) Provision of information regarding how the local workforce investment area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local workforce investment area.

(H) Provision of accurate information relating to the availability of work support services, including child care and transportation, available in the local workforce investment area and referral to such services as appropriate.

(I) Provision of transitional support, including information regarding filing claims for unemployment compensation.

(J) Assistance in establishing eligibility for welfare-to-work activities under section 403(a)(5) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 603(a)(5)) available in the local workforce investment area and programs of financial aid assistance for training and education programs that are not funded under this act and are available in the local workforce investment area.

(K) Follow-up services, including counseling regarding the workplace.

(ii) Intensive services:

(A) Intensive services shall be provided to adults and dislocated workers who:

(I) are unemployed and are unable to obtain employment through core services;

(II) have been determined by the one-stop delivery system operator to be in need of more intensive services in order to obtain employment; or

(III) are employed but are determined by a one-stop delivery system operator to be in need of intensive services in order to obtain or retain employment that allows for self-sufficiency.

(B) Intensive services shall be provided through the one-stop delivery system directly through one-stop delivery system operators or through contracts with service providers, which may include contracts with public, private for-profit and private nonprofit service providers, approved by the local workforce investment board.

(C) Intensive services may include the following:

(I) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(II) Development of an individual employment plan to identify the employment goals, appropriate achievement objectives and appropriate combination of services for the participant to achieve the employment goals.

(III) Group counseling.

(IV) Individual counseling and career planning.

(V) Case management.

(VI) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct to prepare individuals for employment or training.

(iii) Training services:

(A) Training services shall be provided to adults and dislocated workers who:

(I) have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;

(II) after an interview, evaluation or assessment and case management, have been determined by a one-stop delivery system operator or one-stop delivery system partner to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services; and

(III) select programs of training services which are directly linked to the employment opportunities in the local workforce investment area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate.

(B) Training services shall be limited to individuals who are unable to obtain other grant assistance for such services, including Federal Pell Grants established under Title IV of the Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. § 1070 et seq.), or require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(C) Training services may include:

(I) Occupational skills training, including training for nontraditional employment.

(II) On-the-job training.

(III) Programs which combine workplace training with related instruction, including cooperative education programs.

(IV) Training programs operated by the private sector.

(V) Skill upgrading and retraining.

(VI) Entrepreneurial training.

(VII) Job readiness training.

(VIII) Adult education and literacy activities provided in combination with services described in any of subclauses (I) through (VII).

(IX) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

(8) To compile an annual report to be submitted to the board by a deadline to be determined by the board. This report shall include, at a minimum:

(i) a list of the membership of the local workforce investment board, including the name, affiliation, address, telephone number, telefax number and electronic mail address;

(ii) the<sup>1</sup> negotiated local level of performance;

(iii)<sup>2</sup> the level of performance achieved, including an analysis of the strengths and weaknesses;

(iv)<sup>3</sup> the programs participated in; and

(v)<sup>4</sup> a list of the local eligible service providers.

#### Section 505. Local performance measures.

(a) General rule.—The local performance measures for each local workforce investment area shall include, at a minimum, the following:

(1) Entry into unsubsidized employment.

(2) Retention in unsubsidized employment six months after entry into the employment.

(3) Earnings received in unsubsidized employment six months after entry into the employment.

(4) Attainment of a recognized credential relating to achievement of educational skills, including attainment of a secondary school diploma or its recognized equivalent, or occupational skills by participants who enter unsubsidized employment or by participants who are eligible youths between the ages 19 and 21 and who enter postsecondary education, advanced training or unsubsidized employment.

(b) Customer satisfaction.—As an indicator of performance, customer satisfaction shall also be considered. The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants in services received from workforce investment activities. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.

(c) School-to-Work Opportunities Act of 1994.—No funds made available under the Workforce Investment Act of 1998 (Public Law 105-

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<sup>1</sup>"address: the" in enrolled bill.

<sup>2</sup>"(ii)" in enrolled bill.

<sup>3</sup>"(iii)" in enrolled bill.

<sup>4</sup>"(iv)" in enrolled bill.



220, 112 Stat. 936) shall be used to develop or continue programs or activities created under the School-to-Work Opportunities Act of 1994 (Public Law 103-239, 108 Stat. 568).

## CHAPTER 7 CRITICAL JOB TRAINING GRANTS

### Section 701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Critical job training.” Training for dislocated workers, for occupations with immediate skill needs, or for high-demand jobs or jobs with a shortage of skilled workers, as identified by the Department of Labor and Industry.

“Dislocated worker.” As that term is defined under the act of December 20, 1985 (P.L.492, No.116), known as the Customized Job Training Act.

“Eligible applicant.” A service provider; school entity; a secondary or postsecondary educational institution, including a community college; a local workforce investment board; or a corporation, sole proprietorship, partnership, limited partnership or limited liability company.

“Rapid response committee.” A committee composed of the Secretary of Labor and Industry, the Secretary of Public Welfare, the Secretary of Community and Economic Development, the Secretary of Education and the Secretary of Aging that provides grants for critical job training.

### Section 702. Rapid response committee.

If the Secretary of Labor and Industry determines that economic or other events have resulted in substantial job losses or in a critical shortage of occupations or skills for existing jobs, a rapid response committee shall be established to award critical job training grants. The Secretary of Labor and Industry shall be chairman of the committee. The rapid response committee shall identify sources of Federal and State funds to be used for critical job training grants, including funds appropriated to participating Commonwealth agencies under the Governor’s jurisdiction for purposes of workforce development. The rapid response committee shall notify the Department of Labor and Industry of the amount of the funds.

### Section 703. Grants.

An eligible applicant may apply to the Department of Labor and Industry for critical job training grants under this section. An application must demonstrate:

- (1) The number of dislocated workers who will receive training.
- (2) The existence of job opportunities directly related to the training to be provided.
- (3) How the training will support growth industries within this Commonwealth which are identified in the strategic plan of the local workforce investment board.
- (4) Private sector participation in curriculum and placement.

**Section 704. Contracts.**

The rapid response committee, upon approval of the Governor, may approve a grant application and shall direct the appropriate Commonwealth agency to enter into a contract with an eligible applicant to provide critical job training. Notwithstanding the act of December 20, 1985 (P.L.492, No.116), known as the Customized Job Training Act, the Department of Community and Economic Development may use funds appropriated under the Customized Job Training Act to provide critical job-training grants to eligible applicants.

**CHAPTER 49**  
**MISCELLANEOUS PROVISIONS**

**Section 4901. Construction.**

This act, being necessary for the welfare of this Commonwealth and its citizens, shall be liberally construed to effect its purposes.

**Section 4902. Regulations abrogated.**

As much of the appendix to 4 Pa. Code Ch. 9 Subch. B (relating to organizational charts) as relates to the State Job Training Coordinating Council is abrogated.

**Section 4903. Expiration.**

Chapter 7 shall expire December 31, 2002.

**Section 4904. Effective date.**

This act shall take effect as follows:

- (1) The addition of Chapter 7 shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect July 1, 2002.

APPROVED—The 18th day of December, A.D. 2001.

**MARK S. SCHWEIKER**