

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2642

**Introduced by Assembly Members Eduardo Garcia, Eggman,
Cristina Garcia, Gomez, and Maienschein
(Coauthors: Assembly Members Chang and Steinorth)
(Coauthor: Senator Wieckowski)**

February 19, 2016

An act to add ~~Chapter 6 (commencing with Section 14600) to Division 7 of the Unemployment Insurance Code, Division 1.4 (commencing with Section 180) to the Labor Code~~, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2642, as amended, Eduardo Garcia. Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative.

Existing law establishes the Labor and Workforce Development Agency and provides that the agency consists of, among other entities, the California Workforce Investment Board, the Employment Development Department, and the Employment Training Panel. The California Workforce Innovation and Opportunity Act establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. That act requires the establishment of a local workforce development board in each local

workforce development area of the state to, among other things, carry out analyses of the economic conditions in the local region.

This bill would enact the Removing Barriers to Employment Act, which would establish the Breaking Barriers to Employment Initiative within the Labor and Workforce Development Agency. The bill would require the initiative to be led by the Secretary of Labor and Workforce Development and authorizes the secretary to assign all or part of the administration of the initiative to one or more entities within the agency's ~~oversight~~. *oversight, or to authorize another state agency, under specified conditions, to administer a portion of the initiative.* The bill would specify that the purpose of the initiative is to create a grant program ~~to provide funds to workforce investment boards and community-based organizations working in partnership on proposals that~~ assist individuals who have multiple barriers to employment to receive the remedial education and work readiness skills that will help those individuals to successfully participate in training, apprenticeship, or employment opportunities that will lead to self-sufficiency and economic ~~stability~~. *stability, and would set forth the goals of the initiative.* The bill would require the secretary to develop criteria for the selection of grant recipients, as specified, and would require the secretary, by January 1, 2018, *and annually thereafter*, to post a report on the agency's Internet Web site that aggregates information provided by grant recipients. The bill would authorize the secretary, when implementing the initiative, to fund a project that uses a model that was previously funded as a pilot project under certain programs if specified criteria are met. The bill would make the funding of the initiative subject to an appropriation by the Legislature for that purpose and would make implementation of the initiative contingent on the secretary notifying the Department of Finance that sufficient moneys have been appropriated.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Chapter 6 (commencing with Section 14600) is~~
- 2 ~~added to Division 7 of the Unemployment Insurance Code, to read:~~
- 3
- 4 ~~CHAPTER 6. REMOVING BARRIERS TO EMPLOYMENT ACT~~
- 5

1 SECTION 1. Division 1.4 (commencing with Section 180) is
2 added to the Labor Code, to read:

3
4 DIVISION 1.4. REMOVING BARRIERS TO EMPLOYMENT
5 ACT
6

7 ~~14600.~~

8 180. The Legislature finds and declares all of the following:

9 (a) The economy in California continues to improve as shown
10 by lower unemployment rates and *higher* job growth, but poverty
11 is still an issue in many of our cities and among many of our
12 citizens. The California Poverty Measure reported in 2015 that 78
13 percent of Californians in poverty live in families with at least one
14 adult working, with 69 percent of those working full time.
15 Low-income families continue to struggle to pay for the basic cost
16 of supporting their families. With low wages and lack of job skills,
17 this target population falls further behind and cannot escape
18 poverty.

19 (b) Lack of formal education, low English literacy, and
20 lower-level job skills prevent upward mobility in pay and job
21 stability. There is a need for improved access and funding to
22 provide “career pathways” services, particularly for the poor.

23 (c) Increased funding for English language improvement
24 training, *basic skills* and adult education, high school diploma and
25 GED acquisition, skills training, work experience, on-the-job
26 training, earn-as-you-learn, industry certifications, mentoring, case
27 management, and more is needed to bridge the gap to gainful
28 employment for the more difficult to reach in our population.

29 (d) Local community-based organizations, government agencies,
30 and workforce investment boards throughout California struggle
31 to provide adequate services to the increasing number of poor
32 residents who need career pathways services. In particular, funding
33 is needed for case management, career guidance, and other services
34 that enhance training/job retention and the ability to meet family
35 basic expense needs while pursuing a career opportunity.

36 (e) Special emphasis is needed to make sure that programs reach
37 those among us with the most difficult needs with the goal of
38 preparing those persons for training, educational, ~~apprenticeship~~
39 *apprenticeship*, or employment opportunities.

1 ~~14600.5.~~

2 ~~180.1~~ As used in this ~~chapter~~, *division*, “Breaking Barriers to
3 Employment Initiative” or “initiative” means the Breaking Barriers
4 to Employment Initiative established in this chapter.

