

BRIEF SYNOPSIS OF FEDERAL AND STATE WORKFORCE DEVELOPMENT-RELATED LEGISLATION AND EXECUTIVE ORDERS

Federal Legislation

Federal employment-related legislation over the years leading to WIA and the number of Service Delivery Areas:

- CETA (Comprehensive Employment and Training Act, 1973) – 3 Service Delivery Areas
- JTPA (Job Training Partnership Act, 1982) – 3 Service Delivery Areas called Private Industry Councils – Northern, Providence/Cranston, and Greater Rhode Island
- WIA (Workforce Investment Act, 1998) – 2 Service Delivery Areas – Providence/Cranston (Workforce Solutions of Providence and Cranston) and the balance of the state (Workforce Partnership of Greater Rhode Island)

Executive Orders

Executive Order 88-1: During the time that the Job Training Partnership was being administered, Rhode Island Governor Diprete established by **Executive Order 88-1** (January 7, 1988) *creating the Workforce 2000 Council*. The Council membership was comprised of nineteen members of the public appointed by the governor to serve for terms of one year. The following members were to serve as ex-officio members of the council and included the Directors from the Departments of Economic Development, Human Services, Elderly Affairs, Employment Security, and Administration; the Commissions or Education and Higher Education; and the Presidents of the Community College of Rhode Island, University of Rhode Island and Rhode Island College. The ex-officio members, those from state entities where a conflict of interest could arise, were to organize as the Workforce 2000 Interagency Task Force to assist the Chairman of the Workforce 2000 Council in implementing and coordinating policies of the council.

The responsibilities of the Council were to develop initiatives and programs that would:

- Increase the skills base of the Rhode Island workforce through customized job training and retraining of workers to meet the specific needs of businesses and to allow all workers to increase their capabilities to compete for better and higher quality jobs;
- Promote worksite literacy programs that provide workers on the job opportunities to improve their literacy skills;
- Assist women to enter or re-enter the workforce by providing better child care services, specialized training, and consideration of alternative work schedules;
- Ensure that all segments of the population participate in the current prosperity through targeted outreach efforts to minorities and other underemployed groups;

- Utilize the accumulated skills and wisdom of our senior citizens to increase workforce productivity;
- *Involve people with handicaps and developmental disabilities in productive jobs at decent wages,*
- Conduct a study of the Rhode Island economy to make some reasonable predictions about sectors of significant job growth and creation in order to determine the types of skills and programs needed to prepare workers for the year 2000;
- Improve the accessibility to the job market for the structurally unemployed and those on public assistance by refocusing existing programs towards employment oriented services and adopting preventative strategies.

Executive Order 99-10: Governor Almond created *the State Workforce Investment Board through Executive Order 99-10* (1999). The federal Workforce Investment Act of 1998 (WIA) required states to begin implementation of the new federal job act by July 1, 2000. The Act allowed states to designate alternate entities to serve as the State Workforce Investment Board if the conditions set forth in the Act were met. Because the board membership of the HRIC met those conditions, *Governor Almond designated the HRIC as the State Workforce Investment Board.* The Executive Order also called for the creation of an ad-hoc committee comprised of members of the HRIC and appointed by the HRIC chair to work on the State Workforce Investment Plan. Lastly, the order allowed for the governor to appoint additional members to the HRIC including a member to represent older workers, two elected officials and a representative from a community based organization with workforce investment experience in the state.

Executive Order 05-18: Governor Carcieri created the Governor's Workforce Board (GWB) to serve as the federally mandated State Workforce Investment Board through *Executive Order 05-18 (which rescinded Executive Order 99-10).* This established that the GWB would set the goals and strategies for serving the state's existing and emerging workforce utilizing all state and federal workforce development programs including: developing performance measures to assess the effectiveness of workforce investment activities in the state as well as developing allocation formulas for the distribution of fund for adult employment and training activities and youth activities to the local areas. *The Executive Order mandated that the Governor's Workforce Investment Board should consist of 17 members appointed by and serving at the pleasure of the Governor including:*

- 9 representatives from the employer community...representative of employers of different sizes and sectors, including the non-profit sector;
- 4 members representing organized labor;
- 2 members representing community-based organizations;
- 1 representative of the post-secondary education system and
- The Director of the Department of Labor and Training

Notable sections of the Executive Order include:

Section 8: The Board, when acting in its capacity as the State Human Resource Investment Council shall conform to its activities and procedures to the General Laws of Rhode Island Chapter 42-102 and Chapter 28-42, and shall also approve a budget, manage and otherwise provide oversight of the Job Development Fund to ensure that all programs and expenditures are in compliance with the approved State Plan.

