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3 HB 62 HOUSE EDUCATION FINANCE AND APPROPRIATIONS COMMITTEE
4 SUBSTITUTE WITH AMENDMENTS ENGROSSED

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10 A BILL
11 TO BE ENTITLED
12 AN ACT
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14 To consolidate workforce development strategies,
15 plans, budgets and implementation directly under a State
16 Workforce Investment Board and the Governor.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The Governor is charged by the federal
19 Workforce Investment Act with the responsibility for federal
20 workforce development funds. The purpose of this act is to
21 provide a mechanism for a unified state plan for workforce
22 education and development for the state of Alabama. It is the
23 intent of the Legislature to maximize state, federal, and
24 private resources available for workforce education and
25 development and job training; to comply with provisions of
26 state and federal law related to workforce investment and
27 development and job training; and to provide a central focal

1 point for workforce education and development and job training
2 responsibility and accountability. It is further the intent of
3 the Legislature to increase the employment, retention, and
4 earnings of workforce development and job training
5 participants; to increase the occupational skill attainment of
6 workforce development and job training participants; and to
7 improve the quality of the workforce; reduce welfare
8 dependency; and enhance the productivity and competitiveness
9 of the citizens of Alabama. The changing job market and
10 requirements of new technologies demand that citizens have
11 transferable occupational skills and emerging businesses and
12 industries will require industry specific training programs.
13 This act provides that the Governor is fully accountable for
14 the furtherance of these goals.

15 Section 2. (a) On or before May 1, 2003, the
16 Governor shall appoint a State Workforce Investment Board to
17 review and revise the current strategic plan to develop a
18 seamless and comprehensive state plan for all workforce
19 investment activities and to oversee the operation of the
20 workforce investment system. The comprehensive state plan
21 shall include all programs included in the federal Workforce
22 Investment Act of 1998 and all others related to job training.
23 The State Workforce Investment Board shall consist of at least
24 twenty appointees by the Governor representing business,
25 education, labor, local elected officials and others. The
26 Board, in conjunction with the Governor, shall develop a
27 five-year strategic plan for the state's workforce investment

1 system by July 15, 2003. The Board shall develop an annual
2 implementation plan and budget for workforce development funds
3 and submit that plan and budget to the Governor. The Governor
4 may approve, amend or veto the annual implementation plan and
5 budget to insure that workforce development funds are being
6 expended in the most efficient manner in order to advance the
7 strategic goals of the state's plan. It is the responsibility
8 of the Board, in consultation with the Governor, to establish
9 procedures for a funding formula for allocating funds to local
10 workforce areas. The Alabama Postsecondary System shall serve
11 as the primary lead agency for delivering workforce
12 development and job training, literacy and adult education
13 programs, career links, skills centers, skills training
14 consortia, and all similar workforce development and job
15 training structures in the state, whenever possible. The Board
16 and the Governor shall consolidate the delivery of workforce
17 development and job training services with existing
18 infrastructure and personnel in the Alabama Postsecondary
19 System whenever possible. The Board, in consultation with the
20 Governor, shall designate workforce areas within the state and
21 certify a workforce investment board for each designated local
22 area. The Board, in consultation with the Governor, shall
23 assist local areas in development and implementation of fully
24 operational one-stop delivery systems in the state. The
25 Governor shall establish and operate a fiscal and management
26 accountability information system.

1 (b) The Governor shall appoint a Workforce
2 Investment Executive Board to assist in the administration and
3 coordination of implementing the comprehensive state plan for
4 all workforce investment activities. The Executive Board shall
5 be composed of the Chancellor of the Postsecondary Education
6 Department, the Director of the Alabama Department of Economic
7 and Community Affairs, the Director of the Department of
8 Industrial Relations, the Director of the Alabama Development
9 Office, the Commissioner of the Department of Human Resources,
10 the Director of the Alabama Industrial Development Training
11 Institute, and four at-large members appointed by the
12 Governor, one of whom shall be the president of an Alabama
13 public two-year college and the remaining members representing
14 Alabama business and industry.