5 ~~14601.~~

6 ~~180.2~~ (a) This ~~chapter~~ *division* establishes the Breaking
7 Barriers to Employment Initiative within the agency. The initiative
8 shall be led by the Secretary of Labor and Workforce Development,
9 that may assign all or part of the administration of the initiative to
10 one or more entities within the agency’s oversight. *The Secretary*
11 *may authorize another state entity that has experience with serving*
12 *one or more of the populations identified in subdivision (e) to*
13 *administer a portion of the initiative, if the other state entity agrees*
14 *to meet all the requirements of this division and to provide the*
15 *Secretary with the information necessary to meet the reporting*
16 *requirements.*

17 (b) (1) The purpose of the initiative is to ~~provide funds to~~
18 ~~workforce investment boards and community-based organizations~~
19 ~~that submit joint proposals that~~ assist individuals who have multiple
20 barriers to employment to receive the remedial education and work
21 readiness skills that will help them to successfully participate in
22 training, apprenticeship, or employment opportunities that will
23 lead to self-sufficiency and economic stability.

24 (2) *The initiative operationalizes an innovative model of effective*
25 *collaboration between two important workforce partners for the*
26 *benefit of populations that routinely face barriers to employment.*
27 *By leveraging the experience of community-based organizations*
28 *to meet the unique needs of certain groups with the resources of*
29 *the workforce boards, the initiative creates an on-ramp to groups*
30 *that have been historically disconnected from traditional programs.*
31 *The role of the lead community-based organization is to use its*
32 *expertise in working with the targeted populations to remediate*
33 *education and workforce readiness skills and to collaborate with*
34 *the lead workforce board to transition clients to career pathways*
35 *and sector strategies developed by local workforce boards. The*
36 *role of the lead workforce investment board, at a minimum, is to*
37 *collaborate with and assist the lead community-based organization*
38 *in designing a program that supports the transition of participants*
39 *who have successfully achieved the goals and objectives of the*

1 *grant proposal to career pathways and sector strategies developed*
2 *by local workforce boards.*

3 (c) In developing the initiative, the Secretary of Labor and
4 Workforce Development or his or her delegate shall consult with
5 public and private stakeholders, including nonprofit
6 community-based organizations, workforce development boards,
7 local governments, and other entities that serve individuals who
8 face barriers to employment.

9 (d) Funding for the initiative shall be subject to appropriation
10 by the Legislature for that purpose. Implementation of the initiative
11 is contingent upon the Secretary of Labor and Workforce
12 Development notifying the Department of Finance that sufficient
13 moneys have been appropriated and deposited in the Consolidated
14 Work Program Fund.

15 (e) *The goals of the initiative shall include all of the following:*

16 (1) *Individuals who face multiple barriers to employment take*
17 *measurable steps to remediate education and workforce readiness*
18 *skills.*

19 (2) *Partnerships between community-based organizations and*
20 *workforce development boards, community colleges, and other*
21 *providers of quality education and training are demonstrably*
22 *strengthened in ways that benefit their client's ability to continue*
23 *to access services that ultimately lead clients utilizing career*
24 *pathways and sector strategies developed by local workforce*
25 *boards.*

26 (3) *Community-based organizations increase their capacity to*
27 *achieve and measure results.*

28 (e)

29 (f) The outcomes of the initiative shall be reported pursuant to
30 Section ~~14601.2~~ 180.3.

31 ~~14601.2.~~

32 180.3. The Secretary of Labor and Workforce Development
33 shall develop criteria for the selection of grant recipients that meet
34 all of the following:

35 (a) Outreach and technical assistance shall be provided to
36 prospective applicants, especially in rural and small population
37 areas.

38 (b) (1) Grants shall be awarded on a competitive basis. The
39 program shall include provisions to ensure a range of targeted
40 populations and geographic locations receive training opportunities.

1 (2) Applications shall be evaluated based on the lead
2 community-based organization's demonstrated capacity to
3 successfully deliver previous programs to the targeted populations
4 who the applicant is proposing to serve pursuant to subdivisions
5 (d) and (e).

6 (3) Each grant proposal shall further the initiative goals, as
7 identified in subdivision (e) of Section 180.2.

8 (4) Eligible activities for grant funds shall include, but are not
9 limited to, English language improvement training, basic skills
10 and adult education, high school diploma and GED acquisition,
11 skills training, work experience, on-the-job training,
12 earn-as-you-learn, industry certifications, mentoring, and other
13 remedial education and work readiness skills.

14 (5) Grant proposals funded through the initiative shall use at
15 least 90 percent of their funds for direct services to the clients who
16 face multiple barriers to employment.

17 (c) Each application shall include at least one *lead* workforce
18 investment board and one *lead* community-based organization.
19 An application that serves clients across one or more workforce
20 investment areas shall include ~~a~~ either of the following:

21 (1) Documentation of the existence of a current memorandum
22 of understanding with each workforce board within the proposed
23 service area.

24 (2) A letter of acknowledgment from each workforce board
25 within the proposed service area, but need not include a specific
26 role for all of the workforce investment boards in that area.
27 ~~However, all applications shall have at least one workforce board~~
28 ~~and one community-based organization working in partnership.~~
29 *Obtaining the letter of acknowledgment shall be the responsibility*
30 *of the lead workforce investment board.*

31 (d) Applicants shall apply for funds to serve one or more
32 targeted populations in one or more neighborhoods, local
33 jurisdictions, regions, or statewide. Each application shall include
34 ~~how programs grant proposals~~ are designed to complement the
35 work of, and integrate the individuals being served with, the
36 workforce development boards within the proposed service area.