Section 9: The Department of Labor and Training (“Department”) is hereby designated as the administrative entity responsible for administration and management of the Board. The Department’s One Stop Career Center system is the primary deliverer of workforce development services. The Department is authorized to act in concert with the Governor’s WIA liaison in the planning, administration, coordination and oversight functions of the workforce system assigned to the Governor. The Department shall provide staff support for the Board.

State Legislation

RIGL 42-102: Governor Sundlun established and signed into law *RIGL 42-102* (1992) establishing the *Rhode Island Human Resource Investment Council (HRIC)*. The Council was to be “comprised of influential and dedicated leaders and shall have as its purposes strategic planning for evaluation and coordination of workforce development efforts in Rhode Island and support innovative and state-of-the-practice initiatives and programs for workforce development.” RIGL 42-102-9 legislating the powers and duties of the HRIC called for the Council to establish statewide policies, goals, and guidelines for the coordination of all employment and training programs and related services, and employment-related training programs within the state, including all state and local programs sponsored under the federal acts Wagner Peyser, Carl D. Perkins Vocational Education Act, any federal employment and training administered by the state’s Department of Human Services, all employment and training and related services as well as employment-related educational programs administered by any state agency, departments, or councils. These programs were collectively entitled “the coordinated programs system”. The HRIC was charged with establishing policy and performance goals to be measured and monitored for effectiveness for the coordinated programs system.

Section 42-102-2 (b) of the law stipulated that until January 2005 Council composition would have 27 members (no less than 1/3 to be women) as follows:

- 1 (appointed by the Governor) from the nongovernmental sector, to serve as Chairperson of the Council;
- 8 (appointed by the Governor) from the employer sector, 2 from the nonprofit sector and at least 2 of whom must be women, from the following employer groups:
 - 2 from companies with fewer than 25 employees

- 2 from companies with 25 – 250 employees
- 2 from companies with more than 250 employees
- 2 from minority-owned companies
- 3 members from organized labor (appointed by the governor)
- 1 member from a community –based organization representing minorities (appointed by the Governor)
- 1 individual who serves as the chairperson of the Governor’s Commission on Disabilities
- 6 individuals who serve on the council by virtue of their respective positions as chairpersons of the following organizations:
 - 3 individuals who serve as chairpersons of their respective private industry councils
 - 1 individual who serves as chairperson of the Rhode Island state Apprenticeship Council
 - 1 individual who serves as chairperson of the Pathways to Independence Council
- One individual from the Senate and one from the House appointed by the President of the Senate and the Speaker of the House from their respective chambers;
- The directors or commissioners of the following 4 departments and corporation:
 - Department of Employment and Training (i.e., the current Department of Labor and Training)
 - Rhode Island Economic Policy Council
 - Department of Human Services
 - Department of Elementary and Secondary Education, and Higher Education
- The Executive Director of the Rhode Island Economic Policy Council

The 1992 law mandated that effective January 1, 2005 the Council’s composition would be composed of 15 members (13 to be appointed by the Governor, with the advice and consent of the Senate; at least 4 of whom shall be women, at least three of whom shall be from minority communities, and at least 1 of whom shall be a person with disabilities) as follows:

- 1 (appointed by the Governor) to serve as Chairperson of the Council;
- 6 (appointed by the Governor) from the employer community in a manner that is representative of employers of different sizes and sectors, including the nonprofit sector; provided, however, that in the event there is established a state Workforce Investment Board (see Executive Order below) that is separate and distinct from the Council, the one of the 6 representative of the employer community shall be the Chairperson of the state Workforce Investment Board, and if all employer community appointments have been duly made and are filled, then the appointed Chairperson of the state Workforce Investment Board shall be made with the next available appointment of a representative of the employer community;
- 4 members from organized labor (appointed by the Governor)
- 2 members from community–based organizations
- One individual from the Senate and one from the House appointed by the President of the Senate and the Speaker of the House from their respective chambers.

RIGL 42-16: In 1996, *RIGL 42-16 created the Rhode Island Department of Labor and Training*, which transferred the functions of the Department of Labor and the functions of The Department of Employment and Training to be administered under the Department of Labor and Training. The law required that whenever in the general of public laws the words “director of labor” or “department of labor” as well as the words “director of employment security” or “department of employment security” shall appear, the same shall be deemed to mean the director of labor and training or the department of labor and training.

RIGL 28-42-84: In 2001, *RIGL 28-42-84 established the Job Development Fund* to ensure that Rhode Island’s workforce would be skilled, educated and able to adapt to the emerging needs of the labor market. Additionally, the funds were targeted for upgrading the skills of incumbent workers as skill set requirements advanced. Job Development Fund monies were derived from a small allocation from and existing employer tax and were assigned to be administered by the Human Resource Investment Council. Under the law, monies were to be paid to the Department of Labor and Training for the loss of any federal funds resulting from the collection and maintenance of the fund by the department as well as any administrative expenses incurred by the Department of Labor and Training associated with the collection of the contributions made by employers.