15 Section 3. The Governor shall administer the
16 workforce development implementation plan and budget each year
17 through the Workforce Investment Unit within his office. The
18 Workforce Investment Unit shall be under the direction of an
19 executive director appointed by the Governor. The Governor is
20 hereby authorized to transfer employees from the Alabama
21 Department of Economic and Community Affairs and the Alabama
22 Department of Industrial Relations to the Workforce Investment
23 Unit to administer the workforce investment system within the
24 state. All probationary and non-probationary employees of
25 those programs and other necessary support personnel and the
26 components of programs shall be transferred to the Governor's
27 Workforce Investment Unit on the effective date of this act to

1 a probationary or non-probationary employee classification
2 commensurate with the level of each respective employee's
3 classification on the date prior to the transfer. Said
4 employee shall maintain his or her merit system status after
5 such transfer. The State Personnel Department shall maintain
6 all positions currently existing so as to allow the promotion
7 and to preserve the career path of employees transferred to
8 the Workforce Investment Unit. An employee who is promoted
9 shall not lose or otherwise forfeit his or her rights or
10 privileges under the state merit system. All personnel actions
11 shall be conducted in accordance with the rules and
12 regulations of the State Personnel Department as set out by
13 the Merit System Act, including, but not limited to, hearings
14 before the State Personnel Board. Said employee shall retain
15 their annual and sick leave and shall be allowed to earn such
16 annual and sick leave provided under the Merit System Act.
17 Said employees shall remain covered by the State Employees'
18 Insurance Board and shall remain as participants in the
19 Employees' Retirement System. The Director of State Personnel
20 shall promulgate and provide to the Workforce Investment Unit
21 registers so as to provide promotions where appropriate.
22 Should a court of competent jurisdiction declare any part of
23 this section unconstitutional, said employees shall be
24 entitled to the due process rights provided under the Merit
25 System Act. No employee shall be demoted or have his or her
26 salary, position, status or career path adversely affected due
27 to his or her transfer or any provisions of this act,

1 provided, however, any employee currently serving on the board
2 of the Employees' Retirement System or is currently
3 participating in the Drop Program, Sections 36-27-170 et seq.,
4 Code of Alabama 1975, shall be allowed to continue to serve
5 and seek reelection in the Employees' Retirement System and
6 shall be allowed to continue in that retirement option. Upon
7 the vacating of any of the employee classifications designated
8 above by any such incumbents, such classifications may cease
9 at the discretion of the Workforce Investment Unit. Any new
10 employee will have the same rights, benefits, terms,
11 conditions and due process to which other employees of the
12 Workforce Investment Unit are entitled. The Governor shall
13 comply with all federal requirements for qualifying for and
14 receiving federal funds for workforce education and
15 development programs including the Workforce Investment Act of
16 1998, Trade Acts and any other current and future federal
17 programs related to workforce education and development
18 programs.

19 Section 4. The State Workforce Investment Board
20 shall submit an annual report to the Governor and the
21 Legislature on the expenditure of workforce investment funds
22 and an evaluation of the state's workforce investment system
23 and its progress toward the five-year strategic state plan.

24 Section 5. The membership of the State Workforce
25 Investment Board and all local workforce investment boards
26 shall be inclusive and reflect the racial, gender, geographic,
27 urban/rural and economic diversity of the state.

1 Section 6. The Governor shall ensure that the
2 federal requirement of awarding veterans priority in the
3 delivery of federally funded employment and training programs
4 is followed as provided for in the U.S. Code, as amended in
5 Title 38, Section 4215.

6 Section 7. Nothing in this act shall alter or affect
7 the distribution of federal funds received from the US
8 Department of Education that are obligated to the Carl D.
9 Perkins Vocational and Technical Education Act of 1998.

10 Section 8. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

14 Section 9. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 10. This act shall become effective
17 immediately upon its passage and approval by the Governor, or
18 its otherwise becoming law.