37 (e) The grant proposal shall demonstrate how the grant recipient
38 will address the needs of one or more of the following populations:

39 (1) Youths who are disconnected from the education system or
40 employment.

- 1 (2) Women seeking training or education to move into
2 nontraditional fields of employment.
- 3 (3) Workers displaced by the movement of an employer or those
4 who are long-term unemployed.
- 5 (4) Unskilled or under-skilled, low-earning workers looking to
6 advance into better-paying employment opportunities.
- 7 (5) Persons for whom English is not their primary language.
- 8 (6) Economically disadvantaged persons who face barriers to
9 reaching training or apprenticeship opportunities for sustainable
10 careers.
- 11 (7) CalWORKS participants.
- 12 (8) Persons who are incarcerated and soon to be released or
13 formerly incarcerated.
- 14 (9) Armed services veterans who face barriers due to skills that
15 are not applicable to employment, training, apprenticeship
16 opportunities in the region in which they live, or because of mental
17 health, health, or other barriers that serve as impediments to those
18 opportunities.
- 19 (10) Native Americans or migrant, seasonal farmworkers.
- 20 (11) People with developmental or other disabilities.
- 21 (f) The grant proposal shall explain the specific purpose of the
22 grant funds and define the general methodology and training
23 methods proposed to be used.
- 24 (g) (1) The proposal shall identify baseline criteria and metrics
25 by which the overall success of the ~~grant program~~ *grant proposal* can
26 be ~~evaluated~~: *evaluated, consistent with the initiative goals as*
27 *identified in subdivision (e) of Section 180.2.* The proposal shall
28 also explain the manner in which the progress of the individuals
29 participating in the program will be monitored during the grant
30 period.
- 31 (2) One component of the grant proposal shall provide for a
32 preservice education and training assessment, which shall form
33 the baseline for measuring program performance. A prior
34 assessment may be used if, in the determination of the Secretary
35 of Labor and Workforce Development, its results are accurate and
36 appropriate for the ~~proposed program~~: *grant proposal*.
- 37 (3) Measurements of success shall be based on the targeted
38 population and the baseline measurements set through the
39 individual client ~~assessment~~: *assessment, consistent with the*

1 *initiative goals as identified in subdivision (e) of Section 180.2.*

2 These metrics may include, but are not limited to:

3 (A) The number of participants in the program who have
4 completed a high school diploma or received a GED.

5 (B) The number of participants in the program who have
6 completed a remedial education program.

7 (C) The number of participants in the program who have
8 completed a work readiness program.

9 (D) The number of participants who have received assistance
10 to enroll their children in after school programs while the program
11 participant enrolls in secondary or postsecondary education or
12 maintains employment.

13 (E) The number of participants who have completed a certified
14 drug treatment or mental health program.

15 (F) The number of participants who have matriculated to a
16 preapprenticeship or apprenticeship program.

17 (G) *The number of participants who passed the Ability to Benefit*
18 *test and enrolled into a career pathway program, as defined in the*
19 *federal Higher Education Act (20 U.S.C. Sec. 1091(d)(2)).*

20 (h) (1) Key features of the grant shall be provided in a
21 memorandum of understanding between the applicants and the
22 agency, including, but not limited to, the purpose of the grant,
23 expected outcomes, the oversight and monitoring process, and
24 reporting requirements.

25 (2) As a condition of receiving funds, a grant recipient shall
26 agree to provide information to the Secretary of Labor and
27 Workforce Development that is determined by the secretary as
28 necessary to meet all reporting requirements.

29 (i) On at least an annual basis and upon completion of the grant
30 period, grant recipients shall report to the Secretary of Labor and
31 Workforce Development information regarding their use of funds,
32 workforce training outcomes, and any other information required
33 by the secretary.

34 (j) By January 1, 2018, *and each year thereafter*, the Secretary
35 of Labor and Workforce Development shall post a report on the
36 agency's Internet Web site that aggregates the information provided
37 by the grant recipients, including, but not limited to, the overall
38 success of the grant programs.

1 ~~14601.3.~~

2 180.4. In implementing the initiative, the Secretary of Labor
3 and Workforce Development may fund a *full-scale* project that
4 uses a model that was previously funded as a pilot project through
5 the Workforce Accelerator, the Supervised Population Workforce
6 Training Program, SlingShot, or other existing programs, to the
7 extent that the goals, measures, and metrics are sufficiently aligned,
8 so as to:

9 (a) Serve the same client base.

10 (b) Address the needs of individuals who face multiple barriers
11 to employment to receive remedial education and work readiness
12 skills.

13 (c) Have an end goal of preparing those individuals for further
14 training that results in apprenticeship or middle-skill employment
15 opportunities. Eligible applicants for programs under this section
16 shall exclusively be joint applications from one or more workforce
17 investment boards and one or more community-based
18 organizations.

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