Amendment to Sections 42-102-1 and 42-102-6 of the General Law 42-102 and Chapter 28-42 entitled “Rhode Island Human Resource Investment Council”: In 2007, 42-102 was amended as follows:

- Amended 42-102-1: Establishment of Council – moved the Rhode Island Resource Investment Council from the executive department and established it *as an independent council*.
- Amended 42-102-6: Duties – Within 90 days after the end of the fiscal year, the Council shall approve and submit an annual report to the Governor, the Speaker of House, the President of the Senate, and the Secretary of State, of its activities during the fiscal year...The report, within 30 days of its completion, shall be posted electronically on the General Assembly and Secretary of State’s websites. The Director of the department of administration shall be responsible for the enforcement of this provision.

Amendment to Sections 42-102-6 and 42-102-9 of the General Law 42-102 and Chapter 28-42 entitled “Rhode Island Human Resource Investment Council”: In 2010, Section 2 of the 42-102 legislation was amended, updating of 42-102-6 (Duties) and 42-102 9 (Powers and Duties) and adding 42-102-9 as follows:

(1) *Duties: Amended responsibility (2):* to authorize the Auditor General to conduct a direct audit of the monies disbursed by the HRIC;

(2) *Powers and Duties*: Updated the federal and state employment laws for which they are to establish statewide policy; and *added (7) Producing an annual Unified Workforce Development Expenditure and Program Report to be submitted to the General Assembly beginning January 1, 2011 and covering activity having taken place the preceding fiscal year ending June 30th*. All state and local agencies, departments, or council or similar organizations within the coordinated programs system shall be required to provide the council with the information necessary to produce the Unified Workforce Development Expenditure and Program Report described in subdivision (7) and shall otherwise cooperate with the council in the council's exercise of its authority under subsections (b) – - (d).

(3) Added **42-102-10 State Career Pathways System** - - (a) *The Human Resource Investment Council shall establish and oversee a State Career Pathways System for the purposes of increasing the skill level of Rhode Island workers in alignment with industry needs*. Towards this purpose, the Council shall establish a Task Force of fifteen (15) members. Nine (9) members of the task force shall be appointed by the Governor from recommendations of the state Industry Partnerships; two (2) of whom shall be representatives of the adult education progression (one of whom shall be a representative of the office of Adult Education Services at the Rhode Island Department of Education; three (3) of whom shall be persons who, because of vocation, employment or affiliation, can be classified as employers; and two (2) of whom shall be persons who, because of employment or affiliation, can be classified as employees. The Commissioner of higher education, the Commissioner of elementary and secondary education, the Director of labor and training, the Executive Director of the economic development corporation, and the Director of the Community College of Rhode Island's Center for Workforce and Community Education shall serve on the task force by virtue of their respective positions. The governor shall also appoint a chair of the task force to be chosen from amongst the membership of the Human Resources Investment Council. The task force shall work in coordination with the adult education committee of the Human Resource Investment Council to develop and oversee the Career Pathways System.

By-Laws

“The By-Laws of the State Workforce Investment Board and the Human Resource Investment Council” (adopted March 16, 2006, amended and approved December 17, 2007, approved March 12, 2009, approved March 18, 2010). The By-Laws include the following significant Articles:

Article 1: The Board

Section 3: Objectives

B. The Board, when acting in its capacity as the State Human Resource Investment Council shall conform to its activities and procedures to the General Laws of Rhode Island Chapter 42-102 and Chapter 28-42, and shall also approve a budget, manage and

otherwise provide oversight of the Job Development Fund to ensure that all programs and expenditures are in compliance with the approved State Plan.

Section 5: Office. The administrative office of the Board shall be located at the RI Department of Labor and Training.

Article 2: Board Composition

The By-Laws restated the composition of the Board as detailed in Executive Order 05-18 (2005) with the addition of the following:

B. 13 members of the Board shall also comprise the membership of the Human Resource Investment Council appointed in accordance with RIGL Section 42-102 (b) [i.e. the Council as constituted in 2005]

Article 3: Officers

Section 4: Executive Director: The Board, in consultation with the Governor, shall appoint an Executive Director who shall serve as the Executive Director of the Board and the Human Resource Investment Council. The Executive Director shall be in the unclassified service of the state and shall serve as the Chief Executive Officer of the Board and the Human Resource Investment Council.

Section 5: Duties of the Executive Director

The Executive Director shall be responsible for:

- The general management of the business and affairs of the Board;
- Seeing that all orders and resolutions of the Board are effected;
- Ensuring compliance with all applicable federal, state and local statutes;
- Managing Board staff and the work of contractors
- Representing the interests of the Board to the Administrative Entity;
- Execute instruments, as annually authorized by the Board, in the name of the Board;
- Other duties and responsibilities as assigned and/or required.